

February 3, 2020

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 Answer to Complainants' Response to Respondent's Objections to Complainants' Discovery Interrogatories for Respondent's New Exhibit F-8 and Motion to Compel Discovery which was served via First-Class, U.S. Mail today February 3, 2020, in this matter. A copy of this correspondence and document has been served upon Complainants and Administrative Law Judge Watson 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 enclosures)

TADMS:5271389-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHELE HRIADIL and
FRANCIS HRIADIL,

Complainants,

No: C-2016-2571726

v.

DUQUESNE LIGHT COMPANY,

Respondent.

**ANSWER TO COMPLAINANTS'
RESPONSE TO RESPONDENT'S
OBJECTIONS TO COMPLAINANTS'
DISCOVERY INTERROGATORIES FOR
RESPONDENT'S NEW EXHIBIT F-8 AND
MOTION TO COMPEL DISCOVERY**

Served on Behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

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Mesh IPv6 Network” to Complainants in response to a discovery request (the “Original Itron White Paper”).

5. On June 29, 2018, Duquesne Light marked the Original Itron White Paper as Exhibit L for the impending hearing and served it on Complainants for a second time.

6. The hearing was subsequently continued.

7. On July 26, 2019, Duquesne Light marked the Original Itron White Paper as Exhibit F-2 for the rescheduled hearing and served it on Complainants for a third time.

8. The hearing was subsequently continued.

9. On November 18, 2019, Duquesne Light served Complainants with a supplemental Exhibit (“Exhibit F-8”) after implementing an upgrade to its smart meter system (the deployment of IPv6 routers).

10. The deployment of IPv6 routers had the potential to slightly change the expected “duty cycle” for the smart meter that will be installed at Complainants’ residence.

11. Exhibit F-8 contains information relating to the duty cycle of Duquesne Light’s smart meters, so Duquesne Light provided it to Complainants as a supplemental exhibit.

12. Exhibit F-8 is simply an updated version of the Original Itron White Paper that Duquesne Light provided to Complainants on three prior occasions throughout this litigation (November 17, 2017; June 29, 2018; and July 26, 2019).

13. On January 6, 2020 – roughly seven weeks after receiving Exhibit F-8 from Duquesne Light – Complainants served their Discovery Interrogatories for Respondent’s New Exhibit F-8 (“Complainants’ Set #2 of Discovery Requests”).

14. Two days later, Duquesne Light served its Fourth Supplemental Responses to Set #1 of Discovery Requests (“Fourth Supplemental Discovery Responses”). Duquesne Light’s Fourth Supplemental Discovery Responses provided information and facts relating to its

deployment of IPv6 routers and how it may impact the expected duty cycle of the smart meter that will be installed at Complainants' residence.

15. On January 16, 2020, Duquesne Light filed timely objections to Complainants' Set #2 of Discovery Requests ("Duquesne Light's Objections"). Duquesne Light objected to the following requests in Complainants' Set #2 of Discovery Requests: 1(a), 1(b), 1(c), 2, 3, 4, 5, 8(a), 8(b), 8(c), 9(a), and 9(c). A copy of Duquesne Light's Objections are attached as Exhibit A.

16. On January 25, 2020, Complainants served a Response to Respondent's Objections to Complainants' Discovery Interrogatories for Respondent's New Exhibit F-8 and Motion to Compel Discovery ("Motion to Compel").

17. Two days later, Duquesne Light timely filed responses to Complainants' Set #2 of Discovery Requests ("Duquesne Light's Responses to Set #2 of Discovery Requests"). They provided responses to the following questions in Complainants' Set #2 of Discovery Requests: 6, 7, 9(b), and 10.

II. Argument

18. Complainants' Motion to Compel should be denied for several reasons.

19. First, Duquesne Light has already provided Complainants with the latest information and facts relating to the deployment of IPv6 routers. Specifically, Duquesne Light served its Fourth Supplemental Discovery Responses to Complainants on January 8, 2020. These supplemental responses provided Complainants with the most up-to-date facts and information relating to the deployment of IPv6 routers and how it may impact the duty cycle of the smart meters that will be installed at Complainants' residence.

20. Next, Complainants incorrectly assert that Duquesne Light "completely ignored and did not respond to Complainants [sic] Interrogatories 6, 7, and 10." Duquesne Light did not ignore these questions; it answered them. Duquesne Light provided responses to

Complainants' Discovery Request Nos. 6, 7, 9(b), and 10 on January 27, 2020. Accordingly, Complainants' Motion to Compel as it relates to Discovery Request Nos. 6, 7, 9(b), and 10 is moot.

21. Finally, the Motion to Compel for the objected-to Discovery Requests – 1(a), 1(b), 1(c), 2, 3, 4, 5, 8(a), 8(b), 8(c), 9(a), and 9(c) – should be denied for the reasons stated in greater detail in Duquesne Light's Objections.

22. As stated in Duquesne Light's Objections, many of the objected-to Discovery Requests are overly broad, unduly burdensome, and seek information that is not in Duquesne Light's possession, custody, or control.

23. For example, in Discovery Request No. 1, Complainants request that Duquesne Light provide detailed information for roughly 13,000 smart meters that were deployed by a different company (BC Hydro) during a study performed by Itron five years ago. Not only would it be extremely burdensome for Duquesne Light to obtain this highly-specific information from a different company (Itron or BC Hydro), but it is completely unnecessary because *Duquesne Light's Objections inform Complainants that the smart meters deployed by BC Hydro during that study are the same model that Duquesne Light is currently deploying in its service territory.* Complainants' attempt to compel Duquesne Light to provide even more information about BC Hydro's smart meters is unduly burdensome, *especially given that Duquesne Light has already provided voluminous discovery responses, including its Fourth Supplemental Discovery Responses less than a month ago.*

24. In addition, many of the objected-to Discovery Requests – such as Discovery Request Nos. 2, 3, 4, and 5 – improperly ask Duquesne Light to characterize the contents of Exhibit F-8. Complainants have had plenty of time to review Exhibit F-8 and draw their own conclusions about its contents. Duquesne Light provided Exhibit F-8 to Complainants more than two months ago. In addition, Duquesne Light provided the Original Itron White Paper to


Complainants three previous times during this litigation. Exhibit F-8 is simply an updated version of the Original Itron White Paper, which Complainants have been in possession of for more than two years. Moreover, Duquesne Light served its Fourth Supplemental Discovery Responses to Complainants on January 8, 2020, which provides the most up-to-date information about the deployment of IPv6 routers in Complainants' neighborhood and the duty cycle of the smart meter that will be installed at Complainants' residence.

25. Finally, many of the objected-to Discovery Requests – such as Discovery Request Nos. 8(a), 8(b), 8(c), 9(a), and 9(c) – ask improper questions about one of Duquesne Light's expert witnesses, Dr. Ben Cotts. These Discovery Requests go far beyond the boundaries set by 52 Pa. Code § 5.324 for discovery relating to expert witnesses. Moreover, Duquesne Light served Complainants with a supplemental expert report from Dr. Cotts on February 3, 2020, in accordance with the litigation schedule established by the Presiding ALJ.

WHEREFORE, Respondent, Duquesne Light Company, respectfully requests that the presiding administrative law judge deny Complainants' Response to Respondent's Objections to Complainants' Discovery Interrogatories for Respondent's New Exhibit F-8 and Motion to Compel Discovery.

Respectfully submitted,

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