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August 24, 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
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:

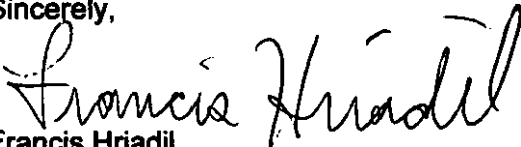
Enclosed please find a resigned copy of Complainants'

Answer to
Respondent's Response to Complainants' Objection to
ALJ Watson July 29, 2019 Interim Order
Denying Request for a Continuance,

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

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

Sincerely,



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

Enclosure

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

331 Shady Ridge Drive
Monroeville, Pennsylvania

August 12, 2019

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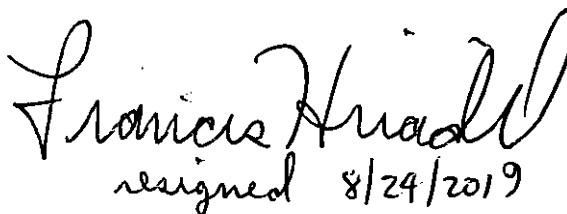
A copy of this document has been served upon ALJ Jeffrey Watson, Presiding PA PUC Pittsburgh Administrative Law Judge, and the Respondent's Counsel, Jeremy V Farrell, Esquire, in accordance with Commission regulations.

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

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ANSWER TO
RESPONDENT'S RESPONSE TO
COMPLAINANTS' OBJECTION TO
ALJ WATSON'S JULY 29, 2019 INTERIM
ORDER DENYING REQUEST FOR A
CONTINUANCE

Filed by Michele and Francis Hriadil

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

ANSWER TO
RESPONDENT'S RESPONSE TO COMPLAINANTS' OBJECTION TO
ALJ WATSON'S JULY 29, 2019 INTERIM ORDER
DENYING REQUEST FOR A CONTINUANCE

TO: THE HONORABLE ALJ JEFFREY A. WATSON

ENCLOSED IS COMPLAINANTS' ANSWER TO RESPONDENT'S RESPONSE TO
COMPLAINANTS' OBJECTION TO ALJ WATSON'S JULY 29, 2019 INTERIM ORDER
DENYING REQUEST FOR A CONTINUANCE.

Francis Hriadil
reargued 8/24/2019

Francis Hriadil

Francis Hriadil
August 12, 2019

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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AUG 12 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

ANSWER TO
RESPONDENT'S RESPONSE TO COMPLAINANTS' OBJECTION TO
ALJ WATSON'S JULY 29, 2019 INTERIM ORDER
DENYING REQUEST FOR A CONTINUANCE

TO ALJ Jeffrey A. Watson:

1. On July 17, 2019 and July 18, 2019, the Complainants' filed a Request for a Continuance of the Hearing and an Amended Request for a Continuance of the Hearing, respectively. And, on July 25, 2019, Complainants filed a Response to Respondent's Brief in Opposition to Complainants' Amended Request for a Continuance of the Hearing. In our filings, Complainants provided legitimate and sufficient cause, and necessity, for a continuance. Our reasons are clear, specific, and detailed, and remain unchanged.

2. The Complainants received the Respondent's Response to Complainants' Objection to ALJ Watson's July 29, 2019 Interim Order Denying Request for a Continuance on August 10.

Expert Reports

3. The Respondent continues to mischaracterize and distort the history related to the Complainants production of Expert Reports. 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.

4. The Complainants have maintained, and still maintain, that the expert witness 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), and to require something significantly more would impose an undue burden on the Complainants in direct violation of PA Code § 5.361(a)(2). This remained an open issue of contention until ALJ Watson's June 6, 2019 Interim Order requiring more extensive Expert Reports on the part of the Complainants, which effectively re-opened Discovery (though that was not stated in the Interim Order) and significantly changed the agreed upon terms of the February 6, 2018 Prehearing Orders (again, to which both parties had agreed). It is further noted that, even though the Complainants had supplied a clear example of the standard followed in other similar Smart Meter Formal Complaints (refer to: Complainants' May 9, 2019 Response to Respondent's Motion in Limine

to Preclude Complainants' Purported Expert Testimony for Failure to Produce Required Expert Reports - *Richard N Myers v PPL Electric Utilities Corporation, Docket No. C-2017-2620710*), which substantiated and justified our position, this was completely ignored and contradicted by ALJ Watson's June 6, 2019 Interim Order. This Interim Order effectively blindsided the Complainants late in the proceeding, only a relatively short time before the scheduled Hearing of August 19 - 20, 2019.

5. The Complainants were given one month, until July 10, 2019, to serve four (4) extensive and expanded Expert Reports / Statements, one each for Francis Hriadil, Michele Hriadil, Dr David Carpenter MD, and Dr Andrew Michrowski PhD, otherwise their expert witness testimony would be precluded. The Complainants had no choice but to comply or lose our expert witnesses. It took all of the time allowed to produce the ordered extensive Expert Reports / Statements, and the Complainants could only manage to provide three (3) of the four (4) reports during this period. A comparable report could not be provided for Michele Hriadil, and she withdrew herself as an Expert Witness, though she is qualified.

6. In addition to working to generate Expert Reports for the Hriadils themselves, the Complainants had to work and coordinate with our out-of-state Expert Witnesses, who had schedules and work commitments of their own during this period, to facilitate their production of the newly required reports in the time that was allotted. It required a major effort to do so, which brought our exhibits and hearing preparations to a complete halt.

Expert Reports and Exhibits and Hearing Preparations

7. The Respondent asserts that it is

"not clear how producing the reports prejudiced Complainants' ability to prepare for the hearing"

Again, this is completely callous and disingenuous on the part of the Respondent. The Complainants are not the equivalent of the Respondent (Duquesne Light Company represented

by Tucker Arensberg, P.C.) to any appreciable degree, yet the Respondent wants us to be treated as such. As the Complainants have often repeated,

Michele Hriadil is elderly, 64 years old, with full time work commitments and responsibilities.

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.

We are both limited physically and financially, and Francis Hriadil has had to bear virtually all of the load necessary to carry out the proper and extensive research, motions, reviews, responses, filings, and preparations that have been, and are required. Furthermore, it has been recognized at the highest appellate level in the land, that people as themselves (that is, pro se) are not the same as professional attorneys, and should not be treated and judged as such. The US Supreme Court (Reference: Haines v. Kerner, 404 U.S. 520 (1971)), has held that plaintiffs pleading as themselves should be held to "less stringent standards." We do not have any staff or means to carry out multiple, detailed, comprehensive tasks concurrently. Time spent on one task is time that cannot be spent on other tasks.

8. In these last series of months before the scheduled August 19 - 20, 2019 Hearing, the Complainants have literally been inundated. In our sincere effort to try to meet the conditions that have been recently imposed, the Complainants are at the point of exhaustion.

No consideration whatsoever is being given to the Complainants and our limitations. This, plainly and simply, is what has prejudiced the Complainants' ability to prepare for the hearing. It is a simple fact that Francis Hriadil is not well. Some days I am too sick to do anything, and all days are shortened. I simply cannot do everything that ALJ Watson says must be done in the time he has allotted. It is a physical impossibility for me.

Videos and Transcriptions, and Other Exhibits

9. It is an unequivocal fact that the Respondent has been served, as part of Discovery, all of the videos that the Complainants have declared that we are intending to introduce into evidence. These videos have been in the Respondent's possession for many months, at a minimum.

10. Furthermore, the Respondent is well aware that it filed a succession of Motions challenging and putting into question all aspects of the Complainants Formal Complaint and case, including our intended exhibits provided to them in Discovery. Realistically, the the Complainants reasonably cannot be expected to have carried out extensive preparations of our case along with appropriate associated 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 multiple 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 unreasonable and illogical. The Complainants had no clear direction as to how we needed to proceed with our preparations. And, the Complainants had to spend significant amounts of time reviewing, researching, and responding to the various detailed motions filed by the Respondent challenging every detail and aspect of our complaint.

11. Astonishingly and disingenuously, the Respondent distorts history again in an attempt to present the false depiction that "nothing" was going on during these intervals, and that the Complainants "could have" worked on our exhibits, etc. at those times. This is nonsense. During these periods, the Complainants were engaged in responding to the various serious motions and challenges filed by the Respondent. And, the Complainants filed a number of legitimate motions in support of our rights, which we are entitled to do.

12. With our significant physical and financial limitations, with the various motions that were being filed which had to be properly and fully addressed, and with the uncertainties that existed during this time, concerning the disposition of those motions, the Complainants did what could reasonably be done at those times. It is a material fact that all of the outstanding issues remained not-ruled-upon for a long period of time, and they were not finally ruled upon until just a short time ago.

July 26, 2019 Exhibit Submission Deadline

13. The Respondent states,

“complainants do not explain why they could not have at least submitted their non-transcript exhibits by the July 26 deadline”

The Complainants clearly explained this in detail our July 17, 2019 and July 18, 2019, the Request for a Continuance of the Hearing and an Amended Request for a Continuance of the Hearing, respectively, and in our July 25, 2019 Response to Respondent’s Brief in Opposition to Complainants’ Amended Request for a Continuance of the Hearing. And, we have re-iterated the reasons again, herein. With our inherent limitations, it was physically impossible to do everything that needed to get done concurrently during that time period.

14. In ALJ Watson’s June 7, 2019 Interim Order Requiring Distribution of Proposed Exhibits and Other Materials Prior to Evidentiary Hearing, he specifically ordered that one (1) copy of any material, documents, or proposed exhibit or evidence of any kind be submitted to the Respondent, and three (3) copies be submitted to the undersigned Presiding Officer, properly labelled by Exhibit Number, on or before July 26, 2019. Complainants had no intention of harming its own case with an incomplete, partial, and improper submission.

15. After completing our submission of new Expert Reports / Statements on July 10, 2019, Complainants returned to the preparation of our exhibits, including the completion of all video transcriptions. It was quickly apparent that the time “lost” in preparing the required new

Expert Reports could not be made up, and that, with our physical and financial limitations and Francis Hriadil's poor health, the July 26 Exhibits deadline and Hearing schedule of August 19 - 20 could no longer be met. The Complainants immediately filed our reasons and our request for a continuance beginning on July 17. The Complainants did not wait until the last minute; but filed our request as soon as possible so as to minimize logistical issues for all parties involved.

Written Transcript Excerpt of the April 24 Prehearing Conference Call

16. The Respondent presented an excerpt from the written transcription of the April 24 Prehearing Conference Call in support of their position. The Complainants were surprised to see this as we were not informed of the availability of this type of written transcript for use as a reference. Nevertheless, the Complainant Francis Hriadil kept detailed notes of the content of that Prehearing Conference Call. The excerpt presented by the Respondent is highly selective and leaves out all of the rest of the discussion that occurred and the issues that Francis Hriadil raised concerning the reasonableness of the actions proposed by ALJ Watson and impending August 19 - 20 Hearing date, etc.

17. The Complainants questioned the validity of an August 19 - 20 Hearing date and expressed our concerns in detail to all parties in our April 30, 2019 Status Report After the April 24, 2019 Prehearing Conference Call, in which the 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."

All parties were duly and officially served on this matter and our concerns. The Complainants' "agreement" was conditional, as there were many significant outstanding motions that remained to be addressed, which the Complainants raised and indicated could impact that Hearing schedule.

18. The Complainants reasonably established, before the required deadlines, that, it was, and remains, physically impossible under the circumstances that have transpired, for us, with our physical and financial limitations, and with Francis Hriadil's poor health, to complete all of the required tasks and preparations in time to comply with the July 26 exhibit, etc. deadline and an Evidentiary Hearing on August 19 - 20. The Complainants have determined that it will require at least an additional 60 days, which is minimal considering the circumstances. This is not unreasonable given the situation, and has been granted routinely in other Formal Complaints, when requested.

19. The Complainants have established that we require more time. Granting the Complainants' absolutely necessary request for an extension is in the interest of justice, and is in the public interest. And, it is well-within the proceeding guidelines established by the PA PUC. It does not harm justice to grant the Complainants' request; but, it greatly harms the Complainants' opportunity for justice if it is allowed to stand as denied. The Complainants have never abused the extension process at any time during this proceeding, and have only requested what was necessary.

WHEREFORE, in light of these circumstances, the Complainants respectfully request, in fair consideration of our physical and financial limitations and the circumstances that have transpired, that Your Honor rule in favor of our objection and grant our motion for a necessary, reasonable, and short continuance of at least 60 days.

A copy of this document has been filed with the Commission's Secretary, in accordance with Commission Regulations.

Francis Hriadil
resigned 8/24/2019

Respectfully yours,

Francis Hriadil
Francis Hriadil
(412) 779-3314
331 Shady Ridge Drive
Monroeville, PA 15146
August 12, 2019

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Francis Hriadil,

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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' Answer to Respondent's Response to Complainants' Objection to ALJ Watson July 29, 2019 Interim Order Denying Request for a Continuance, 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)

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AUG 26 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Counsel for Respondent, Duquesne Light Company

Dated this 12th day of August, 2019

Francis Hriadil
resigned 8/24/2019

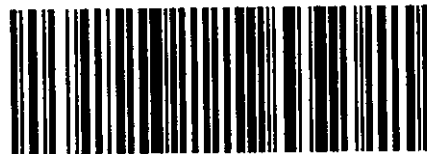
Francis Hriadil

Michele and Francis Hriadil
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(412) 779-3314
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F. Hriadil
331 Shady Ridge Drive
Monroeville, PA 15146

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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

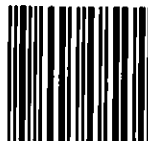
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