

September 17, 2018

Via Electronic Filing

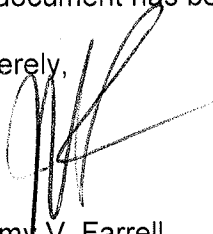
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
2nd Floor, Room-N201
Harrisburg, PA 17120

RE: Jeffrey W. Arndt v. Duquesne Light Company
Docket No. C-2018-3003482

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion for Prehearing Conference. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Jeremy V. Farrell
Attorney for Duquesne Light Company

Paul Shane Miller
Attorney for Duquesne Light Company

JVF/sls
Enclosure

cc: Jeffrey Arndt (with enclosure)
ALJ Jeffrey Watson (with enclosure)

TADMS:1004375-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEFFREY W. ARNDT,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

:
:
:
:
:
:
:
:
:
:

No: C-2018-3003482

**MOTION FOR PREHEARING
CONFERENCE**

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

Jeremy V. Farrell, Esquire
PA I.D. No. 316258
(412) 594-3938

Paul Shane Miller, Esquire
PA I.D. No. 319174
(412) 594-5503

1500 One PPG Place
Pittsburgh, PA 15222
Counsel for Respondent

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEFFREY W. ARNDT,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2018-3003482
	:	
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. Duquesne Light filed its Answer and New Matter on August 7, 2018.¹

2. 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, and to explore a potential amicable resolution of this action through mediation with the Presiding Administrative Law Judge. Duquesne Light respectfully submits that mediation is worthwhile here because Act 129 requires that Duquesne Light install smart meters throughout its entire service territory, which includes Complainant's residence, and because the company is willing to work with Complainant to move

¹ 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.

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).²

3. 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:

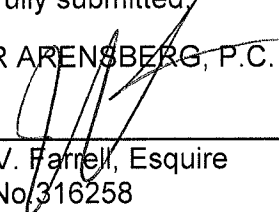
- a. A discovery deadline three months prior to the date of a second prehearing conference, to also include the identification of any lay and/or expert witnesses as well as a written summary of the expected testimony of lay witnesses and written reports prepared by expert witnesses that outline the opinions 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 second prehearing conference. 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 any 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), and the hearing date(s).

² 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.

WHEREFORE, Respondent Duquesne Light Company respectfully requests that the Commission issue an order scheduling a prehearing conference in this.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire
PA I.D. No. 316258
(412) 594-3938

Paul Shane Miller, Esquire
PA I.D. No. 319174
(412) 594-5503

1500 One PPG Place
Pittsburgh, PA 15222
Counsel for Respondent,
Duquesne Light Company

TADMS:1004375-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEFFREY W. ARNDT,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3003482

CERTIFICATE OF SERVICE

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

Jeffrey W. Arndt
4141 Fundistown Road
Trafford, PA 15085

Administrative Law Judge Jeffrey Watson
Piatt Place - 301 Fifth Avenue
Suite 220
Pittsburgh, PA 15222
Via Fax - (412) 565-5692
And Regular Mail

Dated this 17th day of September, 2018



Jeremy V. Farrell, Esquire
PA I.D. No. 316258
(412) 594-3938
jfarrell@tuckerlaw.com
Paul Shane Miller, Esquire
PA I.D. No. 319174
(412) 594-5503
smiller@tuckerlaw.com
1500 One PPG Place
Pittsburgh, PA 15222
(412) 594-5619 (fax)
Counsel for Respondent,
Duquesne Light Company