

331 Shady Ridge Drive  
Monroeville, Pennsylvania

January 17, 2020

*Via Paper Filing*

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

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

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

Dear ALJ Watson:

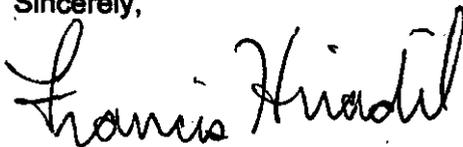
*Per your direction, enclosed please find a copy of Complainants'*

Status Report

A copy of this document along with its certificate of service has been served upon the Respondent'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

Enclosure

**RECEIVED**

JAN 17 2020

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

**STATUS REPORT**

Filed by Michele and Francis Hriadil

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(412) 779-3314  
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Monroeville, Pennsylvania

**STATUS REPORT**

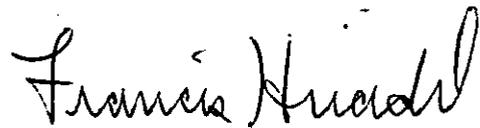
**TO: ALJ JEFFREY A. WATSON**

**ENCLOSED IS COMPLAINANTS' STATUS REPORT.**

**RECEIVED**

JAN 17 2020

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



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Francis Hriadil  
January 17, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**STATUS REPORT**

TO ALJ Jeffrey A. Watson:

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JAN 17 2020  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

1. On December 26, 2019, ALJ Watson issued Interim Order Granting Complainants' Request for Extension of Time to File Status Report. In this order, certain tasks were required to be completed by the Complainants and our Expert Witnesses, and the Respondent, by certain deadlines in January 2020. These are as follows:

- Interim Order: Item 1, page 4 -5. That the Parties "may engage in Discovery related to Respondent's Proposed Supplemental Exhibit F-8 provided to the undersigned Presiding Officer and Complainants ..., and any expert opinions or changes to expert opinions ... related to the substance of Respondent's proposed supplemental Exhibit F-8. The discovery shall be completed on or before January 13, 2020."
- Interim Order: Item 3, page 5. That the Parties are encouraged to attempt to discuss and attempt to resolve any issues regarding the preparation or presentation of evidence prior to the rescheduled 2-day hearing in this proceeding.
- Interim Order: Items 4, 5, 6 page 5. Instead of the Complainants' requested continuance until sometime in April 2020, the ruling stated that the "in-person hearing shall be rescheduled for 2 consecutive days in March of 2020..."

The date ranges proposed are "March 2 - 5, 11, 12, 17 - 19, 23 - 26, 2020" and that both parties shall promptly contact their witnesses about their availability during this period, and confer and attempt to agree on a workable date for both parties.

And, "on or before January 17, the Parties shall file a status report and serve the opposing party and the undersigned presiding officer."

**I. Discovery Related to the Respondent's Proposed Supplemental Exhibit F-8**

2. In the communication received from the Respondent, concerning its new Exhibit F-8, the Complainants were also informed that this exhibit would be followed up with "supplemental calculations from Dr. Cotts," one of the Respondent's expert witnesses. The Complainants waited for weeks to receive Dr. Cotts new assessment and calculations related to its Exhibit F-8, as they may result in relevant Discovery Interrogatories, but we did not receive them. With time running short for Discovery related to the Respondent's Exhibit F-8, the Complainants submitted Discovery Interrogatories for Respondent's New Exhibit F-8, dated January 6, 2020, with 10 questions concerning Exhibit F-8 and Dr. Cotts new assessment based on F-8. The Complainants informed the Respondent that Discovery was ending on January 13 and that we had not received Dr. Cotts new calculations, etc. for review. Your office was copied on this submission.

3. On January 10, 2020, the Complainants received a document from the Respondent entitled, Respondent's Fourth Supplemental Responses to Complainants' Set #1 of Discovery Request, containing 13 pages of new and additional technical details, etc., that we must review and assess, in addition to its new Exhibit F-8.

4. In its cover letter attached to that document, the Respondent stated the following with regards to Dr. Cotts new calculations and assessment based on its new exhibit, Exhibit F-8,

"As to your request for Dr. Cotts' updated report, you haven't been given a copy because the report is not finished. When Mr. Miller emailed you Exhibit F-8 prior to the hearing, given the time constraints, we were planning to only submit a short update to some of the calculations in Dr. Cotts' report. But now that the hearing has been continued ... we wanted to give Dr. Cotts the opportunity to make whatever adjustments to his report he felt were necessary in light of the information we have about the IPv6 deployment. We needed to provide him with these supplemental responses before he could make that assessment and update his report. We are providing our supplemental responses to Dr. Cotts and expect his supplemental report to be completed within the next week or two. I will send you a copy as soon as I have it. I'm sorry that you feel that this process has taken too long, but we did have additional information we needed to track down -- a process which was slowed down due to everyone's holiday schedules."

5. As of this date, the Complainants are still waiting to receive Dr. Cotts new calculations and assessment based on the Respondent's new exhibit, Exhibit F-8.

6. Finally, on January 16, the Complainants received email notification from the Respondent that it has filed Objections to Complainants' Discovery Interrogatories for Respondent's New Exhibit F-8. The Complainants need to review and address these objections.

## II. Testimonies and Presentation of Evidence at the Hearing

7. It is noted that the Respondent filed two Motions in Limine, one concerning the Complainants' evidentiary exhibits and one concerning the Complainants' expert witnesses. These Motions in Limine can significantly impact the presentation of evidence and testimony at our Hearing. They were ruled as held in abeyance by your Interim Orders dated November 14, 2019 and November 15, 2019 respectively.

8. The Complainants are in the process of completing full written responses to both of the Respondent's Motions in Limine. The Complainants are awaiting further direction on how to proceed with our Responses as the Respondent's Motions in Limine still remain in abeyance.

## III. Possible Hearing Dates

9. With regard to the Respondent's new Exhibit F-8, the new Supplementary Discovery Responses we just received, and Dr. Cotts new assessment and calculations based on its new exhibit, Exhibit F-8, which we have not yet received for review, the Complainants sent the follow communication by verified email to the Respondent on Monday January 13.

"2. Regarding our concern about not yet receiving the additional analysis you indicated would be forthcoming from Dr Cotts, please understand that our concern comes from making sure that we have sufficient time to properly review any new material that is being submitted.

As you well know, our position from the beginning has been that everyone should be granted the time that they need to properly review all material that is being provided in order to have sufficient time to prepare their case. We want this to be a fair and open process for both parties.

We have always granted you any additional time that you requested to prepare. I wish that I could say that you have always been accommodating when we have indicated that we need more time. This has just not been the case.

Nevertheless, we have no problem providing you with whatever time you need, as long as ALJ Watson concurs, and it is not done at the cost and to the detriment of our complaint and the time we need to review any new material, compose our response, prepare any additional exhibits we would wish to submit in response, and make any changes that we deem necessary to our complaint.

3. When you sent your new exhibit F-8, we were involved in the final preparations for our Hearing. The new exhibit F-8, your new Discovery Responses, and the new analysis and calculations that we have yet to receive from Dr Cotts may have a significant impact on the way we move forward with our complaint. But, for due process, we insist that we be granted the time we deem necessary, considering our limitations and circumstances, to properly review and address any new material, outstanding motions, new motions, etc. This is our right, and I am sure you can agree that this is not unreasonable.

4. This indicates to us that a Hearing in April at the earliest, as we originally requested, would be more appropriate and reasonable than the possible March dates proposed in ALJ Watson's ruling.

If you agree, we would suggest a joint request for such in our Status Report which is due to be submitted on Friday."

10. As of January 13, we also had not received any availability dates from the Respondent for a possible Hearing in March 2020. Per your December 26, Interim Order, Complainants conferred with our out-of-state expert witnesses after the New Year's holidays about their availability to participate by telephonic means on the possible March Hearing dates listed in your order. They both indicated that they would be available on the dates of Wed and Thurs, March 25 and 26, 2020. The Complainants sent this information to the Respondent on January 13 to see if it is available.

11. On January 16, the Complainants received notification from the Respondent that it and its witnesses are all also available on the dates of

Wed and Thurs, March 25 and 26, 2020.

So, there is a concurrence of availability on these dates in March.

However, in light of the Complainants' recent reception of new Supplementary Discovery Responses and Objections to Complainants' Discovery Interrogatories for Respondent's New Exhibit F-8, which we just received from the Respondent, and Dr. Cotts new assessment and calculations based on the Respondent's new exhibit, Exhibit F-8, which we have not yet received for review, and will likely not be available for a number of weeks, this indicates to us that a Hearing in April at the earliest, as we originally requested, would be more appropriate and reasonable than a Hearing in March.

12. The Complainants' submitted our concern to the Respondent that its new materials and motions may have a significant impact on the way this proceeding moves forward and that, with my disability and our limitations and circumstances, we want to be sure we are provided with sufficient time to properly review and address this new material, new motions, etc. The Respondent indicated that Dr Cotts will be carrying out more extensive calculations based on Exhibit F-8 than originally planned and that this effort is not yet complete. We indicated that we have no problem granting whatever time is needed, as long as Your Honor concurs and it does not negatively impact our ability to review and respond to any new material being served.

The Complainants' proposed to the Respondent that, in light of this, a Hearing in April as we originally requested would be more appropriate. The Respondent did not object and agreed to provide availability dates for itself and its witnesses in April 2020, which it has. The Complainants conferred with our out-of-state expert witnesses and they confirmed their availability on the following dates in April 2020:

Wed and Thurs, April 8 and 9, 2020

Thurs and Fri, April 9 and 10, 2020

which matches availability dates provided by the Respondent.

13. On January 17, the Respondent notified the Complainants that it will not agree to any specific Hearing date, and will only submit their availability dates. Likewise, the

Complainants are submitting its availability dates in both March and April 2020. These are:

March 18-19 (Respondent not available)  
March 19-20 (Respondent not available)  
March 25-26 (Respondent is available)  
March 26-27 (Respondent not available)  
  
April 8-9 (Respondent is available)  
April 9-10 (Respondent is available)  
April 22-23 (Respondent not available)  
April 23-24 (Respondent not available)  
April 29-20 (Respondent not available)

Due to teaching commitments, Dr. Carpenter is not available to participate in a Hearing occurring on a Mon - Tues, or Tues - Wed.

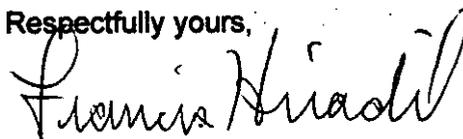
14. The only dates where everyone is available are

March 25- 26  
April 8-9  
April 9-10

For the reasons cited herein, then, the Complainants respectfully request a Hearing date of Wed and Thurs, April 8 and 9, 2020, if that date is available and is acceptable to Your Honor.

A copy of this document along with its certificate of service has been served upon the Respondent's Counsel, Jeremy V Farrell, Esquire, and provided to PUC Secretary Chiavetta, in accordance with Commission regulations.

Respectfully yours,



Francis Hriadil  
(412) 779-3314  
331 Shady Ridge Drive  
Monroeville, Pennsylvania  
January 17, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michele Hriadil and  
Francis Hriadil,

Complainant,

vs.

No: C-2016-2571726

DUQUESNE LIGHT COMPANY,

Respondent.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of Complainants' Status Report, 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 17<sup>th</sup> day of January, 2020



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

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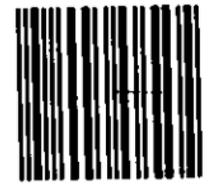
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**CERTIFIED MAIL**

F. Hriadil  
331 Shady Ridge Drive  
Monroeville, PA 15146



7018 3090 0002 3032 8792



17120

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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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