



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

September 6, 2013

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

Re: SBG Management Services, Inc. v. PGW, Docket No. C-2012-2304167, C-2012-2304183, C-2012-2304215, C-2012-2304303, C-2012-2304324, C-2012-2308454, C-2012-2308462, C-2012-2308465, C-2012-2304253

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.421, the Philadelphia Gas Works ("PGW") files its Objections to the SBG Management Services, Inc. ("SBG") Application for a subpoena.

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

Sincerely,


Danielle Leva

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SECRETARY'S BUREAU

Enclosure

cc: Administrative Law Judge Eranda Vero
SBG Management Services, Inc. (Regular Mail)
Francine Thornton-Boone, Esq. (Email)
Anne Marie Cromley (PGW Mail)
Linda Pereira (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---|---|---------------------------|
| SBG Mgt. Services, Inc. (Elrae), | : | |
| v. | : | Docket No. C-2012-2304167 |
| Philadelphia Gas Works | : | |
| SBG Mgt. Services, Inc., | : | |
| v. | : | Docket No. C-2012-2304183 |
| Philadelphia Gas Works | : | |
| SBG Mgt. Services, Inc., | : | |
| v. | : | Docket No. C-2012-2304215 |
| Philadelphia Gas Works | : | |
| SBG Mgt. Services, Inc., | : | |
| v. | : | Docket No. C-2012-2304303 |
| Philadelphia Gas Works | : | |
| SBG Mgt. Services, Inc., | : | |
| v. | : | Docket No. C-2012-2304324 |
| Philadelphia Gas Works | : | |
| SBG Mgt. Services, Inc., | : | |
| v. | : | Docket No. C-2012-2308454 |
| Philadelphia Gas Works | : | |
| SBG Mgt. Services, Inc., | : | |
| v. | : | Docket No. C-2012-2308462 |
| Philadelphia Gas Works | : | |
| SBG Mgt. Services, Inc., | : | |
| v. | : | Docket No. C-2012-2308465 |
| Philadelphia Gas Works | : | |
| SBG Mgt. Services, Inc., (Colonial Garden Realty) | : | |
| v. | : | Docket No. C-2012-2334253 |
| Philadelphia Gas Works | : | |

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**Philadelphia Gas Works' Objections to
Application of Subpoena of SBG Management Services, Inc.**

Pursuant to 52 Pa. Code §5.421, the Philadelphia Gas Works ("PGW") files its Objections to the SBG Management Services, Inc. ("SBG") Application for a subpoena ordering a "Pred Jones", a PGW employee to appear at hearings to be held on September 11 and 12, 2013 at the Commission's Philadelphia Office at 10:00 a.m. In support of its objections, PGW hereby avers the following:

1. On August 27, 2013, SBG served upon PGW, the above mentioned subpoena, intending to order Mr. Phred Jones , a PGW employee to appear at hearings to be held on September 11 and 12, 2013 at the Commission's Philadelphia Office at 10:00 a.m. under the above referenced nine docketed matters.

2. At Paragraph 2, the subpoena states:

And bring with you and produce the following: Any and all documents related to the investigation and response of PGW to SBG's requests for information on PGW's bills for SBG related properties, including but not limited to the calculation and imposition of all rates, charges, fees, interest, late penalty charges and tariffs and of the application of any and all payments by the SBG related parties in connection with gas usage for the properties that are the subject of the attached complaints. Also produce information on those individuals who have knowledge and information on the training, evaluation, and supervision of those PGW employees whose job functions or responsibilities include billing customers, responding to and investigating customer billing questions and disputes, and with creating, implementing and evaluating the effectiveness and impact of any policies and procedures regarding the same.

3. The subpoena application document served upon PGW for the subpoena of Mr. Jones fails to conform with the prescribed form and content of the application for a subpoena under the Commission's Rules of Administrative Practice and Procedure at 52 Pa. Code §§5.421(b) and (c). The document served does not constitute an application for a subpoena as the document fails to list the facts to be proved by the requested information in sufficient detail to indicate the necessity of the appearance of the person and the necessity of the information requested. The document fails to specify the general relevance, materiality and scope of the testimony and information. Further, the document failed to contain a notice that a response or objection to the

application document shall be filed with the Commission and presiding officer within 10 days of service of the application document.

4. Previous conversations with SBG counsel involved the need for Mr. Jones to provide testimony of his personal knowledge about PGW's activity with respect to an account for a service address located on Kreshiem Road in Philadelphia. That service address is not amount the service addresses that are the subject of the above captioned matters. At the hearings held during the week of August 26, 2013, the presiding officer instructed counsel for SBG that if she desired to call this witness concerning a matter that is not among the service addresses of these several consolidated proceedings, SBG should file another complaint.

5. Further, Mr. Jones works under the supervision of Mr. Ralph T. Savage. Any information of a general nature concerning the functioning of Mr. Savage's department, may be asked of Mr. Savage at a hearing of this matter.

6. As hearings have already been held in most of the above referenced docketed matters, SBG has completed its case in chief in the consolidated matters docketed at C-2012-2304215 (Fairmount Manor), C-2012-2304167 (Elrae Garden) and C-2012-2304303 (Marshall Square). The parties will discuss further hearing dates for the presentation of PGW's case in chief for these matters. Thus, the subpoena of Mr. Jones in these consolidated matters is not in order.

7. According to the order of witnesses described by SBG counsel at the hearing ending August 30, 2013, all SBG witnesses, save Ms. K. Treadwell, have completed their testimony in the consolidated matters docketed at C-2012-2304183, C-2012-2334253 (Colonial Garden) and C-2012-2304324 (Simon Garden). The parties will discuss further hearing dates for the completion of Ms. Treadwell's direct testimony, cross examination and the presentation of PGW's case in chief for these matters. Thus, the subpoena of Mr. Jones in these consolidated matters is not in order.

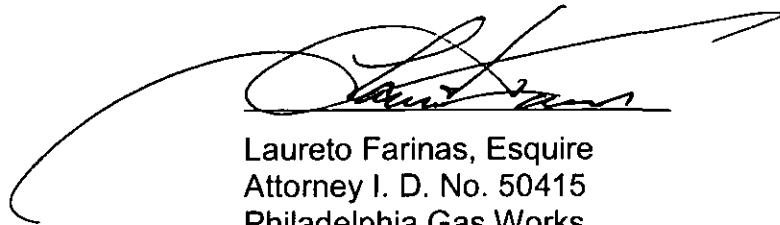
8. According to the presiding officer's directive concerning the matters docketed at C-2012-2308465 (Fern Rock), C-2012-2308462 (Oak Lane) and C-2012-2308462 (Marchwood) the parties will be scheduled to file pre-filed direct and rebuttal testimony with hearings for cross examination to follow. The subpoena of Mr. Jones is not in order.

9. On the face of the subpoena document, Mr. Jones is ordered to appear for a hearing on September 11 and 12, 2013. These hearing dates have been cancelled. The subpoena document is of no value as it fails in its primary purpose to inform the person who is the subject of the subpoena to appear at a hearing on a date certain.

Wherefore, PGW respectfully requests that this Commission deny the Complaint's application document for the subpoena of Pred Jones for the above stated reasons.

Respectfully submitted,

September 6, 2013

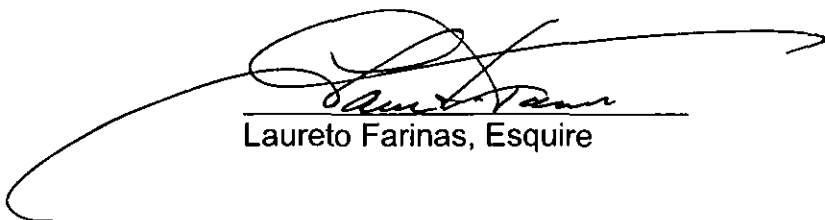
A handwritten signature in black ink, appearing to read 'Laureto Farinas', is written over a horizontal line. A long, sweeping flourish extends from the left side of the signature across the page.

Laureto Farinas, Esquire
Attorney I. D. No. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

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.

September 6, 2013



Laureto Farinas, Esquire

CERTIFICATE OF SERVICE

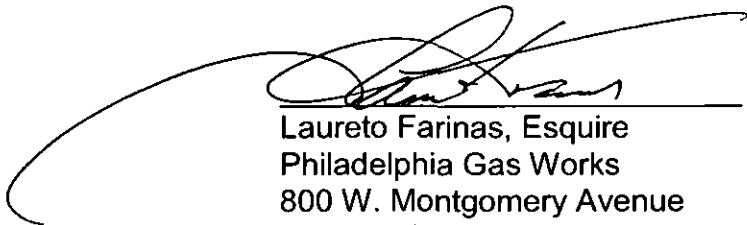
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

For Complainant:

Mr. Phil Pulley
SBG Management Services, Inc.
P.O. Box 549
Abington, PA 19001

Francine Thornton-Boone, Esq.
SBG Management Services, Inc.
P.O. Box 549
Abington, PA 19001

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