

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michele Hriadil and
Francis Hriadil,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2016-2571726

**RESTATEMENT OF
1/17/2024 MOTION FOR SUMMARY JUDGMENT
(DUE TO NON-COMPLIANCE WITH FCC
GRANTS OF EQUIPMENT AUTHORIZATION)
PER JAN 08, 2024 INTERIM ORDER
SETTING DEADLINE FOR PARTIES TO
FILE STATUS REPORTS, MOTIONS, AND
RESPONSES TO MOTIONS**

Filed by Michele and Francis Hriadil

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(412) 779-3314
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Monroeville, Pennsylvania

**RESTATEMENT OF
1/17/2024 MOTION FOR SUMMARY JUDGMENT
(DUE TO NON-COMPLIANCE WITH FCC
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SETTING DEADLINE FOR PARTIES TO
FILE STATUS REPORTS, MOTIONS, AND RESPONSES TO MOTIONS**

TO: ALJ EMILY I DEVOE

ENCLOSED IS COMPLAINANTS' RESTATEMENT OF 1/17/2024 MOTION FOR SUMMARY JUDGMENT (DUE TO NON-COMPLIANCE WITH FCC GRANTS OF EQUIPMENT AUTHORIZATION) FOR YOUR HONOR'S JAN 08, 2024 INTERIM ORDER SETTING DEADLINE FOR PARTIES TO FILE STATUS REPORTS, MOTIONS, AND RESPONSES TO MOTIONS.



Francis Hriadil
January 26, 2024

1/26/2024 MOTION FOR SUMMARY JUDGMENT (DUE TO NON-COMPLIANCE WITH
FCC GRANTS OF EQUIPMENT AUTHORIZATION)

2. FCC Grants of Equipment Authorization

Every provider of smart meters is provided with a Grant of Equipment Authorization by the FCC to which it must adhere. This Equipment Authorization is valid only for the equipment identified on the authorization certificate, and valid only under the FCC's specific rules and regulations for proper installation. Separate Grants of Equipment Authorization were issued for the SK9AMI7 smart meter and the 802.15.4 ZigBee Module. The requirements on those authorizations state the following: (Ref: Discovery **Exhibit E-30**, included herein)

Exhibit E-30 Itron - SK9AMI7 and 802.15.4 ZigBee Module - FCC Grants of Equipment Authorization

SK9AMI7 900 MHz LAN:

“Limited Modular Approval. Power listed is conducted. This device must be professionally installed and is limited to installation for mobile and fixed only. This grant is valid only when the device is installed by the applications grantee or contractors employed by the grantee who are instructed to ensure that the end-user has no manual instructions to remove or install the device. The transmitter must be installed to provide a separation distance of at least 20 cm from all persons and must not be co-located or operating in conjunction with any other antenna or transmitter. Installers and end-users must be provided with transmitter operation conditions for satisfying RF exposure compliance. Class II Change to add RF filter and new antenna type as described in this filing.”

802.15.4 2.4 GHz ZigBee Module:

“Output power listed is conducted. Modular approval. The antenna(s) used for this transmitter must not be co-located or operating in conjunction with any other antenna or transmitter. Approval is limited to OEM installations only. OEM integrators must be provided with antenna installation instructions. OEM integrators and end-users must be provided with transmitter operating conditions for satisfying RF exposure compliance. This grant is valid only when the device is sold to OEM integrators and the OEM integrators are instructed to ensure that the end user has no manual instructions to remove or install the device. The only antennas approved for use with this module are those documented under the filings of this FCC ID.”

3. The FCC Grants of Equipment Authorization are quite clear in requiring that:

- antenna(s) must provide a separation distance of at least 20 cm from all persons
- end-users must be provided with antenna installation and transmitter operating conditions for satisfying RF exposure compliance
- antenna(s) must not be co-located with any other antenna or transmitter
- antenna(s) must not be or operating in conjunction with any other antenna or transmitter
- the meters must be professionally installed
(emphasis added)

4. The Complainants electrical meter junction box is located on the front of our residence where the living room is located, and is right next to the bench we use when sitting on our front patio/porch. So, when we use our front bench, we are in close proximity to the Smart Meter and its emissions. Duquesne Light Company does not provide any safety enclosure to maintain this safe 20 cm (8 inch) separation distance. There is nothing to prevent the homeowner, family members, children, pets, etc. from coming into close proximity to the smart meter on a regular basis, when carrying out normal activities around the residence.

5. Further, the Respondent does not post any notice or warning on the Smart Meter, and does not even inform homeowners and their family members to always remain a safe distance away from the Smart Meter.

6. The mere placement of this type of pulsating, radiating device on the Complainants' property effectively deprives us of the full and safe use of our property, which we have had to date, compromising our well-being and infringing on our property rights..

7. EDCs, including Duquesne Light, routinely state that Smart Meter RF emissions are orders of magnitude less than that of a cell phone. Cell phone manuals warn that people should stay 1 - 2 cm away from a cell phone. Yet, the FCC requires at least a 20 cm (8 inch) separation from a smart meter, which is an order of magnitude greater distance. Even the FCC's own regulations inherently recognize the greater strength of the pulsating Smart

Meter emissions, and the greater separation distance that is necessary. The numbers reveal the real truth.

8. The Complainants live in a townhouse complex composed of buildings containing 6 connected units per building. Each unit shares one or more walls. The Complainants unit is an interior unit and shares two walls, one with each of our neighboring units on either side of us. Thus, the electrical meter boxes are co-located in close proximity to each other.

9. Further, the SK9AMI7 900 MHz and 802.15.4 2.4 GHz ZigBee transmitters and antennas are both co-located within the Duquesne Light Company's Itron Smart Meter. These transmitters and antennas are set up to work in conjunction with the HAN and RF appliances and other smart meters in the mesh network. It is noted that other utilities provide their customers with the option to disable the 2.4 GHz ZigBee transmitter. Duquesne Light Company has stated that it will not disable the 2.4 GHz ZigBee transmitter, which the utility does not require to determine electricity usage, and the Complainants do not want activated.

10. Additionally, Duquesne Light Company asserts,
"... Complainants argue that Duquesne Light's manner of installing smart meters is unsafe because the Company does not use certified electricians and because Francis Hriadil, based on a few installations he watched in his neighborhood, believes that the Company values speed over safety."

Duquesne Light Company, has stated in its Smart Meter Technology installation plan, the "Duquesne Light Company Final Smart Meter Technology Procurement and Installation Plan" Docket Nos. P-2012- M-2009-2123948, that it structured its SK9AMI7 Smart Meter deployment in the same manner as several EDCs in California, Nevada, and Illinois. These EDCs contract out the smart meter installation to companies, such as Wellington Power Corporation used by the Respondent here in Pennsylvania. Typically, these "installers" receive only a few weeks of training before being dispatched into the field. It was noted in the Complainants' previous filings that faulty installations have been suspected as causes in several cases where Smart Meters caused damage.

11. A former employee of a Smart Meter installing contractor Wellington Energy of California turned whistleblower, making the statement,

“There was a lot of pressure on workers to install as many meters as possible in a day in order to earn bonuses.”

Based on this statement, and on the speed of the installations observed by Francis Hriadil in his neighborhood, Complainants submitted questions to Duquesne Light Company, as part of Discovery, in an attempt to determine the nature and specifics of their “meter installers” program and protocols, and the truthfulness of the existence of a bonus program for speedy deployment.

The Complainants requested:

- the length and content of the training program provided to their “meter installers”
- the specific professional certifications that are awarded to trainees who complete the training program and are put into field to install their Smart Meters
- the specific installation protocols and procedures that are followed to ensure the safety of its customers/homeowners
- confirmation of the existence of a quota/bonus program for installers based on numbers and speed of deployment

Duquesne Light Company essentially only responded that their installers pass a written test, carry out a “routine” visual inspection of the interior of the meter box at the residence, and install the meter in what is called a “hot install”, where the meters are just simply and quickly changed out without turning off power to the residence. Duquesne Light Company refused to answer the interrogatories fully. Duquesne Light Company refused to specify the length and content of their training program, would not confirm or identify any professional certification that is bestowed on their installers when they pass the training program, and refused to confirm or deny the existence of a quota/bonus program. Duquesne Light Company simply refused to answer. The Complainants filed a Motion to Compel to obtain the answers to these important questions; but, ALJ Watson ruled that Duquesne Light Company did not have to answer.

12. Complainants raise this issue again because the FCC Grant of Equipment Authorization for the Respondent’s SK9AMI7 smart meter (Ref: Discovery Exhibit E-30, included herein) specifically states, “This device must be professionally installed.” Since

Duquesne Light Company has not validated that its “meter installers” are professionals, such as certified electricians, it can only be surmised that they are not, and that this aspect of the FCC Grant of Equipment Authorization is also not in compliance.

13. In addition, Duquesne Light Company stated that it keeps no records of the meter box conditions its installers find in the field. So, there is no verification that anything other than a quick cursory inspection is being carried out.

14. Because of this, and the fact that Duquesne Light Company has not provided the appropriate answers, as part of Discovery, regarding the specifics of the deployment program, and ALJ Watson has allowed this to stand, there are many unresolved issues and questions that still remain unanswered, and that is imposing unreasonable, undefined, and unacceptable risk upon the Complainants and their residence.

15. The FCC created these Grant of Equipment Authorization requirements to provide at least some measure of safety. Any one of these violations alone would negate the FCC Grant of Equipment Authorization, yet multiple violations are clearly evident. And, as such, they represent a clear violation of Pa. Codes such as 66 Pa. C.S. § 1501 and 52 Pa. Code § 57.194.

RESTATEMENT OF COMPLAINANTS' 1/17/2024 SUMMARY JUDGMENT MOTION

Complainants still believe that the PUC has the authority to amend and correct its Implementation Order.

WHEREFORE, in light of these circumstances, Complainants Michele Hriadil and Francis Hriadil respectfully submit that the Honorable ALJ DeVoe

grant an immediate Summary Judgment in favor of the Complainants, our Complaint, and grant our request for relief, and against the Respondent, particularly as the Respondent's Itron Smart Meters, as constructed, with their collocated SK9AMI7 and 802.15.4 ZigBee Modules, do not fully comply with their FCC Grants of Equipment Authorization, and as such, do not fully comply with 66 Pa. C.S. § 1501 and 52 Pa. Code § 57.194.(a).

and order that the Respondent

not install its Smart Meter on our residence at 331 Shady Ridge Drive, Monroeville, Pennsylvania, and immediately remove the Smart Meter it has installed improperly on our property at 810 Selby Way; Pittsburgh, Pennsylvania, against our expressed wishes and written notifications, and in violation of this Formal Complaint proceeding, and safely replace it with an electro-mechanical, analog, non-RF-emitting electric meter of the exact type formerly installed on that home.

Complainant's Certificate of Service 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
January 26, 2024

All rights endowed by our Creator reserved.
All civil rights reserved.
UCC 1-308 invoked.

**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' Restatement of 1/17/2024 Motion for Summary Judgment (Due to Non-compliance with FCC Grants of Equipment Authorization) Per Jan 08, 2024 Interim Order Setting Deadline For Parties To File Status Reports, Motions, and Responses To Motions upon the participants listed below in accordance with the requirements of 52 PA.

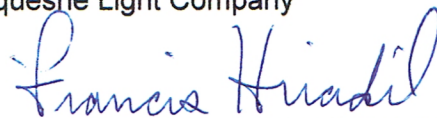
Code § 1.54 (relating to service by a participant):

Via eMail Filing per Direction of Dan Pallas, PA PUC
Judge Emily I DeVoe
PA PUC Pittsburgh Administrative Law Judge Office
301 Fifth Ave, Suite 220
Piatt Place
Pittsburgh, PA 15222

Via eMail Filing per Direction of Dan Pallas, PA PUC
Jeremy V Farrell, Esquire
Taylor Riedel, Esquire
One PPG Place - 1500
Pittsburgh, PA 15222
(412) 594-5619 (Fax)

Counsel for Respondent, Duquesne Light Company

Dated this 26th day of January, 2024



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

[<https://fccid.io/SK9AMI7>]

TCB	GRANT OF EQUIPMENT AUTHORIZATION Certification Issued Under the Authority of the Federal Communications Commission By:	TCB			
<hr/>					
	Advanced Compliance Solutions, Inc. 5015 B.U. Bowman Drive Buford, GA 30518	Date of Grant: 06/15/2012 Application Dated: 06/15/2012			
<hr/>					
Itron Electricity Metering, Inc. 313 North Highway 11 West Union, SC 29696					
Attention: Lee Littlejohn , Compliance Engineer					
<hr/>					
NOT TRANSFERABLE					
EQUIPMENT AUTHORIZATION is hereby issued to the named GRANTEE, and is VALID ONLY for the equipment identified hereon for use under the Commission's Rules and Regulations listed below.					
FCC IDENTIFIER: SK9AMI7					
Name of Grantee: Itron Electricity Metering, Inc.					
Equipment Class: Part 15 Spread Spectrum Transmitter					
Notes: AMI7 Module					
Modular Type: Limited Single Modular					
Grant Notes	FCC Rule Parts	Frequency Range (MHZ)	Output Watts	Frequency Tolerance	Emission Designator
	15C	902.4 - 927.6	0.701		
	15C	902.25 - 927.75	0.684		
	15C	909.6 - 921.8	0.689		
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Limited Modular Approval. Power listed is conducted. This device must be professionally installed and is limited to installation for mobile and fixed applications only. This grant is valid only when the device is installed by the grantee or contractors employed by the grantee who are instructed to ensure that the end-user has no manual instructions to remove or install the device. The transmitter must be installed to provide a separation distance of at least 20 cm from all persons and must not be co-located or operating in conjunction with any other antenna or transmitter. Installers and end-users must be provided with transmitter operation conditions for satisfying RF exposure compliance. Class II Change to add RF filter and new antenna type as described in this filing.					

= [**EXHIBIT E-30**] =

[<https://fccid.io/TYOJN5121M6>]

TCB	GRANT OF EQUIPMENT AUTHORIZATION Certification Issued Under the Authority of the Federal Communications Commission By:	TCB			
<hr/>					
	Curtis-Straus LLC One Distribution Center Circle Suite #1 Littleton, MA 01460	Date of Grant: 10/30/2006 Application Dated: 10/27/2006			
<hr/>					
NXP Laboratories UK Ltd Furnival St Sheffield, S1 4QT United Kingdom					
Attention: Conrad Farlow					
<hr/>					
NOT TRANSFERABLE					
EQUIPMENT AUTHORIZATION is hereby issued to the named GRANTEE, and is VALID ONLY for the equipment identified hereon for use under the Commission's Rules and Regulations listed below.					
FCC IDENTIFIER: TYOJN5121M6					
Name of Grantee: NXP Laboratories UK Ltd					
Equipment Class: Digital Transmission System					
Notes: 802.15.4/ZigBee Module					
Modular Type: Single Modular					
Grant Notes	FCC Rule Parts	Frequency Range (MHZ)	Output Watts	Frequency Tolerance	Emission Designator
	15C	2405.0 - 2480.0	0.001		
<hr/>					
Output power listed is conducted. Modular approval. The antenna(s) used for this transmitter must not be co-located or operating in conjunction with any other antenna or transmitter. Approval is limited to OEM installations only. OEM integrators must be provided with antenna installation instructions. OEM integrators and end-users must be provided with transmitter operating conditions for satisfying RF exposure compliance. This grant is valid only when the device is sold to OEM integrators and the OEM integrators are instructed to ensure that the end user has no manual instructions to remove or install the device. The only antennas approved for use with this module are those documented under the filings of this FCC ID.					