



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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March 22, 2016

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

**Re: Thomas Reynolds v. PGW, Docket No. C – 2016 – 2523759**

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.342, the Philadelphia Gas Works ("PGW") hereby objects to the Complainant's requests for production of documents.

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: Thomas Reynolds  
Administrative Law Judge Angela T. Jones  
Linda Pereira (PGW Mail)  
Wendy Vacca (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Thomas Reynolds**

**v.**

**Philadelphia Gas Works**

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**Docket No. C - 2016 - 2523759**

**OBJECTION  
TO THE DISCOVERY REQUEST FOR THE  
PRODUCTION OF DOCUMENTS**

Pursuant to 52 Pa. Code §§ 1.2, 5.331(e), and 5.342, the Philadelphia Gas Works (PGW), hereby objects to the Discovery Request for the Production of Documents submitted by the Complainant in the above captioned matter, a copy of which is attached hereto as Appendix "A" and incorporated by reference as if fully set forth. PGW objects to the submission of the discovery request on the ground that it is not yet ripe as there are Preliminary Objections, which may be dispositive, that have not yet been ruled on by the Court.

In support of its Objection, PGW hereby avers the following:


1. On or about January 9, 2016, the Complainant filed a formal complaint against PGW with the Commission under the above captioned Docket No., regarding an unpaid debt for gas service at 5219 Spruce Street, BSE, Philadelphia, PA (Subject Property).
2. On February 3, 2016, PGW filed its Preliminary Objections and Motion to Strike, which was accompanied by a Notice to Plead.
3. The Complainant has failed to respond to PGW's Preliminary Objections and Motion to Strike.
4. On March 15, 2016, the Complainant served upon PGW a Discovery Request for the Production of Documents.
5. The Court has not yet ruled on PGW's Preliminary Objections and Motion to Strike.

6. It is in the interest of justice as well as in fairness to the parties that the Court rule on the Preliminary Objections and Motion to Strike before either party be subjected to discovery requests.

Wherefore, for the reasons set forth above, PGW respectfully requests that the Commission issue an order sustaining PGW's objection to the Complainant's Discovery Request for the Production of Documents until such a time as the Court has ruled on PGW's Preliminary Objections and Motion to Strike.

March 22, 2016

Respectfully submitted,



Graciela Christlieb, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

**CERTIFICATE OF SERVICE**

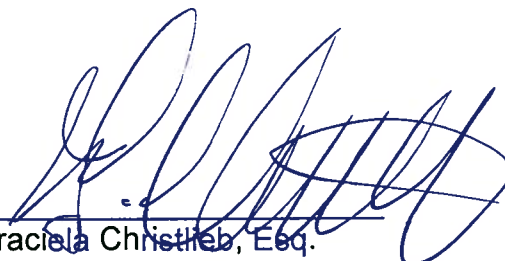
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

**Service List**

Thomas Reynolds  
121 Luckie Street  
Suite 100  
Atlanta, GA 30303

Administrative Law Judge Angela T. Jones  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107

March 22, 2016



Graciela Christlieb, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Thomas Reynolds :  
v. : Docket No. C -2016 - 2523759  
Philadelphia Gas Works :

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**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PGW**

Comes now Thomas Reynolds (hereinafter referred to as "Plaintiff"), and brings this Plaintiff's first set of Request for Production of Documents to Defendant Philadelphia Gas Works' ("PGW" or "Defendant") requesting responses to the following:

**INSTRUCTIONS:**

1. Please do not ignore the Interrogatories and Request for Production of Documents and Request for Admissions. Your failure to respond or produce these documents herein as required by law within the 10 or 20 day period provided by law, could result in the imposition of a contempt order and appropriate civil sanctions.
2. These Interrogatories shall be deemed continuing to the full extent permitted under the applicable provision of Pennsylvania Code including but not limited to § 5.349. Requests for documents, entry for inspection and other purposes.
3. In answering these request furnish all information, however obtained, hearsay that is available to you and information known by or in possession of yourself, your agents, and your attorneys or appearing in your records.
4. You have a duty to conduct a reasonable investigation if such is necessary to enable you to answer any interrogatory or respond to any request for production of documents. If you cannot answer any of the following interrogatories or requests for production of documents and admissions in full after exercising due diligence to secure the information to do so, please state in your response, and answer to the extent possible, specifying your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion, and detailing what you did in attempting to secure the unknown information. Additionally, "not applicable" should not be used to answer any interrogatory. Instead, if you are unable to answer a question follow the instructions directly above, or if you simply do not possess any of the requested information please answer "none," or some synonym thereof, which clearly indicated that you understand the interrogatory but have no information with which to answer it.
5. A question that seeks information contained in or about any document may be answered by providing a copy of such documents for inspection and copying, or by furnishing a copy of such document.

6. If you assert privilege as a ground for failing to answer any Interrogatory, respond to that part of each Interrogatory that, in your view, does not seek allegedly, privileged information or communication. For each Interrogatory, or portion thereof, for which you claim a privilege, describe the factual and legal basis for the claim of privilege in sufficient detail to permit adjudication of the validity of the claim, including without limitations, the following:
  - a. A brief description of the type of information or communication (e.g. document or conversation);
  - b. The date of the information or communication;
  - c. The name of the transmitter of the information or communication;
  - d. The name of the person to whom the information or communication has been provided, whether by Plaintiff or any other person;
  - e. A brief description of the subject matter of information or communication; and
  - f. The nature of the privilege claimed.
7. Wherever you are requested to identify a communication of any type of such communication was oral, the following information should be furnished with regard to each such communication:
  - a. By Whom and whom it was made;
  - b. The date upon which it was made;
  - c. Who else was present when it was made;
  - d. Whether it was recorded or described in any writing of any type.
8. Wherever you are requested to identify a communication, letter, document, memorandum, report or record of any type such communication was written, the following should be finished:
  - a. A specific description of its nature (e.g. whether it is a letter, a memorandum, etc.);
  - b. By whom it was made and to whom it was addressed;
  - c. The date upon which it was made; and
  - d. The name and address of the present custodian of the writing, or if not known, the name and address of the present custodian of a copy thereof.
9. Wherever you are requested to identify a person, the following information should be furnished;
  - a. the person's full name;
  - b. His or her present home and business address and any telephone number associated with the person;
  - c. His or her occupation; and
  - d. His or her place of employment

10. All definitions shall be carefully followed.

#### DEFINITIONS:

These definitions apply to words used in these interrogatories, requests for production of documents, and request for admissions, unless context requires otherwise. As used herein, the terms listed below are defined as follows:

1. **"You"** and **"your"** includes Philadelphia Gas Works, its agent, or any person working on behalf of the Defendant, whether employees or third parties acting under the direction of PGW.

2. **"Person"** shall mean any natural person, corporation, partnership, proprietorship, association, commission, government entity or public body, agency, group, organization, or group of persons.

3. **"Document"** shall mean every original or identical copy of a writing or record of every type and description that is or has been in your possession, custody, or control or of which you have knowledge, including but not limited to correspondence, email, memoranda, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, pictures, drawings and photographs, films, microfilms, voice recordings, maps, reports, surveys, minutes or statistical compilations, or any other reported or graphic material in whatever form, including copies, drafts, reproductions, summaries, and transcriptions, and records in any format. **"Document"** also refers to any other data compilations from which information can be obtained, and translated, if necessary, by you through computers or detection devices into reasonably usable form. Any document bearing on any side thereof any marks (such as, but not limited to, initials, stamped indicia, comments or notations) of any character and not a part of the original text is to be considered and produced as a separate document.

4. **"Identity"** or **"Identify"** means:

- a. With respect to natural persons, to state his or her full name, last known home address, including zip code, last known business address, including zip code, home telephone number, business telephone number, position, present employer, and employer at the time, his or her present or last known employment position and/or business affiliation. Once any person has been identified properly, it shall be sufficient thereafter when identifying the same person to state the name only.
- b. When used in reference to a corporation, partnership, firm, proprietorship, association, governmental unit, or other organization or entity, **"Identify"** shall mean to state its full name and present or last known address and telephone number.
- c. When used in reference to a Document, **"Identify"** shall mean state (i) the date of the Document, (ii) the title of the Document or other description of the subject matter of the Document, (iii) the name of the sender and/or the author of the Document, and (iv) the name of all persons who received the original and/or copy of the Document.

5. The phrase **"relating to"** or **"related to"** shall mean constituting, memorializing, containing, modifying, describing, referring to, evaluating, support, analyzing, or arising from, the subject matter of the discovery request.

6. **"Any"** includes and encompasses the words "each" and "all."
7. **"Property"** means 5219 Street Philadelphia, PA 19139.
8. **"Account(s)":** unless otherwise referenced means any and every gas account provided by PGW for the Property during the period of 2005 through present.
9. All other words used in any request below shall be construed according to their ordinary dictionary definitions.

#### DISCOVERY REQUEST FOR PRODUCTION OF DOCUMENTS

- 1) Provide the dates and results of any test performed on meters servicing the Plaintiff's Accounts at the Property.
- 2) Provide any statements which were sent to the Plaintiff in connection with Accounts at the Property, including (1) the dates on which the statements were sent to Plaintiff (2) whether such statements were based on estimate or actual meter readings, and (3) the addresses which the statements were mailed to Plaintiff.
- 3) Provide any information you have in your possession oral or written which indicated Plaintiff was residing at a property other than 5219 Spruce Street (including but not limited to any communications received from Plaintiff with the addresses or return address 881 Memorial Drive, Suite 100, Atlanta, GA 30316, or 121 Luckie St, Suite 100, Atlanta, GA 30303).
- 4) Provide any information you received about Plaintiff's lack of income or financial hardships during the time of PGW's service to the Property.
- 5) Provide any information you have which indicates you provided Plaintiff information regarding programs which he may be eligible for including but not limited to the Customer Responsibility Program which would eliminate the entire past due balance after 3 years of on-time payments.
- 6) Provide copies or records of any information whereby Plaintiff requested account statements or billing information from PGW (including but not limited to the PGW Correspondence Department).
- 7) Provide copies or records of any information related to any written or oral objections raised by Plaintiff to PGW regarding the Accounts.
- 8) Provide any information you have regarding the switching of the meters at the Property (including but not limited to the initial request, the persons responsible for the switch, the current and previous meter numbers, etc).
- 9) Provide any information you have received which would indicate the Property was being used for rental purposes (including but not limited to phone calls received by persons claiming to be tenants of the property, statements whether written or oral from Plaintiff indicating that the property was used for rental purposes, information obtained on PGW's own that property was used for rental purposes).
- 10) Any inspection reports generated with regards to the Property.
- 11) Any rate notices regarding rates sent to Plaintiff as well as the address and dates of such notice.
- 12) Front and back copies of any payments received from Plaintiff in connection with the Property, along with any cover letter or other documentation enclosed with the payment if applicable.

Respectfully submitted this, 15<sup>th</sup> day of March 2016



By: Thomas E. Reynolds Jr.  
121 Luckie St.  
Suite 100  
Atlanta, GA 30303

**VERIFICATION**

I, Thomas E. Reynolds Jr., hereby verify that I am the owner of 5219 Spruce Street, that I am authorized to make this verification as a property owner and that the facts set forth in the within Instrument are true and correct to the best of my knowledge, information and belief and that the same are made subject to the penalties of 18 PA.C.S.A. 4904 relating to unsworn falsification to authorities.

Respectfully submitted this, 15<sup>th</sup> day of March 2016



By: Thomas E. Reynolds Jr.  
121 Luckie St.  
Suite 100  
Atlanta, GA 30303

**CERTIFICATE OF SERVICE**

I, hereby certify that I have this day served a true copy of the forgoing document upon the participants listed below, in accordance with the requirements of 52 PA Code 1.54 relating to service by a participant).

For Defendant:

Graciela Chrtlieb, Esq.  
Philadelphia Gas Works  
800 W Montgomery, Avenue  
Philadelphia, PA 19122  
(215) 684-6164

Respectfully submitted this, 15<sup>th</sup> day of March 2016



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By: Thomas E. Reynolds Jr.  
121 Luckie St.  
Suite 100  
Atlanta, GA 30303