

May 16, 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 Reply to Complainants' Response to Respondent'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 and Administrative Law Judge Jeffrey Watson 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:5143402-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHELE HRIADIL and
FRANCIS HRIADIL,

Complainants,

v.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**REPLY TO COMPLAINANTS' RESPONSE
TO RESPONDENT'S MOTION IN LIMINE
TO PRECLUDE COMPLAINANTS'
PURPORTED EXPERT TESTIMONY FOR
FAILURE TO PRODUCE REQUIRED
EXPERT REPORTS**

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

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ordered the parties to provide written direct expert testimony, which serves the dual purpose of allowing Duquesne Light to learn what Complainants' purported experts intend to say on direct examination (which is traditionally accomplished through the production of information under 52 Pa. Code § 5.324) while removing Complainants' uncertainty about what information they must provide in response to Duquesne Light's discovery requests.² Complainants' Response never mentions this order; instead, they continue to argue that they produced sufficient expert reports.³ The sufficiency of Complainants' expert reports is a moot point, however, given that the Presiding ALJ ordered written direct expert testimony.⁴

As to the second issue raised in Complainants' Response, Duquesne Light also maintains the position set forth in its Motion in Limine regarding Complainants' desire to testify as experts; namely, they lack the required qualifications. See Motion in Limine, pp. 7-9. Nothing in Complainants' Response undermines the core points raised by Duquesne Light's motion in limine on this issue.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire

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² The Presiding ALJ has the power to order written direct expert testimony. See 52 Pa. Code § 5.412(b) ("The presiding officer may direct that expert testimony to be given upon direct examination be submitted as prepared written testimony.").

³ Duquesne Light's Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports ("Motion in Limine") does not address written direct expert testimony because it was originally filed on December 31, 2018, long before the Presiding ALJ ordered written direct testimony at the prehearing conference on April 24, 2019. Duquesne Light refiled its Motion in Limine on April 18, 2019 and April 25, 2019 pursuant to the Presiding ALJ's orders. The refiled motions are simply photocopies of the original Motion in Limine filed on December 31, 2018, and thus do not address written direct expert testimony.

⁴ Duquesne Light reserves the right to challenge the expert credentials of Drs. Carpenter and Michrowski based on their written direct testimony.

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Duquesne Light Company

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHELE HRIADIL and
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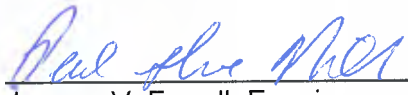
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Reply to Complainants' Response to Respondent's Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Michele and Francis Hriadil
331 Shady Ridge Drive
Monroeville, PA 15146

Administrative Law Judge Jeffrey Watson
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222

Dated this 16th day of May 2019.



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