

331 Shady Ridge Drive
Monroeville, Pennsylvania

April 30, 2019

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Via Paper Filing

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

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

Dear Secretary Chiavetta:

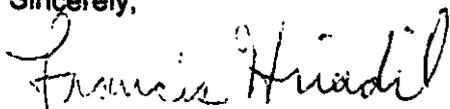
Enclosed please find a copy of Complainants'

Status Report
After The April 24, 2019
Prehearing Conference Call

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

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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

**STATUS REPORT
AFTER THE APRIL 24, 2019
PREHEARING CONFERENCE CALL**

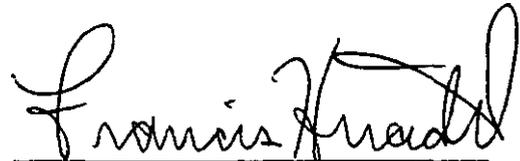
Filed by Michele and Francis Hriadil

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

**STATUS REPORT
AFTER THE APRIL 24, 2019
PREHEARING CONFERENCE CALL**

TO: THE HONORABLE ALJ JEFFREY A. WATSON

**ENCLOSED IS COMPLAINANTS' STATUS REPORT AFTER THE APRIL 24, 2019
PREHEARING CONGERENCE CALL.**



Francis Hriadil
April 30, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

.....

No: C-2016-2571726

**STATUS REPORT
AFTER THE APRIL 24, 2019
PREHEARING CONFERENCE CALL**

TO THE HONORABLE ALJ Jeffrey A. Watson:

1. A Prehearing Conference Call was held on Wednesday April 24, 2019 between Your Honor, the Complainants, and the Respondent. During that conference call Your Honor made a number of statements and verbal rulings, and assigned the Complainants a number of tasks to complete and report on.

2. This is the Complainants' status report to Your Honor and the Respondent based on the events of that call, per Your Honor's verbal instructions.

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**CONCERNING THE TASKS ASSIGNED TO THE COMPLAINANTS
IN THE PREHEARING CONFERENCE CALL**

3. **Your Honor instructed the Complainants to recontact their out-of-state expert witnesses to confirm that they are only available for telephonic testimony on the Aug 19 - 20 Hearing date.**

Complainants contacted both of our out-of-state expert witnesses, Dr. Carpenter and Dr. Michrowski, and both reconfirmed that they were available and agreed to participate by telephonic means, and only by telephonic means, to provide verbal testimony and undergo verbal cross-examination on both the original Hearing date and the newly scheduled Hearing date of Aug 19 - 20. (Exhibit 1)

4. **Your Honor instructed the Complainants to contact their out-of-state expert witnesses to inquire about their availability to appear in-person, as opposed to telephonic participation and what that would entail and cost.**

Complainants contacted both of our out-of-state expert witnesses, Dr. Carpenter and Dr. Michrowski. (Exhibit 2)

Dr. Carpenter:

Dr. Carpenter provided his fee structure for any legal work, and what his presence in person at the Hearing would cost, and it is well beyond the means of the Complainants, two (2) elderly people representing themselves, to afford. Furthermore, Dr. Carpenter added that if it is required that he appear in person, rather than by telephonic participation, that he would be unable to participate, as it would be impossible for him to commit to the time away from his responsibilities and commitments that would be required.

Dr. Michrowski:

Dr. Michrowski provided his fee structure for any legal work, and what his presence in person at the Hearing would cost, and it is well beyond the means of the Complainants, two (2) elderly people representing themselves, to afford.

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**THE CONTENT OF THE PREHEARING CONFERENCE CALL
AND THE RESULTING IMPACT OF THE EVENTS
OF THAT CALL ON THE COMPLAINANTS**

5. MICHELE HRIADIL

To begin the Conference Call, Francis Hriadil informed Your Honor that Michele Hriadil was not present as she had a doctor's appointment. Your Honor inquired as to why Complainants did not ask for a continuance as Michele Hriadil had submitted most of the pleadings, motions, and filings.

For the record, Francis Hriadil corrected this mis-statement and misrepresentation, pointing out and reminding Your Honor that all pleadings, motions, and filings have been submitted by Francis Hriadil, not Michele Hriadil, under his signature, but with her consent.

6. HEARING DATE

Next, the topic of the Hearing date was discussed.

For the record, Your Honor's March 14, 2019 Interim Order ruled on page 12 that

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

and in section 3, page 13,

"... the Parties shall immediately contact all of their respective witnesses and identify all dates in which the witnesses will be available to provide testimony in this proceeding during the the time period set forth above. On or before April 3, 2019, each Party or the parties shall file a status report in this proceeding and serve the opposing Party and the undersigned Presiding Officer."

and finally on page 14,

"The status report shall ... 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. Absent receipt of this information, in detail, a hearing date will be established by the undersigned presiding officer and the Parties and their witnesses will make themselves available at the scheduled dates and times."

The Complainants complied completely with Your Honor's Interim Order, immediately contacted our out-of-state expert witnesses, obtained multiple dates during this period when they both would and would not be available. Both of our witnesses provided dates at which they

would be available for telephonic verbal testimony, etc. as that is all they had agreed to. Complainants contacted and informed the Respondent of this, and the Respondent informed the Complainants that the only two consecutive dates its witnesses were available are Aug 19 and 20. Complainants remarked that the Complainants out-of-state expert witnesses were available on these two dates only for telephonic verbal testimony, etc., and the Respondent informed the Complainants that they were still contesting that venue.

The Complainants filed our April 2, 2019 status report, in compliance with the specific instructions of Your Honor's Interim Order, reporting all of the dates that our out-of-state witnesses would be available (for the verbal telephonic testimony they agreed to), and the only two consecutive dates that the Respondent stated that its expert witnesses would be available.

For the record, again, in compliance with the specific instructions of Your Honor's Interim Order, Complainants simply informed Your Honor that if it is Your Honor's intention to schedule a Hearing during the specified period that based on our conversation with the Respondent, and barring any unforeseen circumstances, the only two consecutive dates that both Parties and expert witnesses schedules match is Aug 19 and 20.

7. COMPLAINANTS' OUT-OF-STATE EXPERT WITNESSES

Your Honor pointedly questioned Francis Hriadil about the availability of our out-of-state expert witnesses and the need for telephonic means to enable their participation, as it was impractical and a financial burden for the Complainants to produce them in person. Your Honor was unsatisfied with Francis Hriadil's explanation and ordered Francis Hriadil to recontact Dr Carpenter and Dr Michrowski to obtain more specific details which where to be reported to Your Honor. Francis Hriadil complied with this verbal order and supplied the requested specifics herein in this status report.

8. "EXPERT REPORTS" and WRITTEN EXPERT TESTIMONY

Next, the topic of the Expert Reports was discussed.

The Respondent re-iterated its position that the Discovery documentation supplied to them concerning our potential expert witnesses, Dr Carpenter, Dr Michrowski, Francis Hriadil, and Michele Hriadil is inadequate in its opinion, and had filed a Motion In Limine... to that effect.

Complainant, Francis Hriadil, restated our position that the Respondent had been properly served with what was required by Your Honor's February 6, 2018 First Supplementary Prehearing Order which stated, section 1, part b,

"any Party wishing to present expert testimony ... must provide to the other party in writing, the name and business address of that expert and a written summary of the expected testimony of that expert."

and is in accordance with 52 Pa. Code § 5.324(a)(1)(ii) and the Respondents Discovery Interrogatories. In addition to the contact information, the Complainants supplied to the Respondent, the subject matter and substance of each expert's facts and opinions, the published reports and documents comprising the summary of the grounds for each expert's opinions, and the curriculum vitae of each expert witness. Their expert critical views concerning RF and LF emitting technology, such as the smart meter technology being deployed by the Respondent was served to the Respondent and fully referenced.

The Complainants comprehensive response was served to Your Honor and the Respondent in Complainants'

January 19, 2019 Response to Respondent's Answer in Opposition to Complainants' Motion to Allow a Second Expert Witness, Dr Andrew Michrowski, Phd, and Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports

Your Honor denied the Respondent's Motion in Limine regarding Complainants' Expert Witnesses as premature, and allowed them to resubmit at a later date, which they did with another large filing entitled

Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports, which was dated April 18, 2019, but which the

Complainants did not receive until April 20. The Complainants have until May 8 to respond.

Your Honor asked Francis Hriadil how long it would take him to respond. Francis Hriadil stated that it is a large filing and would likely take all of the allotted 20 days to adequately review, research, file a proper response.

Without ruling on these filed pleadings, Your Honor proposed as an alternative to require all experts to file their testimony only in writing, that no verbal expert direct testimony would occur, and that only cross-examination would occur verbally. You Honor then asked both parties if this would be acceptable.

The Respondent replied that this would be acceptable to them. Francis Hriadil stated that the before the Complainants could agree, we would first need to contact our expert witnesses and discuss this change with them. Your Honor agreed to allow the Complainants to contact our expert witnesses, and afterwards report our position on this proposal.

In the event that the Complainants and our expert witnesses could not agree to this proposal, Francis Hriadil asked for a clarification and clear direction on what Your Honor and the Commission consider to be an "expert report" and what it must specifically consist of. Upon the asking of this logical and reasonable question, Your Honor abruptly reacted and made an instant verbal ruling that only written testimony would be permitted by expert witnesses, no direct verbal testimony would be allowed, and only verbal cross-examination would occur, disregarding your earlier ruling to allow the Complainants the opportunity to first discuss this with our out-of-state expert witnesses, and without any consideration of how this would impact the Complainants, as two elderly people of limited means representing themselves.

9. COMPLAINANTS HONORABLE INTENTIONS AND INTEGRITY

As part of the discussion, Francis Hriadil asserted that the Complainants have always proceeded in an honorable way and forthright manner to comply with each and every requirement imposed on us by the Formal Complainant process. Francis Hriadil strongly

asserted that we have never behaved in a duplicitous manner during this process and never attempted to evade our responsibilities as formal complainants. Your Honor assured Francis Hriadil that no one is accusing the Complainants of any wrong doing.

For the record, this astonished Francis Hriadil, and Francis Hriadil pointedly reminded Your Honor of some of the various aspersions filed in writing by the Respondent in their written pleadings impugning the Complainants integrity and intentions, including but not limited to accusing us of willfully violating Your Honor's orders and of intending to tamper with their Smart Meter which we wish to examine directly.

10. DEADLINE FOR WRITTEN EXPERT TESTIMONY, ETC.

The Respondent indicated that it wanted all written testimony and exhibits thirty (30) days from the date of this Prehearing Conference Call, which is almost three (3) months before the date of the Hearing scheduled for Aug 19 and 20. Francis Hriadil responded that, as elderly people representing ourselves, this was unacceptable, and Your Honor's February 6, 2018 First Supplementary Prehearing Order specified that all statements and exhibits were not due until approximately 2 ½ weeks before the Hearing (which is typical of other Formal Complaint proceedings that have occurred before the PA PUC). Your Honor asked what the Complainants would want. Francis Hriadil stated that to physically provide documents such as those required by Your Honor, the Complainants would need at least until sometime in July. Your Honor then stated that you would make a ruling on the deadline and inform both Parties.

Francis Hriadil reminded Your Honor that the Complainants are two (2) elderly people representing ourselves with limited resources, one of which works full time, and not a multi-billion dollar company, and that this should be taken into account when deciding on any deadlines. Your Honor responded that you have been generous up to this point in granting time and extensions.

For the record, the Complainants point out that almost all of the extensions that have

occurred so far were due primarily to the large, complicated motions filed by the Respondent, requiring lengthy and careful review, research, and response by the Complainants, all of which took time for the Complainants as we are two (2) elderly people representing ourselves.

11. OTHER OUTSTANDING ISSUES

Your Honor asked what the other outstanding issues are. Both parties spoke and indicated that the other outstanding issues are:

From the Respondent:

December 31, 2018 Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports, which the Respondent was permitted to refile and did so on April 18, 2019.

February 1, 2019 Motion In Limine to Bar Complainants From Introducing or Relying Upon Inadmissable Evidence.

Complainants filed full and detailed responses/answers to the Jan 19 and Feb 1 motions, namely:

January 19, 2019 Response to Respondent's ... Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports

February 21, 2019 Response to Respondent's Motion in Limine to Bar Complainants From Introducing or Relying Upon Inadmissable Evidence.

Complainants are in the process of filing our response/answer to the Dec 31 Motion In Limine ... refiled on April 18, and received on April 20.

From the Complainants:

April 3, 2019 Petition / Motion to Reopen Discovery and Revisit / Reconsider Complainants' February 20, 2018 Motion to Compel Discovery.

April 22, 2019 Motion / Petition for Reconsideration of Interim Order Denying Complainants' Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination.

Therefore, for the record, it was noted that these outstanding issues remain unresolved. They can have a significant impact on the proceeding and the Hearing.

The Prehearing Conference Call was then concluded.

12. THE REQUIREMENT THAT ALL EXPERTS FILE THEIR TESTIMONIES ONLY IN WRITING, AND THAT NO VERBAL EXPERT DIRECT TESTIMONY WOULD OCCUR

Your Honor made this ruling during the course of the Prehearing Conference Call, contravening Your Honor's earlier ruling during the conference call to allow the Complainants to first consult with our out-of-state expert witnesses, which Francis Hriadil explicitly requested.

Your Honor is well aware from the Complainants pleadings related to our expert witnesses, which was re-iterated in our April 2, 2019

Status Report: Request to Allow Telephonic Testimony by Complainants' Expert Witnesses and Complainants' Expert Witness Availability During August 9, 2019 Through September 5, 2019.

to Your Honor, and repeated verbally in the Prehearing Conference Call, that the Complainants out-of-state expert witnesses agreed to participate by telephonic means, and only by telephonic means, to provide verbal testimony and undergo verbal cross-examination on both the original Hearing date and the newly scheduled Hearing date of Aug 19 - 20. Beyond this, Complainants expert witnesses have not agreed to participate on behalf of the Complainants.

After the April 24, 2019 Prehearing Conference Call, Complainants queried Dr Carpenter and Dr Michrowski about the impact of Your Honor's new and unexpected decision to accept only written direct testimony from expert witnesses, asking them what it would require and cost for them to generate such documents. Both responded, that to generate a full, proper, and comprehensive, well-written testimony document would require on the order of 16 - 24 hrs each, for which they would have to charge their standard professional rates for legal work. Their rates have been provided to Your Honor in Exhibit 2. As has been repeatedly stated to Your Honor, the Complainants are two (2) elderly people representing themselves. We are not a multi-billion dollar company such as the Respondent, and do not possess anywhere near its financial means and resources, yet we are being treated as if we are. To impose this requirement on the Complainants, and/or to require the in-person appearance of our out-of-state expert witnesses, imposes an undue burden on the Complainants, precludes any participation by our

out-of-state expert witnesses, cripples the ability of the Complainants to present our case, and makes it literally impossible to produce a preponderance of evidence as we are required to do.

Complainants' preparations from the beginning were based on verbal telephonic testimony being supplied and accepted by our out-of-state expert witnesses, which has been allowed in other hearings before the PA PUC when it has been requested. The PA PUC informational literature entitled, "Know The PUC Complaint Process and Your Options", states,

*"Consumers may file Formal Complaints about problems with a utility, ... Filing a Formal Complaint begins a legal proceeding before a PUC Administrative Law Judge (ALJ) who holds hearings, if necessary, to gather evidence and issue a decision. You must participate in this proceeding and present evidence if needed to prove facts and issues related to your Formal Complaint. **Telephonic options also are available.**" (emphasis added)*

Complainants have every reason to believe that this provision cannot justifiably be denied.

13. THE PA PUC STANDARD FOR PROPER NOTIFICATION OF PARTIES WITH REGARDS TO "EXPERT REPORTS", ETC.

The standard that the Respondent is demanding with regards to expert witness notification, exceeds what is specified in Your Honor's February 6, 2018 First Supplementary Prehearing Order, and grossly exceeds what has been accepted in other Formal Complainant Hearings before the PA PUC.

As one example, Complainants are submitting Exhibit 3. In Exhibit 3 is presented the sole expert witness information notification for Dr Carpenter required of Richard N Myers, that was accepted by his Administrative Law Judge and the Commission as satisfying all notification requirements of the PA PUC, in his Smart Meter Formal Complainant, Richard N Myers v PPL Electric Utilities Corporation, Docket No.C-2017-2620710. Furthermore, Mr Myers was not required to submit this summary any sooner than 3 weeks before his April 2, 2018 hearing. Mr. Myers represented himself in his Formal Complaint. As can readily be seen from this exhibit, the full extent of the written expert report of the expected testimony by Dr Carpenter consisted of no more than one sentence, plus the exhibits that Dr Carpenter intended to submit in support of his verbal testimony.

The Complainants have properly served much more than this to the Respondent as part of Discovery in our proceeding, as we have argued and demonstrated in our pleadings before Your Honor, which Your Honor has deliberately chosen to ignore. Specifically, Complainants refer to our January 19, 2019,

Response to Respondent's ... Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports.

The Respondent cannot reasonably argue that they have no idea what the Complainants' expert witnesses intend to testify to as that is clearly provided in the Complainants filings, etc. Your Honor cannot justifiably treat Complainants, who are representing themselves, as professional attorneys representing a multi-billion company, which is a violation of the US Supreme Court ruling in *Haines v. Kerner*, 404 U.S. 520 (1971)), that

plaintiffs representing themselves should not be treated the same as professional attorney and pleadings from plaintiffs pleading as themselves should be held to "less stringent standards" than those drafted by attorneys. (emphasis added)

nor can Your Honor justifiably apply excessive requirements on the Complainants well beyond the standard accepted in other Smart Meter Formal Complaints. There must be consistency and fairness in how Complainants are treated.

Instead of properly reviewing and ruling on the adequacy of the Complainants Discovery submissions to the Respondent, which are in accordance with Your Honor's February 6, 2018 First Supplementary Prehearing Order and which cannot be justifiably denied, Your Honor chose to completely ignore our pleadings and filing, and suddenly and simply ruled in the Prehearing Conference Call to change the rules mid-stream and create a new requirement which only allows written testimony from expert witnesses. This verbal ruling grossly favors the Respondent, given their significant resources and experience in this proceeding, and significantly and unjustifiably increases the Complainants' workload, unnecessarily complicates the Complainants Hearing preparations which are already in progress, introduces an undue burden on the Complainants, and effectively prevents the participation of the Complainants out-of-state expert witnesses.

14. THE HEARING DATE OF AUG 19 - 20, 2019.

Your Honor ruled in your March 14, 2019 Interim Order that you wanted the Complainants' Hearing to occur during the time period of August 8, 2019 through September 5, 2019, and that both Parties were to check with their witnesses and inform Your Honor of their availability schedules. The Respondent only presented one set of dates during this period, Aug 19 - 20, whereas the Complainants provided a range of dates, as Your Honor requested. The Complainants informed Your Honor that this set of dates was available for the Complainants and our expert witnesses who would participate telephonically, and Your Honor indicated Aug 19 - 20 as the new Hearing date.

This was reviewed at the beginning of the April 24, 2019 Prehearing Conference Call, and the Complainants had no objection with our understanding up to that point of what remained to be done to properly prepare for those Hearing dates. But, during the course of the Prehearing Conference Call, Your Honor significantly changed the rules and the requirements giving the Complainants no opportunity to confer with our out-of-state expert witnesses and determine the full impact of those changes, which Francis Hriadil specifically requested to do.

Furthermore, a new requirement was levied on the Complainants to submit the entire testimony of our expert witnesses in writing, as verbal testimony would now not be accepted and only verbal cross-examination would be allowed. And, the Complainants may be required to supply this in as short of a period of time as 30 days. The Complainants must point out that the Complainants' intended expert witnesses still remain contested by the Respondent, as it has not withdrawn its Motion In Limine... , and they have not been accepted by Your Honor. Yet, all other issues aside, the Complainants and our expert witnesses are expected to commence the significant work that is required to produce these type of expert testimony documents.

Your Honor cannot escape the material fact that there remain many unresolved issues which must be resolved before the true scope of what remains in this prehearing process can be clearly defined. The Complainants must be treated fairly and appropriately as people

representing ourselves, in a manner consistent with other PA PUC proceedings, and be granted a fair opportunity to present our case. Only then, can a reasonable new Hearing date be set and an appropriate adjustment be made to the litigation schedule.

CONCLUSIONS AND CLOSING REMARKS

15. To the dismay of the Complainants, the April 24, 2019 Prehearing Conference Call solved little. Rather, and in fact, it created numerous significant complications and problems which are all to the detriment of the Complainants, who are two (2) elderly people representing themselves, and in the favor of the Respondent, a multi-billion dollar company.

16. First, on the issue of requiring the Complainants' out-of-state expert witnesses, Dr Carpenter and Dr Michrowski, to appear in person at our hearing for two (2) consecutive days would require 2 travel days and 2 in town days on their parts, which would cost the Complainants on the order of \$25,000, plus their expenses. The Complainants cannot afford expenses such as this. Even an amount of \$1,000.00 would be an unacceptable and an unfair burden, and a hardship, on the Complainants, who are only trying to present the truth.

With Your Honor's experience and background, the Complainants are sure that you are not ignorant of how expensive professional rates are, and the significantly increased burden any requirement for in-person testimony of out-of-state expert witnesses would impose on the Complainants. Yet, you have delayed any ruling granting the telephonic participation and testimony of the Complainants' out-of-state expert witnesses. Complainants filed our original request in our Motion ... and Request to Allow Complainants Expert Witness Testimony by Telephone on May 18, 2018. It is now April 30, 2019, almost 1 year later, and the Complainants request to allow the telephonic participation of our out-of-state expert witnesses still has not been granted, even though it has been granted in other PA PUC cases when requested.

Instead, in the April 24, 2019 Prehearing Conference Call, you required Francis Hriadil to

get specific details from our out-of-state expert witnesses concerning their costs regarding appearing in person to give their testimony. Francis Hriadil did as Your Honor ordered and has provided those details. Their answers and the indicated large expense that a requirement for their in-person appearance would incur should be no surprise. Cost aside, Dr. Carpenter has indicated that if his in-person appearance is required, he will be unable to participate at all on behalf of the Complainants.

17. Second, on the issue of the adequacy of the written summaries provided to the Respondent of the intended testimony of the Complainants' expert witnesses, Your Honor chose to ignore the comprehensive pleadings already served by the Complainants, chose to ignore Francis Hriadil's verbal pleading during the conference call, and chose not to rule, even though the Complainants' served testimony summaries signed by our expert witnesses exceeded what has been accepted as proper and sufficient in other Smart Meter Formal Complaints. Considering these precedents, the Complainants' position and pleadings in this regard cannot justifiably be denied. This disregard for the already properly composed and served testimony summaries of the Complainants' expert witnesses is highly detrimental to the Complainants and highly favorable to the Respondent. And, any further excessive requirement imposed on the Complainants in this regard would place an undue burden on the Complainants.

18. Third, on the issue of accepting only written testimony by expert witnesses, instead acknowledging the adequacy of the written testimony summaries signed and properly served by the Complainants' expert witnesses, Your Honor first chose to propose consideration of the alternative of submitting all expert testimony in writing, in lieu of verbal testimony, which changed the previously agreed upon litigation proceeding requirements and which Francis Hriadil indicated required his consultation with his out-of-state expert witnesses. Then, later, Your Honor chose to change this proposition, to which Francis Hriadil had not agreed, into a de facto ruling requiring the submission of all expert testimony in writing as the new requirement, precluding any direct verbal testimony.

This proposed alternative of generating extensive written expert testimonies, does nothing but create considerable additional work, unnecessarily, for the Complainants and our expert witnesses. It diverts the Complainants from tasks reasonably related to the matters at hand, considerably increasing the difficulty for the Complainants in an already difficult process. Both of our out-of-state expert witnesses estimate that it will take on the order of 16 - 24 hrs, each, of their professional time to complete this task, and if they could commit to doing this, they would have to charge their standard professional rates for carrying out this type of legal work. This, again, imposes an unfair and undue burden on the Complainants.

The Complainants can only wonder if this is intended to purposely hinder the Complainants in our pursuit of our complaint, because that is effectively what it does. And, again, it inappropriately favors the Respondent, with its substantial staff, financial resources, and its repeated employment of its cadre of expert witnesses who can simply re-use, adjust, and tailor their scripted expert testimony presented in other Smart Meter Hearings.

19. Fourth, there is the issue of Your Honor's on the record clear mis-statements and misrepresentations of relevant matters regarding the Complainants and our pleadings, including but not limited to:

- incorrectly identifying in the April 24, 2019 Prehearing Conference Call that Michele Hriadil is the filer and signatory on all pleadings, motions, responses, answers, new matters, and petitions served by the Complainants, when it is in fact Francis Hriadil.
- incorrectly stating in Your Honor's March 14, 2019 Interim Order, that
"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."

The material and uncontestable fact is that the Complainants filed and properly served our Response To Respondent's Answer in Opposition To Complainant's Motion To Compel Discovery, dated March 23, 2018.

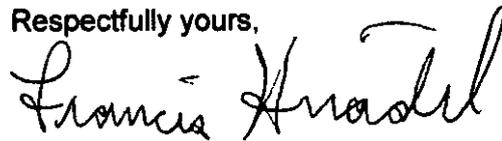
Without reviewing this pleading, Your Honor denied most of the Complainants' Motion to Compel Discovery.

It is occurrences such as these that raise the serious question of whether the Complainants pleadings are being given a full and proper review, and consideration, and that all rulings are being made in a fair and just manner that is consistent with the content and substance of the served pleadings.

20. In closing, continuing and repeated on the record misrepresentations of the Complainants' Formal Complaint proceeding, issued rulings which are inconsistent with the substance of the properly served pleadings of the Complainants, issued rulings which are inconsistent with the accepted standards implemented in other Smart Meter Formal Complaints that have been held before the PA PUC, issued rulings which considerably, unnecessarily, and unduly increase the costs and already considerable workload for the Complainants who are two (2) elderly people representing ourselves, and issued rulings which unjustifiably favor the Respondent with its already significant resources and advantages over the Complainants who, again, are representing ourselves, that have occurred during this complaint process and, again, in the April 24, 2019 Prehearing Conference Call, raise serious concerns in the minds of the Complainants as to the fairness, propriety, and integrity of the process in which the Complainants find themselves. The Complainants are considering whether the Commission should get involved in reviewing and addressing these concerns. This concludes the Complainants status report.

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

Respectfully yours,



Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, PA 15146
April 30, 2019

EXHIBIT 1

From: hriadil <hriadil@attglobal.net>
To: dcarpenter@albany.edu
Date: 04/27/2019 15:04
Subject: Clarification of You Agreeing to Participate in our Hearing as an Expert Witness

Hi Dr Carpenter.

Sorry to impose, but I want to be able to provide the judge with a statement as clear and definitive as possible.

You agreed to participate as an expert witness at our Hearing, originally, and on the new date of Aug 19 - 20 under the following 2 conditions:

1. You are only available to participate by telephonic means.
2. You agreed to provide your testimony verbally at the Hearing, and not in a written format.

Beyond this, you have not agreed.

And, you agreed to participate because it is a matter of public concern, and is in the public interest.

Please send me your confirmation of this, so that I can inform the judge.

Sincerely,

Francis Hriadil.
Monroeville, PA

From: "Carpenter, David O" <dcarpenter@albany.edu>
To: hriadil <hriadil@attglobal.net>
Date: 04/27/2019 16:10
Subject: RE: Clarification of You Agreeing to Participate in our Hearing as an Expert Witness

Hi Francis:

This is all correct. If I were required to prepare a written report I would anticipate that it would require of the order of 20 hours to do so if it were done well. David

From: hriadil <hriadil@attglobal.net>
To: Andrew Michrowski <paceincnet@gmail.com>
Date: 04/27/2019 15:05
Subject: Clarification of You Agreeing to Participate in our Hearing as an Expert Witness

Hi Dr Michrowski.

Sorry to impose, but I want to be able to provide the judge with a statement as clear and definitive as possible.

You agreed to participate as an expert witness at our Hearing, originally, and on the new date of Aug 19 - 20 under the following 2 conditions:

1. You are only available to participate by telephonic means.
2. You agreed to provide your testimony verbally at the Hearing, and not in a written format.

Beyond this, you have not agreed.

And, you agreed to participate because it is a matter of public concern, and is in the public interest.

Please send me your confirmation of this, so that I can inform the judge.

Sincerely,

Francis Hriadil.
Monroeville, PA

From: Andrew Michrowski <paceincnet@gmail.com>
To: hriadil <hriadil@attglobal.net>
Date: 04/27/2019 18:55
Subject: Re: Clarification of You Agreeing to Participate in our Hearing as an Expert Witness

Yes, I confirm.

Andrew Michrowski

Exhibit 2

From: "Carpenter, David O" <dcarpenter@albany.edu>
To: hriadil <hriadil@attglobal.net>
Date: 04/24/2019 15:22
Subject: Hearing

Dear Francis and Michelle Hriadil:

I can be available to testify by phone in your case on August 19-20. As I have told you earlier it is not possible for me to take two days to travel to Pennsylvania in order to appear in person because of my multiple professional and family obligations. If it is impossible for me to assist by phone I will not be able to participate in this hearing. I'm sorry but I just have too much on my plate to be away for two days. David Carpenter

David O. Carpenter, MD
Director, Institute for Health and the Environment
University at Albany
5 University Place, A 217
Rensselaer, NY 12144

From: "Carpenter, David O" <dcarpenter@albany.edu>
To: hriadil <hriadil@attglobal.net>
Date: 04/24/2019 15:33
Subject: Costs

Dear Francis and Michelle Hriadil:

My charge for any legal work is \$400 per hour for whatever I do. This applies to time spent preparing reports, time spent on travel and time with the court. When out of town I charge based on a 10-hour day. Except for personal travel costs all of these funds are deposited into my research account here at the University at Albany, and are used to support my students and professional staff. Travel and hotels costs are to be reimbursed to me personally.

Should I be required to appear personally in your case I would anticipate spending two 10-hour travel days plus two 10-hour court days, for a total of about 40 hours. The charge for this appearance would thus be of the order of \$16,000.

Thank you for your consideration. David Carpenter

David O. Carpenter, MD
Director, Institute for Health and the Environment
University at Albany
5 University Place, A 217
Rensselaer, NY 12144

From: Andrew Michrowski <paceincnet@gmail.com>
To: hriadil <hriadil@attglobal.net>
Date: 04/24/2019 14:40
Subject: Re: Hearing Update - I had a prehearing conference call with the Judge and DLC this morning

I am busy today, but will try to address.

In the Canadian court system, my presence in court is compensated at \$250/hour, and the courts pick up the tab for any report-writing at the same rate.

My usual professional fees are standard: \$1,500/day; this, to calculate a value for written testimony.

With regards to travel, you might be able to find out from local resources how much a flight, et cetera might cost from Ottawa to an appropriate airport, assuming that you could have arrangements for pick-up. Cost of local meals, lodgings is your expertise.


Dr Andrew Michrowski
President
102 Brasco Avenue, Suite 1001
Ottawa, Ontario K1H 0C9, Canada
Phone: (613) 289-4285
Planetary Association for Clean Energy
An international collaborative network of scientists working to advance the discovery, research and development of clean energy systems
<http://paceincnet.com/AboutUs.html>

From: hriadil@attglobal.net
To: paceincnet@gmail.com
Date: 04/27/2019 14:48

Hi Dr Michrowski.

Could you tell me how much time is usually required, or you think would be required, to produce your written expert testimony for my hearing? What would that normally entail? And, what that would it normally cost? I expect that the judge will ask this question. Sorry, but could you answer this as soon as possible.

Sincerely,

Francis Hriadil.
Monroeville, PA

Subject: Re: Hearing Update - I had a prehearing conference call with the Judge and DLC this morning
From: Andrew Michrowski <paceincnet@gmail.com>
Date: 04/27/2019 17:03
To: hriadil <hriadil@attglobal.net>

Between 2 - 3 days (16 - 24 hours)

BEFORE THE
PENNSYLVANIA UTILITY COMMISSION

Richard N. Myers

Complainant

Docket No. C-2017-2620710

PPL Electric Utilities Corporation,

Respondent

DIRECT TESTIMONY
DAVID O. CARPENTER, M.D.
ON BEHALF OF
RICHARD N. MYERS

PUBLIC VERSION

ADDRESSING:

- RESEARCH RELATING TO BIOLOGICAL HEALTH EFFECTS FROM EXPOSURE TO NON-THERMAL RF RADIATION

March 12, 2018

Honorable Elizabeth Barnes
Administrative Law Judge
PA Public Utility Commission
Commonwealth Keystone Building
300 North Street, 2nd Floor West
PO Box 3765
Harrisburg, PA 17105-3265

Your Honor

As an expert witness appearing on behalf of Mr. Myers at his April 2 hearing in the above referenced matter, enclosed herewith are six Exhibits in support of my Direct Testimony:

- List of 155 Reviews on Non-thermal Effects of Microwave/Intermediate Frequency EMFs by Martin Pall
- International Appeal: Scientists call for Protection from Non-ionizing Electromagnetic Field Exposure
- A review paper on the implications of non-linear biological

Complainant's
Exhibit No. 1

oscillations on human electrophysiology for electrohypersensitivity (EHS) and multiple chemical sensitivity (MCS)" appearing in Reviews on Environmental Health

- Biocumulative 2012
- A paper entitled "Electromagnetic Fields and Cancer: The Cost of Doing Nothing" by David O. Carpenter, M.D. appearing in Reviews on Environmental Health
- Radiofrequency Radiation Table showing power density 10 feet from a smart meter

Mr. Myers will submit my Curriculum Vitae as one of his Exhibits for your review. I look forward to testifying and cross examinations concerning radio frequency fields and health.

Respectfully submitted,



David O. Carpenter, M.D.
Department of Environmental Health Sciences
University at Albany, School of Public Health
Five University Place, Room A217
Rensselaer, NY 12144-3456

RECEIVED

APR 30 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Complaints 17

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

APR 30 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

CERTIFICATE OF SERVICE

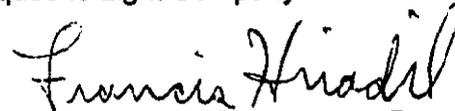
I hereby certify that I have this day served a true copy of Complainants' Status Report
After The April 24, 2019 Prehearing Conference Call upon the participants listed
below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a
participant):

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 30th day of April, 2019



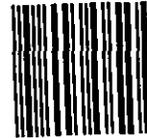
Michele and Francis Hriadil
331 Shady Ridge Drive
Monroeville, Pennsylvania
(412) 779-3314
hriadil@attglobal.net



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F. Hriadil
331 Shady Ridge Drive
Monroeville, PA 15146

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