



PHILADELPHIA GAS WORKS

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August 5, 2014

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

Re: SBG Management Services, Inc v. PGW, Docket No. C – 2012 – 2304183, C – 2012 – 2304215, C – 2012 – 2304324, C – 2012 – 2304167, C – 2012 – 2304303, C – 2012 – 2308454, C – 2012 – 2308462, C – 2012 – 2308465, and C – 2012 – 2334253

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.371, the Philadelphia Gas Works ("PGW") hereby files its answer to the Complainants' Motion to Compel Responses to Requests for Production of Documents and Interrogatories, Set III.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,


Danielle Leva

Enclosure

cc: Francine Thornton Boone, Esq. (FedEx and Email)
Mr. Philip Pulley (Email)
Ms. Kathy Treadwell (Email)
Administrative Law Judge Eranda Vero (Email)
Linda Pereira (PGW Mail)

**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	:	
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SBG Management Services, Inc. / Oak Lane Realty Co., LP,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2308462
	:	
Philadelphia Gas Works,	:	
Respondent	:	
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SBG Management Services, Inc. / Fern Rock Realty,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2308465
	:	
Philadelphia Gas Works,	:	
Respondent	:	
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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' Motion to Compel Responses to
Requests for Production of Documents and Interrogatories, Set III**

Pursuant to 52 Pa. Code §5.342(g)(1), the Philadelphia Gas Works ("PGW") hereby answers the Complainants' motion compel for a response to the Complainants' Requests for Production of Documents and Interrogatories, Set III. For the reasons stated herein the Complainant's motion should be denied.

I. PGW's Answer to the Motion to Compel

The Complainant's motion to compel should be denied. The Complainants appear to seek a level of information ("embedded" billing information) on each bill that would be burdensome to provide, particularly given the fact that the Complainants have been provided with enhanced versions of PGW's statements of account and contact screens.

II. PGW's Answer to the Complainants' Motion to Compel

Throughout this proceeding PGW has attempted to provide responses to discovery to the Complainant in furtherance of their understanding of the nature of PGW billing/collections systems and record keeping systems as they related to the substance of the issues complained of in these matters. PGW has always opened the line of communications to resolve discovery issues and both formally and informally to provide information that would lead to the Complainants understanding of the materials provided. PGW has not refused to provide information but occasionally lacked understanding of the requested information as it relates to the information in PGW's possession.

In the efforts to resolve discovery dispute or fill or explain any perceived gaps in information, PGW has offered and the Complainants have accepted tentatively, the holding of technical conferences that may clear up some of the issues contained in the motions, however, no dates have been suggested by the Complainants.

1. Admitted.
2. Admitted. By way of further answer, PGW responded to the Complainants' discovery requests Set I by agreement with the Complainants' former counsel Scott H. Debroff, Esq., between November 20 and 30, 2012.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted in part. PGW admits that the Complainants' Paragraph 11 of its Motion for Sanctions states the reasons for the filing of the motion. PGW denies that it has failed to comply with applicable law and provide the requisite full, complete and specific information.

13. Admitted. By way of further response, while counsel for PGW was on vacation, verifications of those preparers of PGW's responses to discovery were provided, however not all were obtained from the preparers of Set II. PGW will provide the remaining shortly in compliance with the Commission order.

14. Set II, Nos. 2 and 3 – PGW has objected to these discovery requests on the grounds that they are burdensome as they seeks to have a list recreated that contains all documents contained in the answers to Set III. The Complainants may make a list from the information contained on each of the answers. PGW's responses to these discovery requests have been consistent with the Order on Discovery in these matters dated November 14, 2013. PGW will attach to each answer each relevant document referred to or consulted by PGW in preparation of that answer. (Order on Discovery, dated November 14, 2013, p. 6) In its responses generally, PGW has provided the applicable information. Where no document is attached or referred to, PGW has provided an explanation of its practices.

15. a. Set III, Nos. 4 and 5 - PGW objected to these requests as the information had been provided in PGW Response to Set II, No. 36. These are the statements of account which contain the information and data on the Customer Accounts. The Complainants' motion to compel further states that Set II, No. 36 fails to provide account information from the beginning of the account. The Complainants have this information already in their possession. In Set III No. 21, which is attached as Appendix 1, PGW has reminded the Complainants that PGW provided that information previously and that the Complainants have submitted the information in its Trial Binders during the hearings of these matters held in August 2013. Tab IV of each of the SBG

trial binders contains the statements of account for the SBG related properties from the beginning of that account.

Finally, the Complainants' motion to compel that PGW's response to Set III, Nos. 4 and 5 (and Set II, No. 36) fails to provide the "imbedded" information. From this argument PGW surmises that the Complainants' expectation is to have copies of each bill of the multitude of transactions that comprise the Disputed Transactions. The provision of all individual billing transaction information would be burdensome. In order to provide the Complainant with such account information, the Statement of Account in its various forms provided contains monthly billing transactions, meter reading information and balances. For the Complainants PGW has provided an enhanced version of the statements of account (with late payment charge computations) and an expanded version of the contact screens (Response to Set II, No. 36).

b. Set III, Nos. 6

PGW objected to this discovery request on the grounds that it required PGW to complete an analysis of the account in a format that serves the Complainant's interests. That is, all information required to discover the answers sought in Set III, No. 6 has been provided in PGW's Response to Set II, No. 36. This is an enhanced version of the statements of accounts. The Complainant need only to review the information to present it in a way that shows the breakout and totals for the categories of Set III, No. 6, particularly Set III, No. 6 c. The statements of account in all of the forms provided shows the PGW record of the gas use recorded from the meter for the particular billing period and the resulting bill and account balances. PGW also has provided extensive information on the calculation of late payment charges on each bill of each account.

PGW's responses to this request could point the Complainant toward the relevant information, as PGW's Response to Set II, No. 36 already provides the information.

c. Set III, No. 7 – The Complainants' motion to compel states that PGW response fails to provide the "imbedded" information in the statements of account. From this argument PGW surmises that the Complainants' expectation is to have copies of each bill of the multitude of transactions that comprise the Disputed Transactions.

The provision of all individual billing transaction information would be burdensome. In order to provide the Complainant with such account information, the Statement of Account in its various forms provided contains monthly billing transactions, meter reading information and balances. For the Complainants PGW has provided an enhanced version of the statements of account (with late payment charge computations) and an expanded version of the contact screens (Response to Set II, No. 36). Further, in order to provide complete information regarding liens, PGW continues to review the information provided in order to determine its completeness. PGW will provide any additional information, shortly.

d. Set III, No. 8 – The documents requested in this interrogatory seek information that is not in PGW's possession. PGW has provided correspondence regarding any lien activity from PGW and print-outs in its possession from the Philadelphia County Common Pleas Courts docket system showing the status of the liens. As the process is automated, the docket record showing the status of the liens is the only record that PGW possesses. These records are public records that can be obtained independently using the Lien Docket Number that has been provided to the Complainant.

e. Set III, Nos. 9, 10 and 11 – In these discovery requests, PGW has objected on the grounds that it required PGW to complete an analysis of the account in a format that serves the Complainant's interests. That is, all information required to discover the answers sought in Set III, No. 6 has been provided in PGW's Response to Set II, No. 36 and in the lien information of Set II, No. 39 (subject to check for completion). PGW's Response to Set II, No. 36 is an enhanced version of the statements of accounts that include a detailed breakdown of late payment charges (interest charge). The Complainants need only to review the information in order to present it in a way that shows the breakout for liens. As explained above, PGW will provide further information on the periods of service covered by the listing of liens. This will further assist the Complainant in discerning this information.

f. Set III, Nos. 12 (b – d), 13 and 14

The Complainants' motion to compel states that PGW responses to these, failed provide the "underlying calculations for each disputed transaction..." From this, PGW surmises that the Complainants expectation in this regard is to have copies of each bill of the multitude of transactions that comprise the Disputed Transactions. The provision of all individual billing transaction information would be burdensome. In order to provide the Complainant with such account information, the Statement of Account (Response to Set II No. 36) contains monthly billing transactions, meter reading information and balances. For the Complainants PGW has provided an enhanced version of the statements of account (with late payment charge computations) and an expanded version of the contact screens (Response to Set II, No. 36).

g. Set III, Nos. 16 and 17. The Complainants' motion to compel states that PGW failed to show or provide specific procedures to finalize a bill. Set III, Nos. 16 and 17 actually request "...circumstances that must exist..." These interrogatories do not specifically request procedures. The author of the response believed that a simple explanation of the condition of an account was needed. The author of the response needed no reference as these interrogatories elicit simple information that is common knowledge to a PGW employee in her position with her experience.

h. Set III, Nos. 19 and 20 - The Complainants' motion to compel states that PGW failed to provide a regulatory reference for the terms "past due debt" and "placeholder." As to the meaning of "past due debt, the author of the response believed that a simple explanation of the condition of an account was needed and that there are some terms for which the general meaning is applicable. The author of the response needed no reference as these interrogatories elicit simple information that is common knowledge to a PGW employee in her position with her experience. As to the term "placeholder" the term is used internally to PGW as described in the response and is not part of the Commission's official policy on User Without Contract ("UWAC").

i. Set III, Nos. 21, 22, 23 and 24 – The Complainants' motion to compel states that the responses referred to fail to provide the detailed and embedded information.

In Set III, No. 21, which is attached as Appendix 1, PGW has reminded the Complainants that PGW provided that information previously and that the Complainants have submitted the information in its Trial Binders during the hearings of these matters held in August 2013. Tab IV of each of the SBG trial binders contains the statements of account for the SBG related properties from the beginning of that account. The Complainants' motion to compel states that PGW's response fail to provide the "imbedded" information for each of the Disputed Transactions. From this argument, PGW surmises that the Complainants' expectation is to have copies of each bill of the multitude of transactions that comprise the Disputed Transactions. The provision of all individual billing transaction information would be burdensome. In order to provide the Complainant with such account information, the Statement of Account in its various forms provided contains monthly billing transactions, meter reading information and balances. For the Complainants PGW has provided an enhanced version of the statements of account (with late payment charge computations, Response to Set II, No. 36.)

j. Set III, No. 26

PGW response to Set II, No. 38 provides the information on liens. The format of the information provided shows the amount, lien docket number the period of usage and status of each lien. This information can be compared against the statements of account provided in PGW's Responses to Set II, 36 to determine of the lien amount for gas usage, the assessed late payment charges and the application of the payments to the account to satisfy the lien. Further, in order to provide complete information regarding liens, PGW continues to review the information provided in order to determine or supplement its completeness. PGW will provide any additional information, shortly.

k. Set III, Nos. 27 and 28

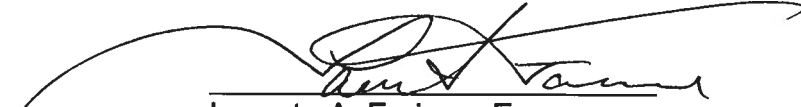
The Complainants' motion to compel states that PGW's response fail to provide the underlying pieces of data to calculate charges. From this argument, PGW surmises

that the Complainants' expectation is to have copies of each bill of the multitude of transactions that comprise the Disputed Transactions. The provision of all individual billing transaction information would be burdensome. In order to provide the Complainant with such account information, the Statement of Account in its various forms provided contains monthly billing transactions, meter reading information and balances. For the Complainants PGW has provided an enhanced version of the statements of account (with late payment charge computations, Response to Set II, No. 36.)

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

Respectfully submitted,

August 5, 2014



Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
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Appendix 1

SBG Management Services, Inc. v. Philadelphia Gas Works
Docket Nos. C-2012-2304215, C-2012-2304167,
C-2012-2304303, C-2012-2304183, C-2012-2304324,
C-2012-2334253, C-2012-2308454, C-2012-2308462, C-2012-2308465
Requests for Production of Documents And Interrogatories of
SBG Management Services, Inc. and Related Entities (together, "SBG")
Set III

21. Identify, state and produce a copy or produce for inspection and photocopying the following documents, records and information:

- a. Financial and other documents in the Respondent's books and records that confirm and show the Account Opening Date for each Customer Account with a starting balance of \$0.00, as defined herein and;
- b. A continuous record of all financial activity, that begins with the Account Opening Date and starting balance of \$0.00 and continues to state, on a monthly basis, any and all "Account Charge(s)," as defined herein, for each Customer Account, up to and including the date of the Response to this Interrogatory.

RESPONSE:

The information sought in Complainants' discovery Set III, No. 21 "a" and "b" is already in the Complainants' possession. The information had been provided to the Complainants who, in turn, have submitted it as proposed SBG Exhibits at the hearings of these matters held in August 2013.

Please see SBG trial binders submitted for each property. Tab VI of each SBG trial binder contains the statements of account for each account at that property showing the date of commencement of the account with a \$0 just prior to the issuance of the first bill. The date of the first bill would be the first transaction date. (See attached example.)

This Response was prepared by Linda Pereira, Senior Customer Review Officer – PGW.

RECEIVED

Specific Service Agreement Statement of Account SA- 4787733461

Customer Name S B G MANAGEMENT	From Date 4/8/2001	To Date 12/31/2003
Service address 815 N 7TH ST PHIL, PA 191239455	Account Number 25099422	Meter 1987188
	SA Number 4787733461	Rate GS

STATEMENT

Transaction Date	Type	Reading Code	Reading # of Days	CCF Usage	Average CCF/Days	Heating DDD's	Payment Type	Due Date	Transaction Amount	Current Balance	Actual Balance
06/29/2001	BILL	60282	R 42	687	16.60	254		06/19/2001	\$1,045.98	\$1,045.98	(\$1,045.98)
08/20/2001	LPC				0.00				\$15.68	\$1,061.66	\$1,061.66
08/22/2001	BILL	60510	R 31	328	10.58	42		07/18/2001	\$500.48	\$1,562.12	\$1,562.12
08/28/2001	XFER				0.00				(\$1,562.12)	\$0.00	\$0.00
08/28/2001	CANB				0.00				(\$1,045.98)	(\$1,045.98)	(\$1,045.98)
08/28/2001	BSEGCN				0.00				\$0.00	(\$1,045.98)	(\$1,045.98)
08/28/2001	XFER				0.00				\$1,045.98	\$0.00	\$0.00
08/29/2001	XFER				0.00				(\$1,045.98)	(\$1,045.98)	(\$1,045.98)
08/29/2001	XFER				0.00				\$1,562.12	\$516.16	\$516.16
08/03/2001	BILL	60282	R 36	503	13.97	183		07/24/2001	\$758.18	\$1,275.34	\$1,275.34
08/03/2001	LPC				0.00				\$18.89	\$1,294.23	\$1,294.23
08/03/2001	BILL	61001	R 47	391	8.32	0			\$608.19	\$1,903.42	\$1,903.42
08/08/2001	PAY				0.00		Check		(\$600.48)	\$1,302.94	\$1,302.94
08/09/2001	PAY				0.00		Check		(\$500.48)	\$802.46	\$802.46
08/09/2001	PAY				0.00		Check		(\$909.19)	\$288.27	\$288.27
08/01/2001	LPC				0.00				\$3.68	\$291.95	\$291.95
08/01/2001	BILL	61226	R 29	226	7.76	0		08/26/2001	\$348.21	\$640.16	\$640.16
08/17/2001	PAY				0.00		Check		(\$947.94)	\$297.20	\$297.20
10/03/2001	LPC				0.00				\$3.71	\$300.91	\$300.91
10/03/2001	BILL	61544	R 32	318	9.84	30		10/28/2001	\$408.10	\$710.01	\$710.01
10/28/2001	PAY				0.00		Check		(\$710.01)	\$0.00	\$0.00
11/01/2001	BILL	61897	R 29	353	12.17	174		11/28/2001	\$453.35	\$453.35	\$453.35

C-2012-2304215
FAIRMOUNT

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:

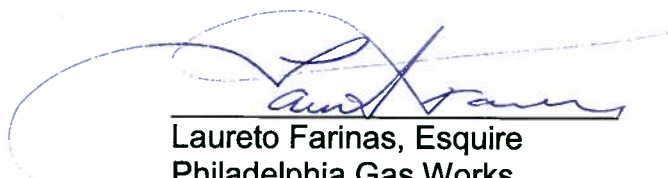
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August 5, 2014



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