

SBG Management Services, Inc.

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

RECEIVED

April 14, 2014

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265, Harrisburg, PA 17105
And/or
Keystone Building, 3rd Floor
400 North Street, Harrisburg, PA 17105

APR 14 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

Dear Secretary Chiavetta:

Enclosed for filing is the original Notice to Plead and Motion for Reconsideration of the April 9, 2014 Order on the Second Motion to Compel. 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 first class mail)
Laureto Farinas, Esquire, Philadelphia Gas Works (by email and/or first class 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
cell: (215) 260 - 4562
fax: (215) 938 - 7613
email: Booneft@aol.com
Attorney I.D. No. 45118

Attorney for Complainants

RECEIVED

APR 14 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304183

:

:

:

:

:

SBG MANAGEMENT SERVICES, INC./
FAIRMOUNT REALTY
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304215

:

:

:

:

SBG MANAGEMENT SERVICES, INC./
SIMON GARDENS REALTY, LP
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304324

:

:

:

:

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

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304167

:

:

:

:

SBG MANAGEMENT SERVICES, INC./
MARSHALL SQUARE REALTY, LP
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304303

:

:

:

:

SBG MANAGEMENT SERVICES, INC./
MARCHWOOD REALTY
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2308454

:

:

:

:

SBG MANAGEMENT SERVICES, INC./

:

OAK LANE REALTY CO., LP
Complainant

v.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2308462

:

:

:

:

:

SBG MANAGEMENT SERVICES, INC./
FERN ROCK REALTY
Complainant

v.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2308465

:

:

:

:

:

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

v.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2334253

:

:

:

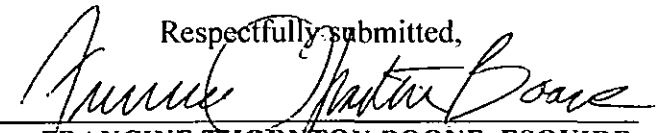
--- NOTICE TO PLEAD ---

TO: PHILADELPHIA GAS WORKS, RESPONDENT:

Pursuant to 52 Pa. Code Section 5.103 and 5.342, you are hereby notified to file a written response to the Motion for Reconsideration of the 4/9/2014 Order on the Second Motion To Compel, which was served on April 14, 2014, 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.

Date: April 14, 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

RECEIVED

APR 14 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

APR 14 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304183

:

:

:

:

:

SBG MANAGEMENT SERVICES, INC./
FAIRMOUNT REALTY
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304215

:

:

:

:

SBG MANAGEMENT SERVICES, INC./
SIMON GARDENS REALTY, LP
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304324

:

:

:

:

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

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304167

:

:

:

:

SBG MANAGEMENT SERVICES, INC./
MARSHALL SQUARE REALTY, LP
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2304303

:

:

:

:

SBG MANAGEMENT SERVICES, INC./
MARCHWOOD REALTY
Complainant

V.

PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2308454

:

:

:

:

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

:

:

:

:

:

:

: DOCKET NO. C-2012-2308465

:

:

:

:

:

:

: DOCKET NO. C-2012-2334253

:

:

:

:

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"),
MOTION FOR RECONSIDERATION OF THE APRIL 9, 2014 ORDER OF ALJ VERO
FOR PGW's RESPONSES TO
INTERROGATORIES ##17, 18, 19, 21, 35, 36, 37, 38, AND 39("MOTION")

RECEIVED

APR 14 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Pursuant to 52 Pa. Code Sections 5.103, Complainants, by their undersigned counsel, hereby respectfully request reconsideration of the 4/9/2014 Order (“Order”) on the Amended Second Motion to Compel by the Pennsylvania Public Utility Commission (“Commission”) to compel Philadelphia Gas Works (“PGW” or “Respondent”) to fully respond and to file complete answers to Complainants’ Requests for Production of Documents and Interrogatories Addressed to Respondent PGW, Set II, Interrogatory Nos. 17, 18, 19, 21, 35, 36, 37, 38, and 39 (“Subject Interrogatories”) as propounded by Complainants to Respondent. In support of this motion, Complainants aver the following:

1. Respondent’s response to the Subject Interrogatories are incomplete and non-responsive and violate applicable statutory law, including 52 Pa. Code Sections 5.342, as well as the November 14, 2013 and December 9, 2013 Orders of the Commission, as Respondent: (1) submitted incomplete responses that failed to supply all the requested information, including documents, calculations, memoranda, and other information as discussed below; (2) submitted responses that claim to provide information on all the accounts but then fails to provide the *all such* information; and (3) submitted responses that refers to “previously provided” information [to Complainants from Respondent] without specifically identifying where and in what particular documents the discoverable information is set forth.

2. Certain responses requested in the Subject Interrogatories were not provided by Respondent and the failures to provide those responses were not addressed or fully addressed in the Order.

3. Specifically, Interrogatories ##17, 18, 19, 21, 35, 36, 37, 38, and 39 (“Subject Interrogatories”) request detailed information on the calculation of the charges for the “Customer Accounts, SA accounts for former and current meters at the Subject Properties”; none of the Subject Interrogatories asked for “examples” or general information, which the Respondent provided in contradiction to the discovery requests.

4. At page 47 of the Order, ALJ Vero states:

“With regard to PGW’s response to Complainants Set II-36, PGW provided the text of PGW Gas Service Tariff, Section 4.2, concerning the assessment of a late penalty for overdue bills. PGW also provided two very detailed examples of how it calculates late payment charges, and dissected each monthly bill from 24 SAs belonging to the Complainants in terms of unpaid balance, unpaid LPC, monthly percentage interest rate of the LPC, and calculate LPC. To the best of my recollection, there are 36 SAs belonging to the Complainants and PGW is directed to provide, as a supplemental response to this discovery request, the same analysis for the remaining SAs that it did for the first 24”.

5. By the language restated in the above Paragraph 4, the Commission is requiring the kind of detailed accounting information on each SA for this Response, and PGW should provide the same on each customer account, SA account and former/current meter as specifically requested in the Subject Interrogatories, as this information is relevant and important to the resolution of billing and good service issues in these Complaints.

6. The Commission's ability to review whether PGW acted properly is severely prejudiced if the Respondents are allowed to give a few examples rather than a full and complete statement or proof of how each specific bill for each meter, customer account, and SA (as described in the Interrogatories) is calculated, including the dates when all (including VACATED AND DISMISSED LIENS, NOT JUST SATISFIED or ACTIVE) liens were filed and the period of gas usage covered by said liens, the application of payments to disputed and undisputed amounts, the calculation of late payment charges and interest (as well as the date of imposing the same), and the application of partial and full payments to the accounts. To give an example that one stops at a red light on two days, does not mean or prove that one stopped at a red light every day—or the day of the “proverbial accident or event in question”: the bills cover more than one SA or account—each Customer Account, SA Account and former/current meter account deserves a full and detailed explanation, as requested in the Subject. A few examples of how a particular bill is calculated cannot prove how PGW calculated and applied the tariff to each bill, customer account, SA account and/or former/current meter related to the underlying Complaints. (Further detailed lien information is needed to determine if PGW “overliened” or imposed liens for duplicate gas usage periods.)

7. Interrogatory #17 states:

“In the form of a chronology, for each of Complainants Customer Accounts, SA Accounts, former and current meters located at the Subject Properties, including ... Disputed Transactions... ‘A-1’ through ‘A-8’, identify an[d] [sic] describe in detail and with particularity, the process, origin, the events and circumstances under which Complainants incurred arrearages, if any alleged due by Respondent, sufficient to warrant the imposition of municipal liens, identifying all documents relevant to, related to, or reflecting such filing or imposition of such municipal lien.”

As such, the above language is not limited to requesting a statement of the “process”, it asks for details on how EACH lien was imposed and why, i.e. “the origin, events, and circumstances Complainants incurred arrearages ... alleged due by Respondent”. This Interrogatory seeks specific information on the basis and the pieces of data that effectively go into creating a demand for payment that underlies the bills claimed due by Respondent. Critical elements of the bills were explained in detail in the Amended Second

Motion to Compel to assist Respondent in supplying this information, which was not supplied to date. In other words, PGW needs to provide the internal break down of the bills and other details. This information is arguably due under PGW's obligation to provide transparency in its billing and it remains a mystery as to why PGW would refuse to provide the details underlying its bills, charges, lien debt/unliened debts, and application of payments.

8. Similarly for Interrogatory ##18, 19, and 21, each Interrogatory does not just seek a process or methodology in general terms, but asks for specific details on each Customer Account, SA, meter, etc. as set forth in Interrogatories ##17, 18, 19, and 21. Each Customer Account, SA, and meter is distinct and should receive a distinct analysis as requested.

9. Further, while Respondent discusses general procedures in billing and applications of payments, Respondent failed to provide all records, database information or document/s detailing how and when each debt is generated, analyzed, assessed LPCs, interest, and reduced based on receipt and applications of payments **on each and every Customer Account, SA Account, and current/former meter account**. Similarly, the **liened debt/unliened debt** should be documented in PGW's records.

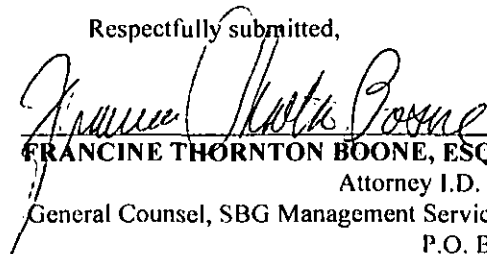
10. Complainants requested this information informally, previously, and PGW refused to provide the same.

11. Complainants request that the Commission reconsider the April 9, 2014 Order and hereby require Respondent to provide the detailed information described herein and in the Motions and Interrogatories for Interrogatories ## 17, 18, 19, 21, 35, 36, 37, 38, and 39.

WHEREFORE, for the reasons stated above, Complainants respectfully request that the Commission reconsider the 4/9/2014 Order and issue an order consistent with this Motion.

Date: APRIL 14, 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. (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 April 14, 2014, I have served the foregoing Complainants' Notice to Plead and Motion for Reconsideration of the 4/9/2014 Order on the Amended Second Motion to Compel, 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 (overnight) 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: April 14, 2014

BY: 
FRANCINE THORNTON BOONE, ESQUIRE
P.O. BOX 549
ABINGTON, PA 19001
Phone: 215-260-4562; Office: 215-938-6665
Electronic Mail Address: Boonef1@aol.com
Facsimile Number: 215-938-7613
Pennsylvania Attorney I.D. No.—45118
ATTORNEY FOR COMPLAINANTS

RECEIVED

APR 14 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU