

331 Shady Ridge Drive
Monroeville, Pennsylvania

November 14, 2019

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Via Paper Filing

Judge Jeffrey Watson
PA PUC Pittsburgh Administrative Law Judge Office
301 Fifth Ave, Suite 220
Piatt Place
Pittsburgh, PA 15222

Cc: Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission
Jeremy V Farrell, Esquire, Counsel for Duquesne Light Company

RE: **Michele Hriadil and Francis Hriadil v. Duquesne Light Company**
Docket No. C-2016-2571726
**Answer to Respondent's Response to Complainants' Request Concerning
Respondent's Filing of Multiple Motions in Limine at This Time.**

Dear ALJ Watson:

In Answer to the Respondent's response:

- With the numerous filings of the Respondent and orders from the court to produce expanded Expert Reports against our strong objection, the standards followed in other PA PUC Formal Complaints, and the Court's February 6, 2018 Prehearing Order rules and instructions to which both parties agreed, I, Francis Hriadil, struggled and was pushed to the point of exhaustion trying to prepare for an August Hearing.
- Francis Hriadil suffered with exhaustion and it took more than a month of nearly total shutdown to recover after the extension was granted.
- My sister and co-Complainant, Michele Hriadil, can attest that the strain seriously affected me and that I needed that time to recover. The Respondent takes no notice of the limitations of the Complainants, both who are elderly, Francis Hriadil's clinical conditions and disability, or the hardship being placed on the Complainants as two (2) people representing ourselves.
- The Respondent spent over 3 months formulating their detailed October 30 Motion in Limine to Preclude Complainants Purported Expert Testimony, which we did not receive until end-of-day on November 1 by mail. The Respondent had all of the information forming the basis of their motion on July 10 and "sat" on this motion for 3 months before filing it.
- The Respondent now "offers to allow" the Complainants the opportunity to address this orally at our Hearing. So, in addition to having to complete our final preparations for our Hearing and our coordination with our Expert Witnesses, the Complainants still have to concurrently review and address the Respondent's two Motions in Limine. This "offer"

provides no real consideration, accommodation, or remedy to the Complainants on this issue.

- In addition, the Respondent took the time it needed to fully formulate its detailed October 28 Motion in Limine to Bar Complainants from Introducing or Relying Upon Inadmissible Evidence.
- Our Answer... to this first Motion in Limine was rushed because we felt compelled, at the cost of needed time away from our final hearing preparations, to submit at least some form of response to its Motion. We are allotted a full 20 days to properly review and address any motion, and wish to exercise our right to that time, and to amend our Answer, as we determine appropriate.
- This should not come at the price and to the detriment of any other aspect related to our complaint, including completing our final Hearing preparation and coordination with our Expert Witnesses, and properly reviewing and addressing the Respondent's Motion in Limine to Preclude Complainants Purported Expert Testimony.
- The Respondent knowingly and concurrently filed its two (2) detailed motions within 20 days of the Hearing. In all prior Litigation Schedules associated with this case, the Court specified deadline for dispositive motions such as this was no less than 44 days before the Hearing.
- Each individual Motion allows the Complainants a full 20 days to properly review and formulate our response. The Complainants detailed motion was composed in writing, and we are afforded the right to respond in kind, in writing. We are not experienced in oral debate or courtroom argument, and would be placed at a distinct disadvantage in this matter, under that circumstance.
- The Respondent's two (2) Motions in Limine have significant implications on how our complaint will progress, how the Hearing will proceed, and how the Complainants need to prepare. To submit these concurrent motions, at this time and in this manner, smacks of a calculated maneuver to harass the Complainants, to place the Complainants at an insurmountable disadvantage, and toss our ongoing final Hearing preparations into turmoil.
- In short, knowing my disability and that I am only one man, the Respondent does this, and the Complainants are essentially faced with dealing with an ambush tactic at a critical time in our final Hearing preparations.
- There is no measurable harm done to the people of Pennsylvania, to the electric grid, or to the Respondent by granting a postponement. There is irreparable harm done to justice and our due process if this circumstance is allowed to stand.

As stated in our November 8 Request... for fair treatment, we cannot concurrently and properly address these motions and our final preparations for our Hearing, under the timing and tactics being employed here by the Respondent, which effectively amounts to "piling onto" the Complainants, depriving us sufficient time to respond and depriving us of due process. The Complainants are placed into an uncertain and untenable position about what to do.

The Respondent takes offense to our argument and our **Request...**, and argues that the Complainants have had, and do have, more than enough time. The Respondent has substantial staff and resources to address issues such as this. The Complainants do not.

Throughout the whole process of this proceeding, the Complainants have faced the ongoing effort and onslaught of the Respondent to inundate and overwhelm the Complainants with voluminous and very technically detailed legal motions, that the Complainants had to address. Given the proper time that was needed, the Complainants have responded to, and fully answered these motions, in a logical and professional manner. The Complainants have **never at any time** abused the extension process, and only asked for what was necessary considering our limitations, circumstances, Francis Hriadil's clinical conditions and disability, and what is afforded by code. The quality and comprehensiveness of our responses and answers attests to this fact.

The Complainants reiterate that:

- the Respondent is well aware of the Complainants' ages and circumstances, and Francis Hriadil's clinical conditions and disability,
- the Respondent is also well aware of the Hearing date schedule and the disruption, complication, and untenable hardship this imposes on the Complainants and our final preparations with these concurrent late filings

In light of these circumstances, the Complainants can to nothing else but appeal to the Court for fairness and proper accommodation, under **PA Code § 5.361(a)(2)** and **the Americans with Disabilities Act (ADA)**.

The Complainants have **no** sympathy for the Respondent taking offense to our argument and **our Request...**. It is a truthful representation of the circumstances of this matter and the Complainants' legitimate request for a remedy and fair treatment.

In addition, there is the fact that throughout the course of this proceeding, the Respondent has repeatedly accused the Complainants, in writing, of misdeeds and violating Court orders, insulting the integrity of, and impugning the behavior and intentions of, the Complainants.

And furthermore, the Respondent, with full knowledge of our open and active Formal Complaint, recently went through a closed gate onto our property at 810 Selby Way, Pittsburgh, PA 15203 and replaced the original electro-mechanical meter there with its Itron OpenWay Smart Meter. The Respondent did this even though the property was clearly posted to **not** replace the electric meter **and** the Respondent had been informed in writing by certified, return receipt mail that the meter should not be touched until our Formal Complaint had been resolved. The Respondent did this anyway, unannounced, in violation of PA PUC complaint procedure. When the Complainants discovered this violation and complained to the Respondent's Counsel, the Respondent's Counsel said nothing, did nothing, and simply ignored the issue.

So, the Complainants are upset by all of this. The Respondent's indignation has no merit here, nor should any meaningful consideration be given to its response to our legitimate **Request...**

This situation was created by the Respondent with its ongoing legal gamesmanship, trying to leverage their substantial resources against the Complainants and our limitations. Our argument and November 8 Request..., and our follow-on formal motions for a remedy which have come out of our Request..., are reasonable and necessary under the

circumstances, in order for this complicated Formal Complaint proceeding to be resolved in a fair, equitable, and reasonable manner, and for the Complainants to receive due process.

It is clear that the Respondent places no value on its customers as human beings. The Respondent values its customers only as a source of monthly income to the company. Indeed, the Respondent never refers to customers as people; it only refers to them as "rate payers" specifically defined by statute and without inherent and infeasible rights.

The Respondent is well-aware that, per 66 Pa.C.S. § 701; 66 Pa.C.S. § 1501; 52 Pa. Code § 57.194, it must furnish and maintain adequate, efficient, safe, and reasonable service and facilities, ... as shall be necessary or proper for the accommodation, convenience, and safety of its patrons" such as the Hriadils.

We are being treated like an enemy by the Respondent. Instead of proceeding with, and on the side of, the Hriadils before the PA PUC, arguing in support of the Hriadils and our circumstances, the Respondent is applying the full force and weight of its vast energy and resources to bludgeon and break us, and other people like us, into submission, because we are forced to file Smart Meter complaints at great hardship and expense as we simply try to protect our well-being and our rights. And, it is doing this all just to make a buck.

The Complainants take great offense at all of this. If left unremedied, it presents clear evidence that, in this matter, those with deep pockets and abundant resources possess more rights than those with less. If the Respondent could not hide behind the PA PUC, a more responsive competitor would come forward..

In the end, it is the Respondent's and the Public Utility Commission's moral, ethical, and lawful duty to provide safe and reasonable service that accommodates the needs of its patrons. The Complainants request that the Court grant us our legitimate, lawful, and requested remedy here.

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

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

Sincerely,



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

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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

CERTIFICATE OF SERVICE

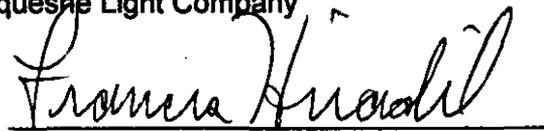
I hereby certify that I have this day served a true copy of Complainants' **Answer to Respondent's Response to Complainants' Request Concerning Respondent's Filing of Multiple Motions in Limine at This Time**, upon the participants listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

Via Paper Filing
Judge Jeffrey Watson
PA PUC Pittsburgh Administrative Law Judge Office
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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 14th day of November, 2019



Michele and Francis Hriadil
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hriadil@attglobal.net

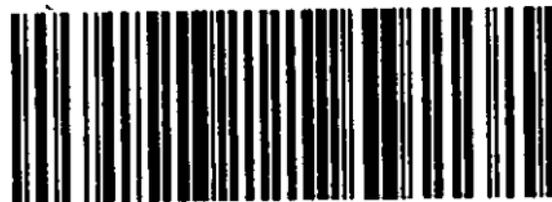
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