

Jeremy V. Farrell
jfarrell@tuckerlaw.com

412.594.3938

Paul Shane Miller
smiller@tuckerlaw.com

412.594.5503

August 5, 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 Motion Requesting Telephonic Hearing.

A copy of this document has been served upon Complainants and Administrative Law Judge Jeffrey Watson in accordance with Commission regulations.

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

Sincerely,

/s/ Paul Shane Miller

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:5352100-1 014657-158498

5. To the best of Duquesne Light's knowledge and belief, the Commission's offices have been closed since March 2020, and in-person hearings are not taking place. See Emergency Order dated March 20, 2020 at Docket No. M-2020-3019262.

6. Given that the parties' cannot participate in an in-person hearing, Duquesne Light contends that this matter should proceed through the best available alternative -- a telephonic hearing.

7. Before filing this Motion, Duquesne Light asked Complainants if they will consent to a telephonic hearing. See Exhibit A.

8. Complainants did not consent to a telephonic hearing. See Exhibit A. They instead wish to participate in an in-person hearing once they resume, "unless prevented from doing so by our ages, the unforeseen worsening of my disabilities, or a change in the health status of my sister or myself." Id.

9. Duquesne Light respectfully contends that this case should proceed through a telephonic hearing for several reasons.

10. First, it is unclear when in-person hearings will resume. Consequently, this case could remain idle for several weeks or months while the Commission's offices remained closed. This case already has been active for nearly four years. During that time, Complainants requested that the hearing be continued at least four times. It has, in fact, been continued four times. Allowing this case to languish until in-person hearings resume at an unknown future date would be unfair to everyone involved, including Duquesne Light.

11. Further, there is no guarantee that Complainants will participate in an in-person hearing even if they resume soon. Complainants informed Duquesne Light that they want to appear in-person "unless prevented from doing so by our ages, unforeseen worsening of my disabilities, or a change in the health status of my sister or myself." See Exhibit A. These

exceptions are so broad that even if in-person hearings resume soon, Complainants may seek to delay this proceeding for other reasons, such as their ages, alleged disabilities, or health.

12. In sum, both parties prefer to participate in an in-person hearing, but it is simply not possible due to COVID-19. This case has been active for nearly four years, and Duquesne Light respectfully contends that it must proceed to a hearing soon. It cannot remain idle until in-person hearings resume at an unknown future date.

13. To the best of Duquesne Light's knowledge and belief, all parties are available for a telephonic hearing on September 23-25, 2020. Duquesne Light thus requests that a telephonic hearing be scheduled for these dates.

14. If a telephonic hearing cannot be scheduled from September 23-25, 2020, Duquesne Light requests that the Presiding ALJ issue an order (i) stating that a telephonic hearing will be scheduled for October 2020, and (ii) requesting that the parties submit a status report that lists all dates when they are available to participate in a telephonic hearing in October 2020.

Respectfully submitted,
TUCKER ARENSBERG, P.C.

/s/ Paul Shane Miller
Jeremy V. Farrell, Esquire
PA I.D. No. 316258
(412) 594-3938
Paul Shane Miller, Esquire
PA I.D. No. 319174
(412) 594-5503

1500 One PPG Place
Pittsburgh, PA 15222
Counsel for Respondent,
Duquesne Light Company

Miller, Shane

From: hriadil@attglobal.net
Sent: Wednesday, July 15, 2020 7:35 AM
To: Miller, Shane
Cc: Farrell, Jeremy
Subject: RE: Hriadil v. DLC - hearing dates

External Email: Use Caution When Opening Attachments or Links.

Atts Farrell and Miller:

I received you email.

As stated in my previous email, Att Farrell has insisted on an in-person, face-to-face, hearing from the beginning.

We agreed as we believe in our right to appear in person, with the understanding that our out-of-state expert witnesses could participate by telephone, as we do not have the resources to arrange having them appear in person to testify, etc.

Concerning your specific comments about the length of this proceeding to date, I find your general characterization to be somewhat disingenuous.

As you well know, the continuances that occurred were necessary and appropriate considering, and driven solely by, the timing, nature, and number of documents and filings submitted by you and your client. Your detailed documents and filings had to be reviewed and understood, and required complete and comprehensive responses.

You are fully aware of our ages, physical and financial limitations, and personal circumstances. We have done nothing but proceed in a sincere good-faith manner in our participation and obligations in this proceeding, and have done nothing to disrespect this court and this proceeding, although we have been accused by you of doing so.

It is my understanding that the PA PUC offices are still closed and not accepting any mail at this time. We are operating under restrictions that are preventing us carrying out normal activities, filings, and preparations for fear of contracting the virus. It is our hope that this virus situation will be resolved by the fall, and this does not appear to be an unreasonable expectation at this time.

The PA PUC has not stated that it will remain closed in October or November.

I have re-verified that the dates I have submitted in October are still open for us and our witnesses.

Oct 14-15; 15-16

Oct 21-22; 22-23

Oct 28-29; 29-30

We want to know which of these dates in Oct are doable for you and ALJ Watson for our Hearing, as you have not told us.

We still believe in our right to appear, and still intend to do so, unless prevented from doing so by our ages, the unforeseen worsening of my disabilities, or a change in the health status of my sister or myself.

We continue to look forward to finding a mutually available and agreeable time and circumstance.

Sincerely,
Francis Hriadil.

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On Wed, 8 Jul 2020 21:26:23 +0000, "Miller, Shane" wrote:

Mr. Hriadil:

All parties and witnesses are available for the hearing on September 23-25. To the best of my knowledge, however, the PUC will not be holding in-person hearings at that time. I do not know when in-person hearings will resume.

As you know, this case has already lasted several years. The hearing has been postponed several times at your request. It does not benefit either party to allow this case to drag on indefinitely.

In my opinion, the best solution - given the unusual circumstances created by COVID-19 - is to hold a telephonic hearing on September 23-25. You previously stated that you will not consent to a telephonic hearing, but I'm asking you to reconsider that position in order to move this case forward.

After I receive your response, I will submit a written motion to Judge Watson asking him to schedule a telephonic hearing from September 23-25. I will indicate whether or not you consent to my request. In the alternative, I will request that Judge Watson require the parties to submit dates when they are available for a telephonic hearing in October 2020.

Please let me know whether you will consent to a telephonic hearing from September 23-25.

Sincerely,

Shane Miller, Esq.
Litigation Associate

1500 One PPG Place
Pittsburgh, PA 15222
Phone: 412.594.5503
E-mail: smiller@tuckerlaw.com
Bio II Website

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