

331 Shady Ridge Drive  
Monroeville, PA 15146

May 11, 2018

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

*Via Paper Filing*

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

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

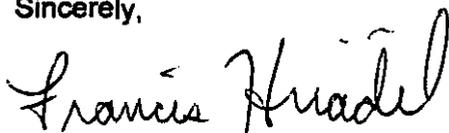
Dear Secretary Chiavetta:

Attached please find Complainant's response to Respondent's objection to Complainants request for schedule accommodation (i.e. Hearing continuance) to Judge Jeffrey Watson, the presiding PA PUC ALJ in our complaint, to allow the participation of our expert witness at our Hearing.

A copy of this document has been served upon Judge Jeffrey Watson, the presiding PA PUC ALJ, and 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

Enclosure

331 Shady Ridge Drive  
Monroeville, PA 15146

May 11, 2018

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

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

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

Dear Judge Watson:

Complainants write this in response to Respondent's May 4, 2018 letter, which Complainant's did not receive until May 7, objecting to Complainant's April 30, 2018 written request for a continuance in the Hearing schedule that would allow Dr David O Carpenter MD to participate in the Hearing on our behalf as an expert witness.

1. Pertinent Aspects of the Timeline to Date:

December 14, 2017 - A Pre-Hearing Conference call was held which included the Complainants, the Respondent, and Your Honor.

On this occasion, a Hearing was scheduled for April 26 - 27, 2018, and a Litigation Schedule was set.

Of note, on or before February 2, 2018, notification of participation by any expert witnesses, etc. for the Complainants was to be provided.

September 11, 2017 - Complainants received Respondent's First Set of Discovery Requests Directed to Complainants.

October 26, 2017 - After an agreed on an extension, Complainants served our Response 1 to Respondent's First Discovery Request, entitled Response to Respondent's First Set of Discovery Requests Directed to Complainants, containing 56 potential Exhibit documents and 4 Curriculum Vitae documents regarding potential expert witnesses.

December 4, 2017 - Complainants served our Response 2 to Respondent's First Discovery Request, entitled Additional Documents in Response to Respondent's First Set of Discovery Requests Directed to Complainants, containing 67 additional potential Exhibit documents.

February 1, 2018 - Respondent was served with Complainants Expert and Factual Witness Testimony Notification to Respondent, per the Litigation Schedule, in which Respondent was informed that none of the experts that Complainants have been in contact with were available to participate and provide expert testimony in the scheduled April 26 - 27, 2018 Hearing.

- February 6, 2018 - Due to issues related to Complainants dis-satisfaction with responses provided by the Respondent to a number of Complainants Discovery Interrogatories, Your Honor issued a ruling suspending the original Litigation Schedule. The unsatisfactory nature of many of the Respondent's Discovery responses necessitated a change in the Litigation Schedule.
- Your Honor's First Supplemental Prehearing Order, you rescheduled the Hearing for July 18 - 19, 2018. A new Litigation Schedule was set at that time.
- Of note, on or before April 30, 2018, notification of participation by any expert witnesses was to be provided by any party, to the opposing party.
- And, on or before May 18, 2018, notification of rebuttal testimony by any person other than the Complainant or Respondent is to be provided, to the opposing party.
- March 27, 2018 - Your Honor issued an Interim Order granting in part the Complainants Motion to Compel the Respondent to answer the Complainants Discovery Interrogatories.
- April 30, 2018 - Respondent was served with Complainants Expert and Factual Witness Testimony Notification to Respondent, per the revised Litigation Schedule, in which Respondent was informed that none of the experts that Complainants have been in contact with are available to participate and provide expert testimony in the scheduled July 18-19, 2018 Hearing.
- Furthermore, a letter was served to Your Honor, and copied to the Respondent, informing you that Dr. David O. Carpenter MD had agreed to participate in any Hearing on the behalf of the Complainants as an expert witness; but, he could not do so at the scheduled July 18 - 19, 2018 Hearing due to a conflict with his schedule. Additionally, Dr. Carpenter agreed to participate by phone to testify and undergo cross-examination, to mitigate expenses that would be cost prohibitive for the Complainants.
- May 7, 2018 - Complainants received a copy of Respondent's May 4, 2018 response served to Your Honor indicating their objection to Complainant's April 30, 2018 written request for an adjustment (i.e. continuance) in the Hearing schedule that would allow Dr David O Carpenter MD to participate in the Hearing on our behalf as an expert witness.
- Complainants did not receive this notification until May 7, 2018.

2. Respondent has objected on the following assertions:

- a. The First Supplemental Prehearing Order scheduled an *in-person* Hearing.
- b. Duquesne Light must incur the expense to bring its witnesses in to testify live and Complainants should be held to the same standard.
- c. The Complainants have known of their need to obtain and disclose a testifying expert according to the Litigation Schedule, and have failed to meet that obligation.

Complainants will address each one of these assertions in turn, because they do not provide a full and complete representation of the circumstances.

3. Concerning the Respondent's assertion a. -

The First Supplemental Prehearing Order scheduled an *in-person* Hearing.

Complainant's Response:

The PA PUC provides telephonic options to parties, as needed and requested.

During the December 14, 2017 Pre-Hearing Conference call, the Respondent indicated that it preferred an in-person Hearing. Complainants indicated that we are elderly and that Francis Hriadil has a number of chronic conditions that could potentially impede an in-person appearance. Otherwise, the Complainants indicated that they had no objections to appearing in-person. So, both opposing parties agreed to appear in-person barring any unforeseen circumstances.

At no time was the participation of and testimony by witnesses raised, and the logistics thereof. There was no discussion or agreement that any and all witnesses must appear in-person. There was nothing stated or agreed that telephonic options would not be permitted and available for witness participation, should it be needed or requested.

And, the February 6, 2018 First Supplemental Prehearing Order does not preclude telephonic participation by witnesses.

The only agreement made was that the Complainants and the Respondent would appear in person, barring any unforeseen circumstances.

4. Concerning the Respondent's assertion b. -

Duquesne Light must incur the expense to bring its witnesses in to testify live and Complainants should be held to the same standard.

Complainant's Response:

As indicated in 3., there was no agreement in the December 14, 2017 Pre-Hearing Conference call nor any stipulation in the February 6, 2018 First Supplemental Prehearing Order preventing any party from utilizing the telephonic options provided by the PA PUC to facilitate the participation of any witnesses.

Complainants would have filed an objection to any such stipulation as being prejudicial against the Complainants and our complaint.

The Respondent, Duquesne Light Company (DLC), is a publicly traded company with revenues ~ \$806,100,000, net income ~ \$69,600,000, total assets ~ \$2,209,200,000, and being represented Tucker Arensberg, Attorneys.

The Complainants are two (2) elderly fixed income individuals, one (1) working full-time and one (1) retired, representing themselves *pro se*, who do not possess even a fraction of one percent of the revenues, net income, total assets, and resources available to the Respondent. The disparity here is glaring.

To expect that the Complainants, with our limited resources, would have to shoulder any such excessive and unnecessary burden / expense for any witnesses who would be available to participate in a Hearing in their behalf, because the Respondent insists that they "must" appear in-person, is unfair and unreasonable, and is prejudicial against the Complainants and our complaint.

The Complainants do not have the staff, personnel, and resources that are readily available to the Respondent. It would be cost prohibitive for the Complainants to pay the travel expenses and salary compensation for any far-removed witness to appear in-person, and would preclude the Complainants from having any expert witnesses at all.

5. Concerning the Respondent's assertion c. -

The Complainants have known of their need to obtain and disclose a testifying expert according to the Litigation Schedule, and have failed to meet that obligation.

Complainant's Response:

The Complainants have searched for recognized expert witnesses, who reside locally, who would be willing and available to provide expert testimony in our behalf at a Hearing. To date, the Complainants have not been able to find and arrange for any appropriate local witnesses to appear.

The Complainants have been in contact with various expert witnesses that reside out of state to inquire as to their willingness and availability to provide expert testimony in our behalf at a Hearing.

In our February 1, 2018 Expert Witness Testimony Notification to the Respondent, Complainants indicated that none of the expert witnesses we had been in contact with up to that point in time were available to participate in the then scheduled April 26 - 27, 2018 Hearing.

As a result of Complainants Motion to Compel that was filed against the Respondent, new Hearing dates were scheduled. Complainants re-contacted various experts we had been in communication with before to inquire about the new Hearing dates. Dr. David O Carpenter MD was one of those experts. He then agreed to participate as an expert witness in our behalf, as long as the Hearing did not conflict with his scheduled commitments. He informed us that he, unfortunately, had a schedule conflict with the revised July 18-19, 2018 Hearing dates. However, there was some hope that his schedule would change and that he would be able to participate.

Complainants did not want to initiate the process of requesting a continuance of the revised July 18-19, 2018 Hearing dates, and burden the court unnecessarily, unless and until we were absolutely certain that Dr. Carpenter's schedule could not be changed. Complainants were in contact with Dr. Carpenter up through and including the morning of April 30, 2018. On April 30, Complainants received confirmation that Dr. Carpenter's schedule was fixed and the schedule conflict could not be resolved.

It is at this point that Complainants did two (2) things. In accordance with Your Honor's February 6, 2018 First Supplemental Prehearing Order, Complainants filed our April 30, 2018 Expert Witness Testimony Notification to the Respondent indicating that none of the expert witnesses we had been in contact were available to participate in the July 18-19, 2018 Hearing dates.

And, Complainants immediately filed our April 30, 2018 written request to Your Honor to explain the circumstances and request a continuance in the Hearing to allow Dr. Carpenter to participate as an expert witness in our behalf.

Complainants made every effort to comply with the Your Honor's revised Litigation Schedule, and have been forced by the circumstances to have to request a continuance for the reasons indicated.

There was no need to inquire about arranging telephonic participation for Dr. Carpenter unless this schedule conflict could be resolved, and / or his participation was certain.

The Complainants do not have the luxury of having expert witnesses on call or under contract and readily available to participate at any time. These independent experts have jobs, commitments, etc. Complainants have to seek these experts out, inquire if they are willing and able to participate, and then to try to coordinate and facilitate their participation in a manner and according to a schedule that does not conflict with their commitments. I hope that Your Honor can understand and appreciate the difficulty of this task. All Complainants can do is assure Your Honor that we have tried to do this in as conscientious and efficient of a manner as was possible; but, there are many things that are simply not within our control.

6. Concerning the full and proper Notification of the Respondent of Dr. David Carpenter MD.

Your Honor's February 6, 2018 First Supplemental Prehearing Order stipulated that

*"On or before April 30, 2018 any party wishing to present expert testimony ... must provide to the other party in writing, the name and business address of that expert and a written summary of the expected testimony of that expert."*

Complainants supplied all of this information and more as part of our responses to Respondent's First Set of Discovery Requests Directed to Complainants.

What follows is a detailed list of what has been provided to the Respondent with regards to Dr. Carpenter and the dates that that material was provided:

- a. Complainants Response 1 to DLCs First Discovery Request, entitled Response to Respondent's First Set of Discovery Requests Directed to Complainant, which was served on the Respondent on October 26, 2017.

As part of Discovery document production, the following material was supplied along with their source references:

- **Exhibit E-1: BioInitiative 2012 Report.**

BioInitiative Report: A Rationale for Biologically-based Public Exposure Standards for Electromagnetic Radiation, December 31, 2012. BioInitiative Working Group, Cindy Sage and **David O. Carpenter**, Editors. This is a 1479 page document. I do not have the complete document in my possession, and it would be prohibitive to print it all out; but, all 1479 pages are available online for detailed review at any time. Many experts have summarized, reported, and referenced the Report's conclusions and recommendations, in other documents that have been supplied here. It is readily available in its entirety at [ <http://www.bioinitiative.org> ].

- **Exhibit E-6: Letter to the PA PUC Concerning the Adverse Health Effects Associated with Exposure to RF radiation, etc. from Smart Meters, from Dr. **David O. Carpenter, M.D.**, Director of the Institute for Health and the Environment, University of Albany. **This letter was written by Dr. Carpenter specifically in our behalf of our and is a summary of what Dr. Carpenter will testify to.****

- **Exhibit E-15: "Public Health Implications of Wireless Technologies"** Pathophysiology Journal, January 2009, Cindy Sage, **David Carpenter, MD.** [ [http://www.pathophysiologyjournal.com/article/S0928-4680\(09\)00017-0/fulltext](http://www.pathophysiologyjournal.com/article/S0928-4680(09)00017-0/fulltext) ]
- **Exhibit E-16: Smart Meters: Correcting the Gross Misinformation.** Institute for Health and the Environment, University at Albany, Director, **David Carpenter, MD.** [ <https://ecfsapi.fcc.gov/file/7022118538.pdf> ]
- **Exhibit E-22: Exposure to (Cell Phone) RF Radiation Linked to Tumors.** Official statements by Christopher Portier, retired Head of the NTP, and **David Carpenter, MD.** [ <https://mauihawaiitheworld.wordpress.com/2016/05/27/exposure-to-cell-phone-rf-radiation-linked-to-tumors/> ]

Also referenced, was the document filed as part of

Complainant's Response to Respondent's Preliminary Objections to Formal Complaint - (Served November 29, 2016).

**Exhibit 1 of 4: (2 pages) David Carpenter M.D.,** Public Health Physician and Former Dean of the School of Public Health at the University at Albany, on the faulty report by the California Council on Science and Technology entitled, "Health Impacts of Radiofrequency from Smart Meters." Dr. Carpenter asserts and has testified that "there is conclusive evidence for adverse health effects in humans." [ [http://sagereports.com/smart-meter-rf/docs/letters/Carpenter\\_final\\_CCST.pdf](http://sagereports.com/smart-meter-rf/docs/letters/Carpenter_final_CCST.pdf) ]

Concerning **Expert Witnesses**, the following notification was supplied:

**David O Carpenter, MD**

Director, Institute for Health and the Environment, University at Albany Area of Expertise - Primarily, Health Effects and Risks

Note: Dr. Carpenter has written a letter to the PA PUC and ALJ Watson on our behalf, which is included in this Discovery response as **Exhibit E-6.**

Concerning **Curriculum Vitae**, the following was supplied:

**Exhibit CV-1: David O Carpenter, MD**

Background / Curriculum Vitae, **which included his business address.**

Dr. Carpenter has written a letter to the PA PUC and ALJ Watson on our behalf, which is included in this Discovery response as **Exhibit E-6.**

b. Complainants Response 2 to DLCs First Discovery Request, entitled Additional Documents in Response to Respondent's First Set of Discovery Requests Directed to Complainants, which was served on the Respondent on December 12, 2017.

- **Exhibit E-32: BiInitiative 2012 Report.**

BiInitiative Report: A Rationale for Biologically-based Public Exposure Standards for Electromagnetic Radiation, December 31, 2012. BiInitiative Working Group, Cindy Sage and **David O. Carpenter**, Editors. 1557 pages.

Many experts have summarized, reported, and referenced the Report's conclusions and recommendations, in other documents that have been submitted. [ <http://www.bioinitiative.org> ].

**The complete document was provided on the included DVD.**

- **Exhibit E-53: HEALTH\_1 - 3 min - video - 2011\_04 David Carpenter MD Public Health Physician on Smart Meter Dangers.mp4**  
[ <https://www.youtube.com/watch?v=n7L21XOC2wA> ]  
**Video document was provided on the included DVD.**
  
- **Exhibit E-58: HEALTH\_6 - 84 min - video - 2014\_12\_19 Health Effects of Electromagnetic Fields with David Carpenter, MD.mp4**  
[ <https://www.youtube.com/watch?v=KiVPzLmq0Dk&list=PL-IY8-YePWRnnHdDAjzweJEpbnd3NfmJ> ]  
**Video document was provided on the included DVD.**

So, the Respondent was fully informed in writing concerning Dr. Carpenter, his background, expertise, current position, business address, published expert reports, etc. well before any required deadline.

The only items that remained in question until just recently was Dr. Carpenter's consent and availability to participate.

7. Concerning Dr. Carpenter's availability to participate, I have copied his last email to me below:

Date: 04/30/2018 16:09

To: "hriadil@attglobal.net" <hriadil@attglobal.net>

Hi Francis:

I'm out of town the week of June 5-7, June 11th, July 18-20 and the week of August 6. But I have no other commitments at present. I'm sorry my schedule is complicated. David

David O. Carpenter, MD  
Director, Institute for Health and the Environment  
A Collaborating Centre of the World Health Organization  
University at Albany  
5 University Place  
Rensselaer, NY 12144

8. The PA PUC Consumer Complaint Procedures Guideline states that one may

*"ask for a continuance, ... , no later than five days before the hearing."*

Complainants submit that we have good cause for our requested continuance of the July 18-19, 2018 Hearing, as we are tasked with having to produce a burden of proof and must provide a preponderance of evidence. The participation of Dr. Carpenter as an expert witness in our behalf is an important element in the Complainants ability to meet that requirement.

Complainant Francis Hriadil processes engineering expertise. Complainant Michele Hriadil processes computer science expertise. Dr. Carpenter possesses considerable expertise in the areas of environmental health effects and health risks associated with radiofrequency (RF) radiation exposure etc. associated with Smart Meters and other similar types of emitting devices, and is an internationally recognized health expert in this regard. If Dr. Carpenter is precluded from participating as an expert witness in his area of expertise, it will significantly hinder the Complainants ability to meet our obligation.

The Respondent possesses many distinct advantages in this process that the Complainants cannot hope to match. The Complainants are seeking to present the full truth in this matter in as conscientious of a manner as possible and to the best of our ability, under circumstances that exist. If the objective of the Hearing is to get to the truth of the matters in question based on the latest independent scientific, medical, health, and governmental information that is available, in order to be able to make a proper judgment concerning the violation of PA Utility Code § 1501, etc., then Dr. Carpenter's participation is indispensable to fulfilling that objective.

WHEREFORE, in light of these circumstances, Complainants Michele Hriadil and Francis Hriadil respectfully request that Your Honor rule to grant our requested continuance to enable Dr. Carpenter's participation. Furthermore, if so granted, and as Dr. Carpenter is located out of state and it would be cost prohibitive for the Complainants to produce him in-person, Complainants request that we be permitted to utilize the telephonic options that the PUC offers to facilitate his participation. Neither of these requests is unreasonable and they have been granted in other PUC Hearings.

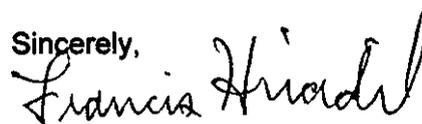
Complainant's Certificate of Service has been filed with the Commission's Secretary, in accordance with Commission Regulations.

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MAY 11 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Sincerely,



Francis Hriadil, Complainant  
(412) 779-3314

[hriadil@attglobal.net](mailto:hriadil@attglobal.net)

May 11, 2018

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**CERTIFICATE OF SERVICE**

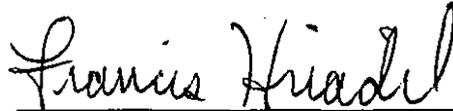
I hereby certify that I have this day served a true copy of the foregoing document upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

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

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

Counsels for Respondent, Duquesne Light Company

Dated this 11<sup>th</sup> day of May 2018



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

(412) 779-3314  
hriadil@attglobal.net

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MAY 11 2018

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

F. Hriadil  
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Monroeville, PA 15146

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

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