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March 20, 2012

Rosemary Chiavetta, Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg PA 17105-3265

Re: Utility Workers Union of America System Local
537 v. Pennsylvania-American Water Company
Docket No. C-2012-2287204

Dear Secretary Chiavetta:

Enclosed for filing please find the Motion of Utility Workers Union of America System Local 537 to Dismiss Objections and Compel that Interrogatories be Answered in the above-referenced proceeding.

The document was filed electronically with the Commission on this date.

Sincerely,



Enclosure

cc: Susan Simms Marsh and Seth A. Mendelsohn
Ember Jandebaur, Administrative Law Judge

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Utility Workers Union of America	:	
System Local 537	:	
	:	
v.	:	Docket No. C-2012-2287204
	:	
Pennsylvania-American Water Company	:	

MOTION OF
UTILITY WORKERS UNION OF AMERICA
SYSTEM LOCAL 537
TO DISMISS OBJECTIONS AND COMPEL THAT
INTERROGATORIES BE ANSWERED

Pursuant to 52 Pa. Code § 5.342(g), Utility Workers Union of America System Local 537 (“UWUA”) hereby files this Motion to Dismiss Objections and Compel that Interrogatories be Answered by Pennsylvania-American Water Company (“PAWC” or “Company”). In support of this Motion, UWUA states as follows:

1. UWUA initiated this proceeding by filing a Formal Complaint on February 7, 2012.
2. PAWC filed an Answer on February 28, 2012. Accompanying the Answer was a Motion to Dismiss.
3. UWUA served its Interrogatories and Requests for Production of Documents, Set 1 (“the Interrogatories”), on PAWC on March 5, 2012.
4. On March 14, 2012, PAWC served its Objections to the Interrogatories (“the Objections”) on UWUA.¹

¹ PAWC improperly filed the Objections with the Secretary of the Commission and improperly served a copy of them on the Administrative Law Judge. See 52 Pa. Code § 5.342(e).

5. PAWC's Objections contain three so-called "General Objections." A copy of the "General Objections" is attached as Appendix A. Initially, UWUA would note that the Commission's regulations do not permit "General Objections." Rather, the regulations require: "An objection must: (1) Restate the interrogatory or part thereof deemed objectionable and the specific ground for the objection." 52 Pa. Code § 5.342(c)(1) (emphasis added). UWUA, therefore, moves to dismiss all of PAWC's so-called "General Objections."

6. Notwithstanding the impermissible nature of PAWC's so-called "General Objections," UWUA provides the following specific responses thereto:

A. The first general objection is that PAWC is not required to respond to discovery requests while its Motion to Dismiss is pending. PAWC does not cite any authority for this proposition.

In fact, the Commission's regulations are directly contrary to PAWC's claim. Section 5.331 of the regulations states: "A party shall initiate discovery as early in the proceedings as reasonably possible. In a proceeding, the right to discovery commences when a complaint, protest or other adverse pleading is filed ..." 52 Pa. Code § 5.331(b). There is nothing in the regulations that states the filing of a motion stays the discovery period or supersedes the discovery rules, and PAWC did not file a motion to request such a stay pending a decision on its Motion to Dismiss.

B. The Commission's regulations give UWUA the right to conduct discovery from the outset of this proceeding. UWUA complied with the Commission's regulations by initiating discovery as early in the proceeding as practicable (just one week after PAWC filed its Answer).

C. The timing of discovery in this case is particularly important because a hearing has been scheduled for April 24, 2012. UWUA timed the Interrogatories so that it would receive responses with enough time to serve a follow-up set of discovery requests (and receive answers thereto) in advance of the hearing. If PAWC is permitted to withhold responses to the Interrogatories, then it would jeopardize UWUA's reasonable opportunity to conduct discovery prior to the hearing, which could necessitate rescheduling the date of the initial hearing.

D. PAWC's second "General Objection" objects to "each and every interrogatory ... to the extent that it is duplicative, unreasonably cumulative, unduly burdensome, and oppressive or will cause unnecessary expense."

E. Such an objection, in the abstract, is not permissible under the Commission's discovery regulations. As noted above, the regulations require a specific ground for the objection. In addition, the regulations require "a description of the facts and circumstances purporting to justify the objection." 52 Pa. Code § 5.342(c)(2). Absent such a description, UWUA is not able to respond to any alleged burden that PAWC may incur. Moreover, UWUA attempted to be judicious in its discovery requests and not engage in duplicative or cumulative requests. Again, absent a specific objection, UWUA cannot determine whether it may have inadvertently engaged in a duplicative or cumulative request, which it would immediately rectify.

F. The third "General Objection" states that PAWC "objects to each and every Interrogatory ... to the extent information sought is already in the public domain, or is readily obtainable from a source other than the Respondent in a more convenient,

less burdensome and less expensive manner. Certain of the requested documents are available to the Complainant through their own efforts.”

G. Once again, PAWC’s “General Objection” is improper. As stated in (E) above, such an objection in the abstract is not permissible.

H. Moreover, the objection is directly contrary to the Commission’s discovery regulations, which permit a party to request the production of documents “including writings, drawings, graphs, charts, photographs, computer records and other compilations of data from which information can be obtained ... and which are in the possession, custody or control of the party upon whom the request is served.” 52 Pa. Code § 5.349(a)(1). Rather than requesting the opportunity to inspect and copy the documents, UWUA properly asked PAWC to produce copies of the documents. UWUA understands that such copying shall be at UWUA’s expense, as provided in 52 Pa. Code § 5.349(b). Further, UWUA’s requests comply with the regulations’ requirement to “set forth the items to be inspected either by individual item or by category [and] describe items and categories with reasonable particularity.” 52 Pa. Code § 5.349(c).

I. The fact that certain items requested may also be available from another source, whether it is the Commission’s files or anywhere else, is irrelevant. First, PAWC has not claimed that the requested documents are not within its “possession, custody or control.” Second, it is true that certain documents related to complaint cases may be reviewed by physically visiting the Commission’s file room in Harrisburg. But neither the subject matter of complaints, the complaints, nor the answers to complaints are available on the Commission’s web site or in any other publicly accessible electronic means. Thus, in order for UWUA to obtain the requested information directly from the

Commission, UWUA would need to review the physical file for every complaint filed against PAWC for the past four years, determine whether the complaint related to an alleged improper termination of service, and then retrieve and copy the relevant documents. Even such an effort, however, may not disclose any agreements made by PAWC and individual customers that were not filed with the Commission.

UWUA did conduct an electronic search of the Commission's file records and found that during the four-year period requested, substantially more than one hundred formal complaints were filed against PAWC. UWUA submits that rather than burden the Commission's file room with requests to physically review well over 100 files, it is more reasonable to request PAWC to search its records (much of which are electronic, of course, just as PAWC has electronically prepared and filed all documents in this case) and produce the relevant documents.

7. Interrogatories 1 and 2. In interrogatories 1 and 2 (the Objections to which are attached as Appendix B), UWUA asked PAWC to identify each witness it expects to call at the hearing and to provide the subject matter of the testimony and certain information about each witness's background. PAWC objects to being required to identify the witnesses it expects to call at the hearing because UWUA bears the burden of proof.

UWUA's request is well within the bounds of reasonable, indeed standard, discovery. The Commission's regulations permit discovery regarding "any matter, not privileged, which is relevant to the subject matter involved in the pending action ... including ... the identity and location of persons having knowledge of a discoverable matter." 52 Pa. Code § 5.321(c). Moreover, the regulations specifically permit the

following discovery of expert witnesses: “That the other party identify each person whom the party expects to call as an expert witness at hearing and to state the subject matter on which the expert is expected to testify.” 52 Pa. Code § 5.324(a)(1)(i). UWUA’s interrogatories 1 and 2 are fully within the scope of permissible discovery. PAWC’s objections thereto should be dismissed, and PAWC should be ordered to provide timely and complete answers to these requests.

8. Interrogatories 3, 4, 5, 6, 7(b), 7(c), 8, 9(b), 10(b), 11, 12(d), 13(d), 21, 22, 23, 24, 25, and 26. In these interrogatories (the Objections to which are attached as Appendix C), UWUA requests specific information and documents relating to certain portions of PAWC’s Answer to UWUA’s Formal Complaint; various documents or other information directly related to the issues in this case; and the identity of persons within PAWC who have knowledge of the issues raised in this case. In each instance, PAWC has provided only a reference to its “General Objections.” As UWUA explained above, PAWC’s so-called “General Objections” are improper and do not constitute the type of specific objection required by the Commission’s regulations. PAWC does not allege any way in which the requested information is burdensome, duplicative, or otherwise improper. These interrogatories are fully within the scope of permissible discovery. PAWC’s objections to these requests should be dismissed, and PAWC should be ordered to provide timely and complete answers to these requests.

9. Interrogatories 15, 17, and 19. These interrogatories (the Objections to which are attached as Appendix D) request information about formal complaints filed with the Commission against PAWC during the past four years that relate specifically to alleged improper disconnections (the subject matter of UWUA’s Formal Complaint). PAWC

alleges that it would be “unduly burdensome and oppressive” to require PAWC to “research and provide the Complainant with data covering a 4 year period.”

As UWUA explained above in response to PAWC’s so-called “General Objections,” PAWC is required to provide information within its custody, possession, and control that is relevant to this case. UWUA’s complaint alleges violations spanning the entire period within the statutes of limitations for refunds (four years) and penalties (three years). It is reasonable, therefore, to require PAWC to produce information from relevant formal complaints filed during the past four years.

Moreover, PAWC does not allege that such information is not in its possession, or that it is not available in an electronic form that could be searched with relative ease. Further, PAWC does not dispute the relevance of this information, particularly as it may relate to what PAWC knew, when it knew it, and how it may have responded to a pattern of violations of the service termination regulations.

Finally, PAWC alleges, with no basis, that UWUA must not have information to support its complaint, since it is requesting this information. Nothing could be further from the truth. UWUA members have first-hand knowledge of PAWC’s practices during the past four years, and such evidence will be presented at hearing. What UWUA does not, and cannot, know is how many customers complained to the Commission about these violations, what actions the Company took in response to those complaints, and who within the Company was made aware of those complaints when they were filed.

These interrogatories are fully within the scope of permissible discovery. PAWC’s objections thereto should be dismissed, and PAWC should be ordered to provide timely and complete answers to these requests.

10. Interrogatories 16, 18, and 20. These interrogatories (the Objections to which are attached as Appendix E) request information about informal complaints filed with the Commission against PAWC during the past four years that relate specifically to alleged improper disconnections (the subject matter of UWUA's Formal Complaint). PAWC alleges that it would be "unduly burdensome and oppressive" to require PAWC to "research and provide the Complainant with data covering a 4 year period."

As UWUA explained above in response to PAWC's so-called "General Objections," PAWC is required to provide information within its custody, possession, and control that is relevant to this case. As discussed in paragraph 9, above, UWUA's complaint alleges violations spanning the entire period within the statute of limitations. It is reasonable, therefore, to require PAWC to produce information from relevant informal complaints received during the past four years.

Moreover, PAWC does not allege that such information is not in its possession, or that it is not available in an electronic form that could be searched with relative ease. Further, PAWC does not dispute the relevance of this information, particularly as it may relate to what PAWC knew, when it knew it, and how it may have responded to a pattern of violations of the service termination regulations.

Finally, PAWC again alleges, with no basis, that UWUA must not have information to support its complaint, since it is requesting this information. UWUA responded to this baseless allegation in paragraph 9, above.

These interrogatories are fully within the scope of permissible discovery. PAWC's objections thereto should be dismissed, and PAWC should be ordered to provide timely and complete answers to these requests.

11. PAWC's claim of confidentiality in Interrogatories 16, 18, and 19. In addition to its other objections, PAWC claims in these three Objections that each request "seeks information that is confidential." Alleged confidentiality is not a proper basis for objecting to discovery. Section 5.423 of the Commission's regulations sets forth a specific procedure to be followed when discovery of allegedly confidential information is sought. Specifically, the regulation states: "Prior to the issuance of a protective order, a party may not refuse to provide information which the party reasonably believes to be proprietary to a party who agrees to treat the information as if it were covered by a protective order until the presiding officer or the Commission issues the order or determines that issuance of the order would not be appropriate. The party claiming the privilege shall file a petition for protective order under subsection (a) within 14 days of the date the request for information was received." 52 Pa. Code § 5.423(c)(4) (emphasis added).

PAWC's objection on confidentiality grounds is improper. Counsel for UWUA hereby agrees to "treat the information as if it were covered by a protective order until the presiding officer or the Commission issues the order or determines that issuance of the order would not be appropriate." It is incumbent upon PAWC to immediately file a request for a protective order, since it failed to do so within the 14-day period specified in the regulations.

12. Since PAWC improperly served the Administrative Law Judge and Commission with its Objections, UWUA notes for completeness that it does not seek to compel responses to the following Interrogatories: 7(a), 9(a), 10(a), 12(a)-(c), 13(a)-(c), and 14.

WHEREFORE, the Utility Workers Union of America System Local 537 respectfully requests the Administrative Law Judge to dismiss Pennsylvania-American Water Company's Objections to UWUA Interrogatories and Requests for Production of Documents, Set 1, questions 1 through 6, 7(b), 7(c), 8, 9(b), 10(b), 11, 12(d), 13(d), and 15 through 26; and order PAWC to provide responses thereto within five (5) business days of the date of the Administrative Law Judge's Order.

Respectfully submitted,



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Counsel for:
Utility Workers Union of America System
Local 537, Complainant

Dated: March 20, 2012

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served this day a true copy of Motion of Utility Workers Union of America System Local 537 to Dismiss Objections and Compel that Interrogatories be Answered, upon the parties listed below by electronic mail and U.S. mail, first-class, postage prepaid, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Susan Simms Marsh, Corporate Counsel
Seth A. Mendelsohn, Corporate Counsel
Pennsylvania-American Water Company
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Hershey, PA 17033
susan.marsh@amwater.com
seth.mendelsohn@amwater.com

Dated: March 20, 2012



Scott J. Rubin
*Counsel for Utility Workers Union of
America System Local 537*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

UTILITY WORKERS UNION OF AMERICA :
SYSTEM LOCAL 537, :
Complainant :

v. :

DOCKET NO. C-2012-2287204

PENNSYLVANIA-AMERICAN WATER :
COMPANY, :
Respondent :

**PENNSYLVANIA-AMERICAN WATER COMPANY'S
OBJECTIONS TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
OF UTILITY WORKERS UNION OF AMERICA SYSTEM LOCAL 537
SET I**

Pennsylvania-American Water Company ("Respondent" or "PAWC"), through its attorney, submits the following Objections to Interrogatories and Requests for Production of Documents of Utility Workers of America System Local 537 Set I.

GENERAL OBJECTIONS

The Respondent objects to each of the Interrogatories and Requests for Production of Documents on the following general grounds. Such objections are expressly incorporated into each response set forth herein whether or not specifically referred to therein:

1. The Respondent objects to Interrogatories and Requests for Production of Documents until such time as a decision has been rendered on the Respondent's Motion to Dismiss filed in this proceeding. On February 28, 2012, the Respondent filed a Motion to Dismiss the Formal Complaint on the basis that the Complainant does not possess the requisite standing to move forward with said Formal Complaint. UWUA subsequently filed an

Answer to said Motion. Depending upon the decision rendered on said Motion, the Interrogatories and Requests for Production of Documents may be deemed moot thereby removing any obligation on the Respondent to respond to the discovery request.

2. The Respondent objects to each and every Interrogatory and Requests for Production of Documents to the extent that it is duplicative, unreasonably cumulative, unduly burdensome, and oppressive or will cause unnecessary expense.

3. The Respondent objects to each and every Interrogatory and Requests for Production of Documents to the extent information sought is already in the public domain, or is readily obtainable from a source other than the Respondent in a more convenient, less burdensome and less expensive manner. Certain of the requested documents are available to the Complainant through their own efforts.

SPECIFIC OBJECTIONS

Subject to and without waiver of the General Objections (which are deemed incorporated as if set forth fully therein), PAWC, as the Respondent, specifically objects to the Interrogatories as follows:

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

1. Please identify each witness PAWC expects to provide testimony as part of its direct case.

Objection:

See General Objections. UWUA as the Complainant in this proceeding has the burden of proof and must present at a hearing its case in chief proving each and every allegation set forth in the Formal Complaint. In that regard, UWUA must present its witnesses and evidence first. With that responsibility, PAWC does not know at this time who it will call as a witness to present testimony in rebuttal to UWUA case in chief.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

2. For each witness identified in response to question 1, please provide the following:
 - a. The subject matter of the testimony.
 - b. A copy of the witness's curriculum vitae.
 - c. A list of all proceedings in which the witness has testified, including for each such proceeding the court or administrative agency, the caption and docket number, the approximate date, the party on whose behalf the witness testified, and the subject matter of the testimony.

Objection:

See General Objections. See Specific Objections to Interrogatory No. 1.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

3. In paragraph 10 of the Answer, PAWC states that its "practice requires the posting of 3-day notice" in accordance with the Commission's regulations. Please provide a copy of any PAWC procedures or other documents that delineate this "practice."

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

4. In paragraph 10 of the Answer, PAWC states that its "practice requires the posting of 3-day notice" in accordance with the Commission's regulations. Is PAWC aware of any failures of PAWC personnel to follow this "practice" that occurred between February 2008 and the present? If so, for each such violation please:
- a. Describe the failure to follow the "practice," including the location(s) and number of customer terminations that were performed in a manner other than as set forth in the "practice";
 - b. State how PAWC became aware of the failure to follow the "practice";
 - c. Identify the person or persons who failed to follow the "practice";
 - d. Describe the remedial measures taken by PAWC to ensure that the person or persons who failed to follow the "practice" would not do so again in the future; and
 - e. Provide all documents related to the failure to follow the "practice."

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

5. In paragraph 10 of the Answer, PAWC states: "If any failure may have occurred with the posting of three-day notices, it may involve UWUA members failing to actually post said notices." Concerning this:
- a. For the time period from February 2008 through February 2012, please identify each instance of which PAWC is aware where a residential customer in the Mon Valley district had service terminated without the proper posting of a three-day notice.
 - b. For each such instance, please provide all documents concerning PAWC's knowledge of the cause of the improper termination.
 - c. For each such instance, please state whether PAWC believes the violation was a result of the failure of a UWUA member to perform his or her job responsibilities.
 - d. For each such instance where PAWC believes the improper termination was caused by a UWUA member failing to follow Company procedures, please describe the disciplinary actions or other remedial measures taken by PAWC against the UWUA member.
 - e. Please provide the specific information on which PAWC relied in making the averment in paragraph 10 that is quoted at the beginning of this question.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

6. In paragraph 11 of the Answer, PAWC states: "to PAWC's knowledge, the practice was being followed in the Mon Valley district." Concerning this:
- a. Please provide the specific information on which PAWC relied in making this averment in its Answer.
 - b. Please identify the person or persons who conducted any investigation or inquiry into whether the practice was being followed in the Mon Valley District.
 - c. Please provide all documents that set forth "PAWC's knowledge" concerning whether the practice was being followed in the Mon Valley district.
 - d. Please identify each person with specific knowledge of whether the practice was being followed in the Mon Valley district.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

7. In paragraph 14 of the Answer, PAWC states: "PAWC is without knowledge or information sufficient to admit or deny UWUA's averment as to what two UWUA members actually discussed with a Pittsburgh superintendent." Concerning this:

- ~~a. Please describe the investigation or inquiry PAWC conducted to determine whether UWUA's averment was accurate.~~
- b. Please identify each Pittsburgh superintendent in PAWC's employ between February 2011 and April 2011.
- c. Please provide all documents discussing or referring to any actual or alleged violations of termination procedures that the persons identified in (b) either authored or received between February 2011 and the present.

Objection:

- ~~a. See General Objections. UWUA failed to identify the two individuals so that PAWC could match those individuals with the title specified in the Formal Complaint. UWUA must identify the two UWUA members who claimed the discussion.~~
- b. See General Objections.
- c. See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

8. Concerning paragraph 16 of the Answer: Please identify the specific "mechanisms or processes available to any PAWC personnel" that the Company avers were not "exhausted" by UWUA.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

9. Concerning paragraph 18 of the Answer:

- a. ~~Please identify the PAWC Senior Director Field Operations Western Pennsylvania who is referred to in this paragraph.~~
- b. Please provide all documents relating to the "investigation" that was "launched into the shredding of three-day notices".

Objection:

- a. ~~See General Objections. UWUA has this information. In the Formal Complaint UWUA states in Paragraph No. 17 "the UWUA President System President called the Director of PAWC's Western Pennsylvania Operations" Since UWUA avers its System President made a call, the Complainant would know the name of the individual.~~
- b. See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

10. Concerning paragraph 22 of the Answer:

- ~~a. Why is PAWC unable to admit or deny UWUA's description of PAWC's typical practice for the termination of service?~~
- b. Please provide all written procedures or other documents setting forth PAWC's procedures to terminate service to a customer.

Objection:

See General Objections. The Respondent does not know what the Complainant means by use of the term "typical" practice.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

11. Concerning paragraph 24 of the Answer: Please provide all written procedures or other documents setting forth PAWC's procedures to follow when the termination of service is attempted but not completed because a curb stop is found to be inoperable.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

12. In paragraph 26 of the Answer, PAWC states that it does not have "knowledge or information sufficient to admit or deny" whether PAWC believes that if post-termination notices are provided before termination is attempted, they do not need to be provided again after termination is actually performed. Concerning this:

~~a. Please provide the specific information on which PAWC relied in stating that it does not have "knowledge or information sufficient to admit or deny" UWUA's averment.~~

b. Please identify the person or persons who conducted any investigation or inquiry into the accuracy of UWUA's averment.

~~c. Please provide all documents that set forth "PAWC's knowledge" concerning the accuracy of UWUA's averment.~~

d. Please identify each person in PAWC's management who has specific knowledge of PAWC's policies and procedures concerning the termination of service after a curb stop is found to be inoperable, including how those policies or procedures may have changed between February 2008 and the present.

Objection:

See General Objections. The Respondent specifically objects to Interrogatory No. 12. UWUA states at Paragraph No. 26, "PAWC management . . ." The Complainant does not identify or define "PAWC management". Therefore, the Respondent is without knowledge or information to admit or deny the averment.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

13. In paragraph 28 of the Answer, PAWC states that it does not have "knowledge or information sufficient to admit or deny" whether the termination practices described by UWUA remain in effect today. Concerning this:
- ~~a. Please provide the specific information on which PAWC relied in stating that it does not have "knowledge or information sufficient to admit or deny" UWUA's averment.~~
 - b. Please identify the person or persons who conducted any investigation or inquiry into the accuracy of UWUA's averment.
 - ~~c. Please provide all documents that set forth "PAWC's knowledge" concerning the accuracy of UWUA's averment.~~
 - d. Please identify each person in PAWC's management who has specific knowledge of PAWC's current policies and procedures concerning the termination of service after a curb stop is found to be inoperable.

Objection:

See General Objections and Specific Objections to Interrogatory No. 12.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

21. Please provide a copy of each report PAWC has filed with the Commission under 52 Pa. Code § 56.231 relating to the time period from February 2008 through February 2012.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

22. Please provide information comparable to the information set forth in the reports provided in response to question 21 for the Mon Valley district for the time period from February 2008 through February 2012.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

23. For each month from February 2008 through February 2012, please provide the following information concerning reconnection fees in the Mon Valley district:
- a. The amount PAWC billed to customers for reconnection fees.
 - b. The amount credited to customers by PAWC for reconnection fees that were not properly billed to the customer or as recompense for terminations that were not conducted properly.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

24. For each month from February 2008 through February 2012, please provide the following information concerning reconnection fees for PAWC as a whole:
- a. The amount PAWC billed to customers for reconnection fees.
 - b. The amount credited to customers by PAWC for reconnection fees that were not properly billed to the customer or as recompense for terminations that were not conducted properly.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

25. Please identify each instance from February 2008 through February 2012 when PAWC informed the Commission (or any employee of the Commission) that a residential termination of service had not been performed in compliance with the Commission's regulations.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

26. For each instance identified in response to question 25, please provide all correspondence or other documents between PAWC and the Commission (or any employee of the Commission) relating to each such instance.

Objection:

See General Objections.

Objections of Pennsylvania-American Water Company ("PAWC")
to Interrogatories and Requests for Production of Documents of
Utility Workers Union of America System Local 537, Set I
Docket No. C-2012-2287204

15. For the time period February 2008 through the present, please identify each formal complaint filed with the Commission against PAWC in which a residential customer alleged that PAWC failed to provide proper notice prior to terminating service.

Objection:

See General Objections. PAWC objects to this Interrogatory as being unduly burdensome and oppressive to request the Respondent to research and provide the Complainant with data covering a 4 year period. On or about February 7, 2012, UWUA filed the instant Formal Complaint against PAWC setting forth certain allegations. With the filing of said complaint, it was reasonable to assume that UWUA had the evidence on that date to support its allegation. In fact, in the verification attached to said complaint, Kevin Booth, President of UWUA, verified that "the facts above set forth 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." With that statement, it was expected Mr. Booth had the evidence at that time to support the allegation.

Now, with this interrogatory requesting 4 years of data, it would appear UWUA does not have first hand knowledge and evidence to support this allegation. In fact, with this interrogatory, it supports the premise and the Respondent's Motion in that UWUA does not have standing. This matter is not a Formal Complaint but a report to the Commission brought forth by UWUA. This report, if it is deemed necessary by the Commission, would be an investigation to be conducted by the Commission.

Moreover, the information is already in the public domain, or is readily obtainable from a source other than the Respondent. UWUA has the ability to obtain any and all Formal Complaint filed against the Respondent by simply accessing the information at the Commission's Secretary Bureau.

Objections of Pennsylvania-American Water Company ("PAWC")
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17. For the time period February 2008 through the present, please identify each formal complaint filed with the Commission against PAWC in which a residential customer alleged that PAWC failed to provide proper post-termination notice after service was terminated.

Objection:

See General Objections and Specific Objections to Interrogatory No. 15.

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19. For each formal complaint identified in response to questions 15 and 17, please provide the following:
- a. A copy of the formal complaint;
 - b. A copy of PAWC's answer to the complaint;
 - c. If the matter was settled, a copy of the settlement agreement;
 - d. If the matter was withdrawn by the complainant, a copy or description of any informal agreement entered into by PAWC and the complainant; and
 - e. If the matter was fully litigated, a copy of the initial decision and, if applicable, a copy of the Commission's final order.

Objection:

See General Objections and Specific Objections to Interrogatory Nos. 15 and 17. PAWC also objects to this Interrogatory to the extent it seeks information that is confidential.

Objections of Pennsylvania-American Water Company ("PAWC")
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16. For the time period February 2008 through the present, please identify each informal complaint lodged with the Commission against PAWC in which a residential customer alleged that PAWC failed to provide proper notice prior to terminating service. Please note: informal complaints that were not resolved informally and resulted in a formal complaint should be listed only in response to question 15.

Objection:

See General Objections. PAWC objects to this request as being unduly burdensome and oppressive to request the Respondent to research and provide the Complainant with data covering a 4 year period. On or about February 7, 2012, UWUA filed the instant Formal Complaint against PAWC setting forth certain allegations. With the filing of said complaint, it was reasonable to assume that UWUA had the evidence on that date to support its allegation. In fact, in the verification attached to said complaint, Kevin Booth, President of UWUA, verified that "the facts above set forth 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." With that statement, it was expected Mr. Booth had the evidence at that time to support the allegation.

Now, with this interrogatory requesting 4 years of data, it would appear UWUA does not have first hand knowledge and evidence to support this allegation. In fact, with this interrogatory, it supports the premise and the Respondent's Motion in that UWUA does not have standing. This matter is not a Formal Complaint but a report to the Commission brought forth by UWUA. This report, if it is deemed necessary by the Commission, would be an investigation to be conducted by the Commission.

PAWC also objects to this Interrogatory to the extent it seeks information that is confidential.

Objections of Pennsylvania-American Water Company ("PAWC")
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18. For the time period February 2008 through the present, please identify each informal complaint filed with the Commission against PAWC in which a residential customer alleged that PAWC failed to provide proper post-termination notice after service was terminated. Please note: informal complaints that were not resolved informally and resulted in a formal complaint should be listed only in response to question 17.

Objection:

See General Objections and Specific Objections to Interrogatory No. 16. PAWC also objects to this Interrogatory to the extent it seeks information that is confidential.

Objections of Pennsylvania-American Water Company ("PAWC")
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20. For each informal complaint identified in response to questions 16 and 18, please provide a summary of the complaint and the manner in which it was resolved.

Objection:

See General Objections and Specific Objections to Interrogatory No. 16.