

331 Shady Ridge Drive
Monroeville, PA 15146

January 24, 2018

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Via Paper Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: **Michele Hriadil and Francis Hriadil v. Duquesne Light Company**
Docket No. C-2016-2571726

Dear Secretary Chiavetta:

Enclosed please find a copy of Complainants written response to Respondent's Motion to Strike and Motion for Protective Order.

One (1) Exhibit referenced in the response has been supplied as well.

A copy of these documents has been served upon the Respondent's Counsel, Jeremy V Farrell, Esquire, in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



Francis Hriadil
Complainant
(412) 779-3314
hriadil@attglobal.net

Cc: Judge Jeffrey Watson, Presiding PA PUC Pittsburgh Administrative Law Judge

Cc: Jeremy V Farrell, Esquire, Counsel for Duquesne Light Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**RESPONSE TO RESPONDENT'S
MOTION TO STRIKE AND
MOTION FOR PROTECTIVE ORDER**

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Filed by Michele and Francis Hriadil

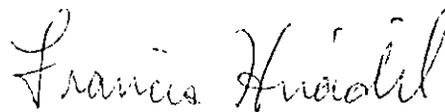
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Monroeville, PA 15146

**RESPONSE TO RESPONDENT'S MOTION TO STRIKE
AND MOTION FOR PROTECTIVE ORDER**

TO: THE HONORABLE ALJ JEFFREY A. WATSON

TO: RESPONDENT'S GENERAL COUNSEL, JEREMY V FARRELL, ESQUIRE, AND PAUL SHANE
MILLER, ESQUIRE.

HERE IS THE FILING OF OUR WRITTEN RESPONSE TO RESPONDENT'S MOTION TO STRIKE
AND MOTION FOR PROTECTIVE ORDER. 1 EXHIBIT REFERENCED IN OUR RESPONSE
HAS BEEN SUPPLIED AS WELL.



Francis Hriadil
January 24, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michele Hriadil and
Francis Hriadil,

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vs.

DUQUESNE LIGHT COMPANY,

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No: C-2016-2571726

**RESPONSE TO RESPONDENT'S
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TO THE HONORABLE ALJ Jeffrey A. Watson:

1. Overview:

a. In the Pre-Hearing Order issued on December 15, 2017, it was clearly stated that the Complainants bear the burden of proof and must provide a preponderance of evidence.

b. As indicated in Complainants December 30, 2017 Motion to Compel, this matter is dealing with a number of critical issues that are highly complex and technical in nature. This requires that the Respondent's Smart Meter in its Network Mesh be fully, completely, and accurately defined and described. This does not simply mean the manner in which the system is currently being operated in its initial operational deployment. It also means the maximum physical, functional, and operational design capability of the Smart Meter in its Network Mesh, at which the system can and will be used in the future. In truth and in fact, it takes answers to more than just a few simple questions to achieve the necessary level of understanding and clarity that

is required.

c. There are only two sources available for this information:

- the public domain
- the Respondent

The Complainants have gathered and continue to gather what information is available in the public domain; but, there is much about the operation and operational capability of the Smart Meter in its Network Mesh that is unclear, that has been mischaracterized, and/or has been unreported to the general public. As the Respondent is insisting that the public has no choice in the matter, and as the public is being prevented from carrying out and exercising its own independent due diligence and discretion, the only source for this information, that can be verified per 52 Pa. Code S 1.36, is the Respondent itself.

And, because of the complicated nature of the technology and its use, there are unfortunately many questions that need to be asked and answered. This is the reality of the matter. It is not something that is being manufactured nor is it a matter of contrivance by the Complainants for some disingenuous purpose. It is a true reflection of the complexity of the issues that are involved.

d. Respondent complains at the number of questions comprising the Complainants Discovery Requests and the effort required to answer those questions. Complainants are not asking questions that are not germane to the matter at hand, the issues at question in their complaint, and their request for relief. All of the Complainants questions relate directly to health, safety, reliability, security, and privacy, all of which have been raised in Complainants Formal Complaint and subsequent submissions.

e. Complainants are not a party to this technology; the Respondent is. Complainants are not promoting and advocating this technology; the Respondent is. Complainants are not deploying this technology; the Respondent is. Complainants have no control of the use of this technology; the Respondent does. Complainants did not request or consent to this technology,

and are being told that they have no choice in the matter, irrespective of their circumstances or preferences. Yet, the Respondent complains that it is an undue burden for it to address the Complainants Discovery Requests, many of which require a simple answer, or a simple yes or no answer. Where more detailed answers or numbers are requested, it is necessitated completely by the nature and complexity of the device, its network, and its operation. To be fair, Complainants respectfully submit that we cannot be faulted for this circumstance, nor should we be faulted or penalized for seeking to discover those answers.

Complainants would have much preferred a situation in which everything could be cleared up with a few simple questions; but, that cannot be done here.

f. Complainant Francis Hriadil is now retired, but has worked successfully in the defense technology sector for a significant amount of his career. Complainant Michele Hriadil has and continues to work in the commercial IT sector for all of her career. As such, Complainants are well aware of the ongoing analyses and assessments that are normally carried out, and the detailed records and reporting of field data, repairs, recalls, etc. that must be maintained to assure the successful deployment of any type of complex system or technology. Everything is monitored, recorded, assessed, and reported on a regular basis.

The information required for the answers to Complainants Discovery Requests should be available to the Respondent. And, it should not be an undue burden for them to respond. It only becomes a burden if the Respondent does not wish to respond.

2. As part of Discovery, Complainants submitted many specific questions in its Set #1 of Discovery Requests in an effort to clarify all of the pertinent issues. The Respondent did provide some type of response to many of those questions; but, many questions were not fully addressed and not completely answered. And, as explained in Complainants December 30, 2017 Motion to Compel, there were many responses that were vague, inconsistent, and/or incomplete. For example, there were missing documents that were referred to and a faulty link

was provided to online material that directed the Complainant to a webpage that does not exist. Numbers were provided in one part of the Respondent's response that did not agree with numbers provided in a different part of the Respondent's response. The Respondent used terminology that was broad and undefined in various of its responses. In some instances, the Respondent appeared to use different terminology at different times to refer to the same personnel and/or subject matter. In some instances, the Respondent provided responses that did not address the question(s) that were asked. And, in some instances, where the Complainants provided the background and context of the Discovery Request being asked, the Respondent repeatedly declared said requests to be argumentative. Whether intentional or not, The nature of Respondent's responses were confusing. And, it took time for the Complainants to understand all of this; otherwise the Complainants would have raised these issues sooner.

This is all provided in detail in the Follow-up to Set #1 of Discovery Requests that Complainants served on the Respondent and provided You Honor with our Motion to Compel. The original questions are provided, the Respondent's original answers are provided, the deficiencies that exist in those responses such as they are, and a restatement of those questions to clarify any misunderstanding about what is being asked.

It is noted that the Complainants did not label this as Set #2 of Discovery Requests. The reason for this is that all of the questions comprising the Follow-up to Set #1 of Discovery Requests are taken directly from and are related to Set #1 of Discovery Requests.

In its Discovery Requests, it was not the intention of the Complainants to be argumentative. It was simply an effort on the part of the Complainants to indicate our understanding and to provide the Respondent with the opportunity to respond and possibly correct that understanding if it was in error. If the Respondent could establish that a Complainants understanding was wrong or in error, then that aspect of the Complainants complaint would be resolved and would no longer need to be pursued in its complaint. And, if all of Complainants Discovery Requests could be adequately answered and its concerns resolved,

then there would be no further need to continue with their complaint. At that point, Complainants would withdraw their complaint.

It was Respondents opportunity to reduce or resolve aspects of Complainants complaint, but Respondent chose to be critical, dismissive, and defensive.

3. Respondent's paragraph 1. in its Motion to Strike and Motion for Protective Order.

On January 2, 2017, Duquesne Light received two documents from Complainants: (1) Motion to Compel Discovery; and (2) "Follow-up to Set #1 of Discovery Requests." Duquesne Light files this Motion to strike the motion to compel (which seeks to compel responses to the simultaneously-served follow-up discovery requests) and request a protective order against the unreasonably burdensome inquiries raised in Complainant's "follow up" discovery requests, which are a broad and puzzling blend of argument, commentary, and more than 189 questions (on top of the more than 150 Complainant has already served and Duquesne Light has already answered). Duquesne Light understands that Complainants are pro Se, but their requests far exceed the discovery contemplated by the Commission's regulations and should be barred for the reasons set forth below. .

Complainants Response:

As stated in Complainants overview, because of the complicated nature of the technology and its use, many questions needed to be asked and answered. This is the reality of the matter. It is not something that is being manufactured or nor is it a matter of contrivance by the Complainants for some disingenuous purpose. It is a true reflection of the complexity of the issues that are involved.

All Discovery Requests submitted by the Complainants to the Respondent relate directly to, and have a direct bearing on, the issues related to health, safety, reliability, security, and privacy, all of which have been raised in Complainants Formal Complaint and subsequent submissions.

The reasons Complainants filed our Motion to Compel and the specific Discovery issues raised in Complainants Follow-up to Set #1 of Discovery Requests are explained in detail in those documents. Complainants stand by those documents, which are incorporated here-in by reference as if fully restated. Complainants will address the comments made by the Respondent in its Motion to Strike and Motion for Protective Order in the sections that follow.

4. Respondent's paragraph 4. in its Motion to Strike and Motion for Protective Order.

Complainants subsequently served Duquesne Light with their first set of discovery requests, a copy of which is attached as Exhibit A. Even a cursory glance through Exhibit A reveals that Complainants' discovery requests were incredibly voluminous. In fact, counting only the separately numbered questions and subparts, Complainants served over 150 discovery requests to Duquesne Light. Complainants' requests were both broad in scope and sought many details regarding nearly every aspect of Duquesne Light's smart meter implementation plan. See Exhibit A.

Complainants Response:

As stated in Complainants overview, because of the complicated nature of the technology and its use, many questions needed to be asked and answered. This is the reality of the matter. It is not something that is being manufactured or nor is it a matter of contrivance by the Complainants for some disingenuous purpose. It is a true reflection of the complexity of the issues that are involved.

All Discovery Requests submitted by the Complainants to the Respondent relate directly to, and have a direct bearing on, the issues related to health, safety, reliability, security, and privacy, all of which have been raised in Complainants Formal Complaint and subsequent submissions.

5. **Respondent's paragraph 5. in its Motion to Strike and Motion for Protective Order.**

Despite the volume of Complainants' first set of discovery requests and the fact that many of the questions were vague, overly broad, or argumentative, Duquesne Light, in good faith, provided substantive responses to Complainants' requests, which are attached as Exhibit B. In addition to its written responses, Duquesne Light produced responsive documents.²

Complainants Response:

The Respondent did generate responses, and did provide documents. The issues with Respondents responses are explained in detail in Complainants Follow-up to Set #1 of Discovery Requests, and are summarized in section 2. of this document.

Respondent provided "responses" but not "answers" to all of its Set #1 of Discover Discovery Requests. Respondents responses contained omissions, inconsistencies, undefined and confusing terms, and questions were simply not answered.

Respondent provided its set of documents on computer disc. The file names for these documents did not match the document titles referenced in the body of Respondent's responses, greatly complicating Complainants effort to assess those documents and greatly increasing the time required to do so. It took awhile for Complainants to determine that two documents referred to in the body of Respondent's Discovery responses were missing from the supplied computer disc.

On January 10, 2018, Complainants received a Supplemental Discovery Response from the Respondent stating that the two missing documents were attached; but, said documents were not attached, and have still not been provided.

6. **Respondent's paragraph 6. in its Motion to Strike and Motion for Protective Order.**

Given the breadth of Complainants' initial discovery requests, Duquesne Light did ask Complainants for two short extensions to respond – as Complainants go to length to point out in their motion to compel. Collectively, the extension requests totaled less than 30 days, and, when Duquesne Light made those requests, a litigation schedule and hearing date

had not even been set.³ Duquesne Light served Complainants with its discovery responses within the time period covered by the latest continuance granted by Complainants and, with the clarification provided in footnote 2 below, stands by its responses.

Complainants Response:

Both parties requested and utilized extensions in generating their responses. Complainants asked for extensions in response to Respondent submissions. Respondent asked for extensions in response to Complainants submissions. Complainants needed the extra time to respond properly and fully, as we expected that the Respondent needed the additional time as well to compose its responses.

Complainants served our initial discovery request on October 5, 2017 and received the Respondent's response on November 21, 2017, a total of 47 days from the date on which it was served. This is simply a statement of fact. It was never a criticism of the Respondent. Complainant readily agreed to grant the time it said it needed to answer the Complainants Discovery Request. It just happened to be the longest extension that occurred in this complaint process. Complainants have openly stated this.

Because of the complexity of the issues that are involved, extensions were more the norm than not. When the Pre-Hearing Conference Call occurred and the Respondent expressed its preference, when discussing a Litigation Schedule, that Discovery should end sooner rather than later, it was only then that Complainants raised the point that the standard 20 day response window was not reflective of the actuality of the response process up to that point. When the Litigation Schedule was set, the timing of everything became an important factor. Your Honor made a strong point of how quickly the process would proceed from that point.

It was only then the closing of Discovery became an issue for the Complainants because of the outstanding issues it found with Respondent's Discovery responses. Complainants have tried to explain this multiple times.

7. **Respondent's paragraph 7. in its Motion to Strike and Motion for Protective Order.**

Duquesne Light heard nothing from Complainants regarding its discovery responses until the Prehearing Conference on December 14, 2017, when, for the first time, Mr. Hriadil mentioned that he had some unidentified problems with Duquesne Light's responses. This despite the fact that undersigned counsel had various email and telephone conversations with Mr. Hriadil between when Duquesne Light served its discovery responses and the Prehearing Conference.

Complainants Response:

As stated by Complainants on multiple occasions, it took time for the Complainants to determine the full scope of the issues. Complainants were still completing our review and assessment of Respondent's responses to our Set #1 of Discovery Requests until just before the Pre-Hearing Conference Call. Complainants wanted to take care to make sure that it was not misunderstanding anything about the Respondent's responses, about the inconsistencies and confusion it was encountering, about the omissions it was discovering, etc. in all that it received from the Respondent. Complainants wanted to be certain before raising an issue prematurely and unnecessarily, and we did not want to address any problems in a piecemeal fashion.

The Respondent had stated to the Complainant in one of our phone conversations that he had been involved in these types of cases before, and was well experienced with it. I admitted to him that this is the first time the Complainants had been involved in anything like this in our lives. If the Complainants can be faulted for trying to exercise some measure of caution before raising issues, then I guess we can be faulted for that. It was not planned; it was simply a result of the time it took to review and understand everything, and the timing of the Conference Call.

Complainants planned to contact the Respondent directly after the Pre-Hearing Conference Call about this; but due to the nature of the discussion that was occurring in the Conference Call, the Respondent's stated desire to end Discovery sooner rather than later, Your

Honor's emphasis on the speed of everything getting done in a timely manner, and the setting of the Litigation Schedule, Complainants believed it could not wait until after the Conference Call and that it needed to raise the issue. If the Pre-Hearing Conference Call had occurred a week later, for example, this would have been raised well before that call.

The very same day, after the Pre-Hearing Conference Call, the Complainants emailed the Respondent directly explaining this. This email is attached herein as Complainants Exhibit A, so it surprises the Complainants that Respondent insists on remaining confused about it. As a note, the Respondent did not respond to that email.

8. Respondent's paragraph 8. in its Motion to Strike and Motion for Protective Order.

Duquesne Light then received Complainants' motion to compel and follow-up discovery requests on January 2, 2018. A copy of the Complainants' follow-up discovery requests are attached as Exhibit C.

Complainants Response:

Complainants decision to file Motion to Compel came as a result of the Pre-Hearing Conference Call. You Honor admonished Complainants for not moving quickly. A Litigation Schedule was set that limited the time for any back and forth between the Complainants and Respondent to address outstanding Discovery questions before Discovery closed. Much of the tone of Respondents responses was critical of and resistive to the Complainants Discovery Requests, and Complainants came to the conclusion that most of the issues would not be simply and easily resolved. Your Honor indicated that the Court provides an available process to resolve such outstanding questions and issues that the Complainants could have and should have utilized.

Complainants assessed all of this, in light of the reality of the extended response times that were necessary in prior responses for both parties and in light of the amount of the significant number of Discovery Requests in Complainants Set #1 that had unclear, insufficient, and/or inconsistent answers, and came to the belief that the only way to

address the outstanding questions in a timely manner was to avail ourselves of the process offered by the Court, and mentioned by Your Honor.

9. **Respondent's paragraph 9. in its Motion to Strike and Motion for Protective Order.**

Somehow, the "follow-up" requests, all of which purport to derive from the discovery requests Complainant had already served and Duquesne Light had already answered, are more voluminous than their predecessor. A count of the separately numbered and bulleted inquiries in the follow-up requests indicated that Complainants put 189 questions to Duquesne Light – on the deadline to serve discovery in this case.⁴

Complainants Response:

Complainants provided the Respondent with all of the time it requested to answer the questions submitted in Set #1 of Discovery Requests. If those questions had been fully and completely answered, there would have been no need to resubmit and re-address those questions in the Follow-up, and through a Motion to Compel. Given the time readily provided to the Respondent, the insufficiencies in many its responses were surprising to the Complainants. If there were no need for a substantial follow-up, there naturally would have been no appeal to the Court for assistance.

The fact that follow-up questions were required asking the Respondent to clarify, correct, explain, and resolve the inconsistencies and omissions in its original responses, came directly out of the nature of the Respondents responses. These have all been detailed in the Complainants Follow-up to to Set #1 of Discovery Requests.

Complainants expended a great deal of time and effort to answer both Respondent's Set #1 and Set #2 of Discovery Requests in a complete, comprehensive, and good faith manner. Complainants did not complain about, criticize, or dismiss any of the Respondent's Discovery Requests other than to state that it wanted its medical/health records protected, as is our right, and did not want any medical/health records disclosed openly in a public forum. Complainants indicated that it would make

the necessary records available to the Court to establish the nature of any claimed health/medical conditions.

Up to this date, the Respondent has not indicated any issue with the substance and comprehensiveness of our responses to its discovery requests, other than to state its insistence on receiving copies of those medical/health records, and that if they are not forthcoming, the Respondent would file their own Motion to Compel to get those records. A Confidentiality Agreement was recently offered by the Respondent, which Complainants have agreed to. Once that Agreement is signed, Complainants will provide those health/medical records. So, the only remaining issue there will be resolved.

Complainants wish the issues with the Respondents could be resolved so easily; but that is not our expectation based on the reaction from the Respondent. The Respondent is insisting that it has adequately answered Complainants Discovery Requests. Respondent has responded to Complainants Discovery Requests; but, Complainants respectfully submit that there is a big difference between a "response" to Complainants Discovery Requests and the "answering" of the Complainants Discovery Requests.

The fact that additional questions were necessitated in the Follow-up for clarification and to address the inconsistencies, omissions, etc. in Respondent's responses was not an attempt to unduly burden the Respondent. The Complainants have even made an effort to simplify the requests as much as possible to facilitate the Respondent's answers. The Complainants are simply trying to get to a true and complete description of the physical nature, function, and operation of the Respondent's Smart Meter in its Network Mesh, which Complainants aver has not been provided. The true fact is that there simply is no other way to do it. The Complainants are open to any suggestions as to any other way that this can be accomplished.

The Respondent appears focused on question "numbers." The Complainants are focused on "answers and facts" related to the Respondent's technology. If it takes many questions to get to those "answers and facts", then, Complainants respectfully submit that that is simply the reality of dealing with a complex and complicated new technology. The Complainants cannot help or ignore the fact that we are dealing here with a complex and complicated new technology, about which many questions remain unanswered that need to be answered.

10. **Respondent's paragraph 10. in its Motion to Strike and Motion for Protective Order.**

The discovery requests were accompanied by a motion to compel, which, curiously, seeks an order asking the Commission to prospectively compel Duquesne Light to answer the follow-up discovery requests served simultaneously with the motion to compel. Motion to Compel at 6.

Complainants Response:

The Follow-up to Set #1 of Discovery Requests is not labelled as Set #2 of Discovery Requests for a reason. The questions comprising the Follow-up to Set #1 of our Discovery Requests are taken directly from the Set #1 of Discovery Requests, and are those questions that either had omissions, inconsistencies, vague or undefined terms, and/or were not fully answered. And, it accompanied Complainants Motion to Compel to inform Your Honor of the specific Discovery Requests that remain unanswered, and that the Complainants are requesting the assistance of the Court with. This has all been explained in detail in those documents.

11. **Respondent's paragraphs 11., 12., and 13., in its Motion to Strike and Motion for Protective Order.**

MOTION TO STRIKE

(11.) Duquesne Light moves to strike Complainants' motion to compel because it is unfounded and improper.

(12.) Outside of Mr. Hriadil's generic statement at the Prehearing Conference that he had then-unidentified problems with Duquesne Light's discovery responses, Complainants admittedly made absolutely no attempt to resolve the alleged problems with Duquesne Light's discovery responses directly with Duquesne Light. See Motion to Compel at 5, 6.

(13.) Instead, Complainants filed a motion proactively seeking an order compelling Duquesne Light to respond to the "follow-up" discovery requests served simultaneously with the motion to compel. Motion to Compel at 6. That is an improper attempt to convert discovery requests, which are in themselves flawed for the reasons set forth below, into a motion to compel. There is no legal basis to do so and Duquesne Light respectfully requests that Complainants' motion to compel be stricken from the record.

Complainants Response:

Complainants provided the Respondent with all of the time it requested to answer the questions submitted in Set #1 of Discovery Requests. If those questions had been fully and completely answered, there would have been no need to resubmit and re-address those questions in the Follow-up, and through a Motion to Compel. Given the time readily provided to the Respondent, the insufficiencies in many its responses were surprising to the Complainants. If there were no need for a substantial follow-up, there naturally would have been no appeal to the Court for assistance.

Complainants extracted everything that remained at unanswered and at issue from our Set #1 of Discovery Requests to compose the Follow-up to Set #1 of our Discovery Requests, and this was submitted along with our Motion to Compel answers to those questions. This is explained in detail those two documents.

Much of the tone of Respondents responses was critical of and resistive to the Complainants Discovery Requests, and Complainants came to the conclusion that most of the outstanding issues could not be simply and easily resolved in the time remaining, as set by the Litigation Schedule. There was no expectation that

Respondent's critical and resistive tone would change to any significant degree with the submission of the Follow-up to Set #1 of Discovery Requests to the Respondent. Respondent's reaction and comments as outlined in its Motion for Protective Order confirms that expectation.

Your Honor indicated in the Pre-Hearing Conference Call that the Court provides an available process to resolve such outstanding issues, and that the Complainants could use that process if we deemed it necessary. Complainants saw this venue as the only practical way to resolve the outstanding Discovery issues in a timely manner.

Complainants original questions are reproduced, Respondent's original answers are reproduced, the issues that the Complainants have with those responses are stated, and how those issues can be resolved is provided.

12. Respondent's paragraph 14. in its Motion to Strike and Motion for Protective Order.

MOTION FOR PROTECTIVE ORDER

52 Pa. Code § 5.361 (a) states:

(a) Discovery or deposition is not permitted which:

Though Complainants may technically have complied with the litigation schedule set in this matter, Complainant's eleventh-hour, voluminous discovery requests certainly violate the spirit of 52 Pa. Code § 5331(b), which requires that parties initiate discovery as early as reasonably possible.

(1) is sought in bad faith.

(2) would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

(4) would require the making of an unreasonable investigation by the deponent, a party or witness.

Id. This section limits the scope of discovery in Commission proceedings and prohibits discovery that would cause an unreasonable burden, expense, or investigation by a participant.

City of Pittsburgh v. Pennsylvania Public Utility Comm'n, 526 A.2d 1243, 1249 (Pa. Cmwlth. 1987); appeal denied 538 A.2d 880 (Pa. 1988). Here, Complainants' "follow-up" discovery requests meet at least the last two quoted categories in §5.361(a), and, given Complainants' attempt to compel a response to the requests the same day they were issued without previously taking up the matter with Duquesne Light, potentially the first. Accordingly, Duquesne Light respectfully requests a protective order.

Complainants Response:

Background:

Complainants received Respondents First Set of Discovery Requests on September 14, 2017.

Complainants served its Set #1 of Discovery Requests to the Respondent on October 5, 2017, a few weeks after receiving Respondent's First Discovery Request.

Complainants served its first set of Discovery answers to Respondent's First Discovery Request on October 14, 2017.

Complainants received Respondent's Discovery responses to Complainants Set #1 of Discovery Requests on November 21, 2017, and began its review process.

Complainants served its second set of Discovery answers to Respondent's First Discovery Request on December 4, 2017.

Both parties granted each other any extensions that they requested to complete their answers and/or responses.

On the evening of the December 13, 2017, Complainants completed its review of Respondent's responses to its Set #1 of Discovery Requests, and came to the realization that there were substantive problems.

On December 14, 2017, the scheduled Pre-Hearing Conference Call was carried out. Complainants called in early and the Respondent's representatives were already on the line. After exchanging pleasantries, the Complainant

was going to raise the issue then with the Respondent; but, the Respondent immediately excused itself and went offline. When the Respondent came back on the line, Your Honor was already on the line with the Complainant, and the Pre-Hearing Conference Call immediately commenced. So, Complainant had no opportunity to raise the issue and its concerns until after the Pre-Hearing Conference had already begun. With Respondent's proposal to end Discovery sooner rather than later, Complainants felt it necessary to raise the issue when and as we did.

On December 14, 2017, shortly after the Pre-Hearing Conference Call has ended, Complainants composed and sent an email to the Respondent explaining the situation, the unexpected difficulty we were having in understanding all of the Respondent's responses because of the way the Respondent had supplied its responses, the concern we had about Discovery ending before the outstanding issues could be resolved, etc. The Respondent did not respond to that email.

Subsequently, Complainants reviewed everything that had been provided and had not been provided in the Respondent's responses, the Respondent's resistive language in many of its responses, the time limitations imposed by the adopted Litigation Schedule, and everything that was said by Your Honor in the Pre-Hearing Conference Call, and came to the realization that we had to make a judgment as to how all outstanding Discovery issues could be resolved in as quick and efficient manner as possible in order to satisfy the Litigation Schedule. Based on Your Honor's comments to the Complainant during that Conference Call that

the Court offered a process that could be used to resolve any Discovery issues, the Complainants came to the conclusion that that was the only practical avenue remaining to resolve everything and still meet the Litigation Schedule.

Complainants received Respondent's Second Set of Discovery Requests on December 22, 2017.

Complainants extracted everything that remained at issue from our Set #1 of Discovery Requests to compose the Follow-up to Set #1 of our Discovery Requests, and this was submitted along with our Motion to Compel on December 30, 2017. Again, the timing of and justification for those documents is provided in those documents.

Complainants served its Discovery answers to Respondent's Second Discovery Request on January 12, 2018.

Consequently:

Complainants are at a loss as to how any of this can be construed as in violation of "*the spirit of 52 Pa. Code § 5331(b)*", or that Complainants have not initiated "*discovery as early as reasonably possible*", or have behaved in "*bad faith*". or been have "*unreasonable*" in our requests, as the Respondent alleges,

Given the circumstances and complexity of the matter, under the constraints that have been set, Complainants again aver that we have proceeded in good faith, as quickly as reasonably possible, and have submitted Discovery Requests that relate directly to, and have a direct bearing on the issues related to health, safety, reliability, security, and privacy, all of which have been raised in Complainants Formal Complaint and subsequent submissions.

13. **Respondent's paragraph 16. in its Motion to Strike and Motion for Protective Order.**

As an initial matter, the follow-up discovery requests violate several Commission procedural regulations. Many of them are not limited to a single question in violation of 52 Pa. Code § 5.341(d); nor are the requests logically numbered and ordered as required by 52 Pa. Code § 5.341(e).

Complainants Response:

Complainants reviewed 52 Pa. Code § 5.341(d) and 52 Pa. Code § 5.341(e). Complainants received two sets of Discovery Requests from the Respondent which included questions that had multiple parts with subsections a., b., etc.

Complainants structured its Discovery Requests in keeping with the same type of numbering, format, and logical groupings utilized by the Respondent in their Discovery Requests to the Complainants.

All of Complainants questions were grouped logically by subject matter and content, and were numbered and subsectioned accordingly, again, in keeping with the same format utilized by the Respondent. Every question was uniquely numbered. Again, the Respondent seems focused on numbers.

14. Respondent's paragraph 17. in its Motion to Strike and Motion for Protective Order.

A more fundamental problem with Complainants' follow-up requests is that they attempt to improperly expand the scope of this proceeding from one that questions whether Duquesne Light has violated the Public Utility Code, an associated regulation, or tariff to a wholesale attack on Duquesne Light's smart meter implementation plan, which has already been approved by the Commission ,⁵ and/or a challenge to the scientific merit of Act 129's mandatory universal deployment of smart meters, which, as noted above, is a matter of settled law that Complainants must (and already have attempted to)⁶ address through other forums, such as the legislative branches of state and/or local government. That is a significant issue. Complainants should not be permitted to expand the scope of this hearing through the discovery

process. Furthermore, because Complainants' discovery requests exceed the scope of this proceeding, they are outside the scope of discovery permitted under 52. Pa. Code § 5.321(c) because they, by nature, are not "relevant to the subject matter involved in the pending action."

Complainants Response:

52. Pa. Code § 5.321(c) Scope.

Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. (emphasis added)

Again, as stated in 12., and elsewhere in this document, all Discovery Requests submitted by the Complainants to the Respondent relate directly to, and have a direct bearing on, the issues related to health, safety, reliability, security, and privacy, all of which have been raised in Complainants Formal Complaint and subsequent submissions.

The Respondent makes the all encompassing, general, and broad allegation that the Discovery Requests made by the Complainants are "outside the scope of discovery". No specific Discovery Request is indicated here and no evidence is provided as to how that Discovery Request is "outside the scope of discovery." If the Respondent requires an explanation of how a particular Discovery Request relates to and has a bearing on Complainants raised issues concerning health, safety, reliability, security, and

privacy, then the Complainants are willing to provide that explanation.

15. **Respondent's paragraph 18. in its Motion to Strike and Motion for Protective Order.**

There is a myriad of other problems with Complainants' latest discovery requests (which are repetitive or derivative of questions that Duquesne Light has already answered), the cumulative effect of which is to impose precisely the sort of unreasonable burden, annoyance, and investigation prohibited by 52 Pa. Code § 5.361. A representative sampling of those problems is set forth below:

a. The discovery requests themselves are made up of 189 separately numbered or bulleted questions, many of which contain multiple inquiries making the volume of the requests even greater.

Complainants Response:

As stated elsewhere and multiple times in this document, Complainants cannot be faulted for the fact that this is a complex and complicated new technology. Respondent's Smart Meter in its Network Mesh cannot, in truth and in fact, be accurately and completely described with a few simple questions. It takes answers to more than just a few simple questions to achieve the necessary level of understanding and clarity that is required.

Complainants are tasked with having to produce a preponderance of evidence to meet its burden of proof. Complainants ability to do this will be harmed if the answers to our Discovery Requests are not forthcoming and are subject to the discretion of the Respondent.

b. As noted above, some follow-up requests amplify the original requests into areas outside the scope of the Complaint or the Presiding Officer's Interim Order which established the scope of the hearing. See, g ...,

Request No. 26 / 6(f)-(g) (pp. 24)⁷ (asking whether customers in general are advised "at any time" that their internal electrical circuitry is their responsibility and informed of "what additional upgrades/protections should be installed to ensure that his internal electrical circuitry and appliances are protected and compatible with the new Smart Meter being installed on his property");

Complainants Response:

This request relates to Safety. Respondent asserts in its responses that customers are contacted and fully informed about the Smart Meter exchange. This was not the case with the Complainants.

In Response 1. q. of Respondent's Response to Complainants Set #1 of Discovery Requests, Respondent states "*Since smart meters are solid state electronic devices and Ferrous meters are electro-magnetic devices, their behavior is different...*" Respondent acknowledges that it is installing a device onto customer's current home electrical system that inherently has a different behavior than the meter being replaced. The device is installed with essentially a cursory and visual inspection of the exterior electrical box of the customer.

It is a legitimate question of Safety if no advisory is provided to the customer that the behavior of the Smart Meter is inherently different than the meter being replaced, that there is a potential for some incompatibility as a result of that difference, that there may be some additional upgrades/protections that could be installed to mitigate those potential incompatibility issues, and that the customer not the Respondent is solely responsible for any electrical malfunction or damage that occurs in their homes as a result.

Request No. 31(b), (e) | 9(a)(i) ("Is 'meter exchanger' a recognized profession?" and "Are the Smart Meter exchangers temporary or permanent employees? If some are permanent and some are temporary, what is the percentage of each category?");

Complainants Response:

This relates to the training, protocols, and professionalism of its Meter Exchangers, which is a question of Safety. As indicated in Complainants Follow-up to Set #1 of Discovery Requests, Respondent section 35, and other areas, Respondent refers to "installation technician", "meter exchanger", "experience meter technician", and "meter specialist" all in the course of a one paragraph response. None of these

personnel categories or labels are clearly defined and some appear to be referring to the same personnel category. This would be an assumption that Complainants are wary to make. This inconsistency in Respondent's language here and in other areas of its Discovery Responses only served to confuse the issues, which led to Complainants having to resubmit its Discovery Request in its Follow-up and elaborate its question to get the Respondent to clarify its response.

Request No. 32 / 9(b)(i) (pp. 28-29) (asking about the bonus structure for meter exchangers);

Complainants Response:

This Discovery Request is appropriate because the Respondent states that the focus of its Meter Exchangers is safety. If there is a bonus structure for Meter Exchangers that is based on the numbers of meters deployed in an area in a given period of time, then this raises questions about safety. In this circumstance, the acquiring of bonuses based on speed of deployment of the Smart Meters becomes a legitimate concern.

Request 42 / 18(d) (pp. 35-36) (asking many questions through 14 separate bullet points about how customers with smart meters are billed based on the usage read by the meter, when no billing concerns were raised in the Complaint).

Complainants Response:

This Discovery Request is appropriate because it goes to the issue of reliability. There have been reports in the local press about occurrences with Duquesne Light customers where homeowners have been billed exorbitant amounts based on the readings of their Smart Meters.

For example,

- Smart Meters Pose Ongoing Issues For Duquesne Light Customers. KDKA TV News Report. May 17, 2016
[<http://www.newslocker.com/en-us/region/pittsburgh/smart-meters-pose-ongoing-issues-for-duquesne-light-customers/view/>]

- 'Smart meters' on electricity are not so smart. Pittsburgh Post Gazette. January 23, 2018.
[<http://www.post-gazette.com/opinion/letters/2015/05/05/Smart-meters-on-electricity-are-not-so-smart/stories/201505050118>]

In Complainants Set #1 of Discovery Requests, among other issues, Complainants asked Respondent to provide statistics on the number of customer complaints filed with their customer care center related to reliability issues, which includes billing errors, with their Smart Meters. Respondent refused to answer this question, and is why it was resubmitted in the Follow-up along with Complainants Motion to Compel.

c. Other questions are argumentative and/or ask Duquesne Light to speculate as to a myriad of possibilities or unknown future events. See,

Request No. 8 (p. 10) ("Furthermore the maximum number of 'typical' readings does not reflect the maximum number of readings that the Respondent's Smart Meter are capable of executing and processing, as the Respondent is well aware. What is 'typical' now will not necessarily be what is 'typical' in the future.....");

Complainants Response:

This request concerns scheduled reads. It relates to both Health and Privacy concerns. The more scheduled reads there are, the greater the amount of data that is collected. The greater the amount of data that is collected, the more detailed that data becomes and the more detailed the profile is of the homeowners electrical usage. Since the meter has a finite storage capacity, the more data collected by the meter, the more frequently the Smart Meter has to transmit its data to the Respondent's collection centers. The more frequently the meter has to transmit its data, the more frequently that its RF emissions occur. There is nothing mysterious about this.

Furthermore, the Respondent provided inconsistent data related to scheduled reads, in one section of its Discovery responses indicating one set of numbers and in another and in another section of its Discovery responses indicating another set of numbers. This is all spelled out in Complainants Follow-up to Set #1 of Discovery

Requests. Inconsistencies such as this, and in other areas of Respondent's responses, only served to confuse the issues, leading the Complainants to take the course that it has.

Smart appliances have yet to be introduced into the home environment in a significant way, but that is what is planned for the future. The Public Utility Commission's Implementation Order Docket No. M-2009-2092655 states that EDC's Smart Meter technology must provide the capability to record 15 minute or shorter interval electric consumption data. None of this is reflected in any of the responses that the Respondent has provided.

Complainants clearly requested the maximum performance capability for the Respondent's Smart Meter in its Network Mesh. This is not a hypothetical. The maximum capability for scheduled reads (i.e. the shortest data interval for electric consumption data) is legitimately one of those maximum performance parameters. As these directly relate to Health and Privacy, it is a relevant factor and a legitimate area for Discovery. If it is known or predictable, it is not a hypothetical.

Request No. 44 / 18(h) (p. 37) (after Duquesne Light answered "[n]o" to whether it had "plans in the future to market" customer data for creating new income streams, Complainant stated that "The Respondent is well aware that plans change for many reasons. Is the Respondent precluded from offering this personal customer data to any individual, company, or organization in the future?").);

Complainants Response:

This request is directly related to Privacy. It is a simple yes or no question. As stated, it simply asks if the Respondent is precluded from offering its personal customer data to any individual, company, or organization in the future. It does not ask if the Respondent has plans to do this or intends to do this, it only asks if the Respondent is precluded from doing this. Again, this is relevant to Complainants complainant and is a legitimate area for Discovery.

d. Some repeat the same question Duquesne Light has already answered. See,

Request No. 34 / 9(b)(iii) (p. 29) (asking, after Duquesne Light had previously answered that it performs meter exchanges without interrupting customers' service where it can be done safely, "does Respondent routinely condone and authorize the use of a 'hot install' (i.e. where homeowners electrical service is not turned off prior to installation of the Smart Meter)?");

Complainants Response:

Respondent fails to mention that in its response, it first states, "the term "hot install" is undefined, thereby making it difficult for Duquesne Light to provide a complete response to this Discovery Request."

This assertion is untrue. Complainants corrected this mis-statement by the Respondent in Complainants Follow-up, and pointed out that "hot install" was defined at the beginning of that Discovery Request.

Since Respondent stated that it could not provide a complete response, Complainants resubmitted the request to provide the Respondent with the opportunity to provide the complete response that it asserted it could not provide. The request required and still only requires a yes or no answer. But, if Respondent wishes to elaborate then Complainants wished to provide it with that opportunity.

Request No. 40 / 18(a) (p. 34) (after Duquesne Light answered "[n]o" and provided an explanation to the question of whether "personal data [will] only be used for billing purposes internal to Duquesne Light", Complainants asked again "Will this personal customer electric usage data be used only for billing purposes internal to Duquesne Light?").)?");

Complainants Response:

I am sorry, but here, the Respondent mischaracterizes its responses. Respondent's prior "answer" stated simply that personal customer electric usage data is used "for the purposes of billing customers." Respondent did not state that it uses personal customer electric usage data "only" for determining customer billing. Again, Complainants are wary of making assumptions about what Respondent's language actually means. For that reason, and that reason only, Complainants made the follow-on very specific request related to exclusive use. The first request was a general question. The second request was a very direct and specific question which requires only a yes or no answer. They

are not the same question.

e. Other follow-up requests are repetitive of themselves. See, Request No. 7(c) and (d) (p. 10) ('Which numbers are correct? How is one to know that they are correct and accurate? For those numbers that are not correct, what are the correct numbers? And, what verification is there that these new numbers are correct and accurate numbers? What are they based on?')

Complainants Response:

The Respondent continues to provide only part of the Discovery request and frames the question(s) in a way that it is taken out of context.

These questions are in regard to the inconsistency discovered in the scheduled read numbers the Respondent provided in its Discovery responses. This was already mentioned here in this document (see 15. c., page 15). The Respondent provided inconsistent data related to scheduled reads, in one section of its Discovery responses indicating one set of numbers and in another and in another section of its Discovery responses indicating another set of numbers.

As a career engineer, when inconsistencies in numbers occur, there is a standard protocol that is followed to rectify the situation. An investigation is carried out to determine what the correct numbers are. The correct number may be one of the numbers already provided, or all of the provided numbers may be wrong and a new number is the correct number. Whatever case occurs, the finally determined correct number must be rigorously proven to be the true correct number, and shown to be not just another bad number. The inconsistent numbers must be explained and discarded, and the final correct number must be verified by some accepted manner.

This is the situation that occurred with the scheduled read numbers provided in Respondent's responses. And, this is what caused the Complainants to submit the indicated requests to ensure that the inconsistency would truly be resolved.

f. Some criticize Duquesne Light for responding generally to a question that was broad or general in nature. See, g. ,

Request No. 6 /1(h) (pp. 8-9) (criticizing Duquesne Light's use of the term "business processes" in its responses); ?").

Complainants Response:

When Respondent has encountered terms in its Discovery Requests that it stated were undefined, it did not hesitate to criticize Complainants language or terminology. When Complainants tried to offer some context with some of its questions, to explain why that specific Discovery request was being made, Respondent could have simply answered the question being asked and qualified its answer as it felt appropriate. Instead, Respondent routinely and repeatedly launched into criticism utilizing such critical terms as "vague", "argumentative", and "undefined". It appears that the Respondent can launch such criticisms, but the Complainants can not apply the same standard and point to the same type of issue with Respondent's remarks.

Complainants has exercised restraint in its comments, but we are sorry, the term "business processes" is vague and undefined. Complainants do not know what this means or consists of. As such, Complainants in its Follow-up submitted additional Discovery requests for the Respondent to define and explain exactly what these "business processes" are and how they impact the operation of the Respondent's Smart Meter in its Network Mesh. As the Respondent has indicated that its "business processes" directly impact Smart Meter and Network Mesh operation, they are relevant to Health and Privacy concerns, and are a legitimate area for Discovery.

Request No. 7/ 1(h)(i) (pp. 9-10) (same). The follow-up requests are replete with these sorts of broad and generic questions.

Complainants Response:

Every follow-up request is there to address a specific inconsistency, omission, or deficiency in the Discovery responses received from the Respondent. And, they are explained in detail in Complainants Follow-up to Set #1 of Discovery Requests.

g. Another asks Duquesne Light what specific settlement offers it has made to other customers who have had complaints about smart meters and alleges that Duquesne Light "does not seem to remember" that settlements are encouraged by the Commission. See, Request 47 /22 (pp. 40-41).

Complainants Response:

Since Complainants are seeking relief or accommodation with regards to Respondent's Smart Meter, Complainants, in its Set #1 of Discovery Requests, asked the reasonable question, "has the Respondent provided any relief or accommodation ... to any individual, official, group, community, organization, etc. for any reason at any time?"

The Respondents response was "*relief or accommodation from their Smart Meter system' is so vague that Duquesne Light cannot be reasonably expected to form a complete response.*" Respondent seems to imply that it does not understand "relief or accommodation."

PA Utility Code § 1501 refers to accommodation (see page 33). The Commission advocates the exploring of settlements, which are a recognized form of accommodation and relief, as a part of the resolution of complaints. And, Your Honor even mentioned exploring a settlement in the Pre-Hearing Conference Call. So, it simply seemed a natural follow-up question to ask in seeking clarification of the Respondent's original Discovery response.

Respondent's criticism is puzzling, and seems misplaced.

16. Respondent's paragraph 19. in its Motion to Strike and Motion for Protective Order.

Individually and taken as a whole, these 189 requests, which come on the heels of more than 150 requests already answered, are precisely the sort of unreasonably burdensome, annoying, and harassing fishing expedition that is prohibited under 52 Pa. Code §5.631 and grounds for a protective order under 52 Pa. Code §5.632. Duquesne Light understands Complainants are acting pro Se, but that does not grant them the right to ask hundreds of unreasonable and burdensome discovery requests. Pro se parties

have no greater discovery rights than represented parties. See, g., Leblanc v. Stedman, 483 Fed.Appx. 666 (3rd Cir. 2012) (no abuse of process by trial judge's denial of pro se plaintiff's motions to compel where the discovery sought was immaterial to the dispute).

Complainants Response:

Respondent indicated that *"more than 150 requests were already answered."* This is a mischaracterization of the situation. Complainants have already indicated that the Respondent provided "responses" but not "answers" to all of its Set #1 of Discovery Requests. Respondents responses contained omissions, inconsistencies, undefined and confusing terms, and some questions were simply not answered.

If this was not the case, the Complainants would not have found it necessary to resubmit many Discovery Requests already submitted in our Set #1 of Discovery Requests in a Follow-up, and seek assistance from the Court.

As already explained in paragraphs 1. a. - f. in this document, because of the complicated nature of the technology and its use, there are unfortunately many questions that need to be asked and answered. This is simply the reality of the matter, and not a contrivance on the part of the Complainants.

As stated in 52. Pa. Code § 5.321(c) Scope, **a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, ... , including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. (emphasis added)**

Complainants aver that we have adhered to the spirit and intent of 52. Pa. Code § 5.321(c). All of the Complainants Discovery Requests relate directly to health, safety, reliability, security, and privacy, all of which have been raised in Complainants Formal Complaint and subsequent submissions. Respondent has not shown this to be otherwise.

Further, Complainants are confused by Respondents references to 52 Pa. Code §5.631 and 52 Pa. Code §5.632.

52 Pa. Code § 5.631 is entitled Notice of taking appeal.

52 Pa. Code § 5.632. is entitled Preparation and certification of records. Neither of these seem appropriate or applicable to Respondent's Motion. Complainants believe Respondent intended to refer to 52 Pa. Codes §5.361 and §5.362.

Given the circumstances and complexity of the matter, under the constraints that have been set, Complainants again aver that we have proceeded in good faith, as quickly as reasonably possible, and have submitted Discovery Requests that are appropriate and relate directly to, and have a direct bearing on the issues related to health, safety, reliability, security, and privacy, all of which have been raised in Complainants Formal Complaint and subsequent submissions.

Complainants should not be faulted for the fact that this is a complex and complicated new technology. Respondent's Smart Meter in its Network Mesh cannot, in truth and in fact, be accurately and completely described with a few simple questions. As already explained in paragraphs 1. a. - f., many questions need to be asked and answered. Complainants respectfully submit that we should not we be faulted or penalized for seeking to discover those answers.

To facilitate Respondent's answers, many of Complainants Discovery

requests require just a simple answer, or a simple yes or no answer. Where more detailed answers or numbers are requested, it is necessitated completely by the nature and complexity of the device, its network, and its operation.

There remain many of Respondent's Discovery responses that have inconsistencies that need to be reconciled, terminologies that need to be properly defined and clarified, omissions that need to be provided, unsubstantiated statements that need to be verified, and unanswered questions that need to be answered.

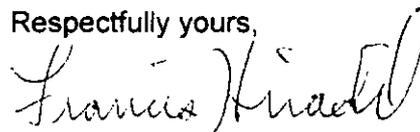
PA Utility Code § 1501. Character of service and facilities, states:

Every public utility shall furnish and maintain **adequate, efficient, safe, and reasonable service and facilities**, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper **for the accommodation, convenience, and safety of its patrons**, employees, and the public. **(emphasis added)**

Complainants are tasked with having to produce a preponderance of evidence to meet its burden of proof. Complainants ability to do this will be harmed if the answers to our Discovery Requests are not forthcoming and are subject to the discretion of the Respondent.

WHEREFORE, in light of these circumstances, Complainants Michele Hriadil and Francis Hriadil respectfully request that You Honor rule to deny Respondent's Motion to Strike and Motion for Protective Order

Respectfully yours,



Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, PA 15146
January 24, 2018

RECEIVED

JAN 24 2018

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Complainants Exhibit A

From: hriadil@attglobal.net
To: jfarrell@tuckerlaw.com
Date: Thu, 14 Dec 2017 12:13:50 -0500
Subject: RE: Hriadil v. DLC - prehearing conference

Att Farrell.

Thank you for your consideration on today's conference call with Judge Watson.

Concerning my request on the conference call about the Hearing date.

I thought about your date of March 29, 30. Then, went back over my calendar and reviewed the submission and response times that had happened so far and the extensions that were involved, .

Also, it was taking me longer than I expected to review your answers to my Discovery questions to you.

It all added up to March 29, 30 looking very tight. That is why I requested a little more time. I figured that would prevent the need for extensions which would possibly keep moving the schedule around. With a little bit of padding built in, as Judge Watson suggested, the schedule would be more firmly set. I thought that was a better scenario and is why I brought it up as I did.

Concerning my comments related to your answers to my Discovery questions, I was unsure about your document titles. They did not always match their references in your answers. So, I had to go through each one in detail to make sure that the information was not contained in the documents that were provided, even though the title did not match.

Also, I wanted to assure myself that two different titles didn't refer to the same document, which had been provided.

I would have mentioned it on our Tuesday conversation but I had not completed my reading of everything in detail, and confirmed that 2 documents referred to in your answers somehow got left out of what you sent me on the disk. I read through everything multiple times to be sure.

I have Windows 10 on my computer and it sometimes glitches, so that slowed my review of your documents disk.

In addition, I had to read some of your responses multiple times to be sure I was completely understanding what was being said, and determine what was missing from the question I asked, and the answers I was seeking. Whether someone there misunderstood my question or not, I don't know. But, a follow-up is needed for clarification on some answers.

As I said, I did not want to do this in a piecemeal fashion, and am composing a complete and detailed follow-up, with the hope that everything would be addressed at one time. I believed that that would be more efficient for everyone.

That detailed follow-up is still not complete, but will be shortly. So, I just wanted to be sure that the Discovery process would not be ended too soon for that to occur, and for you to have sufficient time to respond.

Complainants Exhibit A

Also, I figured that that would be handled between us without having to involve Judge Watson. I was planning to call you at the end of this week to inform you of this, but the circumstances and topics of the conference call led me to mention it then, because of its possible impact on the Litigation schedule.

I brought it up in the conference call only to illustrate as an example to the judge that the back and forth in Discovery has taken longer than both of us expected, and longer than the standard 20 days. In a case this complicated, it appears that 20 days is not enough of a response time. Both of us had to ask for extensions, and I wanted any Litigation Schedule to at least consider the reality and practicality of that as opposed to some idealized schedule.

Naturally, it was Judge Watson's decision to make, and whatever decision he made, I would have had to do my best to try to meet it.

Anyway, thank you again.

Sincerely,
Francis Hriadil.

=====

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

CERTIFICATE OF SERVICE

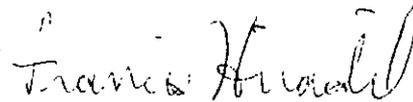
I hereby certify that I have this day served a true copy of the Complainant's written response to Respondent's Motion to Strike and Motion for Protective Order, upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

Via Paper Filing
Jeremy V Farrell, Esquire
Paul S Miller, Esquire
1500 One PPG Place
Pittsburgh, PA 15222
(412) 594-5619 (Fax)

Counsels for Respondent, Duquesne Light Company

Via Paper Filing
Judge Jeffrey Watson
PA PUC Pittsburgh Administrative Law Judge Office
301 Fifth Ave, Suite 220
Piatt Place
Pittsburgh, PA 15222

Dated this 24th day of January, 2018



Michele and Francis Hriadil
331 Shady Ridge Drive
Monroeville, PA 15146

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hriadil@attglobal.net

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JAN 24 2018

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