



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1985 Direct Fax
File #: 165082

March 8, 2017

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Centre Park Historic District v. UGI Utilities, Inc.
Docket No. C-2015-2516051**

**City of Reading v. UGI Utilities, Inc.
Docket No. C-2016-2530475**

Dear Secretary Chiavetta:

Enclosed for filing is the Motion of UGI Utilities, Inc. (“UGI” or the “Company”) to Dismiss Objections and Compel Responses to Discovery Propounded on The City of Reading (“City”) and Centre Park Historic District (“CPHD”) – Set I, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

UGI observes that the attachment to the City and CPHD’s discovery responses is large and, therefore, to reduce the burden on Administrative Law Judge Mary D. Long (“ALJ”) and the other parties, the Company is providing a copy of the attachment on a CD.

Further, at this time, UGI only is providing a copy of the attachment to the ALJ and the other parties. Although not marked as confidential by the City and CPHD, the Company believes that the attachment may contain confidential customer information. Therefore, out of an abundance of caution, UGI will file the attachment after a protective order is entered in this proceeding or as otherwise directed by the ALJ.

Moreover, concurrent with the filing of this Motion, UGI is filing a Petition for Protective Order. UGI respectfully requests that the ALJ and the other parties afford the attachment confidential

Rosemary Chiavetta, Secretary
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Page 2

treatment pending a ruling on the Company's Petition for Protective Order. *See* 52 Pa. Code § 5.365(c)(4).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Devin Ryan", with a long horizontal line extending to the right.

Devin Ryan

DTR/jl
Enclosures

cc: Honorable Mary D. Long
Certificate of Service

CERTIFICATE OF SERVICE
(Docket Nos. C-2015-2516051 and C-2016-2530475)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL & FIRST CLASS MAIL

Michael J. Savona, Esquire
Michael E. Peters, Esquire
Zachary A. Sivertsen, Esquire
Eastburn and Gray, P.C.
PO Box 1389
Doylestown, PA 18901

Adam Young, Esquire
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

Date: March 8, 2017


Devin T. Ryan


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	
v.	:	
UGI Utilities, Inc.	:	Docket No. C-2015-2516051
City of Reading	:	
v.	:	Docket No. C-2016-2530475
UGI Utilities, Inc.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO COMPEL WITHIN FIVE (5) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Mark C. Morrow (ID # 33590)
Chief Regulatory Counsel
Danielle Jouenne (ID # 306829)
Associate Counsel
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406
Phone: 610-768-3628
E-mail: morrowm@ugicorp.com
jouenned@ugicorp.com



David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1197
Fax: 215-587-1444
E-mail: dmacgregor@postschell.com

Christopher T. Wright (ID # 203412)
Devin T. Ryan (ID # 316602)
17 North Second Street
12th Floor
Harrisburg PA 17101-1601
Phone: 717-731-1970
Fax 717-731-1985
E-mail: cwright@postschell.com
dryan@postschell.com

Date: March 8, 2017

Attorneys for UGI Utilities, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	
	:	
v.	:	Docket No. C-2015-2516051
	:	
UGI Utilities, Inc.	:	
	:	
City of Reading	:	
	:	
v.	:	Docket No. C-2016-2530475
	:	
UGI Utilities, Inc.	:	

**MOTION OF UGI UTILITIES, INC. TO
DISMISS OBJECTIONS AND COMPEL RESPONSES TO DISCOVERY
PROPOUNDED ON THE CITY OF READING AND
CENTRE PARK HISTORIC DISTRICT – SET I**

TO ADMINISTRATIVE LAW JUDGE MARY D. LONG:

Pursuant to 52 Pa. Code §§ 5.342(g) and 5.349(d), UGI Utilities, Inc. (“UGI” or the “Company”) hereby files this Motion to Dismiss Objections and Compel Responses to Discovery Propounded on the City of Reading (“City”) and Centre Park Historic District (“CPHD”) (collectively, “Complainants”) – Set I. As explained herein, UGI has attempted, several times, to resolve its discovery disputes with the Complainants informally. However, the Complainants repeatedly have failed to provide revised and supplemental responses to UGI’s discovery, despite their multiple assurances that they would. Thus, UGI has been forced to file this Motion so that the Complainants provide full and complete responses to the Company’s discovery.

In support of its Motion, UGI states as follows:

I. INTRODUCTION

1. On July 22, 2016, UGI served Interrogatories and Requests for Production of Documents on the City of Reading and Centre Park Historic District – Set I (“UGI to City & CPHD Set I”) by email and first class mail. A true and correct copy of UGI to City & CPHD Set I is attached hereto and marked as **Appendix A**.

2. Pursuant to the discovery schedule adopted in this proceeding, objections to UGI to City & CPHD Set I were due on or before August 1, 2016, and responses were due on or before August 11, 2016.

3. The Complainants served no objections to UGI’s Interrogatories and Requests for Production of Documents by the due date of August 1, 2016.

4. On August 8, 2016, counsel for UGI received a call from counsel for the Complainants regarding the status of answers to UGI to City & CPHD Set I. Counsel for the Complainants indicated that the Complainants intended to respond to the discovery by August 11, 2016, but that they were having difficulty in gathering information to answer subparts of one of the questions – UGI to City & CPHD-I-5(i)-(j). Counsel for Complainants stated that a status update on that response would be provided on August 12, 2016, or August 15, 2016. Counsel for UGI requested that any responses to discovery that were otherwise ready be provided in a timely fashion, *i.e.*, on or before the August 11, 2016 due date.

5. The Complainants failed to provide any discovery responses by the August 11, 2016 due date. Further, Complainants’ counsel failed to provide a status update on the outstanding discovery by August 15, 2016, as promised.

6. On August 15, 2016, counsel for UGI attempted to contact Complainants’ counsel but was unsuccessful.

7. UGI's counsel and the Complainants' counsel eventually spoke on August 16, 2016, at which point the Complainants' counsel again advised that the responses were not ready. UGI's counsel was further advised that the Complainants would attempt to answer most of the responses by August 17, 2016, but that the answer to UGI to City & CPHD-I-5(i)-(j) would not be ready to serve.

8. On August 17, 2016, the Complainants served objections¹ and answers to UGI's discovery, which are the subject of the instant Motion. The Complainants' objections and answers to UGI to City & CPHD Set I are attached hereto and marked as **Appendix B**.²

9. On August 23, 2016, counsel for UGI left a voicemail for the Complainants' counsel to discuss the Complainants' untimely objections.

10. Counsel for the Complainants and counsel for UGI eventually spoke about the objections on August 24, 2016, but were unable to resolve any of the objections informally. During that same call, counsel for the Complainants also advised that some responses to UGI to City & CPHD Set I would be further supplemented the following week.

11. In a further effort to try and resolve the outstanding discovery dispute, the parties had a conference call on August 26, 2016. During the conference call, the Complainants advised that, they would be serving supplemental responses to UGI to City & CPHD Set I, Questions 5, 7, 8, 10, 12, 13, 16, and 18. Moreover, regarding the answers and/or objections to UGI to City & CPHD Set I, Questions 11, 15, 17, and 20, the Complainants advised that they would provide revised responses that fully answer those questions. The Complainants further represented that all of the revised and supplemental responses would be served by September 2, 2016. After the

¹ The Complainants attempted to raise objections for the first time in their answers.

² Due to the size of the Complainants' attachment to their answers and objections, the Complainants provided a Dropbox site for UGI to download the attachment. UGI is providing a copy of the attachment on a CD for the convenience of the parties and the ALJ. A print copy of Appendix B can be provided upon request.

call, UGI's counsel sent an email to the Complainants' counsel memorializing their commitments to provide revised and supplemental responses.

12. None of the revised and supplemental responses were served.

13. On February 14, 15, 16, and 17, 2017, counsel for UGI left voicemails for the Complainants' counsel about scheduling the further prehearing conference and asking about the status of the Complainants' revised and supplemental responses to UGI's discovery.

14. On February 17, 2017, counsel for the Complainants finally returned the voicemails and represented that the revised and supplemental responses were going to be served until the litigation schedule was stayed by the ALJ. Counsel for the Complainants further stated that the responses would be provided the following week.

15. None of the revised and supplemental responses were served the following week.

16. On March 1, 2017, counsel for UGI sent an email to the Complainants' counsel requesting that they provide the status of these revised and supplemental responses, noting that these discovery requests were originally propounded on July 22, 2016, and recounting their repeated failures to uphold their multiple commitments to provide the revised and supplemental responses.

17. On March 2, 2017, counsel for UGI again sent an email to the Complainants' counsel asking about the status of the revised and supplemental responses to UGI's discovery.

18. On March 7, 2017, counsel for UGI and counsel for the Complainants had a conference call to discuss, among other things, the status of the Complainants' revised and supplemental responses to UGI's discovery. Although counsel for the Complainants acknowledged that the meter-by-meter survey was complete and that they had previously agreed to provide the survey, counsel for the Complainants intimated that they would not provide

revised and supplemental responses until UGI provided supplemental responses to the Complainants' discovery.

19. To date, the Complainants have not served these revised and supplemental responses.

20. UGI represents that it has attempted repeatedly to resolve any discovery disputes through informal processes in compliance with the ALJ's Third Prehearing Order issued July 15, 2016. As explained previously, counsel for UGI has reached out to the Complainants' counsel on multiple occasions to discuss the Complainants' answers and objections to discovery. However, to date, UGI and the Complainants have been unable to resolve their discovery dispute.

21. For the reasons explained below, the ALJ should dismiss Complainants' objections to UGI to City & CPHD Set I, 12, 15, and 20 because they are untimely and lack merit. Further, the ALJ should direct the Complainants to fully answer UGI to City & CPHD Set I, Questions 5, 16, and 17 because the answers provided are non-responsive.

II. MOTION TO COMPEL

22. UGI requests that the ALJ dismiss the Complainants' objections as untimely and without merit, and direct the Complainants to answer fully all of the interrogatories set forth in UGI to City & CPHD Set I.

23. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. Discovery is permitted regardless of whether the information sought "relates to the claim or defense of the party seeking discovery or to the claim or defense of another party." *Id.*

24. The Commission generally provides wide latitude in discovery matters. *See Pa. P.U.C. v. The Peoples Natural Gas Co.*, 62 Pa. P.U.C. 56 (Order Entered Aug. 26, 1986); *Pa. P.U.C. v. Equitable Gas Co.*, 61 Pa. P.U.C. 468 (Order Entered May 16, 1986).

25. An objection to a discovery request must “[r]estate the interrogatory or part thereof deemed objectionable and the specific ground for the objection.” 52 Pa. Code § 5.342(c)(2). Furthermore, the objection must “[i]nclude a description of the facts and circumstances purporting to justify the objection.” 52 Pa. Code § 5.342(c)(3); *see* 52 Pa. Code § 5.350(d)(3) (stating that the “[g]rounds for objections” to a request for admission “must be specifically stated”).

26. Objections to interrogatories must be served within 10 days of the date the discovery was served. 52 Pa. Code § 5.342(e). Objecting parties remain under an obligation to provide timely answers to interrogatories or subparts of interrogatories to which they did not object. *Id.* § 5.342(f). Further, objections must be contained in a document separate from an answer. *Id.* § 5.342(c).

27. As explained herein, the Complainants have failed to comply with the Commission’s discovery rules. For the reasons stated in more detail below, the ALJ should dismiss the Complainants’ objections as untimely and without merit, and direct the Complainants to answer fully all of the interrogatories set forth in UGI to City & CPHD Set I.

A. THE COMPLAINANTS’ OBJECTIONS ARE UNTIMELY AND FAIL TO COMPLY WITH THE COMMISSION’S REGULATIONS

28. UGI served UGI to City & CPHD Set I on July 22, 2016.

29. Pursuant to 52 Pa. Code § 5.342(e), objections, if any, were required to be served on or before August 1, 2016.

30. The Complainants failed to serve any objections on or before August 1, 2016.

31. It was not until August 17, 2016, that the Complainants first stated in their answers that they had objections to UGI to City & CPHD Set I. Specifically, the Complainants objected to providing responses to, among other discovery requests, UGI to City & CPHD-I-12, 15, and 20.

32. The Complainants' objections to UGI to City & CPHD-I-12, 15, and 20 should be dismissed because they are untimely. Indeed, the Complainants' objections were 16 days overdue. Therefore, the Complainants have waived any objections to UGI's discovery.

33. Although UGI has repeatedly attempted to work the Complainants regarding the untimeliness of their discovery responses, UGI by no means has agreed or otherwise acquiesced to extend the date for objections.

34. In addition, the Complainants first served their objections in their answers to discovery. The Commission's regulations require that the objections be served in a document separate from and in lieu of the answers, not as a part of the answers to the discovery. *Id.* § 5.342(c).

35. The Complainants' apparent disregard for the Commission's discovery rules, combined with the delay in serving their discovery responses, has significantly prejudiced UGI in its ability to complete discovery and, moreover, prepare its case for hearings. The Complainants should, therefore, not be excused from complying with the Commission's procedural regulations, including the discovery rules.

36. For these reasons, UGI respectfully requests that the ALJ dismiss the objections to UGI to City & CPHD-I-12, 15, and 20 and direct the Complainants to answer these questions in full within three business days of the date of the ALJ's order.

B. EVEN IF TIMELY, THE COMPLAINANTS' OBJECTIONS ARE WITHOUT MERIT

37. Even if the Complainants' objections were timely, they are without merit for several reasons, as detailed in the following sections.

1. The Complainants' Objection to UGI to City & CPHD-I-12 Lacks Merit.

38. UGI to City & CPHD-I-12 provides:

Please reference Paragraph 40 of the City's Complaint.

(a) Please explain in detail how the exterior placement of meters "has significantly disrupted the historic nature and aesthetic value of the districts."

(b) Please explain in detail how the exterior placement of meters has "had an immediate, direct, and negative impact on the historical integrity of the neighborhoods."

(c) Please identify all neighborhoods and districts referenced in Paragraph 40 of the City's Complaint.

(d) Please state whether the City, CPHD, or both have conducted or commissioned any study, analysis, or report on how the exterior placement of meters by UGI has affected the historic and/or aesthetic qualities of the neighborhoods and/or districts referenced in Paragraph 40. If so, please provide copies of any such studies, analyses, and reports.

39. The Complainants' objection and answer to the question states:

The City and CPHD object to this request as seeking a legal conclusion, the ultimate issue to be decided by the Administrative Law Judge in this matter, not discoverable material. Without waiving its objection, please see CityCPHD_00001 through CityCPHD_00015; CityCPHD_00270 through CityCPHD_00357; CityCPHD_00087 through CityCPHD_00269.

The City and CPHD reserve the right to supplement this response as discovery continues.

40. The Complainants' objection is without merit. These questions do not seek a legal conclusion. In its Complaint, the City makes the factual averments that the exterior meters

“ha[ve] significantly disrupted the historic nature and aesthetic value of the districts” and “had an immediate, direct, and negative impact on the historical integrity of the neighborhoods.” (City Complaint ¶ 40) Subparts (a), (b), and (d) of the interrogatory merely ask the Complainants to provide the factual bases for these contentions. *See* 52 Pa. Code § 5.342(c)(5) (stating that an objection will “[n]ot be valid if based solely on the claim that an answer will involve an opinion or contention that is related to a fact or the application of law to fact”). Therefore, these questions seek relevant information that is discoverable under the Commission’s rules.

41. In addition, the Complainants’ answer is non-responsive to UGI to City & CPHD-I-12. The answer cross-references: (1) CityCPHD_00001 through CityCPHD_00015, which are copies of meeting minutes; (2) CityCPHD_00087 through CityCPHD_00269, which are photographs of several exterior meter placements; and (3) CityCPHD_00270 through CityCPHD_00357, which are PowerPoint slides mostly containing photographs. These referenced documents are non-responsive for several reasons.

42. First, nothing in the answer explains in detail how the meters have negatively affected the historic and aesthetic nature of the neighborhoods and districts, as requested in subparts (a) and (b). The closest the referenced documents come to answering the question is CityCPHD_00272, a PowerPoint slide that states “Properties defaced/degraded” and “Community-wide aesthetics impacted ↓” with no further detail.

43. Second, the Complainants have failed to answer subpart (c) directly, which simply asks the Complainants to “identify all neighborhoods and districts referenced in Paragraph 40 of the City’s Complaint.” CityCPHD_00273 is a slide from a PowerPoint presentation listing the City’s historic districts, but with the answer referring to hundreds of pages of documents, it is impossible to discern whether this slide is the response to subpart (c).

44. Third, nothing in the answer is responsive to subpart (d). None of the referenced documents detail whether the Complainants have commissioned any studies on the historical and aesthetic impacts of the exterior meters, nor are any such studies provided.

45. Thus, the Complainants have failed to fully answer UGI to City & CPHD-I-12.

46. For these reasons, the ALJ should dismiss the Complainants' objection and direct them to answer fully UGI to City & CPHD-I-12.

2. The Complainants' Objection to UGI to City & CPHD-I-15 Lacks Merit.

47. UGI to City & CPHD-I-15 provides:

(a) Please reference Paragraph 53(a) of the City's Complaint. To your knowledge, has the Commission established specific standards for any NGDCs in Pennsylvania to follow when relocating gas meters? If so, please identify each NGDC, explain in detail the specific standards for that NGDC, identify where such specific standards were established, and provide copies of all documents relied upon by you in developing your response.

(b) Please reference Paragraph 53(a), (c), and (d) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to relocate meters in designated historic districts that have been placed on the outside of buildings to inside locations, except where the NGDC establishes a greater safety risk than in similarly situated historic properties? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.

(c) Please reference Paragraph 53(e) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to "provide a valid statement of justification that states why an inside placement creates a greater safety risk than in all similarly situated historic properties"? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.

(d) Please reference Paragraph 53(f) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to ensure that exterior meter placements "are unobtrusive and

screened from view through the use of landscaping, fencing, and/or architectural building features”? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.

(e) Please reference Paragraph 53(h) of the City’s Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to “make every effort to locate exterior meters on building facades that are not visible from public rights-of-way in the historic district, or work with the property owner/occupant to find an alternative placement that maintains the historic nature and aesthetic value of the district”? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.

(f) Please reference Paragraph 53(i) of the City’s Complaint. To your knowledge, has the Commission established specific standards for any NGDCs in Pennsylvania to follow when locating gas meters that will be replaced in buildings located in designated historic districts? If so, please identify each NGDC, explain in detail the specific standards for that NGDC, identify where such specific standards were established, and provide copies of all documents relied upon by you in developing your response.

(g) Please reference Paragraph 53(i) of the City’s Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to place meters inside buildings in designated historic districts, except where the NGDC establishes a greater safety risk than in similarly situated historic properties? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.

48. The Complainants’ objection to the question states:

The City and CPHD object to this request as not seeking discoverable material. This matter involves interpretation and application of Section 59.18 of the PUC’s regulations.

49. The Complainants’ objection is without merit. The Complainants’ conclusory objection fails to explain specifically why the information sought is not discoverable. Moreover,

these questions seek discoverable information and are directly relevant to whether the City's requested relief is reasonable.

50. The City's Complaint requests "[t]hat the Commission establish specific standards for UGI to follow" when: (1) "considering the relocation of gas meters that have already been replaced and located on the outside of buildings within designated historic districts"; and (2) "considering the location of gas meters that will be replaced in buildings located within designated historic districts in the future." (City Complaint ¶ 53(a), (i)) In these situations, the City recommends that the Commission establish the following standard – all meter placements be located on the interior, "except where the utility establishes a greater safety risk than in similarly situated historic properties." (City Complaint ¶ 53(a), (i)) The City also requests several requirements be imposed on UGI as part of the meter relocation and placement process. (City Complaint ¶ 53(c)-(h))

51. These interrogatories simply ask the City whether, to its knowledge, any natural gas distribution companies ("NGDCs") in Pennsylvania currently are subject to these standards and requirements and, if so, to provide the support for those conclusions. If the City is unaware of any such standards or requirements, it can simply state so. However, if the City is aware of such standards, this information is directly relevant to whether the City's requested relief is reasonable. Thus, the interrogatories are relevant to this proceeding.

52. For these reasons, the ALJ should dismiss the objection and direct the Complainants to answer fully UGI to City & CPHD-I-15.

3. The Complainants' Objection to UGI to City & CPHD-I-20 Lacks Merit.

53. UGI to City & CPHD-I-20 provides:

Please reference Paragraph 65 of the City's Complaint. To your knowledge, are any NGDCs in Pennsylvania subject to the meter

location requirements proposed by the City in Paragraph 65? If so, please identify each NGDC, explain in detail where such requirements were established, and provide copies of all documents relied upon by you in developing your response.

54. The Complainants' objection to the question states:

The City and CPHD object to this request as seeking information not discoverable in this matter, which involves interpretation and application of Section 59.18 of the PUC's regulations.

55. The Complainants' objection is without merit. In Count II of its Complaint, the City again requests that the Commission establish specific requirements for the placement of UGI's meters. These requested requirements are:

a. That where a building façade is within 15 feet or less of a City street and no parking lane separates the lane of travel from the sidewalk, UGI shall install gas meters on the inside of buildings and their associated exterior gas regulators in as protected a location as possible on the exterior of the building. Alternatively, UGI may install both meter and regulator outside of the building in a buried vault.

b. Where UGI has already located exterior gas meters within 15 feet or less of a City street and no parking lane separates the lane of travel from the sidewalk, those meters shall be relocated to the inside of the building or placed in a buried vault.

(City Complaint ¶ 65(a)-(b))

56. The Complainants' conclusory objection fails to explain specifically why the information sought is not discoverable.

57. This interrogatory simply asks the City whether, to its knowledge, any NGDCs in Pennsylvania currently are subject to these requirements and, if so, to provide the support for those conclusions. The question directly relates to whether the City's request relief is reasonable, because if no such requirements currently exist, UGI would be subject to requirements that are different or inapplicable to all other NGDCs if the City's requested relief were granted. Thus, the interrogatory is relevant to this proceeding.

58. For these reasons, the ALJ should dismiss the objection and direct the Complainants to answer fully UGI to City & CPHD-I-20.

C. THE COMPLAINANTS' ANSWERS ARE INCOMPLETE AND NON-RESPONSIVE

1. The Complainants' Answer to UGI to City & CPHD-I-5 Fails to Fully Respond to the Question.

59. UGI to City & CPHD-I-5 provides:

Please identify each meter placement that the Complainants are contesting in this proceeding. For each meter placement, provide the following:

- (a) The address of the meter's building;
- (b) Whether the meter's building is listed as historic in the National Register of Historic Places or has been designated as historic under the Pennsylvania Historic District Act, the Pennsylvania Municipalities Planning Code, or a municipal home rule charter, and, if so, under which authorities the building has been listed or designated;
- (c) Whether the building is eligible to be listed in the National Register of Historic Places or designated as historic under the Pennsylvania Historic District Act, the Pennsylvania Municipalities Planning Code, or a municipal home rule charter, and, if so, under which authorities the building would be eligible to be listed or designated;
- (d) Whether the meter's building is located in a historic district listed or eligible to be listed in the National Register of Historic Places and, if so, identify the district and explain whether it is listed or eligible to be listed;
- (e) Whether the meter's building is located in a locally designated historic district and, if so, which district;
- (f) Whether the meter's building is eligible to be listed as being located in a locally designated historic district and, if so, which district;
- (g) The statute(s), Commission regulation(s), or Commission order(s) that the Complainants believe the meter placement violates;

(h) A detailed explanation of how the meter placement violates each statute, regulation, or order identified in subparagraph (g), including all facts relied upon by the Complainants in reaching that determination;

(i) A statement as to whether the Complainants believe that the meter placement violates UGI's revised meter placement policy that was provided to counsel on April 24, 2016;

(j) If the answer to subparagraph (i) is in the affirmative, a detailed explanation of how the meter placement violates UGI's revised meter placement policy, including all facts relied upon by the Complainants in reaching that determination; and

(k) Copies of any photographs taken by the Complainants of the exterior meter placement, as well as the name, occupation, and employer of the person who took the photograph and the date on which the photograph was taken.

60. The Complainants' answer to the question states:

The City is presently performing a meter-by-meter survey of relocated gas meters throughout the City. The City will provide the results of that survey upon completion. While the City and CPHD reserve the right to supplement this response with the results of the survey, or with additional materials as discovery continues, please see CityCPHD_0087 through CityCPHD_00924; CityCPHD_01608 through CityCPHD_01796.

61. The Complainants' answer is non-responsive to UGI to City & CPHD-I-5, particularly subparts (b)-(d) and (f)-(h). The answer cross-references several documents, which are: (1) photographs of exterior meter placements (CityCPHD_00087 through CityCPHD_00269); (2) PowerPoint slides largely containing photographs of exterior meter placements (CityCPHD_00270 through CityCPHD_00444); and (3) spreadsheets identifying locations that are or are not located in historic districts and/or where permits were issued to perform work in the City (CityCPHD_00445 through CityCPHD_00924, CityCPHD_01608 through CityCPHD_01796). These referenced documents are non-responsive to the interrogatory for several reasons.

62. Despite claiming in their Complaints that UGI has violated the Commission's orders and regulations with its meter relocation and placement practices, the Complainants have yet to provide substantive responses requested in this interrogatory as to how each meter location they are contesting violates those orders and regulations.

63. The question first asks the Complainants to "identify each meter placement that the Complainants are contesting in this proceeding." The response fails to answer this initial question, because it is entirely unclear from this response whether the City is challenging: (1) all of the meter locations listed in the spreadsheets appearing on CityCPHD_00445 through CityCPHD_00746, CityCPHD_01608 through CityCPHD_01686, and CityCPHD_1721 through CityCPHD_01796 (listing buildings that are and are not located in historic districts); (2) all of the meter locations listed in the spreadsheets appearing on CityCPHD_00747 through CityCPHD_00922 (only listing buildings that are located in historic districts); or (3) a particular set of meters identified in either of those spreadsheets.

64. Moreover, the Complainants have provided no response or documents responsive to subparts (g) through (j) of the interrogatory.

65. Additionally, CityCPHD_00270 through CityCPHD_00444 are PowerPoint slides, the majority of which are photographs that contain some identifying information about the meter's location, such as the street block. Only two of the photographs, however, provide an exact street address. *See* CityCPHD_00443-00444.

66. Further, subparts (b)-(d) and (f) requested information about whether meter's building is designated or eligible to be designated as a historic building or is located in an area designated or eligible to be designated as historic. In response, the City provided a series of spreadsheets. CityCPHD_00747 through CityCPHD_00922 appear to list all meter locations in

the City's designated historic districts. CityCPHD_00445 through CityCPHD_00746, CityCPHD_00923 through CityCPHD_00924, and CityCPHD_01608 through CityCPHD_01796 are spreadsheets detailing permits issued or to be issued for meter relocation projects. Although CityCPHD_00445 through CityCPHD_00746, CityCPHD_01608 through CityCPHD_01686, and CityCPHD_01721 through CityCPHD_01796 identify the meter's building and whether it is located in a designated historic district, nothing in these spreadsheets provides whether each building is designated or eligible to be designated as historic as requested in subparts (b) and (c), nor do they provide whether a building is located in an area eligible to be designated as historic as requested in subparts (d) and (f).

67. Finally, the Complainants' failure to provide a complete response to this interrogatory is especially troublesome, given that the Complainants stated that they performed a meter-by-meter survey of UGI's meter installations six months ago. *See* Brief in Opposition to Petition of UGI Utilities, Inc. for Interlocutory Review and Answer to Material Questions, Docket Nos. C-2015-2516051, C-2016-2530475, p. 6 (Sept. 9, 2016) (“[T]he City has performed an extensive meter-by-meter survey, identifying violations of Amended § 59.18 throughout the City.”); *see also* Motion for Special Relief in Form of Disposition of Petition for Interlocutory Review, Docket Nos. C-2015-2516051, C-2016-2530475, p. 2 (Dec. 29, 2016) (“[T]he City has performed a meter-by-meter analysis for the Administrative Law Judge's consideration.”) Even still, the Complainants have never provided this meter-by-meter analysis to UGI as requested by this interrogatory. Although the litigation schedule was suspended by the ALJ, this did not excuse the Complainants from providing timely and complete responses to UGI's discovery.

68. For these reasons, the Complainants have failed to fully answer UGI to City & CPHD-I-5. Therefore, UGI respectfully requests that the ALJ direct the Complainants to answer the question in full.

2. The Complainants' Answer to UGI to City & CPHD-I-16 Fails to Fully Respond to the Question.

69. UGI to City & CPHD-I-16 provides:

Please reference Paragraph 59 of the City's Complaint. Please provide the address of each meter referenced in Paragraph 59 of the City's Complaint that "ha[s] been placed in such a way that [it] interfere[s] with handicapped parking spaces" and explain in detail how each meter interferes with a handicapped parking space.

70. The Complainants' answer to the question states:

The City is presently performing a meter-by-meter survey of relocated gas meters throughout the City. The City will provide the results of that survey upon completion. While the City and CPHD reserve the right to supplement this response with the results of the survey, or with additional materials as discovery continues, please see CityCPHD_00119-CityCPHD_00120; CityCPHD_00132; CityCPHD_00174; CityCPHD_00199; CityCPHD_00289; CityCPHD_00333; CityCPHD_00343; CityCPHD_00348; CityCPHD_02133-CityCPHD_02134.

71. The Complainants' answer is non-responsive to UGI to City & CPHD-I-16. The answer merely cross-references to CityCPHD_00119 through CityCPHD_00120; CityCPHD_00132; CityCPHD_00174; CityCPHD_00199; CityCPHD_00289; CityCPHD_00333; CityCPHD_00343; CityCPHD_00348; and CityCPHD_02133 through CityCPHD_02134. All of these referenced documents are photographs of exterior meter placements in the vicinity of handicapped parking spots, many of which are duplicative and a few that provide the block and street name. However, the question asks for the address of each meter interfering with the handicap parking spots, which was not provided.

72. For these reasons, the Complainants have failed to fully answer UGI to City & CPHD-I-16. Thus, UGI respectfully requests that the ALJ direct the Complainants to answer the question in full.

3. The Complainants' Answer to UGI to City & CPHD-I-17 Fails to Fully Respond to the Question.

73. UGI to City & CPHD-I-17 provides:

Please reference Paragraph 60 of the City's Complaint.

(a) To your knowledge, was the meter located at 1243 Oley Street, which was incorrectly identified as 1043 Oley Street in Paragraph 60 of the City's Complaint, struck by a vehicle prior to the March 18, 2014 incident? If your answer is anything but an unqualified "No," please explain your response in detail.

(b) To your knowledge, was the meter located at 844 Nicolls Street, which was incorrectly identified as 847 Nicolls Street in Paragraph 60 of the City's Complaint, struck by a vehicle prior to the April 20, 2015 incident? If your answer is anything but an unqualified "No," please explain your response in detail.

74. The Complainants' answer to the question states:

Please see CityCPHD_02135-CityCPHD_02143. The City and CPHD reserve the right to supplement this response, as discovery is ongoing in this matter.

75. The Complainants' answer is non-responsive to UGI to City & CPHD-I-17. The documents provided are the incident reports for the two meter strikes at 1243 Oley Street and 844 Nicolls Street. Nothing in the answer is responsive as to whether the Complainants have any knowledge of vehicle strikes prior to those incidents.

76. For these reasons, the Complainants have failed to fully answer UGI to City & CPHD-I-17. Thus, UGI respectfully requests that the ALJ direct the Complainants to answer the question in full.

IV. CONCLUSION

For the reasons set forth above, UGI Utilities, Inc. respectfully requests that Administrative Law Judge Mary D. Long grant this Motion to Dismiss Objections and Compel Responses to Discovery and direct the City of Reading and Centre Park Historic District to answer fully UGI to City & CPHD Set I, as described above within three (3) days from the date of the order.

Respectfully submitted,



Mark C. Morrow (ID # 33590)
Chief Regulatory Counsel
Danielle Jouenne (ID # 306829)
Associate Counsel
UGI Corporation
460 North Gulph Road
King of Prussia, PA 19406
Phone: 610-768-3628
E-mail: morrowm@ugicorp.com
jouenned@ugicorp.com

David B. MacGregor (ID # 28804)
Post & Schell, P.C.
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2808
Phone: 215-587-1197
Fax: 215-587-1444
E-mail: dmacgregor@postschell.com

Christopher T. Wright (ID # 203412)
Devin T. Ryan (ID # 316602)
17 North Second Street
12th Floor
Harrisburg PA 17101-1601
Phone: 717-731-1970
Fax 717-731-1985
E-mail: cwright@postschell.com
dryan@postschell.com

Date: March 8, 2017

Attorneys for UGI Utilities, Inc.

APPENDIX A

**Interrogatories and Requests for Production of Documents
Propounded by UGI Utilities, Inc. on the
City of Reading and Centre Park Historic District – Set I**



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Main Fax
www.postschell.com

Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1985 Direct Fax
File #: 165082

July 22, 2016

VIA E-MAIL & REGULAR MAIL

Michael J. Savona, Esquire
Michael E. Peters, Esquire
Zachary A. Sivertsen, Esquire
Eastburn and Gray, P.C.
PO Box 1389
Doylestown, PA 18901

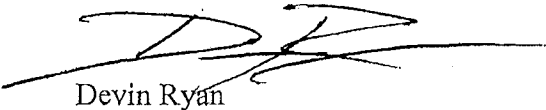
**Re: Centre Park Historic District v. UGI Utilities, Inc.
Docket No. C-2015-2516051**

**City of Reading v. UGI Utilities, Inc.
Docket No. C-2016-2530475**

Dear Counsel:

Enclosed are the Interrogatories and Requests for Production of Documents Propounded by UGI Utilities, Inc. on the City of Reading and Centre Park Historic District in the above-referenced proceedings.

Sincerely,



Devin Ryan

DTR/jl
Enclosures

cc: Rosemary Chiavetta, Secretary (*Letter Only*)
Certificate of Service

CERTIFICATE OF SERVICE
(Docket Nos. C-2015-2516051 and C-2016-2530475)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL & FIRST CLASS MAIL

Michael J. Savona, Esquire
Michael E. Peters, Esquire
Zachary A. Sivertsen, Esquire
Eastburn and Gray, P.C.
PO Box 1389
Doylestown, PA 18901
msavona@eastburngray.com
mpeters@eastburngray.com
zsivertsen@eastburngray.com

Date: July 22, 2016


Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	
	:	
v.	:	Docket No. C-2015-2516051
	:	
UGI Utilities, Inc.	:	
	:	
City of Reading	:	
	:	
v.	:	Docket No. C-2016-2530475
	:	
UGI Utilities, Inc.	:	

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
UGI UTILITIES, INC. ON THE CITY OF READING AND
CENTRE PARK HISTORIC DISTRICT**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, UGI Utilities, Inc. (“UGI Gas”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on the City of Reading (“City”) and Centre Park Historic District (“CPHD”) (collectively, “Complainants”) – Set I.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the parties to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.

3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however

stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. "Communication" means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. "Date" means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding

Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(f), these discovery requests are continuing and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. "City's Complaint" means the Formal Complaint filed by the City at Docket No. C-2016-2530475.

19. "CPHD's Complaint" means the Formal Complaint filed by CPHD at Docket No. C-2015-2516051.

20. "NGDC" means Natural Gas Distribution Company.

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS ON THE CITY OF READING AND
CENTRE PARK HISTORIC DISTRICT – SET I**

UGI to City & CPHD-I-1

Please provide all documents, correspondence, and communications in your possession that relate to the allegations in the City's Complaint and CPHD's Complaint (excluding references to mental impressions, conclusions, or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communications from and to counsel).

UGI to City & CPHD-I-2

Please provide all documents, correspondence, and communications, concerning UGI's meter placement and relocation practices, between the City or CPHD and residents living in buildings whose meters are the subject of the City's Complaint and CPHD's Complaint.

UGI to City & CPHD-I-3

Please identify each person whom the City and CPHD plans to call as a witness in this proceeding and explain in detail the subject matter(s) on which the witness is expected to testify.

UGI to City & CPHD-I-4

Please provide copies of all exhibits you intend to present at the evidentiary hearings as part of your direct case in this proceeding. For each exhibit, please identify the witness who will be sponsoring the exhibit.

UGI to City & CPHD-I-5

Please identify each meter placement that the Complainants are contesting in this proceeding. For each meter placement, provide the following:

- (a) The address of the meter's building;
- (b) Whether the meter's building is listed as historic in the National Register of Historic Places or has been designated as historic under the Pennsylvania Historic District Act, the Pennsylvania Municipalities Planning Code, or a municipal home rule charter, and, if so, under which authorities the building has been listed or designated;
- (c) Whether the building is eligible to be listed in the National Register of Historic Places or designated as historic under the Pennsylvania Historic District Act, the Pennsylvania Municipalities Planning Code, or a

municipal home rule charter, and, if so, under which authorities the building would be eligible to be listed or designated;

- (d) Whether the meter's building is located in a historic district listed or eligible to be listed in the National Register of Historic Places and, if so, identify the district and explain whether it is listed or eligible to be listed;
- (e) Whether the meter's building is located in a locally designated historic district and, if so, which district;
- (f) Whether the meter's building is eligible to be listed as being located in a locally designated historic district and, if so, which district;
- (g) The statute(s), Commission regulation(s), or Commission order(s) that the Complainants believe the meter placement violates;
- (h) A detailed explanation of how the meter placement violates each statute, regulation, or order identified in subparagraph (g), including all facts relied upon by the Complainants in reaching that determination;
- (i) A statement as to whether the Complainants believe that the meter placement violates UGI's revised meter placement policy that was provided to counsel on April 24, 2016;
- (j) If the answer to subparagraph (i) is in the affirmative, a detailed explanation of how the meter placement violates UGI's revised meter placement policy, including all facts relied upon by the Complainants in reaching that determination; and
- (k) Copies of any photographs taken by the Complainants of the exterior meter placement, as well as the name, occupation, and employer of the person who took the photograph and the date on which the photograph was taken.

UGI to City & CPHD-I-6

Please reference Paragraph 26 of the City's Complaint. Please identify all "areas beyond the boundaries of these districts where the inside placement of gas meters must be considered because they are eligible for national registration."

UGI to City & CPHD-I-7

Please reference Paragraph 37 and Exhibit “G” of the City’s Complaint. Please state whether the City approved all of the permit applications referenced in Paragraph 37 and Exhibit “G.” If the answer is anything but an unqualified “Yes,” please identify each permit application that the City denied and state the reasons for the denial.

UGI to City & CPHD-I-8

Please reference Paragraph 39 of the City’s Complaint. Please provide copies of all written communications to City officials and residents in which “UGI officials and representatives have stated . . . that it has no intention of considering the inside placement of meters in *any* historic districts.”

UGI to City & CPHD-I-9

Please reference Paragraph 39(b) of the City’s Complaint. Please identify all “City officials” that attended the referenced meeting on October 23, 2015.

UGI to City & CPHD-I-10

Please reference Paragraph 39(d) of the City’s Complaint. Please identify all “City personnel” that attended the referenced tour on January 15, 2016.

UGI to City & CPHD-I-11

- (a) Please explain in detail whether the Complainants recognize that under general ratemaking principles, the costs to relocate exterior meters to the inside of buildings are passed on to UGI’s ratepayers.
- (b) Please state whether the City, CPHD, or both have conducted or commissioned any study, analysis, or report on the cost to relocate all of the exterior meters to the inside of buildings that are the subject of the City’s and CPHD’s Complaints. If so, please provide copies of all such studies, analyses, and reports.

UGI to City & CPHD-I-12

Please reference Paragraph 40 of the City’s Complaint.

- (a) Please explain in detail how the exterior placement of meters “has significantly disrupted the historic nature and aesthetic value of the districts.”
- (b) Please explain in detail how the exterior placement of meters has “had an immediate, direct, and negative impact on the historical integrity of the neighborhoods.”

- (c) Please identify all neighborhoods and districts referenced in Paragraph 40 of the City's Complaint.
- (d) Please state whether the City, CPHD, or both have conducted or commissioned any study, analysis, or report on how the exterior placement of meters by UGI has affected the historic and/or aesthetic qualities of the neighborhoods and/or districts referenced in Paragraph 40. If so, please provide copies of any such studies, analyses, and reports.

UGI to City & CPHD-I-13

Please reference Paragraph 42 of the City's Complaint. Please provide copies of all documents, correspondence, and communications in your possession in which "UGI representatives . . . stated that part of the reason they will only consider the interior placement of meters in federally designated historic districts is because they were unable, or unwilling, to identify areas qualifying as locally designated historic districts."

UGI to City & CPHD-I-14

Please reference Paragraph 43 of the City's Complaint. Please explain where in the Commission's *Final Rulemaking Order* it states that a public utility must apply for a permit to relocate a meter in a designated historic district, providing the relevant page numbers and quoted passages.

UGI to City & CPHD-I-15

- (a) Please reference Paragraph 53(a) of the City's Complaint. To your knowledge, has the Commission established specific standards for any NGDCs in Pennsylvania to follow when relocating gas meters? If so, please identify each NGDC, explain in detail the specific standards for that NGDC, identify where such specific standards were established, and provide copies of all documents relied upon by you in developing your response.
- (b) Please reference Paragraph 53(a), (c), and (d) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to relocate meters in designated historic districts that have been placed on the outside of buildings to inside locations, except where the NGDC establishes a greater safety risk than in similarly situated historic properties? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.
- (c) Please reference Paragraph 53(e) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to "provide a valid statement of justification that states why an inside placement creates a greater safety risk than in all similarly situated historic properties"? If so, please identify each NGDC, identify where such a requirement was

established, and provide copies of all documents relied upon by you in developing your response.

- (d) Please reference Paragraph 53(f) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to ensure that exterior meter placements "are unobtrusive and screened from view through the use of landscaping, fencing, and/or architectural building features"? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.
- (e) Please reference Paragraph 53(h) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to "make every effort to locate exterior meters on building facades that are not visible from public rights-of-way in the historic district, or work with the property owner/occupant to find an alternative placement that maintains the historic nature and aesthetic value of the district"? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.
- (f) Please reference Paragraph 53(i) of the City's Complaint. To your knowledge, has the Commission established specific standards for any NGDCs in Pennsylvania to follow when locating gas meters that will be replaced in buildings located in designated historic districts? If so, please identify each NGDC, explain in detail the specific standards for that NGDC, identify where such specific standards were established, and provide copies of all documents relied upon by you in developing your response.
- (g) Please reference Paragraph 53(i) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to place meters inside buildings in designated historic districts, except where the NGDC establishes a greater safety risk than in similarly situated historic properties? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.

UGI to City & CPHD-I-16

Please reference Paragraph 59 of the City's Complaint. Please provide the address of each meter referenced in Paragraph 59 of the City's Complaint that "ha[s] been placed in such a way that [it] interfere[s] with handicapped parking spaces" and explain in detail how each meter interferes with a handicapped parking space.

UGI to City & CPHD-I-17

Please reference Paragraph 60 of the City's Complaint.

- (a) To your knowledge, was the meter located at 1243 Oley Street, which was incorrectly identified as 1043 Oley Street in Paragraph 60 of the City's Complaint, struck by a vehicle prior to the March 18, 2014 incident? If your answer is anything but an unqualified "No," please explain your response in detail.
- (b) To your knowledge, was the meter located at 844 Nicolls Street, which was incorrectly identified as 847 Nicolls Street in Paragraph 60 of the City's Complaint, struck by a vehicle prior to the April 20, 2015 incident? If your answer is anything but an unqualified "No," please explain your response in detail.

UGI to City & CPHD-I-18

Please reference Paragraphs 61 and 62 of the City's Complaint. To your knowledge, have any pedestrians been injured by the "exterior gas meters" that allegedly have been placed "in close proximity to City streets and on narrow sidewalks"? If so, please provide copies of all documents, correspondence, and communications relied upon by you in your response.

UGI to City & CPHD-I-19

To your knowledge, how many residents in the City's historic districts or who live in historic buildings have complained to the City or CPHD about the exterior meter placements? Please provide copies of all documents, correspondence, and communications relied upon by you in your response.

UGI to City & CPHD-I-20

Please reference Paragraph 65 of the City's Complaint. To your knowledge, are any NGDCs in Pennsylvania subject to the meter location requirements proposed by the City in Paragraph 65? If so, please identify each NGDC, explain in detail where such requirements were established, and provide copies of all documents relied upon by you in developing your response.

UGI to City & CPHD-I-21

Please reference Paragraph 53 of the City's Complaint. Please confirm whether it remains the City's position that all of the standards and requirements proposed in Paragraph 53 be imposed on UGI, including that the Commission require: (1) UGI to relocate all exterior meters in designated historic districts to the inside of buildings, except where the utility establishes a greater safety risk than in similarly situated historic properties; and (2) all future meter replacements in designated historic districts to be located on the inside of buildings, except where the utility establishes a greater safety risk than in similarly situated historic properties. If the answer is anything but an unqualified "Yes," please explain your response in detail.

UGI to City & CPHD-I-22

Please reference Paragraph 65 of the City's Complaint. Please confirm whether it remains the City's position that all of the standards and requirements proposed in Paragraph 65 be imposed on UGI, including that the Commission require: (1) UGI to install gas meters on the inside of buildings where a building façade is within 15 feet or less of a City street and no parking lane separates the lane of travel from the sidewalk; and (2) UGI to relocate exterior meters that have been located within 15 feet or less of a City street and no parking lane separates the lane of travel from the sidewalk. If the answer is anything but an unqualified "Yes," please explain your response in detail.

APPENDIX B

**Answers and Objections of the City of Reading and
Centre Park Historic District to the
Interrogatories and Requests for Production of Documents
Propounded by UGI Utilities, Inc. – Set I**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	
	:	Docket No. C-2015-2516051
v.	:	
	:	
UGI Utilities, Inc.	:	
	:	
City of Reading	:	
	:	Docket No. C-2016-2530475
v.	:	
	:	
UGI Utilities, Inc.	:	

**ANSWERS TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED BY UGI UTILITIES, INC. BY THE
CITY OF READING AND CENTRE PARK HISTORIC
DISTRICT**

City of Reading (“City”) and Centre Park Historic District (“CPHD”) respond to UGI Utilities, Inc’s (“UGI”) Interrogatories and Requests for Production of Documents as follows. The City and CPHD reserve the right to supplement these responses, as discovery is ongoing.

UGI to City & CPHD-I-1

Please provide all documents, correspondence, and communications in your possession that relate to the allegations in the City's Complaint and CPHD's Complaint (excluding references to mental impressions, conclusions, or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communications from and to counsel).

Please see CityCPHD_00001 through CityCPHD_02143.

The City and CPHD reserve the right to supplement this response, as discovery in this matter is ongoing. The City and CPHD will provide supplemental responses upon identification of additional responsive materials.

UGI to City & CPHD-I-2

Please provide all documents, correspondence, and communications, concerning UGI's meter placement and relocation practices, between the City or CPHD and residents living in buildings whose meters are the subject of the City's Complaint and CPHD's Complaint.

Please see CityCPHD_00001 through CityCPHD_00015; CityCPHD_00270 through CityCPHD_00357. The City and CPHD reserve the right to supplement this response, as discovery in this matter is ongoing. The City and CPHD will provide supplemental responses upon the identification of additional responsive materials.

UGI to City & CPHD-I-3

Please identify each person whom the City and CPHD plans to call as a witness in this proceeding and explain in detail the subject matter(s) on which the witness is expected to testify.

John Slifko, Esquire
City of Reading Councilmember, District 6
919 N. 3rd Street
Reading, PA 19601

Mr. Slifko will testify, in general terms, regarding UGI's relocation efforts in the City, including UGI's communications with the City regarding same. Mr. Slifko will testify with respect to the effect of UGI's gas meter relocation activities on the City's historic districts. Mr. Slifko will also testify regarding his observations of dangerous meter locations throughout the City.

Jeffrey S. Waltman, Sr.
City of Reading Council President
723 N. 4th Street
Reading, PA 19601

Mr. Waltman will supplement Mr. Slifko's testimony, as needed, as the current City Council President.

Ralph Johnson
City of Reading Public Works Director
815 Washington Street
Reading, PA 19601

Mr. Johnson will testify regarding the receipt of permit applications and issuance of permits in connection with meter relocations, and specifically with respect to street opening permits. Mr. Johnson will also testify regarding his observations of UGI's meter relocation program.

Adrian Koerner
Chief Building Officer
815 Washington Street
Reading, PA 19601

Mr. Koerner will testify regarding the receipt of Building and Trade permit applications in connection with UGI's meter relocation program.

Amy Johnson
City of Reading Historic Preservation Specialist
815 Washington Street
Reading, PA 19601

Ms. Johnson will testify regarding the effect of UGI's meter relocation program on the City's historic districts, including her observations of UGI's meter relocation program.

Michael Lauter
Executive Director, Centre Park Historic District
705-707 North 5th Street
Reading, PA 19601

Mr. Lauter will testify regarding the effect of UGI's meter relocation program on the City's historic districts, and on the Centre Park Historic District specifically, including on-the-ground observations of UGI's meter relocation program.

As discovery is ongoing, the City and CPHD reserve the right to supplement this list of witnesses, including in response to UGI's discovery responses.

UGI to City & CPHD-I-4

Please provide copies of all exhibits you intend to present at the evidentiary hearings as part of your direct case in this proceeding. For each exhibit, please identify the witness who will be sponsoring the exhibit.

Please see CityCPHD_00001 through 02143, to be offered through the witnesses identified in the response to request no. 3. As discovery is ongoing, the City and CPHD reserve the right to supplement this response. To the extent required, the City and CPHD will provide pre-marked exhibits prior to the hearing in this matter, and requests that UGI do the same.

UGI to City & CPHD-1-5

Please identify each meter placement that the Complainants are contesting in this proceeding. For each meter placement, provide the following:

- (a) The address of the meter's building;**
- (b) Whether the meter's building is listed as historic in the National Register of Historic Places or has been designated as historic under the Pennsylvania Historic District Act, the Pennsylvania Municipalities Planning Code, or a municipal home rule charter, and, if so, under which authorities the building has been listed or designated;**
- (c) Whether the building is eligible to be listed in the National Register of Historic Places or designated as historic under the Pennsylvania Historic District Act, the Pennsylvania Municipalities Planning Code, or a municipal home rule charter, and, if so, under which authorities the building would be eligible to be listed or designated;**
- (d) Whether the meter's building is located in a historic district listed or eligible to be listed in the National Register of Historic Places and, if so, identify the district and explain whether it is listed or eligible to be listed;**
- (e) Whether the meter's building is located in a locally designated historic district and, if so, which district;**
- (f) Whether the meter's building is eligible to be listed as being located in a locally designated historic district and, if so, which district;**
- (g) The statute(s), Commission regulation(s), or Commission order(s) that the Complainants believe the meter placement violates;**
- (h) A detailed explanation of how the meter placement violates each statute, regulation, or order identified in subparagraph (g), including all facts relied upon by the Complainants in reaching that determination;**
- (i) A statement as to whether the Complainants believe that the meter placement violates UGI's revised meter placement policy that was provided to counsel on April**

24, 2016;

- (j) **If the answer to subparagraph (i) is in the affirmative, a detailed explanation of how the meter placement violates UGI's revised meter placement policy, including all facts relied upon by the Complainants in reaching that determination; and**
- (k) **Copies of any photographs taken by the Complainants of the exterior meter placement, as well as the name, occupation, and employer of the person who took the photograph and the date on which the photograph was taken.**

The City is presently performing a meter-by-meter survey of relocated gas meters throughout the City. The City will provide the results of that survey upon completion. While the City and CPHD reserve the right to supplement this response with the results of the survey, or with additional materials as discovery continues, please see CityCPHD_0087 through CityCPHD_00924; CityCPHD_01608 through CityCPHD_01796.

UGI to City & CPHD-I-6

Please reference Paragraph 26 of the City's Complaint. Please identify all "areas beyond the boundaries of these districts where the inside placement of gas meters must be considered because they are eligible for national registration."

The City is presently performing a meter-by-meter survey of relocated gas meters throughout the City. The City will provide the results of that survey upon completion. While the City and CPHD reserve the right to supplement this response with the results of the survey, or with additional materials as discovery continues, please see CityCPHD_00077 and CityCPHD_01859.

UGI to City & CPHD-I-7

Please reference Paragraph 37 and Exhibit "G" of the City's Complaint. Please state whether the City approved all of the permit applications referenced in Paragraph 37 and Exhibit "G." If the answer is anything but an unqualified "Yes," please identify each permit application that the City denied and state the reasons for the denial.

Please see CPHD_00925 through CityCPHD_01343 for permits issued. The City and CPHD reserve the right to supplement this response with additional permits or other materials identified during ongoing discovery.

UGI to City & CPHD-I-8

Please reference Paragraph 39 of the City's Complaint. Please provide copies of all written communications to City officials and residents in which "UGI officials and representatives have stated . . . that it has no intention of considering the inside placement of meters in *any* historic districts."

The City and CPHD object to this request to the extent the materials sought originated from, and would be in the possession of, UGI. Without waiving the objection, statements made by UGI occurred at in-person meetings, including those in-person meetings referenced in requests no. 9 and no. 10. Discovery is ongoing, and the City and CPHD reserve the right to supplement this response with written statements identified during discovery.

UGI to City & CPHD-I-9

Please reference Paragraph 39(b) of the City's Complaint. Please identify all "Cityofficials" that attended the referenced meeting on October 23, 2015.

John Slifko, identified in the response to request no. 3. The City and CPHD reserve the right to supplement this response, as discovery in this matter is ongoing.

UGI to City & CPHD-I-10

Please reference Paragraph 39(d) of the City's Complaint. Please identify all "City personnel" that attended the referenced tour on January 15, 2016.

John Slifko, identified in the response to request no. 3. The City and CPHD reserve the right to supplement this response, as discovery in this matter is ongoing.

UGI to City & CPHD-I-11

- (a) Please explain in detail whether the Complainants recognize that under general ratemaking principles, the costs to relocate exterior meters to the inside of buildings are passed on to UGI's ratepayers.**
- (b) Please state whether the City, CPHD, or both have conducted or commissioned any study, analysis, or report on the cost to relocate all of the exterior meters to the inside of buildings that are the subject of the City's and CPHD's Complaints. If so, please provide copies of all such studies, analyses, and reports.**

The City and CPHD object to this request as not seeking discoverable information. This matter involves interpretation of Section 59.18 of the PUC's regulations and application of Section 59.18 to the specific facts of this case. The cost to relocate exterior meters or

“general ratemaking principles” is irrelevant to this matter, and not likely to lead to the discovery of relevant evidence.

UGI to City & CPHD-I-12

Please reference Paragraph 40 of the City's Complaint.

- (a) **Please explain in detail how the exterior placement of meters "has significantly disrupted the historic nature and aesthetic value of the districts."**
- (b) **Please explain in detail how the exterior placement of meters has "had an immediate, direct, and negative impact on the historical integrity of the neighborhoods."**
- (c) **Please identify all neighborhoods and districts referenced in Paragraph 40 of the City's Complaint.**
- (d) **Please state whether the City, CPHD, or both have conducted or commissioned any study, analysis, or report on how the exterior placement of meters by UGI has affected the historic and/or aesthetic qualities of the neighborhoods and/or districts referenced in Paragraph 40. If so, please provide copies of any such studies, analyses, and reports.**

The City and CPHD object to this request as seeking a legal conclusion, the ultimate issue to be decided by the Administrative Law Judge in this matter, not discoverable material. Without waiving its objection, please see CityCPHD_00001 through CityCPHD_00015; CityCPHD_00270 through CityCPHD_00357; CityCPHD_00087 through CityCPHD_00269.

The City and CPHD reserve the right to supplement this response as discovery continues.

UGI to City & CPHD-I-13

Please reference Paragraph 42 of the City's Complaint. Please provide copies of all documents, correspondence, and communications in your possession in which "UGI representatives . . . stated that part of the reason they will only consider the interior placement of meters in federally designated historic districts is because they were unable, or unwilling, to identify areas qualifying as locally designated historic districts."

The City and CPHD object to this request to the extent the materials sought originated from, and would be in the possession of, UGI. Without waiving the objection, please see CityCPHD_00008; CityCPHD_00044; CityCPHD_00050. Additionally, statements made by UGI occurred at in-person meetings, including those in-person meetings

referenced in requests no. 9 and no. 10. The City and CPHD reserve the right to supplement this response, as discovery is ongoing.

UGI to City & CPHD-I-14

Please reference Paragraph 43 of the City's Complaint. Please explain where in the Commission's *Final Rulemaking Order* it states that a public utility must apply for a permit to relocate a meter in a designated historic district, providing the relevant page numbers and quoted passages.

The City and CPHD object to this request, which does not seek discoverable material. Without waiving the objection, the Commission's Final Rulemaking Order speaks for itself.

UGI to City & CPHD-I-15

- (a) Please reference Paragraph 53(a) of the City's Complaint. To your knowledge, has the Commission established specific standards for any NGDCs in Pennsylvania to follow when relocating gas meters? If so, please identify each NGDC, explain in detail the specific standards for that NGDC, identify where such specific standards were established, and provide copies of all documents relied upon by you in developing your response.**

- (b) Please reference Paragraph 53(a), (c), and (d) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to relocate meters in designated historic districts that have been placed on the outside of buildings to inside locations, except where the NGDC establishes a greater safety risk than in similarly situated historic properties? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.**

- (c) Please reference Paragraph 53(e) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to "provide a valid statement of justification that states why an inside placement creates a greater safety risk than in all similarly situated historic properties"? If so, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.**

- (d) Please reference Paragraph 53(f) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have**

to ensure that exterior meter placements "are unobtrusive and screened from view through the use of landscaping, fencing, and/or architectural building features"? Ifso, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.

- (e) Please reference Paragraph 53(h) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to "make every effort to locate exterior meters on building facades that are not visible from public rights-of-way in the historic district, or work with the property owner/occupant to find an alternative placement that maintains the historic nature and aesthetic value of the district"? Ifso, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.**
- (f) Please reference Paragraph 53(i) of the City's Complaint. To your knowledge, has the Commission established specific standards for any NGDCs in Pennsylvania to follow when locating gas meters that will be replaced in buildings located in designated historic districts? If so, please identify each NGDC, explain in detail the specific standards for that NGDC, identify where such specific standards were established, and provide copies of all documents relied upon by you in developing your response.**
- (g) Please reference Paragraph 53(i) of the City's Complaint. To your knowledge, do any NGDCs in Pennsylvania currently have to place meters inside buildings in designated historic districts, except where the NGDC establishes a greater safety risk than in similarly situated historic properties? Ifso, please identify each NGDC, identify where such a requirement was established, and provide copies of all documents relied upon by you in developing your response.**

The City and CPHD object to this request as not seeking discoverable material. This matter involves interpretation and application of Section 59.18 of the PUC's regulations.

UGI to City & CPHD-I-16

Please reference Paragraph 59 of the City's Complaint. Please provide the address of each meter referenced in Paragraph 59 of the City's Complaint that "ha[s] been placed in such a way that [it] interfere[s] with handicapped parking spaces" and explain in detail how each meter interferes with a handicapped parking space.

The City is presently performing a meter-by-meter survey of relocated gas meters throughout the City. The City will provide the results of that survey upon completion. While the City and CPHD reserve the right to supplement this response with the results of the survey, or with additional materials as discovery continues, please see CityCPHD_00119-CityCPHD_00120; CityCPHD_00132; CityCPHD_00174; CityCPHD_00199; CityCPHD_00289; CityCPHD_00333; CityCPHD_00343; CityCPHD_00348; City CPHD_02133-CityCPHD_02134.

UGI to City & CPHD-I-17

Please reference Paragraph 60 of the City's Complaint.

- (a) **To your knowledge, was the meter located at 1243 Oley Street, which was incorrectly identified as 1043 Oley Street in Paragraph 60 of the City's Complaint, struck by a vehicle prior to the March 18, 2014 incident? If your answer is anything but an unqualified "No," please explain your response in detail.**
- (b) **To your knowledge, was the meter located at 844 Nicolls Street, which was incorrectly identified as 847 Nicolls Street in Paragraph 60 of the City's Complaint, struck by a vehicle prior to the April 20, 2015 incident? If your answer is anything but an unqualified "No," please explain your response in detail.**

Please see CityCPHD_02135-CityCPHD_02143. The City and CPHD reserve the right to supplement this response, as discovery is ongoing in this matter.

UGI to City & CPHD-I-18

Please reference Paragraphs 61 and 62 of the City's Complaint. To your knowledge, have any pedestrians been injured by the "exterior gas meters" that allegedly have been placed "in close proximity to City streets and on narrow sidewalks"? If so, please provide copies of all documents, correspondence, and communications relied upon by you in your response.

The City and CPHD are presently unaware of any injuries suffered by pedestrians as a result of exterior gas meters. The City and CPHD maintain that the gas meters are being located in such a manner as to cause the risk of harm to person and property. By way of example, please see CityCPHD_00287. The City and CPHD reserve the right to

supplement this response, as discovery is ongoing.

UGI to City & CPHD-I-19

To your knowledge, how many residents in the City's historic districts or who live in historic buildings have complained to the City or CPHD about the exterior meter placements? Please provide copies of all documents, correspondence, and communications relied upon by you in your response.

Please see CityCPHD_00001 through CityCPHD_00015; City CPHD_00270 through CityCPD_00357. The City and CPHD reserve the right to supplement this response, as discovery in this matter is ongoing. The City and CPHD will provide supplemental responses upon the identification of additional responsive materials.

UGI to City & CPHD-I-20

Please reference Paragraph 65 of the City's Complaint. To your knowledge, are any NGDCs in Pennsylvania subject to the meter location requirements proposed by the City in Paragraph 65? If so, please identify each NGDC, explain in detail where such requirements were established, and provide copies of all documents relied upon by you in developing your response.

The City and CPHD object to this request as seeking information not discoverable in this matter, which involves interpretation and application of Section 59.18 of the PUC's regulations.

UGI to City & CPHD-I-21

Please reference Paragraph 53 of the City's Complaint. Please confirm whether it remains the City's position that all of the standards and requirements proposed in Paragraph 53 be imposed on UGI, including that the Commission require: (1) UGI to relocate all exterior meters in designated historic districts to the inside of buildings, except where the utility establishes a greater safety risk than in similarly situated historic properties; and (2) all future meter replacements in designated historic districts to be located on the inside of buildings, except where the utility establishes a greater safety risk than in similarly situated historic properties. If the answer is anything but an unqualified "Yes," please explain your response in detail.

The City and CPHD object to this request as seeking information not discoverable in this matter. Without waiving this objection, the City and CPHD respond by stating that the City's Complaint in this matter has not been amended.

UGI to City & CPHD-I-22

Please reference Paragraph 65 of the City's Complaint. Please confirm whether it remains the City's position that all of the standards and requirements proposed in Paragraph 65 be imposed on UGI, including that the Commission require: (1) UGI to install gas meters on the inside of buildings where a building facade is within 15 feet or less of a City street and no parking lane separates the lane of travel from the sidewalk; and (2) UGI to relocate exterior meters that have been located within 15 feet or less of a City street and no parking lane separates the lane of travel from the sidewalk. If the answer is anything but an unqualified "Yes," please explain your response in detail.

The City and CPHD object to this request as seeking information not discoverable in this matter. Without waiving this objection, the City and CPHD respond by stating that the City's Complaint in this matter has not been amended.

EASTBURN & GRAY, PC

BY: /s/ Michael E. Peters

Michael J. Savona, Esquire

Attorney I.D. # 78076

Michael E. Peters, Esquire

Attorney I.D. # 314266

Zachary A. Sivertsen, Esquire

Attorney I.D. # 320626

60 E. Court Street

Doylestown, PA 18901

215-345-7000

msavona@eastburngray.com

mpeters@eastburngray.com

zsivertsen@eastburngray.com

Attorneys for Complainants

Dated: August 17, 2016

Verification

I, Michael E. Peters, Esquire, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at the hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

/s/ Michael E. Peters

Michael E. Peters, Esquire