

RECEIVED

JUL 25 2019

331 Shady Ridge Drive  
Monroeville, Pennsylvania

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

July 25, 2019

*Via Paper Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Keystone Building, 2nd Floor  
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'

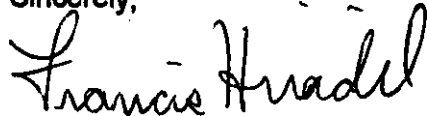
Response to Respondent's Brief in Opposition to Complainants'  
Amended Request for a Continuance of the Hearing.

concerning the August 19 - 20 Hearing and its associated deadlines.

This request 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

RECEIVED

JUL 25 2019

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**RESPONSE TO RESPONDENT'S  
BRIEF IN OPPOSITION TO  
COMPLAINANTS' AMENDED REQUEST  
FOR A CONTINUANCE  
OF THE HEARING**

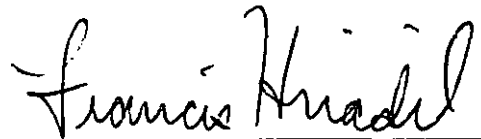
Filed by Michele and Francis Hriadil

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

**RESPONSE TO RESPONDENT'S  
BRIEF IN OPPOSITION TO COMPLAINANTS' AMENDED REQUEST  
FOR A CONTINUANCE OF THE HEARING**

TO: THE HONORABLE ALJ JEFFREY A. WATSON

ENCLOSED IS COMPLAINANTS' RESPONSE TO RESPONDENT'S BRIEF IN OPPOSITION  
TO COMPLAINANTS' AMENDED REQUEST FOR A CONTINUANCE OF THE HEARING.



Francis Hriadil  
July 25, 2019

JUL 25 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHELE HRIADIL and  
FRANCIS HRIADIL,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

RESPONSE TO RESPONDENT'S  
BRIEF IN OPPOSITION TO COMPLAINANTS' AMENDED REQUEST  
FOR A CONTINUANCE OF THE HEARING

TO ALJ Jeffrey A. Watson:

1. On July 17, 2019, the Complainants' filed a Request for a Continuance. The legitimate and factual reasons for our request were stated in that filing. The Respondent was contacted to inform it of our request, and the reasons for our request. The Respondent notified the Complainants that it did not agree to a continuance, and sent the following:

*"We do object. This proceeding has already lasted several years, we have already rescheduled the hearing multiple times, and the currently-scheduled hearing is still more than a month away. Please communicate our objection in your letter to ALJ Watson. We will respond separately to ALJ Watson listing the reasons for our objections. We will copy you on that correspondence."*

2. After finding that there was an error in our original request, and reviewing the Respondent's stated objection, the Complainants filed an Amended Request for a Continuance of the Hearing on July 18, 2019, correcting our error and responding concisely to the above reasons provided by the Respondent for its objection.

3. Respondent composed its Brief in Opposition to Complainants' Amended Request for a Continuance of the Hearing, which the Complainants received on Monday, July 22, 2019.

4. In its Brief, the Respondent re-iterates and elaborates on its reasons for its objection, referring again specifically to the occurrence of three (3) continuances, contorting the factual history in a disingenuous manner, and disregarding the true reasons for those continuances. The Complainants will address this and set the record straight.

5. First, It is curious to note that when the Respondent views the Litigation Schedule to be to its advantage, it makes strong emphasis of that schedule. Yet, when it views it to not be to its advantage, the Respondent conveniently ignores it.

#### Section I. The Initial Hearing Date

6. An Initial Hearing notice, dated September 15, 2017, was issued by the PA PUC Office of Administrative Law Judge, Harrisburg, PA indicating that an Initial Hearing was scheduled for January 3 and 4, 2018. The Complainants did not receive this original notice, and called ALJ Watson's office on September 21, 2017 to inquire about the status of our Hearing. ALJ Watson's receptionist confirmed to the Complainants on the phone that an Initial Hearing had been scheduled for January 3 and 4, 2018, and that she would immediately forward a copy to us, which we received more than 2 days later.

#### Section II. The First Continuance

7. In Discovery, the Respondent had been fully informed that Francis Hriadil was elderly and had two chronic medical conditions consisting of severe degenerative disc disease and digestive problems, which limited his physical abilities. The Respondent has been served confidential hospital records substantiating these ongoing conditions. Upon learning that the

Initial Hearing was scheduled for January, in the middle of winter, the Complainants immediately informed ALJ Watson of his physical situation and limitations, of the fact that Francis Hriadil's chronic medical conditions were particularly worsened during the winter months because of the increased physical stress the winter weather conditions imposed, and requested that the Hearing be moved until after the winter months. The Respondent had no objection. ALJ Watson, recognizing Francis Hriadil's physical conditions and issues, granted a continuance and scheduled a Prehearing Conference Call by telephone for December 14, 2017 to address a new Litigation Schedule. **So, the First Continuance, occurred solely as a result of Francis Hriadil's chronic medical conditions. The Complainants cannot justifiably be faulted for having medical conditions affecting his physical abilities. The PA PUC has a policy of acknowledging and accommodating these types of conditions.**

8. On December 14, 2017, the Prehearing Conference Call was held. And, a new Litigation Schedule was established, and a Prehearing Order was issued on December 15, 2017 setting a new Hearing date of April 26 and 27, 2018.

9. **It is and remains a fact that**

**Michele Hriadil is elderly, 64 years old, and working a full time job.**

**Francis Hriadil is elderly, 67 years old, with chronic medical conditions involving severe degenerative disc disease and digestive issues, and lives with his sister Michele, because of those conditions. As such, he has significant limitations on his physical abilities. And, as such, the winter months remain an issue for Francis Hriadil.**

### Section III. The Second Continuance

10. First, the Respondent makes a point that

*"On December 30, 2017 – just three days before discovery closed – Complainants served nearly 200 discovery requests on Duquesne Light, along with a Motion to Compel."*

This is immaterial to the request at hand. But, Complainants would like to remind the

Respondent that during this period we were engaged both in submitting full and complete Discovery answers to the Respondent's detailed Interrogatories as well as reviewing and trying to understand the confusing, evasive, and contradictory responses the Respondent supplied to the Complainants' interrogatories. The Complainants complained strongly and in detail about the inadequacy of the Respondent's Discovery responses, and saw no option but to file a Motion to Compel Discovery with its accompanying attachment, with ALJ Watson, which we did on December 30, 2017. If nothing else, the time it took to prepare and file this motion was indicative of the high burden the Complainants, who are representing themselves, have been under throughout this entire complicated and detailed Formal Complainant process. ALJ Watson reviewed the Complainants' motion, and ruled in the February 5, 2018 Interim Order that:

- the Complainants could refile our Motion to Compel Discovery by February 20, 2018, which we did.
- and that, the deadlines set forth in the December 15, 2017 Prehearing Order were suspended.

On February 6, 2018, ALJ Watson issued the First Supplemental Prehearing Order, adjusting the Litigation Schedule and rescheduling the Hearing to July 18 and 19, 2018.

11. **The cause for this action and rescheduling was not due to any failing on the part of the Complainants. The cause was due to the evasive, confusing, and contradictory responses supplied by the Respondent in Discovery, which required resolution. ALJ Watson, agreed in principle and issued the March 27, 2018 Interim Order Granting In Part and Denying In Part, Complainants' Motion to Compel Discovery Requests Propounded Upon Respondent on October 5, 2017. The Respondent was given until April 13, 2018 to provide the required answers.**

#### Section IV. The Third Continuance

12. Next, the Complainants proceeded to find expert witnesses who would testify in our behalf at our Hearing. We carried out a concerted effort and could find no expert witnesses, other than Francis Hriadil and Michele Hriadil themselves, who were available to testify in-person at our hearing. We were facing a Litigation Schedule deadline of April 30, 2018 to accomplish this. The Respondent was informed on April 30, 2018, that we had no expert witnesses other than ourselves who could testify in-person at our Hearing. However, we received a response from Dr David Carpenter, MD, a recognized expert on the health effects of RF and EMF exposure, and who is out-of-state, on April 30, 2018, that he was willing and able to testify by telephonic means, except that he had a schedule conflict with the Hearing dates of July 18 and 19, 2018. Upon learning this, the Complainants immediately served notice of Dr Carpenter's agreement to testify on our behalf both to the Respondent and ALJ Watson on April 30, 2019 as well. As a result, ALJ Watson issued the May 10, 2018 Interim Order Regarding Complainants' Request to Modify Litigation Schedule. The Complainants were given until May 30, 2018 to supply Dr Carpenter's availability schedule for July, August, and September, and to submit a request for telephonic participation of Dr. Carpenter. Complainants filed our Request concerning Dr Carpenter quickly, on May 18, 2018. The Respondent did not respond until June 1, 2018, and we did not receive that response until June 4.

It was noted then, and is re-iterated here again, that the Complainants do not have the luxury of having expert witnesses on call or under contract and readily available to participate at any time. These independent experts have jobs, commitments, etc. Complainants have to seek these experts out, inquire if they are willing and able to participate, and then to try to coordinate and facilitate their participation in a manner and according to a schedule that does not conflict with their commitments. All Complainants can do is assure the PUC that we have tried to do this in as conscientious and efficient of a manner as was possible; but, there are many things that are simply not within our control. So again, the Complainants cannot be

faulted for this circumstance. It was expected that any continuance that would be required here would only be a relatively short one.

13. However, while awaiting ALJ Watson's ruling on the Complainants May 18, 2018 Request concerning Dr Carpenter, the Respondent, more importantly, filed a voluminous and very detailed Motion for Summary Judgment, dated June 4, 2018. This document was so massive and overwhelming that the Complainants were granted until July 6, 2018 to review and serve our response, which we did, per ALJ Watson's June 29, 2018 Interim Order. Furthermore, ALJ Watson ruled in that order that

*"The evidentiary hearing scheduled for July 18 - 19, 2018 is hereby continued in order to properly review the motion for summary judgment and any response from Complainants."*

On July 2, 2018, the Complainants received the official cancellation notice of the July 18 - 19, 2018 Hearing.

14. It took another 5 months for ALJ Watson to review the Respondent's Motion for Summary Judgment, and in a November 30, 2018 Interim Order, categorically denied *in toto* the Respondent's Motion for Summary Judgment, and its associated motions.

15. So, again, the Complainants cannot be faulted here for this continuance, and this delay of many months. The responsibility for this significant delay lies chiefly with the Respondent and its actions.

16. During this long period of review, which created a great deal of uncertainty concerning the impact and effect it would have on Complainants Formal Complaint and Hearing, the Complainants had no idea how to proceed, and how and what we specifically needed to prepare. Nevertheless, we did what we could and continued contacting other potential expert witnesses. We had the good fortune to get confirmation from Dr Andrew Michrowski PhD,

another out-of-state expert, of his willingness to testify in our behalf by telephonic means at our Hearing. Complainants informed the Respondent, and provided the Respondent with all of the required notifications, contact information, curriculum vitae, and expert summaries. Further, we submitted a Motion to allow his participation on December 10, 2018.

#### V. Our Current Motion for Continuance

17. Briefly, subsequently during the first half of 2019, ALJ Watson re-opened Discovery, the Respondent filed multiple and detailed Motions in Limine to preclude participation of the Complainants' Expert Witnesses and planned Evidentiary Materials respectively, and the Complainants filed two (2) Discovery related motions as well. Furthermore, ALJ Watson issued a March 14, 2019 Interim Order requiring both parties to confer with their witnesses, and provide the availability schedules for said witnesses for the time period of August 8 - September 5, 2019, as this was when ALJ Watson wanted the Hearing re-scheduled for. The Complainants provided the Respondent with a variety of dates. The Respondent supplied only August 19 - 20, 2019. Complainants reported this to ALJ Watson, per ALJ Watson's specific instructions, and ALJ Watson subsequently ordered the dates of August 19 - 20, 2019 as the new Hearing dates. At this time, there remained a number of significant outstanding issues.

18. Furthermore, ALJ Watson, in his March 15, 2019 Interim Order Scheduling Prehearing Conference And Extending the Deadline to Complete Discovery, scheduled an April 24, 2019 Prehearing Conference Call to address outstanding issues and a new Litigation Schedule. The Complainants were ordered to confer with our out-of-state expert witnesses and file a status report shortly thereafter concerning questions and issues that were raised during the conference call. Complainants filed a detailed Status Report, on April 30, 2019, answering all questions and objecting to a number of serious issues coming out of that conference call, including outstanding motions from both parties that still remained unaddressed and expert

witness notifications, contact information, curriculum vitae, and expert testimony summaries already submitted by the Complainants to the Respondent. Without rulings resolving these outstanding issues, Complainants had no idea how to proceed with our preparations.

19. On June 6, 2019, ALJ Watson issued Interim Order Granting, in Part, the Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports and Requiring the Exchange of Expert Reports Between the Parties of All Individuals Who Intend to Present Any Expert Testimony, requiring the Complainants to create and supply extensive Expert Reports. Complainants were burdened with the significant and laborious task of producing and providing more detailed Expert Reports, etc. to the Respondent by July 10, 2019, or be precluded from having our Expert Witnesses testify in our behalf at our upcoming Hearing. At the same time, Complainants had already also been tasked with preparing for Hearing dates of August 19 - 20, 2019, and providing all materials, statements, and properly annotated Exhibits, plus transcripts of all video evidence, intended to be introduced at our Hearing, by July 26, 2019.

20. As explained in our Amended Request for a Continuance of the Hearing, Complainants complied with this order to provide extensively enhanced Expert Reports, because if we did not do so, all of our Expert Witnesses would be precluded from participating at our Hearing. Complainants had no choice and complied, but with objection, as the Complainants assert that we have more than fulfilled the Expert Witness requirements specified in the February 6, 2018 Prehearing Order, and original Litigation Schedule, to which both parties agreed, which meets the standard applied in other Smart Meter Formal Complaints before the PA PUC, and which satisfies PA Code including 52 Pa. Code § 5.324(a)(1)(ii).

21. This task imposed on the Complainants' Expert Witnesses by the June 6, 2019 Interim Order was excessive and extreme, as we are not a multi-billion dollar company

represented by a professional law firm, and do not have anywhere near their staff and resources at our disposal. It remains our position that this order imposed unreasonable annoyance, embarrassment, oppression, and burden on the Complainants, two (2) elderly people representing ourselves (with Francis Hriadil bearing virtually all of the load for preparation and Francis Hriadil having a number of chronic medical conditions), in direct violation of PA Code § 5.361(a)(2); and it has hindered our preparations for the scheduled August 19 and 20, 2019 Hearing, bringing said preparations to a virtual stop, thereby depriving us of due process.

22. Complainants were focused on preparing for the upcoming Hearing, and all of its detailed requirements concerning procedure, presentation, statements, exhibits, etc., when we received ALJ Watson's June 6, 2019 Interim Order, requiring extremely extensive Expert Reports. As a result, Complainants had to suspend our preparations for the Hearing, and redirect all of our effort in order to comply with that order. It took the full time period allotted, until July 10, to comply with that order, concerning three of our four intended Expert Witnesses. Our fourth intended Expert Witness, Michele Hriadil, could not comply, due to her age, and being limited by full time work commitments and responsibilities, etc., and removed herself as an Expert Witness, though she is highly qualified.

23. We were in the process of transcribing all of our video evidence per ALJ Watson's specific direction; and then, on top of that, we still needed to prepare for the Hearing of August 19 - 20, 2019, and the submission deadline of July 26, 2019 for all materials, statements, and properly annotated exhibits, plus transcripts of all video evidence, intended to be introduced at our Hearing. In light of all of the additional work that the Complainants were forced to perform, the fact that the Complainants are two (2) elderly people representing ourselves (with Francis Hriadil having a number of chronic medical conditions, and not being well), and reviewing the tasks that remain to properly prepare for and satisfy the requirements of the Hearing procedure, Complainants determined that there was insufficient time to meet the

remaining litigation schedule deadlines and complete all of our Hearing preparations for August 19 - 20. In short, with the additional burdens imposed upon us by ALJ Watson's rulings, the exhibits, etc. deadline of July 26 and the Hearing dates of August 19 - 20 have simply become untenable. We reasonably require a little more than 2 weeks just to finish the remaining transcriptions, per ALJ Watson's order, and at least 40 more days to properly prepare. **Realistically, it is physically impossible to complete all of the required tasks and preparations in time for July 26 and August 19 - 20, and have determined that it will require about 60 days.**

24. **We require more time, and hereby formally request and respectfully require a continuance of the August 19 - 20 Hearing for on the order of 60 days and the appropriate extension of the Hearing exhibits, statements, etc. submission deadline to 2 1/2 weeks before the Hearing, as is normal for PA PUC Evidentiary Hearings of this nature.** This is to allow the Complainants the time necessary to properly prepare for our Hearing, restoring the time that was taken away from us by ALJ Watson's June 6 Interim Order to produce more detailed Expert Reports. That would move the Hearing to some time in October. We have consulted with our out-of-state expert witnesses, and they are ready to provide availability schedules as they have readily done in the past.

25. In the April 24 Pre-Hearing Conference Call, ALJ Watson pointedly admonished Francis Hriadil for not requesting a continuance or extension if I felt it was necessary. It is necessary in this circumstance, and we are formally requesting one here. The Complainants are trying to the best of our ability, and have worked diligently, to try to meet all of our obligations in this process. We believe that our request is reasonable, and is necessary in order for us receive due process in this complicated Formal Complaint process.

Section VI. Response to Respondent's Argument

Section VI (a). PA PUC Consumer Complaint Procedures Guideline

26. The PA PUC Consumer Complaint Procedures Guideline states on page 12 that "for a good reason" ... one may ... "ask for a continuance, ... , no later than five days before the hearing."

Also, refer to 52 Pa. Code 1.15. Complainants aver that we have established valid and sufficient cause in our July 18, 2019 Amended Request for Continuance of the Hearing and in this Response to the Respondent's Brief, to justify our request for a continuance.

27. Complainants aver that we cannot be faulted, nor can we be held responsible for any delay. This request is necessitated by the additional burdens laid upon us by ALJ Watson in the Prehearing Conference Call and the June 6 Interim Order. It simply was not physically possible under these circumstances for us, as two (2) elderly people representing ourselves, and with Francis Hriadil's chronic medical conditions, to perform all of these tasks concurrently and meet the July 26 deadline and August 19 - 20 Hearing date. We have indicated this in our Amended Request for Continuance of the Hearing.

Section VI (b). Length of the Proceeding

28. In its July 17, 2019 email communication to the Complainants (copied herein in para. 1.) concerning our request for a continuance, made its objection known stating that "this proceeding has already lasted several years." This type of exaggeration and contortion of the facts occurs repeatedly in the Respondents statements, motions, and filings. The Respondent was informed of this cavalier misrepresentation, and it corrected this assertion in its Brief. The truth of the matter is that it has only been a little more than 2 years since we filed our complaint, which is not unusual for a complaint of this nature and complexity.

### Section VI (c). Number of Continuances

29. Next, the Respondent astonishingly asserts that the Complainants are responsible for the three (3) required continuances that have already occurred. The first continuance was due to Francis Hriadil's chronic medical conditions (See Section II. herein), it was requested immediately once the initial dates were announced and it had minimal if any impact on either parties' logistics. The second continuance was due to the evasive, confusing, and contradictory responses supplied by the Respondent in Discovery, which required a Motion to Compel by the Complainants, and which ALJ Watson granted in part (See Section III. herein.). And, the third continuance, the most substantial continuance, was due to the massive Motion for Summary Judgment filed by the Respondent, which took more than 6 months to review and adjudicate, and which was denied *in toto* by ALJ Watson. (See Section IV. herein). So, the Respondent's characterization of the circumstances regarding these occurrences being due to the behavior of the Complainants is a blatant misrepresentation of the facts. There is no difference here between the way the Respondent routinely misrepresents and mischaracterizes the operation of its Smart Meters, and the way it frames its arguments and statements and distorts the facts in its filings in this proceeding, Its behavior is duplicitous and disingenuous in both regards. The fact of the matter is that it is the Respondent who was chiefly responsible for any significant continuances or re-schedulings that have occurred so far.

30. The Complainants aver that we have always acted in good faith and with integrity throughout this proceeding, carried out all required tasks in a professional and diligent manner to the best of our ability and to the degree that our physical limitations, etc. allowed, took what measures were available to us to protect our rights, and any continuances that have been requested were legitimate and necessary for our well-being and due process. The Complainants' current request for a continuance and adjustment of the Litigation Schedule is no different.

**Section VI (d). Complainants "Refused" to Produce Expert Reports**

31. Next, the Respondent astonishingly asserts that

*"that Duquesne Light requested their expert reports in discovery nearly two years ago. Complainants refused to produce the reports until last week. Complainants cannot be permitted to delay for nearly two years, and now argue that the hearing should be postponed because they are being rushed,"*

The Respondent is well aware the Complainants did not refuse, and have never refused, to produce the required notifications, report summaries, etc. On the contrary, the Complainants have maintained, and still maintain, that the documentation we supplied more than fulfilled the Expert Witness requirements specified in the February 6, 2018 Prehearing Orders and the original Litigation Schedule, to which both parties agreed, meets the standard applied in other Smart Meter Formal Complaints before the PA PUC, and satisfies PA Code including 52 Pa. Code § 5.324(a)(1)(ii). So, the Complainants did not simply "delay for nearly two years" as the Respondent disingenuously asserts.

32. The truth of the matter is that expert witness notifications, contact information, expert report summaries, curriculum vitae, published background material, articles, etc. were all served to the Respondent as part of Discovery in keeping with the stipulated deadlines. No Motion to Compel more extensive Expert Reports was ever filed by the Respondent during this period. Rather, the Respondent waited until its June 4, 2018 Motion for Summary Judgment to first raise issues, to have our Formal Complaint dismissed, or narrowed, and Complainants' Expert Witnesses precluded from participating in our Hearing. After losing its Motion for Summary Judgment in toto, the Respondents then raised the issue again, beginning with its December 31, 2018 Motion in Limine to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports concerning our Expert Witnesses. So, having failed in its Motion for Summary Judgment, and significantly extending the Hearing timeline, and against the filed objections of and rebuttals by the Complainants, the Respondent filed its Motions in Limine... in its second attempt to impose its biased, one-sided preferences and

interpretations on what is expected and required of the Complainants. This remained an open and outstanding issue until just last month, with ALJ Watson's June 6, 2019 controversial Interim Order requiring more extensive Expert Reports on the part of the Complainants. So, to assert that the Complainants simply delayed for two years is simply absurd.

#### Section VI (e). Preparing for the Hearing

33. Next, the Respondent astonishingly asserts

*"it is unclear why Complainants believe they could not prepare for the hearing until all motions were resolved, or why they waited until now to prepare their exhibits."*

The Respondent filed its Motion for Summary Judgment, and its various Motions in Limine with regards to the Complainants Expert Witnesses and its intended Evidentiary Documentation. The Respondent appears to be purposely cavalier here in this ridiculous and very self-serving remark. The Respondents, and ALJ Watson, are well aware Complainants had to expend a great deal of time and effort responding to these ongoing series of serious, detailed, voluminous, and daunting motions, which extended the proceeding timeline, enabled the Respondent to accumulate more billable hours, and diverted the Complainants from our efforts to prepare our exhibits and fully and properly prepare for our evidentiary hearing.

34. In response to these motions, Complainants produced detailed, comprehensive, and professional answers / responses to all of these filings. Again, Complainants are a multi-billion dollar company being represented by a professional law firm. We do not possess anywhere near the staff and resources of the Respondent, and it knows it. We are simply, and factually, two elderly people representing ourselves, with Francis Hriadil carrying the burden of almost all of the work due to Michele Hriadil's full time work commitments and responsibilities, In addition, Francis Hriadil is afflicted with chronic medical conditions which limit his physical

abilities. Time spent responding to these motions, including the Respondent's current objection, is time taken away from preparing exhibits, etc., and preparing for our Hearing. This is a simple fact of the reality of the situation and the Respondent is well aware of it. The Complainants cannot simply and concurrently generate these filings and complete all of our preparations by some kind of magic. It takes time and hard work.

35. Furthermore, the Respondents succession of Motions challenged and put into question all aspects of the Complainants Formal Complaint and case. How were the Complainants reasonably expected to prepare appropriate exhibits and materials, and put together a proper, coherent, and cogent case when all aspects of Complainants' case were put into serious doubt by the Respondent's motions to suspend / dismiss our Hearing, to narrow the issues of the Hearing in unknown and potentially significant ways, or preclude the participation of any or all of Complainants' identified expert witnesses? This is ludicrous. The Complainants had no clear direction in how we needed to proceed with our preparations. All of the outstanding issues were not ruled upon until just last month.

36. Complainants formally raised these and other issues in our Status Report After the April 24, 2019 Prehearing Conference Call, filed on April 30, 2019. In our April 30, 2019 Status Report, Complainants specifically stated,

*"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."*

#### Section VI (f). Complainants' Limitations

37. It cannot be debated that Duquesne Light Company (DLC), is a publicly traded company with revenues ~ \$806,100,000, net income ~ \$69,600,000, total assets ~ \$2,209,200,000, and is being represented Tucker-Arensberg, Attorneys, a high-priced

professional law firm. Furthermore, and in sharp contrast, it also cannot be debated that the Complainants are both elderly people, of fixed income, and modest means, who are representing ourselves in our Formal Complaint. Also, it cannot be debated that Michele Hriadil has full time work commitments and responsibilities, and that Francis Hriadil is afflicted with serious chronic medical conditions, which affect his well-being and impair his physical abilities. The Hriadils do not possess even a fraction of one percent of the revenues, net income, total assets, and resources available to the Respondent. The disparity here is glaring.

38. The facts of the matter are tha Francis Hriadil has had to shoulder the burden of our Formal Complainant effort to the point of exhaustion at times. When Francis Hriadil is sick or unwell, he cannot work on the case, and this has occurred multiple times, as a result of his chronic medical conditions. It as simple as that, and cannot conceivably and logically be viewed as a serious point of confusion on the part of the Respondent.

39. While the Respondent, as a major law firm, may feel that the remaining one month is sufficient time for someone to prepare, this view is nonsense. It is self-serving, and presumptuous on the part the Respondent, and it is unreasonable and unfair considering our circumstances. This is just another example of the Respondent's ongoing, concerted effort to keep the Complainants inundated and debilitated, to force the Complainants to proceed at a pace and in a manner that is beyond both our physical and financial means (at the risk of our health), and to push the Complainants into a Hearing at a major disadvantage without sufficient time to properly prepare.

#### Section VI (g). Logistics

40. Finally, the Respondent astonishingly raises the issue of being "saddled with a significant logistical and scheduling burden." None of this is easy for the Complainants; but, in fairness, it is necessary. And, it is hypocritical for the Respondent to complain of

the burden caused to it by schedule changes now, when a simple review of the litigation record as summarized herein, establishes that the Respondent had no reservations in employing tactics and filing motions, when it viewed these actions to be to its potential advantage, which impeded the Complainants in our preparations and resultingly impeded the progress of this proceeding. At every opportunity, the Respondent chose to file motion after motion, to which the Complainants had to respond, and which diverted the Complainants from our Hearing preparations. It is the Respondent who is chiefly responsible for any significant continuances or re-schedulings that have occurred so far.

41. The Duquesne Light Company's attorneys serve at the behest of the court. The PA PUC as a government agency that is chartered to serve at the behest of and for the well-being of the people of Pennsylvania. The officially stated mission of the Public Utility Commission, as specified in its Mission Statement which is documented on the Commission's internet website, is to:

- **balance the needs of consumers and utilities;**
- **ensure safe and reliable utility service** at reasonable rates;
- **protect the public interest;**
- **educate consumers to make independent and informed utility choices;**
- and, foster new technologies and competitive markets in an **environmentally sound manner.**

**(emphasis added)**

As such, it is the Commission's fundamental duty, as a public service governmental agency operating under the United States and Pennsylvania constitutions, and the Pennsylvania Utility Code, to seek the truth, treat all Complainants fairly, and safeguard the well-being of all people on Pennsylvania soil regardless of age, sex, race, religion, condition, and circumstance

RECEIVED

JUL 25 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

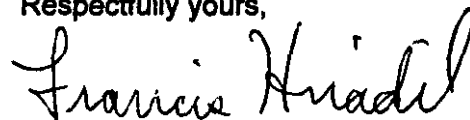
Section VII. Conclusion

42. The Complainants re-iterate that we require more time. We have established valid and sufficient cause for our July 18, 2019 Amended Request for Continuance of the Hearing. In addition, we have established that the Respondent's Brief in Opposition to Complainants' Amended Request for a Continuance of the Hearing is without merit. Complainants' request is reasonable and necessary, in order for this complicated Formal Complaint proceeding to be fair and equitable, and for us to receive due process,

WHEREFORE, in light of these circumstances, Complainants Michele Hriadil and Francis Hriadil respectfully request, ALJ Watson, that you deny the Respondent's objection and rule to grant our requested continuance of the August 19 - 20, 2019 Hearing for at least 60 days, and grant an appropriate extension of the July 26, 2019 Hearing exhibits, statements, etc. submission deadline to 2 1/2 weeks before the Hearing, as is normal for PA PUC Evidentiary Hearings of this nature. We have consulted with our out-of-state expert witnesses, and they are ready to provide availability schedules as they have readily done in the past

A copy of this document 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  
July 25, 2019

RECEIVED

JUL 25 2019

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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**

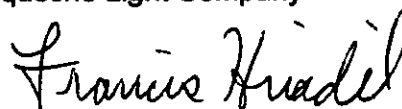
I hereby certify that I have this day served a true copy of Complainants' Response to Respondent's Brief in Opposition to Complainants' Amended Request for a Continuance of the Hearing, concerning the August 19 - 20 Hearing and its associated deadlines, upon the participants listed below in accordance 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 25<sup>th</sup> day of July, 2019



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

F. Hriadil  
331 Shady Ridge Drive  
Monroeville, PA 15146

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

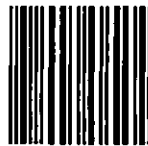
**CERTIFIED MAIL®**



7018 3090 0002 3031 5280



1000



17120

U.S. POSTAGE PAID  
FCM LG ENV  
TURTLE CREEK, PA  
15145  
JUL 25, 19  
AMOUNT

**\$7.75**

R2305M148208-8

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Keystone Building, 2nd Floor  
Harrisburg, Pennsylvania 17120

1712030093 0000

