

331 Shady Ridge Drive
Monroeville, Pennsylvania

April 2, 2019

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APR - 2 2019

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:

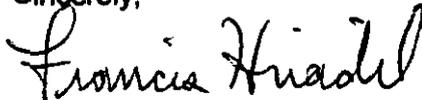
Enclosed please find a copy of Complainants'

Status Report:
Request to Allow Telephonic Testimony by Complainants' Expert Witnesses
and
Complainants' Expert Witness Availability
During August 8, 2019 Through September 5, 2019

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

**STATUS REPORT:
REQUEST TO ALLOW TELEPHONIC
TESTIMONY BY COMPLAINANTS'
EXPERT WITNESSES
AND
COMPLAINANTS' EXPERT
WITNESS AVAILABILITY
DURING AUGUST 8, 2019
THROUGH SEPTEMBER 5, 2019**

Filed by Michele and Francis Hriadil

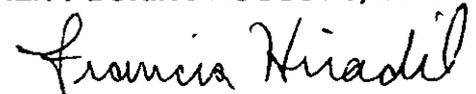
hriadil@attglobal.net
(412) 779-3314
331 Shady Ridge Drive
Monroeville, Pennsylvania

**STATUS REPORT:
REQUEST TO ALLOW TELEPHONIC TESTIMONY
BY COMPLAINANTS' EXPERT WITNESSES
AND
COMPLAINANTS' EXPERT WITNESS AVAILABILITY
DURING AUGUST 8, 2019 THROUGH SEPTEMBER 5, 2019**

TO: THE HONORABLE ALJ JEFFREY A. WATSON

ENCLOSED ARE COMPLAINANTS TWO (2) SUBMISSIONS:

1. REQUEST TO ALLOW TELEPHONIC TESTIMONY BY COMPLAINANTS' EXPERT WITNESSES.
2. COMPLAINANTS' EXPERT WITNESS AVAILABILITY DURING AUGUST 8, 2019 THROUGH SEPTEMBER 5, 2019



Francis Hriadil
April 2, 2019

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**STATUS REPORT:
REQUEST TO ALLOW TELEPHONIC TESTIMONY
BY COMPLAINANTS' EXPERT WITNESSES
AND
COMPLAINANTS' EXPERT WITNESS AVAILABILITY
DURING AUGUST 8, 2019 THROUGH SEPTEMBER 5, 2019**

TO THE HONORABLE ALJ Jeffrey A. Watson:

1. In Your Honor's March 14, 2019 Interim Order, Your Honor stated,

"... it is anticipated that the hearing will be scheduled for two consecutive days, during the time period of August 8, 2019 through September 5, 2019.

...

On or before April 3, 2019, each Party or the Parties jointly shall file a status report in this proceeding and serve the opposing Party and the undersigned Presiding Officer. The status report shall indicate if any Party is requesting to have the hearing schedule as a telephone hearing.

...

The status report shall also include all dates during the time period of August 8, 2019 through September 5, 2019, in which the Parties and their witnesses will be available."

2. This is the Complainants' status report to Your Honor and the Respondent, per Your Honor's Interim Order.

**REQUEST TO ALLOW TELEPHONIC TESTIMONY
BY COMPLAINANTS' EXPERT WITNESSES**

3. The PA PUC provides telephonic options to parties, as needed and requested.

4. During the original December 14, 2017 Pre-Hearing Conference call, the Respondent indicated that it preferred an in-person Hearing. Complainants indicated that we are elderly and that Francis Hriadil has a number of chronic conditions that could potentially impede an in-person appearance. Otherwise, the Complainants indicated that they had no objections to appearing in-person. So, both opposing parties agreed to appear in-person barring any unforeseen circumstances.

5. 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.

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 pronounced.

6. To expect that the Complainants, with our limited resources, would have to shoulder an excessive and unnecessary burden / expense for any witnesses who would be available to participate in our Hearing on our behalf is unfair and unreasonable, and is prejudicial against the Complainants and our complaint.

The Complainants do not have the staff, personnel, or resources that are readily available to the Respondent. The ability of the Complainants to be able to produce expert witnesses in-person can in no way match that of the Respondent. It would be cost prohibitive for the Complainants to pay the travel expenses and salary compensation for any far-removed

witness to appear in-person, and would preclude the Complainants from having any expert witnesses at all.

7. The Complainants do not have the luxury of having expert witnesses on call, or under contract, and readily available to participate at any time in person. These independent experts have jobs, commitments, etc. Complainants have to seek these experts out, inquire if they are willing and able to participate, and then to try to coordinate and facilitate their participation in a manner, and according to a schedule, that does not conflict with their commitments and the court. The Complainants can only hope that Your Honor can understand and appreciate the difficulty of this task. All that the Complainants can do is assure Your Honor that we have tried to do this in as conscientious and efficient of a manner as was possible; but, there are many things that are simply not within our control.

8. The Complainants have searched for recognized expert witnesses, who reside locally, who would be willing and available to provide expert testimony on our behalf at our Hearing. To date, the Complainants have not been able to find and arrange for any appropriate local witnesses to appear.

9. The Complainants have been in contact with various potential expert witnesses who reside out-of-state to inquire as to their willingness and availability to provide expert testimony on our behalf at a Hearing. It would be an undue burden on the Complainants to have to produce these out-of-state expert witnesses in person. As such, the Complainants respectfully request that we be permitted to utilize the telephonic options that the PUC offers to facilitate the participation and testimony of Complainants' out-of-state expert witnesses.

To date, Complainants have located two (2) expert witnesses, who reside out-of-state, who have indicated their willingness and availability to provide expert testimony in our behalf at a Hearing, as long as their testimony, etc. will be permitted by phone.

They are:

Dr. David O. Carpenter MD - Director, Institute for Health and the Environment
- Professor, Environmental Health Sciences
University at Albany, New York

Dr Andrew Michrowski, PHD - President of the Planetary Association for Clean
Energy (PACE)
- etc.
Ontario, Canada

**AVAILABILITY DURING THE TIME PERIOD OF
AUGUST 8, 2019 THROUGH SEPTEMBER 5, 2019**

10. Per Your Honor's March 14, 2019 Interim Order, Complainants contacted / re-contacted various experts we have been in communication with to inquire about their availability for a new Hearing to be scheduled on two (2) consecutive weekdays during the time period of August 8, 2019 through September 5, 2019.

11. Dr Carpenter's Availability:

As of this date, and barring any unforeseen circumstances, Dr. Carpenter has informed Complainants that his availability during that time period is as follows:

| | |
|----------------------------------|--|
| August 2019 (Aug 8 - Aug 31) | Available by phone any 2 consecutive weekdays. |
| September 2019 (Sept 1 - Sept 5) | Classes and teaching begins, so available by phone only on Wed - Thurs or Thurs - Fri. |

Note: Not available at all during the week of Sept 16, 2019 as will be out of the country.

12. Dr Michrowski's Availability:

As of this date, and barring any unforeseen circumstances, Dr. Michrowski has informed Complainants that his availability during that time period is as follows:

| | |
|----------------------------------|--|
| August 2019 (Aug 8 - Aug 31) | Available by phone any 2 consecutive weekdays. |
| September 2019 (Sept 1 - Sept 5) | Available by phone any 2 consecutive weekdays. |

13. Complainants and the Respondent spoke by phone, at 11 am, on Monday, April 1. We compared the availability of our expert witnesses during the period in question, and it appears that the only consecutive dates that fit both parties' schedules during this period is August 19 and 20. If these dates are not available to the Court, then Complainants will recontact their expert witnesses about their availability in September and October.

IN SUMMARY

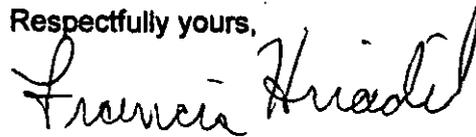
14. This is the status that the Complainants have to report at this time to Your Honor and the Respondent, per Your Honor's Interim Order. The Complainants will update and inform Your Honor and the Respondent of any change in as timely of a manner as possible, should circumstances change and the need arise.

15. The Respondent possesses many distinct advantages in terms of experience, personnel, and resources in this process which the Complainants cannot hope to match. The Complainants are seeking to present the full truth in this matter in as conscientious and comprehensive of a manner as possible, and to the best of our ability under the circumstances as they exist. If the objective of the Hearing is to get to the truth of the matters in question based on the latest independent scientific, medical, health, and governmental information that is available, in order to be able to make a valid and proper judgment concerning any violation of PA Utility Code § 1501, etc., then Dr. Carpenter's and Dr. Michrowski's telephonic participation is indispensable to fulfilling that objective.

WHEREFORE, in light of these circumstances, as both Dr. Carpenter and Dr. Michrowski are located out-of-state and it would be cost prohibitive for the Complainants to produce them in-person, Complainants respectfully request that we be permitted to utilize the telephonic options that the PUC offers to facilitate the participation and testimony of the Complainants' out-of-state expert witnesses. This request is not unreasonable and has been granted in other PA PUC Hearings.

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

Respectfully yours,

A handwritten signature in black ink that reads "Francis Hriadil". The signature is written in a cursive style with a large, looping initial 'F'.

Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, PA 15146
April 2, 2019

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Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

CERTIFICATE OF SERVICE

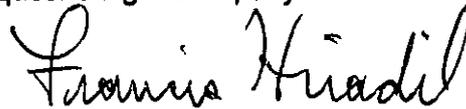
I hereby certify that I have this day served a true copy of Complainants' Status Report: Request to Allow Telephonic Testimony by Complainants' Expert Witnesses and Complainants' Expert Witness Availability During August 8, 2019 Through September 5, 2019 upon the participants listed below in accordance 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 2nd day of April, 2019



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(412) 779-3314
hriadil@attglobal.net

F. Hriadil
331 Shady Ridge Drive
Monroeville, PA 15146

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
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