

Philadelphia Gas Works



800 West Montgomery Avenue, Philadelphia, PA 19122  
Laureto A. Farinas, Senior Attorney  
Legal Department  
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January 9, 2013

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

**RE: Alexander Smith v. PGW, Docket No. F – 2012 – 2315538**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby files the original and three (3) copies of its Answer to the Complaint's motion in the above captioned matter.

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Laureto Farinas", is written over a large, stylized circular flourish or scribble.

Laureto Farinas

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SECRETARY'S BUREAU

cc: Service List  
Anne Marie Cromley  
Linda Pereira

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Alexander Smith**

v.

**Philadelphia Gas Works**

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**Docket No. F-2012-2315538**

**Philadelphia Gas Works Answer To Complainant's Motion for Sanctions for  
Failure to Respond to Complainant's Interrogatories and  
Requests for Production of Documents**

Pursuant to 52 Pa. Code §5.371(b), the Philadelphia Gas Works, ("PGW") hereby files its Answer To Complainant's Motion for Sanctions for Failure to Respond to Complainant's Interrogatories and Requests for Production of Documents. In support of its position, PGW avers the following:

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SECRETARY'S BUREAU**

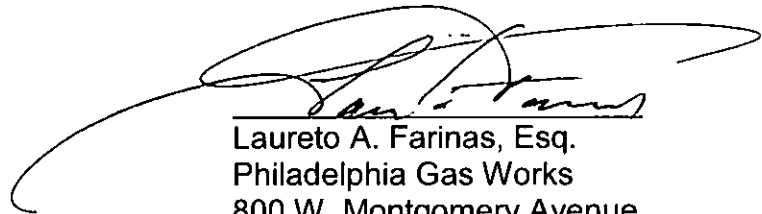
1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted. By way of further Answer, the Complainant's discovery requests were not received until Monday, December 10, 2012.
7. Admitted in part. PGW admits that the discovery requests were due within twenty (20) days. With receipt on December 10, 2012, the due date would have been Monday, December 31, 2012.
8. Admitted. By way of further answer, on January 7, 2013, PGW served by FedEx its responses to 21 out of 31 discovery requests, as shown on the cover letter, which is attached hereto as Exhibit "A." PGW has provided responses to those requests that are highlighted in the Complainant's motion
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted. By way of further answer, while the presiding officer has this authority, it should be used only when it is the appropriate remedy fitting the circumstances surrounding the provision of discovery and where there is real prejudice to the presentation of the Complainant's case.
13. Admitted. By way of further answer, while the presiding officer has this authority, it should be used only when it is the appropriate remedy fitting the circumstances surrounding the provision of discovery and where there is real prejudice to the presentation of the Complainant's case.
14. Denied. As explained in Exhibit "A" as the due date of the discovery requests fell during the holiday season, several of the people required for the provision of information were not available, hence PGW was delayed in the gathering of information.
15. Admitted.

16. Admitted. By way of further answer, with the provision of 21 of the 31 requests, and the forthcoming provision of the remainder of the responses to the discovery (estimated to be on or before January 14, 2013), the Complainant's ability to present its case will not be severely disadvantaged. PGW has provided responses to those requests highlighted in the Complainant's motion.

**Wherefore**, for the reasons stated herein, PGW respectfully apologizes for the delay in the provision of the discovery requests and requests that the Commission deny the Complainant's motion for sanctions and other relief in its motion.

Respectfully submitted,

January 9, 2013

A handwritten signature in black ink, appearing to read 'Laureto A. Farinas', is written over a horizontal line. The signature is stylized and includes a large, sweeping flourish that extends to the left and then curves back under the line.

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



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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**Laureto A. Fariñas, Senior Attorney**  
**Legal Department**  
Direct Dial: 215-684-6982  
FAX: 215-684-6798  
E-mail: [laureto.farinass@pgworks.com](mailto:laureto.farinass@pgworks.com)

January 7, 2012

Josie B. H. Pickens, Esq.  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102

**RE: Alexander Smith v. Philadelphia Gas Works, Docket No. F – 2012 – 2315538**

Dear Josie:

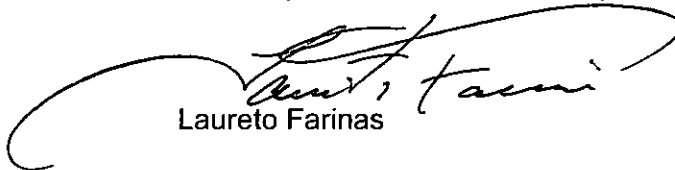
Please find enclosed PGW's Responses to Set I of Alexander Smith's Interrogatories and Requests for Production of Documents that are listed below. I expect to forward the remaining responses to you shortly. I apologize for the lateness of these responses as the due date fell over the Holiday week, December 24, 2012 through January 2, 2013. Several of the people required for the provision of information were not available.

Enclosed herewith are Responses for Set I:

Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 25, 27, 30 (partial).

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,



Laureto Fariñas

cc: Wendy Vacca  
Anne Marie Cromley  
Linda Pereira

EXHIBIT A

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SECRETARY'S BUREAU

**VERIFICATION**

I, Laureto Farinas, hereby declare that I am counsel for the Philadelphia Gas Works. I am authorized to make this verification on its behalf. The facts set forth in the foregoing Answer are true and correct to the best of my knowledge, information and belief. I expect to be able to prove these facts at a hearing held in this matter. This verification is made subject to the penalties of 18 Pa. C.S. §4904, concerning false statements to authorities.

January 9, 2013



Laureto Farinas

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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 PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 Pa. Code §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

Josephine B. Pickens, Esq.  
Community Legal Service, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102

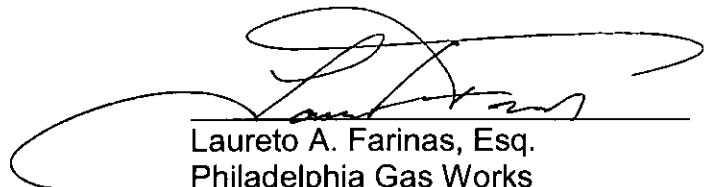
Mr. Alexander Smith  
3348 E. Street  
Philadelphia, PA 19134

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SECRETARY'S BUREAU

January 9, 2013



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

00082

00252

**FedEx** Express **NEW Package US Airbill**

FedEx Tracking Number

8996 7489 9448

SP41

Form ID No

0215

Recipient's Copy

RECIPIENT: PEEI HERE

1 From This portion can be removed for Recipient's records.

Date 1-9-12 FedEx Tracking Number 899674899448

Sender's Name Lauroto Furniture, Inc Phone 215 684-6982

Company PHILADELPHIA GAS WORKS

Address 800 W MONTGOMERY AVE

City PHILADELPHIA State PA ZIP 19122 3578

2 Your Internal Billing Reference

3 To Recipient's Name Rosemary Chivette, Sec Phone

Company PA PUC

Address 1100 12th Street Dept./Floor/Suite/Room

Address Commerce Health Keystone Bldg 2nd

City Harrisburg State PA ZIP 17120

HOLD Weekday  
FedEx location address  
REQUIRED. NOT available for  
FedEx First Overnight.

HOLD Saturday  
FedEx location address  
REQUIRED. Available ONLY for  
FedEx Priority Overnight and  
FedEx 2Day to select locations.

0449216286



8996 7489 9448

4 Express Package Service \*To most locations.  
NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs.  
For packages over 150 lbs., use the new  
FedEx Express Freight US Airbill.

Next Business Day

FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight  
Next business morning.\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight  
Next business afternoon.\*  
Saturday Delivery NOT available.

2 or 3 Business Days

NEW FedEx 2Day A.M.  
Second business morning.\*  
Saturday Delivery NOT available.

FedEx 2Day  
Second business afternoon.\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver  
Third business day.\*  
Saturday Delivery NOT available.

5 Packaging \*Declared value limit \$500.

FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required  
Package may be left without  
obtaining a signature for delivery.

Direct Signature  
Someone at recipient's address  
may sign for delivery. Fee applies.

Indirect Signature  
If no one is available at recipient's  
address, someone at a neighboring  
address may sign for delivery. For  
residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?

No  Yes  Yes  Dry Ice  Cargo Aircraft Only  
As per attached Shipper's Declaration. Shipper's Declaration not required. Dry Ice, IATA 1845

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.

Sender (Acct. No. in Section 1 will be billed)  Recipient  Third Party  Credit Card  Cash/Check

Total Packages Total Weight Credit Card Acct. No.

Total Packages Total Weight Credit Card Acct. No.

\*Our liability is limited to \$100 unless you declare a higher value. See the current FedEx Service Guide for details.



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