

331 Shady Ridge Drive
Monroeville, PA 15146

December 30, 2017

Via Paper Filing

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

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

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2018 FEB -5 AM 10:46
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Dear Judge Watson:

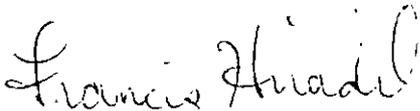
Enclosed please find a copy of Complainants' **Motion to Compel Discovery** with regards to our Formal Complaint.

Our **Follow-up to Set #1 of Discovery Requests** is attached which details the specific Discovery Requests that require attention and resolution.

A copy of this document 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: Jeremy V Farrell, Esquire, Counsel for Duquesne Light Company

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JAN 3 2018

Pittsburgh Office of A.L.J.
Public Utility Commission

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

**MOTION TO
COMPEL DISCOVERY**

Filed by Michele and Francis Hriadil

hriadil@attglobal.net
(412) 779-3314
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Monroeville, PA 15146

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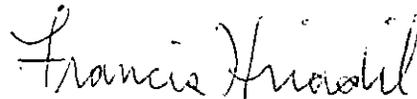
MOTION TO COMPEL DISCOVERY

TO: THE HONORABLE ALJ JEFFREY A. WATSON

A NUMBER OF ERRORS, OMISSIONS, AND INADEQUACIES WERE DISCOVERED IN THE RESPONDENT'S RESPONSES TO COMPLAINANTS SET #1 OF DISCOVERY REQUESTS.

COMPLAINANTS HAVE ATTACHED THE PERTINENT QUESTIONS FROM THAT DOCUMENT TO THIS SUBMISSION.

IN LIGHT OF THE LITIGATION SCHEDULE THAT HAS BEEN SET AND THE TIME LIMITATIONS IMPOSED ON DISCOVERY, COMPLAINANTS BELIEVE THAT THE ONLY WAY TO EXPEDITE THE RESOLUTION OF THOSE ERRORS, OMISSIONS, AND INADEQUACIES IS TO REQUEST YOUR HONOR'S ASSISTANCE.



Francis Hriadil
December 30, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHELE HRIADIL and
FRANCIS HRIADIL,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

MOTION TO COMPEL DISCOVERY

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TO THE HONORABLE ALJ Jeffrey A. Watson:

1. Complainants filed Set #1 of Discovery Requests to Respondent on October 5, 2017. The standard response time is 20 days (i.e. October 25, 2017). On October 17, 2017, Respondent contacted Complainants requesting an extension to November 15, 2017 (i.e. an additional 21 days, which extended the response time for the Respondent from the initial filing date to 41 days). As a sign of cooperation, complainants agreed to the extension.

On November 14, 2017, Respondent contacted Complainants again requesting another extension to November 20, 2017 (i.e. a further addition of 5 days, which further extended the response time for the Respondent from the initial filing date of October 5 to 46 days). Again, as a sign of cooperation, Complainants agreed to a second extension.

Complainants received the Respondent's response to Complainants filed Set #1 of Discovery

Requests on November 21, 2017, 47 days after the filing of October 5, 2017. All of this occurred prior to the Pre-Hearing Conference call.

2. Complainants reviewed Respondent's November 20, 2017 response to Complainants October 5, 2017 Set #1 Discovery, and found a number of issues requiring correction, clarification, and/or resolution.

To summarize, while the Respondent did provide the sought-after answers to a number of Complainants requests, a not insignificant number of the answers provided by the Respondent to Complainants Set #1 of Discovery Requests were vague, inconsistent, and/or incomplete. 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. Furthermore, the Respondent used terminology that was broad and undefined. 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, the Respondent was dismissive of the Complainants questions that where asked.

All of this complicated the Complainants effort to understand what was provided, what was missing, and what required further clarification and/or resolution. In total, this hindered and greatly increased the time and effort it took for the Complainants to come to an understanding of all of the provided material in a comprehensive manner. That extra time was time taken away from the Complainants own ongoing research into the issues at hand.

It took the Respondent 47 days to generate its response, more than double the normally allotted time. It would be unreasonable to expect that the Complainants could process this material in as short of a time as just a few weeks. I mentioned some of these issues in the Pre-Hearing Conference Call that was held on December 14, 2017.

3. Complainants can understand the time that was required because this matter is dealing with fundamental issues, and ones that are highly complex and technical in nature. And, Complainants can understand that honest mistakes and misunderstandings can happen. As long as the Commission

understands this, and as long as the Respondent answers the Discovery Requests in good faith, a reasonable, appropriate, and satisfactory Discovery process can be carried out.

4. Complainants were admonished in the Pre-Hearing Conference Call for not moving fast enough. Complainants indicated that they moved as fast as the timing, volume, and nature of the material allowed. If the goal is to seek the truth of the matter, then Complainants respectfully submit that completeness and accuracy should be the measure and the goal, not speed.

5. Complainants submitted what it believes were a reasonable set of questions in its Set #1 of Discovery Requests to the Respondent which address the specific and important matters at hand. Those questions are appropriate to this matter, and were not meant to be unduly burdensome. Full and complete answers to these questions are necessary to properly understand the Respondent's Smart Meter and the Network Mesh environment that homeowners are being subjected to.

6. It has taken many days and hours on the part of the Complainants to go through the responses and the documents that were provided by the Respondent. As indicated previously, this effort was hindered by the state and nature of those responses. And, it was further complicated by the fact that the document titles referenced in the Respondent's responses did not match the file titles provided on the Respondent's included documents disc. All of this led to delays.

7. The Complainants expressed concern during the Pre-Hearing Conference Call when discussing a Litigation Schedule as the Respondent wanted to close Discovery sooner rather than later, whereas Complainants asked for more time based on the complexity of the matter and the reality of the times needed for generating and understanding responses up to that point. Complainants requested that Discovery Requests be allowed at least up through January 5, 2018. A Litigation Schedule was set which ended the serving of any additional Discovery Requests by January 2, 2018.

8. Complainants mentioned in the Pre-Hearing Conference Call that there were errors, omissions, and inadequacies in the responses received from the Respondent that required resolution. Your Honor questioned the Complainants about this and asked why you had not been informed about this occurrence. Complainants responded that it was taking time to fully assess the Respondent's

responses, and, for efficiency, Complainants wanted to address everything at one time, rather than approach it in a piecemeal fashion. Complainants also responded that it was our original intent and hope that this could be resolved directly with the Respondent, without the need to take up Your Honor's time.

Complainants contacted the Respondent and informed them that a written Follow-up to Set #1 of Discovery Requests was in the process of being completed, that the Complainants intended to serve on the Respondent shortly, which hopefully would address these errors, omissions, and inadequacies.

9. However, in light of the fact that a Litigation Schedule was set leading up to the Hearing, which specified January 2, 2018 as the final date that any new Discovery Requests could be served, with responses due within 20 days of that date, Complainants looked realistically at the time remaining.

Complainants came to the conclusion that the best and most practical thing to do was to take those Discovery questions asked in Complainants Set #1 of Discovery Requests in which there were errors, omissions, and inadequacies in the Respondent's responses, and inform both Your Honor and the Respondent of what questions there remained unresolved.

To facilitate their review and resolution, Complainants completely reformatted and regenerated the follow-on Discovery Request they intended to serve on the Respondent. Concerning the pertinent questions needing resolution, 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.

To facilitate and expedite the Respondent's responses, the Complainants reformulated as many of their questions as possible into a simple yes/no format. In some instances, additional language was added to minimize any misunderstanding concerning what is specifically being asked. And, in some instances, a number of additional questions were asked to have the Respondent elaborate on the meaning and context of its original responses.

Complainants have served that Follow-up to Set#1 of Discovery Requests on the Respondent, and have attached that document to this motion for You Honor's review.

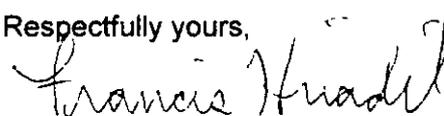
If the Respondent answers these questions in a straightforward, forthright, and complete manner, then Complainants feel that the Discovery process will have fulfilled the purpose for which it was intended.

The Complainants reluctantly appeal for You Honor's assistance in addressing and expediting the resolution of these Discovery questions and issues. Considering the circumstances, Complainants view this as the only practical and viable venue available to achieve this resolution in a timely manner. Any assistance and direction that You Honor can provide would be greatly appreciated, and would help move this process along in a manner that is both expedient and efficient.

It was the Complainants original hope that this could be addressed between the Complainants and the Respondent directly; but, our expectation is that to do this would require additional communication back and forth between the Complainants and the Respondent which would take more time than is realistically available based on the Litigation Schedule that has been set. The concern is that if similar issues arose in Respondent's subsequent responses, that Discovery would close before any outstanding questions could be adequately resolved.

WHEREFORE, in light of these circumstances, Complainants Michele Hriadil and Francis Hriadil respectfully request that You Honor rule to compel the Respondent to answer the questions that have been asked in Follow-up to Set #1 of Discovery Requests and have been attached to this motion.

Respectfully yours,



Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, PA 15146
December 30, 2017

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SECRETARY'S BUREAU

331 Shady Ridge Drive
Monroeville, PA 15146

December 30, 2017

Via Paper Filing

Jeremy V. Farrell, Esquire
TUCKER ARENSBERG, P.C.
1500 One PPG Place
Pittsburgh, PA 15222

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

Dear Jeremy V. Farrell, Esquire, Counsel for Duquesne Light Company:

As Respondent's Counsel, enclosed please find Complainants (Hriadil's) Motion to Compel Discovery with ALJ Jeffrey Watson and Complainants (Hriadil's) Follow-up to Set #1 of Discovery Requests directed to Respondent (Duquesne Light Company).

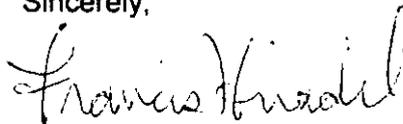
The Motion to Compel Discovery is a result of the errors, omissions, and inadequacies encountered in the response to Complainant's Set #1 of Discovery Requests, in light of the imminent closure of Discovery Requests as set forth by the Litigation Schedule. The specific reasons for this are explained in the Motion submitted to ALJ Watson. This was done to ensure a resolution of all outstanding Discovery questions and issues prior to the ending of all aspects of Discovery.

The standard response time is within twenty days after the date of service. Your response must be verified in accordance with 52 Pa. Code § 1.36.

Thank you for your attention to this request.

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

Sincerely,



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

Enclosure

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

**FOLLOW-UP TO SET #1 OF
DISCOVERY REQUESTS**

Filed by Michele and Francis Hriadil

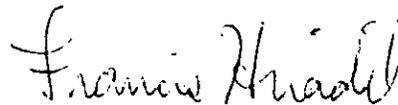
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FOLLOW-UP TO SET #1 OF DISCOVERY REQUESTS

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

PLEASE FILE A WRITTEN RESPONSE TO THE WITHIN FOLLOW-UP TO SET #1 OF DISCOVERY REQUESTS OF COMPLAINANTS MICHELE AND FRANCIS HRIADIL WITHIN TWENTY (20) DAYS OF SERVICE HEREOF, IN ACCORDANCE WITH 52 PA. CODE SS 5.342 AND 5.349(d).



Francis Hriadil
December 30, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

FOLLOW-UP TO SET #1 OF OF DISCOVERY REQUESTS

TO RESPONDENT:

Complainants Michele Hriadil and Francis Hriadil ("Complainants"), serve the following Follow-up to Set #1 of Discovery Requests Directed to Respondent Duquesne Light Company ("Duquesne Light") through its undersigned counsel, Tucker Arensberg, P.C., pursuant to 52 Pa. Code SS 5.341 and 5.349.

In accordance with 52 Pa. Code SS 5.342 and 5.349(d), Respondent Duquesne Light Company ("Respondent") must respond to each discovery request within 20 days after being served with these discovery requests.

Respondent's responses must be verified in accordance with 52 Pa. Code S 1.36.

Complainants (we) reserve the right to serve additional and follow-up discovery requests.

DEFINITIONS

- A. The terms "You" and "Your" shall mean Respondent Duquesne Light Company and any individual acting on their behalf.
- B. The term "Formal Complaint" shall mean the Formal Complaint and all subsequent associated Responses and New Matters (1, 2, 3, and 4) by the Complainants filed against Respondent Duquesne Light with the Pennsylvania Public Utility Commission, Docket No. C-2016-2571726.
- C. The term "Document" shall mean any written, typed, printed, graphic, or recorded material that is currently in Your possession, custody, or control or that was formerly in Your possession, custody, or control. A Document is in Your "control" if You have ownership, possession, or custody of the Document or if You have the right to secure the Document or a copy from any person or entity that has possession of it. The term "Document" includes, but is not limited to, electronic mail or email, text messages, social media postings, comments, and messages, medical records, articles, studies, word processed documents, digital presentations, facsimiles, instant messages, calendars, diaries, appointment books, agendas, journals, drafts, voicemail messages, post cards, post-it notes, reports, logs, message slips, invoices, checks, paystubs, letters, memoranda, agreements, contracts, tax returns, bank statements, spreadsheets, video recordings, audio recordings, computer programs, printouts, and all other written, graphic, or electronic materials of any nature whatsoever.
- D. The term "Property" shall mean Complainants' residence at 331 Shady Ridge Drive, Monroeville, PA 15146.
- E. The term "Smart Meter" shall mean the wireless digital electric meter (i.e. the Duquesne Light / Itron SK9AMI7 OpenWay Centron Smart Meter operating in its Smart Grid Mesh system) that Respondent Duquesne Light is seeking to install at Complainants' Property.

INSTRUCTIONS

- A. You must provide all information that is available to You. This includes not only Your personal knowledge but also all information that is reasonably available to You.
- B. You are requested to produce all responsive Documents that are in Your possession, custody, or control. All Documents must be produced in the same order that they are normally maintained. For each Document, identify which specific discovery request it responds to.
- C. If You object to any discovery request, You must explain the reason(s) for Your objection.
- D. If You do not have any Documents in Your possession, custody, or control that are responsive to a discovery request, You must say so.
- E. In responding to these discovery requests, include all Documents that were obtained by You and anyone acting on Your behalf. If You state that any Document(s) are not within Your possession, custody, or control, describe what effort You made to locate each such Document.
- F. If You state that a Document is not under Your control, identify who has control of the Document and state the Document's location.
- G. You must produce each Document in its entirety even if only part of the Document is responsive to the document request.
- H. These discovery requests are continuing in nature. This means that if You receive or become aware of information that is responsive to any discovery request after You have served Your original answers, You must promptly supplement Your answer and provide that information.

DISCOVERY REQUESTS

1. Complainants filed Set #1 of Discovery Requests to Respondent on October 5, 2017. The standard response time is 20 days (i.e. October 25, 2017).

On October 17, 2017, Respondent contacted Complainants requesting an extension to November 15, 2017 (i.e. an additional 21 days, which extended the response time for the Respondent from the initial filing date to 41 days). As a sign of cooperation, complainants agreed to the extension.

On November 14, 2017, Respondent contacted Complainants again requesting another extension to November 20, 2017 (i.e. a further addition of 5 days, which further extended the response time for the Respondent from the initial filing date of October 5 to 46 days). Again, as a sign of cooperation, Complainants agreed to a second extension.

Complainants received the Respondent's responses to Complainants filed Set #1 of Discovery Requests on November 21, 2017, 47 days after the filing of October 5, 2017.

2. Complainants reviewed Respondent's response in detail and discovered a number of errors, omissions, and inadequacies that need to be addressed and resolved. These are specifically detailed in the following sections.

3. Complainants reviewed Respondent's November 20, 2017 response to Complainants October 5, 2017 Set #1 Discovery. Respondent's November 20, 2017 indicated that 27 documents were to be attached with their response. Only 25 documents were provided. Two (2) documents are missing.

Complainants received the following 25 documents on a computer disc:

1. Petition for Approval.pdf
2. Interrogatories.pdf
3. EPRI Report.pdf
4. Petition for Settlement 12.7.2012.pdf
5. Order.pdf
6. 2015.08.04 Final Petition of DLC for Approval to Modify i.pdf

7. 2016.11.08 Initial Decision.docx
8. 2017.04.07 Order on Petition to Modify SMP.DOCX
9. 2010 SM Technology Needs Assessment and RFP.PDF
11. Smart Meter Q.A.PDF
12. Understanding Frequency.pdf
13. Myths v. Facts.pdf
15. Data Privacy.pdf
101247WP_The Facts on RF Meter Banks_WhitePaper.pdf
999999_734_20171120_11484144732.pdf
999999_734_20171120_12101159952.pdf
999999_734_20171120_12104643354.pdf
AMI7_EMG_Report.pdf
itron-openway-rf-white-paper.pdf
NofA-4786755348-May-30-2015.pdf
OpenWay Wireless Transmissions_24 Hour Duty Cycle.pdf
RF_Exposure_SK9AMI7_HW3.1.pdf
Service and Installation Rate Rules.pdf
UL2735 Certificate.pdf
Verify_Service_Voltage_Perform_Safety_Check.docx

Complainants did not receive the following 2 documents which were named in Respondent's response:

Paragraph #13 of Duquesne Light's Tariff (indicated on page 19)
Advanced Meter Exchange Procedure (indicated on page 24)

Is the Respondent intending to supply these missing documents?

ANSWER:

4. Complainants October 5, 2017 Set #1 Discovery Request question 1. e. (page 5) was,

What is the exact Transmission Burst Time interval of each version of Your SK9AMI7?

Respondent's November 20, 2017 response (pages 3 and 4) was,

*The OpenWay network deployed within Duquesne Light's service territory operates as a frequency-hopping, mesh network. When transmitting, each device will transmit for **up to 150 milli-seconds** in each time slot. (emphasis added)*

"Up to 150 msec" does not completely address and answer the question asked. This is simply the maximum (i.e. largest) pulse time interval. Respondent's answer indicates that there are smaller pulse time intervals without defining specifically what those are.

- a. To be clear and complete, please list all pulses, their pulse time intervals, and how frequently each type of pulse occurs?
- b. Specifically, what is the minimum (i.e. smallest) pulse time interval?
- c. Specifically, what is the average pulse time interval?
- d. Specifically, what is the mode (i.e. most frequently occurring) pulse time interval?

ANSWER:

5. Complainants October 5, 2017 Set #1 Discovery Request question 1. f. (page 5) was,

What is the complete Duty Cycle range (minimum, average, maximum) of each version of Your Smart Meter (the SK9AMI7), and their corresponding Transmission Times in 24 hours (900 MHz, 2.4 GHz)?

Respondent's November 20, 2017 response (page 3) was,

The transmit duty cycle for the 900MHz radio within the OpenWay network deployed within Duquesne Light's service territory will vary based on a number of factors, including, but not limited to, where in the mesh network topology the meter is located, the quality of the radio links to neighboring meters, and the level of interference present. Therefore, the most accurate way to estimate the transmit duty cycle is from a statistically significant sample of a representative deployment. The table below shows the Mean, Maximum, Minimum and Median transmit duty cycle for a sample of approximately 7,000 meters over a representative 24-hour window of operation.

	<u>Duty Cycle</u>	<u>Time</u>
Mean	0.06%	53.14 seconds per day
Maximum	0.58%	497.8 seconds per day
Minimum	0.02%	18.31 seconds per day
Median	0.06%	49.81 seconds per day

The OpenWay meter's 2.4GHz Zigbee radio communicates with other HAN (Home Area Network) devices. The table below shows the measured transmission times for an idle Zigbee radio and a Zigbee radio with

one of two sample devices joined to the meter. Duquesne Lights expects that, for current deployments, the average meter will have either zero (idle) or one HAN device attached to it.

	<u>Duration of transmission in a 24-hr period</u>	<u>Duty Cycle</u>
Idle Zigbee Radio (no devices joined)	9.9 seconds	0.01%
Meter with Tendril IHD (In Home Display)	132 seconds	0.15%

This response is incomplete and does not fully answer the question. The Respondent is well aware that, in its current deployment environment, its Smart Meter is not operating anywhere near its full design capability. The Complainants question specifically asked for the Respondent to indicate the complete Duty Cycle range of its Smart Meter which includes the maximum capability of its Smart Meter in its Smart Grid, not simply what is currently measured or sampled in the current deployment environment. This was not provided. So, Complainants ask again, what is the maximum Duty Cycle design capability of the Respondents SK9AMI7 Smart Meter?

ANSWER:

6. Complainants October 5, 2017 Set #1 Discovery Request question 1. h. (page 6) was,

How many times/transmissions in total (average, maximum) for any purpose is each version of Your Smart Meter configured to transmit during a 24-hour period (900 MHz, 2.4 GHz)?

Respondent's November 20, 2017 response (page 4) was,

This will vary depending on business process, which will determine how read schedules are set up. Typically, there are 3 to 4 scheduled reads from each meter in a 24-hour period. With a hierarchical cell structure, meters will relay upstream and downstream traffic within the RF mesh. The total number of transmissions will include the scheduled reads, on-demand reads, and alarms/alerts along with the network traffic needed for command and control (synchronization, security, data integrity and dynamic network resiliency). Based on data gathered from a large, representative OpenWay network deployment (2 load profile reads + 1 register read + 1 event read per day), the total transmissions are: (emphasis added)

- *The average number of transmissions in a 24-hour period is approximately 1,268 (less than time/minute); (emphasis added)*
- *The maximum number of transmissions in a 24-hour period is approximately 25,916 (18 times/minute or about once every 3.3 seconds); (emphasis added)*
- *Looking at the distribution of the field data gathered, only a small percentage of the meter population will transmit near the maximum value. In fact, 97% of the*

meters in this random sample transmitted less than 2,500 times in a 24-hour period.

Here and throughout Respondent's response to Complainants Set #1 Discovery Request Respondent uses the vague and undefined term "*business process*" which is one of the factors affecting / controlling Read Schedules, Duty Cycles, etc. The operation of the SK9AMI7 Smart Meters is programmable and under the direct and remote control of the Respondent.

- a. Name all specific business processes that would affect / control the Smart Meter
 - Read Schedule?
 - Duty Cycle?
- b. No Duty Cycle is provided for the 1,268 number.

What is the Duty Cycle associated with this number?
- c. No Duty Cycle is provided for the 25,916.

What is the Duty Cycle associated with this number?

ANSWER:

7. Complainants October 5, 2017 Set #1 Discovery Request question 1. h. i. (page 6) was,
How many of those times (average and maximum) are to transmit electric usage information?

Respondent's November 20, 2017 response (page 5) was,

*This will vary depending on **business process**, which will determine how read schedules are set up. Typically, there are **2 or 3 scheduled reads for usage data from each meter in a 24-hour period.** (emphasis added)*

Complainants October 5, 2017 Set #1 Discovery Request question 1. h. ii. (page 6) was,
How many of those times (average and maximum) are for other purposes? What are those other purposes?

Respondent's November 20, 2017 response (page 5) was,

*This will vary with **business process**, which will determine how read schedules are set up. Typically, there are **2 or 3 scheduled reads for purposes other than returning usage data from each meter in a 24-hour period.** These are typically for doing a register read and/or events read. The balance of the transmissions are for network command and control: synchronization, security, data integrity and dynamic network resiliency. (emphasis added)*

Again, Respondent uses the vague and undefined term "*business process.*"

Further, Respondent states that there are typically "2 or 3 scheduled reads for usage data" and "2 or 3 scheduled reads for purposes other than data usage." Taken together, this indicates that there are typically 4 to 6 scheduled reads from each meter in a 24-hour period.

a. Name all specific business processes that would affect / control the Smart Meter Read Schedule for usage data and for purposes other than usage data?

b. Why is the typical number of scheduled reads from each meter in a 24-hour period 3 to 4 in the Respondent's answer to the previous question, and now is indicated to be 4 to 6?

c. Which numbers are correct? How is one to know that they are correct and accurate?

d. 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?

e. To be very specific, Complainants ask again, what are the average and maximum number of Scheduled Reads in a 24-hour period:

- for each meter, in total?
- for each meter, for usage data?
- for each meter, for purposes other than data usage?

ANSWER:

8. 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. The Respondent has already indicated that meter transmissions and reading schedules can be changed by the Respondent due to its business decisions, which can change at any time and for any number of reasons unbeknownst to the homeowner. So, it is necessary to know the maximum and full design capability of the Respondent's Smart Meter and its Network Mesh to understand its full effect and impact.

a. In this regard, Complainants ask, what are the maximum number of Scheduled

Reads possible, i.e the maximum Scheduled Read design capability of the Smart Meter, the highest Scheduled Read rate it can achieve, in a 24-hour period:

- for each meter, in total?
 - for each meter, for usage data?
 - for each meter, for purposes other than data usage?
- b. Can each individual Smart Meter on a homeowner's residence be programmed with
- its own individual Read Schedule (yes/no)?
 - its own individual Duty Cycle (yes/no)?
 - its own individual Electricity Usage Data Measurement Interval (yes/no)?
 - what other parameters can be selectively programmed on the Smart Meter on a homeowner's residence?

ANSWER:

9. Complainants October 5, 2017 Set #1 Discovery Request question 1. h. iii. (page 6) was,

What are the number of times (average and maximum) by type/category of transmission?

Respondent's November 20, 2017 response (page 5 and 6) was,

Detailed analysis of the type/category of transmissions has not been completed. One data point from the gathered field data is that, on average, the segmentation between meter data transmissions (scheduled and/or on-demand) and network command and control (synchronization, security, data integrity and dynamic network resiliency) is expected to be:

- *Transmissions of meter data: 10%*
- *Transmissions for network command/control: 90%*

a. Complainant asked for number of transmissions in a 24-hour period, not percentage segmentation. Complainant did not answer the question that was asked. Respondent started deploying the meters in 2014, i.e. 3 years ago, and has deployed more than half of its meters at this point. Respondent has been monitoring and managing their behavior in the field throughout this period. Yet, Respondent provides no specific data. Respondent simply states that a "*detailed analysis of the type/category of transmissions has not been completed.*"

- If not, why not? This implies that Respondent does not really know what its Smart Meters and Network Mesh are doing. Is this the case?

- When will that detailed analysis be completed?
- What are the 24-hour transmission numbers that Respondent does have?

b. Furthermore, the maximum design capability of the smart meter and its network mesh is known by the Respondent.

- What is the maximum number of transmissions in 24-hour that the Smart Meter is capable of executing?

ANSWER:

10. Complainants October 5, 2017 Set #1 Discovery Request question 1. i. (page 6) was,

Under what scenarios does each version of Your Smart Meter transmit outside of the daily schedule, i.e., transmissions such as on-demand reads, tamper/theft alerts, last gasps, firmware upgrades, etc.?

Respondent's November 20, 2017 response (page 6) was,

Duquesne Light cannot reasonably determine what information is sought by the "etc." abbreviation and provides the following information in response to the remaining portions of Discovery Request #1(i):

- *On-Demand Reads: These reads are outside of the daily read cycle and will be fully dependent on **business processes**. Each On-Demand read will generate one downstream and one upstream packet with average transmission duration of 125mSec. (**emphasis added**)*
- *Network Synchronization: The nature of an RF mesh network requires that meters maintain communications with their neighbor meters to ensure the stability, self-healing and integrity of the network. A good example of this is timing synchronization where meters send their neighbor meters time-synchronization packets at regular intervals to ensure all of the devices in the network are synchronized for time slot usage. **Time-synchronization packets are sent approximately every 93 seconds with average transmission duration of 18 mSec.***

...

These set of answers is summarized in the table below:

Type	Duration	Frequency
Network Synchronization	avg transmission duration = 18 mSec	approx every 93 sec
Last Gasp	avg transmission duration = 18 mSec	3 messages for each power outage
Tamper/Theft Alerts	avg transmission duration = 18 mSec	1 packet for each detected event
On-Demand Reads	avg transmission duration = 125 mSec	dependent on business processes
Firmware Download	approx broadcast transmission = 150 mSec	once a year, over a 12 hr - 12 day period

- a. Respondent again uses the vague and undefined term "business processes."
- Name all specific business processes that would affect / control the On-Demand Reads?
 - What is the specific purpose of On-Demand Reads?
 - What is the maximum frequency at which On-Demand Reads can be carried out?
- b. Respondent lists 5 types of transmissions namely: On-Demand Reads, Tamper/Theft Alerts, Last Gasp, Firmware Download, and Network Synchronization. Each has a different transmission duration and frequency occurrence. Network Synchronization appears to be the most frequently occurring of these transmissions, and has one of the shortest duration transmission lengths. Only an approximate frequency interval of 93 seconds was provided.
- Is Network Synchronization the most frequently occurring transmission?
 - If not, what is the most frequently occurring transmission?
 - What is the maximum frequency that the Network Synchronization transmissions can be programmed to occur?
- c. Respondent's response to Complainants October 5, 2017 Set #1 Discovery Request question 1. h. ii. (page 6), listed the following additional types of transmissions in addition to Network Synchronization: Security, Data Integrity, and Dynamic Network Resiliency. Yet, here, Respondent claims it "*cannot reasonably determine what information is sought by the 'etc.' abbreviation.*" This statement is evasive, as the reasonable interpretation is "the remaining other types of transmissions not specifically listed." And, no specifics are provided concerning these additional types of transmissions as they are with Network Synchronization, Last Gasp, Tamper/Theft Alerts, On-Demand Reads, and Firmware Download, which the Complainants specifically cited.
- What are the Transmission Durations and Frequencies for:
Security?
Data Integrity?
Dynamic Network Resiliency?

Any other types of transmissions that remain that have not specifically been identified by the Respondent?

- What are the maximum frequencies that transmissions can be programmed to occur for:

Security?

Data Integrity?

Dynamic Network Resiliency?

Any other types of transmissions that remain that have not specifically been identified by the Respondent?

d. Respondent has acknowledged that the Smart Meter produces different types of transmissions for different purposes.

- Of all the transmissions that the Smart Meter produces, what is the most frequently occurring type of transmission?
- If not already described, please provide the duration, frequency, and maximum possible frequency for the most frequently occurring transmission?

ANSWER:

11. Complainants October 5, 2017 Set #1 Discovery Request question 1. j. ii. (page 6) was,

Typically, how much of the communication between the customer's Smart Meter and other Smart Meters in the customer's area grid is unscheduled vs. scheduled?

Respondent's November 20, 2017 response (page 7) was,

*The majority of the communications between the customer's meter and the utility is based on **scheduled data requests** (interval data read, register reads, events read, network statistics read). The amount of communication for on-demand reads and events will be highly dependent on **business processes** and the **environment of the deployment** (e.g., outage and tamper events). The **network overhead** does not represent communication between a meter and the utility (i.e., does not route back to the head end system). These overhead transmissions are required for the proper operation of the dynamic, self-healing RF mesh. The 53 seconds that an **average OpenWay meter** transmits in one day includes all of the communications described above. (**emphasis added**)*

There are a number of vague references here that require further clarification.

- a. Respondent sets the schedule for data requests. Scheduled data requests are at the discretion and control of the Respondent, and unknown to the homeowner.

- What are the maximum number of data requests that the Respondent can schedule in a 24-hour period?
- b. Respondent again uses the vague and undefined term "*business processes*."
- Name all specific business processes that would affect / control the amount of communication required from a Smart Meter?
- c. Respondent uses the new, undefined, and broad term "*environment of the deployment*" and provides only 2 examples "*outage events*" and "*tamper events*".
- List all other factors that comprise the "*environment of the deployment*"?
 - How does the location of the Smart Meter in the Network Mesh affect its operational environment and behavior?
 - How does proximity to the utility data repeaters and routers that route the data back to the "*head end system*" affect the operational environment and behavior of the Smart Meter?
- d. Respondent uses the term "*average OpenWay meter*."
- List all specific factors that determine whether a homeowner's Smart Meter behaves (collects, transmits, etc.) as an "*average OpenWay meter*" or behaves (collects, transmits, etc.) as the part of meter population operating at the maximum values?
 - What are the maximum number of transmissions (i.e. its maximum operational design capability) a Smart Meter is capable of performing in a 24-hour period?

ANSWER:

12. Complainants October 5, 2017 Set #1 Discovery Request question 1. I. (page 6) was,

What is the amount of RF emission at the source of each version of Your Smart Meter when Your Smart Meter is transmitting data (instantaneous maximum peak level, averaged over 30 minutes)?

Respondent's November 20, 2017 response (page 8) was,

The limits for Maximum Permissible Exposure (MPE) established by the FCC account for a 20cm distance from the source to the measurement point. The RF emissions for the OpenWay meters deployed by Duquesne Light without this 20cm distance (at the antenna source) are:

900 MHz LAN Radio

- Transmitter Conducted Power: 28.38dBm, 688.65mW
- Antenna Gain: 2.2dBi
- Maximum System EIRP: 30.58dBm, 1142.88mW
- With 1 percent duty cycle over 30 minute interval: 1.143mW

2.4GHz Radio

- Transmitter Conducted Power: 18.13dBm, 65.01mW
- Antenna Gain: 3.8dBi
- Maximum System EIRP: 21.93dBm, 155.96mW
- With 1 percent duty cycle over 30 minute interval: 1.56mW

Note: The maximum observed duty cycle was 0.58%. This has been rounded up to 1 percent.

Respondent provided data for a 1% Duty Cycle. This is not the maximum possible Duty Cycle (i.e. the maximum design capability) of the Respondent's Smart Meter.

- Please provide the results for the maximum Duty Cycle possible (i.e. the maximum design capability) of the Respondent's Smart Meter.

ANSWER:

13. Complainants October 5, 2017 Set #1 Discovery Request question 1. r. (page 7) was,

Since the SK9AMI7 is programmable, what control methods and capabilities do You have to change, adjust, or modify the Duty Cycle of the SK9AMI7 either directly or remotely?

Respondent's November 20, 2017 response (page 9) was,

*The **Duty Cycle** of the Itron OpenWay meters has been established using a large population of deployed meters with a typical daily read schedule to ensure validity. This **read schedule** can be modified. Studies have not been undertaken to quantify the difference in Duty Cycle when the read schedule of the meters is modified. The expectation is that there will be minimal variance in the Duty Cycle with typical changes to read schedules. (**emphasis added**)*

- a. What are the maximum number of Scheduled Reads possible, i.e the maximum Scheduled Read design capability of the Smart Meter, the highest Scheduled Read rate it can achieve, in a 24-hour period?
- b. What is the maximum Duty Cycle possible, i.e. the maximum Duty Cycle design capability of the Respondent's Smart Meter, the highest Duty Cycle that it can achieve?

ANSWER:

14. With regard to the Switch-Mode Power supply that supplies power to Respondent's Smart Meter, Complainants October 5, 2017 Set #1 Discovery Request question 1. t. ii. (page 7) was,

What voltage spiking, harmonics, additional loads and stresses does this introduce onto the customer's household interior electrical wiring?

Respondent's November 20, 2017 response (page 10) was,

Interior electrical wiring is the responsibility of the customer and/or homeowner and can vary by location. The smart meters being installed within Duquesne Light's service territories comply with the limits established by the FCC and have been validated by several outside laboratories, including UL.

Respondent did not ask anything about responsibility. Respondent asked what voltage spiking, harmonics, i.e. new and additional loads and stresses does its Smart Meters introduce onto the customer's household interior electrical wiring, due to the operation of its Switch-Mode Power supply? This question was not answered. Please answer this question.

- a. Does the Respondent's Smart Meter Switch-Mode Power supply introduce different loads and harmonics onto the customer's household interior electrical wiring than the standard electro-mechanical analog meter (yes/no)?
- b. If yes, describe these new loads and harmonics, and how they are different?

ANSWER:

15. With regard to the Switch-Mode Power supply that supplies power to Respondent's Smart Meter, Complainants October 5, 2017 Set #1 Discovery Request question 1. u. (page 8) was,

Do you provide the customer/homeowner with the option to disable the 2.4GHz Zigbee Transceiver?

Respondent's November 20, 2017 response (page 10) was,

No.

The 2.4 GHz Zigbee Transceiver is unrelated to the Respondent's ability to collect customer electric usage data. Other EDCs provide their customers with the option to have this feature disabled.

- What is the reason why the Respondent does not provide its customers with this option?

ANSWER:

16. Complainants October 5, 2017 Set #1 Discovery Request question 3. and 3. a. (page 9) was,

State all facts that support Your claim that Duquesne Light's installation of a Smart Meter at the Property will not negatively affect the health and/or medical condition(s) of Michele Hriadil, Francis Hriadil, and/or any pets or animals, and/or any visitors including but not limited to the elderly, children, babies, pregnant mothers and their fetuses, etc.

- a. What analyses, if any, did You carry out to ensure that the Radiofrequency (RF) radiation, and Low Frequency (LF) radiation induced by the Switch-Mode Power supply, from Your wireless Smart Meter system would be safe for all of Your customers, and those living at or visiting their Property?
 - i. If You did not carry out any analyses, how then did You establish that Your wireless Smart Meter system is safe for all of Your customers, and those living at or visiting their Property?

Respondent's November 20, 2017 response (pages 11 and 12) was,

Duquesne Light is required by law to install smart meters throughout its service territory, which includes Complainants' home. The company's smart meter procurement and implementation plan has been approved by the Pennsylvania Public Utility Commission, which is prima facie evidence that it is safe, reasonable, and in compliance with the law. Furthermore, the smart meters being installed in Duquesne Light's service territory meters are compliant with the applicable FCC regulations for both intentional and unintentional radiation.

Respondent's answer does not specifically address the questions asked.

- To clarify Respondent's answer, has the Respondent done anything beyond what is stated in its response above to address the specifics raised in the questions (yes/no)?
- If yes, what was done?

ANSWER:

17. Complainants October 5, 2017 Set #1 Discovery Request question 3. b. (page 9) was,

Did your analysis/assessment consider the Radiofrequency (RF) radiation from a single wireless Smart Meter, or the radiation from all components of Your wireless Smart Meter system including

- i. *all wireless Smart Meters in a community?*
- ii. *all intermediate wireless relay devices in a community such as any wireless Collector Smart Meters and Repeaters?*
- iii. *all wireless Transmitters/Receivers required to communicate between the intermediate wireless relay devices and Duquesne Light or its agents?*

Respondent's November 20, 2017 response (page 12) was,

*As required by the FCC, Itron assessed all of the active radios within the device. As with any other FCC-compliant device, **Duquesne Light is not responsible for deployment of other devices in proximity of the meters.** Itron has published a white paper that specifically addresses the levels of RF exposure from meter banks: "The Facts on RF Exposure from Meter Banks." A key factor highlighted in this paper is that the RF levels fall off very quickly over distance. This results in minimal additive levels of RF exposure from multiple devices in a given area. **(emphasis added)***

Respondent's answer does not fully address the specifics of the question that was asked, and is confusing.

- Is Respondent responsible for the deployment of all devices comprising its Network Mesh in a community, which is more than just its Smart Meters (yes/no)?
- Does Respondent deploy its Smart Meters irrespective of what other RF devices (including but not limited to other Smart Meters) are in proximity of the meters (yes/no)?

ANSWER:

18. Complainants October 5, 2017 Set #1 Discovery Request question 3. c. (page 10) was,

Recognizing that the science indicates there are many conditions that can affect and influence Radiofrequency radiation levels in the home environment, does Your installation account for: ...

Respondent's November 20, 2017 response (page 12) was,

*Before responding to each individual request below, Duquesne Light notes that this request is not only argumentative, but also overly broad with respect to **what it contends that "science" indicates**. Furthermore, Duquesne Light exercises responsibility for its equipment, but **customers and/or homeowners are responsible for the internal circuitry and appliances that are located within a particular structure. (emphasis added)***

Respondent is dismissive of the question, and its answer is unclear.

- a. Concerning Respondent's statement about "science",
 - Does Respondent deny that RF radiation can be absorbed, re-admitted, refracted, reflected, and/or refocused by materials, both natural and man-made, that are generally present in the environment and in the home (yes/no)?
 - If no, does Respondent then deny that this can affect and influence RF radiation inside and outside of the home environment (yes/no)?
- b. Concerning Respondent's statement about deployment and responsibility,
 - When the Respondent removes the homeowner's current meter and replaces it with their Smart Meter, the only element of the homeowner's electrical service and environment being changed is the installation of the new Smart Meter (yes/no)?
 - The new Smart Meter installed by the Respondent is solely the responsibility of the Respondent (yes/no)?
 - Are homeowners asked to change or modify their internal circuitry and/or appliances prior to the installation of the new Smart Meter (yes/no)?
 - Are the responsibilities of the homeowner concerning their meter box, their home's electrical circuitry, and their appliances reviewed with the homeowner prior to the installation of the new Smart Meter (yes/no)?

ANSWER:

19. Complainants October 5, 2017 Set #1 Discovery Request question 3. d. (page 10) was,

What if anything is taken into account concerning the installation of Your Smart Meter?

Respondent's November 20, 2017 response (page 13) was,

This request is so vague that Duquesne Light cannot be reasonably expected to form a complete response, but Duquesne Light considers safety, reliability, and efficiency when installing smart meters throughout its service territory.

Complainants requested the specifics of what is taken into account concerning the installation of the Smart Meter. Respondent answer was vague, and did not supply any specifics.

- How and to what degree is safety taken into account when installing the Smart Meter?
- How and to what degree is reliability taken into account when installing the Smart Meter?
- How and to what degree is efficiency taken into account when installing the Smart Meter?

ANSWER:

20. Complainants October 5, 2017 Set #1 Discovery Request question 3. e. (page 10) was,

Are customers/homeowners provided with any written notice of the dangers and inherent risks associated with being in close proximity to Your Smart Meter on a regular basis?

Respondent's November 20, 2017 response (page 14) was,

This request is argumentative and Duquesne Light disagrees with the premise of this request, which is that there is a danger and/or inherent risk of being in some undefined "close proximity" to the smart meters being installed throughout its service territory.

Instead of answering the question, Respondent dismisses the question. It is a simple yes or no question.

- Does the Respondent provide the customer/homeowner with any written notice regarding possible consequences of being in close proximity (less than 20 cm) to their Smart Meter on a regular basis (yes/no)?
 - If the answer is yes, what does that notice say?
 - If the answer is no, is that because the Respondent avers that there are no consequences to being in close proximity (less than 20 cm) to their Smart Meter on a regular basis (yes/no)?

- Does the Respondent install the new Smart Meter irrespective of its proximity to human activity near the Smart Meter's location (yes/no)?

ANSWER:

21. Complainants October 5, 2017 Set #1 Discovery Request question 3. e. ii. (page 10) was, *Are there warning labels on Your Smart Meters?*

Respondent's November 20, 2017 response (page 14) was,

The Smart Meter contains a standard message that warns against introducing currents at voltages above the meter's design tolerance.

Complainants examined the Smart Meters deployed in his neighborhood. No such warning message is displayed on the Smart Meter. No such warning message was received by the Complainants in any material received from the Respondent concerning the installation of the new Smart Meter.

- Where is this standard message, how is it provided to the customer/homeowner, and what specifically does this standard message say?
- What are the maximum currents and/or voltages that the Respondent's Smart Meter's design can tolerance?
- Have voltage surges occurred on the utility side in the past that introduce currents and/or voltages that exceed this maximum voltage design tolerance (yes/no)?

ANSWER:

22. Complainants October 5, 2017 Set #1 Discovery Request question 6. a. (page 12) was, *What are the physical elements, components, and materials used in the construction of Your electrical Smart Meter? Electronic components? Circuit boards? Flammable materials?*

Respondent's November 20, 2017 response (page 15 and 16) was,

The terms used in this request are vague. Duquesne Light offers the following table, which lists the common material used in the HW 3.1 OpenWay CENTRON meter:

<u>CEN-II</u>	
<u>Component</u>	<u>Material</u>
Base and Switch Cover	PET RYNITE FR 515
Outer Cover, Inner Covers, OEM Support and Register Display	Polycarbonate

Electrical components; resistors, capacitors, diodes, transistors, integrated chips (IC)

Common supported materials used to manufacture electrical components

Printed Circuit Boards

Fiberglass epoxy resin with copper foil

Respondent's answer is incomplete.

- Are any of these components or materials flammable (yes/no)?

ANSWER:

23. Complainants October 5, 2017 Set #1 Discovery Request question 6. c. (page 12) was,

Can overheating of the electronic components and flammable materials inside of Your Smart Meters cause the components to degrade, expand, "pop", smoke, burst into flame, burn, and/or explode, with a single occurrence or repeatedly over time?

Respondent's November 20, 2017 response (page 16) was,

Duquesne Light cannot and will not speculate as to what might happen to the components of a smart meter based on a vague and unidentified set of facts. As noted by the responses to the preceding Discovery Requests, the smart meters being installed in Duquesne Light's service territory fall within the limits established by the FCC, have been tested and approved by UL, and the company's smart meter procurement and implementation plan has been approved by the Pennsylvania Public Utility Commission, which is prima fade evidence that it is reasonable, safe, and in compliance with the law.

Respondent refused to answer the question, which requires a simple yes or no answer. Electronic components have known physical behaviors when they fail, irrespective of Respondent's statement.

Flammable materials burn when they are overheated, irrespective of the Respondent's statement.

Respondent's failure to acknowledge this is an evasion.

Again, Complainant would like an answer to the question,

- Can overheating of the electronic components and flammable materials inside of Respondent's Smart Meters cause the components to:
 - degrade, with a single occurrence or repeatedly over time (yes/no)?
 - expand or deform, with a single occurrence or repeatedly over time (yes/no)?
 - "pop", with a single occurrence or repeatedly over time (yes/no)?
 - smoke, with a single occurrence or repeatedly over time (yes/no)?
 - ignite and burn, with a single occurrence or repeatedly over time (yes/no)?
 - and/or explode, with a single occurrence or repeatedly over time (yes/no)?

ANSWER:

24. Complainants October 5, 2017 Set #1 Discovery Request question 6. d. (page 12) was,

Does Your Smart Meter contain anything to warn the homeowner of overheating, fire danger, or explosion?

Respondent's November 20, 2017 response (page 16) was,

The Smart Meter contains a standard message that warns against introducing currents at voltages above the meter's design tolerance.

Respondent refused to answer the question, which requires a simple yes or no answer. Respondent refers to a "standard message" about currents and voltages which has nothing to do with the question asked.

Again, Complainant would like an answer to the question,

- Does the Respondent's Smart Meter contain anything to warn the homeowner of overheating, fire danger, or explosion? (yes/no)?
- If the answer is yes, where is this message, how is it provided to the customer/homeowner, and what specifically does this message say?

ANSWER:

25. Complainants October 5, 2017 Set #1 Discovery Request question 6. e. (page 12) was,

Has destructive testing been carried out on Your Smart Meter?

- i. *If so, what were/are the failure modes/mechanisms? What were/are the occurrences of overheating, smoking, burning, popping, and explosions when the Smart Meter components are overstressed?*
- ii. *If not, how do you know what the failure modes of Your Smart Meters are, and how do you know they are safe?*

Respondent's November 20, 2017 response (page 16) was,

This question is so vague that Duquesne Light cannot reasonably be expected to form a complete response.

Respondent refused to answer the question, which requires a simple yes or no answer, with a follow-up explanation. The question is neither vague nor unreasonable.

Again, Complainant would like an answer to the simple question,

- Has destructive testing been carried out on Respondent's Smart Meter (yes/no)?

If yes, what were/are the failure modes/mechanisms? What were/are the occurrences of overheating, smoking, burning, popping, and explosions when the Smart Meter components are overstressed?

ANSWER:

26. Complainants October 5, 2017 Set #1 Discovery Request question 6. f. and g. (page 12) was,

6. f. *Does Your Smart Meter provide Circuit Breaker protection for the homeowner?*

6. g. *Does Your Smart Meter provide Surge Arrestors designed to withstand and protect the homeowner's internal electrical system and connected appliances from large voltage surges and other events originating on the utility-side electrical grid?*

Respondent's November 20, 2017 response (page 16) was,

No. Protection of the internal electrical circuitry and appliances are the responsibility of the customer and/or homeowner. See section 13 of Duquesne Light's tariff and the associated electric service installation rules, both of which are being produced. (emphasis added)

Respondent's answer is incomplete.

a. Respondent states that Section 13 of Duquesne Light's Tariff was to be produced.

- As stated in section 3. of this document Section 13 of Duquesne Light's tariff was not provided in Respondent's response.

b. Respondent states here and in other parts of their response that "*protection of the internal electrical circuitry and appliances are the responsibility of the customer and/or homeowner.*"

- Is this responsibility explained at any time to the homeowner (yes/no)?
- Is the homeowner informed that the new Smart Meter is functionally and operationally different than the meter (i.e. the electro-mechanical meter) being replaced (yes/no)?
- Is the homeowner 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 (yes/no)?

ANSWER:

27. Complainants October 5, 2017 Set #1 Discovery Request question 6. i. (page 13) was,

What measures exist in Your Smart Meters to assure safe and reliable operation, and prevent degradation over time, due to power surges and environmental factors such as debris, humidity, vibration, salt water, etc. which can lead to the occurrence of "hot sockets" that is superior to the traditional strictly Analog Meter?

Respondent's November 20, 2017 response (page 17) was,

*This request is so vague that Duquesne Light cannot be reasonably expected to form a response, but the HW 3.1 OpenWay CENTRON singlephase meters are ANSI C12.1, ANSI C12.20 and UL2735 compliant devices. Furthermore, the meters operate within the limits established by the FCC and the company's smart meter implementation and procurement plan has been approved by the Pennsylvania Public Utility Commission, which is prima fade evidence that it is reasonable, safe, and in compliance with the law. Furthermore, the meters themselves do not lead to the occurrence of hot socket conditions. **Hot Socket conditions are caused by external influences. External influences that can contribute to hot socket conditions are loose or open meter socket jaws, corrosion of meter socket jaws, contamination of meter socket jaws, and faulty wiring of meter socket. Precautions against, and repair of, such conditions is the responsibility of the customer. (emphasis added)***

Respondent states that the homeowner has the responsibility for the upkeep of the meter socket jaws; but, does not indicate that the homeowner is informed of this responsibility.

- Is this responsibility explained at any time to the homeowner (yes/no)?
 - If so, exactly how is this done, and where is the record of this actually occurring?
- Are the Smart Meter prongs/tabs/blades that insert into the meter box sockets an exact match in form and fit (i.e. size, shape, dimensions, materials, separation, and distance) to the prongs/tabs/blades on the meter that is being replaced (yes/no)?
- Is the Smart Meter the property of the Respondent (yes/no)?
- After the Respondent's Smart Meter is installed, does it completely cover the meter box opening and its interior assembly, thus preventing any further ability for routine inspection without disturbing the Respondent's Smart Meter (yes/no)?
- When the Smart Meter is installed on the homeowner's meter box, is it ever installed with a locking ring or a lock of some kind to prevent its removal from the meter box (yes/no)?

ANSWER:

28. Complainants October 5, 2017 Set #1 Discovery Request question 6. j. (page 13) was,

To what degree is Your Smart Meter susceptible to damage from "hot sockets" as compared with the traditional strictly Analog Meter?

Respondent's November 20, 2017 response (page 17) was,

This request is so vague that Duquesne Light cannot be reasonably expected to form a complete response, but see the response to the preceding Discovery Request.

The question is not vague and is not unreasonable. The question specifically asks for the resistance to "hot sockets" of the new Smart Meters versus the Analog Electro-mechanical meters that are being replaced. Respondent refused to answer the question. Respondent's reference to his answer in the previous question does not answer this question. This is information that is and should be readily available to the Respondent.

Complainant again asks,

- Is the new Smart Meter compositionally and operationally different than the Analog Electro-mechanical meter that it is replacing (yes/no)?
- If the answer is yes, is the susceptibility of the new Smart Meter to damage from a "hot socket" different than the Analog Electro-mechanical meter that it is replacing (yes/no)?
 - If the answer is yes, what is that difference?
 - If the answer is no, what is the evidence?

ANSWER:

29. Complainants October 5, 2017 Set #1 Discovery Request question 6. m. (page 13) was,

How many SK9AMI7 Smart Meters have been removed or recalled from the field for reasons of quality, safety, and reliability?

Respondent's November 20, 2017 response (page 19) was,

This request is so vague that Duquesne Light cannot be reasonably expected to form a complete response. Furthermore, as noted above, the smart meters being installed in Duquesne Light's service territory are within the limits established by the FCC, have been tested and approved by UL, and comply with ANSI standards. Furthermore, the meters operate within the limits established by the FCC and the company's smart meter implementation and procurement plan has been approved by the Pennsylvania Public Utility Commission, which is prima facie evidence that it is reasonable, safe, and in compliance with the law.

The question is not vague and is not unreasonable. The question specifically asks about the nature and numbers of removals of deployed Smart Meters from the field. The Respondent refused to answer the question that was asked. This is another evasion on the part of the Respondent. The Respondent has been deploying the new Smart Meters since 2014, and has deployed 100,000s of Smart Meters over this period.

Complainant asks again,

- Has the Respondent removed or recalled any of the new Smart Meters from the field (yes/no)?
- How many Smart Meters have been removed or recalled from the field
in total?
for reasons of safety?
for reasons of reliability?
for reasons of quality?
for any other reasons (and list those reasons)?

ANSWER:

30. Complainants October 5, 2017 Set #1 Discovery Request question 7. (page 14) was,

To the extent they have not been previously requested or produced, produce all Documents that relate to Your response to Discovery Request No. 6.

Respondent's November 20, 2017 response (page 19) was,

The following documents are attached:

- *Notice of Completion and Authorization to Apply the UL Mark*
- *Paragraph #13 of Duquesne Light's Tariff*
- *Duquesne Light's Electric Service Installation Rate Rules*
- *Additional documents have already been provided in responses to Discovery Request #2 and Discovery Request #4.*

Respondent did not provide the document "Paragraph #13 of Duquesne Light's Tariff" in its response. .

- Is Respondent going to supply this document?

ANSWER:

31. Complainants October 5, 2017 Set #1 Discovery Request question 9. a. i. (page 15) was,

How much education, experience, and what specific training do the installer technicians subcontracted by Duquesne Light have, and what, if any, are their certifications?

Respondent's November 20, 2017 response (page 20) was,

This interrogatory is so vague and broad that Duquesne Light cannot reasonably be expected to form a response. Duquesne Light cannot be reasonably expected to identify the education, experience, and specific

training of each individual subcontractor technician. Notwithstanding the vagueness and broadness of this interrogatory, Duquesne Light provides the following response:

All Wellington Power Corporation field personnel exchanging meters in Duquesne Light's service territory are IBEW union members and have been required to pass a written test as well as a two-week field evaluation. It is Duquesne Light's belief that such evaluation is consistent with industry best practices.

The question is not vague or broad. It is a very specific question about the training and background of the meter exchangers being employed to exchange the Smart Meters. And, the question was not fully answered. So, Complainants restate the question.

- a. Again, what specific training do the Smart Meter exchangers go through, and what certification is received?
- b. Is "meter exchanger" a recognized profession (yes/no)?
- c. How long is that training program?
- d. What are the minimum requirements necessary to be accepted for training to become an a meter exchanger?
- e. Are the Smart Meter exchangers temporary or permanent employees? If some are permanent and some are temporary, what is the percentage of each category?

ANSWER:

32. Complainants October 5, 2017 Set #1 Discovery Request question 9. b. i. (page 15) was,

The installation of Your Smart Meters has been directly witnessed and observed by many, including myself. The focus is on speed of deployment in a neighborhood (deploying as many devices as possible in the shortest time), not safety. The meters are just simply and quickly changed out in what is called a "hot install."

- i. *What is Duquesne Light's specific installation protocol and procedure that is followed to ensure the safety of its customers/homeowners?*

Respondent's November 20, 2017 response (page 21) was,

This request does not contain a question that requires a response from Duquesne Light, but Duquesne Light disagrees that it emphasizes speed over safety.

Prior to pulling a meter, Duquesne Lights instructs its employees to look for obvious signs of deterioration such as excessive corrosion, a sunken or detached underground service entrance cable, or a socket visibly detached from the customer's house. After a meter is pulled and the employee can see behind the meter, the company instructs them to inspect various componentry inside the socket for signs of deterioration. This includes the insulators, the jaws, the connections, and the wiring. The employee is also instructed to verify service voltage. If the design of the socket permits, the employee will apply bypass jumpers prior to removing the meter to prevent the customer from losing power during the exchange.

The Respondent only answers the procedural part of the question; but, does not address the specific installation assignment protocols given to its meter exchangers.

- Are meter exchangers assigned daily installation quotas (yes/no)?
- What is the minimum number of Smart Meters that a meter exchanger must install each day?
- Does the Respondent, or its subcontractor Wellington Energy, offer its meter exchangers bonuses based on the number of meters they install in a day, or how quickly meters are installed in an assigned area (yes/no)?
 - If the answer is yes, what this the structure of that bonus program?

ANSWER:

33. Complainants October 5, 2017 Set #1 Discovery Request question 9. b. ii. (page 15) was,

What measures has Duquesne Light instituted to make sure that this protocol and procedure are being properly and consistently followed in the field?

Respondent's November 20, 2017 response (page 21) was,

To ensure employees are adhering to procedures, Duquesne Light's supervisors take an active approach in conducting field safety audits.

Respondent's answer is vague, and uses the terms "active approach" and "field safety audits" which it does not define or explain.

- What is the "active approach" that is carried out by Duquesne Light's supervisors?
- What constitutes a "field safety audit?"
- How often are "field safety audits" carried out, and how often are Duquesne Light's supervisors involved?

ANSWER:

34. Complainants October 5, 2017 Set #1 Discovery Request question 9. b. iii. (page 15) was,

Does Duquesne Light condone and authorize the use of a "hot install"?

Respondent's November 20, 2017 response (page 22) was,

The term "hot install" is undefined, thereby making it difficult for Duquesne Light to provide a complete response to this Discovery Request. Where it can be done safely, Duquesne Light does exchange meters without interrupting electric service to the customer.

Respondent's answer mischaracterizes the question, and is unclear. Respondent is incorrect in stating that "hot install" is undefined, when it is defined at the very being of question 9. b. So that there is no misunderstanding,

- does the Respondent routinely condone and authorize the use of a "hot install" (i.e. where the homeowners electrical service is not turned off prior to installation of the Smart Meter) (yes/no)?

ANSWER:

35. Complainants October 5, 2017 Set #1 Discovery Request question 9. b. iv. (page 15) was, *Does Duquesne Light condone and authorize the use of a "hot install"?*

Respondent's November 20, 2017 response (page 22) was,

*The term "hot install" is undefined, thereby making it difficult for Duquesne Light to provide a complete response to this Discovery Request. Duquesne Light and its installation contractors do not attempt meter exchanges under conditions they deem to pose a safety hazard. As part of the smart meter exchange process, **Duquesne Light or its installation contractors contact residential customers prior to the exchange, in part to provide the customers with an opportunity to advise the company of any conditions that would impede a meter exchange or if the customer would prefer to shut down operating equipment during the meter exchange.** At the time of the exchange, if the **installation technician** identifies a condition that would make it unsafe to conduct the exchange (e.g., a socket abnormality), he or she stops the exchange and notifies Duquesne Light. Duquesne Light then sends an **experienced meter technician** to remedy the condition and/or notify the customer of required repairs or service corrections. As part of the installation process the **meter exchanger** is to attempt to notify the customer prior to meter exchange in the event the customer would prefer to shutdown operating equipment. If the installer identifies a socket abnormality during install, they would stop exchange and notify Duquesne Light to send a **meter specialist** to make repairs or notify customer of potential service corrections needed. (emphasis added)*

Respondent's answer mischaracterizes the question again, and is unclear. Respondent is incorrect in stating that "hot install" is undefined, when it is defined at the very being of question 9. b.

Respondent's answer is vague and somewhat confusing as different terminology seems to be used at different times to refer to the same personnel or items, and there is a statement made alleging prior contact with residential customers to advise the company of any conditions that would impede a meter exchange, etc.

a. Concerning contact.

- Is the alleged aforementioned contact by Duquesne Light or its installation contractors with residential customers prior to the meter exchange "so that they can advise the company of any conditions that would impede a meter exchange or if the customer would prefer to shut down operating equipment during the meter exchange" carried out in writing (yes/no)?

If the answer is no, then how does the Respondent know that this is indeed happening as they allege?

b. Concerning personnel.

- Does the designation "installation technician" and "meter exchanger" refer to the same personnel (yes/no)?

If the answer is no, how are they different?

- Does designation "experienced meter technician" and "meter specialist" refer to the same personnel (yes/no)?

If the answer is no, how are they different?

- Are "experienced meter technicians" and "meter specialists" certified electricians (yes/no)?
- What is the difference in training, experience, and certifications between "installation technicians" and "meter exchangers" and "experienced meter technicians" and "meter specialists"?

ANSWER:

36. Concerning the routine "visual inspection" of the homeowner's exterior meter box and neutral connections, the only inspection of the homeowner's electrical system that the Respondent states is carried out, complainants October 5, 2017 Set #1 Discovery Request questions 9. d. ii., iii., and iv. (page 16) was,

ii. How many residences have failed this inspection?

Respondent's November 20, 2017 response (page 22) was,

Through the course of the project, Wellington Energy has forwarded investigations at a rate of 0.5 percent consistently for Duquesne Light Specialist. In this 0.5 percent would be potential neutral connection concerns.

iii. What are the observed frequencies and occurrences of

- aa. damage or melting around the meter tabs/blades?*
- bb. pitting in the socket jaws?*
- cc. loss of spring tension in the socket jaws?*
- dd. oxidation on the lug wires?*

- ee. evidence of arcing?
- ff. sockets that are unsafe or not up to code?
- gg. other abnormal conditions?

Respondent's November 20, 2017 response (page 22) was,

The 0.5 percent investigation referenced in the response to Discovery Request #9(d)(ii) above includes the conditions stated in Discovery Request #9(d)(iii)(aa)-(gg).

iv. *What other safety related issues have been observed?*

Respondent's November 20, 2017 response (page 22) was,

Duquesne Light does not specifically itemize the socket conditions.

Respondent provided only an overall percentage of occurrences of safety concerns in their meter exchangers' routine "visual inspections". The requested specifics of the occurrences were not provided. Respondent stated that it does not specifically itemize the safety concern conditions which is a questionable, but, it made no such statement with regard to its subcontractor Wellington Energy. To clarify Respondent's statement,

- Does Wellington Energy, or any other of the Respondent's agents or contractors, have this information (yes/no)?
 - If the answer is yes, please provide the requested information?

ANSWER:

37. Complainants October 5, 2017 Set #1 Discovery Request question 10. (page 17) was,
Produce all Documents that relate to Your response to Discovery Request No. 9.

Respondent's November 20, 2017 response (page 24) was,

The following documents are attached:

- *Advanced Meter Exchange Procedure*
- *Verify Service Voltage & Perform Safety Check Procedure*

Respondent did not provide the document "Advanced Meter Exchange Procedure" in its response.

- Is Respondent going to supply this document?

ANSWER:

38. Complainants October 5, 2017 Set #1 Discovery Request question 12. b. (page 18) was,

How is the security of our personal information, of the electricity to our Property, of the electrical infrastructure of the state of Pennsylvania not made significantly more vulnerable by the deployment and proliferation of hundreds of thousands to millions of wireless programmable end-metering devices, such as Your Smart Meters, and Your Collector Meters, Your Repeaters, Your Data Storage Centers, etc, which are effectively hundreds of thousands to millions of open portals into the electrical energy infrastructure of the state?

Respondent's November 20, 2017 response (page 25) was,

This request is argumentative and Duquesne Light rejects its premise. The smart meters being installed in its service territory are not "open portals into the electrical energy infrastructure of the state."

Respondent did not answer the question.

- Does the Respondent operate and maintain the local electrical energy infrastructure in its service area (yes/no)?
- Does the Respondent's local energy infrastructure form part (i.e. a component) of the larger energy infrastructure of western Pennsylvania, and the rest of the state (yes/no)?
- Is each Smart Meter a separate data entry point into the Respondent's Network Mesh grid (yes/no)?
- Has the Respondent deployed hundreds of thousands of Smart Meters throughout its service area (yes/no)?

ANSWER:

39. Complainants October 5, 2017 Set #1 Discovery Request question 18. (page 21) was,

What is the nature and specificity of the customer data being collected by Your Smart Meter system, and how do You intend/ plan to use that customer data?

Respondent's November 20, 2017 response (page 27) was,

Duquesne Light's residential Smart Meters collect hourly and daily electric consumption data for the purposes of billing customers. Smart Meters also collect the following data used for utility grid operations: demand resets; meter tampering events; battery voltage; power outage or restoration events; and voltage thresholds.

Respondent's answer is incomplete. Respondent is well aware of the Public Utility Commission's Implementation Order Docket No. M-2009-2092655 which states that EDC's Smart Meter technology must provide the capability to record 15 minute or shorter interval data electric consumption data, which Respondent does not even acknowledge. The electric consumption data that

Respondent's Smart Meters happen to currently measure does not reflect or acknowledge the full capability of its system.

- What is the shortest data interval of electric consumption the Respondent's Smart Meter is capable of measuring?
- Can each individual Smart Meter on a homeowner's residence be programmed with its own individual data collection interval (yes/no)?
- Can the Respondent change its data collection interval at any time, for any purpose, and at its own discretion (yes/no)?
- Can the Respondent change the data collection interval remotely (yes/no)?
- When operating at this shortest data collection interval of electric consumption, what is the maximum number of Scheduled Reads that the Respondent's Smart Meter is capable of operating at?
- When operating at this shortest data collection interval of electric consumption, what is the maximum Duty Cycle that the Respondent's Smart Meter is capable of operating at?

ANSWER:

40. Complainants October 5, 2017 Set #1 Discovery Request question 18. a. (page 21) was, *Will this personal data only be used for billing purposes internal to Duquesne Light?*

Respondent's November 20, 2017 response (page 27) was,

No. As discussed in the response to the preceding request, some data collected by Smart Meters will be used to facilitate grid operations.

Respondent's answer is not clear. There is meter overhead operation, and there is collected personal customer electric usage data. Respondent raises the unrelated subject of grid operations here. The Complainant specifically asked how the personal customer electric usage data will be used. Complainant's question did not ask anything about network or meter overhead operations. It was specifically directed only about and concerning the Respondent's intended use of the personal customer electric usage data it collects.

So, to be clear, Complainant asks again,

- Will this personal customer electric usage data be used only for billing purposes internal to Duquesne Light (yes/no)?

ANSWER:

41. Complainants October 5, 2017 Set #1 Discovery Request question 18. c. (page 21) was,

If this personal data is to be used for other than billing purposes, what are those purposes, and will this be done only with the knowledge and written consent of the customer/homeowner?

Respondent's November 20, 2017 response (page 28) was,

The Pennsylvania Public Utility Commission requires Duquesne Light to provide an Eligible Customer List (ECL), comprising certain customer information, to qualified electric generation suppliers (EGSs). Customers can opt to be removed from the ECL. ECL requirements predate, and are not associated with, Duquesne Light's Smart Meter system. For more information about the ECL, visit the Public Utility Commission's website at:

http://www.puc.state.pa.us/utility_industry/electricity/electric_competitive_market_oversight.aspx

Respondent provided this reference link. Complainant checked this link and found that it points to a webpage which does not exist. So, this question remains unanswered.

- What personal customer information is provided as part of the ECL?
- Other than the ECL, how else and specifically in what other ways does the Respondent intend to use this personal customer electric usage data?
- What protections and restrictions does Respondent have in place to prevent the misuse and abuse of this personal data?

ANSWER:

42. Complainants October 5, 2017 Set #1 Discovery Request question 18. d. (page 21) was,

Will this personal data be used to monitor and/or profile the customer/homeowner?

Respondent's November 20, 2017 response (page 28) was,

To an extent, yes. The primary purpose and function of an electric meter (including both Duquesne Light's legacy meters and its Smart Meters) is to monitor the customer's electric consumption.

Respondent's answer uses the vague and undefined terms "to an extent" and "monitor" without specifically explaining what this means and what this entails. This requires further explanation.

- How, and to what degree, is the customer's electric consumption "monitored"?

- Does the Respondent use all or only part of this collected customer electric usage data to calculate the monthly electric bill (all/part)?
 - Specifically, what percentage of this collected customer electric usage data is actually used to calculate the monthly bill, and what percentage is used for other purposes? What are these other purposes?
 - How is the monthly electric bill actually calculated, and what checks are in-place to ensure its accuracy and reliability?
 - Is this different than the current way that the monthly bill is calculated with the analog electro-mechanical meter (yes/no)?
 - If the answer is yes, how is it different?
- How, and to what "extent" and degree, is the customer profiled?
 - How is the customer's data specifically processed, handled, analyzed, and utilized to create the customer profile?
 - How detailed is this customer profile and what data does it specifically contain?
 - Does the Respondent utilize advanced analytics, either developed in-house or purchased/contracted externally from any outside vendor/contractor, such as utility data analytics companies like ONZO, etc., that have the capability to identify and log specific device, equipment, and electricity usage patterns in the home (yes/no)?
 - Is the Respondent precluded from developing, purchasing, or contracting such advanced utility data analytics in the future (yes/no)?
- How long is this personal electric consumption data retained in the Respondent's possession?
 - Is this personal electric consumption data retained permanently, or is older data purged after a period of time?
 - If older data is purged, when is it purged?

ANSWER:

43. Complainants October 5, 2017 Set #1 Discovery Request question 18. e. (page 21) was,

Have You received any requests for this personal data from any individual, company, or organization for the purposes of profiling, data-mining, etc.?

Respondent's November 20, 2017 response (page 28) was,

Upon information and belief, Duquesne Light has received one request from an external party for customer interval usage data for the purposes of developing customer profiles. Duquesne Light received this request in 2013 and denied it. DLC does not provide customer data to unauthorized parties.

Respondent uses the term "unauthorized parties" without further explanation.

- What parties are authorized to receive this personal customer data?

- Who determines if a party is authorized or not authorized to receive this personal customer data?

ANSWER:

44. Complainants October 5, 2017 Set #1 Discovery Request question 18. h. (page 21) was,

Do You have plans in the future to market this personal data in any way for the purposes of creating new income streams?

Respondent's November 20, 2017 response (page 29) was,

No.

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 (yes/no)?

ANSWER:

45. In Complainants October 5, 2017 Set #1 Discovery Request, Complainants asked a series of simple and straightforward questions in its Set #1 of Discovery Requests. These are presented below:

- Complainants October 5, 2017 Set #1 Discovery Request question 5. (page 11),
Do You stand behind and guarantee Your claim that Your wireless Smart Meter system is harmless? If so, will You provide a written warranty to that effect indicating that You are accountable and will accept all liability for all health and medical consequences that occur as a result of Your wireless Smart Meter system?
- Complainants October 5, 2017 Set #1 Discovery Request question 8. (page 14),
Do You stand behind and guarantee Your claim that Your wireless Smart Meter system is safe and reliable? If so, will You provide a written warranty to that effect indicating that You are accountable and will accept all liability for any and all property damage and personal harm, etc. that occurs as a result of Your wireless Smart Meter system?
- Complainants October 5, 2017 Set #1 Discovery Request question 11. (page 17),
Do You stand behind and guarantee Your claim that Your manner of installing Your Smart Meters is safe? If so, will You provide a written warranty to that effect indicating that You are accountable and will accept all liability for any and all property damage and personal harm, etc. that occurs as a result of the installation of Your wireless Smart Meter?

- Complainants October 5, 2017 Set #1 Discovery Request question 14. (page 19),
Do You stand behind and guarantee Your claim that Your Smart Meter system is secure? If so, will You provide a written warranty to that effect indicating that You are accountable and will accept all liability for any and all Property damage and personal harm, etc. that occurs as a result of the hacking, breach, or abuse of Your Smart Meter security system?
- Complainants October 5, 2017 Set #1 Discovery Request question 17. (page 20),
Do You stand behind and guarantee Your claim that Your Smart Meter system will not negatively affect the value of our Property? If so, will You provide a written warranty to that effect indicating that You are accountable and will accept all liability for any loss in value of our Property that occurs as a result of the installation of Your Smart Meter system?
- Complainants October 5, 2017 Set #1 Discovery Request question 20. (page 21),
Do You stand behind and guarantee Your claim that our personal data collected by Your Smart Meter system will remain secure and private within Duquesne Light? If so, will You provide a written warranty to that effect indicating that You are accountable and will accept all liability for any loss, abuse, or misuse of our personal data, and any use of our personal information for other than billing purposes without our knowledge and written consent, that is collected and stored by Your Smart Meter system?

In all cases, Respondent's November 20, 2017 response (pages 15, 20, 24, 26, 27, and 29) was,

This request is vague, ambiguous, and lacks a factual foundation as it does not indicate how or when Duquesne Light made the alleged statement in question. Duquesne Light reiterates that it is required by law to install smart meters throughout its service territory, which includes Complainants' home. The company's smart meter procurement and implementation plan has been approved by the Pennsylvania Public Utility Commission, which is prima facie evidence that it is safe, reasonable, and in compliance with the law. Duquesne Light's alleged liability for any acts or omissions will be adjudicated through the appropriate legal proceedings based on the facts of each case.

Complainants object to this characterization, and can only view it as an evasion of what are simple, clear, and straightforward questions requiring a simple, clear, and straightforward yes or no answer.

The Respondent states that these questions lack a factual foundation, when the Respondent has stated in its published literature, in print and online, and in its objections to our Formal Complaint that its Smart Meters and Network Mesh is harmless, safe, reliable, safely installed, secure, etc., and that personal Customer data that is collected will remain secure and private within Duquesne Light. If this is factually incorrect, then Respondent needs to state plainly, and for the record:

- Are Respondent's Smart Meters and Network Mesh:
 - harmless (yes/no)?
 - safe (yes/no)?
 - reliable (yes/no)?
 - safely installed (yes/no)?
 - secure (yes/no)?
 - not a negative impact on the customer's property and property value (yes/no)?
- And, is the personal data that is collected
 - secure and private within Duquesne Light (yes/no)?
- Did the Respondent affirm these matters before the Public Utility Commission in order to gain approval of the Respondent's smart meter procurement and implementation plan (yes/no)?
- In all of these matters where the Respondent answered yes, will the Respondent stand behind that affirmation and provide a written warranty to that effect to the Complainant indicating that the Respondent is accountable and will accept all liability for any and all harm caused by and attributed to the installation and use of their Smart Meter on the Complainants property (yes or no)?

ANSWER:

46. Complainants October 5, 2017 Set #1 Discovery Request question 21. (page 22) was,

How many incidents have occurred, and how many customers have filed concerns and complaints with Duquesne Light, concerning Your Smart Meters with regards to, but not limited to,

- a. health?*
- b. safety, reliability, and fires?*
- c. privacy?*
- d. security?*
- e. electrical and device interference?*
- f. increased and increasing electrical bills, and over-billing charges?*

What were the specifics of these incidents or complaints?

Respondent's November 20, 2017 response (page 29) was,

This request is so vague and broad that Duquesne Light cannot be reasonably expected to form a complete response, but copies of all complaints filed with the Pennsylvania Public Utility Commission are publicly available. The mere fact that a complaint was filed does not in any way suggest that Duquesne Light acted improperly or violated the law.

This question is neither vague nor broad. Complainants did not ask about complaints filed with the Public Utility Commission. Complainants asked about customer Smart Meter complaints and concerns lodged with the Respondent. The Respondent has a customer care department specifically tasked with handling customer complaints and concerns. Respondent has been deploying its Smart Meters since 2014.

The Respondent did not answer the question that was asked, and formed its response to a question that was not asked. Complainants can only view this as an evasion of the question.

Again, Complainants ask,

- How many incidents have occurred, and how many customers have filed concerns and complaints with Duquesne Light, concerning Your Smart Meters with regards to, but not limited to,
 - health?
 - safety, reliability, and fires?
 - privacy?
 - security?
 - electrical and device interference?
 - increased and increasing electrical bills, and over-billing charges?
- What were the specifics of these incidents or complaints?

ANSWER:

47. Complainants October 5, 2017 Set #1 Discovery Request question 22. (page 22) was,

Has Duquesne Light provided any relief or accommodation from their Smart Meter system to any individual, official, group, community, organization, etc. for any reason at any time?

- a. *If so, list those individuals, officials, groups, communities, organizations, etc., and the reasons for that relief or those accommodations?*

Respondent's November 20, 2017 response (page 30) was,

The term "relief or accommodation from their Smart Meter system" is so vague that Duquesne Light cannot be reasonably expected to form a complete response. Duquesne Light reiterates that it is required by law to install smart meters throughout its service territory, and that the applicable laws do not provide for individual customers to "opt out" of having a Smart Meter installed at their premises.

Respondent has been involved in these types of cases before. It is not believable that the

Respondent does not understand what "relief or accommodation from their Smart Meter system" means.

Settlements are one form of relief or accommodation that the Public Utility Commission advocates; but, the

Respondent does not seem to remember this.

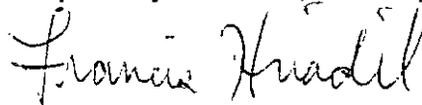
So, the Complainants ask again, and more specifically,

- Has Duquesne Light provided any form of relief or accommodation, including but not limited to settlements, from their Smart Meter system to any individual, official, group, community, organization, etc. for any reason at any time (yes/no)?
- If the answer is yes, what specific form or forms has this relief, accommodation, and/or settlement taken?

ANSWER:

Complainants respectfully ask, in all cases, that the Respondent provide answers to the questions that were asked.

Respectfully submitted,



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December 30, 2017

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PA PUC
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Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served Complainants Motion to Compel Discovery with ALJ Jeffrey Watson and Complainants Follow-up to Set #1 of Discovery Requests upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

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(412) 594-5619 (Fax)

Counsel for Respondent, Duquesne Light Company

Dated this 30th day of December, 2017



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Office of Administrative Law Judge
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Return Service Requested



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