

November 1, 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: Mark Sanders v. Duquesne Light Company**  
Docket No. C-2018-3003564

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: Mark Sanders (with enclosure)  
ALJ Jeffrey Watson (with enclosure)

TADMS:5039450-1 014657-158498



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARK SANDERS,

Complainant,

vs.

No: C-2018-3003564

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 13, 2018.<sup>1</sup>

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

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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.

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>

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:

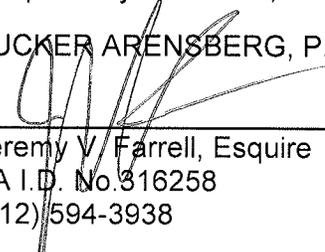
- a. A discovery deadline three months prior to the date of a second prehearing conference, to also include the identification of any lay and/or expert witnesses as well as a written summary of the expected testimony of lay witnesses and written reports prepared by expert witnesses that outline the opinions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

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<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.

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.



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MARK SANDERS,

Complainant,

vs.

No: C-2018-3003564

DUQUESNE LIGHT COMPANY,

Respondent.

**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):

Mark Sanders  
1607 Aurelius Street  
Pittsburgh, PA 15218

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 1<sup>st</sup> day of November, 2018



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