

SBG Management Services, Inc.

P.O. Box 549 Abington, PA 19001
Phone 215.938.6665 Fax 215.938.7613

December 3, 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:

On behalf of the Complainants and Philadelphia Gas Works ("PGW") in the above-referenced matters, enclosed for filing is the original Motion to Amend the November 14, 2013 Order of the Commission. Copies to be served in accordance with the attached Certificate of Service.

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
Attorney for Complainants
General Counsel, SBG Management Services, Inc.
P.O. Box 549, Abington, PA 19001
c: 215-260-4562
e: fboone@sbgmanagement.com or Booneft@aol.com

Enclosure

cc: ALJ Eranda Vero (by email and/or regular mail)
Laureto Farinas, Esquire, Philadelphia Gas Works (by email and/or regular mail)
Phil Pulley, SBG Management Services, Inc. (by email)
Kathy Treadwell, SBG Management Services, Inc. (by email)

Francine Thornton Boone, Esquire
SBG Property Management Services, Inc.
702 N. Marshall Street
Philadelphia, PA 19123
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fax: (215) 938 - 7613
email: Booneft@aol.com
Attorney I.D. No. 45118

Attorney for Complainants

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SBG MANAGEMENT SERVICES, INC./ COLONIAL GARDEN REALTY, LP <i>Complainant</i>	: DOCKET NO. C-2012-2304183
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ FAIRMOUNT REALTY <i>Complainant</i>	: DOCKET NO. C-2012-2304215
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ SIMON GARDENS REALTY, LP <i>Complainant</i>	: DOCKET NO. C-2012-2304324
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ ELRAE GARDEN REALTY, LP <i>Complainant</i>	: DOCKET NO. C-2012-2304167
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ MARSHALL SQUARE REALTY, LP <i>Complainant</i>	: DOCKET NO. C-2012-2304303
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ MARCHWOOD REALTY <i>Complainant</i>	: DOCKET NO. C-2012-2308454
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./	:

OAK LANE REALTY CO., LP
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

SBG MANAGEMENT SERVICES, INC./
FERN ROCK REALTY
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

SBG MANAGEMENT SERVICES, INC./
COLONIAL GARDEN REALTY, LP
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2308462

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: DOCKET NO. C-2012-2308465

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: DOCKET NO. C-2012-2334253

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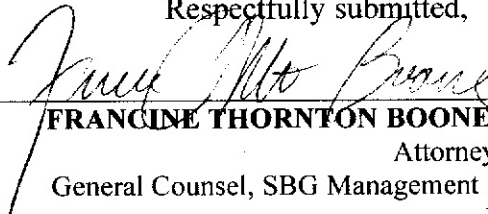
---NOTICE TO PLEAD---

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, COMPLAINANTS,
AND RESPONDENT:

Pursuant to 52 Pa. Code Section 5.103, you are hereby notified to file a written response to the enclosed Motion To Amend the Pennsylvania Utility Commission's November 14, 2013 Order, of the above-captioned matters, within twenty (20) days from service hereof or you may be deemed to be in default and relevant facts stated in these pleadings may be deemed admitted and a judgment may be entered against you. The Motion to Amend is being jointly filed by Complainants and Respondent and served upon the parties by Complainants' Counsel.

Date: December 3, 2013

Respectfully submitted,



FRANCINE THORNTON BOONE, ESQUIRE

Attorney I.D. #45118

General Counsel, SBG Management Services, Inc.

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Attorney I.D. No. 45118

Attorney for Complainants

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SBG MANAGEMENT SERVICES, INC./ COLONIAL GARDEN REALTY, LP <i>Complainant</i>	:	DOCKET NO. C-2012-2304183
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ FAIRMOUNT REALTY <i>Complainant</i>	:	DOCKET NO. C-2012-2304215
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ SIMON GARDENS REALTY, LP <i>Complainant</i>	:	DOCKET NO. C-2012-2304324
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ ELRAE GARDEN REALTY, LP <i>Complainant</i>	:	DOCKET NO. C-2012-2304167
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ MARSHALL SQUARE REALTY, LP <i>Complainant</i>	:	DOCKET NO. C-2012-2304303
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ MARCHWOOD REALTY <i>Complainant</i>	:	DOCKET NO. C-2012-2308454
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./	:	

OAK LANE REALTY CO., LP <i>Complainant</i>	: DOCKET NO. C-2012-2308462
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ FERN ROCK REALTY <i>Complainant</i>	: DOCKET NO. C-2012-2308465
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ COLONIAL GARDEN REALTY, LP <i>Complainant</i>	: DOCKET NO. C-2012-2334253
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:

**COMPLAINANTS', SBG MANAGEMENT SERVICES, INC., COLONIAL GARDEN REALTY CO. (I and II), FAIRMOUNT REALTY CO., SIMON GARDENS, ELRAE GARDEN REALTY, MARCHWOOD REALTY, FERNROCK REALTY, OAK LANE REALTY CO., L.P., AND MARSHALL SQUARE REALTY ("COMPLAINANTS"), AND RESPONDENT PHILADELPHIA GAS WORKS
MOTION TO AMEND THE PENNSYLVANIA PUBLIC UTILITY COMMISSION'S ("COMMISSION") NOVEMBER 14, 2013 ORDER TO EXTEND THE TIME TO CONDUCT DISCOVERY AND TO CONTINUE THE HEARING DATES IN THE NINE CONSOLIDATED MATTERS**

TO: THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes the Complainants, by their attorney, Francine Thornton Boone, Esquire, and PGW, by its attorney, Laureto Farinas, Esquire and jointly file the following Motion to Amend the Commission Order of November 14, 2013 to Extend the Time to Conduct Discovery and to Continue the Hearing Dates in the Nine Consolidated Matters as set forth below:

I. Background

On October 9, 2013, Complainants issued discovery requests ("Set II-Discovery Requests") to and upon PGW in connection with the nine (9) formal complaints pending before the Commission. Responses to Set II-Discovery Requests were due on October 29,

2013 (“Responses”). Prior to filing the Responses, PGW filed Objections. Thereafter, Complainants filed a Motion to Compel Responses to the Set II-Discovery Requests (“Motion to Compel”). PGW timely filed an Answer to the Motion to Compel. On November 14, 2013, ALJ Eranda Vero issued a decision and order granting the Motion to Compel in part. On November 19, 2013, PGW filed a Motion for Reconsideration of Paragraphs 5, 10, and 11 of the November 14, 2013 Order (“Motion for Reconsideration”), requesting additional time to respond to Set II-Discovery Requests. Complainants’ Answer to the Motion for Reconsideration is due December 9, 2013.

In the interim period, PGW and Complainant reached an agreement on the extension of time to answer the Set II-Discovery Requests and respectfully request that the Commission issuing an Order granting and extending the discovery period as requested herein. We are requesting that the Commission issue an Order amending the November 14, 2013 Order to permit PGW to extend the period to file its answers by January 17, 2014 and thereafter, to permit Complainants a period to review said responses until March 18, 2014. Due to these schedule changes, the parties also request that the Order continue the hearings for the nine consolidated matters, as well.

II. Standard For Reconsideration.

It is well-settled that a Petition for Reconsideration is not an opportunity to litigate facts and issues previously presented to and decided by the Commission; it should be granted judiciously and only under appropriate circumstances. PUC v. PECO Energy Co., M-00960820, 1999 Pa. PUC LEXIS 24, *10 (Feb. 11, 1999). Petitions “must make new or novel arguments not previously considered or raise matters which were designed

to convince us to exercise our discretion to rescind or amend the Order under consideration". PUC v. PECO Energy Co., supra, pp 10-11 (1999).

Here, the parties are in agreement to a limited extension of discovery deadlines and a limited extension to review the documents obtained in discovery. The proposed amendment is narrow and will not constitute bad faith, fraud, capricious action, or an abuse of power as forbidden by the Commission. PUC v. PECO, supra. We believe that it is in the best interests of all parties and will be helpful to the development of facts critical to a resolution of the cases to permit and to grant this extension to conduct discovery and this continuance of the hearings.

III. Amendment of the Commission's November 14, 2013 Order to Extend the Period to Conduct Discovery and to Continue the Hearings in the Nine Consolidated Matters.

PGW requested the extension in its Motion for Reconsideration and Complainants are in agreement with granting this extension if the Complainants are thereafter, allowed a period of sixty (60) days to review the documents received in discovery prior to a hearing on any and all of the nine consolidated cases. We believe that given the number of documents that may be produced by PGW, the additional time is warranted for a good and thorough review of the same. The parties have negotiated this proposal in good faith and respectfully request that the Commission issue an Order to Amend the November 14, 2013 Order that extends the time to conduct discovery and continues the hearing dates in the nine consolidated matters as agreed upon between the parties and as discussed herein.

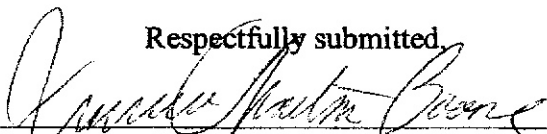
IV. CONCLUSION

WHEREFORE, Complainants and PGW respectfully request that Your Honor and the Commission issue an Order, which:

- (1) grants this Motion, as set forth herein;
- (2) grants PGW, an additional 60-days or until January 17, 2014, as set forth in PGW Motion for Reconsideration;
- (3) grants Complainants, a 60-day period of review, thereafter or until March 18, 2014; and
- (4) cancels the currently scheduled hearings on all nine (9) cases until hearing dates after March 18, 2014.

Date: December 2, 2013

Respectfully submitted,



FRANCINE THORNTON BOONE, ESQUIRE

Attorney I.D. #45118

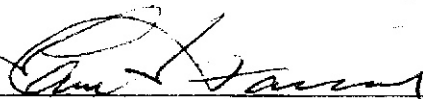
General Counsel, SBG Management Services, Inc.

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Attorney for Complainants



LAURETO FARINAS, ESQUIRE

Attorney I.D. No. 50415

Philadelphia Gas Works

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(215) 684-6982

Attorney for Respondent, Philadelphia Gas Works

**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-2012-2308465--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

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2013, I have served the foregoing Complainants' and PGW's Motion to Amend the November 14, 2013 Order of the Commission, upon the Secretary for the Pennsylvania Public Utility and a copy of the same upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54:


VIA Email and/or First Class Mail only:

For the PA Public Utility Commission:
Administrative Law Judge Eranda Vero
PA Public Utility Commission
Suite 4063--801 Market Street
Philadelphia, PA 19107
Email: evero@pa.gov

For Respondent:
Laureto Farinas, Esquire, Philadelphia Gas Works
Attorney for PGW and Respondents
800 W. Montgomery Avenue, 4th Floor, Philadelphia, PA 19122
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Phil Pulley and Kathy Treadwell, SBG Management Services, Inc.:
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Email: ktreadwell@sbgmanagement.com

Date: December 3, 2013

BY: 
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ATTORNEY FOR COMPLAINANTS