



Fox Rothschild LLP
ATTORNEYS AT LAW

2000 Market Street, 20th Floor
Philadelphia, PA 19103-3222
Tel 215.299.2000 Fax 215.299.2150
www.foxrothschild.com

Barnett Satinsky
Direct Dial: (215) 299-2088
Email Address: bsatinsky@foxrothschild.com

February 23, 2010

VIA FEDERAL EXPRESS

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: Ellington Condominium Association v. Trigen-Philadelphia
Energy Corporation
Docket No. C-2009-2092612**

RECEIVED

FEB 23 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Secretary McNulty:

Enclosed are an original and three copies of Trigen-Philadelphia Energy Corporation's Certificate of Service with respect to its Objections to the Ellington Condominium Association's First Set of Interrogatories and Document Requests in the above-referenced matter. Kindly date-stamp one of the extra copies of this letter and the Certificate of Service, and return them to me in the self-addressed, stamped envelope provided. Thank you for your cooperation.

Very truly yours,


Barnett Satinsky

BS:cs

Enclosure

cc: All parties listed on Certificate of Service (w/enclosure)
Administrative Law Judge Cynthia Williams Fordham (via hand delivery, w/enclosure)
Lawrence W. Plitch, Esq. (via email, w/enclosure)
Mr. Michael J. Smedley (via email, w/enclosure)
Christine Soares, Esquire (via email, w/enclosure)

A Pennsylvania Limited Liability Partnership

California Connecticut Delaware Florida Nevada New Jersey New York Pennsylvania

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ellington Condominium Association :

v. :

**Trigen-Philadelphia Energy
Corporation** :

Docket No: C-2009-2092612

**TRIGEN-PHILADELPHIA ENERGY CORPORATION'S OBJECTIONS TO
THE ELLINGTON CONDOMINIUM ASSOCIATION'S FIRST SET OF
INTERROGATORIES AND DOCUMENT REQUESTS**

Pursuant to the provisions of 52 Pa. Code §§ 5.342, 5.361, Trigen-Philadelphia Energy Corporation ("Trigen"), by and through its attorneys, Fox Rothschild LLP, hereby OBJECTS to certain of the Interrogatories and Requests for Production of Documents Propounded by the Ellington Condominium Association ("Ellington") (the "Discovery Requests") as follows:

RECEIVED

FEB 23 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

3. Identify and provide copies of all reports, analyses, studies provided to Trigen or performed by Trigen regarding Ellington' s Steam System since Trigen began providing steam to the system.

OBJECTION. Trigen objects to this interrogatory because it is overly broad and lacks a reasonable time limit.

Without waiving the foregoing Objection, Trigen will provide copies of all reports, analyses, studies provided to Trigen or performed by Trigen regarding Ellington' s Steam System from January 1, 2007 to the present.

4. Identify and provide copies of all meter readings (including, but not limited to so-called tel-log data) taken by Trigen of the Ellington's Steam System.

OBJECTION. Trigen objects to this interrogatory because it is overly broad and lacks a reasonable time limit. Further, Trigen objects to this interrogatory because it would cause unreasonable annoyance, oppression, burden, and expense and would require an unreasonable investigation to respond. Specifically, the requested tel-log data encompasses readings that are taken every five (5) minutes resulting in over 33,000 readings during a six (6) month period.

Without waiving the foregoing Objection, Trigen will provide a partial response, by producing copies of all meter readings taken for billing purposes and all intermediate meter readings taken by Trigen of the Ellington's Steam System from June 1, 2008 through September 30, 2008 – the time-period in dispute.

5. Identify and provide copies of all invoices (both draft and final) generated by Trigen in respect of the Ellington.

OBJECTION. Trigen objects to this interrogatory because it is overly broad and lacks a reasonable time limit. Further, Trigen does not generate draft invoices for its customers.

Without waiving the foregoing Objection, Trigen will provide a partial response, by producing copies of all final invoices with respect to the Ellington from January 2007 through and including December 2009.

7. Identify and provide copies of all documents, including emails, sent to or from (by way of cc, bcc or otherwise) Anthony Ripanti and Michael Smedley concerning the Ellington, the Ellington Steam System or issues relating to the collection of meter data.

OBJECTION. Trigen objects to this interrogatory on the grounds that the requested information is protected by the attorney-client privilege. Further, Trigen objects to this interrogatory on the grounds that it is overly broad and lacks a reasonable time limit.

Without waiving the foregoing Objection, Trigen will provide a partial response, by producing non-privileged documents including emails, sent to or from (by way of cc, bcc or otherwise) Anthony Ripanti and Michael Smedley concerning the Ellington, the Ellington Steam System or issues relating to the collection of meter data from January 1, 2007 to the present.

8. Identify and provide copies of all documents, including emails, sent to or from any Trigen employee or contractor concerning Gil Schonour.

OBJECTION. Trigen objects to this interrogatory on the grounds that the requested information is protected by the attorney-client privilege. Further, Trigen objects to this interrogatory because it would cause unreasonable annoyance, oppression, burden, and expense and would require an unreasonable investigation to respond. Specifically, emails sent to or from a contractor to a third-party and not to Trigen are not in Trigen's possession.

Without waiving the foregoing Objection, Trigen will provide a partial response, by producing non-privileged documents, including emails, in its possession, sent to or from any Trigen employee or contractor concerning Gil Schonour.

9. Identify and provide copies of all documents, including emails, sent to or from any Trigen employee, officer, director or contractor concerning the billing dispute in this matter.

OBJECTION. Trigen objects to this interrogatory on the grounds that the requested information is protected by the attorney-client privilege.

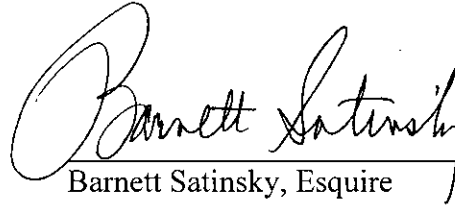
Without waiving the foregoing Objection, Trigen will provide a partial response, by producing non-privileged documents, including emails, sent to or from any Trigen employee, officer, director or contractor concerning the billing dispute in this matter.

10. Identify and provide copies of all documents, including emails, sent to or from any Trigen employee, officer, director or contractor concerning the Ellington Steam System.

OBJECTION. Trigen objects to this interrogatory on the grounds that it is overly broad and lacks a reasonable time limit. Further, Trigen objects to this interrogatory on the grounds that the requested information is protected by the attorney-client privilege.

Without waiving the foregoing Objection, Trigen will provide a partial response, by producing non-privileged documents, including emails, sent to or any Trigen employee, officer, director or contractor concerning the Ellington Steam System from January 1, 2007 to the present.

The foregoing constitute Trigen-Philadelphia Energy Corporation's Objections to the Ellington Condominium Association's First Set of Interrogatories and Document Requests.



Barnett Satinsky, Esquire
Christine Soares, Esquire
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103-3291
(215) 299-2088/2864
(215) 299-2150 (fax)
bsatinsky@foxrothschild.com
csoares@foxrothschild.com

Attorneys for Defendant
Trigen-Philadelphia Energy Corporation

Dated: February 23, 2010

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ellington Condominium Association :

v. :

**Trigen-Philadelphia Energy
Corporation** :

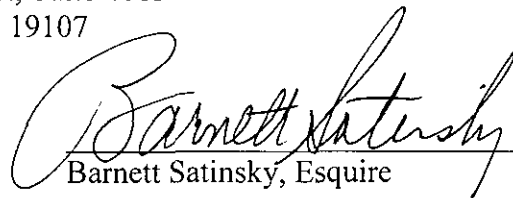
Docket No: C-2009-2092612

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a true copy of Trigen-Philadelphia Energy Corp.'s Answers to The Ellington Condominium Association's First Set of Interrogatories and Document Requests Nos. 3, 4, 5, 7, 8, 9 and 10 upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54 by hand delivery:

Richard Rochlin, Esquire
Scott P. Sigman, Esquire
Sigman & Rochlin, LLC
1515 Market Street, Suite 1360
Philadelphia, PA 19102

Administrative Law Judge Cynthia W. Fordham
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107


Barnett Satinsky, Esquire

RECEIVED

FEB 23 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated: February 23, 2010

From: Origin ID: REDA (215)299-2000
Barnett Salinsky
Fox Rothschild
2000 Market Street

Philadelphia, PA 19103

FedEx
Express



C 1811982 M2124

Ship Date: 23FEB10
ActWgt: 2 LB
CAD: 5193122/WBUS0200

Delivery Address Bar Code



Ref # 004423.00019-0066
Invoice #
PO #
Dept #

SHIP TO: (215)299-2088

BILL SENDER

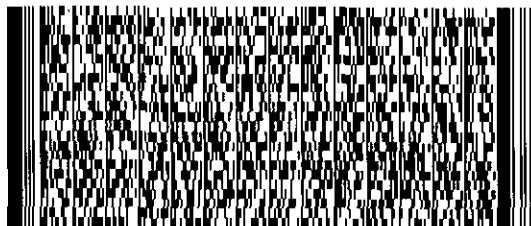
James J. McNulty
PA Public Utility Commission
400 North St

Harrisburg, PA 171200211

WED - 24FEB A1

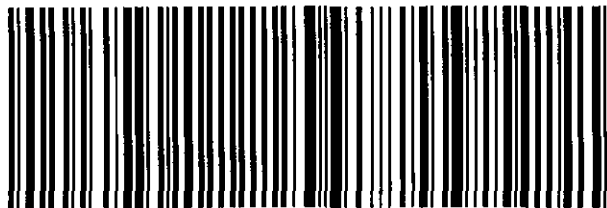
PRIORITY OVERNIGHT

TRK# 7995 1108 5586
0201



ZN MDTA

17120
PA-US
MDT



FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.