

that the EDCs, as part of their tariff, can provide, and enact, a tailored Customer Service Policy that provides relief “for the accommodation, convenience, and safety of its patrons, employees, and the public”, without having to establish any violation of 66 Pa. C.S. § 1501, or by extension 52 Pa. Code § 57.194.(a). *Povacz et al vs PAPUC, J-77A-L-2021, August 16, 2022.*

4. Again, Complainants remind the Respondent and the Court that Complainants Michele Hriadil and Francis Hriadil, are people as ourselves, in our Formal Complaint.

Michele Hriadil is elderly, now 69 years old, with full time work commitments and responsibilities.

Francis Hriadil is elderly, 72 years old, with documented chronic medical conditions involving severe degenerative disc disease and digestive issues, with a medical recommendation that he not be exposed to RF/EMF generated by a Smart Meter, and is disabled. Francis lives with his sister Michele, because of these conditions. As such, he has significant limitations.

Yet, the Respondent, once again, wishes to treat the Complainants as a professional law firm, with comparable resources, staffing, and capacity, and burden the Complainants with multiple complicated tasks that we are unable to carry out concurrently.

5. Being elderly with physical and financial limitations, and pro se as ourselves in our Formal Complaint, it is patently unfair and abusive to treat the Complainants, Michele Hriadil and Francis Hriadil, the same as a professional law firm, such as Tucker Arensberg P.C. representing Duquesne Light Company, with its specialized education, experience, significant staff, and significant resources. The US Supreme Court (Reference: *Haines v. Kerner, 404 U.S. 520 (1971)*), has ruled that people as themselves (that are, pro se) are not the same as professional attorneys, and should not be treated and judged as such.

6. Complainants do not have any staff or means to carry out multiple, comprehensive, detailed tasks concurrently as would be required here, if the Stay were lifted at

this time. To do so would impose an unfair and undue burden on the Complainants to both properly review, analyze, understand the Respondent's detailed technical material describing its proposed accommodation device and service (which has not been fully specified and described in the documents it has presented to date), as well as properly prepare for a complex Hearing on the Respondent's Motion. Complainants have no insight into what further information will be provided by the Respondent, the amount of time that will be required to properly review it, and what further follow-up may be required, etc. And, issues related to installation still have yet to be addressed. Also, the Complainants point out that the Respondent is not the only party with outstanding Motions; the Complainants have outstanding Motions as well, including the reopening of Discovery.

7. To lift ALJ DeVoe's Stay at this time creates a situation where the Respondent can drag out this discussion process, the Complainants can dedicate a lot of time and effort in the serious pursuit of accommodation, and then, the Respondent can use any pretext it wishes to contrive to end the discussion "at the last minute". The Respondent, then, can urge the court to proceed directly to its Hearing, leaving the Complainants at an unfair disadvantage, due to our limited resources, with inadequate time to properly prepare, as we can effectively and realistically pursue only one such complicated task at a time.

8. The Respondent asserts that an accommodation and resolution is not guaranteed. But, this desired accommodation outcome is not dependent solely on the Complainants. It also requires the forthrightness, and good faith participation, of the Respondent as well. The Complainants assert that if the Respondent behaves and proceeds in a good faith manner, adhering to the clear direction of the PA Supreme Court in its stated August 16, 2022 ruling that an appropriately tailored Customer Service Policy is part of the EDC's tariff (as summarized in para. 3. herein), that an acceptable accommodation between both parties is very likely to occur.

9. Keeping the June 12, 2024 Stay in place, keeps both parties focused where they should be at this time, on a true and serious effort to find suitable accommodation here.

10. The Respondent expresses concern about these proceedings being unduly delayed. The Complainants assert that if the Respondent behaves and proceeds in a good faith manner, adhering to the clear direction of the PA Supreme Court in its stated August 16, 2022 ruling that an appropriately tailored Customer Service Policy is part of the EDC's tariff (as summarized in para. 3. herein), no outstanding Motions would have to be resolved, no further Motions would need to be filed and addressed, no Hearing/Hearings would need to be held, and little further court time and court personnel would need to be involved.

11. Further, if the Respondent is so concerned about the court's time and the length of the proceeding, the Complainants have to ask, why wasn't this accommodation proposal offered sooner in this process? As documented in

Doc 1: RF Safety Compliance and Duty Cycle for OpenWay CENTRON 4GLTE Meters,

newly provided by the Respondent, this Itron Cellular Meter has been in use and available prior to 2015! From what the Respondent's new documents show, this Itron Cellular Meter operates/emits 10s of times per day, as compared to the Itron Mesh Meter which routinely operates/emits 10,000 - 100,000 of times a day in its mesh. This is a significant difference. It is one of the reasons why the Complainants have so vigorously objected to the Respondent's mesh meter, as its number of EMF/RF emissions are so frequent and so great.

12. Complainants have pursued our Formal Complaint, not out of malice, but out of a simple desire to safeguard our health and well-being, and preserve our rights, as people of Pennsylvania. It has required a significant commitment of time and resources by us, that, frankly, we would have preferred to utilize elsewhere. So, it has required a lot of time and effort from us, and from the PUC, up to this point, and the Respondent just brings this accommodation

alternative now. So again, the Complainants have to ask, why wasn't this brought forward in 2016, in 2017, in 2018, in 2019, in 2020, in 2021, in 2022, or in 2023? The Respondent could have made the Complainants aware of this alternative Itron Cellular Meter at any time during these proceedings, even during the Stay, but it didn't. This could have saved everyone a lot of time and effort, and this leaves the Complainants somewhat perplexed and bewildered.

13. Throughout the course of this proceeding, the Respondent has repeatedly attempted to bludgeon and overwhelm the Complainants with the number and size of its submissions and Motions. It has repeatedly introduced last minute surprises and twists to the detriment of the Complainants. It has provided inadequate and incomplete answers to Complainants' Interrogatories and introduced significant new exhibits late or at the last minute, affording the Complainants little or no time to properly assess them, cases in point being Exhibit F-8 and the introduction of new Exhibit H-4 after Discovery had been closed. This lead to the Complainants filing our February 13, 2020 ... Motion to re-open Discovery, which remains as one of the existing outstanding Motions. Complainants can understand that, on occasion, unforeseen circumstances can lead to delays. But, unfortunately, the Respondent's behaviors in this proceeding leave the Complainants questioning the sincerity, behavior, timing, and motives of at least some of the Respondent's actions.

Now, the Respondent wishes your Honor's reasonable June 12, 2024 Stay be lifted at this point in the accommodation discussion, requiring the Complainants, with our known limitations, to continue the detailed accommodation discussion and, at the same time, try to prepare for a complicated Hearing.

14. Francis Hriadil has already been driven to exhaustion in this proceeding, in August 2019, and again in November 2019, due to undue burden being placed on us, in violation of PA Code § 5.361(a)(2) and the Americans with Disabilities Act (ADA). This harmed Francis Hriadil, who is elderly with known chronic conditions, and led to delays. As a

consequence, Complainants were driven to appeal on November 17, 2019 directly to Chief ALJ Charles Rainey to intercede in these proceedings.

Now, with the Respondent's request to lift the Stay being submitted at this time, during our ongoing accommodation talks, Complainants will again be placed in an unduly burdensome position and become overwhelmed,

15. The Respondent may ask how can it be sure that the Complainants are behaving in good faith, seriously seeking accommodation, and not just stringing the process out. The Complainants assert that the Respondent cannot point to a single instance where the Complainants have behaved in an unethical or disingenuous manner during this proceeding. Complainants have only pursued our legal rights to our level of understanding, to safeguard our well-being and preserve our inalienable rights as people.

16. No one is truly harmed by keeping the June 12, 2024 Stay in place. But, the Complainants will be significantly harmed by lifting the Stay at this time.

17. The Complainants first received the Respondent's four (4) new highly detailed technical documents related to its possible accommodation device and service the day before the June 12, 2024 Call-In Telephonic Status Conference scheduled by ALJ DeVoe. With the Complainants' limitations, it has taken us more than 7 weeks to carefully review this material to understand it, and compose a list of questions to get further clarification on and confirmation of a number of important aspects of its contents, which Complainants submitted to the Respondent this past week.

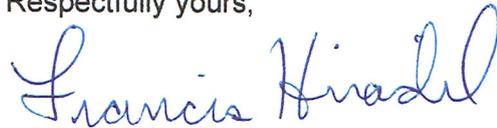
18. As stated in our Status Report of August 16, 2024, the Complainants believe that this accommodation discussion has made progress to this point, and that both the Complainants and the Respondent should continue in our joint effort to seek resolution of any outstanding concerns or issues that remain, and this should be the focus of both parties at this time, as long as the process continues to be pursued in a fair, straightforward, and forthright manner.

19. To date, the PUC has scheduled Status Reports every 2 months. That is reasonable, and remains appropriate, as there are further detailed technical issues that require more time and analysis to properly assess and address. Again, progress has been made to this point in the accommodation discussion process. It is Complainants' hope and expectation that this accommodation discussion will continue to move forward in a positive and productive manner, to the satisfaction and needs of all concerned.

WHEREFORE, in light of these circumstances, Complainants Michele Hriadil and Francis Hriadil respectfully request that the June 12, 2024 Stay remain in place, and that another Status Report be scheduled for 2 months from this date, as has been the standard that has been applied to date, as both parties continue to pursue accommodation.

Complainant's Certificate of Service has been filed with the Commission's Secretary, in accordance with Commission Regulations.

Respectfully yours,



Francis Hriadil
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331 Shady Ridge Drive
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August 18, 2024

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UCC 1-308 invoked.

