

331 Shady Ridge Drive
Monroeville, Pennsylvania

May 24, 2019

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MAY 24 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Via Paper Filing

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

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

Dear Secretary Chiavetta:

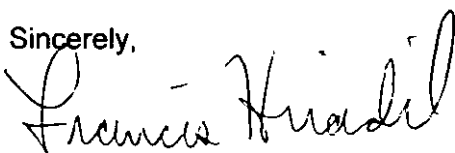
Enclosed please find a copy of Complainants'

Response to Respondent's Answer to
Complainants' Petition / Motion for Reconsideration of Interim Order Denying
Complainants' Petition/Motion to Compel Respondent
to Supply Its Smart Meter for Examination

A copy of this document has been served upon the Judge Jeffrey Watson, Presiding PA PUC Pittsburgh Administrative Law Judge, and the Respondent's Counsel, Jeremy V Farrell, Esquire, in accordance with Commission regulations.

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

Sincerely,



Francis Hriadil
Complainant
(412) 779-3314
hriadil@attglobal.net

Enclosure

Cc: Judge Jeffrey Watson, Presiding PA PUC Pittsburgh Administrative Law Judge

Cc: Jeremy V Farrell, Esquire, Counsel for Duquesne Light Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**RESPONSE TO
ANSWER TO COMPLAINANTS'
PETITION/MOTION FOR RECONSIDERATION
OF INTERIM ORDER DENYING
COMPLAINANTS' PETITION/MOTION
TO COMPEL RESPONDENT TO SUPPLY
ITS SMART METER FOR EXAMINATION**

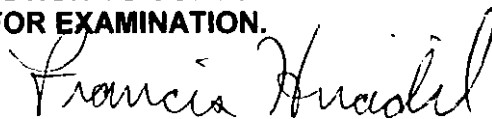
Filed by Michele and Francis Hriadil

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(412) 779-3314
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Monroeville, Pennsylvania

**RESPONSE TO
ANSWER TO COMPLAINANTS' PETITION/MOTION
FOR RECONSIDERATION OF INTERIM ORDER
DENYING COMPLAINANTS' PETITION/MOTION
TO COMPEL RESPONDENT TO SUPPLY
ITS SMART METER FOR EXAMINATION**

TO: THE HONORABLE ALJ JEFFREY A. WATSON

ENCLOSED IS COMPLAINANTS' RESPONSE to the RESPONDENT'S ANSWER TO
COMPLAINANTS' PETITION/MOTION FOR RECONSIDERATION OF INTERIM
ORDER DENYING COMPLAINANTS' PETITION/MOTION TO COMPEL
RESPONDENT TO SUPPLY ITS SMART METER FOR EXAMINATION.



Francis Hriadil
May 24, 2019

BEFORE THE
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ITS SMART METER FOR EXAMINATION**

TO THE HONORABLE ALJ Jeffrey A. Watson:

1. Complainants'
 - July 6, 2018 Response to Motion for Summary Judgment
 - January 24, 2019 New Matter #5 - Duquesne Light Company / Centron / Itron OpenWay SK9AMI7 Smart Meter
 - February 27, 2019 Answer to Respondent's Letter Concerning Complainants' New Matter #5 and Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination
 - March 29, 2019 Answer to Respondent's Response to Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination
 - April 22, 2019 Motion/Petition for Reconsideration of Interim Order Denying Complainants' Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination
 - other filed documents, supporting documents, and exhibits,

are all incorporated here-in by reference as if fully restated.

2. In its Answer..., the Respondent makes four (4) arguments in support of the original Interim Order. The Complainants reviewed the Respondent's arguments and will concisely address each one in succession.

- I. ... The similarity of Duquesne Light's smart meter to other smart meters is irrelevant because the Commission already approved it after a thorough public review process.

3. The Complainants' aver that the commonality of the Respondent's Smart Meter is relevant and of critical importance to the proper assessment of the matters at issue with regard to our Formal Complaint and request for relief. The Respondent asserts a great deal of commonality with its "traditional analog meters," yet disavows any commonality with other similar RF emitting devices, and all other Smart Meters that have been or are being deployed in Smart Meshes throughout Pennsylvania, and elsewhere throughout the country and the world. When it comes to the extensive independent documentation, reports, analyses, testing, vulnerabilities, failures, warnings, etc that have been provided to the Respondent as part of Discovery, the Respondent takes a contrary position and in one broad stroke dismisses the validity of all of this adverse evidence, proclaiming that none of it is pertinent to their particular device because, in other words, it is "not our meter". In this circumstance, they effectively view their device as unique, as separate and distinct, from all such other similar RF emitting devices, including other Smart Meters. It is a material, uncontestable fact that Centron sells its Openway SK9AMI7 Smart Meter, and other vendors sell similar meters, to electric utility companies throughout the state, the country, and the world. And, the Respondent, in its Smart Meter Technology installation plan, the "Duquesne Light Company Final Smart Meter Technology Procurement and Installation Plan" Docket Nos. P-2012- M-2009-2123948, presented to the Commission that it has structured its SK9AMI7 Smart Meter deployment in the same manner as other EDCs

4. The Respondent asserts that its Smart Meter program has been “approved after a thorough public review process”. The Respondent has not and cannot substantiate that the “review process” has been fair, unbiased, independent, and “thorough” in any credible way. The Respondent cannot and has never been able to present any credible, definitive evidence that their Smart Meter in its Smart Mesh is inherently safe and not harmful in its use and operation. It cannot.

It is an uncontestable foundational material fact (as presented in detail in Complainants’ comprehensive July 6, 2018 Response to Motion for Summary Judgment with our supporting exhibits, as well as in our other filings) that:

- The International Agency for Research into Cancer (IARC), which is part of the World Health Organization (WHO), has determined that **Radiofrequency (RF) Electromagnetic Fields (the sort given off by Smart Meters, etc.) belong to the “Group 2B” class of agents, such as lead, engine exhaust, and DDT, and as such, represent a potential “carcinogenic hazard”.**
- The National Toxicology Program (NTP), a federal interagency group under the National Institutes of Health (NIH) released definitive evidence that **pulsed RF radiation exposure, at frequencies, intensities, and modulations emitted from cell phones and Smart Meters, causes tumor formation and DNA damage.** This has been recognized as significant by the American Cancer Society (ACS) etc., and has been verified in other studies.
- As but one example of many expert reports, the review paper in the Electromagnetic Biology and Medicine journal, Volume 35, 2016 – Issue 2, entitled “*Oxidative mechanisms of biological activity of low-intensity radiofrequency radiation*”, reported that, **in 93 of 100 studies, RF radiation produced a cellular stress response which can lead to DNA damage and cancer.**
- Numerous recognized credentialed independent experts, including but not limited to, such as Ronald M Powell, PHD (retired); Samuel P Milham, MD, MPH (retired); Martin L. Pall, PHD; Andrew A Marino, MD, JD; David O Carpenter, MD; Andrew Michrowski PHD; William S Bathgate EE ME; Sharon Goldberg, MD; Henry Lai, PHD; Federica Lamech MBBS; Cindy Sage, Sage Associates; Liz Barris - documented Electro-HyperSensitivity (EHS) victim; Patrick Colbeck - Michigan State Senator; Angie Colbeck, MD Epidemiology; and Richard H. Conrad, Ph.D; to name but a few; have issued warnings, expert reports, and testified before government agencies, utility commissions (including the PA PUC), etc. concerning the hazards and harmful effects of pulsed RF radiation exposure, at

frequencies, intensities, and modulations emitted from cell phones and Smart Meters. Specifically, they have officially established that

- **the RF transmissions from Smart Meters are harmful**
 - **pulsed EMFs, such as those from Smart Meters, are, in most cases, more biologically active and therefore more dangerous than are non-pulsed (continuous wave) EMFs**
 - **the Smart Meter Switch Mode Power Supply (SMPS) causes voltage spiking and harmonics in the home's interior electrical wiring, which induces secondary pulsed LF/ELF radiation in the home which is also harmful**
- In direct expert testimony before the PA PUC (*Maria Povacz v. PECO Energy Company, Docket No. C-2015-2475023*), Andrew A Marino, PHD Biophysics, JD Law Syracuse University; Professor Departments of Neurology, Cellular Biology and Anatomy, and Orthopaedic Surgery, LSU; Member of the Bar in LA and NY, co-author of "The Scientific Basis of Causality in Toxic Tort Cases" established, and the PUC accepted, that
- **prior early governmental and agency assessments of Smart Meter technology are no longer credible, are far behind the present state of the science, and are heavily biased in favor of industry positions.**
 - **"Nowhere does the FCC say that Smart Meters are safe with regard to physiological changes caused by physical processes other than heating or cooking. That claim is unsupportable and counter-scientific, and has not been made by the FCC. [This assertion] is pregnant with the notion that the FCC says that Smart Meters are safe with respect to all possible mechanisms which is not the case."**
 - **there is a reasonable basis in established science for ... concern regarding risks to human health caused by man-made electromagnetic energy in the environment, including the type of electromagnetic energy emitted by Smart Meters. ... These health risks are heightened in the very young, the very old, and in those with pre-existing diseases or disorders.**
 - **electromagnetic hypersensitivity is a documented neurological condition in which the affected person experiences musculoskeletal, immunological, and/or neurological symptoms that noticeably flare or intensify upon exposure to man-made electromagnetic energy in the environment.**
 - **that man-made electromagnetic energy, including that from Smart Meters, causes biological effects involving every essentially physiological process that occurs in living organisms.**
 - **there is no justifiable reason ... to not respect and implement the advice they received from their physicians that exposure to Smart-Meter energy should be avoided.**

- As a result of testimony by such experts as Dr Marino, **the PA PUC has officially recognized that exposure to the emissions of a Smart Meter has caused and can cause harm.** (Reference: *Maria Povacz v. PECO Energy Company, Docket No. C-2015-2475023*; *Susan Kreider v. PECO Energy Company, Docket No. C-2015-2469655*; for example. These are established Conclusions of Law.)
- Complainant, Francis Hriadil's physician issued the following official medical recommendation specifically for Francis Hriadil, **“...it is recommended that you not be exposed to RF/EMF frequencies generated by a "Smart Meter" based on your current clinical condition as well as from a preventive standpoint.”** Martin Gallagher, MD, DC, ABOIM

And, there are almost countless other such established, verifiable references that can be cited.

So, any assertion by the Respondent that a “thorough public review process” has been carried out and that this issue has been settled is disingenuous and factually incorrect, as that purported “thorough” process was based on incomplete, inaccurate, flawed, and industry-biased information.

5. Furthermore, it is a clear indication of ignorance and naivete, and is outright irresponsible, to even suggest that a technology or any technology, whether chemically, biologically, or physically based, is patently safe and remains safe after its initial review and approval. Continued testing, analysis, re-assessment, and re-validation of any technology is required, and is an ongoing process. It does not simply stop once initial approval is granted.

Automobiles, etc. go through extensive testing, analyses, certifications, and approvals, yet there are recalls. Three Mile Island nuclear plant, the space shuttle, DDT, etc, went through countless reviews, testing, certifications, and approvals, yet there have been disasters incurring injury and the loss of life. Cigarette smoking was initially considered harmless, and even to possess some benefits. It was accepted and approved for human use; yet, continued science has shown the exact opposite to be the case. At least, there is no government agency trying to force people to smoke cigarettes, whereas the state of Pennsylvania, contrary to its own laws, statutes, etc., is attempting to impose unacceptable Smart Meters on its people irrespective of their preferences, conditions, and circumstances. No other state in the union is

doing this. A number of Attorney Generals in other states have shutdown or curtailed the Smart Meter programs in their states after comprehensive review. And, unlike here, other states have made its deployment voluntary. The assertion by the Respondent that its Smart Meters are safe and practical simply because it "received" some measure of "initial approval" is illogical, especially when the latest scientific and medical studies establish otherwise. Any such approval is conditional on the continued support of new information. This "initial approval" has subsequently been shown to be premature and flawed.

II. ... Complainants also have not examined other smart meters and cannot make a valid comparison between Duquesne Light's smart meter and another company's smart meter, ... Further, Complainants are not qualified to examine the smart meter because they have never performed any job responsibilities or engaged in a course of study relating to radio frequency and low frequency radiation.

6. The Respondent has no basis to make the claim that the Complainants, with our extensive technical backgrounds and experience, and our access to various other recognized experts, "cannot" carry out a valid examination and make a valid comparison of the form, fit, function, and operation of the Respondent's Smart Meter with that of other companies, utilities, states, and countries, some of whom use the exact same Smart Meter as the Respondent's in a similar Smart Mesh. There is no merit to this statement and the Respondent cannot realistically substantiate it.

7. Extensive examination and testing has been carried out on other Smart Meters companies'/utilities' Smart Meters operation by various independent experts. This data has been documented and reported, and is available for comparison. The results of the intended examination of the Respondent's Smart Meter, and any comparison made with other Smart Meters resulting from this examination, will be provided, per Commission requirements, to the Respondent. Everything will be fully documented and presented. The Respondent will be provided with the results which they can review, assess, and challenge in whatever manner they can justify. What the Respondent cannot logically and reasonably do is precipitously and

hypothetically contest the validity of an examination by the Complainants, that is permitted by 52. Pa. Code § 5.321(c), before it has been carried out. The Respondent cannot reasonably challenge the validity of an examination until that examination has been done, and the results have been produced. Any such assertion is mere speculation; it is conjecture intended simply to malign the Complainants, and prevent legitimate and relevant independent probative analysis. And, it is illogical by its very nature.

III. Finally, the Presiding ALJ's order was legally valid despite being unsigned, and Complainants' claim that the Presiding ALJ failed to list every reason for denying the Motion to Compel actually favors Duquesne Light, not Complainants.

8. It is a material fact that Your Honor's apparent May 10, 2019 Interim Order regarding the Complainants motion lacks a signature. Every document, motion, answer, and response served and filed by the Complainants must be signed and properly served, otherwise it is not considered valid and not accepted by the Commission. Every prior order issued by the Commission and Your Honor regarding our Formal Complaint has been fully signed and served, except for the Interim Order in question.

The Complainants are two (2) elderly people representing ourselves, and are new to this process. As this ruling is of utmost consequence to our Formal Complaint, it seems reasonable to mention this occurrence, to not make any assumptions, and to verify that the ruling is legitimate and has been properly served.

9. Furthermore, no clear explanation or justification is provided in the Interim Order for the initial ruling that was rendered. The Complainants aver that that initial ruling is inherently inconsistent with the pleadings, answers, explanations, justifications, and content provided in the Complainants' filings on this matter (listed in Section 1, page 2, herein). As such, that initial ruling, which is prejudicial against the Complainants, appears arbitrary, and can fairly and reasonably be questioned. The Complainants aver that it does not reflect or correctly represent the facts, arguments, and justifications that were presented.

Without repeating the entirety of those facts, arguments, and justifications here again, the Complainants aver that we have provided a sound, logical, scientific, and legal basis that our examination of the Respondent's Smart Meter is valid for numerous reasons, including but not limited to the fact that it is more than reasonably calculated to lead to admissible evidence that will be important in our case, and useful to the Commission in the just assessment and resolution of our complaint.

IV. At its core, Complainants' desire to examine Duquesne Light's smart meter is based on their flawed notion that the meter has never been closely inspected, and that they are qualified to perform this much-needed task to prove its similarity with other smart meters. These beliefs are incorrect. The Commission approved Duquesne Light's smart meter after a thorough public review process. Complainants could have participated in that process and raised their concerns to the Commission at that time. They chose not to do so. Now they are trying to use this individual complaint to collaterally attack Duquesne Light's smart meter plan. Complainants cannot be permitted to circumvent the public process that led to the approval of Duquesne Light's smart meter plan through this individual complaint.

10. Contrary to the Respondent's purported and disingenuous claim here that the Complainants are operating under a "flawed notion," the Complainants have provided substantial evidence in our filings (and herein - see Section 1, page 2 and Section 4, pages 3 - 6) establishing that the original assessment and understanding of this RF-based Smart Meter technology by Pennsylvanian officials and the PA PUC, as well as the public review process carried out here in Pennsylvania, were and remain shallow, superficial, inaccurate, and biased.

11. This can in no way be justifiably characterized as thorough or independent. It is a process that has been heavily influenced by paid advocates and lobbyists for an industry seeking to gain substantial economic benefit at the expense of the people of Pennsylvania, at the risk of their health and safety, and in violation of their inherent God-given rights. Political contributions to elected state officials by the various utilities and their vested technology partners, as well as the utility-sourced financing structure of agencies such as the PA PUC, are well documented.

12. It has effectively resulted in the “rubber stamping” of a technology and a program that is deficient, in violation of the the language of Act 129, the documented intent of the PA legislators who passed it, and various laws and statutes such as 66 Pa. C.S. § 701; 66 Pa. C.S. § 1501; 52 Pa. Code § 57.194, etc. which govern its implementation and compliance with requirements. The “safety” of this RF-based Smart Meter technology has been contradicted and discredited by the latest science that is available and by numerous independent experts, who have labelled the wide-spread deployment of RF-based technology, such as Smart Meters operating in a Smart Mesh, as a threat to public safety. The whole “review process” in Pennsylvania, that has resulted in this type of misguided program being enacted and forced on the people of Pennsylvania, can accurately and appropriately be characterized by the one single word “flawed,” that has been misapplied by the Respondent in reference to the Complainants.

13. Finally, the Respondent makes the flippant remark that Complainants “could have participated in the [review] process and raised their concerns to the Commission at that time.” Complainants do not view this as a serious argument that merits much comment. Had the Complainants been properly informed and invited to participate, and been available, we would have. Nevertheless, what is known now completely outweighs and overrides what was known then, and must be taken into consideration.

SUMMARY AND CONCLUSION

14. The specific nature of the Respondent’s RF-based Smart Meter and its Smart Meter technology and program is not irrelevant to the matters at issue. The specific nature of the Respondent’s Smart Meter and its RF-based Smart Meter technology is directly relevant to establishing its compliance with pertinent PA governing statutes such as 66 Pa. C.S. § 701; 66 Pa. C.S. § 1501; 52 Pa. Code § 57.194, etc. The direct examination of the Respondent’s Smart Meter is necessary to properly characterize the performance and operation of its meter, and its commonality with other similar RF-based technology, smart meters, etc., in order to

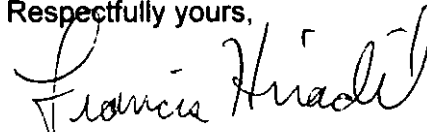
properly establish the applicability and relevance of the large body of data that already exists on similar pulsed RF-based devices and meters.

15. Complainants respectfully submit that our motion/petition is proper, appropriate, justified, and of important consequence to the Complainants in our pursuit of our Formal Complaint. It is in the public interest and the interest of the PA PUC. The Respondent has presented nothing in its Answers that refutes this or justifies a denial.

WHEREFORE, in light of these circumstances, Complainants Michele Hriadil and Francis Hriadil wish and respectfully request that Your Honor reconsider your April 10 Interim Order and grant Complainants' Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination.

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

Respectfully yours,

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

Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, Pennsylvania
May 24, 2019

BEFORE THE
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Respondent.

CERTIFICATE OF SERVICE

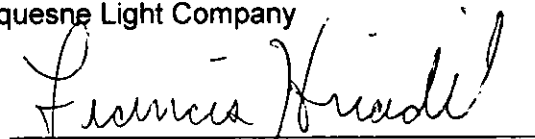
I hereby certify that I have this day served a true copy of Complainants' Response to Answer to Complainants' Petition / Motion for Reconsideration of Interim Order Denying Complainants' Petition/Motion to Compel Respondent to Supply Its Smart Meter for Examination upon the participants listed below 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
One PPG Place - 1500
Pittsburgh, PA 15222
(412) 594-5619 (Fax)

Counsel for Respondent, Duquesne Light Company

Dated this 24th day of May, 2019



Michele and Francis Hriadil
331 Shady Ridge Drive
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hriadil@attglobal.net