



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

**Laureto A. Fariñas, Senior Attorney
Legal Department**

Direct Dial: 215-684-6982

FAX: 215-684-6798

E-mail: laureto.farinas@pgworks.com

January 9, 2014

Administrative Law Judge Eranda Vero
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Suite 4063
801 Market Street
Philadelphia, PA 19107

RE: SBG v. Philadelphia Gas Works, (Various Dockets)

Dear Judge Vero:

This is to request a one day extension to respond to the Complainant's second motion to compel discovery. As I had explained in my e-mail, I have been on vacation and out of the country. I returned to work on January 3, 2014 only briefly due to the weather conditions. As I count the 5 days from receipt of the corrected motion on January 3, 2014, PGW's answer was due yesterday, January 8, 2014.

Ms. Boone and I scheduled a telephone conference to discuss the discovery issued on January 8, 2014 at 1:30, but at around 11:00 a.m. January 8, 2014 she cancelled. We rescheduled the conference for this afternoon at 3:30 p.m. (now with your participation). I assumed that since she cancelled the conference call, she would agree to an extension of time to file an answer. From the e-mail exchange in which you were included, Ms. Boone provides no such courtesy. Therefore, PGW requests that you accept PGW's answer in light of all the circumstances. I look forward to your guidance and participation in the conference this afternoon.

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,



Laureto Farinas

cc: Service List
Linda Pereira

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SBG Management Services, Inc. / :
Colonial Garden Realty, LP, :
Complainant :
v. : **Docket No. C – 2012 – 2304183**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Fairmount Realty, :
Complainant :
v. : **Docket No. C – 2012 – 2304215**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Simon Gardens Realty, LP, :
Complainant :
v. : **Docket No. C – 2012 – 2304324**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
EIRae Garden Realty, LP, :
Complainant :
v. : **Docket No. C – 2012 – 2304167**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Marshall Square Realty, LP, :
Complainant :
v. : **Docket No. C – 2012 – 2304303**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / Marchwood Realty,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2308454
	:	
Philadelphia Gas Works,	:	
Respondent	:	
SBG Management Services, Inc. / Oak Lane Realty Co., LP,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2308462
	:	
Philadelphia Gas Works,	:	
Respondent	:	
SBG Management Services, Inc. / Fern Rock Realty,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2308465
	:	
Philadelphia Gas Works,	:	
Respondent	:	
SBG Management Services, Inc. / Colonial Garden Realty, LP,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2334253
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**Answer of Philadelphia Gas Works to
Complainants' Second Motion to Compel Responses to
Requests for Production of Documents and Interrogatories, Set II**

Pursuant to 52 Pa. Code §5.342(g)(1), the Philadelphia Gas Works ("PGW") hereby answers the Complainants' second motion compel for a response to the Complainants' Requests for Production of Documents and Interrogatories, Set II, No. 26 (Set II, No. 26) which is due on January 17, 2014. For the reasons stated herein the Complainant's motion should be denied.

I. PGW's Answer to the Motion to Compel

The Complainant's second motion to compel should be denied as it is both premature and incorrect in its reading of PGW's Response to Set II No. 26. First, pursuant to the order of Administrative Law Judge Eranda Vero dated December 9, 2013, PGW's responses to Set II are due on January 17, 2014. Prior to the issuance of that order PGW agreed to provide some information in December 2013 as it is prepared. PGW provided the early response to Set II, No. 26 which is in the form of PGW account Contact Screens with additional employee information. PGW provided information early in the spirit of cooperation even though the Complainants will have 60 days to review the information after January 17, 2014. The order of December 9, 2013 contains no order for early provision of responses.

Since the deadline for the provision of responses is January 17, 2014, the Complainant's motion to compel is premature.

Moreover, on the face of the PGW's Response to Set II, No. 26, PGW states, "As this information has been specifically requested, we provide it as an initial response to this and other requests in Set II." (added emphasis) (See Complainant's Motion to Compel, Paragraph 9) This means that the information provided one month before the January 2014 deadline was intended as the beginning of the response to the information requested in Set II, No. 26 as stated plainly in the response. Where applicable, PGW will refer to it in its responses to other discovery requests in Set II.

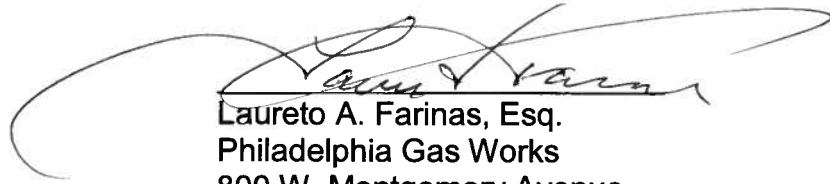
Since the Complainants wanted an expanded version of the account contact screens (or "MELITA" notes as the Complainant refers to them), PGW provided the contact screens with employee information early in the spirit of cooperation so that the Complainants could begin their extended comprehensive review of the responses.

Thus, the Complainants are prematurely adversarial in their reaction to the provision of account information that they requested and that PGW provided well in advance of the deadline. Therefore, the Complainant's motion to compel should be denied as premature.

WHEREFORE, for the reasons stated above, PGW respectfully requests that the Commission issue an order denying the Complainants' second motion to compel discovery.

Respectfully submitted,

January 9, 2014

A handwritten signature in black ink, appearing to read 'Laureto A. Farinas', is written over a horizontal line. The signature is fluid and cursive, with a large loop on the left side.

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

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 and 5.342(c) (RELATING TO SERVICE BY A PARTICIPANT).

Service List

For Complainants:

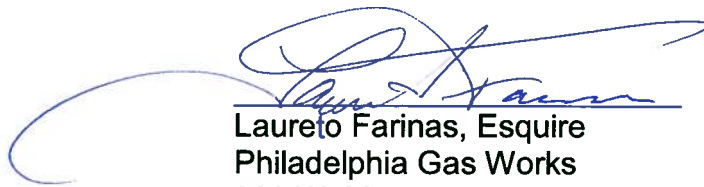
Francine Thornton Boone, Esq.
SBG Management Services, Inc.
702 N. Marshall Street
Philadelphia, PA 19123

& by e-mail: fboone@sbgmanagement.com

Mr. Philip Pulley
Ms. Kathy Treadwell
SBG Management Services, Inc.
P.O. Box 459
Abington, PA 19001

& by e-mail: phil@sbgmanagement.com
ktreadwell@sbgmanagement.com

January 9, 2014



Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982