



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

---

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

July 24, 2013

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

**Re: Marshall Williams v. PGW, Docket No. F – 2013 – 2346577**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.342, the Philadelphia Gas Works ("PGW") hereby objects to the Complainant's requests for production of documents.

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

Sincerely,

  
Danielle Leva

Enclosure

cc: Mr. Marshall Williams  
Administrative Law Judge Eranda Vero  
Anne Marie Cromley (PGW Mail)  
Linda Pereira (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Marshall Williams**

v.

**Philadelphia Gas Works**

:  
:  
:  
:  
:

**Docket No. F-2013-2346577**

**Philadelphia Gas Works'  
Objections to Complainant's Request For Production of Documents**

Pursuant to 52 Pa. Code §5.342, the Philadelphia Gas Works ("PGW") hereby objects to the Complainant's requests for production of documents on the grounds that several of these are overbroad, and the date of service indicated on the Certificate of Service is inconsistent with the date of the Complainant's mailing and PGW receipt of the documents. A complete set of the Complainant's request for production of documents is attached hereto as Exhibit "A."

In support of this motion, PGW hereby avers the following:

1. On or about January 25, 2013, the Complainant filed a formal complaint with the Commission disputing the termination of gas service and charges for Unauthorized Usage at Complainant's residence, 5447 Wyndale Avenue, Philadelphia, Pa. (Service Address.
2. On February 6, 2013, the Commission served the Complaint upon PGW to which PGW filed a timely answer.
3. By notice dated May 22, 2013, the Commission scheduled a hearing in this matter for August 8, 2013 at 2:00 p.m. before Administrative Law Judge Eranda Vero at the Commission's Philadelphia Office.
4. On July 16, 2013, PGW received the Complainant's request for production of documents, the cover letter for which is dated July 15, 2013, but the accompanying Certificate of Service states that service was made on July 12, 2013. The requests instruct PGW to provide an answer "...under oath thirty (30) days after submission of these Document Requests."
5. PGW objects to the timing indicated on the Certificate of Service in that the cover letter indicates that they were mailed on July 15, 2013 and not on July 12, 2013. Further, PGW received these by regular mail on July 16, 2013. Consequently, pursuant

to 52 Pa. Code §5.342(e), PGW's deadline to object to this set of discovery is July 26, 2013 and not July 22, 2013 as one might conclude from the Certificate of Service.

6. PGW objects to the following requests for production of documents on the grounds they are overbroad and fail to identify with sufficient specificity the information sought. These are:

Request No. 5 – Produce all statements, memoranda, or writings (signed or unsigned) of any and all witnesses including any and all statements, memoranda, or writings of the complainant and/or PGW employees, agents and/or representatives that are related to the subject matter of this appeal.

Request No. 14 – Produce all policies, procedures, guidelines and papers relative to PUC and PGW's Responsible Utility Customer Protection duties.

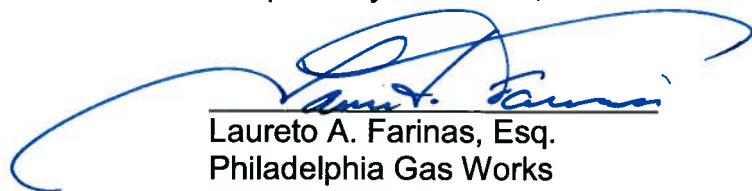
7. PGW objects to the following requests for production of documents on the grounds they are overbroad and seek information that is the private information of PGW Customers residing on the 5400 block of Wyndale Avenue in Philadelphia. This is:

Request No. 15 – Produce all records of requests to and/or from PGW to terminate, shut-off and reconnect and/or turn-on gas services in the 5400 Block of Wyndale Avenue, Philadelphia, PA 19131 from November 15, 2012 and December 31, 2012.

**WHEREFORE**, PGW respectfully requests that its objections to these discovery requests be sustained and that PGW is not obligated to produce responses to them.

Respectfully submitted,

July 24, 2013



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

# EXHIBIT A

5447 Wyndale Avenue  
Philadelphia, PA 19131  
July 15, 2013

Laureto Farinas, Esquire  
Philadelphia Gas Works  
Legal Department  
800 West Montgomery Avenue  
Philadelphia, PA 19122  
FAXED: 215-684-6798/6934

Subj: Appellant's Document Requests  
BCS: 3052808; F-2013-2346577

---

---

Dear Mr. Farinas:

Enclosed please find the subject document request consisting of eight (8) pages.  
Thank you for your understanding in this matter.

Sincerely,



Marshall L. Williams

215-681-4999

MLW:sms  
Enclosure (8 pages)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Marshall L. Williams</b>	:	
	:	
<b>V.</b>	:	<b>BCS No. 3052808</b>
	:	<b>F-2013-2346577</b>
	:	
<b>Philadelphia Gas Works</b>	:	

**APPELLANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

You are hereby notified to respond to these document requests within thirty (30) days of service hereof. These requests are continuing. Therefore, you are notified to file supplemental answers promptly upon receipt of information by you or anyone on your behalf that any are inaccurate, incomplete or based on additional information developed in accordance with the Pennsylvania Public Utility Commission Rules, Regulations, the Pennsylvania Administrative Procedural Act, *Federal Rules of Civil Procedure*.

**I. DEFINITIONS.**

As used in these requests, the following words shall have the meanings ascribed to them below:

1. The words " PGW" "your " "you" or "Respondent" shall mean PGW ., as well as its agents, employees, representative, attorneys, accountants, consultants, independent contractors, and any other individuals or entities associated or affiliated with it or purporting to act on its behalf.
2. The word "Appellant" refers to Marshall L. Williams and any other individuals or entities associated or affiliated with him or purporting to act on her behalf at the time of his receipt of gas services.

3. Document" refers to any writings, drawings, graphs, charts, photographs, phono records, audio-recording, tape recordings, mechanically or electronically recorded or stored material, or transcripts thereof, or any other recorded data of any kind (including, but not limited to, data compilations to which information could be obtained or translated, if necessary, into reasonably usable and understandable form), and all copies of each document by whatever means made.

4. The word "document" as used herein shall be understood to mean all written text, graphic, or otherwise recorded matter, however produced or reproduced, that was or is in the actual or constructive possession, custody, care or control of PGW., its agents and attorneys, or any of them, including but not limited to, originals and all copies of correspondence, tapes, videotapes, disks, notes, photographs, sound recordings, memoranda of all types, reports, emails, copies of tax returns and records, receipts, bills, invoices, purchase orders, charge slips, hotel charges, working papers, computer printouts, charts, statistical records, delivery records, stenographers' notebooks, desk calendars, appointment books, diaries, time sheets and logs, job, matter and transaction files.

5. The term "person" shall mean an individual, corporation, proprietorship, partnership, sole partnership, union, federation, association and any other kind of entity.

6. The singular of any word used herein shall be deemed to include the plural of such word and the plural shall include the singular, and words in the masculine, feminine or neuter shall include each of the other genders.

7. The conjunctions "and" and "or" shall be interpreted to mean "and/or," and shall not be interpreted to exclude any information otherwise within the scope of the request for documents.

8. The word "communication" shall mean any verbal or written transmission of information between persons, including but not limited to documents, meetings, discussions, conversations, telephone calls, memoranda, letters, telcopiers, telefaxes, telexes, e-mails.

conferences or seminars.

9. "Identify" or "identification" shall mean, when used in reference to any document to:

a. state the type of document (e.g., letter, memorandum, telegram, etc.), its date and its title (if any);  
b. describe its general subject matter and contents;  
c. identify its present location;  
d. identify its author or originator and its present custodian;  
e. if the document is not in your possession, identify its last known custodian, describe the circumstances under which it passed from your control to that person, and identify each person having knowledge of such circumstances and/or the present location of the document.

10. "Identify" or "identification" shall mean when referring to a natural person or entity, to provide the following information:  
a. his/her/its full name;  
b. his/her/its present or last known address;  
c. the last date when such address was known or believed to be correct;  
d. his/her/its present or last known employer and the employer's address.

11. The term "incident" also means each activity, circumstance, action, omission and each document pertaining thereto which involved complainant known by PGW, to have existed or which presently exists while in the possession, custody or control of each PGW, its agents or representatives including counsel.

12. The term "location" also means each place and address at which the possession, custody or control of each PGW, its agents or representatives, including counsel, and each document concerning the property known by PGW, to have existed or which presently exists including but not limited to 800 West Montgomery Avenue, Philadelphia, PA, 53<sup>rd</sup> and Chestnut Streets, Philadelphia, PA and 11<sup>th</sup> and Chestnut Streets, Philadelphia, PA

## II. INSTRUCTIONS.

In answering these document requests, PGW shall furnish all information

available at the time of answering, including information in the possession of its agents and representative (including attorneys, if any) and shall promptly supplement its answers if responsive information is located subsequent to the original answer. At the time of trial, counsel for appellant will object to the use of any evidence relating to the facts, contentions, or documents or other tangible things sought in these document requests not disclosed in answers to or supplemental answers to these document requests received sufficiently in advance of trial to enable complainant to prepare herself for response thereto.

Each document requests is to be answered separately and as completely as possible. Where-ever PGW, is requested to identify a series of persons, documents or oral communications or things and to provide for each item certain information relating thereto, please arrange your answers so as to list the information requested for each item with that particular item, so that the answer designates the item to which the answer relates.

1. Each Document Request is to be answered in writing and under oath thirty (30) days after submission of these Document Requests.
2. In each instance where a Document Request is answered on information and belief, it is requested that you set forth the basis for such information and belief.
3. In each instance where you deny knowledge or information sufficient to answer the Document Requests, it is requested that you set forth the name and address of each person, if any, who is known to you to have such knowledge.
4. In each instance where you aver insufficient knowledge or information as a ground for providing only a portion of the information requested by any Document Request, it is requested that you set forth the description of the efforts made to locate information needed for such answers.
5. If any of the following document requests involve information or documents

which you contend is confidential, secret, or proprietary, you should advise all parties of the confidential nature of such information and request a stipulation as to the entry of an appropriate protective order preserving such confidentiality.

6. These document requests are continuing in nature and PGW, is required to provide such additional information as PGW, attorneys for PGW, or anyone acting on behalf of or in concert with PGW, may have or may obtain between the time the answers are served and final judicial determination of this action.

7. You shall supplement your answers whenever necessary in accordance with The Pennsylvania Code 5.321, Pennsylvania Rules of Civil Procedure, 4000, et seq., and the Pennsylvania Public Utilities Commissions Rules and Regulations.

8. These Document Requests shall be deemed to be continuing in nature so as to require seasonal, supplemental answers if further information is obtained subsequent to the filing of these answers. In the event that PGW objected to any of the following Interrogatories on the basis of privilege, the following information should be provided regarding each such objection: (a) the nature of the objection; (b) a brief statement of the facts constituting the basis for the objection; and (c) a brief description of any document or conversation withheld including (i) the date on which it originated or occurred, (ii) the identity of its author, preparer, or participants, (iii) the identity of each recipient, (iv) a general description of its subject matter, and (v) the identity of all persons having personal knowledge of its contents.

9. If any Document Request cannot be responded to in full, after exercising due diligence to secure the documents to do so, please so state and respond to the Document Request to the extent possible, specifying any inability to respond to the remainder of any such Document Request and stating whatever information, documents or knowledge presently is available concerning the portion of said Document Request to which PGW could not respond.

## **II. DOCUMENT REQUESTS.**

1. Produce all documents, reports, exhibits, communication, letter, or statements

identified, used or consulted, referred to or referenced in response to any investigation or inquiry concerning any appellant's complaint(s) to the Pennsylvania Public Utility Commission between December 31, 2008 to May 1, 2013.

2. Produce all documents, reports, exhibits, letters or statements identified, used or consulted, referred to or referenced in response to appellant's complaint(s) to PGW from January 1, 2009 to May 1, 2013.

3. Produce all documents containing the names and home and business addresses of all individuals contacted by PGW, its counsel, employees, agents or representatives regarding the gas service at 5447 Wyndale Avenue, Philadelphia, PA who could be potential witnesses at the hearing.

4. Produce the entire claims, agreement, complaint and investigation file or files of PGW, its counsel, employees, agents and other organizations excluding work product and privileged communications that are related to the above captioned complaint and appeal.

5. Produce all statements, memoranda, or writings (signed or unsigned) of any and all witnesses including any and all statements, memoranda, or writings of the complainant and/or PGW's employees, agents and/or representatives that are related to the subject matter of this appeal.

6. Produce PGW's entire gas service, contract and/or agreement file (s) on or for 5447 Wyndale Avenue, Philadelphia, PA.

7. Produce all documents, papers and exhibits that PGW expects to introduce at the time of hearing.

8. Produce all documents which reflect, refer to or discuss criteria used for terminating gas services from January 1, 2012 and May 1, 2013 at PGW.

9. Produce any documents in whatever form sent or given to the Pennsylvania Public Utility Commission at any time relative to any of appellant's agreements, complaints and/or accounts.

10. Produce all documents which reflect, refer to, or discuss the allegations of the PGW's answer and defenses and set forth with particularity all facts and circumstances upon which it bases each and every one of the separate answer and defense, stating each one separately.

11. Produce all documents that reflect, refer to, or discuss the duties and responsibilities of a PGW customer between January 1, 2012 and May 1, 2013.

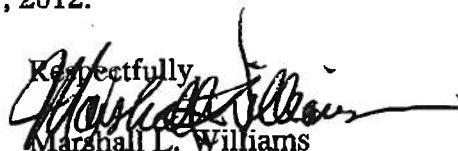
12. Produce any records of PGW 's conversation(s) with the appellant or any other Individual(s) or entity (ies) relative to the gas service at 5447 Wyndale Avenue, Philadelphia, PA 19131.

13. Produce any records of PGW, 's conversation(s) with any individual, Representative, agent who was not PGW's employee, agent or representative relative to the gas service at 5447 Wyndale Avenue, Philadelphia, PA 19131.

14. Produce all policies, procedures, guidelines and papers relative to PUC and PGW's Responsible Utility Customer Protection duties.

15. Produce all records of requests to and/or from PGW to terminate, shut-off and reconnect and/or turn-on gas services in the 5400 Block of Wyndale Avenue, Philadelphia, PA 19131 from November 15, 2012 and December 31, 2012.

Respectfully,



Marshall L. Williams

215-681-4999

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


**Marshall L. Williams**                   :  
                                                  :  
                                                  :  
                                                  :  
                                                  :  
                                                  :  
                                                  :  
                                                  :  
**V.**                                           :  
                                                  :  
                                                  :  
                                                  :  
                                                  :  
                                                  :  
**Philadelphia Gas Works**           :

**BCS No. 3052808  
F-2013-2346577**

**CERTIFICATE OF SERVICE**

I, Marshall L. Williams, Esquire, hereby certifies that a true and correct copy of the appellant's request for production of documents was served by first class mail by and by fax, 215-684-6982, on July 12, 2013 upon:

Laureto Farinas, Esquire  
Philadelphia Gas Works  
Legal Department  
800 West Montgomery Avenue  
Philadelphia, PA 19122

Respectfully,  
  
Marshall L. Williams  
5447 Wyndale Avenue  
Philadelphia, PA 19131  
215-681-4999

**VERIFICATION**

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

Date: July 24, 2013

  
\_\_\_\_\_  
Laureto Farinas

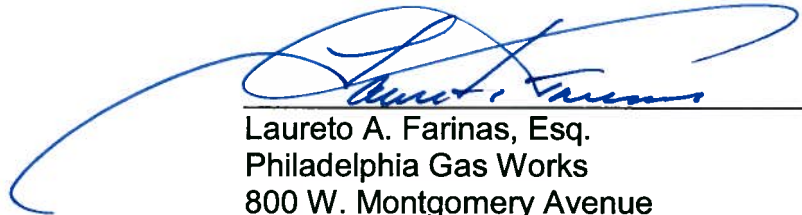
CERTIFICATE OF SERVICE

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 § 1.54 (RELATING TO SERVICE BY A PARTICIPANT).

**Service List**

Mr. Marshall Williams  
5447 Wyndale Avenue  
Philadelphia, PA 19131

July 24, 2013



---

Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
215-684-6982