

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHANIE M. SAWYER	:	
Complainant	:	DOCKET NO.: C-2015-2504851
vs.	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

MOTION TO COMPEL

Complainant, Stephanie M. Sawyer, hereby submits the following Motion to Compel and in support hereof avers the following:

1. On or about September 21, 2015, Complainant filed a complaint against Respondent, PGW, alleging that PGW failed to properly interpret and administer the March 19, 2015 Order of this Commission in the previous matter under docket number F-2013-2392770.
2. On or about October 13, 2015, Respondent filed its Answer essentially denying any of the aforementioned failures.
3. On or about December 10, 2015, Complainant propounded and served her first set of discovery request to Respondent (see Exhibit "A").
4. On or about January 2, 2016, Complainant received Respondents responses to said discovery request which were dated December 30, 2015.

5. On January 7, 2016, after a preliminary review of the responses received, Complainant emailed counsel for the Respondent because only 8 of the 21 interrogatories sent (interrogatories #'s 1, 11, 12, 14, 17, 18, 19, and 20) received a substantive response. Specifically, interrogatories #'s 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 12 (note Complainant mistakenly had two #12's), 13, 15, and 16 remained without any substantive response with the Respondent citing the position that because it did not track the requested information in the ordinary course of its business, the Respondent would not answer despite Complainant's belief that the instant matter is a rate dispute under §5.361(b).

6. It should be noted that Respondent was not amenable to *any* discussion or compromise but instead simply refused to address the obvious call of the interrogatories. Specifically, the call of interrogatories #'s 4 and 6 clearly focused on PGW's scrutiny of its CRP customers after enrollment and in between certifications yet Respondent would only focus on the actual enrollment/certification or recertification process which was in direct contravention to the call of the interrogatory. Despite Complainant raising this very issue, Respondent continued to insist that none of the above mentioned unanswered interrogatories would not be supplemented in any way. See exhibits "B" - "F" for an accurate and complete review of all communications between the parties relative to the instant discovery dispute.

7. Complainant believes and therefore avers that PGW subjects its customers to a different level of scrutiny and/or selectively enforces alleged requirements based upon whether or not that customer has availed his or herself to protections offered by complaints to the Public Utility Commission; thus, the requested discovery is essential information which cannot reasonably be complied or obtained by Complainant but goes to the core of Complainant's ability to properly present her case on February 3, 2016.

WHEREFORE, Complainant, Stephanie M. Sawyer respectfully request that this Honorable Tribunal grant the instant Motion to Compel and order Respondent to substantively respond to all previously unanswered interrogatories and Request for Production of Documents within a reasonable period of time from the date of the applicable order.

Respectfully submitted,

STEPHANIE M. SAWYER, Complainant

DATE: January 12, 2016

CERTIFICATE OF SERVICE

I, Stephanie M. Sawyer, hereby certify that an accurate copy of Complainant's Motion for Disqualification in the matter of *Stephanie M. Sawyer vs. PGW* (Docket C-2015-2504851) was served on the below stated date to the below stated party in the manner indicated:

Administrative Law Judge Eranda Vero
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
(Via facsimile 215-560-3133)

Graciela Christlieb, Esquire
Counsel for PGW
800 W. Montgomery Avenue
Philadelphia, PA 19122
(Via facsimile 215-684-6798)

By:

STEPHANIE M. SAWYER, Complainant

DATE: January 12, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHANIE M. SAWYER	:	
Complainant	:	DOCKET NO.: C-2015-2504851
vs.	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

**COMPLAINANT’S FIRST SET OF INTERROGATORIES, REQUEST FOR
ADMISSIONS AND PRODUCTION OF DOCUMENTS DIRECTED TO PGW**

Pursuant to 52 Pa. Code §§ 5.321-5.373, Complainant, Stephanie M. Sawyer, hereby submits the following Interrogatories, Request for Production of Documents and Request for Admissions to Graciela Christlieb, Esquire as counsel for Respondent Philadelphia Gas Works (hereinafter "PGW") to be answered under oath.

The information sought must be given under oath whether it is secured by you, your agent, servant, representative or attorney, or any other person who has made this knowledge known to you, or from whom you can obtain this information and who is competent to testify to the facts stated. The answers and documents must be served upon the undersigned at her residential address pursuant to paragraph six (6) of the December 4, 2015 Prehearing Order.

The attached Interrogatories, Requests for Production of Documents and Request for Admissions shall be deemed continuing and supplemental answers and responses shall be required immediately upon receipt thereof, if PGW either directly or indirectly obtains further or

different information from the time the answers are served or documents produced to the time of hearing.

INSTRUCTIONS OF DEFINITIONS

If you cannot respond to any part of the following Interrogatories, Request for Production of Documents and Request for Admissions in full, respond to the extent possible, specifying the reason or reasons for your inability to respond to the remainder of the Interrogatories, Request for Production of Documents and Request for Admissions. State whatever information, knowledge, belief or approximate estimate you have concerning the unanswered portion. If the documents or record cannot be located, describe with particularity the effort(s) made to locate the documents or records and the specific reasons for their disappearance or unavailability. If records or documents exist that are not available to you, state where the documents are located, including the name, title and address of their present custodian to the best of your knowledge.

Please attach a copy of any documents referred to in answers to these Interrogatories. The term “document” includes writings, drawings, graphs, charts, photographs, records, and other data compilations from which information can be obtained, or translated, if necessary, by you through detection devices into reasonably usable form. If any documents referred to in your answers to these Interrogatories, Request Production of Documents and/or Request for Admissions are not in your possession, custody or control, please provide the following information relevant to each document:

- a. The identity of the document including, if appropriate, the date, author, recipient and general subject matter;
- b. The names and addresses of all persons who received or possess copies of the documents;

- c. The present location of the documents; and
- d. The present custodian of the documents.

Where you are requested to identify any person, please provide:

- a. Full and correct name;
- b. Any other names such person uses or is known by;
- c. A description of the type of person(e.g., corporation partnership, individual);
- d. Complete current business address(es) or last known business address(es), or last known home or residential address(es) if current home or residential address is not known;
- e. For an individual, complete current home or residential address(es), or last known home or residential address(es)if current home or residential address is not known;
- f. Current home telephone number(s) and if current home telephone number is not known, last known telephone number; and
- g. For an individual who has been employed by you, the individual last job title, a brief description of his last job duties, and dates of employment.

When you are requested to produce a document, the request seeks all documents within your possession, custody or control. If any document requested is in the possession, custody or control of another person, or information sought is known by another person, state which document or information fits the description and identify the person who has possession of such document or knowledge of such information.

Unless otherwise indicated, all Interrogatories, Request for Production of Documents and Request for Admissions relate to PGW and/or PGW's customers. Unless otherwise indicated the term "Complainant" refers to Stephanie M. Sawyer only.

INTERROGATORIES

1. During the time of Complainant's Customer Responsibility Program (hereinafter "CRP") enrollment and/or Complainant's eligibility for CRP as declared by PUC's Secretary,

Rosemary Chiavetta (March 13, 2009 thru March 19, 2015), please state the number of customers enrolled in PGW's CRP.

2. For those described numerically in response to interrogatory #1, how many of PGW's CRP customers were removed (voluntarily or involuntarily) from PGW's CRP as a result of *anything* discovered *outside* of their respective certification and/or re-certification process?
3. For those, if any, identified numerically in response to interrogatory #2, how many had ever filed a PUC complaint (formal or informal) against PGW?
4. For those described numerically in response to interrogatory #1, how many of PGW's CRP customers were requested by PGW to provide income verification and/or any type of employment and/or income related information *outside* of their respective certification and/or re-certification process?
5. For those, if any, identified numerically in response to interrogatory #4, how many had ever filed a PUC complaint (formal or informal) against PGW?
6. For those, if any, identified numerically in response to interrogatory #4, how many were removed from PGW's CRP for failure to provide the requested employment and/or income information/verification?
7. For those, if any, identified numerically in response to interrogatory #6, how many had ever filed a PUC complaint (formal or informal) against PGW?
8. For those described numerically in response to interrogatory #1, how many submitted (voluntarily or in response to PGW's request) to PGW any income verification and/or any type of employment and/or income related information *outside* of their respective certification and/or re-certification process, irrespective of whatever the applicable PGW policy may have been at the relevant time?

9. For those, if any, identified numerically in response to interrogatory #8, how many were removed from PGW's CRP based upon their submission which was made *outside* of their respective certification and/or re-certification process?
10. For those, if any, identified numerically in response to interrogatory #9, how many had ever filed a PUC complaint (formal or informal) against PGW?
11. In the past ten (10) years, has PGW ever requested or required anything different from any of its CRP customers who filed a PUC complaint against PGW versus PGW's CRP customers who never filed any PUC complaints?
12. If the answer to Interrogatory #11 anything other than an unequivocal negative response, state the following:
 - a. what is the precise reason or reasons that different requirement(s) exist based upon whether or not a PUC complaint (formal or informal) had been filed;
 - b. list and describe each and every requirement a CRP customer who had filed a PUC complaint (formal or informal) was subjected to which differed in any way from those requirements of a CRP customer who had not filed a PUC complaint (formal or informal).
12. Identify by name, address, and phone number any past or present PGW CRP customer who forms PGW's basis for any response other than an unconditional admission to Admission Request # 2.
13. Identify by name, address, and phone number any past or present PGW CRP customer who forms PGW's basis for any response other than an unconditional admission to Admission Request # 3.
14. If PGW fails to unequivocally admit any part of Request for Admission #1, state every fact, procedure and/or policy upon which PGW relies for any such denial.

15. If PGW fails to unequivocally admit any part of Request for Admission #2, state every fact, procedure and/or policy upon which PGW relies for any such denial.
16. If PGW fails to unequivocally admit any part of Request for Admission #3, state every fact, procedure and/or policy upon which PGW relies for any such denial.
17. If PGW fails to unequivocally admit any part of Request for Admission #4, state every fact, procedure and/or policy upon which PGW relies for any such denial.
18. If PGW fails to unequivocally admit any part of Request for Admission #5, state every fact, procedure and/or policy upon which PGW relies for any such denial.
19. If PGW fails to unequivocally admit any part of Request for Admission #6, state every fact, procedure and/or policy upon which PGW relies for any such denial.
20. Describe any and all documents relied upon and/or reviewed in conjunction with answering the instant First Set of Interrogatories, Request for Production of Documents and Request for Admissions

REQUEST FOR PRODUCTION OF DOCUMENT

1. Any and all documents promulgated by and/or for PGW which describe, relate to and/or outline any and all obligations/requirements of those PGW customers enrolled in PGW's CRP program to provide income information and/or verification *outside* of its certification and/or recertification process.
2. Provide an accurate and complete copy of any and all PGW policy and/or procedure which outline, describe and/or relate to the consequences to any PGW CRP customer for failing to provide income information and/or verification *outside* of its certification and/or recertification process.

3. Provide any and all documents relied upon and/or reviewed in conjunction with answering the instant First Set Interrogatories, Request for Production of Documents and Request for Admissions (*be sure to identify which document produced in response to the instant request for documents correspond to which discovery answer provided*).

REQUEST FOR ADMISSIONS

1. Admit that both Administrative Law Judge Eranda Vero and the Pennsylvania Public Utility Commission concluded that Complainant's gross household income for the years 2012 and 2013 did not exceed the threshold for enrollment in PGW's CRP program in 2013 and 2014 (see p. 4 Commission's March 19, 2015 Opinion and Order and p. 12 of ALJ Vero's December 11, 2014 Initial Decision).
2. Admit that PGW has never had a CPR customer who had never been involved in a PUC complaint against PGW removed from CRP unconnected to their certification and/or re-certification process.
3. Admit that PGW has never had a CPR customer removed from CRP unconnected to their respective certification and/or re-certification process.
4. Admit that on or about March 19, 2015 the Pennsylvania Public Utility Commission concluded that Complainant was a residential customer who was eligible for PGW's CPR program (see p. 5 Commission's March 19, 2015 Opinion and Order).
5. Admit that on or about March 19, 2015 the Pennsylvania Public Utility Commission concluded that nothing in Chapter 14 of the Code required a conclusion that the Complainant was ineligible for PGW's CPR program (see p. 5 Commission's March 19, 2015 Opinion and Order).

6. Admit that on or about March 19, 2015 the Pennsylvania Public Utility Commission ordered, *inter alia*, that Philadelphia Gas Works was directed to reinstate the Complainant in its Customer Responsibility Program.

By:

STEPHANIE M. SAWYER, Complainant
6802 Lawnton Avenue
Philadelphia, PA 19126
(267) 250-9413

Date: December 9, 2015

CERTIFICATE OF SERVICE

I, Stephanie M. Sawyer, hereby certify that an accurate copy of Complainant's First Set of Interrogatories, Request for Production and Request for Admissions of in the matter of *Stephanie M. Sawyer vs. PGW* (Docket C-2015-2504851) was served on the below stated date to the below stated party in the manner indicated:

Graciela Christlieb, Esquire
Counsel for PGW
800 W. Montgomery Avenue
Philadelphia, PA 19122
(Via facsimile 215-684-6798)

By:

STEPHANIE M. SAWYER, Complainant

DATE: December 9, 2015

EXHIBIT "A"

Stephanie Sawyer <smsesq1@gmail.com>

Jan 7 (2
days ago)

to graciela.chris., danielle.leva

Please be advised that I am in the process of reviewing your discovery responses and so far find them wholly insufficient. While my review of the few documents provided is not completed, your non-answers to the interrogatories need to be addressed immediately as the February 3rd hearing date is fast approaching. Specifically, only 8 of the 21 interrogatories sent (interrogatory 1, 11, 12, 14, 17, 18, 19, and 20) received a substantive response. Interrogatories 4 and 6 attempt to answer a question not being asked and interrogatories 2, 3, 5, 7, 8, 9, 10, 12, 12 (note I mistakenly had two #12's), 13, 15, and 16 simply say you don't track the requested information in the ordinary course of your business. However, section 5.361(b) specifically forbids such a response.

Please know that your answers are due January 10 but I am more than open to an extension if you will give me a firm date upon which I can expect to be in receipt of substantive answers. Please be advised that I will be out of town until January 17th but will be checking my email on a daily basis for your response since the relevant scheduling order requires us to address discovery issues in good faith prior to seeking intervention from the assigned administrative judge. Should you fail to either respond or meet any new deadline agreed upon, my only recourse is a motion to compel.

Thank you for your anticipated professionalism.

I remain,
Stephanie M. Sawyer

Sent from my iPhone

EXHIBIT "B"

Jan 7 (2
days ago)

Christlieb, Graciela C <Graciela.Christlieb@pgworks.com>

to me

Please be advised that given the confusing nature of the questions as well as the poor quality of the writing, I did the best that I could in terms of discerning what information you were actually looking to obtain and answered the questions accordingly. Should you wish to submit new interrogatories, I will certainly respond to them.

Sincerely,

Graciela Christlieb

Graciela Christlieb
Senior Attorney
Legal Department
Philadelphia Gas Works
800 W. Montgomery Ave.
Philadelphia, PA 19122
Phone: [215.684.6164](tel:215.684.6164)
Fax: [215.684.6798](tel:215.684.6798)

EXHIBIT "C"

Stephanie Sawyer <smsesq1@gmail.com>

Jan 7 (2
days ago)

to Graciela, danielle.leva

I will not resubmit (January 10th remains as the due date) but I will gladly provide the requested clarity along with guiding you through the plain meaning of the question previously presented by or before 5pm tomorrow. Notwithstanding those 2 interrogatories, your response does not substantively address the many interrogatories simply not answered because the requested information was not already complied in the normal course of PGW's business.

I shall await your response regarding what additional time you may wish to request to substantively answer those unanswered interrogatories.

Sent from my iPhone

Stephanie Sawyer <smsesq1@gmail.com>

Jan 7 (2
days ago)

to Graciela, danielle.leva

In the future, should you be genuinely confused I welcome you to call or email me concerning your confusion to avoid any unnecessary wasting of time.

Christlieb, Graciela C <Graciela.Christlieb@pgworks.com>

Jan 7 (2
days ago)

to me, Danielle

No additional time will be necessary as the interrogatories you have submitted have been answered to the fullest extent that they will be answered.

Christlieb, Graciela C <Graciela.Christlieb@pgworks.com>

Jan 7 (2
days ago)

to me, Danielle

I appreciate your offer.

EXHIBIT "D"

to Graciela

In the interest of making sure you do not remain confused about what was being asked in interrogatories 4 and 6, please review the attached.

Should you stand firm on refusing to answer then we will be at an impasse and the matter will need to be the subject of a motion to compel. Should you fail to substantively respond by or before January 10th I will file the motion on January 18th as I will be out of town beginning Sunday January 10th thru the 17th.

Attachment:

REQUESTED CLARITY

4. For those described numerically in response to interrogatory #1, how many of PGW's CRP customers were requested by PGW to provide income verification and/or any type of employment and/or income related information *outside* of their respective certification and/or re-certification process?

Those described numerically in response to number 1 is all CRP customers from March 13, 2009 thru March 19, 2015. Instead of answering the question asked about when if at all **PWG requested** information outside of the certification and recertification period the response speaks to information requested and obligations allegedly conveyed in the process of certification and recertification. Kindly answer the question asked.

6. For those, if any, identified numerically in response to interrogatory #4, how many were removed from PGW's CRP for failure to provide the requested employment and/or income information/verification?

In addition to saying PGW doesn't track the requested information in the course of its regular business, the response once again refers to enrollment requirements when the call of the question is clearly focused on the time frame *after* enrollment and *in between certification*. Kindly answer the question asked and please know that I am open to a reasonable extension if you need additional time to compile the requested data which PGW does not track in the ordinary course of its business.

EXHIBIT "E"

Christlieb, Graciela C <Graciela.Christlieb@pgworks.com>

3:31 PM (21
hours ago)

to me, Danielle

It seems that you are the party in need of clarification. I at no point asked you to attempt to make your original interrogatories any more clear; I let you know that that I would respond to any further interrogatories you may wish to file. I will also point out (again) that PGW has answered the original interrogatories you have filed; your lack of satisfaction with the answers is not indicative of whether they were answered or not.

You have been on notice since yesterday (January 7, 2015) that the interrogatories you have submitted thus far have been answered to the fullest extent that they will be answered. Moreover, the answers themselves were provided on December 30, 2015. When you choose to file your motions is up to you, however you have had ample opportunity to take action with respect to PGW's answers and PGW will be objecting to any requests to an extension of time on your part with respect to addressing whatever issues you may have with the answers/information submitted on December 30, 2015. I advise you take this into account prior to leaving town.

Graciela Christlieb

Senior Attorney

Legal Department

Philadelphia Gas Works

800 W. Montgomery Ave.

Philadelphia, PA 19122

Phone: [215.684.6164](tel:215.684.6164)

Fax: [215.684.6798](tel:215.684.6798)

From: Stephanie Sawyer [mailto:smsesq1@gmail.com]

Sent: Friday, January 08, 2016 3:08 PM

To: Christlieb, Graciela C

EXHIBIT "F"

