

October 2, 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: Miranda Grace Edwards v. Duquesne Light Company
Docket No. C-2018-3002741

Dear Secretary Chiavetta:

Attached please find my **Objection to Duquesne Light Company's Motion to Strike Improper and Inadmissible Material in Complainant's Post-Hearing Brief and Reply Brief**. A copy of this document has been served upon Respondent and Administrative Law Judge Jeffrey Watson in accordance with Commission regulations. I also emailed a copy of this document to Mr. Shane Miller, Duquesne Light Company counsel.

Sincerely,

/s/

M. Grace Edwards

Complainant

msea.mdew@gmail.com

Attachment

Cc: Shane Miller, Esquire, Counsel for Duquesne Light Company ("DLC") (via email) (with attachment)
Administrative Law Judge Jeffrey Watson (with attachment)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS :

Complainant :

v. :

Docket No. C-2018-3002741

:

DUQUESNE LIGHT COMPANY :

Respondent :

**OBJECTION TO DUQUESNE LIGHT
COMPANY'S MOTION TO STRIKE
IMPROPER AND INADMISSIBLE MATERIAL
IN COMPLAINANT'S POST-HEARING BRIEF
AND REPLY BRIEF**

Filed on behalf of Complainant

Miranda Grace Edwards, *Pro Se*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No. C-2018-3002741

**Complainant's Objections to
DUQUESNE LIGHT COMPANY'S MOTION TO STRIKE**

Miranda Grace Edwards, the *Pro Se* Complainant in this matter ("I") have read Respondent Duquesne Light Company's ("DLC's") Motion to Strike Improper and Inadmissible Material in Complainant's Post-Hearing Brief and Reply Brief in entirety and have the following objections:

DLC Counsel's statement: After the hearing, Complainant filed a Post-Hearing Brief and a Reply Brief, respectively. In these briefs, Complainant made a number of improper disclosures and repeatedly referred to evidence that is not in the record.

Complainant's response:

Here DLC accurately characterizes the evidence I presented as "not in the record." I, acting *pro se*, attempted to submit evidence demonstrating risks associated with smart meters at a lengthy hearing on February 27, 2020, pursuant to the Order of ALJ Jeffrey A. Watson. ALJ Watson prevented all such evidence from being submitted by me during the hearing, which continued until 11 p.m. ALJ Watson insisted on continuing the hearing without a dinner break; as a result, DLC's eight industry-paid witnesses were able to stagger their testimony throughout the day while I had to remain present for more than 11 hours.

In their Post-Hearing Brief and Reply Brief, DLC repeatedly mischaracterized the proceedings of the hearing to state that I presented no evidence, including the following statements:

"And Complainant provided no evidence at the hearing to support her claims, while Duquesne Light presented overwhelming evidence refuting her allegations."

"In sum, other than Complainant's personal opinions (which were simply misinformed), she presented no evidence to support her allegations."

These statements are factually untrue. Although ALJ Watson's conduct during the hearing betrayed an obvious bias in favor of DLC, it does not negate the existence of the evidence I presented.

DLC Counsel's statement: First, Complainant's Post-Hearing Brief improperly disclosed confidential settlement discussions with Duquesne Light's counsel. The Presiding ALJ should strike these disclosures because settlement discussions are inadmissible in administrative hearings.

Complainant's response:

DLC Counsel (Shane Paul Miller) initiated settlement discussions with me after I filed my Second Motion to Stay of Proceedings in this matter. I filed my Second Motion to Stay of Proceedings in light of Pennsylvania Commonwealth Court cases including *Povacz v. Pennsylvania Public Utilities Commission*, Docket No. 492 CD 2019; *Murphy v. Pennsylvania Public Utilities Commission*, Docket No. 606 CD 2019; *Randall-Albrecht v. Pennsylvania Public Utilities Commission*, Docket No. 607 CD 2019; and *Paul v. Pennsylvania Public Utilities Commission*, Docket No. 460 CD 2019—which all center on the same or similar legal issues raised by me in this matter.

The ensuing discussion I recounted in my Post-Hearing Brief is entirely relevant to hearing process of my Formal Complaint because:

1. Mr. Miller expressed DLC's willingness stay the case until the Povacz decision is rendered by the Commonwealth Court if I met certain conditions that had nothing to do with the validity of my request to stay the case.
2. DLC's willingness to stay the case under conditions favorable to their financial interests belies their stated high level of concern that they "must" install a smart meter on my house as soon as possible to comply with Act 129, the Commission's Implementation Order, and the Company's Smart Meter Plan and Commission-approved Tariff.
3. Mr. Miller made statements that implied DLC had authority over whether the stay would be granted, as opposed to the matter being purely at the discretion of the ALJ. These statements, combined with the chummy interaction between ALJ Watson and DLC Counsel during the hearing and ALJ Watson's conduct toward me, point to a lack of impartiality on the part of ALJ Watson with regard to my formal complaint.

Furthermore, I have no record of ALJ Watson's dismissal of my Second Motion to Stay of Proceedings. It was effectively dismissed because the proceedings were not stayed; however, as far as I know ALJ Watson never ruled on the motion or gave his reasons for dismissing it even though the Pa Commonwealth cases I cited were directly relevant to my formal complaint.

I don't see that my Post-Hearing Brief or Reply Brief are any more improper than the conduct described above.

DLC Counsel's statement: Second, Complainant improperly attached seven exhibits to her Post-Hearing Brief that the Presiding ALJ already ruled were inadmissible. The Presiding ALJ should strike these exhibits because Complainant cannot sidestep unfavorable evidentiary rulings by merely attaching excluded exhibits to her Post-Hearing Brief.

Complainant's response:

At the very least, *pro se* exhibits should be accepted and weighed appropriately, even if the utility objects to them. Throughout the hearing, ALJ Watson refused the introduction of ANY evidence to which DLC Counsel objected—even factual, easily verifiable information about opt-out provisions in other states and studies written by and backed by established scientists researching potential biological harm.

The sources of information in Complainant Exhibits B-I are government agencies and respected professionals in their fields. In cases where no individual is named as the source, the information itself—for example, which U.S. states have smart meter opt-out provisions—is easily verifiable.

I was not given adequate time to engage expert witnesses prior to the hearing and had to use the resources available to me in that timeframe.

On November 28, 2018, an interim order was entered establishing an “initial litigation schedule.” This order specified January 4, 2019, as the date by which “any Party wishing to present expert testimony of any person other than Complainant must provide to the other Party in writing, the name and business address of that person and a written summary of the expected testimony of that person.” The order also specified that on the same date, “any Party wishing to present expert testimony (including but not limited to medical, technical, etc.) must provide to the other Party in writing, the name and business address of that person and a written summary of the expected testimony of that person.”

On December 10, 2018, I filed a motion to adjust the initial litigation schedule. I stated that the specified deadline of January 4, 2019, was impossible for me to meet. The interim order of November 28, 2018, was filed six days after Thanksgiving—well into the holiday season when I, and likely most experts, have increased family obligations. Moreover, this *pro se* Complainant is a single parent, and has a full-time job and other responsibilities. I did not already know suitable witnesses to contact at the time the November 28 interim order was entered. By contrast, DLC has a stable of paid witnesses lined up to testify in response to multiple complaints. I requested more time, asking to extend the January 4, 2019, deadline to February 28, 2019; to extend the February 28, 2019 deadline to conclude discovery to April 25, 2019, and to extend the date to file a “progress report” from March 11, 2019, to May 7, 2019.

Furthermore, as stated previously, I have no record of ALJ Watson's dismissal of my Second Motion to Stay of Proceedings. It was effectively dismissed because the proceedings were not stayed; however, as far as I know ALJ Watson never ruled on the motion or gave his reasons for dismissing it even though the Pa Commonwealth cases I cited were directly relevant to my formal complaint.

I received no response from either PUC or DLC concerning my motion to adjust the initial litigation schedule.

Throughout the hearing, ALJ Watson made rude and sarcastic comments to me and shouted at me on multiple occasions. When I pointed this out, ALJ Watson said that he's "very soft-spoken" and just wanted to make sure he was being heard. After that exchange, he was careful not to raise his voice but continued to exhibit a disrespectful attitude toward me. He frequently noted the time of day and duration of the hearing after I stumbled, paused, or finished questioning a witness. When I fell silent for too long he would say, "Take your time." I was sitting in my kitchen throughout the hearing, trying

to take notes while participating in the proceedings and surrounded by stacks of DLC's paper exhibits that took time to sort through.

At around 4:30 p.m., when I started asking if the court would consider finishing the hearing on another day, ALJ Watson said, "Let's just do the highest priority witnesses and then we'll revisit it." He subsequently decided to keep pushing through to the end without giving me the chance to express an objection. ALJ Watson said that the DLC witnesses' schedules had to be accommodated and some of them had been sitting there all day. But they didn't have to be present for the entire hearing, while I did.

By contrast, ALJ Watson complimented DLC counsel on their huge stacks of exhibits. The lawyer chuckled and apologized at ALJ Watson's comment. ALJ Watson replied, "I meant that in a good way, heh heh."

I had to ask ALJ Watson directly to receive any information about obtaining a transcript. He said to contact his office to obtain one. This did not sound like a normal procedure to me, and gives ALJ Watson a chance to "edit" the transcript before anyone else saw it. Without paying \$1,400, I will not be able to view the transcript to compare it with my experience of the hearing.

Again, ALJ Watson's conduct does not negate the existence of the evidence I presented.

DLC Counsel's statement: Finally, Complainant's Reply Brief discussed or referred to several documents and articles that she never offered into evidence. The Presiding ALJ should strike these references, documents, and articles because Complainant failed to explain why she should be allowed to introduce new evidence more than six months after the hearing. It would also be fundamentally unfair to Duquesne Light and deprive the Company of due process if new evidence is admitted into the record at this late date.

Complainant's response:

DLC's mischaracterizes my sourcing of statements that support arguments I made in my Post-Hearing Brief and Reply Brief as attempting to introduce new evidence. I am merely supporting statements I make since DLC Counsel has repeatedly insisted that I offer only my "personal opinions (which were simply misinformed)."

In fact, ALJ Watson and DLC chided me specifically about not having access to share this link during the hearing to support my statement that Itron does disaggregate customer information: <https://blogs.itron.com/real-time-load-disaggregation>. Yet when I referred to it in my Post-Hearing Brief and Reply Brief, DLC filed a motion to strike it from the record.

By the logic DLC employs here, I am not *allowed* to present anything other than unsourced, uninformed "personal opinions."

It would be fundamentally unfair to me as a *pro se* Complainant and deprive me of due process if all supporting statements I make are allowed to be censored by DLC in the way DLC Counsel requests.

WHEREFORE, I respectfully request that the Presiding ALJ deny Duquesne Light Company's Motion to Strike Improper and Inadmissible Material in Complainant's Post-Hearing Brief and Reply Brief.

Respectfully submitted,

/s/

Miranda Grace Edwards

October 2, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No. C-2018-3002741

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of my **Objection to Duquesne Light Company's Motion to Strike Improper and Inadmissible Material in Complainant's Post-Hearing Brief and Reply Brief** dated September 22, 2020, in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

VIA EMAIL:

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VIA EMAIL:

Administrative Law Judge Jeffrey A. Watson
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VIA E-FILING:

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

Dated this 2nd day of October, 2020

/s/

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