



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

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JAN 10 2013

Danielle Leva, Paralegal
Legal Department
Direct Dial: 215-684-6862
FAX: 215-684-6798
E-mail: danielle.leva@pgworks.com

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

January 10, 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 corrected of its Answer to The Complainant's Motion in the above captioned matter. PGW filed its original Answer January 9, 2012 but due to a computer glitch there was unneeded space between the first page and second page of the document. We apologize for this error.

If you would like to discuss this matter further, please contact me at my direct-dial number above. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Danielle Leva".

Danielle Leva

Enclosures

CC: Service List
Anne Marie Cromley
Linda Pereira

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Alexander Smith

v.

Philadelphia Gas Works

:
:
:
:
:

Docket No. F – 2012 – 2315538

**Philadelphia Gas Works Answer to Complainant's Motion for Sanctions for
Failure to Respond to Complainant's Interrogatories and Request 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 Request for Production of Documents. In support of its position, PGW avers the following:

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 part. PGW admits that the discovery requests were due within twenty (20) days. With receipt on December 10, 2012, the due date would be 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.

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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 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.

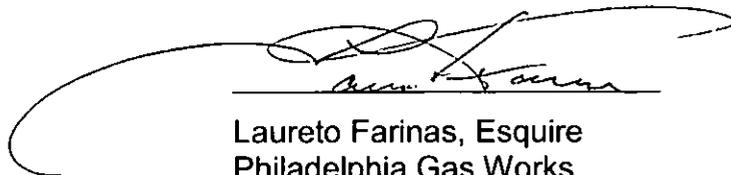
Respectfully submitted,

January 9, 2013

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

EXHIBIT A

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PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Laureto A. Farías, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laurto.farinas@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 Farías

cc: Wendy Vacca
Anne Marie Cromley
Linda Pereira

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, Esquire

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).

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

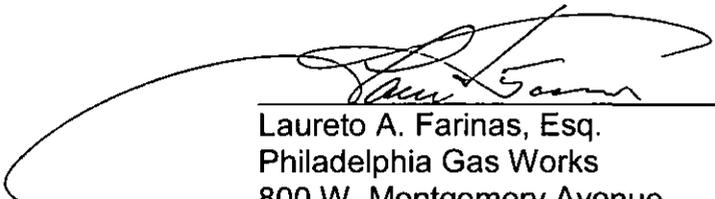
Mr. Alexander Smith
3348 E. Street
Philadelphia, PA 19134

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SECRETARY'S BUREAU

January 9, 2013



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

FedEx Tracking Number

8996 7489 9415

Form ID No: 0215

Recipient's Copy

RECIPIENT: PEEL HERE

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

Date 1-10-13 FedEx Tracking Number 899674899415

Sender's Name Laureto Farinas, Esq. Phone 215 684-6988

Company PHILADELPHIA GAS WORKS

Address 800 W MONTGOMERY AVE

City PHILADELPHIA State PA ZIP 19112

2 Your Internal Billing Reference

3 To

Recipient's Name Rosemary Chiovetta, Secretary Phone

Company Pennsylvania Public Utility Commission

Address 100 North Street We cannot deliver to P.O. boxes or P.O. ZIP codes

Address Commonwealth Keystone Building Use this line for the HOLD location address or for continuation of your shipping address

City Harrisburg State PA ZIP 17105

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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.

4 Express Package Service

NOTE: Service order has changed. Please select carefully.

Next Business Day

- Next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
FedEx First Overnight
FedEx Priority Overnight
FedEx Standard Overnight

2 or 3 Business Days

- Second business morning. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
NEW FedEx 2Day A.M. Saturday Delivery NOT available
FedEx 2Day
FedEx Express Saver

5 Packaging

- FedEx Envelope, FedEx Pak, FedEx Box, FedEx Tube, Other

6 Special Handling and Delivery Signature Options

- SATURDAY Delivery
No Signature Required
Direct Signature
Indirect Signature

Does this shipment contain dangerous goods?

- One box must be checked. Dry Ice, Cargo Aircraft Only

7 Payment Bill to:

- Sender/Account No. in Section 1 will be billed, Recipient, Third Party, Credit Card, Cash/Check

Total Packages Total Weight Credit Card Auth.

0449216286



8996 7489 9415

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

611

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