

Gregory Berry
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October 4, 2010

Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

RE: Gregory Berry v. PGW, Docket No. F-2010-2163390

Dear Mr. Farinas:

Pursuant to 52 Pa. Code § 5.342, Gregory Berry hereby files these Objections and Responses to Defendant's Interrogatories and Requests for Documents in the above captioned matter.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in this matter.

Sincerely,

Gregory Berry

Enclosure

cc: Service List
Angela T. Jones, ALJ
James McNulty, PUC Secretary

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GREGORY BERRY,)	
Complainant and Appellant)	Docket No. F-2010-2163390
)	
v.)	
)	
PHILADELPHIA GAS WORKS)	
Defendant and Respondent)	Date: October 4, 2010
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**COMPLAINANT’S OBJECTIONS AND RESPONSES
TO DEFENDANT’S INTERROGATORIES
AND REQUESTS FOR DOCUMENTS**

Complainant Gregory Berry hereby submits the following objections and responses to Defendant PGW’s Interrogatories and Requests for Documents (the “Demands”).

GENERAL OBJECTIONS

1. Complainant objects to the Demands to the extent that they seek production of documents or information protected from disclosure by 52 Pa. Code § 5.323 and other applicable privileges or doctrines. Any document subject to any such privilege or doctrine that is inadvertently produced by Complainant shall not constitute a waiver of such privilege or doctrine, and Complainant reserves his right to demand the return of any inadvertently produced document.

2. Complainant objects to the Demands to the extent that they seek production of documents and/or information not within Complainant’s

possession, custody, or control. Specifically, Complainant objects to the Demands to the extent that they purport to require Complainant to search for and produce documents and/or information that may be in the possession of persons or entities that are unrelated to Complainant.

3. Complainant objects to the Demands to the extent that they seek production of documents and/or information that are neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence. Nothing contained in any response herein shall be deemed to be an admission, concession, or waiver by Complainant as to the relevance, materiality, or admissibility of any information.

4. Complainant objects to the Demands to the extent that they are vague, ambiguous, overly broad, unduly burdensome, and/or do not describe the documents and/or information sought with reasonable particularity.

5. Complainant objects to the definitions and instructions preceding the Demands insofar as those definitions and instructions are inconsistent with and/or exceed the scope of Complainant's obligations as set forth in Pennsylvania Rules of Civil Procedure and Pennsylvania Public Utilities Code.

6. Complainant objects to the Demands to the extent that they seek production of documents and/or information that are in the public domain

or are obtainable from another source that is more convenient, less burdensome, less expensive, and/or equally available and accessible to Defendant.

7. Complainant objects to the continuing nature of the Demands.

8. Complainant reserves his right to supplement or amend any and all parts of his objections and responses herein, and to object to the relevancy or admissibility of any portion of the documents, or information contained in such documents, produced in response to a particular Demand.

9. Any response indicating Complainant's willingness to produce documents and/or information is not an admission that such documents and/or information exist or have ever existed, but instead is a representation that, to the extent that such non-privileged documents and/or information exist and are in the possession, custody, or control of the Complainant, they will be produced in accordance with the terms of Complainant's responses to the specific demands.

10. Each of these general objections is incorporated by reference into each of the specific responses set forth below, which responses Complainant makes without waiver of any of these general objections.

SPECIFIC OBJECTIONS AND RESPONSES

Demand No. 1

The dates Gregory Berry purchased, took possession, and moved into 2326 Reed Street, Philadelphia, PA.

Response to Demand No. 1

Complainant hereby incorporates by reference all the General Objections set forth above as if fully set forth herein, and specifically objects to this Demand on the grounds that it seeks information that is not relevant to the present litigation and that is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Complainant also objects to this Demand to the extent that (a) it is vague, ambiguous, overly broad, unduly burdensome, and/or does not describe the documents and/or information sought with reasonable particularity; (b) it is premature and/or seeks documents or information outside the scope of this litigation; (c) it seeks production of documents and/or information that are in the public domain or are obtainable from another source that is more convenient, less burdensome, less expensive, and/or equally available and accessible to Defendant; (d) it seeks documents and/or information that are not within the possession, custody, and/or control of the Complainant; (e) it seeks production of documents and/or information protected from disclosure by the applicable privileges and doctrines; and (f) it is in violation of the provisions of 52 Pa. Code § 5.321 et seq. relating to the form and content of

interrogatories and document requests, particularly 52 Pa. Code § 5.341(d) requiring a single question per interrogatory.

Subject to and without waiver of the foregoing General and Specific Objections, Complainant states that he purchased, took possession, and moved into his residence in October of 2007.

Demand No. 2

Address of residence of Gregory Berry immediately prior to taking 2326 Reed as his residence.

Response to Demand No. 2

Complainant hereby incorporates by reference all the General Objections set forth above as if fully set forth herein, and specifically objects to this Demand on the grounds that it seeks information that is not relevant to the present litigation and that is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Complainant also objects to this Demand to the extent that (a) it is vague, ambiguous, overly broad, unduly burdensome, and/or does not describe the documents and/or information sought with reasonable particularity; (b) it is premature and/or seeks documents or information outside the scope of this litigation; (c) it seeks production of documents and/or information that are in the public domain or are obtainable from another source that is more convenient, less burdensome, less expensive, and/or equally available and accessible to Defendant; (d) it seeks documents and/or information that are not within

the possession, custody, and/or control of the Complainant; and (e) it seeks production of documents and/or information protected from disclosure by the applicable privileges and doctrines.

Subject to and without waiver of the foregoing General and Specific Objections, Complainant states that before moving into 2326 Reed, he lived in a boarding house in Bryn Mawr, Pennsylvania, while awaiting completion of the home sale.

Demand No. 3

The configuration and gas usage at 2326 Reed Street.

Response to Demand No. 3

Complainant hereby incorporates by reference all the General Objections set forth above as if fully set forth herein, and specifically objects to this Demand on the grounds that it seeks information that is not relevant to the present litigation and that is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Complainant also specifically objects to the phrases “configuration” and “gas usage” as undefined, ambiguous, and overbroad. Complainant also objects to this Demand to the extent that (a) it is vague, ambiguous, overly broad, unduly burdensome, and/or does not describe the documents and/or information sought with reasonable particularity; (b) it is premature and/or seeks documents or information outside the scope of this litigation; (c) it seeks production of documents and/or information that are in the public domain

or are obtainable from another source that is more convenient, less burdensome, less expensive, and/or equally available and accessible to Defendant; (d) it seeks documents and/or information that are not within the possession, custody, and/or control of the Complainant; (e) it seeks production of documents and/or information protected from disclosure by the applicable privileges and doctrines; and (f) it is in violation of the provisions of 52 Pa. Code § 5.321 et seq. relating to the form and content of interrogatories and document requests, particularly 52 Pa. Code § 5.341(d) requiring a single question per interrogatory.

Subject to and without waiver of the foregoing General and Specific Objections, Complainant states that the square footage of 2326 Reed Street is approximately 2200 square feet. It has three floors. It has two rooms on the top floor, three on the middle floor, and three on the first floor. The house has one boiler, one water heater, and one stove/oven.

Demand No. 4

Listing of utility, subscription, or continuing contract services at 2326 Reed Street.

Response to Demand No. 4

Complainant hereby incorporates by reference all the General Objections set forth above as if fully set forth herein, and specifically objects to this Demand on the grounds that it seeks information that is not relevant to the present litigation and that is not reasonably calculated to lead

to the discovery of relevant or admissible evidence. Complainant also objects to this Demand to the extent that (a) it is vague, ambiguous, overly broad, unduly burdensome, and/or does not describe the documents and/or information sought with reasonable particularity; (b) it is premature and/or seeks documents or information outside the scope of this litigation; (c) it seeks documents and/or information that are not within the possession, custody, and/or control of the Complainant; (d) it seeks production of documents and/or information protected from disclosure by the applicable privileges and doctrines; and (e) it is in violation of the provisions of 52 Pa. Code § 5.321 et seq. relating to the form and content of interrogatories and document requests, particularly 52 Pa. Code § 5.341(d) requiring a single question per interrogatory.

Subject to and without waiver of the foregoing General and Specific Objections, Complainant states that the utilities that are or were used at 2326 Reed Street are natural gas, electricity, water, and internet.

Demand No. 5

The date Mr. Berry began each service.

Response to Demand No. 5

Complainant hereby incorporates by reference all the General Objections set forth above as if fully set forth herein, and specifically objects to this Demand on the grounds that it seeks information that is not relevant to the present litigation and that is not reasonably calculated to lead

to the discovery of relevant or admissible evidence. Complainant also specifically objects that the request for the “date Gregory Berry began each service” listed in “Interrogatory Set I, No. 3”—which asks for the “configuration and gas usage at the Service Address”—is nonsensical. Complainant also objects to this Demand to the extent that (a) it is vague, ambiguous, overly broad, unduly burdensome, and/or does not describe the documents and/or information sought with reasonable particularity; (b) it is premature and/or seeks documents or information outside the scope of this litigation; (c) it seeks documents and/or information that are not within the possession, custody, and/or control of the Complainant; (d) it seeks production of documents and/or information protected from disclosure by the applicable privileges and doctrines; and (e) it is in violation of the provisions of 52 Pa. Code § 5.321 et seq. relating to the form and content of interrogatories and document requests, particularly 52 Pa. Code § 5.341(d) requiring a single question per interrogatory.

Subject to and without waiver of the foregoing General and Specific Objections, Complainant states that he began each of these services in October 2007.

Demand No. 6

Gregory Berry’s income.

Response to Demand No. 6

Complainant hereby incorporates by reference all the General Objections set forth above as if fully set forth herein, and specifically objects to this Demand on the grounds that it is abusive, intimidating, unprofessional, and unethical, is sought in bad faith, and would cause unreasonable annoyance, embarrassment, oppression, vexation, and burden to the Complainant. Complainant further objects to this Demand on the grounds that it seeks information that is not relevant to the present litigation and that is not reasonably calculated to lead to the discovery of relevant or admissible evidence. Complainant also objects to this Demand to the extent that (a) it is vague, ambiguous, overly broad, unduly burdensome, and/or does not describe the documents and/or information sought with reasonable particularity; (b) it is premature and/or seeks documents or information outside the scope of this litigation; (c) it seeks documents and/or information that are not within the possession, custody, and/or control of the Complainant; (d) it seeks production of documents and/or information protected from disclosure by the applicable privileges and doctrines; and (e) it is in violation of the provisions of 52 Pa. Code § 5.321 et seq. relating to the form and content of interrogatories and document requests, particularly 52 Pa. Code § 5.341(d) requiring a single question per interrogatory.

Demand No. 7

The state statutes that Defendant has allegedly violated.

Response to No. 7

Complainant hereby incorporates by reference all the General Objections set forth above as if fully set forth herein, and specifically objects to this Demand on the grounds that it seeks the mental impressions of the Complainant appearing pro se, and/or his conclusions, opinions, memoranda, notes, summaries, legal research, and/or legal theories, and the Complainant's conclusions or opinions respecting the value or merit of his claims or respecting strategy, tactics, and/or preliminary or draft versions of written testimony or exhibits. Complainant also objects to this Demand to the extent that (a) it is vague, ambiguous, overly broad, unduly burdensome, and/or does not describe the documents and/or information sought with reasonable particularity; (b) it seeks production of documents and/or information that are in the public domain or are obtainable from another source that is more convenient, less burdensome, less expensive, and/or equally available and accessible to Defendant; (c) it seeks production of documents and/or information protected from disclosure by the applicable privileges and doctrines; and (d) it is in violation of the provisions of 52 Pa. Code § 5.321 et seq. relating to the form and content of interrogatories and document requests.

Subject to and without waiver of the foregoing General and Specific Objections, Complainant incorporates the allegations as set forth in the Complaint.

Demand No. 8

The federal statutes that Defendant has allegedly violated.

Response to Demand No. 8

Complainant hereby incorporates by reference all the General Objections set forth above as if fully set forth herein, and specifically objects to this Demand on the grounds that it seeks the mental impressions of the Complainant appearing pro se, and/or his conclusions, opinions, memoranda, notes, summaries, legal research and/or legal theories, and the Complainant's conclusions or opinions respecting the value or merit of his claims or respecting strategy, tactics, and/or preliminary or draft versions of written testimony or exhibits. Complainant also objects to this Demand to the extent that (a) it is vague, ambiguous, overly broad, unduly burdensome, and/or does not describe the documents and/or information sought with reasonable particularity; (b) it seeks production of documents and/or information that are in the public domain or are obtainable from another source that is more convenient, less burdensome, less expensive, and/or equally available and accessible to Defendant; (c) it seeks production of documents and/or information protected from disclosure by the applicable privileges and doctrines; and (d) it is in violation of the

provisions of 52 Pa. Code § 5.321 et seq. relating to the form and content of interrogatories and document requests.

Subject to and without waiver of the foregoing General and Specific Objections, Complainant incorporates the allegations as set forth in the Complaint.

Demand No. 9

The specific source of the duty of good faith, honesty, and fair dealing that Defendant has allegedly violated.

Response to Demand No. 9

Complainant hereby incorporates by reference all the General Objections set forth above as if fully set forth herein, and specifically objects to this Demand on the grounds that it seeks the mental impressions of the Complainant appearing pro se, and/or his conclusions, opinions, memoranda, notes, summaries, legal research and/or legal theories, and the Complainant's conclusions or opinions respecting the value or merit of his claims or respecting strategy, tactics, and/or preliminary or draft versions of written testimony or exhibits. Complainant also objects to this Demand to the extent that (a) it is vague, ambiguous, overly broad, unduly burdensome, and/or does not describe the documents and/or information sought with reasonable particularity; (b) it seeks production of documents and/or information that are in the public domain or are obtainable from another source that is more convenient, less burdensome, less expensive,

and/or equally available and accessible to Defendant; (c) it seeks production of documents and/or information protected from disclosure by the applicable privileges and doctrines; and (d) it is in violation of the provisions of 52 Pa. Code § 5.321 et seq. relating to the form and content of interrogatories and document requests.

Subject to and without waiver of the foregoing General and Specific Objections, Complainant incorporates the allegations as set forth in the Complaint.

Demand No. 10

List of witnesses Complainant plans to call at hearing.

Response to Demand No. 10

None.

Respectfully submitted,

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(415) 321-9683
gregoryberry@gmail.com

VERIFICATION

I, Gregory Berry, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information, and belief), and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: October 4, 2010

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

Service List:

For Defendant:

Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

Date: October 4, 2010

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