

April 25, 2019

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
2nd Floor, Room-N201  
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

Pursuant to instructions issued by Administrative Law Judge Jeffrey Watson during the prehearing conference on April 24, 2019, Duquesne Light is refiling the following motions: (1) Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports; and (2) Motion in Limine to Bar Complainants From Introducing or Relying Upon Inadmissible Evidence. Duquesne Light has provided copies of both motions to Administrative Law Judge Watson and Complainants Michele and Francis Hriadil.

Please feel free to contact me if you have any questions.

Sincerely,



Jeremy V. Farrell  
Attorney for Duquesne Light Company

Paul Shane Miller  
Attorney for Duquesne Light Company

Enclosure

cc: Michele Hriadil and Francis Hriadil (with enclosure)  
Administrative Law Judge Jeffrey Watson (with enclosures)

TADMS:5132494-1 014657-158498

April 18, 2019

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
2nd Floor, Room-N201  
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's 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 Complainants in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



Jeremy V. Farrell  
Attorney for Duquesne Light Company

Paul Shane Miller  
Attorney for Duquesne Light Company

Enclosure

cc: Michele Hriadil and Francis Hriadil (with enclosure)  
Administrative Law Judge Jeffrey Watson (with enclosures)

TADMS:5132494-1 014657-158498



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHELE HRIADIL and	:	
FRANCIS HRIADIL,	:	
	:	
Complainants,	:	
	:	
v.	:	No: C-2016-2571726
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**MOTION IN LIMINE TO PRECLUDE COMPLAINANTS’ PURPORTED EXPERT TESTIMONY  
FOR FAILURE TO FILE REQUIRED EXPERT REPORTS**

Pursuant to the Presiding Administrative Law Judge’s Interim Order dated March 19, 2019, Respondent Duquesne Light Company (“Duquesne Light”) submits this Motion in Limine to Preclude Complainants’ Expert Testimony for Failure to File Required Expert Reports (“Motion in Limine to Preclude Expert Testimony”):

**I. Introduction**

In this smart meter case, Complainants seek to offer unspecified expert testimony at the hearing from four individuals: themselves, Dr. David Carpenter, and Dr. Andrew Michrowski. None of them have submitted expert reports or other documents stating the specific facts and opinions to which they will testify, despite being required to do so by Duquesne Light’s discovery requests and 52 Pa. Code § 5.324(a)(1)(ii). Moreover, the Presiding Administrative Law Judge (“Presiding ALJ”) recently reopened discovery until April 17, 2019, but Complainants still refused to provide Duquesne Light with any expert reports or other documents setting forth the specific facts and opinions to which their expert witnesses will testify. Duquesne Light thus moves to preclude expert testimony by all four individuals. Alternatively, Duquesne Light asks for an order that (1) compels Complainants to produce reports for each purported expert (including themselves) that comply with 52 Pa. Code § 5.324(a)(1)(ii) at least six weeks before the

hearing, and (2) precludes expert testimony from any individual who does not timely produce a compliant report. Both requests are consistent with 52 Pa. Code § 5.372(a)(2) (stating that the presiding officer can prohibit a disobedient party “from introducing in evidence designated documents, things or testimony.”).

While Complainants may try to excuse their failure to provide expert reports as a mere technical violation of a procedural rule, this issue involves a much more fundamental right: Duquesne Light is entitled to know what evidence Complainants will present against the Company at the hearing, especially when Complainants apparently will challenge one of Duquesne Light’s core business practices (its smart meter program). The Commission’s discovery regulations prohibit parties from hiding expert evidence until the hearing. Allowing Complainants to introduce expert testimony at the hearing without producing written reports that outline the substance of the *specific facts and opinions* to which each expert will testify prejudices Duquesne Light’s ability to cross-examine these witnesses and present its defense. Complainants would be able to engage in the classic “trial by ambush” that the discovery rules are meant to prevent. Complainants have received ample opportunity to provide written reports and documents that outline the substance of the specific facts and opinions to which their expert witnesses will testify (including during the extended discovery period that closed on April 17, 2019), yet they have steadfastly refused to provide the required information.

Finally, Duquesne Light also asks that Complainants themselves be prevented from offering expert testimony for the separate reason that, while they may have impressive educational and professional backgrounds, they do not meet the legal threshold for qualification as an expert witness for the issues involved in this case.

## **II. Relevant Procedural History**

While this action has a lengthy procedural history, the background to this motion is relatively straightforward. Throughout this action, Complainants have expressed an intent to

offer expert testimony at the hearing from four individuals: both Complainants, Dr. David Carpenter, and Dr. Andrew Michrowski. But, as explained below, they have never produced expert reports for any of these individuals despite being specifically demanded by Duquesne Light to produce them in discovery. Complainants also failed to produce the reports in compliance with the litigation schedule established by the Presiding ALJ.

Duquesne Light served its first set of discovery requests to Complainants on September 11, 2017. As authorized by 52 Pa. Code § 5.324(a)(1)(ii), Duquesne Light made the following demands to Complainant:

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.

The pertinent pages of Duquesne Light's first set of discovery requests, and Complainants' responses, are attached as Exhibit A.

While Complainants have provided some educational and professional background of their purported experts and produced some short letters and prior articles written by their third-party experts,<sup>1</sup> Complainants have not produced an expert report from any of those four individuals (themselves included), nor have they produced any document in which any of those individuals "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*" as against Duquesne Light. 52 Pa. Code § 5.324(a)(1)(ii).

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<sup>1</sup> These documents are collected in Exhibit B.

Complainants also did not produce expert reports in compliance with the litigation schedule issued by the Presiding ALJ. The first litigation schedule was issued by Prehearing Order dated December 15, 2017, and required, among other things, that Complainants produce “a written summary of the testimony of the expected expert” by February 2, 2018. The Presiding ALJ later extended that deadline to April 30, 2018, by virtue of the First Supplemental Prehearing Order dated February 6, 2018. Copies of these Prehearing Orders are collected in Exhibit C.<sup>2</sup>

In accordance with that deadline, Duquesne Light sent both of its expert reports to Complainants on April 30, 2018. See Certificate of Service for Respondent’s List of Potential Witness filed on April 30, 2018 attached as Exhibit D. Complainants have been able to study and prepare for Duquesne Light’s evidence for about a year, all the while depriving Duquesne Light of the same opportunity. Copies of Duquesne Light’s expert reports are collected in Exhibit E.

By Interim Order dated June 29, 2018, attached as Exhibit F, the Presiding ALJ cancelled the evidentiary hearing scheduled for July 18 and 19, 2018, to allow sufficient time to review Duquesne Light’s summary judgment motion. At that time, the only item remaining on the litigation schedule was the hearing itself. All other deadlines had passed.

After Duquesne Light’s motion for summary judgment was denied, the Presiding ALJ issued an Interim Order dated December 3, 2018, which asked the parties to confer and agree upon a hearing date in March or April 2019. A copy of that Order is attached as Exhibit G. The Interim Order did not establish any new litigation deadlines or relieve any party from non-compliance with earlier deadlines.

On December 10, 2018, Complainants filed a motion to allow a second expert witness, Dr. Andrew Michrowski, to testify as an expert witness. Three weeks later, Duquesne Light filed

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<sup>2</sup> None of the litigation schedules established in this case relieved Complainants of their obligation to comply with 52 Pa. Code § 5.324(a).

a Motion In Limine To Preclude Complainants' Purported Expert Testimony For Failure To Produce Required Expert Reports.

In an Interim Order dated March 14, 2019, the Presiding ALJ reopened and extended the discovery period to April 17, 2019 so Complainants could add Dr. Michrowski to their expert witness list. The Presiding ALJ expressly stated in the Interim Order that he was not ruling on "the authenticity or admissibility of any evidence or the competency of any witness to testify at the hearing in this proceeding..." The Presiding ALJ thus denied Duquesne Light's motion in limine as premature, but stated that the Company could refile it after the extended discovery period closed.

During the extended discovery period, Complainants failed to provide a revised expert witness list to Duquesne Light. Complainants also failed to provide any expert reports, supplemental discovery responses relating to Dr. Michrowski (or any other witnesses), or any additional document relating to Dr. Michrowski whatsoever during the extended discovery period. Duquesne Light thus refiles this motion to preclude Complainants from offering expert testimony at the hearing, as permitted by the Interim Order dated March 14, 2019.

### **III. Argument**

#### **A. None of Complainants' purported experts may offer expert testimony and opinion since they have not produced the information required by Commission regulations.**

The Commission's regulations require that parties produce expert reports or a written summary of the grounds for each of the expert's opinions when asked for them in discovery, like Complainants were here. See Exhibit A. Specifically, the regulations provide:

- (1) A party may through interrogatories **require both** of the following:
  - (i) That the other party identify each person whom the party expects to call as an expert witness at hearing and to state the subject matter on which the expert is expected to testify.
  - (ii) 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).

52 Pa. Code § 5.324(a)(1)(ii) (emphasis added).

Despite the explicit language of that regulation and the clear language of Duquesne Light's discovery requests mirroring it (Exhibit A), Complainants have not produced a compliant expert report or a written summary of the substance of the facts and opinions to which any of their purported expert witnesses are expected to testify.

Duquesne Light anticipates that Complainants will argue that the few letters and articles produced from Drs. Carpenter and Michrowski constitute expert reports under 52 Pa. Code § 5.324, but that argument is mistaken. Those letters and articles do not meet the requirements of 52 Pa. Code § 5.324 for several reasons. The articles are not signed and were not authored in connection with this litigation. The short letters from Drs. Carpenter and Michrowski do not outline any opinions within a reasonable degree of scientific or medical certainty with respect to any specific aspect of Duquesne Light's smart meter program or practices. See Betz v. Erie Ins. Exchange, 957 A.2d 1244, 1258 (Pa. Super. Ct. 2008) (expert testimony must be expressed with a reasonable degree of certainty to be competent). They express general concerns about smart meter technology or radiofrequency, and do not specifically address anything being done by Duquesne Light in any meaningful detail. And as the Presiding ALJ has repeatedly noted, the sole issue in this case is whether Duquesne Light has violated the Public Utility Code (which requires the installation of a smart meter at Complainants' residence), its associated regulations, or the Company's tariff.<sup>3</sup> Exhibit D at ¶ 12. Because these documents do not outline any

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<sup>3</sup> This case is not a wholesale attack on Duquesne Light's smart meter implementation plan, which has already been approved by the Commission, See, e.g., Docket No. M-2009-2123948 (Pa. P.U.C. Opinion and Order entered May 6, 2014), or a challenge to the scientific merit of Act 129's mandatory universal deployment of smart meters, which, as noted above, is a matter of settled law that

opinions directed towards Duquesne Light, let alone any such opinions rendered within a reasonable degree of scientific or medical certainty, they do not qualify as expert reports under Pennsylvania law or the Commission's regulations.

In sum, because Complainants did not produce the information required by Commission regulations and the Presiding ALJ's scheduling orders, their testimony must be precluded under 52 Pa. Code § 5.372(a)(2). Again, this is not a technical issue, but a denial of Duquesne Light's fundamental right to the evidence that will be presented against it at a hearing. Nearly 20 months after serving its discovery requests, and after the expiration of the Presiding ALJ's deadline to produce expert reports, and with a hearing quickly approaching, Duquesne Light has no idea what its opponent's purported expert witnesses will say at the hearing, putting Duquesne Light in precisely the predicament forbidden by 52 Pa. Code § 5.324(a)(1)(ii). Complainants' failure to comply with their basic obligations under the Commission's regulations and this Presiding ALJ's scheduling orders warrants preclusion of the testimony.

**B. Complainants cannot offer expert testimony for the additional reason that they do not qualify as experts under the applicable standard.<sup>4</sup>**

An independent reason for precluding Mr. and Ms. Hriadil from offering expert testimony is that they do not qualify as experts under Pennsylvania law. Complainants have stated their intent at various points in this litigation to offer expert testimony on their own behalf. Most recently, in paragraph 12 of their motion to allow Dr. Michrowski to testify, Complainants stated that "Francis Hriadil possess engineering expertise. Michele Hriadil possesses computer science expertise." While that may be true, that does not mean they meet the standard to offer expert opinion under Pennsylvania law.

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Complainants must (and already have attempted to) address through other forums, such as the legislative and executive branches of state and/or local government.

<sup>4</sup> It should be noted that nothing in this motion in limine is intended to prevent Complainants from offering fact testimony about relevant matters of which they have personal knowledge. This motion deals strictly with expert testimony and opinion.

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 matter at issue. Ruzzi v. Butler Petroleum Co., 588 A.2d 1, 10 (Pa. 1991); Kursis v. Baldwin-Lima-Hamilton Corp., 319 A.2d 914, 924 (Pa. 1974). While the precise subjects on which Complainants would like to testify as experts is unclear because they have submitted no expert reports, it seems that Ms. Hriadil intends to opine on cybersecurity and privacy protections, while Mr. Hriadil wishes to testify about RF emissions and the construction of smart meters. But, while Complainants may have impressive professional backgrounds, that does not mean they have *specialized knowledge on the matter at issue*. An individual does not qualify as an expert witness merely because they possess general knowledge about a topic or subject matter.<sup>5</sup> See Kovalev v. Sowell, 839 A.2d 359, 364 (Pa. Super. Ct. 2003) (ophthalmologist not qualified to testify about the causes and treatment of heart disease even though he had general knowledge of the human body); Dierolf v. Slade, 581 A.2d 649 (Pa. Super. Ct. 1990) (upholding trial court's refusal to qualify orthodontist as an expert witness on oral surgery); Yacoub v. Lehigh Valley Med. Associates, 805 A.2d 579 (Pa. Super. Ct. 2002) (neurosurgeon not qualified to give opinion on internal medicine or nursing).

For example, while Michele Hriadil may have a computer science background, there is no indication that she specializes in cybersecurity measures in the context of a utility company's metering infrastructure. That much is evidenced by Complainants' failure to identify any deficiencies in Duquesne Light's cybersecurity measures; indeed, they have merely argued that Duquesne Light's practices are "no better than" other security systems used throughout the United States and, therefore, are vulnerable to hacking. Response to Respondent's Second Set of Discovery Requests Directed to Complainants at ¶ 16, Exhibit H. Without specialized

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<sup>5</sup> That is important because the matters on which they apparently intend to testify fall within the world of expert, not lay, opinion. An expert witness may testify in the form of an opinion about scientific or technical matters; conversely, a lay witness cannot offer opinion testify about scientific, technical, or other specialized knowledge. Pa. R.E. 701, 702.

knowledge about the issue at hand, Ms. Hriadil simply is not permitted to offer expert testimony under Pennsylvania law.

For similar reasons, Francis Hriadil also should not be permitted to testify as an expert witness at the hearing. Mr. Hriadil does not have a reasonable pretension to specialized knowledge about the subject matter upon which he is expected to testify: whether Duquesne Light's smart meters emit harmful amounts of radiofrequency or otherwise operate in a way that will harm Complainants. Although Francis Hriadil may have an engineering background, there is no evidence in the record that he possesses any specialized knowledge about Duquesne Light's smart meters. He has admitted, for instance, that he is not a certified electrician, has never installed a smart meter, and has never performed any job responsibilities or engaged in a course of study specifically relating to radiofrequency or low frequency radiation. See Exhibit F at ¶¶ 4, 20, 24. Because Francis Hriadil has no knowledge of or experience with smart meters, he does not possess "specialized knowledge" about whether Duquesne Light's smart meters emit harmful amounts of radiofrequency that will harm Complainants.

In addition, even if Francis Hriadil possesses some specialized knowledge about how Duquesne Light's smart meters operate (which he does not), he has no medical training and thus cannot offer an opinion about health effects Complainants would purportedly suffer if Duquesne Light installs a smart meter at their residence. See Baum v. Metropolitan Life Ins. Co., 19 A.2d 486, 487 (Pa. Super. Ct. 1941) (the existence or non-existence of a disease is only discoverable through the training and experience of a medical expert); In re Commitment of Barbour, 733 A.2d 1286, 1288 (Pa. Super. Ct. 1999) (a layperson may not provide a medical diagnosis). For these reasons, Francis Hriadil cannot be permitted to testify as an expert witness at the hearing.

## **VI. Conclusion**

Duquesne Light respectfully requests that the Presiding ALJ issue an order that prohibits Complainants from offering expert testimony at the hearing because they failed to comply with

the Commission's regulations. Alternatively, Duquesne Light asks for an order that (1) compels Complainants to produce reports for each of their purported experts (including themselves) that comply with 52 Pa. Code § 5.324(a)(1)(ii) at least six weeks prior to the hearing date, and (2) precludes expert testimony from any individual who does not timely produce a compliant report.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



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Jeremy V. Farrell, Esquire  
PA I.D. No. 316258  
(412) 594-3938

Paul Shane Miller, Esquire  
PA I.D. No. 319174  
(412) 594-5503

1500 One PPG Place  
Pittsburgh, PA 15222  
Counsel for Respondent,  
Duquesne Light Company

TADMS:5132494-1 014657-158498



February 1, 2019

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
2nd Floor, Room-N201  
Harrisburg, PA 17120

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

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion in Limine to Bar Complainants From Introducing or Relying Upon Inadmissible Evidence. A copy of this document has been served upon Complainants in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



Jeremy V. Farrell  
Attorney for Duquesne Light Company

Paul Shane Miller  
Attorney for Duquesne Light Company

Enclosure

cc: Michele Hriadil and Francis Hriadil (with enclosure)  
Administrative Law Judge Jeffrey Watson (with enclosure)

TADMS:5086655-1 014657-158498





and prohibit Complainants from relying upon it at the hearing because those materials are irrelevant and unreliable, as explained in more detail below.

## **II. Argument**

The Presiding ALJ has ruled that the only issue in this case is whether Duquesne Light has violated the Code (which requires Duquesne Light to install a smart meter at Complainants' residence), the associated regulations, or the Company's tariff. First Supplemental Prehearing Order, Feb. 6, 2018; Prehearing Order, Dec. 15, 2017. This action is not a collateral attack on Duquesne Light's smart meter implementation plan, which the Commission has already approved, see, e.g., Docket No. M-2009-2123948 (Pa. P.U.C. Opinion and Order entered May 6, 2014), nor is it a challenge to the scientific merit of Act 129's mandatory universal deployment of smart meters, which is settled law and binding precedent.<sup>2</sup> The evidence introduced at the hearing should be that which is both reliable and relevant to the issues to be decided.

During discovery, Complainants produced hundreds of documents, articles, and videos to Duquesne Light. Complainants have not filed or served a formal exhibit list (which they were required to do by June 29, 2018 by virtue of the Presiding ALJ's First Supplemental Prehearing Order dated February 6, 2018), but have previously stated that they plan to rely at the hearing on the documents they served to Duquesne Light in discovery. See Exhibit A. They have never identified which specific portions of the hundreds of items they produced they will actually rely upon at the hearing, which has prejudiced Duquesne Light's ability to prepare for trial and to even prepare this motion (as Complainants' failure to specify their hearing exhibits forces Duquesne Light to address all of their documents *en masse*).

The sheer volume of Complainants' production makes it impossible for Duquesne Light to attach all the materials Complainants have referenced or produced to this motion. However,

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<sup>2</sup> See Evans v. PECO Energy Co., Docket No. C-2017-2628542, 2017 WL 6766256, at \*4 (Pa. P.U.C. Dec. 12, 2017) (Heep, ALJ) (there is no provision in the Code, the Commission's Regulations or Orders that allows a customer to "opt out" of receiving a smart meter); Francis v. PECO Energy Co., Docket No. C-2014-2451351, 2015 WL 5011620, at \*6 (Pa. P.U.C. Aug. 20, 2015) (same).

Duquesne Light has prepared an index listing those documents and videos. A copy is attached as Exhibit B. The index, which itself spans 26 pages, contains **211 different items**<sup>3</sup> upon which Complainants apparently intend to rely at the hearing that Duquesne Light contends are inadmissible.

Given the volume of Complainants' production, it is impossible for Duquesne Light to review its objections to each of them individually, so the Company has summarized its objections to each document or video listed in Exhibit B. Duquesne Light's objections can be broken down into the following categories: (1) relevancy; (2) confusing the issues, wasting time, and needlessly presenting cumulative evidence; (3) hearsay; and (4) testimony from proceedings to which Duquesne Light was not a party. In the following bullet points, Duquesne Light briefly elaborates on the nature of, and reasons for, each objection:

- **Relevancy:** Nearly all documents and videos produced by Complainants are unrelated to Duquesne Light, its smart meters, or its smart meter practices; they instead address smart meters or radiofrequency in general. Such documents add nothing to determining whether Duquesne Light has violated the Code, a regulation, or its tariff. They are irrelevant and inadmissible under 52 Pa. Code § 5.401 and Pennsylvania Rules of Evidence 401 and 402. Just a few examples of such irrelevant documents include news articles about fires allegedly caused by smart meters that Duquesne Light is not using and that occurred outside of the Company's service territory; cybersecurity breaches at companies with no relationship to Duquesne Light; and articles and statements about the alleged vulnerabilities of the "smart grid" in general.
- **Confusing the issues, wasting time, and needlessly presenting cumulative evidence:** Even if Complainants' documents and videos are marginally relevant to this case (and they are not), their probative value is outweighed by the factors in 52 Pa. Code § 5.401 and Pennsylvania Rule of Evidence 403, including confusing the issues, wasting time, and needlessly presenting cumulative evidence. For example, documents and videos about the supposed dangers of all smart meters confuse the issues and waste time because this case deals with Duquesne Light's smart meters, not other companies or brands. See First Supplemental Prehearing Order, Feb. 6, 2018. Similarly, articles about cyber hacks at other companies confuse the issues and waste time by distracting from the relevant question, which is whether Duquesne Light's cybersecurity measures

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<sup>3</sup> Duquesne Light has endeavored in good faith to capture all documents and materials produced by Complainants, but with so voluminous a production, it is possible that a few have been missed. Duquesne Light reserves the right to object to any such document at the hearing.

are sufficient. Finally, the sheer volume of Complainants' proposed exhibits will waste time and needlessly present cumulative evidence.

- Hearsay: People other than Complainants wrote or created nearly all of the documents and videos listed in Exhibit B; most were not written or created by Complainants.<sup>4</sup> Yet Complainants plan to offer them into evidence to prove the truth of the matters stated in each document or video. That is textbook hearsay. Well-established Commission precedent states that hearsay cannot form the basis for a finding of fact if properly objected to. Hoffman-Lorah v. PPL Elec. Util. Corp., Docket No. C-2018-2644957, 2018 WL 6124349, at \*11 (Pa. P.U.C. Nov. 14, 2018) (Barnes, ALJ). And even if hearsay is admitted into evidence without objection, it cannot form the basis for a finding of fact unless supported by other competent evidence. Id. Simply stated, "a finding of fact based solely on hearsay will not stand." Id. So even if hearsay is admitted into evidence, it has little probative value because it cannot form the basis of a finding of fact. Moreover, even if found to be marginally relevant, these hearsay documents would still be subject to the § 5.401 considerations outlined and should be excluded for that additional reason.
- Testimony from proceedings to which Duquesne Light was not a party: Complainants seek to admit documents and videos from hearings about smart meters, radiofrequency, or similar topics that were held in other states or even other countries. For example, they seek to admit testimony before the Maryland legislature, a corporate commission in Arizona, and a utility commission in Canada. The Presiding ALJ should bar this evidence. Under 52 Pa. Code § 5.407, records from other proceedings may be admitted into evidence if the proceeding occurred before the Commission and the evidence is relevant and material to the case. Testimony from hearings in other states and countries plainly did not occur before the Commission, and is irrelevant in determining if Duquesne Light violated the Code, any associated regulations, or the Company's tariff.

### III. Conclusion

Because the documents and videos listed in Exhibit B violate 52 Pa. Code §§ 5.401-5.403 and the Pennsylvania Rules of Evidence, Duquesne Light respectfully requests an order precluding Complainants from introducing or referencing any of the documents, videos, or things listed in Exhibit B at the hearing.

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<sup>4</sup> Complainant Francis Hriadil authored a few articles that were produced to Duquesne Light in which he opines about the safety of Duquesne Light's smart meters, radiofrequency, and scientific and technical subjects. Duquesne Light has already submitted a motion in limine asserting that Complainants do not qualify as expert witnesses; thus, the Company will not restate those arguments in full here. See Duquesne Light's Motion in Limine to Preclude Complainants' Expert Testimony for Failure to File Required Expert Reports. But in brief, the articles authored by Francis Hriadil should be excluded from evidence because a lay witness cannot provide opinion testimony about scientific, technical, or other matters requiring specialized knowledge. See Pa. R. Ev. 701.

Respectfully submitted,

TUCKER ARENSBERG, P.C.

A handwritten signature in cursive script, appearing to read "Paul Shane Miller", is written over a horizontal line.

Jeremy V. Farrell, Esquire

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Paul Shane Miller, Esquire

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(412) 594-5503

1500 One PPG Place

Pittsburgh, PA 15222

Counsel for Respondent,

Duquesne Light Company

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**COMPLAINANTS EXPERT AND  
FACTUAL WITNESS TESTIMONY  
NOTIFICATION TO RESPONDENT**

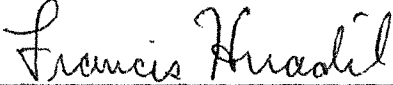
Filed by Michele and Francis Hriadil

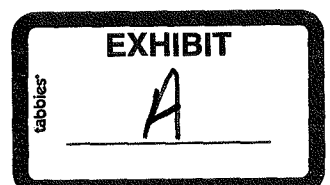
hriadil@attglobal.net  
(412) 779-3314  
331 Shady Ridge Drive  
Monroeville, PA 15146

**COMPLAINANTS EXPERT AND FACTUAL WITNESS TESTIMONY NOTIFICATION  
TO RESPONDENT**

**THIS IS COMPLAINANTS DISCOVERY NOTIFICATION TO THE RESPONDENT CONCERNING THE  
APPEARANCE AND TESTIMONY OF ANY EXPERT AND FACTUAL WITNESSES AT THE  
HEARING SCHEDULED FOR COMPLAINANTS FORMAL COMPLAINT.**

**A CERTIFICATE OF SERVICE HAS BEEN FILED WITH THE COMMISSION'S SECRETARY, PER  
JUDGE WATSON'S FEBRUARY 6, 2018 FIRST SUPPLEMENTAL PRE-HEARING ORDER.**

  
\_\_\_\_\_  
Francis Hriadil  
April 30, 2018





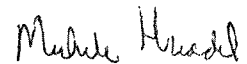
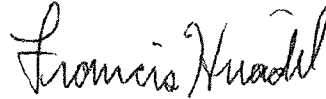
**VERIFICATION**

Per 52 Pa. Code S 1.36,

We, Francis Hriadil and Michele Hriadil, hereby state that the facts above set forth are true and correct (or are true and correct to the best of our knowledge, information and belief) and that we expect to be able to prove the same at a hearing held in this matter. We understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 4/30/2018

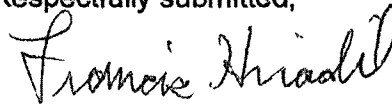
4/30/2018



Francis Hriadil

Michele Hriadil

Respectfully submitted,



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April 30, 2018







	<b>ARTICLE OR VIDEO NAME</b>	<b>AUTHOR OR SOURCE</b>	<b>DUQUESNE LIGHT'S OBJECTIONS</b>
6	Living Inside an Electric Cage Without Knowing It	Dr. Doma	Relevance; Hearsay; Cumulative
7	Smart Meters: No Federal Mandate	Unknown	Relevance; Hearsay; Cumulative
8	Report by Dr. O. Carpenter	Dr. David O. Carpenter	Relevance; Hearsay; Cumulative
9	Comments on the Draft Report by the California Council on Science and Technology "Health Effects of Radio Frequency from Smart Meters"	Daniel Hirsch	Relevance; Hearsay; Cumulative
10	Commentary on the California Council on Science and Technology Report "Health Impacts of Radio Frequency from Smart Meters"	Dr. Karl Maret	Relevance; Hearsay; Cumulative
11	American Academy of Environmental Medicine Recommendations Regarding Electromagnetic and Radiofrequency Exposure	Amy L. Dean; William J. Rea	Relevance; Hearsay; Cumulative
12	The 10 Biggest Data Breaches of 2016 (So Far)	Sarah Kuranda	Relevance; Hearsay; Cumulative
13	Direct Testimony of Ruth Ann DeLost before the PUC on 8/9/09	Ruth Ann DeLost	Relevance; Hearsay; Cumulative

	<b>ARTICLE OR VIDEO NAME</b>	<b>AUTHOR OR SOURCE</b>	<b>DUQUESNE LIGHT'S OBJECTIONS</b>
14	Proceedings before the British Columbia Utilities Commission on March 11, 2013	N/A	Relevance; Hearsay; Cumulative; Testimony from other proceeding
15	Application for a Certificate of Public Convenience and Necessity for the Advanced Metering Infrastructure Project	BC Sustainable Energy Association	Relevance; Hearsay; Cumulative
16	IARC Classifies Radiofrequency Electromagnetic Fields as Possibly Carcinogenic to Human	World Health Organization	Relevance; Hearsay; Cumulative
17	Expert Report of Andrew Marino	Andrew Marino	Relevance; Hearsay; Cumulative
18	Testimony Catherine J. Frompovich v. PECO Energy Co.	Catherine J. Frompovich	Relevance; Hearsay; Cumulative
19	Administrative Law Judge's Ruling Seeking Clarification	ALJ Amy C. Yip-Kikugawa	Relevance; Cumulative
20	Pacific Gas and Electric Company's Response to ALJ's October 18, 2011 Ruling Directing it to File Clarifying Radio Frequency Information	Ann H. Kim; Chonda J. Nwamu (Attorneys for Pacific Gas and Electric Company)	Relevance; Cumulative
21	British Columbia Utilities Commission Proceedings (March 11, 2013)	Testimony of "Mr. Flynn"	Relevance; Hearsay; Cumulative; Testimony from other proceeding

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22	Application for a Certificate of Public Convenience and Necessity for the Advanced Metering Infrastructure Project	BC Sustainable Energy Association	Relevance; Hearsay; Cumulative
23	Electromagnetic Sensitivity and Electromagnetic Hypersensitivity: A Summary	Michael Bevington	Relevance; Hearsay; Cumulative
24	Statement	Dr. Otis W. Brawley	Relevance; Hearsay; Cumulative
25	Jefferson County power outage causes thousands of dollars in damage	Bridget McClure	Relevance; Hearsay; Cumulative
26	Grant of Equipment Authorization	Advanced Compliance Solutions Inc.	Relevance; Hearsay; Cumulative
27	Report of Partial Findings from the National Toxicology Program Carcinogenesis Studies of Cell Phone Radiofrequency Radiation in Hsd: Sprague Dawley SD rates (Whole Body Exposures)	Unknown	Relevance; Hearsay; Cumulative
28	Radiofrequency radiation (900 MHz)-induced DNA damage	Unknown	Relevance; Hearsay; Cumulative

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29	Tiny town's power surge fries, computer, appliances, siding	Kristen De Groot	Relevance; Hearsay; Cumulative
30	Diagram - First Energy Speakers' Bureau	Unknown	Relevance; Hearsay; Cumulative
31	BioInitiative Report: A Rationale for Biologically-based Public Exposure Standards for Electromagnetic Radiation	BioInitiative Working Group	Relevance; Hearsay; Cumulative
32	Biological and Health Effects of Microwave Radio Frequency Transmissions, A Review of the Research Literature, A Report to the Staff and Directors of the Eugene Water and Electric Board	Unknown	Relevance; Hearsay; Cumulative
33	Letter to the PA PUC Concerning the Adverse Health Effects Associated with Exposure to RF radiation, etc. from Smart Meters	Dr. David O. Carpenter	Hearsay; Cumulative
34	International Agency for Research on Cancer of the World Health Organization Classifies RF Electromagnetic Fields as Possibly Carcinogenic to Human	World Health Organization	Relevance; Hearsay; Cumulative
35	Official Statement to Dennis Kucinich	American Academy of Pediatrics	Relevance; Hearsay; Cumulative

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36	The Health Argument for Replacing Wireless Smart Meters with a Safe Metering Technology in Maryland	Ronald M. Powell	Relevance; Hearsay; Cumulative
37	Symptoms after Exposure to Smart Meter Radiation	Ronald M. Powell	Relevance; Hearsay; Cumulative
38	Ranking Electricity Meters for Risk to Health, Privacy, and Cyber Security	Ronald M. Powell	Relevance; Hearsay; Cumulative
39	Symptoms Resulting from Exposure to Radiofrequency/Microwave Radiation from Smart Meters	Ronald M. Powell	Relevance; Hearsay; Cumulative
40	Annotated Reference on Wireless Devices and Health	Ronald M. Powell	Relevance; Hearsay; Cumulative
41	Public Health Implications of wireless technologies	Cindy Sage; David O. Carpenter	Relevance; Hearsay; Cumulative
42	Smart Meter: Correcting the Gross Misinformation	La Maison du 21e siècle (Quebec-based magazine)	Relevance; Hearsay; Cumulative
43	Expert Reports Refuting the CCST Report "Health Impact of Radiofrequency from Smart Meters"	Thirteen authors	Relevance; Hearsay; Cumulative

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44	Report of Partial Findings from the National Toxicology Program Carcinogenesis Studies of Cell Phone Radiofrequency Radiation in Hsd	Unknown	Relevance; Hearsay; Cumulative
45	ACS Responds to New Study Linking Cell Phone Radiation to Cancer	David Sampson	Relevance; Hearsay; Cumulative
46	Spin vs. Fact: National Toxicology Program report on cancer risk from cellphone radiation	Joel M. Moskowitz, PhD.	Relevance; Hearsay; Cumulative
47	Major Cell Phone Radiation Study Reignites Cancer Questions	Dina Fine Maron	Relevance; Hearsay; Cumulative
48	Exposure to (Cell Phone) RF Radiation Linked to Tumors	Unknown	Relevance; Hearsay; Cumulative
49	Oxidative mechanisms of biological activity of low-intensity radiofrequency radiation	Igor Yakmenko; Olexandr Tsybulin; Evgeniy Sidorik; Diane Henshel; Olga Krylenko; Sergiy Krylenko	Relevance; Hearsay; Cumulative
50	What do experts who signed the International EMF Scientist Appeal say about electromagnetic fields?	Twenty-one individuals	Relevance; Hearsay; Cumulative

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51	Direct Testimony of Dr. Sam Milham, MD, MPH on Behalf of Warren Woodward and in Opposition to the Settlement Agreement (before the Arizona Corporation Commission)	Dr. Sam Milham	Relevance; Hearsay; Cumulative; Testimony from other proceeding
52	Expert Report of Andrew Marino in <i>Murphy v. PECO</i> (Pa. PUC)	Andrew Marino	Relevance; Hearsay; Cumulative
53	Smart Meter - What We Know -- Measurement Challenges and Complexities	EMF & RF Solutions	Relevance; Hearsay; Cumulative
54	Assessment of Radiofrequency Radiations Emissions from Smart Meters	Sage Associates	Relevance; Hearsay; Cumulative
55	Assessment of Radiofrequency Microwave Radiation Emissions from Smart Meters - Tables	Unknown	Relevance; Hearsay; Cumulative
56	Grant of Equipment Authorization Certification Issued Under the Authority of the Federal Communications Commission	Curtis-Straus LLC; Advanced Compliance Solutions, Inc.	Relevance; Hearsay; Cumulative
57	Evaluation of the ITRON Open Way AMI Meter	William Bathgate	Hearsay; Cumulative

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58	Why Regulatory Authorities Look for the UL Mark	Rich Berman	Relevance; Hearsay; Cumulative
59	Wireless Smart Meters and Potential for Electrical Fires	Sage Associates	Relevance; Hearsay; Cumulative
60	Analog Meters Withstand "Hot Sockets" Better Than Smart Meters	SkyVision Solutions	Relevance; Hearsay; Cumulative
61	Stockton Smart Meters Explode After Truck Causes Power Surge	Leigh Martinez	Relevance; Hearsay; Cumulative
62	Exploding smart meter heats up Queen's Park	Antonella Artuso	Relevance; Hearsay; Cumulative
63	Wireless Utility Meter Safety Impacts Survey	Ed Halteman	Relevance; Hearsay; Cumulative
64	Smart Meter fire situation continues to escalate	Andy Alcock	Relevance; Hearsay; Cumulative
65	Tiny town's power surge fries computers, appliances, siding	Kristen De Groot	Relevance; Hearsay; Cumulative
66	Cybersecurity: Challenges in Securing the Modernized Electricity Grid	Gregory C. Wilshusen & David C. Trimble	Relevance; Hearsay; Cumulative
67	FBI: Smart Meter Hacks Likely to Succeed	KrebsOnSecurity	Relevance; Hearsay; Cumulative
68	The 10 Biggest Data Breaches of 2016	Sarah Kuranda	Relevance; Hearsay; Cumulative
69	Here are all the ways the Equifax data breach is worse than you can imagine	Michael Hiltzik	Relevance; Hearsay; Cumulative

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70	KRACK Spells Big Trouble for Wireless Security	Scott Bekker	Relevance; Hearsay; Cumulative
71	Global Data Firm: "We Help Utilities Surveil and Profile Their Customers, and Monetize Home Surveillance Data"	Josh del Sol	Relevance; Hearsay; Cumulative
72	ONZO Announces Major Enhancements to Customer Insights Data Analytics Solution	ONZO	Relevance; Hearsay; Cumulative
73	Getting Smarter About the Smart Grid	Timothy Schoechle, PhD.	Relevance; Hearsay; Cumulative
74	Initial comments submitted on behalf of NSTAR Electric Company and Western Massachusetts Electric Company	Danielle C. Winter, Esq.	Relevance; Hearsay; Cumulative
75	Standard of reasonableness	Trans-lex Law Research	Relevance; Hearsay; Cumulative
76	<i>Gutierrez v. Lamagno</i> , 515 U.S. 417 (1995)	Justice Ginsburg	Relevance
77	What's the only word that means mandatory? Here's what law and policy say about "shall, will, may and must."	Federal Aviation Administration	Relevance; Hearsay; Cumulative
78	Background/Curriculum Vitae -- David O. Carpenter, MD	Unknown	Relevance; Hearsay; Cumulative

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79	Background/Curriculum Vitae -- Ronald M. Powell, PhD	Unknown	Relevance; Hearsay; Cumulative
80	Background/Curriculum Vitae -- Andrew A. Marino, PhD, JD	Unknown	Relevance; Hearsay; Cumulative
81	Background/Curriculum Vitae -- Samuel P Milham, MD, MPH	Unknown	Relevance; Hearsay; Cumulative
82	Wingspread Conference on the Precautionary Principle	Unknown	Relevance; Hearsay; Cumulative
83	Biological Impacts	Justproveit.net	Relevance; Hearsay; Cumulative
84	Letter to Thomas P. Stanley, Chief Engineer (FCC)	Margo T. Oge (Director, Office of Radiation and Indoor Air, Environmental Protection Agency)	Relevance; Hearsay; Cumulative
85	Letter from HHS to Thomas P. Stanley (FCC)	Lillian J. Gill (Interim Director - Office of Science & Technology)	Relevance; Hearsay; Cumulative
86	Comments of the National Institute for Occupational Safety and health of the FCC Proposed Rule on RF Radiation Exposure Guidelines	National Institute for Occupational Safety and Health	Relevance; Hearsay; Cumulative
87	Comments of Members of the ARRL Bio-Effects Committee	Members of the ARRL Bio-Effects Committee	Relevance; Hearsay; Cumulative
88	Letter to Janet Newton (President -- EMR Network)	Norbert Hankin (EPA)	Relevance; Hearsay; Cumulative

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89	Letter to Eli Veenendaal (National Telecommunications and Information Administration)	William R. Taylor (U.S. Dept. of Interior)	Relevance; Hearsay; Cumulative
90	Response to California Council on Science and Technology	DeKun Li	Relevance; Hearsay; Cumulative; Testimony from other proceeding
91	Pre-filed testimony of De-Kun Li	De-Kun Li	Relevance; Hearsay; Cumulative; Testimony from other proceeding
92	Smart Meters -- not so smart	Amy Worthington	Relevance; Hearsay; Cumulative
93	<i>Phillips v. County of Allegheny</i> , 515 F.3d 224 (3d Cir. 2008)	Judge Nygaard	Relevance
94	<i>In Re Cincinnati Radiation Litigation</i> , 874 F. Supp. 796 (S.D. Ohio 1995)	Judge Beckwith	Relevance
95	BioInitiative 2012 -- A Rationale for Biologically-based Exposure Standards for Low-Intensity Electromagnetic Radiation	BioInitiative Working Group 2012	Relevance; Hearsay; Cumulative
96	National Prevention Strategy	National Prevention, Health Promotion and Public Health Council (Office of the Surgeon General)	Relevance; Hearsay; Cumulative

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97	A Citizen's Guide to the NEPA	Council on Environmental Quality - Executive Office of the President	Relevance; Hearsay; Cumulative
98	Bibliography Of Reported Biological Phenomena ('Effects') And Clinical Manifestations Attributed To Microwave And Radio-Frequency Radiation	Naval Medical Research Institute	Relevance; Hearsay; Cumulative
99	Identification of Research Needs Relating to Potential Biological or Adverse Health Effects of Wireless Communication Devices	Committee on Identification of Research Needs Relating to Potential Biological or Adverse Health Effects of Wireless Communications Devices	Relevance; Hearsay; Cumulative
100	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	Proceedings Before the British Columbia Utility Commission (March 11, 2013)	Relevance; Hearsay; Cumulative; Testimony from other proceeding
101	FortisBC Inc. Advanced Metering Infrastructure CPCN	BC Sustainable Energy Association	Relevance; Hearsay; Cumulative
102	Why Regulatory Authorities Look for the UL Mark	Electrical Connections	Relevance; Hearsay; Cumulative

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103	Inside PECO's smart meter debacle	Barbara Vergetis Lundin	Relevance; Hearsay; Cumulative
104	PGE replacing 70,000 electricity meters because of fire risk	Ted Sickinger (The Oregonian)	Relevance; Hearsay; Cumulative
105	SaskPower to remove 105,000 smart meters following fires	CBC News (Canada)	Relevance; Hearsay; Cumulative
106	Reno smart meter fires more widespread than first feared	Anjeanette Damon (Reno Gazette Journal)	Relevance; Hearsay; Cumulative
107	Overheating Concerns: Lakeland Electric to Replace 10,657 Residential Smart Meters	John Chambliss (The Ledger)	Relevance; Hearsay; Cumulative
108	Reno, Sparks fire chiefs call for smart meter probe	Anjeanette Damon (Reno Gazette Journal)	Relevance; Hearsay; Cumulative
109	This Woman's Death May Confirm All Your Suspicions About Smart Meters	Daniel Jennings (Off the Grid News)	Relevance; Hearsay; Cumulative
110	Fear of fire hazard causes removal of thousands of smart meters	The Canadian Press	Relevance; Hearsay; Cumulative
111	Stockton Smart Meters Explode After Truck Causes Power Surge	Sacramento CBS Local News	Relevance; Hearsay; Cumulative

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112	Smart Meters Pose Ongoing Issues for Duquesne Light Customers	Jon Delano	Hearsay; Cumulative
113	Astonishing: Hydro One pulling plug on 36,000 rural smart meters after years of complaints	Kelly Egan (PostMedia News)	Relevance; Hearsay; Cumulative
114	Ontario Pulls Plug on 36,000 Rural Smart Meters: Is Big Energy Imploding	Josh Del Sol (Collective Evolution)	Relevance; Hearsay; Cumulative
115	Big rig crash into pole leads to power surge in Discovery Bay	ABC 7 News (California)	Relevance; Hearsay; Cumulative
116	Smart Meter security fears; SMeters Will Be Hacked, Warn Researchers	Big brother watch; Andrew Donoghue (E Week Europe)	Relevance; Hearsay; Cumulative
117	Smart Meter (Grid) Cyber Security -- Information Security within the future Smart Grid	Stephan Gerhager (Allianz Deutschland)	Relevance; Hearsay; Cumulative
118	Smart grid power up privacy worries	David Perera (Politico)	Relevance; Hearsay; Cumulative
119	Why the Latest Yahoo Hack is So Much Worse Than You Think	Kevin Kelleher (Time)	Relevance; Hearsay; Cumulative
120	World's Leading Hackers Explain Why You Don't Want Huge Tech Companies Controlling Everything in Your House	Lulu Friesdat (AlterNet)	Relevance; Hearsay; Cumulative

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121	Hackers Can Now Cause Blackouts on America's Electrical Grid, Report	Tyler Durden	Relevance; Hearsay; Cumulative
122	Security finally got the awareness it needed in 2017. Now what?	Alfred Ng (Cnet security)	Relevance; Hearsay; Cumulative
123	Interview with a Wellington Energy Whistleblower	Josh Hart (Stop the Crime website)	Relevance; Hearsay; Cumulative
124	Why Smart Meters Might be a Dumb Idea	Consumers Digest	Relevance; Hearsay; Cumulative
125	Overall Summary -- Smart Meter Facts Video (video)	Unknown	Relevance; Hearsay; Cumulative
126	Heath_1 (video)	David Carpenter	Relevance; Hearsay; Cumulative
127	Health_2 -- Smart Meters 100x Radiation Exposure of a Cell Phone (video)	Daniel Hirsch	Relevance; Hearsay; Cumulative
128	Health_3 -- Dirty Electricity and Diseases of Civilization (video)	Dr. Sam Milham	Relevance; Hearsay; Cumulative
129	Health_4 -- Buster -- Smart Meters Emit Constant Microwave Radiation (video)	WUSA 9 News Report	Relevance; Hearsay; Cumulative
130	Health_5 -- Take Back Your Power -- SM Radiation Density (video)	Unknown	Relevance; Hearsay; Cumulative
131	Health_6 -- 19 Health Effects of Electromagnetic Fields with David Carpenter (video)	Dr. David Carpenter	Relevance; Hearsay; Cumulative

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132	Health_7 -- 2015 International Scientist Appeal on Electromagnetic Fields (video)	Martin Blank, PhD	Relevance; Hearsay; Cumulative
133	Health_8 Wireless Wake up Call (video)	Jeremy Johnson	Relevance; Hearsay; Cumulative
134	Health_9 Nerve Disrupting Frequencies from Smart Meters (video)	Warren Woodward	Relevance; Hearsay; Cumulative
135	Privacy_1 Security - Citizen's Rights (video)	Unknown	Relevance; Hearsay; Cumulative
136	Privacy_2 Utility meters use in mass surveillance (video)	Jerry Day	Relevance; Hearsay; Cumulative
137	Privacy_3 ONZO Smart Meters Admission of In-home Surveillance for Profit (video)	ONZO	Relevance; Hearsay; Cumulative
138	Privacy_4 ONZO EPRI EU NILM 2016 (video)	Marel Hortsman	Relevance; Hearsay; Cumulative
139	Privacy_5 Citizen's Rights - Reliability - High Cost (video)	Michele Reisen (Michigan House of Representatives Testimony)	Relevance; Hearsay; Cumulative; Testimony from other proceeding
140	Reliability_1 Testimony before Congressional Subcommittee Hearing	Mr. Bennett Gaines (FirstEnergy Service Company)	Relevance; Hearsay; Cumulative; Testimony from other proceeding
141	Reliability_2 CBS KDKA News Report - Smart Meters Pose Ongoing Issues for Duquesne Light (video)	KDKA News	Hearsay; Cumulative

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142	Safety_1 Fires - Smart Meter Fires (video)	Brian Thiesen (Take Back Your Power)	Relevance; Hearsay; Cumulative
143	Security_CIA director calls smart grid stupid (video)	James Woolsey	Relevance; Hearsay; Cumulative
144	Security_2 - Safety Risk (video)	Sen. Patrick Colbeck (Testimony before Michigan House of Representatives)	Relevance; Hearsay; Cumulative; Testimony from other proceeding
145	Pulse modulated 900 MHz radiation induces hypothyroidism and apoptosis in thyroid cells	Meric Arda Esmekaya, Nesrin Seyhan, and Suna Omeroglu	Relevance; Hearsay; Cumulative
146	Submission to California Legislators by Martin Pall, PhD on biological and health effects from RF fields	Martin Pall, PhD	Relevance; Hearsay; Cumulative; Testimony from other proceeding
147	Cancer Expert Declares Cell Phone and Wireless Radiation as Carcinogenic to Humans	Anthony B. Miller, MD	Relevance; Hearsay; Cumulative
148	2018 ICD-10-CM/PCS Medical Coding Reference-International Classification of Diseases	American Diagnosis and Procedure Medical Bill Codes, 10/1/17	Relevance; Hearsay; Cumulative
149	Reduce EMF Exposure	Joseph M. Mercola, DO	Relevance; Hearsay; Cumulative
150	Joseph M. Mercola, DO Curriculum Vitae	Joseph M. Mercola, DO	Relevance; Hearsay; Cumulative
151	Martin L. Pall, PhD Curriculum Vitae	Martin L. Pall, PhD	Relevance; Hearsay; Cumulative

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152	New Large Animal Study, Like NTP's, Links RF to Schwannoma of the heart	Belopoggi Fiorella, PhD	Relevance; Hearsay; Cumulative
153	Report of final results regarding brain and heart tumors in Sprague-Dawley rats	L. Falcioni, et al	Relevance; Hearsay; Cumulative
154	Official comments and recommendations on National Toxicology Program RF Studies to US Dept of health and Human Services	Lennart Hardell, MD, PhD	Relevance; Hearsay; Cumulative
155	Actions from Peer Review of the Draft NTP Technical Reports on Cell Phone Radiofrequency Radiation	15 member Peer Review Panel – Chair – David Eaton, PhD – University of Washington	Relevance; Hearsay; Cumulative
156	Doctor's letter from Francis Hriadil's doctor stating that Francis Hriadil should not be exposed to RF/EMF Frequencies Generated by a Smart Meter based on his current clinical condition	Martin Gallagher, MD	Hearsay
157	Radiofrequency Radiation (RFR) as a Promoter/Enabler of Adverse Health Effects	Ronald N. Kostoff, PhD	Relevance; Hearsay; Cumulative

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158	Radio frequency radiation related cancer assessing causation in the occupational/ military setting	Michael Peleg	Relevance; Hearsay; Cumulative
159	Wireless Radiation/ Electromagnetic Fields Increases Toxic Body Burden	Investigative Report, Environment Health Trust	Relevance; Hearsay; Cumulative
160	Outdated FCC Safety Standards	Investigative Report, Environment Health Trust	Relevance; Hearsay; Cumulative
161	How Big Wireless Made Us think that cell phones are safe	Mark Hertsgaard, The Nation, Science and Health, Special Investigation Report	Relevance; Hearsay; Cumulative
162	MSP's Guide to 3 Game Changing Problems in Security	Scott Becker – Redmond Channel Partner magazine	Relevance; Hearsay; Cumulative
163	Apple's Tim Cook Calls for Regulation on Data, says Facebook Incident is Dire	Christopher Carbone – Fox News	Relevance; Hearsay; Cumulative
164	Facebook's Data Scandal Should be Wake-Up Call about Our Online Footprint	Arjun Kharpal – Investigative Report - CNBC	Relevance; Hearsay; Cumulative
165	Duquesne Light Seeks Rate Increase for 600,000 Customers	Jared Stonesifer – The Times	Relevance; Hearsay; Cumulative
166	Duquesne Light Company Rating	Revdex.com report	Relevance; Hearsay; Cumulative

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167	Comparing-NTP-and-RI-Studies-of-Sprague-Dawley-Rats-Exposure-to-Radiofrequency-Radiation-RFR-1 w link	<a href="https://ehtrust.org/wp-content/uploads">https://ehtrust.org/wp-content/uploads</a>	Relevance; Hearsay; Cumulative
168	Goldberg Sharon MD - Main Points and References from October 4th Michigan Legislature Testimony	<a href="https://ehtrust.org/wp-content/uploads">https://ehtrust.org/wp-content/uploads</a>	Relevance; Hearsay; Cumulative; Testimony from other proceeding
169	Testimony before the Michigan Legislature on Wireless Radiation October 2018 - video	Goldberg Sharon, MD	Relevance; Hearsay; Cumulative; Testimony from other proceeding
170	Goldberg Sharon MD - Curriculum Vitae	Unknown	Relevance; Hearsay; Cumulative
171	Lai Henry PHD - RFR12-14 RFR and ELF Research Summaries 1990 – 2017 2017_12_14	Henry Lai, PhD	Relevance; Hearsay; Cumulative
172	Lai Henry PHD - Curriculum Vitae	Unknown	Relevance; Hearsay; Cumulative
173	Lamech Federica MBBS - Symptom Development From Exposure to Radiofrequency Fields of Wireless Smart Meters - PubMed Listing	Frederica Lamech	Relevance; Hearsay; Cumulative
174	Lamech Federica MBBS - Symptom Development From Exposure to Radiofrequency Fields of Wireless Smart Meters in Victoria Australia	Frederica Lamech	Relevance; Hearsay; Cumulative

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175	PA PUC Expert Statement - Nov 30 2018	Andrew Michrowski, PHD	Hearsay; Cumulative
176	Andrew Michrowski, PHD - Curriculum Vitae	Unknown	Hearsay; Cumulative
177	Michrowski Andrew PHD - Dr Michrowski EMF Workshop Description	Unknown	Relevance; Hearsay; Cumulative
178	Michrowski Andrew PHD - Electromagnetic fields - High-level microwave technology concerns Andrew Michrowski PHD 42391c31ef	Unknown	Relevance; Hearsay; Cumulative
179	Michrowski Andrew PHD - ELECTROMAGNETIC POLLUTION - A Michrowski PHD	Unknown	Relevance; Hearsay; Cumulative
180	Michrowski Andrew PHD - pace flyer memberlist & origin & aims	Unknown	Relevance; Hearsay; Cumulative
181	NIH - High exposure to radio frequency radiation associated with cancer in male rats 2018_11_01	National Institutes of Health	Relevance; Hearsay; Cumulative
182	Sage Burgio - Electromagnetic Fields Pulsed Radiofrequency Radiation and Epigenetics How Wireless Technologies - Childhood Development Sage_Burgio_2017	Sage Burgio	Relevance; Hearsay; Cumulative
183	Peer Reviewed Scientific Research On Wireless Health Effects	Unknown	Relevance; Hearsay; Cumulative

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184	WIFI Radiation - Whats It Doing to Our Bodies 2018_04_27	Unknown	Relevance; Hearsay; Cumulative
185	Amid Health Privacy Fears States Are Letting People Reject Smart Meters 2016_02_105	Sarah Breitenbach	Relevance; Hearsay; Cumulative
186	Legal-Constitutional-and-Human-Rights-Violations-of-Smart-Grid-and-Smart-Meters1	Liz Barris	Relevance; Hearsay; Cumulative
187	Barris Liz - EMF Bio	Liz Barris	Relevance; Hearsay; Cumulative
188	Bathgate William S EE ME Curriculum Vitae	Unknown	Relevance; Hearsay; Cumulative
189	Bathgate William S EE ME - Expert Testimony before the MI Public Service Commission 2017_08_15 U-18322-0281	Unknown	Relevance; Hearsay; Cumulative; Testimony from other proceeding
190	California Warns About Cellphone Exposure And Health Risks - Investigative Report 2107_12_17	Forbes.com	Relevance; Hearsay; Cumulative
191	Michigan State Senator - Wireless-Radiation-Brief Colbeck 2018-09-20	Patrick Colbeck; <a href="https://www.senatorpatrickcolbeck.com/wp-content/uploads/2018/09/Wireless-Radiation-Brief.pdf">https://www.senatorpatrickcolbeck.com/wp-content/uploads/2018/09/Wireless-Radiation-Brief.pdf</a>	Relevance; Hearsay; Cumulative; Testimony from other proceeding

	<b>ARTICLE OR VIDEO NAME</b>	<b>AUTHOR OR SOURCE</b>	<b>DUQUESNE LIGHT'S OBJECTIONS</b>
192	Conrad Richard H PHD - Nine reasons why smart meter-systems are a mistake 2014_05_08	Richard Conrad, PhD; <a href="https://skyvisionsolutions.files.wordpress.com/2014/05/nine-reasons-why-smart-meter-systems-are-a-mistake-08-may-2014.pdf">https://skyvisionsolutions.files.wordpress.com/2014/05/nine-reasons-why-smart-meter-systems-are-a-mistake-08-may-2014.pdf</a>	Relevance; Hearsay; Cumulative
193	Conrad Richard H PHD - Testimony MPUC Docket No. 2011-00262	<a href="https://ecfsapi.fcc.gov/file/7520940952.pdf">https://ecfsapi.fcc.gov/file/7520940952.pdf</a>	Relevance; Hearsay; Cumulative
194	Conrad Richard H PHD - Curriculum Vitae	Unknown	Relevance; Hearsay; Cumulative
195	NM PRC bans Smart Meters	<a href="https://stopsmartmeters.org/2018/04/12/victory-against-smart-meter-scourge-in-new-mexico-radiation-emitting-devices-not-in-the-public-interest/">https://stopsmartmeters.org/2018/04/12/victory-against-smart-meter-scourge-in-new-mexico-radiation-emitting-devices-not-in-the-public-interest/</a>	Relevance; Hearsay; Cumulative
196	NM new-mexico-prc-3-19-18-15-00312-ut-recommended-decision	New Mexico Public Regulation Commission	Relevance; Hearsay; Cumulative
197	NM new-mexico-prc-4, 11-18-15-00312-ut-final-order	New Mexico Public Regulation Commission	Relevance; Hearsay; Cumulative
198	Playing with Fire - UL 2735 Certification of Itron Smart Meters 2016_02_25	<a href="http://www.stopsmartmetersbc.com/wp-content/uploads/2016/02/Playing-with-Fire-UL-Cert-of-Safety.pdf">http://www.stopsmartmetersbc.com/wp-content/uploads/2016/02/Playing-with-Fire-UL-Cert-of-Safety.pdf</a>	Relevance; Hearsay; Cumulative
199	WA State's utilities must offer smart meter opt-out 2018_04	<a href="http://www.columbian.com/news/2018/may/28/states-utilities-must-offer-smart-meter-opt-out/">http://www.columbian.com/news/2018/may/28/states-utilities-must-offer-smart-meter-opt-out/</a>	Relevance; Hearsay; Cumulative

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200	HEALTH_10 - video - 2017_08_20 - 58 min - Dr Mercola Interviews Martin Pall on EMFs	Unknown	Relevance; Hearsay; Cumulative
201	Manual - cv_mfc870dw_use_busr_lel332001_a	Brother Printer Basic Users Guide	Relevance; Hearsay; Cumulative
202	Manual - WNA3100_UM_11Dec09	Wireless USB Adapter User Manual	Relevance; Hearsay; Cumulative
203	Letter to City of Kelowna Re: FortisBC's Notice for Smart Meters	Thermoguy	Relevance; Hearsay; Cumulative
204	MSP's Guide to 3 Game-Changing Problems in Security	Scott Bekker	Relevance; Hearsay; Cumulative
205	Functional brain MRI in patients complaining of electro hypersensitivity after long term exposure to electromagnetic fields	Gunnar Heuser and Sylvia A. Heuser (Journal -- Reviews on Environmental Health)	Relevance; Hearsay; Cumulative
206	Health Effects of Microwave Radio Exposures	Paul Dart	Relevance; Hearsay; Cumulative
207	Letter to California Legislators re: SB 649 on the Harmful Effects of Electromagnetic Fields on Health	Martin Pall	Relevance; Hearsay; Cumulative
208	Reduce EMF Exposure; The Harmful Effects of Electromagnetic Fields on Health: A Special Interview With Dr. Martin Pall	Dr. Joseph Mercola	Relevance; Hearsay; Cumulative

	<b>ARTICLE OR VIDEO NAME</b>	<b>AUTHOR OR SOURCE</b>	<b>DUQUESNE LIGHT'S OBJECTIONS</b>
209	2018 ICD-10-CM/PCS Medical Coding Reference - International Classification of Diseases	Unknown	Relevance; Hearsay; Cumulative
210	Outdated FCC "Safety" Standards	Environmental Health Trust	Relevance; Hearsay; Cumulative
211	Martin L. Pall -- CV	Martin L. Pall	Relevance; Hearsay; Cumulative

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