

# **SBG Management Services, Inc.**

P.O. Box 549 Abington, PA 19001

Phone 215.938.6665

Fax 215.938.7613

September 13, 2013

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

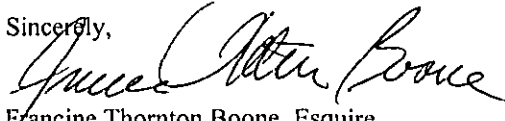
**RE: SBG Management Services, Inc. (and related entities) v. PGW, Docket Nos. C-2012-2304167; C-2012-2304183; C-2012-2304215; C-2012-2304303; C-2012-2304324; C-2012-2308454; C-2012-2308462; C-2012-2308465; and C-2012-2334253**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code Section 5.421, SBG Management Services, Inc. ("SBG"), the Complainant in the above-referenced matters, files its Answer to the Objections of Philadelphia Gas Works ("PGW") to the SBG Management Services Application for a Subpoena.

If you have questions or require additional information, please do not hesitate to contact me at 215-260-4562 or as described in the contact information, below. Your assistance in this matter is appreciated.

Sincerely,

  
Francine Thornton Boone, Esquire  
General Counsel, SBG Management Services, Inc.  
P.O. Box 549, Abington, PA 19001  
c: 215-260-4562  
e: [fboone@sbgmanagement.com](mailto:fboone@sbgmanagement.com) or [Booneft@aol.com](mailto:Booneft@aol.com)

RECEIVED

SEP 13 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Enclosure

cc: ALJ Eranda Vero (by email and regular mail)  
Philadelphia Gas Works by service on its attorney, Laureto Farinas, Esquire (by email and regular mail)  
Laureto Farinas, Esquire (by email) (For PGW, Randy Hollman, Ralph T. Savage, and Phred Jones)  
John Dunn, III (J. Dunn, III, subpoena, only)



Equal Housing Opportunity  
Equal Opportunity Employer

"SBG Management and the owner of the property in question does not discriminate on the basis of handicap status in the admission to, or treatment of employment in its federally assisted programs and activities."

RECEIVED

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC  
UTILITY COMMISSION

SEP 13 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

In the (Consolidated) Matters of:

Docket No. C-2012-2304167--SBG Management Services, Inc. (Elrae) v. Philadelphia Gas Works

Docket No. C-2012-2304183--SBG Management Services, Inc. v. Philadelphia Gas Works

Docket No. C-2012-2304215--SBG Management Services, Inc. v. Philadelphia Gas Works

Docket No. C-2012-2304303--SBG Management Services, Inc. (v. Philadelphia Gas Works

Docket No. C-2012-2304324--SBG Management Services, Inc. v. Philadelphia Gas Works

Docket No. C-2012-2308454--SBG Management Services, Inc. v. Philadelphia Gas Works

Docket No. C-2012-2308462--SBG Management Services, Inc. v. Philadelphia Gas Works

Docket No. C-2012-2308465--SBG Management Services, Inc. v. Philadelphia Gas Works

Docket No. C-2012-2334253--SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works

**ANSWER OF COMPLAINANT, SBG MANAGEMENT SERVICES, INC., TO THE OBJECTIONS OF RESPONDENT, PHILADELPHIA GAS WORKS TO THE APPLICATION FOR SUBPOENA OF SBG MANAGEMENT SERVICES, INC.**

Pursuant to the 52 Pa. Code Section 5.421, SBG Management Services, Inc. ("SBG") files its Answer to the Philadelphia Gas Works ("PGW") Objections to SBG's Application for a subpoena (the "Subpoena") ordering John Dunn, III, ("Dunn"), a former PGW employee to appear at hearings previously scheduled for September 11 and 12, 2013, at the Philadelphia Office of the Pennsylvania Public Utility Commission ("Commission") at 10:00 a.m. In support of its Answer, SBG hereby avers the following:

- 1-2. Admitted.
3. Admitted in part, denied in part. It is admitted that the Subpoena did not contain a 10-day notice to file an Objection. The remainder of the allegations set forth in Paragraph 3 of PGW's objections are denied. Further, Respondent's objections are moot as

ALJ Eranda Vero issued a September 11, 2013 Order cancelling the September 11-12, 2013 hearings, which were not held and so the subpoenaed evidence and testimony could not be presented. (See Exhibit "A")

4-5. Denied. The allegations contained in Paragraphs 4-5 of the Respondent's Objections are denied as Complainant merely provided a courtesy copy of the Subpoena to PGW and personally served Dunn on August 27, 2013. Further, Respondent's objections are moot as ALJ Eranda Vero issued a 9/13/2013 Order cancelling the September 11-12, 2013 hearings, which were not held and so the subpoenaed evidence and testimony could not be presented. (See Exhibit "A")

6. Admitted in part; denied in part. It is admitted that the parties will discuss further hearing dates. The remainder of the allegations in Paragraph 6 of Respondent's Objections are denied. Further, Respondent's objections are moot as ALJ Eranda Vero issued a 9/11/2013 Order cancelling the September 11-12, 2013 hearings, which were not held and so the subpoenaed evidence and testimony could not be presented. (See Exhibit "A")

7. Admitted in part, denied in part. It is admitted that the parties discussed further hearings on the Colonial Garden and Simon matters. The remainder of the allegations in Paragraph 7 of Respondent's Objections are denied. Further, Respondent's objections are moot as ALJ Eranda Vero issued a 9/11/2013 Order cancelling the September 11-12, 2013 hearings, which were not held and so the subpoenaed evidence and testimony could not be presented. (See Exhibit "A")

8. Admitted in part; denied in part. It is admitted that the presiding officer issued certain directives regarding pre-filed direct and rebuttal testimony. The remainder of the allegations in Paragraph 8 of Respondent's Objections are denied. Further, Respondent's objections are moot as ALJ Eranda Vero issued a 9/11/2013 Order cancelling the September 11-12, 2013 hearings, which were not held and so the subpoenaed evidence and

testimony could not be presented. (See Exhibit "A")

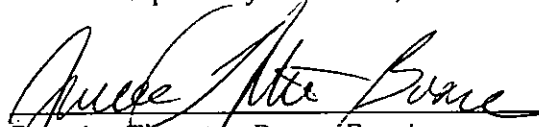
9. Admitted in part; denied in part. The allegations set forth in Paragraph 9 of the Respondent's Objections are admitted, but only to the extent that the presiding officer allowed Dunn to testify on matters in a general manner as they related to the common issue of the statute of limitations in all the Complaints. The remainder of the allegations in Paragraph 9 of Respondent's Objections are denied. Further, Respondent's objections are moot as ALJ Eranda Vero issued a 9/11/2013 Order cancelling the September 11-12, 2013 hearings, which were not held and so the subpoenaed evidence and testimony could not be presented. (See Exhibit "A")

10. Admitted in part; denied in part. It is admitted that the hearing dates of September 11 and 12, 2013 were cancelled. The remainder of the allegations in Paragraph 10 of Respondent's Objections are denied. Further, Respondent's objections are moot as ALJ Eranda Vero issued a 9/11/2013 Order cancelling the September 11-12, 2013 hearings, which were not held and so the subpoenaed evidence and testimony could not be presented. (See Exhibit "A")

**Wherefore**, SBG respectfully requests that this Commission withdraw the subpoena and deny the Respondent PGW's objections to SBG's application for the subpoena of John Dunn, III, as moot since September 11 and 12, 2013 hearings were cancelled and not held, pursuant to the September 11, 2013 Order of ALJ Eranda Vero.

Respectfully submitted,

September 13, 2013

  
Francine Thornton Boone, Esquire  
Attorney I.D. No. 45118  
Attorney for SBG Management Services, Inc.  
702 N. Marshall Street  
Philadelphia, PA 19123  
(215) 260-4562



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
September 11, 2013

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-2012-2308454  
C-2012-2308462  
C-2012-2308465

(SEE ATTACHED LIST)

C-2012-2308454 SBG Management Services Inc. v. Philadelphia Gas Works

C-2012-2308462 SBG Management Services Inc. v. Philadelphia Gas Works

C-2012-2308465 SBG Management Services Inc. v. Philadelphia Gas Works

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial and Further Hearing  
Date: Wednesday, September 11, 2013  
Thursday, September 12, 2013  
Time: 10:00 a.m.  
Presiding: Administrative Law Judge Eranda Vero

Please mark your records accordingly.

RECEIVED  
SEP 13 2013  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

C-2012-2308454 SBG Management Services Inc. v. Philadelphia Gas Works

C-2012-2308462 SBG Management Services Inc. v. Philadelphia Gas Works

C-2012-2308465 SBG Management Services Inc. v. Philadelphia Gas Works

SCOTT DEBROFF ESQUIRE  
RHOADS & SINON LLP  
ONE SOUTH MARKET SQUARE TWELTH FLOOR  
PO BOX 1146  
HARRISBURG PA 17101  
717-237-6716  
*E-Served*

LAURETO FARINAS ESQUIRE  
PHILADELPHIA GAS WORKS  
4TH FLOOR  
800 W MONTGOMERY AVENUE  
PHILADELPHIA PA 19122  
215.684.6982  
*E-Served*

FRANCINE THORNTON BOONE ESQUIRE  
SBG MANAGEMENT SERVICES INC  
PO BOX 549  
ABINGTON PA 19001  
215-260-4562  
*E-Served*

ALICIA R DUKE ESQUIRE  
RHOADS AND SINON LLP  
ONE SOUTH MARKET SQ  
HARRISBURG PA 17108  
717-237-6798  
*E-Served*

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:

Docket No. C-2012-2304167--SBG Management Services, Inc. (Elrae) v. Philadelphia Gas Works  
Docket No. C-2012-2304183--SBG Management Services, Inc. v. Philadelphia Gas Works  
Docket No. C-2012-2304215--SBG Management Services, Inc. v. Philadelphia Gas Works  
Docket No. C-2012-2304303--SBG Management Services, Inc. (v. Philadelphia Gas Works  
Docket No. C-2012-2304324--SBG Management Services, Inc. v. Philadelphia Gas Works  
Docket No. C-2012-2308454--SBG Management Services, Inc. v. Philadelphia Gas Works  
Docket No. C-2012-2308462--SBG Management Services, Inc. v. Philadelphia Gas Works  
Docket No. C-2012-2334253--SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v.  
Philadelphia Gas Works

**CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2013, I have served the foregoing Answer upon Philadelphia Gas Works, by service upon Mr. John Dunn, and upon Philadelphia Gas Works and its counsel, by service on Laureto Farinas, Esq., as also set forth below, in accordance with the requirements of Section 1.54 (relating to service by a party) and 52 Pa. Code Section 5.421:


For Respondent,  
Philadelphia Gas Works and  
Laureto Farinas, Esq.:

Philadelphia Gas Works and Laureto Farinas, Esquire,  
Laureto Farinas, Esq., Senior Attorney, Philadelphia Gas Works  
800 W. Montgomery Avenue, 4<sup>th</sup> Floor, Philadelphia, PA 19122  
By: U.S. First Class Mail and  
Email: [Laureto.Farinas@pgworks.com](mailto:Laureto.Farinas@pgworks.com)

For John Dunn, III:

Mr. John Dunn, III,  
5635 Wisteria Avenue, Pennsauken, New Jersey, 08109-1243.  
By: Certified Mail, Return Receipt Requested

Date: September 13, 2013

BY:   
FRANCINE THORNTON BOONE, ESQUIRE  
P.O. BOX 549  
ABINGTON, PA 19001  
Phone: 215-260-4562; Office: 215-938-6665;  
Fax: 215-938-7613  
E-Mail Address: [Booneft@aol.com](mailto:Booneft@aol.com)  
Pennsylvania Attorney I.D. No.—45118

RECEIVED

SEP 13 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ATTORNEY FOR COMPLAINANTS AND  
SBG MANAGEMENT SERVICES, INC.

