

July 10, 2018

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
2nd Floor, Room-N201  
Harrisburg, PA 17120

**RE: Miranda Grace Edwards v. Duquesne Light Company  
Docket No. C-2018-3002741**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion for Prehearing Conference. Please note that Duquesne Light requests a Prehearing Conference only if the Commission denies the company's prior request to refer this matter to mediation or if mediation is ultimately unsuccessful in reaching a complete resolution of this case.

A copy of this document has been served upon Complainant in accordance with Commission regulations. Please feel free to contact me if you have any questions.

Sincerely,



Paul Shane Miller  
Attorney for Duquesne Light Company

Jeremy V. Farrell  
Attorney for Duquesne Light Company

Enclosure

cc: Miranda Grace Edwards (with enclosure)

LIT:643074-1 014657-158498



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2018-3002741
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**MOTION FOR PREHEARING CONFERENCE**

Respondent Duquesne Light Company ("Duquesne Light") submits this Motion For Prehearing Conference:

1. Complainant filed this action in an effort to opt out of Duquesne Light's smart meter implementation plan.

2. Duquesne Light filed its Answer and New Matter on July 5, 2018.<sup>1</sup> In its enclosure letter to the Secretary, Duquesne Light asked that this matter be referred to the Commission's mediation program. The company made that request because Act 129 requires that Duquesne Light install a smart meter throughout its entire service territory, which includes Complainant's residence, and because the company is willing to work with Complainant to move the meter at the service address to a location that alleviates or minimizes Complainant's concerns (in a manner consistent with Duquesne Light's tariff and associated rules).<sup>2</sup> Since Duquesne Light must install and use a smart meter for Complainant's account and the company

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<sup>1</sup> The company also filed Preliminary Objections on the same date, seeking to dismiss the portion of the Formal Complaint in which Complainant requested to opt out of Duquesne Light's smart meter program. Duquesne Light also asserted in its Preliminary Objections that the Commission does not have jurisdiction over Complainant's claim that Duquesne Light has violated the Fourth Amendment to the United States Constitution.

<sup>2</sup> Duquesne Light made this offer even though it believes its smart meters do not pose any health or safety risks. The meters comply with all applicable regulations and standards.

is willing to work with Complainant regarding the location of the meter, the company felt that the Commission's mediation program offered the parties a meaningful opportunity to discuss potential resolution of this case.

3. If, however, the Commission does not believe its mediation program is appropriate, or if mediation is ultimately unsuccessful in reaching a complete resolution of this case, Duquesne Light believes it is in the best interests of the parties and the Commission to schedule a prehearing conference to establish various deadlines to ensure that this case proceeds in a timely and orderly fashion.

4. Since a hearing has not yet been scheduled, Duquesne Light is unable to propose a litigation schedule with specific dates; however, Duquesne Light believes the following general schedule would be appropriate:

- a. A discovery deadline three months prior to the date of the hearing, which will include the identification of any lay and/or expert witnesses as well as a written summary of the expected testimony of lay witnesses and written reports prepared by expert witnesses that outline the opinions they intend to offer at the hearing within a reasonable degree of certainty along with the rationale for those opinions.
- b. A dispositive motion deadline two months prior to the date of the hearing. Duquesne Light believes this deadline would comply with the direction in 52 Pa. Code § 5.102(a) that the motion be made "within a time so that the hearing is not delayed," while still providing the party opposing the motion sufficient time to respond to the motion under 52 Pa. Code § 5.102(b). This deadline would also give the Administrative Law Judge sufficient time to rule on the motion prior to the hearing.
- c. Depending on the resolution of any dispositive motions, an additional prehearing conference would then be scheduled to set deadlines for the exchange of

exhibits, the submission of stipulations, and the submission of any prehearing motions (e.g. motions in limine).

WHEREFORE, Respondent Duquesne Light Company respectfully requests that the Commission issue an order scheduling a prehearing conference in this matter if the parties are not referred to mediation and/or if mediation is ultimately unsuccessful in reaching a full resolution of this case.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



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