

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Debbie Hughey

v.

Philadelphia Gas Works

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Docket No. C – 2016 – 2567445

**PHILADELPHIA GAS WORKS'
REPLY TO COMPLAINANT'S CONTINUAL MOTION FOR
SANCTIONS AND MOTION TO COMPEL**

The Philadelphia Gas Works (PGW) hereby files its Reply to the Complainant's Continual Motion for Sanctions and Motion to Compel dated May 27, 2017.

I. HISTORY OF PROCEEDINGS RELEVANT TO REPLY

On April 19 2017, the Complainant filed an Updated Motion to Compel Discovery, which was an extended version of the Motion to Compel Discovery that she had filed on April 17, 2017. Prior to filing either of these motions, the Complainant had not made any requests for discovery.

On May 12, 2017, before the Court could rule on either of the Motions to Compel, the Complainant filed a Request for Sanctions against PGW for failing to provide discovery.

On May 15, 2017, Judge David A. Salapa issued an Order wherein he stated that the Motion to Compel filed by the Complainant on April 19, 2017, would be treated as a request for answers to interrogatories and for production of documents and that the Request for Sanctions should be treated as a motion to compel that information. Because PGW was not directed to treat the Complainant's April 19, 2017 Motion as a request for answers to interrogatories and production of documents until May 15, 2017, PGW has 20 days from that date to produce the information.

However, in order to avoid further delay, PGW did not wait for the Court to rule on the Complainant's Motion to Compel Discovery, instead opting to voluntarily furnish the information sought through the Updated Motion to Compel Discovery, dated April 19, 2017.

On May 10, 2017, PGW served the Complainant, via FedEx, with the information and documents she requested.

Judge Salapa's May 15, 2017 Order declined to address the request for sanctions noting that PGW's time to respond to the request for interrogatories and production of documents had not yet run.

II. REPLY

Having never been served with a request for interrogatories or documents pursuant to 52 PA.Code § 5.341 or § 5.349, PGW had the option of waiting until the Court ruled on the Complainant's April 19, 2017 Motion to Compel before deciding how to proceed, but chose instead to voluntarily supply the Complainant with the information. Likewise, the Court, in its May 15, 2017 Order, had the option of denying the Complainant's April 19, 2017 Motion to Compel on the grounds that the Complainant failed to serve a request for interrogatories or documents pursuant to 52 PA.Code § 5.341 or § 5.349, but chose instead to convert that Motion into a request for answers to interrogatories and production of documents. This change gives PGW twenty days from May 15, 2017 to comply with 52 PA.Code § 5.342(d) & § 5.349(d), which is June 4, 2017, which is why the May 15, 2017 Order states that PGW's time to respond has not run. If instead of filing a Motion to Compel on April 19, 2017, the Complainant had served PGW with a request for interrogatories and documents, the deadline to respond would have run on May 9, 2017.

As a Motion for Sanctions, the Complainant's instant motion fails as the answers and documents sought have already been supplied.

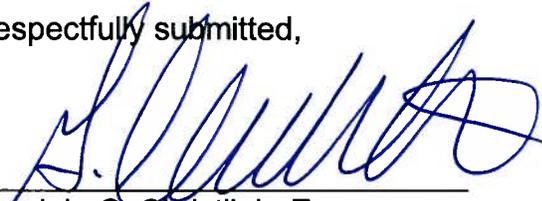
As a Motion to Compel, the Complainant's instant motion fails as it is not timely. The Complainant is proceeding as if the answers she finds dissatisfying constitute objections by PGW to her interrogatories, which would mean that she had 10 days from the time she was served with them to file a motion to compel pursuant to 52 PA.Code § 5.342(g). The Complainant was served with the answers and documents via FedEx on May 10, 2017, giving the Complainant until May 20, 2017 to file a motion to compel.

Attached hereto as appendix "A" is a Verification pertaining to the answers to interrogatories and documents supplied to the Complainant on May 10, 2017.

Wherefore, PGW respectfully requests that this Commission deny the Complainant's Continual Motion for Sanctions and Motion to Compel.

May 30, 2017

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Graciela C. Christlieb", written over a horizontal line.

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

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VERIFICATION

I, Graciela Christlieb, hereby declare that I am counsel for the Philadelphia Gas Works. I am authorized to make this verification on its behalf. The answers provided on May 10, 2017, to the interrogatories made on Docket No. C-2016-2567445 are true and correct to the best of my knowledge, information, and belief. I expect to be able to prove these facts at a hearing held in this matter. This verification is made subject to the penalties of 18 Pa. C.S. §4904, concerning false statements to authorities.

May 30, 2017

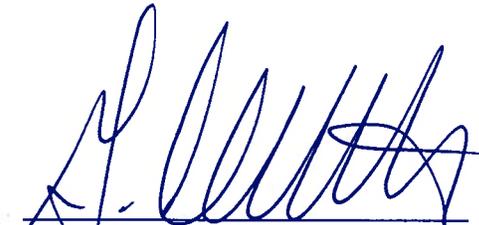


Graciela Christlieb, Esquire

VERIFICATION

I, Graciela Christlieb, hereby declare that I am counsel for the Philadelphia Gas Works. I am authorized to make this verification on its behalf. The facts set forth in the foregoing Reply are true and correct to the best of my knowledge, information and belief. I expect to be able to prove these facts at a hearing held in this matter. This verification is made subject to the penalties of 18 Pa. C.S. §4904, concerning false statements to authorities.

May 30, 2017



Graciela Christlieb, Esquire

CERTIFICATE OF SERVICE

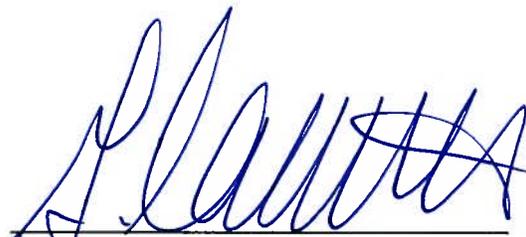
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Ms. Debbie Hughey
P.O. Box 41842
Philadelphia, PA 19101

May 30, 2017

A handwritten signature in blue ink, appearing to read 'Graciela C. Christlieb', written over a horizontal line.

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