



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Graciela Christlieb, Senior Attorney
Legal Department
Direct Dial: 215-684-6164
FAX: 215-684-6798

August 10, 2017

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

Re: Debbie Hughey v. Philadelphia Gas Works, Docket No. C-2016- 2567445

Dear Secretary Chiavetta:

The Philadelphia Gas Works hereby files the original Objection to the Complainant's Motion to Admit Late Filed Exhibits, in the above captioned matter.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,


Graciela Christlieb

cc: Debbie Hughey
Tyra Jackson

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Debbie Hughey

v.

Philadelphia Gas Works

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Docket No. C – 2016 – 2567445

**PHILADELPHIA GAS WORKS’
OBJECTIONS TO COMPLAINANT’S
MOTION TO ADMIT LATE FILED EXHIBITS**

The Philadelphia Gas Works (PGW) hereby files its objections to the Complainant’s Motion to Admit Late Filed Exhibits filed on July 28, 2017.

I. HISTORY OF PROCEEDINGS RELEVANT TO OBJECTIONS

On June 15, 2017, the evidentiary hearing in this matter convened as scheduled. The Complainant, Debbie Hughey, was present and represented herself. Counsel for PGW was present and was accompanied by one witness who gave testimony. The Complainant testified on her own behalf and offered four exhibits, which were not admitted into the record.¹ PGW presented one witness and offered nine exhibits, which were admitted into the record.²

During the course of the proceeding, PGW asked for and was granted leave to submit two late filed exhibits.³ The Complainant was directed to file any objection to the proposed late filed exhibits by close of business on July 13, 2017.⁴ To date, the Complainant has not filed any objection to PGW’s proposed late filed exhibits.

On July 28, 2017, the Complainant filed this Motion to Admit Late Filed Exhibits.

II. OBJECTIONS

1. The Evidentiary Record is Closed

PGW objects to the admission of any of the Complainant’s proposed late filed exhibits on the grounds that the submission is untimely as the evidentiary record is

¹ Transcript at pp. 45-52.

² Id at pp. 105-110.

³ Id at p. 104.

⁴ Id.

closed. During the hearing, the Court granted PGW leave to file two proposed late filed exhibits.⁵ The Court informed the Complainant that she had until the close of business on July 13, 2017 to file any objection she had to PGW's proposed late filed exhibits.⁶ The Court also told the Complainant that it would not be taking any additional documents apart from PGW's proposed late filed exhibits and any written objections to those proposed exhibits.⁷ The Court was clear that it was "not going to be considering additional filings after this."⁸ Despite the Court's clear instructions, the Complainant filed the instant motion 15 days after the date that signaled the closing of the evidentiary record. Moreover, the Complainant's untimely submission is not an objection to either of the proposed late filed exhibits submitted by PGW, which she was informed was the only filing the court would be considering after the filing of PGW's proposed late filed exhibits, but instead is a collection of unauthenticated documents and uncorroborated hearsay that was either not submitted during the hearing or was submitted, but ultimately rejected as inadmissible.

2. Complainant's Proposed Exhibits 1-3

These proposed exhibits were submitted by the Complainant during the evidentiary hearing and the Court already ruled that they would not be admitted into the record.⁹

3. Complainant's Proposed Exhibit 4

PGW objects on the grounds that the photograph is an unauthenticated document and, as it was taken after the Complaint was filed, irrelevant for purposes of the Complaint.

4. Complainant's Proposed Exhibit 5

PGW objects on the grounds that the proposed exhibit is cumulative; it has already been admitted into the record as PGW Exhibit 5.

5. Complainant's Proposed Exhibit 6-8

⁵ Id at p. 104.

⁶ Id.

⁷ Id at p. 110.

⁸ Id.

⁹ Id. at pp. 45-52.

PGW objects on the grounds that the proposed exhibits are cumulative; the information contained in those proposed exhibits has already been admitted into the record in the form exhibits and testimony presented by PGW.¹⁰

6. Complainant's Proposed Exhibit 9

PGW objects on the grounds that the proposed exhibit is irrelevant; the Complainant's requests for discovery have no probative value in that they lack any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without them.

7. Complainant's Proposed Exhibit 10

PGW objects on the grounds that the proposed exhibit is cumulative; it has already been admitted into the record as PGW Exhibit 8.

8. Complainant's Proposed Exhibit 11

This is a duplicate; Complainant's proposed exhibit 11 is the same as Complainant's proposed exhibit 3 which the Court has already ruled on.¹¹

9. Complainant's Proposed Exhibit 12

PGW objects on the grounds that the proposed exhibit is hearsay; it is an out of court statement (a letter written by the Complainant) presented on the record for the truth of the matter asserted. During the hearing, the Court addressed this issue with the Complainant and gave her a full and fair opportunity to testify on he own behalf.¹²

10. Complainant's Proposed Exhibit 13

PGW objects on the grounds that the proposed exhibit is cumulative; it has already been admitted into the record as PGW exhibit 2, page 2.

11. Complainant's Proposed Exhibit 14

This proposed exhibit was submitted by the Complainant during the evidentiary hearing and the Court already ruled that it would not be admitted into the record.¹³

12. Complainant's Proposed Exhibits 15 & 16

¹⁰ Id. at pp. 74-76.

¹¹ Id. at p. 50.

¹² Id. at pp. 49-50.

¹³ Id. at p. 44.

These proposed exhibits were submitted by the Complainant during the evidentiary hearing and the Court already ruled that they would not be admitted into the record.¹⁴

13. Complainant's Proposed Exhibit 17

This proposed exhibit was submitted by the Complainant during the evidentiary hearing and the Court already ruled that it would not be admitted into the record.¹⁵

Wherefore, PGW respectfully requests that this Commission deny the Motion to Admit Late Filed Exhibits and strike it from the record.

August 10, 2017

Respectfully submitted,



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

¹⁴ Id. at p. 43.

¹⁵ Id. at p. 49.

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 document 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.

August 10, 2017



Graciela Christlieb, Esquire

CERTIFICATE OF SERVICE

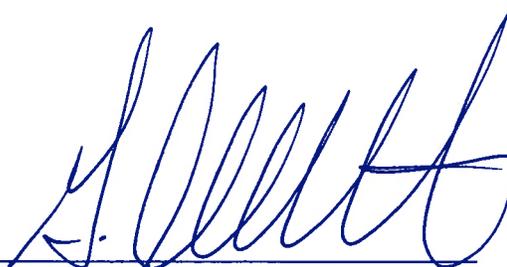
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

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

August 10, 2017

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

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