

331 Shady Ridge Drive
Monroeville, Pennsylvania

January 19, 2019

Via Paper Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

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

Dear Secretary Chiavetta:

Enclosed please find a copy of Complainants'

Response to Respondent's

Answer in Opposition to Complainants Motion
to Allow a Second Expert Witness Dr Michrowski

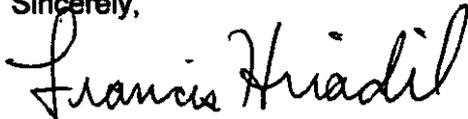
and

Motion in Limine to Preclude Complainants Purported Expert Testimony
for Failure to Produce Required Expert Reports

A copy of this document has been served upon the Judge Jeffrey Watson, Presiding PA PUC Pittsburgh Administrative Law Judge, 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

RECEIVED

JAN 19 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Enclosure

Cc: Judge Jeffrey Watson, Presiding PA PUC Pittsburgh Administrative Law Judge

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

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JAN 19 2019
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**RESPONSE TO RESPONDENT'S
ANSWER IN OPPOSITION ... AND MOTION IN LIMINE...**

TO THE HONORABLE ALJ Jeffrey A. Watson:

1. The Respondent has submitted two (2) Motions attempting to preclude Complainants' Experts' Testimonies for what it asserts is a "failure to file required expert reports," even going so far as to infer that the Complainants are behaving as a "disobedient party" with all of its stigmatizing connotations. Complainants aver that this claim, and inference, is without merit and that we have fulfilled our obligation in Discovery, per 52 Pa. Code § 5.324 Discovery of Expert Testimony and as expressly specified in Your Honor's Prehearing Order instructions.

2. Complainants will first deal with the Respondent's objection related to Complainants' expert witnesses Dr Carpenter and Dr Michrowski. Then, we will address the objections to Francis Hriadil and Michele Hriadil.

3. For clarify in this matter Complainants have copied the exact wording of pertinent requirements in question.

4. Your Honor's Prehearing Order (dated February 6, 2018), regarding Litigation

schedule instructions, specifically states the following:

"any party wishing to present expert testimony (including but not limited to medical, technical, etc.) 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."
(emphasis added)

Further, it states that 2 1/2 weeks before the Hearing,

"Complainants and Counsel for Respondent are directed to provide one another with copies of all exhibits and statements which the parties intend to present at the hearing."

Complainants wish to point out that both the Complainants and the Respondent agreed to the language and instructions in this Hearing schedule. The Respondent had every opportunity to request any qualification or clarification of this language that it thought was necessary and it chose to do nothing. The Complainants' independent expert witnesses, Dr Carpenter and Dr Michrowski, both provided concise, written, and signed summaries of their intended testimonies, as well as their respective contact information and curriculum vitae.

5. The Respondent's First Set of Discovery Requests Directed to Complainants

(dated Sept 11, 2017) with regard to expert witnesses states the following:

"11. State the full name, address, and telephone number of each person who You expect to call to testify as an expert witness at any hearing of this matter and, for each expert witness, state:

- a. The **subject matter** on which the expert is expected to testify;
- b. The **substance of the facts and opinions** to which the expert is expected to testify; and
- c. A **summary of the grounds** for each expert opinion.

12. Produce the **report** of any expert You intend to call to testify on Your behalf at trial.

13. Produce the **curriculum vitae** of any expert that You intend to call to testify on your behalf at trial."

(emphasis added)

As part of Discovery, and per Your Honor's Hearing schedule instructions, Complainants supplied to the Respondent, with official Certificates of Service and verification per 52 Pa. Code S 1.36, the contact information, the subject matter and substance of each expert's facts and

opinions, the published reports and documents comprising the summary of the grounds for each expert's opinions, and the curriculum vitae of both Dr Carpenter and Dr Michrowski. The published expert analyses and reports supplied to the Respondent, which were authored by each of these experts, detailed their respective extensive, comprehensive, and recognized expert critical views concerning RF and LF emitting technology, such as the smart meter technology being deployed by the Respondent.

Dr. David Carpenter's contact information, curriculum vitae, expert statement, etc., which had already been served to the Respondent in Discovery, were supplied for review by Your Honor as part of Complainants' July 6, 2018 Response to Respondent's Motion Summary Judgment. Dr. Carpenter's expertise and participation was challenged in the Respondent's Summary Judgment Motion, and the Respondent's entire Motion was denied by Your Honor in your Interim Order of November 30, 2018.

Dr. Andrew Michrowski's contact information, curriculum vitae, expert statement, etc., were supplied with Complainants' December 18, 2018 Motion to Allow a Second Expert Witness, Dr. Andrew Michrowski, Ph'd., for the Complainants, and further reports by Dr. Michrowski were supplied to the Respondent as part of Discovery in Complainants' January 04, 2019 3rd Set of Additional Documents, in Response to Respondent's First Set of Discovery Requests Directed to Complainants.

6. 52 Pa. Code § 5.324(a)(1)(ii) to which the Respondent refers states:

"That the other party have each expert so identified state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. The party answering the interrogatories may file as the answer a report of the expert, have the interrogatories answered by the expert or provide written direct testimony of the expert. The answer, separate report or testimony shall be signed by the expert and shall be deemed to be provided under oath in accordance with section 333(d) of the act (relating to prehearing procedures)." (emphasis added)

52 Pa. Code § 5.324(a)(1)(ii), to which the Respondent repeatedly refers, indicates that each expert has to "state the substance of the facts and opinions to which the expert is expected

to testify.” The written and signed statements of both Dr Carpenter and Dr Michrowski fulfill this requirement. This code states that the expert statement “may” be filed as a report, etc. but it does not specifically state that the answer “must” or “shall” be filed as a report, etc. in the context that the Respondent is demanding. On the contrary, the code specifically only requires that the expert “state the substance” of their expert view, which both Dr Carpenter and Dr Michrowski have done in their submitted expert statements.

The Respondent astonishingly cries “unfair” here. The Respondent submitted a purported 46 page “expert” statement/report from a Dr Benjamin Cotts and a purported 66 page “expert” statement/report from a Dr Gabor Mezei, and demand that the Complainants provide something similar. It was the prerogative and decision of the Respondent to procure and submit their purported “expert” statements/reports in the manner that they did. It is not the prerogative, nor is it the purview, of the Respondent to demand something similar from the Complainants, as it is not required by Your Honor’s PreHearing Order or the specific language of 52 Pa. Code § 5.324(a)(1)(ii). Furthermore, this demand is in violation of PA Code § 5.361(a)(2), which states

§ 5.361. Limitation of scope of discovery and deposition

(a) Discovery or deposition is not permitted which:

(2) Would cause unreasonable annoyance, embarrassment, oppression, or burden expense to the deponent, a person or party

It is noted that the Respondent repeatedly cited this code in its effort to evade the reasonable and appropriate Discovery interrogatories submitted to the Respondent by the Complainants.

Both of the Respondent’s purported “experts” are hired agents and paid advocates for the utility industry, and the Complainants suspect that it was not inexpensive to procure these statements/reports. There is a vested interest here in the utility industry succeeding in the implementation of their smart meter program which has tremendous profit potential for the utility, even though it is detrimental to the well-being of the Complainants and the people of Pennsylvania. No one can characterize the Respondent’s paid experts’ opinions as being independent or unbiased.

Again, 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. In comparison, 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. For the Respondent to attempt to leverage their unmatched resources in this way, to demand that the Complainants match their paid, professionally-produced purported expert statements is unfair, unreasonable, and would impose an unfair burden, etc. on the Complainants in violation of PA Code § 5.361(a)(2).

The Complainants further wish to point out that the mere bulk of the Respondent's experts' statements/reports does not in any way imbue them with any special level of significance, credibility, or validity.

Both of the Complainants expert witnesses are independent of any industry affiliation. They have no vested interest in the success or failure of the Respondent's smart meter program. They are offering their expert testimony free of compensation because of their utmost concern for the well-being of the Complainants, and the well-being of the general public. The expert statements by the Complainants' expert witnesses, Drs Carpenter and Michrowski, are appropriate, concise and to the point, and fulfill the specific instructions of Your Honor's PreHearing Order and the language of 52 Pa. Code § 5.324(a)(1)(ii).

7. Concerning, Respondents Francis Hriadil and Michele Hriadil, under Pennsylvania law, a person qualifies as an expert witness if, through education, occupation or practical experience, the witness has a **reasonable pretension to specialized knowledge** on the matters at issue.

The Respondent continues to attempt to present and frame a picture and representation of the Complainants, with their degrees, advanced degrees, and extensive technical backgrounds and experience, as essentially ignorant of this technology; the specific form, fit, and function of Duquesne Light's Smart Meter in its Smart Mesh; its specific operating parameters and characteristics; and the inherent and increased risks that this technology poses to the Complainants in particular, who are elderly, etc. The Respondent attempts to minimize in the extreme, the educational and professional backgrounds and the technical competence, acumen, and experience of the Complainants. This representation is patently without merit.

Complainant Francis Hriadil

- has an advanced degree from M.I.T, and has had a long career performing work as a recognized engineering professional and inventor, on classified and unclassified programs, requiring expertise in engineering, analysis, advanced technology, mathematics, and physics.
- has worked in the Defense sector on both advanced strategic and tactical missile programs.
- has designed, invented, and received a patent on advanced technical equipment incorporating technology, materials, and electrical components, etc. more involved than that used in a smart meter.
- and as the owner of 2 technologically based businesses, had access to various industry publications not available to the general public.

Complainant Michele Hriadil

- has extensive experience in the analysis, design, development, testing, implementation and support of custom software for complex distributed computer based systems. Technologies used include: ASP.NET, ASP, Ajax, Visual Basic, c#, SQL Server, Reporting Services, Crystal Reports, Javascript.
- has held positions as Technology Consultant, Lead Developer, and System Architect, including a role as back-up Systems Administrator.

The Complainants' extensive technical and scientific educations, professional backgrounds, and experience and expertise were challenged in the Respondent's Motion for Summary Judgment, and the Respondent's entire Motion was denied by Your Honor in your Interim Order of November 30, 2018.

The Complainants reiterate that their contact information and full curriculum vitae of both Complainants have been supplied to the Respondent as part of Discovery, with official Certificates of Service and verification per 52 Pa. Code S 1.36, and this was supplied for review by Your Honor as part of Complainants' July 6, 2018 Response to Respondent's Motion for Summary Judgment.

Francis Hriadil has not published in academic, or professional, etc. literature because much of his work was and remains classified. Michele Hriadil has not published in academic, or professional, etc. literature because much of her work was, is, and remains proprietary to her employers. The Respondent is well-aware of these circumstances.

Formally published papers/reports are not a mandatory requirement under Pennsylvania law for the acceptance of the expertise of the Complainants. So, the lack of published papers is immaterial in this regard. Nevertheless, Complainants have generated and filed their own direct technical analyses, assessments, summaries, and expert views concerning the Respondent's Smart Meter in its Smart Mesh, as part of their signed written filings, both in Discovery to the Respondent and in official filings to the Commission.

These filings include, but are not limited to:

- Complainant's Formal Complaint, filed and dated October 1, 2016
- Complainant's Response to Respondent's Preliminary Objections to Formal Complaint, filed and dated November 29, 2016
- Complainant's Response Addendum to Respondent's Corrected Preliminary Objections to Formal Complaint, filed and dated December 19, 2016
- Complainant's Response to Respondent's Answer and New Matter to Formal Complaint, filed and dated January 9, 2017, in which Complainants filed a Motion for Summary Judgment against the Respondent and in our behalf.
- Complainant's Response to Respondent's Answer in Opposition to Complainant's Motion for Summary Judgment, file and dated January 20, 2017
- Complainant's Correction to Pulse Transmission Table in Complainant's Response to Respondent's Answer and New Matter to Formal Complaint, filed and dated January 24, 2017.
- Complainant's Notice to Plead New Matter, filed and dated January 24, 2017,

in which Complainants filed a Motion for Summary Judgment against the Respondent and in our behalf, and to which the Respondent specifically failed to respond, stating it was not required to respond.

- Complainant's Notice to Plead New Matter #2, filed and dated January 27, 2017, in which Complainants filed a Motion for Summary Judgment against the Respondent and in our behalf, and to which the Respondent specifically failed to respond, stating it was not required to respond.
- Complainant's Notice to Plead New Matter #3, filed and dated February 3, 2017, to which the Respondent failed to respond.
- Complainant's Notice to Plead New Matter #4, filed and dated February 14, 2017, in which Complainants filed a Motion for Summary Judgment against the Respondent and in our behalf, and to which the Respondent failed to respond.
- Complainant's Response to Respondent's Motion Summary Judgment, filed and dated July 6, 2018.

These are on record with Your Honor and the Commission, and, in lieu of submitting all of this material all over again, are all incorporated here-in by reference as if fully restated. These have provided the Respondent and the Commission with the **subject matter and substance of the intended testimony** by the Complainants.

A Smart Meter "expert" clearly lacks the necessary background and expertise to speak intelligently on the advanced strategic and tactical missile technology that Complainant Francis Hriadil has worked on, or on the advanced equipment he has invented and patented. Smart Meter technology can by no means be classified as "rocket science." Complainants respectfully submit that Francis Hriadil understands and can intelligently and authoritatively discuss all of the technical details that have been released on Smart Meters and their operation in a Smart Mesh. And, Complainant Michele Hriadil, with her education and professional background in computer science and information technology also make her intimately knowledgeable concerning the handling and managing of computer databases, interfaces, etc. Complainants respectfully submit that both Francis Hriadil and Michele Hriadil possess more than the minimum requirements necessary to satisfy reasonable pretension to specialized knowledge on the matters at issue.

As one example, Complainant Francis Hriadil, took the Duty Cycle and Transmission Times data published by Itron for their SK9AMI7 OpenWay Smart Meter, the one being deployed by the Respondent, and calculated the corresponding numbers of pulse transmissions occurring within a 24 hr period.

	Duty Cycle	Time in 24 hr	Number of Pulse Transmissions in 24 hr
Minimum	0.02%	18.31 sec	423 (once every 3.40 min)
Mean	0.06%	53.14 sec	1,268 (once every 1.14 min)
Maximum	0.58%	497.80 sec	12,257 (once every 7.0 sec)
Abs Max	5.0%	~ 4,291 sec	105,667 (once every 0.82 sec)
"Expected" Max	1.0%	~ 858 sec	21,133 (once every 4.1 sec)

Francis Hriadil is the originator of these calculations and this analysis, which is not available elsewhere. It represents **specialized knowledge** on the part of the Complainants. And, it is noted that the results of this analysis remain uncontested by the Respondent, and were actually confirmed by the Respondents in their responses to Complainants Discovery Interrogatories. It is re-iterated again that this, as well as other direct analyses by the Complainants, were submitted to the Respondent as part of Discovery, with verification per 52 Pa. Code S 1.36 and in official written filings to the Commission, and the Complainants have always indicated our intention to present and testify to these analyses in our upcoming Hearing.

The Complainants further supplied detailed medical records substantiating and detailing Francis Hriadil's chronic health conditions, about which the Respondent was informed in Discovery, that Francis Hriadil will attest to, along with signed documentation by his physician, Dr. Martin Gallagher, MD, DC; ABOIM Board Certified Family Medicine; Board Certified Integrative Medicine; in which, Dr. Gallagher states that Francis Hriadil should "not be exposed to RF/EMF frequencies generated by a 'Smart Meter' based on (his) current clinical condition as well as from a preventive standpoint."

All of this Complainant generated material, along with the many other detailed and signed official records, reports, and testimonies from various experts, government and non-

government agencies, hearings, etc., which were all fully reviewed, vetted, researched, sourced, and referenced by the Complainants, which support Complainants' analyses, and which were provided to the Respondent in Discovery, and along with the extensive technical, scientific, engineering, and mathematical educational and professional backgrounds of the Complainants comprise the **summary of the grounds** forming the basis of Complainants' expertise and intended testimony. And, the Complainants respectfully submit that it does not take a Phd or an MD to carry out an appropriate and applicable literature survey and document review.

8. In specific areas and on specific subjects where the Complainants lack direct, credentialed, or professional expertise or experience, Complainants have asked recognized independent experts such as Dr Carpenter and Dr Michrowski to testify, and they have agreed.

9. The assessments carried out by the Complainants and the issues that the Complainants are raising are directly supported and corroborated by other independent experts such as Ronald M Powell, PHD (retired); Samuel P Milham, MD, MPH (retired); Martin L. Pall, PHD; Andrew A Marino, MD, JD; David O Carpenter, MD; Andrew Michrowski PHD; William S Bathgate EE ME; Sharon Goldberg, MD; Henry Lai, PHD; Federica Lamech MBBS; Cindy Sage, Sage Associates; Liz Barris - documented Electro-HyperSensitivity (EHS) victim; Patrick Colbeck - Michigan State Senator; Angie Colbeck, MD Epidemiology; and Richard H. Conrad, Ph.D; to name but a few. Complainants have been in direct contact with most if not all of these experts. They were informed of the specific circumstances of the Complainants, our ages, physical conditions, and living environment, and they were asked for their recommendations concerning the deployment of the Respondent's Smart Meter in a Smart Mesh on our residence, etc. To a person, these experts urged Complainant's to seek to prevent such installation and/or provided documentation, testimonies, studies, analyses, etc. all substantiating the detrimental effects that long term exposure to the RF radiation and induced LF radiation created by Smart Meters, such as those being deployed by the Respondent. If the Complainants had

the financial resources available to it that the Respondent has, we could arrange to have every one of these experts appear in person in our Hearing. But, in reality, this is simply not possible.

Complainants cannot afford to bring all of these experts from across the country to our Hearing; but, they granted the Complainants permission to submit their documented testimonies etc. to the PA PUC in support of our complaint, and both Dr. Carpenter and Dr Michrowski have agreed to participate in our behalf. Even though all of these experts cannot participate in our Hearing, their official documentation, analyses, contact information, curriculum vitae, etc. have all been served to the Respondent as part of Discovery.

10. The Respondent is well-aware of the limitation of the Complainants to readily find and produce expert witnesses, and that we cannot match the resources available to the Respondent in this regard to any comparable degree. With its prior filings and motions, and with its current motion, the Respondent has carried out, and continues to carry out, a relentless effort to challenge the participation of any person with expertise in support of the Complainants at every turn, in every way, and according to any pretext that they can contrive. It is obvious that the Respondent is doing this to prevent the occurrence of any opposing expert testimony, and to prevent the Complainants from presenting the full truth of the serious matters at issue in our complaint. All of these prior efforts on the part of the Respondent have failed. Yet, the Respondent continues with this course and this tactic.

The Complainants continue to answer these challenges with facts, clarify, and reason; but, ask Your Honor when does this tactic rise to the level of harassment and intimidation on the part of Respondent?

11. The Complainants re-iterate that Francis Hriadil and Michele Hriadil, and our expert witnesses, Dr David Carpenter and Dr. Andrew Michrowski, have no vested interest in the success or failure of the Respondent's Smart Meter, Smart Mesh program. Complainants have filed their Formal Complainant and request for relief, and our independent expert

witnesses have agreed to testify, because of concern for the well-being of the Complainants and their circumstances in particular, and the people of Pennsylvania in general.

12. The Respondent additionally tries to make the argument that the Litigation Schedule exists separately, distinctly, and independent of the Hearing date. All Litigation Schedules are coordinated with and connected to the Hearing date. The Hearing was scheduled for July 18 - 19, 2018. This Hearing date had the following associated Litigation Schedule timeline:

- Evidentiary Hearing date - July 18 - 19, 2018
- Stipulations by - July 9 (1 week before the Hearing)
- Statements, Exhibits Exchange by - June 29 (2 ½ weeks before the Hearing)
- Dispositive Motions by - June 4 (~ 5 weeks before the Hearing)
- Rebuttal Expert Testimony Notification by - May 18 (~ 8 weeks before the Hearing)
- Factual Testimony Notification by - April 30 (~ 11 weeks before the Hearing)
- Expert Testimony Notification by - April 30 (~ 11 weeks before the Hearing)
- Discovery Requests by - March 16 (~ 17 weeks before the Hearing)

Recall,

- Complainants filed for a Continuance to allow Dr. Carpenter's participation as an expert witness on our behalf on April 30. Your Honor granted the Continuance in your May 10, 2018 Interim Order Regarding Complainants' Request to Modify Litigation Schedule to allow Dr. Carpenter's participation in July, August, or September of 2018.
- Complainants' received Your Honor's May 10 Interim Order on May 14, 2018, and filed our Motion containing Dr. Carpenter's availability schedule for July, August, or September of 2018, per Your Honor's order, on May 18, just 4 days later and well before Your Honor's deadline of May 30. The Respondent did not file their Answer until June 1. The Complainants' received it on June 4, and filed our Response on June 6.

- Respondent filed a huge Motion for Summary Judgment on June 4, which the Complainant's received on June 5.
- Your Honor officially cancelled the July Hearing and Litigation timeline on June 29, to properly review the Respondent's Motion for Summary Judgment and the Complainants' Response. In this ruling, Your Honor provided the Complainants until July 6, 2018 to review the Respondent's Motion and submit our response. Complainants complied with that ruling.
- Your Honor denied the Respondent's Motion for Summary Judgment on November 30, and subsequently ruled that both the Complainants and Respondent prepare for, and confer on, a new Hearing and timeline scheduled for some time in March or April 2019.
- The Complainants and Respondent conferred and were able to come to agreement on a new Hearing date of May 1 and 2, 2019, dates on which both parties' respective expert witnesses would be available to participate. Your Honor was informed of this on January 11, 2019, per Your Honor's December 3, 2018 Interim Order.

13. The Complainants were intensively involved in preparing for the July 18 - 19, 2018 Hearing date, when the Respondent filed its massive and very detailed Motion for Summary Judgment, consisting of over 300 pages, on June 4, in which they motioned for a complete dismissal of our complaint and the suspension of our Hearing, or a narrowing of our Hearing, and the disqualification of Dr. Carpenter and the Complainants as expert witnesses. This motion was ultimately and completely denied by Your Honor.

It is a statement of fact, that the Complainants have not been disobedient in any regard, and have met every obligation imposed on them by the prior and now continued Hearing schedule (having requested extensions only when necessary and with good reason, all of which were granted). It is also a matter of fact that the Respondent inundated the Complainants with their massive June 4 Motion for Summary Judgment, which required a very detailed and comprehensive response. As we are just two (2) elderly people, one retired and one still

working full time, it took all of the time granted by Your Honor to produce Complainants' comprehensive and substantive response to that Motion.

14. Yet, the Respondent now tries to make a serious argument that the previous Hearing Litigation schedule still applies. How are the Complainants reasonably expected to adhere to a Hearing Litigation Schedule that was put into serious doubt by the Respondent's Motion for Summary Judgment to suspend any Hearing, or potentially narrow the issues of the Hearing in unknown and potentially significant ways, or potentially preclude the participation of any of Complainants' identified expert witnesses? This is ludicrous. The Complainants had to stop our Hearing preparations, which were in progress at that time, to address this new and daunting motion. Recall also, that at this time Your Honor had already issued your May 10 Interim Order requesting Dr Carpenter's availability for a new Hearing in July, August, or September.

15. On November 30, 2018, after more than 4 months of review, Your Honor issued your Interim Order Denying Motion for Summary Judgment Filed by Duquesne Light Company. During this period time, the Complainants had no knowledge as to whether a Hearing would take place or not, if and when that Hearing would be rescheduled, who if any of our potential expert witnesses would be available, how and to what degree any aspects of our complaint and request for relief might be "narrowed" and the what affect that would have on our preparations and exhibits.

Relevant science, analyses, reports, etc. continued to be produced during this interval. Complainants continued our efforts to review any new material and seek out the most authoritative independent and unbiased experts possible with regards to the latest information pertinent to our circumstances and the Respondent's Smart Meter operating in its Smart Mesh. The Respondent was served with a 3rd Set of Additional Documents, in Response to Respondent's First Set of Discovery Requests Directed to Complainants dated January 04,

2019, with official Certificates of Service and verification per 52 Pa. Code S 1.36. So, the Complainants continue to serve the Respondent with new Discovery documents, reports, notifications, etc. per its Discovery obligation, in as timely of a manner as possible and as the Hearing schedule continues to allow.

16. The Complainants did not cause this significant disruption in the timeline of the scheduled Hearing. The Respondent caused this significant timeline disruption with its voluminous motion and its blatant attempt to prevent or constrain our Hearing and preclude our expert witnesses. The Respondent did not succeed, even the slightest, in this regard.

17. Having failed in this effort, and significantly extending the Hearing timeline, the Respondent should not now be rewarded and afforded any consideration in its attempt to impose its biased, one-sided preferences and interpretations on what is expected and required of the Complainants. The Complainants have read all of the pertinent instructions and requirements, and aver that we have made our case that we are in compliance with them all. Respondent's demand for further material is unfair, unreasonable, and would impose an unfair burden, etc. on the Complainants in violation of PA Code § 5.361(a)(2) at a minimum. Your Honor has reviewed all of our written submissions and responses to date. At all times, Complainants have striven to meet our obligations and to provide our position, information, notifications, assessments, and arguments in as accurate and professional of a manner as possible.

18. Further, and in light of these circumstances, the Respondent should also not now be rewarded and afforded any consideration in its attempt to retroactively hinder or limit the options, opportunities, and new information that has become available to the Complainants as a result of the extended timeline and new Hearing schedule. It is only fair and reasonable that the Litigation Schedule be adjusted accordingly to match the new Hearing schedule.

19. To do otherwise, with regards to the items discussed in sections 17 and 18, would be prejudicial against the Complainants, our complaint, and our effort to present the strongest case possible to meet our burden of proof. And, it would prevent Your Honor and the Commission from getting the full and complete truth concerning the matters at issue. Participation by experts such as Drs. Carpenter and Michrowski, etc. are essential to that end, as is the admission and consideration of the latest information that is available.

20. The officially stated mission of the Public Utility Commission, as specified in its Mission Statement which is documented on the Commission's internet website, is to:

- **balance the needs of consumers and utilities;**
- **ensure safe and reliable utility service at reasonable rates;**
- **protect the public interest;**
- **educate consumers to make independent and informed utility choices;**
- **and, foster new technologies and competitive markets in an environmentally sound manner.**

(emphasis added)

As such, it is the Commission's fundamental duty, as a public service governmental agency operating under the United States and Pennsylvania constitutions, and the Pennsylvania Utility Code, to seek the truth, treat all Complainants fairly, and safeguard the well-being of all people on Pennsylvania soil regardless of age, sex, race, religion, condition, and circumstance, in order to establish compliance with statutes such as Section §1501 of the Public Utility Code, which states

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, ... as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, ...
(emphasis added)

The testimonies to be provided by the Complainants and their independent expert witnesses, along with the documentation Complainants intend to place into evidence, will definitively establish that this is a matter of direct and detrimental physical and personal consequence to the Complainants, and is a matter that is in the public interest.

WHEREFORE, in light of these circumstances, Complainants aver that the Respondent's claims and arguments are without merit, that any implication or inference that the Complainants have been "disobedient" to any degree is without merit, and that the Complainants have fulfilled, and continue to fulfill, our obligation concerning Discovery, expert witnesses, etc. as defined in PA Code and as specifically ruled and instructed in Your Honor's:

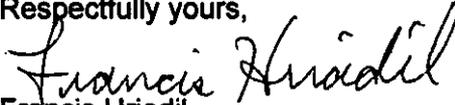
- February 6, 2018 Prehearing Order to which both parties agreed,
- June 29, 2018 Interim Order Granting Complainants' Request for an Additional Extension of Time to File Response to Respondent's Motion for Summary Judgment and Continuing the Evidentiary Hearing Scheduled for July 19-19, 2018,
- November 30, 2018 Interim Order Denying Motion for Summary Judgment Filed by Duquesne Light Company,
- and December 3, 2018 Interim Order ordering a new Hearing date.

and that the further demands by the Respondent are in violation of PA Code § 5.361(a)(2)

Complainants Michele Hriadil and Francis Hriadil respectfully request that the Respondent's Answer in Opposition to Complainants' Motion to Allow a Second Expert Witness, Dr. Andrew Michrowski, Phd and Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports be denied.

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

Respectfully yours,


Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, Pennsylvania
January 19, 2019

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No: C-2016-2571726

CERTIFICATE OF SERVICE

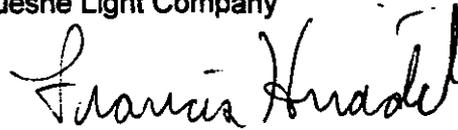
I hereby certify that I have this day served a true copy of Complainants' Response to Respondent's Answer in Opposition to Complainants Motion to Allow a Second Expert Witness Dr Michrowski and Motion in Limine to Preclude Complainants Purported Expert Testimony for Failure to Produce Required Expert Reports upon the participants 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
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1500 One PPG Place
Pittsburgh, PA 15222
(412) 594-5619 (Fax)

Counsel for Respondent, Duquesne Light Company

Dated this 19th day of January, 2019



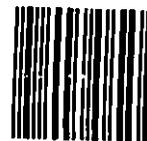
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