

331 Shady Ridge Drive  
Monroeville, Pennsylvania

January 24, 2019

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

*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'

New Matter #5

Duquesne Light Company / Centron / Itron OpenWay SK9AMI7 Smart Meter

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

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

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**NEW MATTER #5**  
**Duquesne Light Company / Centron /**  
**Itron OpenWay SK9AMI7 Smart Meter**

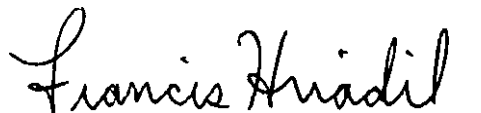
Filed by Michele and Francis Hriadil

hriadil@attglobal.net  
(412) 779-3314  
331 Shady Ridge Drive  
Monroeville, Pennsylvania

**NOTICE TO PLEAD on NEW MATTER #5**

**TO: RESPONDENT'S GENERAL COUNSEL, JEREMY V FARRELL, ESQUIRE.**

**YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN NEW MATTER OF COMPLAINANTS MICHELE AND FRANCIS HRIADIL WITHIN TWENTY (20) DAYS OF SERVICE HEREOF, OR A JUDGMENT MAY BE ENTERED AGAINST YOU.**



Francis Hriadil  
January 24, 2019



2. The Respondent in its filings has made two (2) vague, unsubstantiated, and somewhat contradictory claims concerning its Duquesne Light / Centron / ITRON OpenWay SK9AMI7 Smart Meter:

First, in section 4, page 2 of Respondent's November 4, 2016 Answer and New Matter, in various other of DLC's filings, and in DLC's published literature supplied in their Exhibits (such as DLC Promotional Brochure "Understanding Radio Frequency and Your New Meter"), concerning the form, fit, function, and operation of "the Company's smart meters," the Respondent, Duquesne Light, states, the following:

"the Company's smart meters, like its traditional analog meters, utilize low-energy RF waves to transmit electricity, but transmit RF waves for only short periods every day."

Here, the Respondent asserts that its smart meters"

- a. are "like its traditional analog meters"
- b. just "utilize low-energy RF waves to transmit electricity"
- c. and "transmit RF waves for only short periods every day".

That is, DLC's new Smart Meter is essentially little different than their "traditional analog meters" which they are replacing.

Second, on page 17 of its June 6, 2018 Motion for Summary Judgment for example (and in other of its filed documents), the Respondent declares that the numerous and substantial evidence and documentation supplied to the Respondent by the Complainants as part of Discovery,

"do not relate to Duquesne Light or its smart meter program"

3. On the one hand, the Respondent asserts a great deal of commonality with its "traditional analog meters," yet disavows any commonality with other similar RF emitting devices, and all other Smart Meters that have been or are being deployed in Smart Meshes throughout Pennsylvania, and elsewhere throughout the country and the world.

When it comes to the extensive independent documentation, reports, analyses, testing, vulnerabilities, failures, warnings, etc that have been provided to the Respondent as part of Discovery,

the Respondent takes a completely opposite position and in one broad stroke dismisses the validity of all of this evidence, proclaiming that none of it is pertinent to their particular device because, in other words, it is "not our meter". In this circumstance, they view their device as unique, as separate and distinct, from all such other similar RF emitting devices, including other Smart Meters. It is a material, uncontested fact that Centron sells its Openway SK9AMI7 Smart Meter, and other vendors sell similar meters, to electric utility companies throughout the state, the country, and the world.

4. When the Respondent views "commonality" to be in its favor, and it suits its purpose, the Respondent embraces it and promotes it. Yet, when the Respondent views "commonality" to be not in its favor, and it does not suit its purpose, the Respondent completely disavows it.

"Commonality" and "distinctiveness" exist independent of the Respondent's personal desires and preferences. They are not subjective. They are exactly determinable through examination, analysis, and testing.

5. So, this dual position held by the Respondent is untenable, is contradictory by its very nature, and is without merit. But, this issue has a critical bearing on the pertinence of the evidence that the Complainants have submitted to the Respondent in Discovery, and that the Complainants intend to place into evidence at our upcoming Hearing.

6. Complainants are tasked with having to produce a preponderance of evidence to meet our burden of proof. So, the resolution of this issue of "commonality" and "distinctiveness" of the Respondent's Smart Meter becomes a central factor in weighing the pertinence of each and every piece of evidence that the Complainants wish to introduce.

7. To resolve this issue, and to provide the PA PUC with a sound foundation to make an accurate assessment of the facts concerning the Respondent's specific Smart Meter and its form, fit, function, and operation, and the pertinence of the Complainants' evidence, the Complainants wish to have the Respondent provide the Complainants (us) with a fully functional working model of its Centron /

Itron OpenWay SK9AMI7 Smart Meter, the exact Smart Meter that it intends to deploy on the Complainants' residence, chosen randomly from its inventory, and verified in accordance with 52 Pa. Code S 1.36.

As private individuals, the Complainants cannot obtain a sample Duquesne Light Smart Meter for direct examination, inspection, etc., and for use as an exhibit at our Hearing. The Respondent is the only source that can provide said meter, and the Complainants wish the Respondent to do so.

Further, if the Respondent is unwilling to provide the Complainants with a fully functional working sample of its OpenWay SK9AMI7 Smart Meter, the Complainants' wish to petition Your Honor, and the PA PUC Commission, to rule to compel the Respondent to do so.

8. This type of direct, independent, and definitive assessment of the common and distinctive aspects of the specific form, fit, function, and operating characteristics of the Respondent's Centron / Itron OpenWay SK9AMI7 Smart Meter, is necessary for complete openness and credibility in the complaint process, for the accurate assessment of all evidence, for the accurate determination of any violation or multiple violations of PA Code, and for the fair, proper, and just resolution of Complainant's Formal Complaint, and request for relief.

It imposes no unfair burden on the Respondent. But, it is a matter of important consequence to the Complainants in our pursuit of our Formal Complaint. Without a definitive independent assessment of this nature, Your Honor cannot accurately and properly assess the pertinence of any evidence that is introduced, which will severely impair and harm Complainant's ability to meet our burden of proof. It is in the public interest, and in the interest of Your Honor and the PA PUC to obtain all of the relevant facts. If there is nothing to hide, the Respondent should have no objection to complying with the Complainants' wish, as presented herein.

9. The Complainants aver that there is substantial and relevant commonality between the Respondent's Smart Meter and its operation in its Smart Mesh, with other similar RF emitting devices and Smart Meter programs that have been researched, assessed, analyzed, and reported on. The

physics and operational characteristics of these devices remain the same irrespective of housing, location, or jurisdiction.

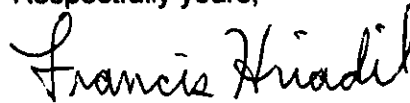
10. Many Smart Meters being deployed in other locations are not being imposed; people's specific circumstances, preferences, and needs are being acknowledged and accommodated, and relief is routinely being granted. Complainants re-state that we have never agreed to opt-in to Duquesne Light's Smart Meter program; Complainants have never accepted the Respondent's new Smart Meter contract nor have we agreed to pay for its cost, as is stipulated in PA Act 129 (HB2200), and the 2005 and 2007 Federal Energy Acts.

Further, the Complainants are elderly, and Francis Hriadil in particular has chronic health conditions that are susceptible to deterioration with prolonged exposure to the RF and LF emissions produced from the operation of these Smart devices, as has been attested to by various health experts and/or officials, including Francis Hriadil's own doctor.

11. The proper determination of the common and distinct aspects of the form, fit, function, and operation of the Respondent's specific Centron / Itron OpenWay SK9AMI7 Smart Meter is essential to establishing its true and full nature and characteristics, and providing a full and proper assessment of the Complainant's Formal Complaint and request for relief. The vague, oversimplified, and disingenuous statements like those presented by the Respondent in its Answer and New Matter, in its Motion for Summary Judgment, in its published literature, etc. falls well short of any reasonable standard to establish compliance with statutes such as Section 1501 of the Public Utility Code. The Respondent, as a reputable business and resident of Pennsylvania, and the PA PUC, in its capacity as steward and protector of the people of Pennsylvania according to its charter and mandate, both have an inherent responsibility, and are legally and ethically bound, to act in a manner that is in the best interest of the peace, health, safety, happiness, protection, and well-being of the people of Pennsylvania.

WHEREFORE, in light of these circumstances, Complainants Michele Hriadil and Francis Hriadil wish the Respondent to provide us with a fully functional working model of its Centron / Itron OpenWay SK9AMI7 Smart Meter for direct examination, etc., and for use as an exhibit, that is chosen randomly from its inventory, and is verified in accordance with 52 Pa. Code S 1.36. And, if the Respondent is unwilling to do so, the Complainants wish and respectfully request that Your Honor and the PA PUC to compel the Respondent to do so.

Respectfully yours,



Francis Hriadil  
(412) 779-3314  
331 Shady Ridge Drive  
Monroeville, Pennsylvania  
January 24, 2019

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

JAN 24 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**CERTIFICATE OF SERVICE**

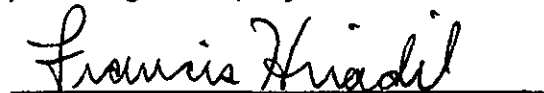
I hereby certify that I have this day served a true copy of Complainants' New Matter #5 -  
Duquesne Light Company / Centron / Itron OpenWay SK9AMI7 Smart Meter upon the  
participants listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating  
to service by a participant):

*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  
Paul S Miller, Esquire  
1500 One PPG Place  
Pittsburgh, PA 15222  
(412) 594-5619 (Fax)

Counsel for Respondent, Duquesne Light Company

Dated this 24<sup>th</sup> day of January, 2019



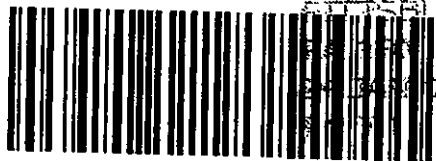
Michele and Francis Hriadil  
331 Shady Ridge Drive  
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hriadil@attglobal.net

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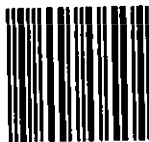
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331 Shady Ridge Drive  
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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

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