

June 15, 2016

*Via Electronic Filing*

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

Re: Tri-Conn Alternative Services, Inc. v. EMS Southwest, Inc.  
Complaint Docket No. C-2016-2528321  
Our File: 028434-167754


Dear Secretary Chiavetta:

Attached is the Complainant's Response in Opposition to Motion to Dismiss Objections to Interrogatories and Request for Production of Documents Directed to Complainant and to Compel Answers to Interrogatories filed on behalf of Tri-Conn Alternative Services, Inc.

If you should have any questions, please contact us. Thank you.

Sincerely,

TUCKER ARENSBERG, P.C.



Ryan P. Siney

RPS/jms  
Enclosure

cc: Tri-Conn Alternative Services, Inc. (via email)  
William A. Gray, Esquire

HBGDB:158025-1 028434-167754

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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<b>TRI-CONN ALTERNATIVE SERVICES, INC.</b>	:	
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	:	
<b>Complainant</b>	:	<b>Complaint Docket</b>
	:	
<b>v.</b>	:	<b>No. C-2016-2528321</b>
	:	
<b>EMS SOUTHWEST, INC.</b>	:	
	:	
	:	
<b>Respondent</b>	:	

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**COMPLAINANT’S RESPONSE IN OPPOSITION TO MOTION TO DISMISS  
OBJECTIONS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO THE COMPLAINANT  
AND TO COMPEL ANSWERS TO INTERROGATORIES**

AND NOW COMES Complainant, Tri-Conn Alternative Services, Inc. (“Tri-Conn”), by and through its counsel, to state and aver the following response in opposition to the Motion to Dismiss Objections to Interrogatories and Requests for Production of Documents Directed to the Complainant and to Compel Answers to Interrogatories to the Interrogatories filed by Respondent, EMS Southwest, Inc. (“EMS Southwest”):

1. The averments of Paragraph 1 refer to a written document which speaks for itself, and any characterization of such document is denied.
2. The averments of Paragraph 2 refer to a written document which speaks for itself, and any characterization of such document is denied.
3. The averments of Paragraph 3 are a statement and/or conclusion of law which require no response.

4. The averments of Paragraph 4 refer to a written document which speaks for itself, and any characterization of such document is denied.

5. The averments of Paragraph 2 refer to a written document which speaks for itself, and any characterization of such document is denied.

6. Denied. It is denied that Tri-Conn's objection to Interrogatory No. 7 should be dismissed and further denied that such Interrogatory is relevant to the issue of whether the service provided by EMS Southwest in Fayette County is exempt from the jurisdiction of the Pennsylvania Public Utility Commission pursuant to the exemption at 52 Pa. Code §41.11.

7. The averments of Paragraph 7 refer to a written document which speaks for itself, and any characterization of such document is denied.

8. Denied. It is denied that Tri-Conn's objection to Interrogatory No. 8 should be dismissed and further denied that such Interrogatory is relevant to the issue of whether the service provided by EMS Southwest in Fayette County is exempt from the jurisdiction of the Pennsylvania Public Utility Commission pursuant to the exemption at 52 Pa. Code §41.11.

9. The averments of Paragraph 9 are a statement and/or conclusion of law which require no response. To the extent a response is required, it is denied that the information requested by EMS Southwest in Interrogatory No. 7 and 8 is relevant and discoverable.

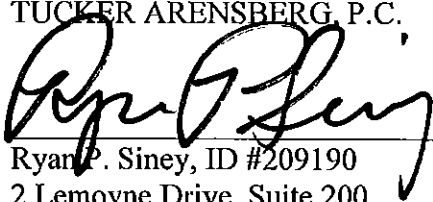
WHEREFORE, Complainant, Tri-Conn Alternative Services, Inc., respectfully requests that Motion to Dismiss Objections to Interrogatories and Requests for Production of Documents Directed to the Complainant and to Compel Answers to Interrogatories to the Interrogatories and Request for Production of Documents Directed to Complainant filed by Respondent, EMS Southwest, Inc. be denied.

Respectfully submitted,

Date: June 15, 2016

TUCKER ARENSBERG, P.C.

By:

  
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*Attorneys for Complainant,*

*Tri-Conn Alternative Services, Inc.*

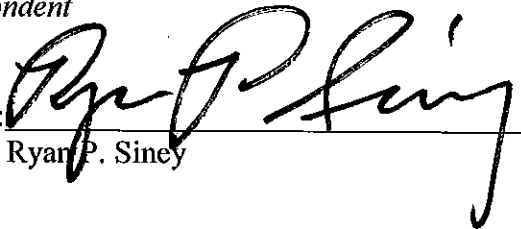
HBGDB:158464-1 027503-154183

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Response in Opposition to the Motion to Dismiss Objections to Interrogatories and Requests for Production of Documents Directed to the Complainant and to Compel Answers to Interrogatories to the Interrogatories in accordance with the requirements of 52 Pa. Code §1.54 via first class mail, postage prepaid, as follows:

William A. Gray, Esquire  
VUONO & GRAY, LLC  
310 Grant Street  
Suite 2310 Grant Building  
Pittsburgh, PA 15219  
*Attorneys for Respondent*

Dated: June 15, 2016

By:   
Ryan P. Siney