

October 28, 2019

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
2nd Floor, Room-N201  
Harrisburg, PA 17120

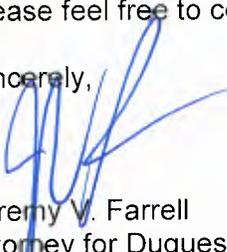
**RE: Michele Hriadil and Francis Hriadil v. Duquesne Light Company**  
**Docket No. C-2016-2571726**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion in Limine to Bar Complainants From Introducing or Relying Upon Inadmissible Evidence. A copy of this document has been served upon Complainants 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 enclosure)

TADMS:5217199-1 014657-158498

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHELE HRIADIL and  
FRANCIS HRIADIL,

Complainants,

v.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**MOTION IN LIMINE TO BAR  
COMPLAINANTS FROM INTRODUCING  
OR RELYING UPON INADMISSIBLE  
EVIDENCE**

Filed on behalf of Respondent  
Duquesne Light Company

Counsel of Record for this Party:

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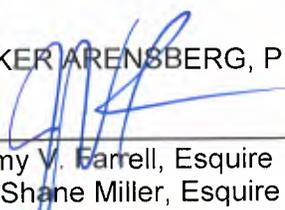
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**NOTICE TO PLEAD**

**TO COMPLAINANTS MICHELE AND FRANCIS HRIADIL:**

**YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO DUQUESNE LIGHT'S  
MOTION IN LIMINE WITHIN 20 DAYS OR A JUDGMENT MAY BE ENTERED AGAINST  
YOU.**

TUCKER ARENSBERG, P.C.

  
\_\_\_\_\_  
Jeremy V. Farrell, Esquire  
Paul Shane Miller, Esquire  
Counsel for Duquesne Light Company

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHELE HRIADIL and  
FRANCIS HRIADIL,

Complainants,

v.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

**MOTION IN LIMINE TO BAR COMPLAINANTS FROM  
INTRODUCING OR RELYING UPON INADMISSIBLE EVIDENCE**

Respondent Duquesne Light Company (“Duquesne Light” or “the Company”) files this Motion in Limine to Bar Complainants from Introducing or Relying Upon Inadmissible Evidence:

**I. Introduction**

Under 52 Pa. Code § 5.403, a presiding administrative law judge can control the receipt of evidence; this includes the power to rule on the admissibility of evidence and to confine the evidence to the relevant issues in the proceeding. In an exhibit list dated October 22, 2019, Complainants identified approximately **247** documents, articles, and videos that they intend to offer into evidence during the hearing scheduled for November 20-21, 2019. As explained in greater detail below, the Presiding ALJ should prohibit Complainants from relying upon or offering into evidence many of these exhibits because they are irrelevant to the matters at issue; confuse the issues and are cumulative; constitute hearsay; seek to advance legal arguments; or otherwise violate the Pennsylvania Public Utility Code or the Pennsylvania Rules of Evidence.<sup>1</sup>

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<sup>1</sup> The Commission regularly looks to the Pennsylvania Rules of Evidence for guidance on evidentiary issues. See Frompovich v. PECO Energy Co., Docket No. C-2015-2474602, 2018 WL 2149249 at \*9 (Pa. P.U.C. May 3, 2018); Castaneira v. PPL Elec. Util. Corp., F-2014-2404158, 2016 WL 1043046, at \*7 (Pa. P.U.C. Mar. 10, 2016).

## II. Procedural History

This case has a long procedural history, so Duquesne Light will only provide the facts that are relevant to this Motion.

On February 1, 2019, Duquesne Light filed a Motion in Limine to Bar Complainants From Introducing or Relying Upon Inadmissible Evidence (“First Motion in Limine”). At that time, Complainants represented that they planned to offer roughly 211 documents and videos into evidence, but they had not actually produced a formal exhibit list to Duquesne Light (despite being required to do so by the Presiding ALJ’s prior orders).<sup>2</sup> Complainants opposed the First Motion in Limine.

During a prehearing conference with the parties on April 24, 2019, the Presiding ALJ requested that Duquesne Light refile its First Motion in Limine. Duquesne Light did so the next day. Complainants again opposed the First Motion in Limine. The Presiding ALJ did not rule on the First Motion in Limine.

On October 22, 2019, Complainants finally provided Duquesne Light and the Presiding ALJ with an exhibit list (“Complainants’ Exhibit List”). It identifies **247** documents, articles, and videos that Complainants plan to offer into evidence at the hearing on November 20-21, 2019. Now that Complainants have identified their potential exhibits, Duquesne Light files this Motion and seeks to exclude many of these documents, articles, and videos from being offered into evidence or relied upon by Complainants at the hearing.

## III. Argument

The Presiding ALJ should bar Complainants from relying upon or offering into evidence many of the documents, articles, and videos identified in Complainants’ Exhibit List because they are irrelevant, confusing and cumulative, hearsay, improperly seek to advance legal arguments, or otherwise violate the Pennsylvania Public Utility Code or the Pennsylvania Rules

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<sup>2</sup> Pursuant to the Presiding ALJ’s scheduling orders, Duquesne Light served Complainants with its original exhibit list on June 29, 2018 and served an updated exhibit list on July 26, 2019.

of Evidence. The Presiding ALJ has ruled that the only issue in this case is whether Duquesne Light violated the Pennsylvania Public Utility Code (which requires Duquesne Light to install a smart meter at Complainants' residence), the associated regulations, or the Company's tariff. First Supplemental Prehearing Order, Feb. 6, 2018; Prehearing Order, Dec. 15, 2017. This action is not a collateral attack on Duquesne Light's smart meter implementation plan, which the Commission approved several years ago, see, e.g., Docket No. M-2009-2123948 (Pa. P.U.C. Opinion and Order entered May 6, 2014), nor is it a challenge to the scientific merit of Act 129's mandatory universal deployment of smart meters, which is settled law and binding precedent.<sup>3</sup> The evidence introduced at the hearing should be that which is both reliable and relevant to the issues to be decided.

As noted above, Complainants identified and produced approximately **247** documents, articles, and videos to Duquesne Light as part of Complainants' Exhibit List. They intend to offer them into evidence at the hearing in this matter. The sheer volume of Complainants' production makes it impossible for Duquesne Light to attach all of the materials Complainants have referenced or produced to this Motion. However, Duquesne Light has attached a table that lists all of the potential exhibits from Complainants' Exhibit List that Duquesne Light objects to. See Exhibit A. Duquesne Light is objecting to 210 proposed exhibits, meaning that the Company is not objecting to approximately 37 proposed exhibits.

Given the volume of Complainants' Exhibit List, Duquesne Light cannot set forth its objections to each individual exhibit in this Motion. However, the Company has summarized its objections in Exhibit A. Duquesne Light's objections can be organized into the following categories: (1) relevancy; (2) confusing the issues, wasting time, and needlessly presenting

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<sup>3</sup> See Hoffman-Lorah v. PPL Elec. Util. Corp., Docket No. C-2018-2644957, 2019 WL 2325713, at \*28 (Pa. P.U.C. May 23, 2019) (no provision in the Public Utility Code or the Commission's Regulations or Orders allows a customer to "opt out" of receiving a smart meter); Paul v. PECO Energy Co., Docket No. C-2015-2475355, 2018 WL 3093596, at \*4-5 (Pa. P.U.C. June 14, 2018) (same); Povacz v. PECO Energy Co., Docket No. C-2012-2317176, 2013 WL 392699, at \*6 (Pa. P.U.C. Jan. 24, 2013) (same).

cumulative evidence; (3) hearsay; (4) testimony from proceedings to which Duquesne Light was not a party; and (5) improperly attempting to raise legal arguments. In the following bullet points, Duquesne Light briefly elaborates on the nature of, and reasons for, each objection:

- Relevancy: Nearly all documents and videos produced by Complainants are unrelated to Duquesne Light, its smart meters, or its smart meter practices; they instead address smart meters or radiofrequency in general. Such documents add nothing to determining whether Duquesne Light has violated the Code, a regulation, or its tariff. They are irrelevant and inadmissible under 52 Pa. Code § 5.401 and Pennsylvania Rules of Evidence 401 and 402. Just a few examples of such irrelevant documents include news articles about fires allegedly caused by smart meters that Duquesne Light is not using and that occurred outside of the Company’s service territory; cybersecurity breaches at companies with no relationship to Duquesne Light; and articles and statements about the alleged vulnerabilities of the “smart grid” in general.
- Confusing the issues, wasting time, and needlessly presenting cumulative evidence: Even if Complainants’ documents and videos are marginally relevant to this case (and they are not), their probative value is outweighed by the factors in 52 Pa. Code § 5.401 and Pennsylvania Rule of Evidence 403, including confusing the issues, wasting time, and needlessly presenting cumulative evidence. For example, documents and videos about the supposed dangers of all smart meters confuse the issues and waste time because this case deals with Duquesne Light’s smart meters, not other companies or brands. See First Supplemental Prehearing Order, Feb. 6, 2018. Similarly, articles about cybersecurity breaches at other companies confuse the issues and waste time by distracting from the relevant question, which is whether Duquesne Light’s cybersecurity protections are sufficient. Finally, the sheer volume of Complainants’ proposed exhibits will waste time and needlessly present cumulative evidence at the hearing.
- Hearsay: Complainants and their witnesses wrote or created just a small portion of the 247 documents and videos they plan to offer into evidence. It appears that Complainants plan to offer documents and videos authored by non-witnesses into evidence to prove the truth of the matters stated in each document or video.<sup>4</sup> That is textbook hearsay, and well-established Commission precedent states that hearsay cannot form the basis for a finding of fact if properly objected to. Hoffman-Lorah, 2018 WL at \*11. And even if hearsay is admitted into evidence without objection, it cannot form the basis for a finding of fact unless supported by other competent evidence. Id. Simply stated, “a finding of fact based solely on hearsay will not stand.” Id. So even if hearsay is admitted into evidence, it has little probative value because it cannot form the basis of a finding of fact. Moreover, even if found to be marginally relevant, these hearsay documents would still be subject to the § 5.401 considerations outlined above

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<sup>4</sup> Duquesne Light reserves the right to file a motion in limine challenging the ability of Complainant Francis Hriadil, Dr. David C. Carpenter, and Dr. Andrew Michrowski to testify as expert witnesses.

other countries. The Presiding ALJ should bar this evidence. Under 52 Pa. Code § 5.407, records from other proceedings may be admitted into evidence if the proceeding occurred before the Commission and the evidence is relevant and material to the case. Testimony from hearings in other states and countries plainly did not occur before the Commission, and are irrelevant in determining if Duquesne Light violated the Code, any associated regulations, or the Company's tariff.

- Improperly attempting to raise legal arguments: Several exhibits submitted by Complainants seek to advance legal arguments rather than provide factual evidence. For example, Complainants' Exhibit List includes the five New Matters they filed in this case; their response to Duquesne Light's Motion for Summary Judgment; and Complainants' Motion to Compel Discovery Responses. Pleadings generally are not evidence. Dobson v. The Reading Express Airport Shuttle, Docket No. C-2011-2235035, 2011 WL 5121083, at \*1 (Pa. P.U.C. Oct. 7, 2011). Complainants' pleadings, motions, briefs, and related filings about the legal merits of their claims should be precluded.<sup>4</sup>

#### IV. Conclusion

Because the documents and videos listed in Exhibit A violate 52 Pa. Code §§ 5.401-5.403 and the Pennsylvania Rules of Evidence, Duquesne Light respectfully requests an order precluding Complainants from introducing or referencing any of the documents, videos, or things listed in Exhibit A at the hearing.

Respectfully submitted,  
TUCKER ARENSBERG, P.C.

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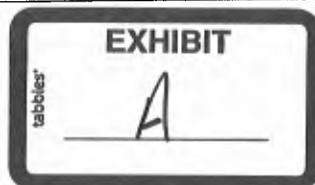
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<sup>4</sup> The objections noted on Exhibit A are not necessarily exhaustive of the evidentiary issues in Complainants' submissions and Duquesne Light reserves all right to raise any additional objections at the hearing should this Motion be denied in whole or in part.

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
A-2	Statement and Medical Recommendation for Francis Hriadil by his doctor, Dr. David Gallagher MD	2018.4.24	Hearsay
A-5	Dr. Tania Slawecki PhD Affidavit - Expert Opinion on EMF Exposure and Smart Meters - Research Associate at the Materials Research Institute Penn State University	2019.07.27	Hearsay
B-6	New Matter 1 - DLC Itron Smart Meter Operation and Concerns	2017.1.24	Cumulative; improper legal argument
B-7	New Matter 2 - PA PUC overreach of Act 129	2017.1.27	Cumulative; improper legal argument
B-8	New Matter 3 - Health and Safety issues	2017.2.3	Cumulative; improper legal argument
B-9	New Matter 4 - Constitutional Violations	2017,2.14	Cumulative; improper legal argument
B-10	New Matter 5 - Commonality of DLC Itron Meter with other Meters and Meshes	2019.1.24	Cumulative; improper legal argument
B-11-1	Response to Motion for Summary Judgment	2018.7.6	Cumulative; improper legal argument
B-11-2	Response to Motion for Summary Judgment Exhibit List	2018.7.6	Cumulative; improper legal argument
B-13	Complainants' Motion to Compel Discovery	2018.2.20	Cumulative; improper legal argument
B-15	Answer to Respondent's Response to Motion to Compel Respondent to Supply Its Smart Meter for Examination	2019,3.29	Cumulative; improper legal argument
E-2-1	Paul Dart MD FCA Biological and Health Effects of Microwave Radio Frequency Transmissions Research Literature Review 2013_06_04 FCC Doc 7520940903	2013.6.4	Hearsay; cumulative
E-2-2	Paul Dart MD FCA Health Effects of Microwave Radio Exposure FCC Doc 7520940904	2013.6.4	Hearsay; cumulative
E-4	Captured Agency - How the FCC is Dominated by the Industries It Supposedly Regulates - Norm Alster - Harvard Univ Center for Ethics	2015	Hearsay; relevance; cumulative
E-5	Inaccurate official assessment of radiofrequency safety by the Advisory Group on Non-ionising Radiation; Sarah J. Starkey; De Gruyter; Rev Environ Health 2016; 31(4): 493-503	2016.10.16	Hearsay; relevance; cumulative
E-6	Why We Need Stronger Cell Phone Radiation Regulations - Key Testimony Submitted to the FCC - Dr Moskowitz PhD		Hearsay; relevance; cumulative



<b>Exhibit No.</b>	<b>Exhibit Title</b>	<b>Date</b>	<b>Duquesne Light's Objections</b>
E-7	American Academy of Environmental Medicine AAEM Recommendations Regarding Electromagnetic and Radiofrequency Exposure	2012.7.12	Hearsay; cumulative
E-8	WHO IARC Classifies Radiofrequency Electromagnetic Fields as Group 2B	2011.5.31	Hearsay; cumulative
E-9	American Academy of Pediatrics AAP Statement to Congress Urging RF Energy Protection of Vulnerable Populations	2012.12.12	Hearsay; cumulative
E-10-1	Ronald Powell PHD Testimony to the Maryland General Assembly on the danger of Smart Meters	2014.12.4	Hearsay; cumulative; testimony from other proceedings to which Duquesne Light was not a party
E-10-2	Ronald Powell PHD Curriculum Vitae	2014.12.4	Hearsay
E-11	Ronald Powell PHD Symptoms after Exposure to Smart Meter Radiation	2015.03.12	Hearsay; cumulative
E-12	Ronald Powell PHD Ranking Electricity Meters for Risk to Health Privacy and Cyber Security	2015.11.15	Hearsay; cumulative
E-13	Ronald Powell PHD Symptoms Resulting from Exposure to Radiofrequency Microwave Radiation from Smart Meters	2015.11.17	Hearsay; cumulative
E-14	Ronald Powell PHD Annotated References on Wireless Devices and Health	2017.06.04	Hearsay; cumulative
E-17-00	Expert Commentaries Refuting the CCST Report on the Health Impacts of Radiofrequency from Smart Meters	2010, 2011	Hearsay; cumulative
E-17-02	David Carpenter MD - final CCST	2011,1	Cumulative
E-17-03	Olie Johansson Prof - final to CCST	2011.1,17	Hearsay; cumulative
E-17-04	Lukas Margaritis Prof et al - Official to CCST	2011.1.16 2011.1	Hearsay; cumulative
E-17-05	Sam Milham MD MPH - Critique of CCST		Hearsay; cumulative
E-17-06	Magda Havas BSc, PHD - Report, CCST Smart Meters	2010.10.12	Hearsay; cumulative
E-17-07	Nancy Evans, Health Science Consultant - CCST Smart Meter report	2011.1.30	Hearsay; cumulative

<b>Exhibit No.</b>	<b>Exhibit Title</b>	<b>Date</b>	<b>Duquesne Light's Objections</b>
E-17-08	Cindy Sage MA - Final CCST Comment Letter	2011.1.17	Hearsay; cumulative
E-17-09	Raymond Neutra MD DrPH - CCST	2011.1.30	Hearsay; cumulative
E-17-10	Janet Newton Pres EMR Policy Institute - 31jan2011 emrpi ccst comment	2011.1.31	Hearsay; relevance; cumulative
E-17-11	Karl Maret BsEE MeBE MD - CCST Commentary 1-31-2011 final	2011.1.30	Hearsay; relevance; cumulative
E-17-12	Yasuko Rato journalist Dir MCS EHS Groups Japan	2011.1.29	Hearsay; relevance; cumulative
E-17-13	Daniel Hirsch Senior Nuclear Policy Lecturer UCSC - Comments on CCST Health Effects of RF from Smart Meters	2011.1.31	Hearsay; cumulative
E-17-14	De-Kun Li MD PHD MPH Senior Research Scientist - Letter CCST - No Proper FCC Standard	2011.3.31	Hearsay; relevance; cumulative
E-18-1	Partial Findings NIP Carcinogenesis Studies of Cell Phone Radiofrequency Radiation in Sprague Dawley SD Rats NIH	2016.05.19	Hearsay; relevance; cumulative
E-18-2	Partial Findings NTP Carcinogenesis Studies of Cell Phone Radiofrequency Radiation in Sprague Dawley SD Rats NIH 2016 ,06 23 full	2016.06.23	Hearsay; relevance; cumulative
E-19	ACS Responds to New Study Linking Cell Phone Radiation to Cancer	2016.05.27	Hearsay; cumulative
E-20	Joel Moskowitz PHD - SPIN vs FACTS NTP Report on Cancer Risk from Cellphone Radiation Factsheet	2016.05.30	Hearsay; cumulative
E-21	Scientific American Major Cell Phone Radiation Study Reignites Cancer Questions - Investigative Report	2016.05.27	Hearsay; cumulative
E-23-1	Oxidative Mechanisms of Biological Activity of Low Intensity Radiofrequency Radiation - RF Radiation causes DNA Damage - NIH Listings	2016	Hearsay; cumulative
E-23-2	Oxidative Mechanisms of Biological Activity of Low-Intensity Radiofrequency Radiation 60001122232	2016	Hearsay; cumulative
E-24	International Appeal - Scientists Call for Protection from Non-ionizing Electromagnetic Field Exposure		Hearsay; cumulative

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
E-25-1	Samuel Milham MD MPH Direct Testimony before the AZ Corp Commission Docket No E-01345A-16-0123 2017 04,03	2017.04.03	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
E-25-2	Samuel Milham MD MPH Curriculum Vitae	2017,04.03	Hearsay; relevance
E-26-1	Expert Report of Andrew Marino PHD JD to the PA PUC Docket No C-2015-2475726 2016 08 08	2016,08.08	Hearsay; cumulative; testimony from other proceeding to which Duquesne Light was not a party
E-26-2	Andrew Marino MD JD Curriculum Vitae	2016.08.08	Hearsay
E-27	Smart Meters - What We Know - Itron OpenWay Smart Meter - Environmental Testing and Technology Report	2011.12	Hearsay; cumulative
E-28	Assessment of RF Microwave Emissions from Smart Meters - Sage Associates Report	2011.01.01	Hearsay; cumulative
E-31	The 1998 Wingspread Conference Precautionary Principle	1998	Hearsay; relevance; cumulative
E-33	US Surgeon Generals NATIONAL PREVENTION STRATEGY	2011.6	Hearsay; relevance; cumulative
E-34	NATIONAL ENVIRONMENTAL POLICY ACT - NEPA Citizens Guide	2007.12	Hearsay; relevance; cumulative
E-35	Naval Medical Research Institute NMRI Research Report F12 524 015-00048	1972.04.20	Hearsay; relevance; cumulative
E-36	Naval Medical Research Institute NMRI A Sampling of Biological Effects From Low- Level Microwave Radiation.	1972 04 20	Hearsay; relevance; cumulative
E-37	ERA - FCC Exposure Standards are Seriously Flawed 1238900001 1993 11 09	1993.11.09	Hearsay; relevance; cumulative
E-38	DHHS-FDA to FCC-CDRH - FCC Rules Do Not Address the Issue of Long-Term Chronic Exposure to RF Fields 1239420001	1993.11.10	Hearsay; relevance; cumulative
E-39	HibSH - FCC Guide is Based Only on One Mechanism - Body Heating 1261030001	1994.01.11	Hearsay; relevance; cumulative
E-40	ARRL Bioeffects Com - FCCs Standard Does Not Protect Against Non-Thermal Effects 1258120001	1994.01.07	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party

<b>Exhibit No.</b>	<b>Exhibit Title</b>	<b>Date</b>	<b>Duquesne Light's Objections</b>
E-41	EPA - Norbert Hankin to Newton re-FCC-2003 - No Consideration of Long-Term Nonthermal Exposure	2002.07.16	Hearsay; relevance; cumulative
E-42	US Dept of Interior DOI -To NTIA on Non-Ionizing Electromagnetic Radiation Emissions	2014.02.07	Hearsay; relevance; cumulative
E-43	National Academy of Sciences NAS - Adverse Health Effects of Wireless Communication Devices	2008	Hearsay; relevance; cumulative
E-45	De-Kun Li MD, PHD, MPH Affidavit to ME PUC Docket No. 2011-00262 with CV 2012 12 03	2012.12.03	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
E-46	Smart Meters - Not So Smart - Investigative Report	2015.01.19	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
E-49	Centron SK9AMI7 - DOC_32248_C4-4_BCSEA-IR-No-1 FortisBC Advanced Metering Infrastructure CPCN Exhibit C4-4 2012 10 26	2012.10.26	Hearsay; relevance; cumulative
E-50	Phillips v County of Allegheny 515 F-3d 224 235 - 3d Cir 2008	2008	Relevance; testimony from other proceeding to which Duquesne Light was not a party
E-51	Inre Cincinnati Radiation Litig - 874 F - Supp 79, 810-11 - SD Oh 1995	1995 2014	Relevance; testimony from other proceeding to which Duquesne Light was not a party
E-52	OVERALL SUMMARY -4 min - video - TRANSCRIPT - 2014 - Smart Meter Facts Video		Hearsay; cumulative
E-54	HEALTH_2 - 6 min - video - TRANSCRIPT - 2011,04 Smart Meters 100x Radiation Exposure of a Cell Phone Daniel Hirsch	2011.04	Hearsay; cumulative
E-55	HEALTH_3 - 30 min - video - TRANSCRIPT - 2011,12 Dirty Electricity and Diseases of Civilization - Dr. Sam Milham	2011.12	Hearsay; cumulative

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
E-56	HEALTH_4 - 3 min - video - TRANSCRIPT - 2013,04,25 BUSTED - Smart Meters Emit Constant Microwave Radiation - WUSA9 News	2013.04.25	Hearsay; cumulative
E-57	HEALTH,5 - 3 min - video - TRANSCRIPT - 2013 Take Back Your Power - SM Radiation Density	2013	Hearsay; cumulative
E-59	HEALTH_7 - 3 min - video ~ TRANSCRIPT - 2015 International Scientist Appeal on Electromagnetic Fields, Martin Blank, PhD Spokesperson	2015	Hearsay; cumulative
E-60	HEALTH_8 - 2 min - video - TRANSCRIPT - Wireless Wake Up Call - Jeremy Johnson MS	2016.02	Hearsay; cumulative
E-61	HEALTHJ3 -16 min - video - TRANSCRIPT - 2016,10 Nerve Disrupting Frequencies from 'Smart' Meters - Warren Woodward Report AZ	2016,10	Hearsay; cumulative
E-62	Pulse Modulated 900 MHz Radiation induces Hypothyroidism and Apoptosis 2010 12 '	2010.12	Hearsay; cumulative
E-63	Martin Pall PHD to CA Legislature - Health Effects from RF Fields and Mechanism 2017 07 17	2017.07.17	Hearsay; cumulative
E-64-1	Anthony Miller MD Cancer Expert Declares Cell Phone and Wireless Radiation as Carcinogenic	2017.07.31	Hearsay; cumulative
E-64-2	Anthony Miller Mb Wireless and Your Health Presentation 2017 07 31	2017.07.31	Hearsay; cumulative
E-64-3	Anthony Miller MD Scientific Publications on Cell Phone Radiation and Cancer	2017.07.31	Hearsay; cumulative
E-64-4	Anthony Miller MD CV Curriculum Vitae	2017.07.31	Hearsay; cumulative
E-65	International Classification of Diseases ICD Nonionizing Radiation Codes	2017.10.1	Hearsay; relevance; cumulative
E-66-1	Joseph Mercola DO Reduce EMF Exposure	2018.01.08	Hearsay; cumulative
E-66-2	Martin Pail PHD Harmful Effects of Electromagnetic Fields on Health A Special interview 2018 01 08	2018.01.08	Hearsay; cumulative
E-67	Joseph Mercola DO CV Curriculum Vitae	2018.01.08	Hearsay; cumulative

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
E-68	Martin Pali PHD Curriculum Vitae	2018,01.08	Hearsay; cumulative
E-69	Fiorella Belpoggi PHD, New Large Animal Study Like NTPs Links RF to Schwannoma of the Heart	2018.02.20	Hearsay; cumulative
E-70	Fiorella Belpoggi PHD et al, Ramazzini Report of Final Results Regarding Brain and Heart Tumors - Envir Res 2018 03 07	2018.03.07	Hearsay; cumulative
E-71-1	Lennart Harden MD PHD Comments on NIP study to US Dept of Health and Human Services	2018.03.12	Hearsay; relevance; cumulative
E-71-2	Lennart Hardeii MD PHD Curriculum Vitae	2018.03.12	Hearsay; relevance; cumulative
E-72-1	Actions from Peer Review of the Draft NIP Technical Reports on Cell Phone Radiofrequency Radiation 2018 03 26	2018.03.26	Hearsay; cumulative
E-72-2	Peer Review Panel for NIP Technical Reports on Cell Phone Radiofrequency Radiation 2018 03 26	2018.03.26	Hearsay; cumulative
E-74	Ronald Kostoff PHD Radiofrequency Radiation (RFR) as a Promoter Enabler of Adverse Health Effects 2018 04	2018.04	Hearsay; cumulative
E-75	Radio Frequency Radiation-related Cancer - Causation in Occupational or Military Setting - Environ Res 2018.05	2018.05	Hearsay; cumulative
E-76	Wireless Radiation Electromagnetic Fields Increases Toxic Body Burden - investigative Report	2018	Hearsay; cumulative
E-77	Outdated FCC Safety Standards - Investigative Report 2018	2018	Hearsay; relevance; cumulative
E-78	Comparing-NTP-and-Rf-Studies-of-Sprague-Dawley-Rats-Exposure-to- Radiofrequency-Radiation-RFR-1 w link	2018	Hearsay; relevance; cumulative
E-79	Goldberg Sharon MD - Main Points and References from October 4th Michigan Legislature Testimony	2018.10	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
E-80	HEALTHJ0 -12 min- video - TRANSCRIPT - Goldberg Sharon MD - Testimony before the Michigan Legislature on Wireless Radiation	2018.10.04	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
E-81	Goldberg Sharon MD - Curriculum Vitae	2018.10	Hearsay; relevance

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
E-84	Lamech Federica MBBS - Symptom Development From Exposure to Radiofrequency Fields of Wireless Smart Meters - PubMed Listing	2014.11/12	Hearsay; cumulative
E-85	Lamech Federica MBBS - Symptom Development From Exposure to Radiofrequency Fields of Wireless Smart Meters in Victoria Australia	2014.11/12	Hearsay; cumulative
E-92	NIH - High exposure to radio frequency radiation associated with cancer in male rats 2018 11 01	2018.11.1	Hearsay; cumulative
E-93	Sage Burgio - Electromagnetic Fields Pulsed Radiofrequency Radiation and Epigenetics How Wireless Technologies - Childhood Development Saje Burqio 2017	2017	Hearsay; cumulative
E-94	Peer Reviewed Scientific Research On Wireless Health Effects	2019	Hearsay; cumulative
E-95	WIFI Radiation - Whats It Doing to Our Bodies	2018.04.27	Hearsay; cumulative
F-1-1	William Bathgate EE ME - Evaluation of the ITRON OpenWay AMI Meter v6 2017 02 16	2017.02.16	Hearsay; cumulative
F-1-2	Bathgate William S EE ME - Expert Testimony before the MI Public Service Commission 2017 08 15 U-18322-Q281	2017.08.15	Hearsay; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-1-3	Bathgate William S EE ME Curriculum Vitae	2017.08.15	Hearsay; cumulative
F-2	Underwriters Laboratories UL The Standard in Safety	2019	Hearsay; cumulative
F-3	Sage Associates Wireless Smart Meters and the Potential for Electrical Fires 2010 07	2010.07	Hearsay; cumulative
F-4	TESCO Analog Meters Withstand Hot Sockets Better Than Smart Meters 2Q14__10._16	2014.10.16	Hearsay; cumulative
F-5	Stockton Smart Meters Explode After Truck Causes Power Surge - Investigative Report 2015 03 30	2015.03.30	Hearsay; relevance; cumulative
F-6	Exploding Smart Meter Heats Up Queens Park - investigative Report 2015 06 04	2015.06.04	Hearsay; relevance; cumulative
F-7	Edward Halteman PHD Wireless Smart Meter Safety Impact Survey Final Results Summary	2011.09.13	Hearsay; relevance; cumulative
F-8	Smart Meter Fire Situation Continues to Escalate - Investigative Report 2016 08 30	2016.08.30	Hearsay; relevance; cumulative

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
F-9	Brookville Borough Jefferson County Power Outage Causes Thousands of Dollars in Damages - FirstEnergy SK9AMI7 - Investigative Report	2017.01.23	Hearsay; relevance; cumulative
F-10	Testimony to GAO Cybersecurity - Challenges in Securing the Modernized Electricity Grid	2012.02.28	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-11	FBI - Smart Meter Hacks Likely to Spread - Krebs on Security Report 2012 04	2012.04	Hearsay; cumulative
F-12	10 Biggest Data Breaches of 2016 (So Far) - CRN Industry Report 2016 07 28	2016.07.28	Hearsay; relevance; cumulative
F-13	Here Are All the Ways the Equifax Data Breach is Worse Than You Can imagine - Investigative Report	2017.09.08	Hearsay; relevance; cumulative
F-14	KRACK Spells Big Trouble for Wireless Security - Investigative Report 2017 10 16	2017.10.16	Hearsay; relevance; cumulative
F-15	ONZO Global Data Firm - We Help Utilities Surveil and Profile Their Customers and Monetize Home Surveillance Data Investigative Report	2017.03.25	Hearsay; relevance; cumulative
F-16	ONZO Announces Major Enhancements to Customer Insights Data Analytics Solution - Industry Report 2016 02 09	2016.02.09	Hearsay; relevance; cumulative
F-18	REMOVALS - Inside PECO's Smart Meter Debacle - Investigative Report 2012 10 15	2012.10.15	Hearsay; relevance; cumulative
F-19	REMOVALS - PGE Replacing 70000 Electricity Meters Because of Fire Risk - Investigative Report	2014.07.24	Hearsay; relevance; cumulative
F-20	REMOVALS - SaskPower to Remove 105000 Smart Meters Following Fires - Investigative Report	2014.07.31	Hearsay; relevance; cumulative
F-21	REMOVALS - Reno Smart Meter Fires More Widespread Than First Feared - Investigative Report 2014 07 21		Hearsay; relevance; cumulative
F-22	REMOVALS - Overheating Concerns - Lakeland Electric to Replace 10657 Residential Smart Meters - investigative Report 2014 08 26	2014.08.26	Hearsay; relevance; cumulative
F-23	REMOVALS - Reno Sparks Fire Chiefs Call for Smart Meter Probe - Investigative Report	2014.09.16	Hearsay; relevance; cumulative

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
F-24	REMOVALS - this Womans Death May Confirm All Your Suspicions About Smart Meters - Investigative Report 2014	2014	Hearsay; relevance; cumulative
F-25	REMOVALS - Fear of Fire Hazard Causes Removal of Thousands of Smart Meters •• Investigative Report	2015.01.23	Hearsay; relevance; cumulative
F-26	REMOVALS - Stockton Smart Meters Explode After Truck Causes Power Surge - Investigative Report	2015,03,30	Hearsay; relevance; cumulative
F-27	Smart Meters Pose Ongoing Issues For Duquesne Light Customers - investigative Report 2016 05 17	2016.05.17	Hearsay; cumulative
F-28	REMOVALS - Astonishing - Hydro One Pulling Plug on 36000 Rural Smart Meters After Years of Complaints - Investigative Report 2016 01 13	2016.01.13	Hearsay; relevance; cumulative
F-30	REMOVALS - Ontario Pulls Plug on 36000 Rural Smart Meters - Investigative Report 2016 01 20	2016.01.20	Hearsay; relevance; cumulative
F-31	REMOVALS - Big Rig Crash into Pole Leads to Power Surge in Discovery Bay - Investigative Report 2017 10 26	2017.10.26	Hearsay; relevance; cumulative
F-32	Smart Meter Security Fears - Smart Meters will be Hacked - Security Report 2010 08	2010.08	Hearsay; cumulative
F-33	Smart Grid Cvber Security AGCS Industry Security Review 2013 .11 04	2013.11.04	Hearsay; cumulative
F-34	Smart Grid Powers Up Privacy Worries - Politico Investigative Report 2015 01 01	2015.01.01	Hearsay; relevance; cumulative
F-35	Why the Latest Yahoo Hack Is So Much Worse Than You Think - Investigative Report 2016 12 15	2016,12.15	Hearsay; relevance; cumulative
F-36	Worlds Leading Hackers Explain Why You Don't Want Tech Companies Controlling Everything in Your Home - Investigative Report 2017 08 05	2017.08.05	Hearsay; relevance; cumulative
F-37	Hackers Can Now Cause Blackouts on Americas Electrical Grid - Investigative Report 2017 .09 09	2017.09.09	Hearsay; relevance; cumulative
F-38	Security Finally Got the Awareness It Needed in 2017 - Investigative Report 201712 02	2017.12.02	Hearsay; relevance; cumulative

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
F-39	PRIVACY_1 - SECURITY - CITIZEN'S RIGHTS - 5 min - video - TRANSCRIPT - 2011.08 Smart Meters - Jerry Day Report and Commentary	2011.08	Hearsay; relevance; cumulative
F-40	PRIVACY 2 -11 min - video - TRANSCRIPT - 2617_03 Utility Meters use In Mass Surveillance - Jerry Day Report and Commentary	2017.03	Hearsay; relevance; cumulative
F-41	PRIVACY 3 - 2 min - video - TRANSCRIPT - 2017 09 ON20 Smart Meters Admission of IN-HOME SURVEILLANCE FOR PROFIT	2017.09	Hearsay; relevance; cumulative
F-42	PRIVACY_4 - 30 min - video - TRANSCRIPT-ONZO ERR! EU NILM 2016 - Marcel Horstmann	2016	Hearsay; relevance; cumulative
F-43	PRIVACY 5 - CITIZEN'S RIGHTS - RELIABILITY-HIGH COST - 6 min - video TRANSCRIPT - 2017 03 07 MI Michele Reisen Michigan	2017.03.07	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-44	RELIABILITY_1 - 2 min - video - TRANSCRIPT - 2015_10 FirstEnergy Testimony before Subcommittee Hearing - Smart Meter Service Life	2015.10	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-45	RELIABILITY_2 - 2 min - video - TRANSCRIPT - 2016_05_17 CBS KDKA News Report - Smart Meters Pose Ongoing issues For Duquesne Light	2016.05.17	Hearsay; cumulative
F-46	SAFETY - FIRES - 32 min - video - TRANSCRIPT - 2016_03 Smart Meter Fires - Brian Thiesen Report and Commentary	2016.03	Hearsay; relevance; cumulative
F-47	SECURITY_1 -1 min - video - TRANSCRIPT - 2011_10 - CIA Director Calls Smart Grid Stupid due to Security problems	2011.10	Hearsay; relevance; cumulative
F-48	SECURITY_2 - SAFETY - RISK - 9 min - video - TRANSCRIPT - 2017_03_07 MI Sen Patrick Colbeck Testimony	2017.03.07	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-49	How Big Wireless Made Us Think That Cell Phones Are Safe - A Special Investigation 2018 04 23	2018.04.23	Hearsay; relevance; cumulative
F-50	MSPs Guide to 3 Game-Changing Problems in Security Redmond Channel Partner - KRACK WHACKS WPA2 2017 11	2017.11	Hearsay; relevance; cumulative

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
F-51	Apples Tim Cook Calls for Regulation on Data - Says Facebook Incident is Dire 2018 03 25	2018,03.25	Hearsay; relevance; cumulative
F-52	Facebooks Data Scandal Should be a Wake-up Call About Our Online Footprint - Investigative Report	2018.03.27	Hearsay; relevance; cumulative
F-53	Amid Health Privacy Fears States Are Letting People Reject Smart Meters 2016 02 10	2016.02.10	Hearsay; relevance; cumulative
F-54-1	Barris Liz - Legal-Constitutional-and-Human-Rights-Violations-of-Smart-Grid-and- Smart-Meters1	2013.10	Hearsay; cumulative
F-54-2	Barris Liz - EMF Bio	2018	Hearsay; relevance
F-58	California Warns About Cellphone Exposure And Health Risks - Invetigative Report 2017 12 17	2017.12.17	Hearsay; relevance; cumulative
F-59	Colbeck Patrick - Michigan State Senator - Wireless-Radiation-Brief Colbeck 2018-09- 20	2018.09.20	Hearsay; relevance; cumulative
F-60	Conrad Richard H PHD - Nine reasons why smart meter-systems are a mistake 2014 05 08	2014.05.08	Hearsay; relevance; cumulative
F-61	Conrad Richard H PHD - Testimony MPUC Docket No. 2011-00262, February 1 2013	2013.2.1	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-62	Conrad Richard H PHD - Curriculum Vitae	2013.2.1	Hearsay; relevance
F-63	NM PRC bans Smart Meters		Hearsay; relevance; cumulative
F-64	NM new-mexico-prc-4-11-18-15-00312-ut-final-order	2018.4.11	Relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-65-1	UL Online Certification Directory POCZ Guide Info - UL 2735	2019	Hearsay; cumulative
F-66	Playing with Fire - UL 2735 Certification of Itron Smart Meters 2016 02 25	2016.02.25	Hearsay; cumulative
F-67	Oncor Electric Delivery Company, LLC and International Brotherhood of Electrical Workers, Local Union No. 69, affiliated with International Brotherhood of Electrical Workers. Cases 16- CA-103387 and 16-CA-112404 July 29 2016	2016.7.29	Relevance; testimony from other proceeding to which Duquesne Light was not a party
F-68	More customers angry with high electric bills contact Channel 11 2018 02 02	2018.02.02	Hearsay; relevance; cumulative

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
F-69	US Government Makes Surprise Move To Secure Power Grid From Cyberattacks 2019 07 03	2019.07.03	Hearsay; relevance; cumulative
G-1	Getting Smarter About the Smart Grid Report HIS Law and Policy Final Report 2012 11 26	2012.11.26	Hearsay; relevance; cumulative
G-2	Northeast Utilities Executive Summary, MA Depart of Public Utilities, D.P.U. 12-76 2017 01.17	2017.01.17	Relevance; cumulative
G-3	PA Public Utility Code 66 PA CS - Omnibus Amendments - ACT 129 2008 10 15	2008.10.15	Improper legal argument; testimony from other proceeding to which Duquesne Light was not a party
G-4	PA Legislative Journal - House - Session of 2008 192d of the General Assembly No 13 2008 02 11	2008.02.11	Improper legal argument; testimony from other proceeding to which Duquesne Light was not a party
G-5-1	HOUSE BILL 2200 P N 3218 2008 02 11	2008.02.11	Improper legal argument; testimony from other proceeding to which Duquesne Light was not a party
G-5-2	HOUSE BILL 2200 P N 3233 2008 02 12	2008.02.12	Improper legal argument; testimony from other proceeding to which Duquesne Light was not a party
G-5-3	HOUSE BILL 2200 P N 4429 2008_09_23	2008.09.23 "2008.10.08	Improper legal argument; testimony from other proceeding to which Duquesne Light was not a party
G-6	PA Legislative journal - Senate - Session of 2008'192nd of the General Assembly No. 64 2008 10 08	2008.10.08	Improper legal argument; testimony from other proceeding to which Duquesne Light was not a party
G-7	Trans-Lex org Law Search - Principle No. 1-2-1 - Standard of Reasonableness	2017	Relevance
G-8	US Supreme Court ruling - Martinez v. Lamagno No 94-167 515 US 417 1995 1995 06 14	1995.06.14	Relevance; improper legal argument; testimony from other proceeding to which Duquesne Light was not a party
G-9	Accepted Legal Standards - Federal Rules of Civil Procedure - What is the Only Word That Means Mandatory - FAA	2017	Relevance
G-11	Why Smart Meters Might Be a Dumb Idea - Consumers Digest Report 2011	2011	Hearsay; relevance; cumulative

Exhibit No.	Exhibit Title	Date	Duquesne Light's Objections
G-13	Duquesne Light Seeks Rate Increase for 600000 Customers - Report 2018 04 17	2018.04.17	Relevance
G-14	Duquesne Light Company Poor rating 2018 04 29	2018.04.29	Hearsay; relevance
H-2	interview with Wellington Energy Whistleblower January 26 2011	2011.1.26	Hearsay; relevance; cumulative

E-52-V	OVERALL SUMMARY 1 - 4 min - video - 2014 - Smart Meter Facts Video	2014	Hearsay; cumulative
E-54-V	HEALTH_2 - 6 min - video - 2011J34 Smart Meters 100x Radiation Exposure of a Cell Phone Daniel Hirsch	2011.04	Hearsay; cumulative
E-55-V	HEALTH_3 - 30 min - video - 2011_12 Dirty Electricity and Diseases of Civilization - Dr. Sam Milham	2011.12	Hearsay; cumulative
E-56-V	HEALTH_4 - 3 min ~ video - 2013_04_25 BUSTED - Smart Meters Emit Constant Microwave Radiation -	2013.04.25	Hearsay; cumulative
E-57-V	HEALTH_5 - 3 min - video - 2013 Take Back Your Power - SM Radiation Density	2013	Hearsay; cumulative
E-59-V	HEALTH_7 - 3 min - video - 2015 International Scientist Appeal on Electromagnetic Fields, Martin Blank, PhD Spokesperson	2015	Hearsay; cumulative
E-60-V	HEALTH 8-2 min - video - Wireless Wake Up Call - Jeremy Johnson MS	2016.02	Hearsay; cumulative
E-61-V	HEALTH_9 -16 min - video - 2016_10 Nerve Disrupting Frequencies from 'Smart' Meters - Warren Woodward	2016.10	Hearsay; cumulative
E-80-V	HEALTH_10 -12 min - video - Goldberg Sharon MD - Testimony before the Michigan Legislature on Wireless Radiation	2018.10,04	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-39-V	PRIVACY 1 - SECURITY - CITIZEN'S RIGHTS - 5 min - video - 2011_08 Smart Meters - Jerry Day Report and Commentary	2011.08	Hearsay; relevance; cumulative
F-40-V	PRIVACY_2 -11 min - video - 2Q17J33 Utility Meters use In Mass Surveillance - Jerry Day Report and Commentary	2017.03	Hearsay; relevance; cumulative

F-41-V	PRIVACY 3 - 2 min - video - 2017 09 ONZQ Smart Meters Admission of IN-HOME SURVEILLANCE FOR PROFIT	2017.09	Hearsay; relevance; cumulative
F-42-V	PRIVACY 4 - 30 min - video - ONZO EPRI EU NILM 2016 - Marcel Horstmann	2016	Hearsay; relevance; cumulative
F-43-V	PRIVACY__5 - CITIZEN'S RIGHTS - RELIABILITY - HIGH COST - 6 min - video - 2017	2017.03.07	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-44-V	RELIABILITY_1 -2 min - video - 2015_1G FirstEnergy Testimony before Subcommittee Hearing - Smart Meter Service Life	2015.10	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party
F-45-V	RELIABILITY_2 - 2 min - video - 2016_05J7 CBS KDKA News Report - Smart Meters Pose Ongoing Issues For Duquesne Light	2016.05.17	Hearsay; cumulative
F-46-V	SAFETY_1 - FIRES - 32 min - video - 2016_03 Smart Meter Fires - Brian Thiesen	2016.03	Hearsay; relevance; cumulative
F-47-V	SECURITY_1 -1 min - video - 2Q11_10 - CIA Director Calls Smart Grid Stupid due to Security problems	2011.10	Hearsay; relevance; cumulative
F-48-V	SECURITY_2 - SAFETY - RISK - 9 min - video - 2017_3_07 MI Sen Patrick Colbeck Testimony	2017.03.07	Hearsay; relevance; cumulative; testimony from other proceeding to which Duquesne Light was not a party

TADMS:5218133-1 014657-158498

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHELE HRIADIL and  
FRANCIS HRIADIL,

Complainants,

v.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion in Limine to Bar Complainants From Introducing and Relying Upon Inadmissible Evidence 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 28<sup>th</sup> day of October, 2019



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