

RECEIVED

APR 3 - 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

331 Shady Ridge Drive
Monroeville, Pennsylvania

April 3, 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:

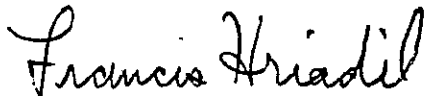
Enclosed please find a copy of Complainants'

Petition / Motion to Reopen Discovery
and
Revisit / Reconsider Complainants'
February 20, 2018 Motion to Compel Discovery

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

PETITION/MOTION TO
REOPEN DISCOVERY AND
REVISIT / RECONSIDER COMPLAINANTS'
FEBRUARY 20, 2018 MOTION
TO COMPEL DISCOVERY

Filed by Michele and Francis Hriadil

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

PETITION / MOTION TO
REOPEN DISCOVERY AND
REVISIT / RECONSIDER COMPLAINANTS'
FEBRUARY 20, 2018 MOTION
TO COMPEL DISCOVERY

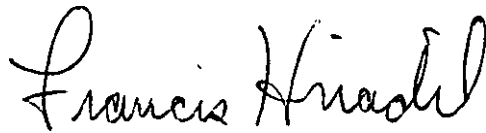
RECEIVED

APR 3 - 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

ENCLOSED IS COMPLAINANTS' PETITION / MOTION TO REOPEN DISCOVERY AND
REVISIT / RECONSIDER COMPLAINANTS' FEBRUARY 20, 2018 MOTION TO COMPEL
DISCOVERY.



Francis Hriadil
April 3, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RECEIVED

APR 3 - 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

**PETITION / MOTION TO
REOPEN DISCOVERY AND
REVISIT / RECONSIDER COMPLAINANTS'
FEBRUARY 20, 2018 MOTION
TO COMPEL DISCOVERY**

TO the HONORABLE ALJ JEFFREY WATSON, and the COMMISSION:

1. The Complainants are filing this Petition / Motion to Reopen Discovery and Revisit / Reconsider Complainants' February 20, 2018 Motion to Compel Discovery.

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. 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.

4. In Complainants' December 30, 2017 and February 20, 2018 Motions to Compel Discovery, the Complainants officially notified Your Honor. In these motions, Complainants strongly took issue with the accuracy, completeness, and adequacy of the responses provided by the Respondent to our Discovery Interrogatories, and Complainants have never held otherwise. 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, which was reasonable and accessible by the Respondent, and as a result, the purpose that the Discovery process was intended to serve was circumvented and the Complainants' effort to prepare our case was harmed.

5. 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 and troubles 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. Our document was filed, properly served, signed for by Your Honor's office (by a Dan Pallas), and is posted on page 2 of the PA PUC website Docket pages for Complainants' Docket No. C-2016-2571726.

6. Your Honor indicated in Your Interim Order that no response was filed by the Complainants. So, it is clear 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.

7. 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.

8. In view of this circumstance, and as Complainants' March 23, 2018 23 page Response... was not considered, Complainants aver that there is a legitimate issue with how our Motion to Compel Discovery was resolved and how Discovery was concluded. Complainants can only surmise that there was some error in Your Honor's office and the handling of our 23 page Response... that precluded Your Honor from seeing and properly considering our detailed 23 page Response... before making your ruling. And, as Your Honor's ruling had a significant impact on Complainants' Motion to Compel Discovery, and effectively ended Discovery, Complainants aver that Discovery should be reopened, our Interrogatories should be revisited, and our February 20, 2018 Motion to Compel Discovery should be reconsidered to correct the harm that has been done to our rights and fair treatment in the Discovery process. To not do so would be unfair, unjust, and prejudicial against the Complainants and our complaint.

9. There are only two (2) sources available for information relevant to the matters at hand:

- the public domain
- the Respondent

The Complainants have gathered and continue to gather what information is available in the public domain; but, there is much about the operation and operational capability of the Smart Meter in its Network Mesh that remains unclear, that has been mischaracterized, and/or has been unreported to the general public. 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, the only available source for this information, that can be verified per 52 Pa. Code S 1.36, is the Respondent itself.

10. Complainants are not a party to this technology; the Respondent is. Complainants are not promoting and advocating this technology; the Respondent is. Complainants are not deploying this technology; the Respondent is. Complainants are being told that we have no control of or say in the use of this technology; the Respondent does. Complainants did not request or consent to this technology, and are being told by the Respondent that we have no choice in the matter, irrespective of our rights,

circumstances, or preferences, per 66 Pa. C.S. § 1501, 52 Pa. Code § 57.194, etc. To be fair, Complainants respectfully submit that we cannot be faulted for this circumstance, nor should we be faulted or penalized for simply seeking to discover the answers and the truth.

11. 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, full and complete answers to all of the Complainants' submitted Discovery Interrogatories are important to the proper and accurate characterization of the form, fit, function, and operation of the Respondent's Smart Meter in its Smart Mesh.

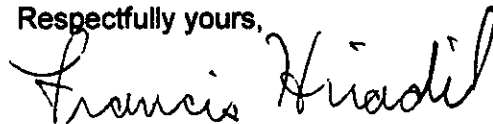
12. If the Respondent is allowed to escape its legal obligation to provide full and complete answers to all of the Complainants' Discovery Interrogatories, and if Your Honor condones this occurrence and circumstance, the Complainants' effort to present the truth will have been unjustly circumvented, and the credibility, integrity, and legal standing of this complaint process will be brought into question. The Discovery Interrogatories submitted by the Complainants to the Respondent are relevant; they should be readily answerable by the Respondent, and as such place no undue burden on the Respondent. They are all within the well-established Discovery stipulations of 52 Pa. Code § 5.321(c).

13. Your Honor has the authority to grant our motion / petition, and correct this occurrence and this error. The Hearing date has been continued until August / early September, 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.

14. Full and complete answers to the Complainants' Discovery Interrogatories are necessary for Your Honor and the Commission to learn the full and complete truth. It cannot be overemphasized by the Complainants that an accurate understanding of the specific form, fit, function, and operation of the Respondent's Centron / Itron OpenWay SK9AMI7 Smart Meter in its Smart Mesh is essential for complete openness and credibility in the complaint process, for the proper 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. 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 respectfully request that Your Honor rule in favor of our Petition / Motion to Reopen Discovery and Revist / Reconsider Complainants' February 20, 2018 Motion to Compel Discovery, especially in light of the fact that Your Honor never saw or fully considered Complainants' March 23, 2018 Response to Respondent's Answer in Opposition to Complainants' Motion to Compel Discovery,

Respectfully yours,



Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, Pennsylvania
April 3, 2019

RECEIVED

APR 3 - 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' Petition / Motion to Reopen Discovery and Revisit / Reconsider Complainants' February 20, 2018 Motion to Compel Discovery upon the participants listed below in accordance with the requirements of 52

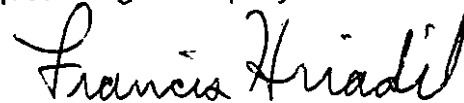
PA. Code § 1.54 (relating to service by a participant):

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 3rd day of April, 2019



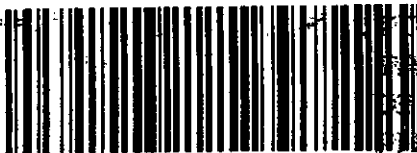
Michele and Francis Hriadil
331 Shady Ridge Drive
Monroeville, Pennsylvania
(412) 779-3314
hriadil@attglobal.net

RECEIVED

APR 3 - 2019

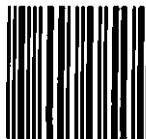
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

F. Hriadil
331 Shady Ridge Drive
Monroeville, PA 15146



7015 1660 0000 4894 0713

159
APR 29



U.S. POSTAGE PAID
FCM LETTER
TURTLE CREEK, PA
15148
APR 03, 19
AMOUNT

~~\$7.00~~

R2305M144486-10

**RETURN RECEIPT
REQUESTED**

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

17120-007999

