

331 Shady Ridge Drive
Monroeville, Pennsylvania

November 17, 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:

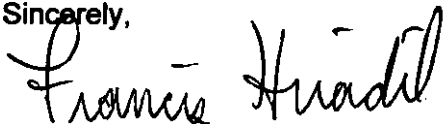
Enclosed please find a copy of Complainants'

Objection to ALJ Watson's
Two (2) November 14 and 15 Interim Orders Holding in Abeyance Respondent's
Two Motions in Limine Until the Morning of Our Hearing
and
Three (3) November 15 Interim Orders Denying a Summary Judgment Because of the
Circumstances or Even a Continuance,
and
Motion for Reconsideration.

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

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NOV 18 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

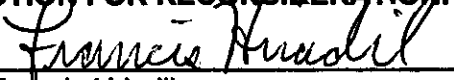
**OBJECTION TO ALJ WATSON'S
TWO (2) NOVEMBER 14 and 15 INTERIM ORDERS HOLDING
IN ABEYANCE RESPONDENT'S TWO MOTIONS IN LIMINE
UNTIL THE MORNING OF OUR HEARING, AND THREE (3)
NOVEMBER 15 INTERIM ORDERS DENYING A SUMMARY
JUDGMENT BECAUSE OF THE CIRCUMSTANCES OR EVEN
A CONTINUANCE, AND MOTION FOR RECONSIDERATION.**

Filed by Michele and Francis Hriadil
hriadil@attglobal.net
(412) 779-3314
331 Shady Ridge Drive
Monroeville, Pennsylvania

**OBJECTION TO ALJ WATSON'S
TWO (2) NOVEMBER 14 and 15 INTERIM ORDERS HOLDING IN ABEYANCE
RESPONDENT'S TWO MOTIONS IN LIMINE UNTIL THE MORNING OF OUR HEARING,
AND
THREE (3) NOVEMBER 15 INTERIM ORDERS DENYING A SUMMARY JUDGMENT
BECAUSE OF THE CIRCUMSTANCES OR EVEN A CONTINUANCE,
AND
MOTION FOR RECONSIDERATION**

TO: THE HONORABLE ALJ JEFFREY A. WATSON

**ENCLOSED IS COMPLAINANTS' FILING OF OUR OBJECTION TO YOUR HONOR'S TWO
(2) NOVEMBER 14 and 15 INTERIM ORDERS HOLDING IN ABEYANCE RESPONDENT'S
TWO MOTIONS IN LIMINE UNTIL THE MORNING OF OUR HEARING, AND THREE (3)
NOVEMBER 15 INTERIM ORDERS DENYING A SUMMARY JUDGMENT BECAUSE OF THE
CIRCUMSTANCES OR EVEN A CONTINUANCE, AND MOTION FOR RECONSIDERATION.**


Francis Hriadil
November 17, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michele Hriadil and
Francis Hriadil,

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DUQUESNE LIGHT COMPANY,

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**OBJECTION TO ALJ WATSON
TWO (2) NOVEMBER 14 and 15 INTERIM ORDERS HOLDING IN ABEYANCE
RESPONDENT'S TWO MOTIONS IN LIMINE UNTIL THE MORNING OF OUR HEARING,
AND
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BECAUSE OF THE CIRCUMSTANCES OR EVEN A CONTINUANCE,
AND
MOTION FOR RECONSIDERATION**

TO ALJ Jeffrey A. Watson:

1. A mere 20 days before our Hearing, the Respondent filed two (2) motions in limine concerning issues it has regarding the Complainants' preparation or presentation of evidence prior to the hearing in this proceeding.

- October 28 Motion in Limine to Bar Complainants from Introducing or Relying Upon Inadmissible Evidence, which we did not receive until end-of-day on October 30 by mail.
- 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.

2. This was unexpected as the Respondent made no effort to discuss anything with the Complainants and attempt to resolve any issues it apparently had regarding the preparation or presentation of evidence prior to the hearing in this proceeding. Instead, the

Respondent waited and, in a calculated manner, served the Complainants both of their Motions in Limine a mere 20 days or so before our Hearing.

It is an undeniable fact that the Respondent spent over 3 months “formulating” their detailed October 30 Motion in Limine to Preclude Complainants Purported Expert Testimony. The Respondent possessed all of the information forming the basis of their motion on July 10 and essentially “sat” on this motion for 3 months before filing it, so there can be no justification for its action, and its obvious tactic here.

3. The Complainants worked diligently and in good faith, at great cost and expenditure of energy to complete all of our evidence preparation, etc. to meet the November 20-21 scheduled Hearing. The Complainants contacted the Respondent, per Your Honor’s Interim Order, to inform the Respondent that I am working on preparing our exhibits to provide them to the Respondent, as quickly as I can, and as best as I am able, under the circumstances and our limitations. And, we accomplished this task by the deadline. We did not have anything else to discuss with the Respondent, based on the time frames and deadlines set in Your Honor’s prior Litigation Schedules in our Complaint, in which all dispositive motions, such as motions in limine, had to be filed no later than at least 44 days before the Hearing. We refer, specifically, to Your Honor’s following documented Litigation Schedules:

- In the litigation schedule defined in Your Honor’s December 15, 2017 Prehearing Order, a Hearing date of April 26-27, 2018 was scheduled. All dispositive motions had to be filed by March 1, 2018, more than 56 days before the Hearing, and before evidentiary exhibits had to be exchanged.
- In the follow-on amended litigation schedule defined by Your Honor’s March 14, 2018 Supplemental Prehearing Order, a Hearing date of July 18-19, 2018 was scheduled. All dispositive motions had to be filed by June 4, 2018, more than 44 days before the Hearing, and before evidentiary exhibits had to be exchanged.

4. The Complainants responded as quickly as possible with a preliminary written response to the Respondent’s first written motion in limine, entitled Answer to Respondent’s Motion in Limine to Bar Complainants From Introducing or Relying Upon Inadmissible Evidence.

dated November 6, 2019, even though it took time away from our final Hearing preparations, which were in progress. The Complainants then assessed the time remaining before the Hearing and came to the realization that we were being severely burdened by these late motions. Complainants had been placed in the untenable position of not being able to properly review and respond to both of its motions in limine (20 days each by code), and still complete our final Hearing preparations. So, the Complainants and our Complaint were, and are, being harmed by these actions, which we consider to be despicable.

5. Complainants immediately filed our objections to this tactic and requested a lawful and fair accommodation from the Court, in recognition of the inappropriate timing of these filings, our inherent limitations, and Francis Hriadil's clinical conditions and disability, per our rights under **PA Code § 5.361(a)(2)** and the **Americans with Disabilities Act (ADA)**.

Specifically, we filed our:

- Request Concerning Respondent's Filing of Multiple Motions in Limine at This Time, dated November 8, 2019; and
- Motion for Summary Judgment, dated November 12, 2019, based on our Request...; and
- Motion to Quash the Respondent's Untimely, Concurrent Motions in Limine and Restore Lost Hearing Preparation Time to the Complainants, dated November 12, 2019, based on our Request...; and
- Motion for a Continuance to Provide the Complainants with Sufficient Time to Both Properly Review and Address the Respondent's Detailed, Concurrent Motions in Limine and Complete Our Final Hearing Preparations, dated November 12, 2019, based on our Request...; and
- Answer to Respondent's Response to Complainants' Request Concerning Respondent's Filing of Multiple Motions in Limine at This Time, dated November 14, 2019, in refutation of the Respondent's objection to our Request...

offering the Court a number of options to remedy the harm that has been done to the Complainants, our final Hearing preparations, and our complaint.

6. ALJ Watson's response to all of this is comprised of the following succession of Interim Orders:

- November 14, 2019 Interim Order Holding in Abeyance Respondent's Motion in Limine to Bar Complainants from Introducing or Relying Upon Inadmissible Evidence Filed on October 28, 2019, the paperwork which we did not receive until Saturday, November 16, 2019.
- November 15, 2019 Interim Order Holding in Abeyance Respondent's Motion in Limine to Bar Complainants from Introducing or Relying Upon Inadmissible Evidence Filed on October 30, 2019, the paperwork which we will likely not receive until Monday, November 18, 2019; but, which I happened to see on our Docket just by chance.
- November 15, 2019 Interim Order Denying Complainants' Motion for Summary Judgment on November 12, 2019, the paperwork which we will likely not receive until Monday, November 18, 2019; but, which I happened to see on our Docket just by chance.
- November 15, 2019 Interim Order Denying Complainants' Motion to Quash Respondent's Untimely, Concurrent Motions in Limine and Restore Lost Final Hearing Preparation time to the Complainants, the paperwork which we will likely not receive until Monday, November 18, 2019; but, which I happened to see on our Docket just by chance.
- November 15, 2019 Interim Order Denying Complainants' Motion for a Continuance to Provide the Complainants with Sufficient Time to Both Properly Review and Address the Respondent's Detailed, Concurrent Motions in Limine and Complete Our Final Hearing Preparations, the paperwork which we will likely not receive until Monday, November 18, 2019; but, which I happened to see on our Docket just by chance.

7. The stated justification and ruling for the two (2) Interim Orders Holding in Abeyance... the Respondent's two (2) Motions in Limine... is the following:

"Based upon the circumstances, and as this matter is scheduled as an in-person hearing, a fair resolution to the Motion filed by Respondent would be to hear clear and concise arguments from the Parties prior to taking testimony, where appropriate, and otherwise at the appropriate stage in the proceeding. Complainants will be able to submit their written response to the Motion or to orally argue their response to the Motion on November 20, 2019, without the necessity of filing a written response, at the discretion of Complainants.

In the event the Parties would like to address the Motion filed by Respondent, on the record, prior to the hearing time the Parties may confer and agree to argue the Motion filed by Respondent beginning at 9:00 a.m. on Wednesday, November 20, 2019. Should the Parties agree to this proposal, the Parties may contact the office of the undersigned and advise as to the position of the Parties, no later than 10:00 a.m. on Monday, November 18, 2019, in order to arrange for a court reporter to be available at 9:00 a.m. Otherwise, arguments will be heard concerning the Motion on November 20, 2019, upon convening the hearing at 10:00 a.m. "

8. This provides no true and fair remedy and accommodation to the Complainants, considering the circumstances of these two (2) motions. This situation was created by the Respondent at this late date and to the detriment of the Complainants, and inaction on the

part of ALJ Watson to dutifully rule on previous motions in limine by the Respondent, and detailed responses to those motions by the Complainants. It deprives the Complainants of the necessary time to concurrently and properly address these motions and our final preparations for our Hearing. The result is that the Complainants are being unfairly burdened and placed in an untenable position again, and harmed as a result.

9. The stated justification and ruling for the three (3) Interim Orders... are all the same, denying Complainants' reasonable and lawful options for a true remedy, including a continuance, etc.:

“Complainants have not established that good cause exists to continue the hearing scheduled for November 20-21, 2019. In addition, the issues raised by the filing of the Motions in Limine have been addressed in the Interim Order entered on November 14, 2019 and the order addressing the Motion in Limine to Preclude Complainants' Purported Expert Testimony entered this date. Accordingly, the request for continuance will be denied. In addition, the Parties were encouraged to attempt to discuss and attempt to resolve any issues regarding the preparation or presentation of evidence prior to the hearing in this proceeding.”

10. Complainants provided legitimate and sufficient cause, and necessity, for a continuance. Our reasons are clear, specific, and detailed, all of which has been unjustifiably ignored.

- The Respondent did not contact the Complainants during the last 3 months on any issues they have regarding our presentation and evidence (and expert witnesses), as ordered by ALJ Watson in his Interim Order.
- The Respondent in a calculated manner dumps two (2) motions in limine on the Complainants concurrently a mere 20 days before the scheduled Hearing, outside of the 44 day minimum deadline defined in this proceeding's prior litigation schedules, totally disrupting the Complainants final Hearing preparations, well-knowing the Complainants' limitations and Francis Hriadil's clinical conditions and disability.
- ALJ Watson is also well-aware of the circumstances of this development, the Complainants limitations and Francis Hriadil's clinical conditions and disability.

And, ALJ Watson's rulings astonishingly state that the “Complainant's have not established that good cause exists to continue the hearing,” and again the Complainants are being harmed.

11. This is being done at the cost, and to the detriment, of due process for the Complainants, who now find ourselves over-burdened again and unfairly being forced into a Hearing at great disadvantage, when it has been established that we cannot be fully prepared under these conditions. The Respondent's detailed individual motions were composed in writing, and we are afforded 20 days each, 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. Again, our written responses should not be at the detriment of our final Hearing preparations.

12. In our filings, responses, and status reports, the Complainants, who are elderly and representing ourselves, in keeping with PA PUC policy, with Francis Hriadil having a number of serious chronic medical conditions and Michele Hriadil having full time work commitments and responsibilities, etc., have complained repeatedly that, again and again, we are being forced into untenable circumstances by the Respondent's actions and ALJ Watson's rulings. The Complainants, who are representing ourselves, have done nothing but proceed in good faith with our Hearing preparations.

13. ALJ Watson has chosen to ignore the unfair, excessive, and undue burden being imposed upon the Complainants. Whether intentionally or not, ALJ Watson has again orchestrated circumstances that have done nothing but hinder and complicate our ability to properly and fully prepare for our Hearing, at a critical point in the proceeding. We have established that we require more time.

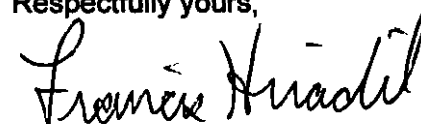
14. Nevertheless, the rulings of ALJ Watson's five (5) recent Interim Orders do not change the reality and untenable nature of the circumstances, the limitations of the Complainants, the harm that is being done to the Complainants and our case, and the violations of PA Code § 5.361(a)(2) and the Americans with Disabilities Act (ADA) that are

being perpetrated, as we simply try to safeguard our health and well-being, and preserve our God-given inalienable rights.

WHEREFORE, in light of these circumstances, the Complainants are filing this objection to ALJ Watson's recent Interim Orders, consisting of the two (2) Interim Orders Holding in Abeyance... the Respondent's two (2) Motions in Limine... until just before our Hearing, and the three (3) Interim Orders... denying Complainants' reasonable and lawful options for a true remedy, and respectfully request, in all fairness, that that those rulings be reconsidered and that our request for a continuance be granted, at a minimum.

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
November 18, 2019

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' **Objection to ALJ Watson's Two (2) November 14 and 15 Interim Orders Holding in Abeyance Respondent's Two Motions in Limine Until the Morning of Our Hearing and Three (3) November 15 Interim Orders Denying a Summary Judgment Because of the Circumstances or Even a Continuance, and Motion for Reconsideration**, 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

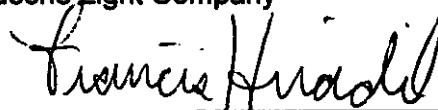
Judge Jeffrey Watson
PA PUC Pittsburgh Administrative Law Judge Office
301 Fifth Ave, Suite 220
Piatt Place
Pittsburgh, PA 15222

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 17th day of November, 2019



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

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

331 Shady Ridge Drive
Monroeville, Pennsylvania

November 17, 2019

Via Paper Filing

Charles E. Rainey Jr.,
Chief Administrative Law Judge
Office of Administrative Law Judge
Harrisburg Office - Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, L-M West
400 North Street
Harrisburg, PA 17120

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NOV 18 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: **Michele Hriadil and Francis Hriadil v. Duquesne Light Company**
Docket No. C-2016-2571726
Emergency Appeal for Additional Time to Properly Prepare for Our Scheduled Hearing and Respond to Duquesne Light Company's Multiple Last Minute Motions.

Cc: Judge Jeffrey Watson, Presiding PA PUC Pittsburgh Administrative Law Judge
Jeremy V Farrell, Esquire, Counsel for Duquesne Light Company
Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission

Dear Chief ALJ Rainey:

I am writing to you out of desperation.

I am elderly. I have a number of clinical conditions and I am disabled. And, I and my sister are representing ourselves in our Formal Complainant, requesting relief from the deployment of a Duquesne Light Company Smart meter on our residence and property, based on the expressed recommendation of my doctor.

It has been a long and difficult process for us, and it has required a number of extensions in order for me to be able to respond to all of the detailed motions and filings of Duquesne Light Company and rulings from ALJ Watson. We have never at any time abused the extension process, and only asked for what was necessary considering our limitations, circumstances, my clinical conditions and disability, and what is afforded by code. The quality and comprehensiveness of our responses and answers attests to this fact.

A mere 20 days or so before our scheduled Evidentiary Hearing of November 20-21, Duquesne Light Company filed two (2) detailed last minute Motions in Limine, namely

Motion in Limine to Bar Complainants from Introducing or Relying Upon Inadmissible Evidence, which we received in the mail at the end of the day on October 30.

and

Motion in Limine to Preclude Complainants Purported Expert Testimony, which we received in the mail at the end of the day on November 1.

Each of these written motions allots us 20 days to properly review and formulate our written response, as is stipulated in those motions and by PA code.

These two (2) concurrent motions were filed during this critical time when we are completing our final Hearing preparations and coordination with our expert witnesses. Duquesne Light Company "sat" on their second motion for three (3) months before filing it concurrently with their first motion, at this late date. These two (2) motions will have significant implications on how our complaint will progress, how the Hearing will proceed, and how the Complainants need to prepare.

I filed a quick preliminary answer to Duquesne Light Company's first Motion in Limine on November 6 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 Duquesne Light Company's first Motion in Limine.

But, in reviewing the time remaining, it became clear to us that this has placed us in an unfair and untenable position, as there remains no reasonable time for us to respond fully and properly to both Motions in Limine, and still complete our final hearing preparations, depriving us of due process.

I FAXed our concerns and objection to this unfair situation to ALJ Jeffrey Watson on November 8 in a filing entitled Request Concerning Respondent's Filing of Multiple Motions in Limine at This Time, which was followed by a number of Motions based on this filing. Duquesne Light filed a response to our Request..., dated November 11. We FAXed an answer to that response, entitled Answer to Respondent's Response to Complainants' Request Concerning Respondent's Filing of Multiple Motions in Limine at This Time – corrected, dated November 14. I have attached copies of our November 8 Request... and our November 14 Answer...

Time grows short, and to this date, ALJ Watson has failed to grant us our legitimate, lawful, and requested extension/continuance, which was filed well ahead of the 5 days prior to the hearing minimum requirement stipulated in the PA PUC CONSUMER COMPLAINTS PROCEDURE BOOKLET.

I was already driven once to exhaustion in August, with the undue burden being placed on us at that time, when I had to request an extension to complete all of the tasks that had to be completed then. Now, at this late date I am being overwhelmed again, and ALJ Watson is not only allowing this to happen, he is facilitating it.

The whole machinations of this circumstance, and the resulting lack of consideration, and no appropriate action by ALJ Watson to fairly address this, is extremely prejudicial against us and our complaint. We have had to literally battle our way through every step of this three-year long proceeding in an effort to be fairly heard on the merits of our complaint. And, our complaint is being compromised at this last moment before our Hearing.

This last occurrence and circumstance so close to our Hearing, and the strain of this "piling onto" to us again, is compromising our final preparations and again affecting my health. I will not be in good physical condition and will be at a clear disadvantage if I have to present our case on November 20-21. This is not fair, considering what is happening.

ALJ's only response so far that we have received is his November 14 Interim Order Holding in Abeyance Respondent's Motion in Limine to Bar Complainants From Introducing or Relying Upon Inadmissible Evidence Filed on October 28, 2019, which we received in the mail on Saturday November 16. ALJ Watson's response is to require us prepare to argue orally, with only a few days notice, at 9 am, right before our evidentiary hearing at 10 am. This is inappropriate, inconsiderate, and blatantly unfair to a disabled, pro se complainant such as myself.

Additionally, late Saturday (November 16), I just happened to notice on our Docket that ALJ Watson issued four (4) new Interim Orders, all dated November 15, 2019, denying us any relief and accommodation in consideration of the issues I am raising here, and in that I have raised in communications with, and motions to, ALJ Watson. We will likely not receive the Court's paperwork in the mail until Monday November 18. I have filed an objection to these rulings and a request for reconsideration dated November 17, which I have also attached for your review.

In light of these circumstances, we are forced to file this emergency appeal to you directly, out of our right to fairness and proper accommodation, per **PA Code § 5.361(a)(2)** and the **Americans with Disabilities Act (ADA)** to intercede with ALJ Watson. Or, we see no other appropriate remedy but to respectfully request that we be assigned a new Administrative Law Judge who is more experienced in dealing with disabled complainants who have clinical limitations. We see no other option for proper consideration or accommodation.

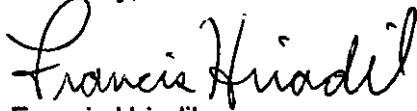
All of these issues have been raised in the past and should have been addressed in a timely manner, when they were first raised. This did not occur, and we are now faced unfairly with the consequences of this circumstance at this late date.

We respectfully request that a new Administrative Law Judge be assigned to our Formal Complaint, and that a continuance be granted until both Your Honor and a new ALJ can review the rulings in our complaint and the repetitive, harassing behavior on the part of the attorneys for Duquesne Light Company that has been inexplicably, at least to us, allowed to continue.

A copy of this document has been provided to ALJ Jeffrey Watson, Presiding PA PUC Pittsburgh Administrative Law Judge and Duquesne Light Company's Counsel, Jeremy V Farrell, Esquire, and provided to PUC Secretary Chiavetta, 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

Enclosures:

1. November 6 Request Concerning Respondent's Filing of Multiple Motions in Limine at This Time.
2. November 14 Answer to Respondent's Response to Complainants' Request Concerning Respondent's Filing of Multiple Motions in Limine at This Time – corrected
3. November 17 Objection to ALJ Watson Two (2) November 14 and 15 Interim Orders Holding in Abeyance Respondent's Two Motions in Limine Until the Morning of Our Hearing and Three (3) November 15 Interim Orders Denying a Summary Judgment Because of the Circumstances or Even a Continuance, and Motion for Reconsideration.

CERTIFIED MAIL

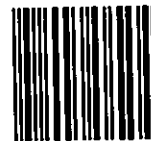
F. Hriadil
331 Shady Ridge Drive
Monroeville, PA 15146



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

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