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MAR 29 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

331 Shady Ridge Drive  
Monroeville, Pennsylvania

March 29, 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:

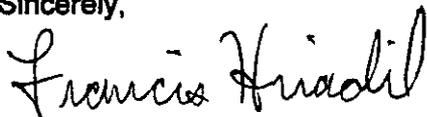
Enclosed please find a copy of Complainants'

Answer to  
Respondent's Response to  
Petition/Motion to Compel Respondent to  
Supply Its Smart Meter for Examination

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

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**ANSWER TO RESPONDENT'S  
RESPONSE TO PETITION/MOTION TO  
COMPEL RESPONDENT TO SUPPLY ITS  
SMART METER FOR EXAMINATION**

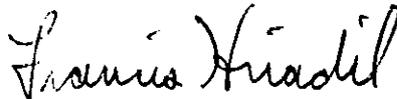
Filed by Michele and Francis Hriadil

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Monroeville, Pennsylvania

**ANSWER TO RESPONDENT'S  
RESPONSE TO PETITION/MOTION TO  
COMPEL RESPONDENT TO SUPPLY ITS  
SMART METER FOR EXAMINATION**

**TO: THE HONORABLE ALJ JEFFREY WATSON, and the COMMISSION.**

**ENCLOSED IS COMPLAINANTS' ANSWER TO RESPONDENT'S RESPONSE TO OUR  
PETITION/MOTION FOR THE RESPONDENT TO SUPPLY ITS SMART METER FOR  
EXAMINATION, WHICH COMPLAINANTS RECEIVED ON MARCH 21, 2019.**



Francis Hriadil  
March 29, 2019

**RECEIVED**

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**ANSWER TO RESPONDENT'S  
RESPONSE TO PETITION/MOTION TO  
COMPEL RESPONDENT TO SUPPLY ITS  
SMART METER FOR EXAMINATION**

TO the HONORABLE ALJ JEFFREY WATSON, and the COMMISSION:

1. The Complainants are filing this Answer to Respondent's Response to Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination, which we received on March 21, 2019.

2. The content and substance of Complainants' (our)

- Formal Complaint,
- November 29, 2016 Response to Respondent's original Preliminary Objections,
- December 19, 2016 Response Addendum to Respondent's Corrected Preliminary Objections,
- January 9, 2017 Response to the Respondent's Answer and New Matter,
- January 20, 2017 Response to the Respondent's Answer in Opposition to Complainant's Motion for Summary Judgment,
- January 24, 2017 New Matter #1,
- January 27, 2017 New Matter #2,
- February 3, 2017 New Matter #3,
- February 14, 2017 New Matter #4,

- December 30, 2017 Follow-up to Set #1 of Discovery Requests,
- December 30, 2017 Motion to Compel Discovery,
- January 24, 2018 Response to Respondent's Motion to Strike and Motion for Protective Order,
- February 20, 2018 Motion to Compel Discovery,
- March 23, 2018 Response to Respondent's Answer in Opposition to Complainants' Motion to Compel Discovery,
- July 6, 2018 Response to Motion for Summary Judgment,
- January 24, 2019 New Matter #5 - Duquesne Light Company / Centron / Itron OpenWay SK9AMI7 Smart Meter,
- February 27, 2019 Answer to Respondent's Letter Concerning Complainants' New Matter #5 and Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination,
- Complainants' Answers, Responses, and Replies to Respondent's various Motions in Limine concerning Complainants' Expert Witnesses and Evidentiary Documentation,
- and all Supporting Documents and all Exhibits,

are all incorporated here-in by reference as if fully restated.

3. The Complainants will address the various statements made by the Respondent in turn.

#### Respondent's - I. INTRODUCTION

4. The Respondent states.

*"...Duquesne Light has provided detailed and voluminous information about its smart meters and smart meter program through extensive discovery."*

(Respondent's Response - Introduction, page 1)

#### Complainants response:

As stated by the Complainants in our previous filings, the Respondent is fully aware that it refused to provide full and complete answers to a significant portion of Complainants' Interrogatories. Complainants agreed to successive extensions requested by the Respondent to provide the Respondent with all of the time it required to answer the Complainants Discovery Requests. The Discovery interrogatories submitted by the Complainants were reasonable, not unduly burdensome, and relevant to our complaint. As Complainants have stated before, it took

a great deal of time for us to go through the Respondent's confusing responses to fully understand what was provided and not provided. Many responses by the Respondent were not presented in a clear, straightforward manner. There were omissions and requests that were not answered. Complainants found a not insignificant number of deficiencies requiring correction, clarification, and/or resolution. None of this was ever completely resolved to the satisfaction of the Complainants. This defeated the purpose that the Discovery process was intended to serve, prevented the Complainants' from obtaining specific information that could be only obtained from the Respondent, and, as such, harmed the Complainants' effort to prepare its case.

5. The Respondent states.

*"They do not explain what specifically such an inspection will yield, nor contend that the written information they have already received in discovery is inadequate."*  
(Respondent's Response - Introduction, page 1)

Complainants response:

The Complainants have clearly stated that the intent is to definitively establish the "substantial and relevant commonality" the Respondent's Smart Meter and its operation shares with other similarly engineered devices and systems, in order to have a sound and proper basis to evaluate the relevancy of any and all evidentiary documentation.

Furthermore, as summarized in section 4., pages 3 - 4 , herein, and in our December 30, 2017 and February 20, 2018 Motions to Compel Discovery, the Complainants have strongly taken issue with the accuracy, completeness, and adequacy of the responses provided by the Respondent to its Discovery Interrogatories, and have never stated otherwise. As stated in section 4. herein, etc., the Complainants have always maintained and continue to maintain that the Complainants were prevented from obtaining relevant information that could only be obtained from the Respondent, and as a result, the purpose that the Discovery process was intended to serve was circumvented and the Complainants' effort to prepare its case was harmed.

In Your Honor's March 14, 2019 Interim Order, Your Honor states,

"On February 20, 2018, Complainant, Francis Hriadil, filed another Motion To Compel Discovery. On March 5, 2018, Respondent Filed an Answer In Opposition To Motion to Compel Discovery. No response was filed by Complainants."

This administrative record of the proceeding confuses the Complainants as it is factually inaccurate, and is incorrect. On March 23, 2018, Complainants filed a detailed and comprehensive 23 page Response To Respondent's Answer in Opposition To Complainant's Motion To Compel Discovery. This document was filed, properly served, signed for by Your Honor's office, and is posted on webpage 2 of the PA PUC website Docket pages for Complainants' Docket No. C-2016-2571726.

Your Honor has indicated in Your Interim Order that no response was filed by the Complainants. So, it is apparent that our 23 page Response was not even seen, let alone properly considered, by Your Honor in your subsequent March 27, 2018 Interim Order Granting in Part and Denying in Part, Complainants' Motion to Compel Discovery Requests Propounded Upon Respondent on October 5, 2017 concerning Complainants' Motion to Compel Discovery from the Respondent. Complainants reviewed Your Honor's March 27, 2018 Interim Order and confirmed that Your Honor did not see or consider our March 23, 2018 23 page Response in that ruling, though it was properly served to your office. Your Honor's ruling curtailed much of the Complainants' Motion to Compel Discovery, and effectively ended Discovery.

So, in view of this circumstance, and as Complainants' March 23, 2018 23 page Response was not considered, Complainants believe that there is a legitimate issue with how Discovery, and our Motion to Compel Discovery, was resolved. And, as a result, Complainants believe that Discovery with regards to our Interrogatories, our Motion to Compel Discovery, and our complaint needs to be revisited, and re-opened; and we are in the process of preparing a Petition/Motion to do so.

The Complainants have nothing to hide. We have been open and forthright with all of our

answers provided to the Respondent in Discovery. We wish that we could make the same statement about the Respondent; but, we cannot. The Complainants have pursued a Formal Complaint not out of malice, but out of legitimate concern, based on the warnings issued by respected, recognized, and credentialed experts. We remain steadfast in our efforts to get to the truth of the matters at issue. And, the direct examination of the Respondent's specific Smart Meter is one of the few remaining venues that is available to resolve the contested issue of commonality of the Respondent's Smart Meter, and its operation in its Smart Mesh, with other similarly engineered devices and systems.

6. The Respondent states.

*"Duquesne Light has never asserted that its smart meters are "separate and distinct" from all other smart meters. Duquesne Light has merely raised evidentiary and legal arguments that other companies' smart meter policies and practices are irrelevant..."*  
(Respondent's Response - Introduction, page 2)

Complainants response:

Here, the Respondent claims it has not "asserted that its smart meters are 'separate and distinct' from all other smart meters" yet it routinely and categorically dismisses the relevance and admissibility of related analyses, testing, and reporting on similar pulsed RF devices and smart meters in similar smart meshes, effectively asking the Commission to treat it as patently "separate and distinct." The Respondent's persistent broadly dismissive mantra has been, "not our smart meter in our smart mesh." This can only be the case if the operation of the Respondent's Smart Meter in its Smart Mesh is unique, separate, and distinct from other similar devices and smart meshes. The Complainants aver that there is nothing uniquely distinct about the Respondent's Smart Meter in its Smart Mesh, that it shares substantial commonality with other similarly engineered devices and systems, and the Respondent has not presented any evidence demonstrating otherwise.

To the contrary, the Respondent has presented substantial evidentiary documentation to the Commission, and the Complainants in Discovery, in support of its program, which

supposedly characterizes the operation, etc, of its Smart Meters in its Smart Mesh, based on the testing and analysis of other meters, etc. To name but a few, the Respondent has filed,

- The Facts on RF Meter Banks - Itron Whitepaper, undated.

Which indicates,

*"testing of Itron meters conducted in 2010 by the Electric Power Research Institute in both the lab and in the field in southern California"*

- RF Safety Compliance of OpenWay® Smart Meters and the CG-Mesh IPv6 Network October 2015

Which states,

*"The analysis of this representative meter population operating in the field at BC hydro..."*

- Wireless Transmissions: An Examination of OpenWay Smart Meter Transmissions in a 24-Hour Duty Cycle, 2011

Which indicates

*"Note #1: The sample meter data was taken from one of Itron's large-scale, operational network customers. It is representative of the OpenWay smart grid solution. There were 6,865 meters in the population sample, spread across 10 cells (average cell size of ~687 meters). The data for the Cell Masters is included in this analysis."*

The truth of the matter is that none of the data and testing presented in these documents, and used by the Respondent in support of, and characterizing the operation of, its Smart Meters in its Smart Mesh, were obtained from the Respondent's specific SK9AMI7 Smart Meters operating in the Respondent's Smart Mesh.

Thus, if it is the Respondent's position that "other companies' smart meter policies and practices are irrelevant..." to its Smart Meters in its Smart Mesh, then the Respondent has knowingly provided inaccurate and irrelevant information to the Commission in support of its Smart Meter program, and inaccurate and irrelevant information to the Complainants in its answers to the Complainants Discovery Interrogatories in direct violation of Verification Per 52 Pa. Code S 1.36 (and as such, are subject to subject to the penalties of 18 Pa.C.S. § 4904).

As another example, illustrating the fallacy of the Respondent's claim of irrelevancy of other Smart Meters in other Smart Meshes, etc. in our New Matter [#1], Complainants obtained

documented testimony that was given before the British Columbia Utilities Commission in the Matter of the Utilities Commission Act R.S.B.C. 1996, Chapter 473 And Re: FortisBC Energy Inc. Application for a Certificate of Public Convenience and Necessity for the Advanced Metering Infrastructure Project; Kelowna, B.C.; March 11, 2013; 1. Dr. YAKOV SHKOLNIKOV confirmed that “the FortisBC Energy Smart Meters in its Smart Mesh is 1,268 on average bursts of transmission per day.” In its answers to Complainants’ Discovery Interrogatories, the Respondent stated that “The average number of transmissions in a 24-hour period is approximately 1,268” confirming the exact same number based on FortisBC Energy Smart Meters in its Smart Mesh.

Finally, to claim, that “other companies’ smart meter policies and practices are irrelevant...” when Duquesne Light in its Smart Meter Technology installation plan, the “Duquesne Light Company Final Smart Meter Technology Procurement and Installation Plan” Docket Nos. P-2012- M-2009-2123948, presented to the Commission that it has structured its SK9AMI7 Smart Meter deployment in the same manner as other EDCs, is specious and without merit.

The Respondent cannot have it both ways. Specifically, the material and foundational facts are:

- the Respondent’s Itron/Centron OpenWay SK9AMI7 meter is a wireless, digital Smart Meter with co-located transceivers operating at 900 MHz and 2.4 GHz, respectively, in a Smart Mesh. Their Smart Meter draws power from the electric service line via a Switch Mode Power Supply (SMPS), and it is constructed primarily of electronic components and various plastic and polymer materials, etc. Though there may be some superficial differences between various Smart Meters currently in use in a Smart Mesh, they all operate fundamentally the same way and obey the same laws of physics.
- the specific Itron/Centron OpenWay SK9AMI7 Smart Meter being deployed by the Respondent in a Smart Mesh, is also being deployed in Smart Meshes by other Pennsylvania EDCs such as FirstEnergy in Pennsylvania, and by other EDCs elsewhere, such as FortisBC Energy Inc. in British Columbia, etc.
- the Respondent has stated in its Smart Meter Technology installation plan, the “Duquesne Light Company Final Smart Meter Technology Procurement and Installation Plan” Docket Nos. P-2012- M-2009-2123948, presented to the Commission that it has structured its SK9AMI7 Smart Meter deployment in the

same manner as several EDCs in California, Nevada, and Illinois. (See Complainants' New Matter #3.)

Either the Respondent's Smart Meter is sufficiently similar in form, fit, function, and operation to other similar devices and systems, and the analysis and reports generated on these other systems by reputable and independent sources are relevant, or it is not. The direct examination of the Respondent's Smart Meter is necessary to resolving this question.

7. The Respondent states.

*"Nearly all documents and videos produced by Complainants are unrelated to Duquesne Light, its smart meters, or its smart meter practices ... [s]uch documents add nothing to determining whether Duquesne Light has violated the Code, a regulation, or its tariff." (Respondent's Response - Introduction, page 2)*

*"Moreover, the point that Complainants seek to prove – that Duquesne Light's smart meter shares "substantial and relevant commonality" with other smart meters – is irrelevant to this proceeding." (Respondent's Response - Introduction, page 2)*

Complainants response:

These broad dismissive statements are blatantly untrue. The Respondent continues this mantra in all of its filings, as if repeating it over and over again adds some increased measure of truth. It does not.

As Complainants have pointed out, the Respondent refuses to acknowledge, or simply just wishes to ignore the specifics of such PA codes as 66 Pa.C.S. § 701; 66 Pa.C.S. § 1501; 52 Pa. Code § 57.194.

66 Pa. C.S. § 1501

**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)**

52 Pa. Code § 57.194.

**(a) An EDC shall furnish and maintain adequate, efficient, safe and reasonable service and facilities, and shall make repairs, changes, alterations, substitutions, extensions and improvements in or to the service and facilities necessary or proper for the accommodation, convenience and safety of its patrons, employees and the public. (emphasis added)**

And, the Respondent also apparently fails to acknowledge, or wishes to ignore, such regulations and restrictions as the FCC Grants of Equipment Authorization for its SK9AMI7 900 MHz LAN and its 802.15.4 2.4 GHz ZigBee Module.

Codes, regulations, etc. such as these are pertinent to and form the basis for the Complainants' Formal Complaint, our filings, and our request for relief, as Complainants have arranged for the participation of various recognized, respected, independent, and credentialed experts and witnesses, and accumulated a substantial amount of foundational and corroborative evidence to establish that the Respondent is in violation of these specified codes and regulations, at a minimum.

And, it is an inescapable material fact that the PA PUC has officially recognized that exposure to the emissions of a Smart Meter has caused and can cause harm,

(Reference: Maria Povacz v. PECO Energy Company, Docket No. C-2015-2475023; Susan Kreider v. PECO Energy Company, Docket No. C-2015-2469655; for example. These are established Conclusions of Law.)

and, that Francis Hriadil's doctor, Dr Martin Gallagher, has submitted a signed doctor's statement indicating his medical opinion and recommendation that Francis Hriadil has clinical conditions which will be exacerbated by continuous long term exposure to the Smart Meter emissions.

8. The Respondent states.

*"Complainants should not be given free rein to tamper with Duquesne Light's smart meter..."* (Respondent's Response - Introduction, page 3)

Complainants response:

Here the Respondent casts aspersions with regards to the Complainants and our intentions. This questions the integrity and sincerity of the Complainants without any basis for such an accusation. The Complainants have always behaved in a manner that is above reproach, in keeping with their own personal integrity and the seriousness of this process. At a minimum, this type of inference is inappropriate. The Complainants have clearly stated that our purpose is to examine the

Respondent's specific SK9AMI7 Smart Meter to establish its form, fit, and function and the "substantial and relevant commonality" it shares with other similar devices, so that any and all evidentiary documentation can be fairly and properly assessed. The Complainants cannot be any more forthright than that.

## Respondent's - II. ARGUMENT

9. The Respondent states.

*"A party is not entitled to obtain discovery about a matter that is irrelevant to the subject matter involved in the pending action. 52 Pa. Code § 5.321(c)."*  
(Respondent's Response - Argument, page 3)

Complainants response:

The process of Discovery exists and was created is to establish the facts - not just some of the facts, not just many of the facts, but all of the facts.

52. Pa. Code § 5.321(c) Scope, clearly and emphatically states

**"a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, ... , including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." (emphasis added)**

There are only two sources available for this information regarding this matter:

- the public domain
- the Respondent

Complainants have gathered what information is available in the public domain. There is much about the operation and operational capability of the Smart Meter in its Network Mesh that is and remains unclear, that has been and remains mischaracterized, and/or has been and remains unreported to the general public. The Complainants did not create this situation and occurrence; but, we are required to deal with it. And, as the Respondent is insisting that the public has no choice in the matter, and as the public is being prevented from carrying out and exercising its

own independent due diligence and discretion, it is an inescapable truth of the situation that the Respondent, and only the Respondent, is the only viable source for this information, and its specific SK9AMI7 Smart Meter. The commonality of the Respondent's specific Smart Meter in terms of its form, fit, function, and operation is critically relevant to the matters at hand and the evidentiary documentation that the Complainants have assembled.

10. The Respondent states.

*"Similarly, discovery that would cause unreasonable annoyance, burden, or expense also is not permitted. 52 Pa. Code § 5.361(a)."*  
(Respondent's Response - Argument, page 3)

Complainants response:

The Respondent cannot make even a reasonable argument that the providing of one (1) of Duquesne Light's SK9AMI7 Smart Meters for examination, etc. imposes an "unfair and unreasonable burden and expense" on Duquesne Light, with its revenues of ~ \$806,100,000, net income of ~ \$69,600,000, and total assets of ~ \$2,209,200,000. Any attempt to assert that this type of characterization is realistic and applicable is weak and lacks credibility.

Yet, 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 and the Commission cannot accurately and properly assess the pertinence of any evidence that is introduced, which will severely impair and harm Complainants 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' request.

One way that the Respondent can forgo any expense is to simply stipulate to the commonality of its specific Smart Meter in its Smart Mesh with other similar devices and systems, and the relevancy of the evidentiary documentation supplied to them by the Complainants as part of Discovery.

11. The Respondent states.

*"... allowing Complainants to experiment on Duquesne Light's smart meter will not help Complainants establish that Duquesne Light's smart meter shares "substantial and relevant commonality" with other companies' smart meters."*  
(Respondent's Response - Argument, page 4)

Complainants response:

It is illogical to emphatically proclaim that an examination of the Respondent's specific SK9AMI7 Smart Meter cannot or will not produce relevant data / information to properly characterize the Respondent's specific SK9AMI7 Smart Meter in terms of its form, fit, and function.

And, it is illogical to emphatically proclaim that the data / information obtained from a direct examination of the Respondent's specific SK9AMI7 Smart Meter cannot or will not help resolve any questions related to the relevant commonality of the Respondent's specific Smart Meter with other similar devices and systems. Substantial reliable, credible, and corroborated data, measurements, testing, analyses, and reporting, both peer-reviewed and otherwise, exists with these other smart meters and similar devices to make a fair, proper, credible, and relevant comparison possible. All of this evidentiary documentation has been supplied to the Respondent by the Complainants as part of Discovery, and verified per 52 Pa. Code S 1.36.

12. The Respondent states.

*"Even if the similarity to other meters were relevant, their request is still improper. ..."*  
(Respondent's Response - Argument, page 4)

Complainants response:

There is nothing "improper" about the Complainants' request. There is nothing "improper" about establishing a definitive basis upon which to assess evidence. It falls within the well-established requirements stipulated in 52. Pa. Code § 5.321(c) (see section 9. page 11, herein), and imposes no undue burden on the Respondent.

13. The Respondent states.

*"If Complainants had conducted such experimentation and intended to use it at the hearing, they would have had to turn that information over in discovery, and they have not done so." (Respondent's Response - Argument, page 4)*

Complainants response:

There is nothing that precludes the Complainants from proceeding forward with any and every venue that is legally and legitimately available to us in support of our complaint. Complainants' efforts to prepare our case are continuing and ongoing, as the litigation schedule allows.

In the Respondent's First Set of Discovery Requests Directed to Complainants, the Respondent indicates that its discovery requests are continuing in nature. Likewise, in the Complainants' Set #1 of Discovery Requests Directed to Respondent, the Complainants indicated that our discovery requests are continuing in nature.

Specifically, both parties are required to operate under the instruction,

*"These discovery requests are continuing in nature. This means that if You receive or become aware of information that is responsive to any discovery request after You have served Your original answers, You must promptly supplement Your answer and provide that information."*

This does not require either party to provide work product, or report on efforts and preparations that are in progress and not yet complete. Complainants have provided Discovery updates to the Respondent in a timely manner when that evidentiary material was ready, that is when it had been researched, vetted, and corroborated, etc.

In keeping with Discovery requirements, the Respondent will be fully and properly informed in this regard, once the Complainants have obtained the Respondent's specific Smart Meter and completed our examination.

14. The Respondent states.

*"Complainants' purported rationale for testing Duquesne Light's smart meter is further diminished because the meter would not even be connected to Duquesne Light's network. Duquesne Light cannot simply mail a "fully functional working model" of its smart meter to Complainants, as they demand in the Motion to Compel. Duquesne*

*Light's smart meter only functions if it is connected to the Company's network. " Tampering with an uninstalled meter, as Complainants plan to do, is a meaningless exercise,.."* (Respondent's Response - Argument, page 4)

Complainants response:

Respondent made this argument in its February 19 letter concerning, Complainants' New Matter #5 and our Petition/Motion to Compel the Respondent to Supply Its Smart Meter for Examination, which Complainants wish to point out was not properly served to the Complainants and Your Honor within the allotted 20 day period. Complainants' New Matter #5 and Petition/Motion... was served on January 24, 2019 and the Respondent's improperly served letter was dated February 19, 2019 (26 days later). Nevertheless, this assertion was fully addressed in Complainants' February 27, 2019 Answer to Respondent's Letter ... (see section 8, pages 4 - 5, therein).

To re-iterate briefly, this is another statement being made by the Respondent that is not factual or logical. Pertinent and relevant information can be obtained on the form, fit, function, and operation of the Respondent's specific Smart Meter as long as it is functional, irrespective of whether or not it is installed and active in the Respondent's Mesh Network.

Complainants wish to inform You Honor again (see section 6., pages 7 - 8, herein), and to remind the Respondent, that the Respondent has supplied evidence to the Commission, and to the Complainants as part of Discovery, including but not limited to testing and experiments carried out by Itron with various of Itron's functional Smart Meters not operating in the Respondent's specific Smart Mesh.

As stated in section. 8, pages 10 - 11 herein, the Complainants have no intention of "tampering" with the Respondent's Smart Meter, or harming it in any way. We wish to examine the device for the purpose stated. It is not a "meaningless exercise" by any stretch of the imagination and it falls within the well-established Discovery stipulations of 52. Pa. Code § 5.321(c). And, it provides one of the only direct methods available to definitively address commonality to provide Your Honor and the Commission with a clear and solid basis to make

any judgments pertaining to our complaint, our evidentiary testimony, and our evidentiary documentation.

15. The Respondent states.

*" Finally, the Motion to Compel should be denied because providing a smart meter to Complainants would cause unreasonable annoyance, burden, and expense to Duquesne Light. ... The Company will not know whether Complainants have altered or damaged the meter through their unidentified experiments and tests. Thus, for safety reasons, Duquesne Light cannot install any meter that Complainants are permitted to tamper with. ... It is an unreasonable annoyance, burden, and expense to require Duquesne Light to allow a customer to effectively destroy a smart meter for the purposes of conducting an experiment about an irrelevant issue (whether Duquesne Light's smart meter is similar to other smart meters), ... "*  
(Respondent's Response - Argument, page 4)

Complainants response:

The Respondent's assertion of unreasonable burden and expense was addressed and discredited in section 10., page 12, herein. No rational argument can be made asserting that the providing of one (1) of Duquesne Light's SK9AMI7 Smart Meters for examination, etc. is in any way an unreasonable burden and expense for the Respondent. Yet, it is relevant to the matters at hand, and is appropriate to Discovery.

Furthermore, any assertion by the Respondent that the Complainants will "effectively destroy" the Respondent's Smart Meter is unfounded, blatant nonsense. Before, the Respondent deploys its Smart Meters in the field, they go through qualification and acceptance testing. When they pull a Smart Meter from the field, for random inspection or repair, it has to undergo re-qualification for redeployment. The Smart Meter to be provided to the Complainants would be handled no differently.

And, if, in the remote occurrence, the Smart Meter provided by the Respondent to the Complainants is verified to be damaged in some way, the Complainants have no qualms about reimbursing the Respondent for any repair, etc. that may be required.

16. The Respondent states.

*"... especially when Complainants are free to pursue obtaining a smart meter on their own."* (Respondent's Response - Argument, page 4)

Complainants response:

The Respondent, again, made this argument in its February 19 letter concerning, Complainants' New Matter #5 and our Petition/Motion to Compel the Respondent to Supply Its Smart Meter for Examination. The Complainants already addressed this assertion in our February 27, 2019 Answer to Respondent's Letter Concerning Complainants' New Matter #5 and Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination (see section 7., page 4, therein).

Again, this statement by the Respondent is patently disingenuous as the Respondent is well aware that its Smart Meter is not available for sale to the general public. You have to be a utility or utility contractor in order to be able to obtain such a meter from Itron. And, the issue at hand is the Respondent's specific smart meter, not some variation of it. The Respondent is the only appropriate and viable source for its Smart Meter.

17. The Complainants again 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. The Respondent continues to deny this commonality and intends to use this claim in an obvious attempt to confuse the issues and cast doubt on the Complainants' evidentiary documentation. This, along with the contradictory nature of at least some of the Respondent's documentation and filings, pre- and post-Discovery, have brought this issue to the forefront.

If the Respondent is allowed to escape production of its specific Smart Meter for examination, etc. it will harm the Complainants' effort to present the truth, and it will bring into question the credibility of this complaint process. The Complainants' request for production of the Respondent's specific Smart

**Meter for examination, etc. is neither frivolous, nor is it unreasonable. It places no undue burden on the Respondent, and it is within the well-established Discovery stipulations of 52. Pa. Code § 5.321(c).**

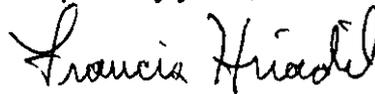
**18. Your Honor has the authority to grant our motion/petition. The Hearing date has been significantly delayed, and the Litigation Schedule, in all fairness, should be appropriately adjusted to reflect the reality of this delay. The Complainants are proceeding in good faith with the complaint process to the best of our ability and our understanding of the filing requirements, and in a manner that is appropriate to the new Hearing date. Our desire to examine the Respondent's Smart Meter is valid, our justification is sound and the importance of the issue being raised is material, clear, and of utmost consequence to the matters at hand.**

**19. If the Commission wants to know the full truth, direct examination of the Respondent's specific Smart Meter by the Complainants is necessary. It cannot be overemphasized by the Complainants that 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 essential for complete openness and credibility in the complaint process, for the accurate assessment of all evidence, for the proper determination of any violation or multiple violations of PA Code, etc. and for the fair, proper, and just resolution of the Complainant's Formal Complaint, and our request for relief.**

**20. In conclusion, providing one (1) functional Smart Meter from its inventory for examination imposes no unfair burden on the Respondent. Without a definitive assessment of this nature, Your Honor and the Commission cannot accurately and properly assess the pertinence of any evidence that is introduced. It is of important and utmost consequence to the Complainants, it is in the public interest, and it is in the interest of Your Honor and the Commission to obtain all of the relevant facts.**

WHEREFORE, in light of these circumstances, Complainants Michele Hriadil and Francis Hriadil require 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. Since the Respondent has indicated that it is unwilling to do so, the Complainants respectfully request that Your Honor, and the PA PUC, compel the Respondent to do so.

Respectfully yours,



Francis Hriadil  
(412) 779-3314  
331 Shady Ridge Drive  
Monroeville, Pennsylvania  
March 29, 2019

**RECEIVED**

MAR 29 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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' Answer to Respondent's Response to Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination 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)

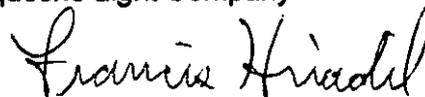
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MAR 29 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Counsel for Respondent, Duquesne Light Company

Dated this 29<sup>th</sup> day of March, 2019



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

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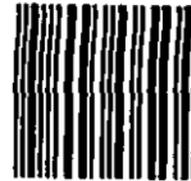
F. Hriadil  
331 Shady Ridge Drive  
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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120