

SBG Management Services, Inc.

P.O. Box 549 Abington, PA 19001

Phone 215.938.6665

Fax 215.938.7613

March 31, 2014

RECEIVED

ALJ Eranda Vero
Pennsylvania Public Utility Commission
BY EMAIL: evero@pa.gov
and
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

MAR 31 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

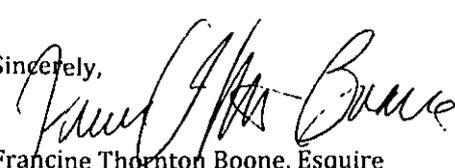
RE: SBG Management Services, Inc. (and related entities) v. PGW, Docket Nos. C-2012-2304167; C-2012-2304183; C-2012-2304215; C-2012-2304303; C-2012-2304324; C-2012-2308454; C-2012-2308462; C-2012-2308465; and C-2012-2334253: Discovery Status Report

Dear ALJ Vero and Secretary Chiavetta:

On behalf of the Complainants in the above-referenced matters, enclosed for filing is the original "Discovery Status Reports", which are being sent by e-filing to ALJ Vero and Respondent's counsel, Laureto Farinas, with the mailing of a "hard-copy" by overnight mail to the Commission.

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
c: fboone@sbgmanagement.com or Booneft@aol.com

Enclosure

cc:

Laureto Farinas, Esquire, Philadelphia Gas Works (by email)
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
cell: (215) 260 – 4562
fax: (215) 938 - 7613
email: Booneft@aol.com
Attorney I.D. No. 45118

Attorney for Complainants

RECEIVED

MAR 31 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SBG MANAGEMENT SERVICES, INC./	:
MARCHWOOD REALTY	: DOCKET NO. C-2012-2308454
<i>Complainant</i>	:
V.	:
PHILADELPHIA GAS WORKS	:
<i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./	:
OAK LANE REALTY CO., LP	: DOCKET NO. C-2012-2308462
<i>Complainant</i>	:
V.	:
PHILADELPHIA GAS WORKS	:
<i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./	:
FERN ROCK REALTY	: DOCKET NO. C-2012-2308465
<i>Complainant</i>	:
V.	:
PHILADELPHIA GAS WORKS	:
<i>Respondent</i>	:

**COMPLAINANTS' STATUS REPORT OF DISCOVERY PROCEEDINGS AS
ORDERED BY ALJ VERO ON FEBRUARY 4, 2014**

TO: ALJ ERANDA VERO:

Pursuant to ALJ Vero's February 4, 2014 "Order on the Respondents' Request to Extend the Time to Respond to Complainants' Set II of Interrogatories and Requests for Production of Documents", Complainants, in the above-captioned matters hereby provide the following status report:

1. On February 4, 2014, ALJ Vero issued an Order amending the December 9, 2013 Order to extend the period of time available to Philadelphia Gas Works ("PGW" or "Respondent") to provide "a full and complete response to Complainants' Set II of Interrogatories and Requests for Production of Documents to January 31, 2014.

2. Prior to February 10, 2014, Complainants' Counsel contacted, by telephone, Respondent's Counsel, Senior PGW Attorney Laureto Farinas, and requested additional documents and specific, complete, and full responses to Complainants

Interrogatories Set II. Respondent provide some information, but still failed to fully comply and fulfill the discovery requests.

3. On February 10, 2014, Complainants filed an Amended Second Motion to Compel, which requested an Order that Respondent files full, complete and appropriate responses to the Complainants' Interrogatories, and Complainants set forth case and statutory law in support of this motion.

4. On February 10, 2014, Complainants filed a certification by their counsel, that prior to filing the foregoing Complainants' Amended Second Motion to Compel, Francine Thornton Boone, Esquire, counsel for Complainants, personally contacted and spoke to PGW Senior Attorney Laureto Farinas on at least three occasions by telephone, in an effort to resolve these discovery issues, without success. The certification also states that counsel for PGW refused to provide the additional requested information and documents and that Complainants are filing the Amended Second Motion to Compel to obtain the requested documents and information.

5. On February 18, 2014, Respondent filed its Response to the Amended Second Motion to Compel.

6. On February 26, 2014, ALJ Vero issued the following email statement: "I have reviewed PGW's responses to SBG's second Set of Interrogatories, the Complainants' Second Motion to Compel (Motion), and PGW's Answer to SBG's Second Motion to Compel. Because the Motion includes complex issues I will not be able to issue an order within 15 days (from the day the Motion was filed). I shall, however, be working hard to issue the order as soon as possible."

7. On March 24, 2014, the following three emails were sent as part of an email trail, which shows further discussions on the discovery requests and responses from PGW:

From: Laureto Farinas <Laureto.Farinas@pgworks.com>
Subject: RE: SBG's Amended 2nd Motion to Compel
Date: March 24, 2014 3:29:20 PM EDT
To: Vero, Eranda <evero@pa.gov>, Francine T. Boone <francine.t.boone@gmail.com>
Cc: Phil Pulley <phil@sbgmanagement.com>, Kathy Treadwell <ktreadwell@sbgmanagement.com>, Leva, Danielle <Danielle.Leva@pgworks.com>, Savage III, Ralph T <Theodore.Savage@pgworks.com>

ALJ Vero:

The binder that is discussed below was not provided to SBG in January 2014, but only referred to as all of the e-mails concerning the matter to be included in PGW's response to No. 26. When Ms. Boone claimed that she did not know what we were referring to, I sent a duplicate copy. There were no other e-mails to add. (Emphasis added.)

Laureto Farinas

From: Vero, Eranda [mailto:evero@pa.gov] **Sent:** Monday, March 24, 2014 3:24 PM **To:** 'Francine T. Boone' **Cc:** Farinas, Laureto A; Phil Pulley; Kathy Treadwell **Subject:** RE: SBG's Amended 2nd Motion to Compel

Thank you Ms. Boone,

I do see now that the interrogatories attached to SBG's Amended Second Motion to Compel have a "cover sheet" market Exhibit A. I guess it was wishful thinking on my part that Exhibit A would contain PGW's response to interrogatory # 26.

Also, if I understood you correctly, the binder that PGW sent to SBG on February 1, 2014 containing e-mails/communications in response to SBG's Set II of Interrogatories is IDENTICAL to the binder submitted as proposed exhibit at the August 2013 initial hearings. There were absolutely no additional information, no changes in the order of presentation, and no additional markers or summary of content? Nothing?
(Emphasis added.)

ALJ Vero

From: Francine T. Boone [mailto:francine.t.boone@gmail.com] **Sent:** Monday, March 24, 2014 1:57 PM **To:** Vero, Eranda **Cc:** Laureto Farinas; Phil Pulley; Kathy Treadwell **Subject:** Re: SBG's Amended 2nd Motion to Compel **Importance:** High

Dear Judge Vero,

Thank you for your email. You requested three items:

1. As stated on Exhibit "A" in the binder, Exhibit "A" is the "Complainants' Second Set of Interrogatories", which was attached to the original Motion to Compel. I can still attach a copy if you need one.
2. I am forwarding copies of the Response to Interrogatory #26, in a separate email.
3. I am forwarding copies of my response on the "Additional Binder", in a separate email

The "body" of the separate email is below:

Dear Judge Vero,

In accordance with your request today regarding Interrogatory #26, I am forwarding the 1/31/2014 email of PGW, which contains PGW's response to Interrogatory #26, below.

I checked the "hard-copy" of the same response and no attachment, except what is presented below is attached.

As part of trying to amicably resolve the discovery dispute, I requested additional documents to those presented in the discovery responses, especially the "Customer Contact Screens". Mr. Farinas stated that the additional documents responding to the request were presented in a binder of PGW's correspondence during the hearings. (See the second paragraph under the "Supplemental Response" for Response #26.) I found this surprising since the binder was prepared to support PGW and as such, might not include all correspondence, but those documents in support of PGW's defense.

On several occasions, Mr. Farinas stated that certain information requested in the interrogatories could be found or was located in the binder that PGW used as an exhibit during the hearings and titled "PGW's Correspondence Binder".

Mr. Farinas offered and sent the Complainants another copy of the PGW Correspondence Binder. This binder was presented with no statement of where or how its contents respond to any one or all of the interrogatories. As a response, it violates the rules requiring Respondents to respond to the Complainants' interrogatories with specificity, as well as other rules.

I am copying Mr. Farinas in case he is aware of a different binder that PGW provided to the Complainants in response to the discovery requests.

I believe that you also have this binder of PGW's Correspondence from the hearings. If not, please let me know. I can have the documents reproduced for your review.

Thank you.

Sincerely,

Francine Thornton Boone, Esquire
(Emphasis added.)

8. All documents and responses by PGW were provided to ALJ Vero, including the initial and supplemental Responses to Interrogatory #26, which were sent again on 3/24/2014 and 3/31/2014.

9. Despite Complainants filing First, Second, and Amended Second Motions to Compel, PGW still failed to provide a substantial amount of documents and information requested in Complainants' discovery requests, with the specificity, details, organization, and full disclosure required by the discovery rules as discussed and set forth in the Motions to Compel.

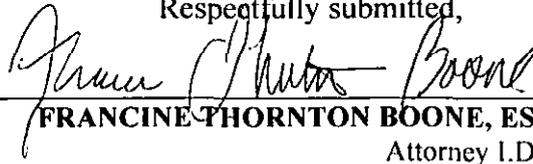
10. Complainants have communicated to Respondent, through counsel, that Complainants believe the requested documents and information, may lead to an amicable resolution of certain issues in this matter. Moreover, Complainants have communicated

through counsel, that Complainants are entitled to the requested information in accordance with the applicable state laws, statutes, rules, regulations, and tariffs. Nevertheless, Respondent provided no additional documents or responses to Complainants, except as discussed herein.

11. The parties are awaiting the Commission's order on the Amended Second Motion to Compel.

Date: March 31, 2014

Respectfully submitted,



FRANCINE THORNTON BOONE, ESQUIRE

Attorney I.D. #45118

General Counsel, SBG Management Services, Inc.

P.O. Box 549

Abington, PA 19001

E: Booneft@aol.com; T: 215-260-4562

Attorney for Complainants

**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In the Matter of:

Docket No. C-2012-2304167--SBG Management Services, Inc. (Elrac) 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 March 31, 2014, I have served the foregoing "Complainants' Status Reports of Discovery Proceedings as Ordered by ALJ Vero on February 4, 2014", in three separate reports, upon the Secretary for the Pennsylvania Public Utility, by e-filing and/or First Class Mail, 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
Email: Laureto.Farinas@pgworks.com

Phil Pulley and Kathy Treadwell, SBG Management Services, Inc.:
P.O. Box 549, Abington, PA 19001
Email: phil@sbgmanagement.com
Email: ktreadwell@sbgmanagement.com

Date: March 31, 2014

BY: 
FRANCINE THORNTON BOONE, ESQUIRE
P.O. BOX 549
ABINGTON, PA 19001
Phone: 215-260-4562; Office: 215-938-6665
Electronic Mail Address: Booneft@aol.com
Facsimile Number: 215-938-7613
Pennsylvania Attorney I.D. No.—45118
ATTORNEY FOR COMPLAINANTS

RECEIVED

MAR 31 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

FedEx Express Package US Airbill

FedEx Tracking Number

8047 6068 9460

Form ID No. 0215

Recipient's Copy

1 From Date 03-31-2014

Sender's Name Francine Boone, Esq. Phone 215 938-6665

Company SRG MANAGEMENT

Address 1095 RYDAL RD # 325 Dept./Floor/State/Room

City RYDAL State PA ZIP 19046-1711

2 Your Internal Billing Reference

3 To Recipient's Name Rosemary Chivotta, Sec. Phone 717 772-7777

Company PA PUC

Address 400 N. St. - Commerce with Keystone Bldg. HOLD Weekday FedEx location address REQUIRED NOT available for FedEx First Overnight

Address 2nd Floor HOLD Saturday FedEx location address REQUIRED Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations

City Harrisburg State PA ZIP 17120

0112138619



8047 6068 9460

4 Express Package Service To most locations. NOTE: Service order has changed. Please select carefully. Packages up to 150 lbs. For packages over 150 lbs, use the FedEx Express Freight US Airbill

Next Business Day FedEx First Overnight, FedEx Priority Overnight, FedEx Standard Overnight
2 or 3 Business Days FedEx 2Day A.M., FedEx 2Day, FedEx Express Saver

5 Packaging Declared value limit \$200 FedEx Envelope, FedEx Pak, FedEx Box, FedEx Tube, Other

6 Special Handling and Delivery Signature Options SATURDAY Delivery, No Signature Required, Direct Signature, Indirect Signature

Does this shipment contain dangerous goods? One box must be checked. No, Yes, Yes Shipper's Declaration not required, Dry Ice, CARGO AIRCRAFT ONLY

7 Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below Obtain invoi. Acct. No. Sender Acct. No. in Section I will be billed Recipient, Third Party, Credit Card, Cash/Check

Total Packages 1 Total Weight 0.25 lbs. Credit Card Auth.

Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

fedex.com 1800.GoFedEx 1800.463.3339

fedex.com 1800.GoFedEx 1800.463.3339

611