

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman

v.

Philadelphia Gas Works

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:  
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:  
:

C-2018-2640719

**REQUEST FOR CONTINUANCE AND/OR CHANGE OF HEARING DATE**

Dear Judge, Vero,

I am requesting a continuance and/or change of the hearing date in the above matter due to an unforeseen medical matter.

I have contacted Laureto A. Farinas Esquire of PGW via e-mail only to be met with innuendo and unjustifiable reluctance (**Exhibit 1**). Moreover, counsel has refused to cooperate with my request for Interrogatories and Production of Documents by submitting objections and no documents related to my request (**Exhibit 2, Exhibit 3 and Exhibit 4**). It is my deepest hope that you grant my request despite Mr. Laureto's uncooperative position.

Thank you in advance for your most expeditious attention to this matter and I look forward to receiving notification of a new hearing date.

Sincerely,

/s/ Deree J. Norman

Deree J. Norman

5367 Thomas Ave

Philadelphia, PA 19143

(267) 304-2162

[dereenorman@yahoo.com](mailto:dereenorman@yahoo.com)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman

:

v.

:  
:  
:

F-2018-2640713

PECO Energy Company

**AFFIDAVIT OF SERVICES**

I, Deree J. Norman, do hereby certify that on this 21<sup>st</sup> day of March 2018 I served a true and correct copy of the Request for a Continuance and/or Change of Hearing Date in the above manner on the following via the PUC's electronic filing system.

ERANDA VERO  
ADMINISTRATIVE LAW JUDGE  
801 MARKET STREET, SUITE 4063  
PHILADELPHIA, PA 19107

LAURETO FARINAS  
PHILADELPHIA GAS WORKS  
4<sup>TH</sup> FLR.  
800 W MONTGOMERY AVE  
PHILADELPHIA PA 19122

# **EXHIBIT 1**

Norman v. PGW C-2018-2640719

**Deree Norman** <dereenorman@yahoo.com>

To

**Laureto A. Farinas**

Mar 20 at 9:04 PM

Dear Mr. Laureto:

Due to an unforeseen medical matter, I may have to be admitted into the hospital. I intend to ask the Judge for a continuance and/or a change of date for our upcoming hearing. Can you please let me know if you have any objections to me making this request.

Thank you

Sincerely,

/s/ Deree J. Norman

Deree J. Norman

5367 Thomas Ave

Philadelphia, PA 19143

(267) 304-2162

[dereenorman@yahoo.com](mailto:dereenorman@yahoo.com)

**After no response from Mr. Laureto I sent a message to Danielle Leva and copied Mr. Laureto.**

[Deree Norman <dereenorman@yahoo.com>](mailto:dereenorman@yahoo.com)

To

[Danielle Leva](#)

CC

[Laureto A Farinas](#)

Today at 10:07 AM

Good morning, I sent the following message to Mr. Laurel but have gotten no response. Could you or he please respond.

Thank you

Dear Mr. Laureto:

Due to an unforeseen medical matter, I may have to be admitted into the hospital. I intend to ask the Judge for a continuance and/or a change of date for our upcoming hearing. Can you please let me know if you have any objections to me making this request.

Thank you

Sincerely,

/s/ Deree J. Norman

Deree J. Norman

5367 Thomas Ave

Philadelphia, PA 19143

(267) 304-2162

[dereenorman@yahoo.com](mailto:dereenorman@yahoo.com)

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**Farinas, Laureto A** <Laureto.Farinas@pgworks.com>

To

Deree Norman

CC

Leva, Danielle

Today at 10:15 AM

Dear Mr. Norman,

I have just completed this response.

For the following reasons, I hesitate to forward my "do not object" to ALJ Vero.

Is your medical condition such that you will still be in the hospital on the hearing date, March 28, 2018 one week from today? If not, is your medical condition such that you will be unable to participate in the hearing, even by telephone?

Since your complaint is simply about a payment arrangement that you, "...can actually and logically sustain." I invite you do have a discussion with PGW about a payment arrangement that you can afford.

On September 25, 2017, the Commission's Bureau of Consumer Services ("BCS") provided you with payment arrangement based upon the income information you provided (\$121 per month). This is \$81 (PGW EZ-Way budget) plus \$40 toward your outstanding balance, which was, at that time, \$2,345.05. What is the amount and length of time that you request from the Commission to pay your outstanding PGW balance? As of February 27, 2018, your most recent PGW bill, your outstanding balance is \$2,553.43. In order persuade the Commission that you should have any kind of payment arrangement, you must show that you've made a good faith effort to pay your utility bill. According to our records for your account, since December 2014 you only submitted two payments to PGW for gas service. You paid \$79 on December 8, 2014 then you paid \$30 on September 2017. This is not evidence of your making any good faith effort to pay for gas service.

On Monday, March 19, 2018 I emailed to you my objections to your formal discovery request. On March 15, 2018 invited you to discuss with me an informal exchange of discovery information that is relevant to your complaint regarding a payment arrangement. You did not return my call.

From the substance of your discovery, your request for a continuance today and the extremely poor payment history of your account, it would seem that you seek only to delay the hearing and final disposition of this matter to further avoid payment and termination of your gas service.

Unless you can provide more proof that your medical condition will prevent you from participation in the hearing, I must object to your request.

Nevertheless, I repeat my invitation to discuss why the BCS payment arrangement of \$121 per month is not actually and logically sustainable to you.

Thank you,

LAURETO A. FARINAS  
SENIOR ATTORNEY | LEGAL

Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122-2806  
215-684-6982 Email: [laureto.farinas@pgworks.com](mailto:laureto.farinas@pgworks.com)

# **EXHIBIT 2**

Deree J. Norman v. PGW, C-2018-2640719(3)

[Leva, Danielle](mailto:Danielle.Leva@pgworks.com) <Danielle.Leva@pgworks.com>

To

[dereenorman@yahoo.com](mailto:dereenorman@yahoo.com)

CC

[Farinas, Laureto A](#)

Mar 19 at 4:07 PM

Dear Mr. Norman,

Please find attached Philadelphia Gas Works' objection to the Interrogatories and Requests for Production of Documents in the above mentioned case.

Thank you.

- [NORMAN.PDF](#)

# **EXHIBIT 3**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman	:	
	:	
v.	:	C-2018-2640719
	:	
Philadelphia Gas Works (PGW)	:	

**COMPLAINANT DERE E J. NORMAN’S INTERROGATORIES AND REQUEST FOR  
THE PRODUCTION OF ALL DOCUMENTS  
DIRECTED TO RESPONDENT PHILADELPHIA GAS WORKS**

Deree J. Norman (Complainant) hereby makes demand that the Respondent Philadelphia Gas Works (PGW) answer the following Interrogatories pursuant to the 52 Pa. Code §5.331(b). Complainant also requested that Respondent produce the originals or clear, readable copies of the below listed documents and/or items. These documents and/or items will be examined and/or photocopied. The below listed documents and/or items are to be produced at the home of Complainant, respectfully at 5367 Thomas Ave, Philadelphia, PA 19143 or sent electronically by e-mail to [dereenorman@yahoo.com](mailto:dereenorman@yahoo.com) on or before ten (10) business days from the date of service herein. Such request is continuing up to and at the time of the hearing.

**DEFINITIONS**

- A. "You" or "your" refers to the respondent PGW herein and to all other persons acting or purporting to act on behalf of PGW, including partners, agents, subcontractors, and employees.
- B. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.
- C. "Documents" shall mean all written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed

or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings, of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations of personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access.

- D.** "Person(s)" means an individual, corporation, partnership, subcontractor, expert, trust, associations, company, organization, or any form of a business or commercial entity.
- E.** "Identify" when used with respect to an individual means to state (1) their name; (2) business affiliation; (3) official title and/or position; and (4) their last known residential and or business address.
- F.** "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.
- G.** "Identify" when used with respect to a company or other business entity means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.
- H.** "Identify" when used with respect to a procedure, process or software means to state, (1) who created it (2) who owns it (3) what data is entered into it (4) how the data is entered (5) how the data is collected (6) step by step "flow chart of process"
- I.** "Relate to" means consist of, refer to, reflect, or be in any way logically connected with the matter discussed.
- J.** For purposes of the Rule, a statement includes:
  - (1) A written statement, signed or otherwise adopted or approved by the person making it, or

(2) A stenographic, mechanical, electronic, video graphic or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

## **INSTRUCTIONS**

- I.** Answer each of the following discovery requests separately and fully in writing pursuant to 18 Pa. C.S. § 4904.
- II.** Include all information within your knowledge, the knowledge of your attorneys, any past or present staff, and any investigators or experts employed by you or your attorneys.
- III.** These discovery requests are continuing, and you must amend your responses if you know of new information or evidence.
- IV.** If your response is an objection, respond to any portion of the request to which your objection does not apply.
- V.** If an original is requested but is not available (or is objected to), and a copy or duplicate is available (or not objected to), provide the copy.
- VI.** If a document, requested was in your custody or was known to you, but is no longer available, provide a description of the document, including the contents, and set forth how the document left your possession.
- VII.** If after due diligence in investigating and researching a discovery request, you cannot respond fully, answer to the best of your knowledge and explain your inability to give a complete answer.
- VIII.** In response to requests for discovery about communications, dealings, or events, set forth the place and/or medium (such as by phone), identify the nature of the communication or event, and identify all parties who were present or involved.
- IX.** If any response to a request for the production of documents involves in excess of 250 pages, please confer with me about reducing the scope of the request or providing the documents in electronic form (e.g. pdf.)

## **INTERROGATORIES**

- 1.** Identify the person(s) that heads the department and/or section and/or is responsible for the operation and/or production and/or distribution of PGW's bills and/or billings statements who will be available to testify at the March 28, 2018 hearing.
- 2.** Identify the department that is responsible for the calculation and analyzation of payment plan options available to customers who are indigent and/or in arrears and/or in default.
- 3.** Identify the complete criteria and/or process required for the calculation and analyzation of payment plan options available customers who are indigent and/or in arrears and/or in default.
- 4.** Identify the person(s) that heads the department and/or section and/or is responsible for the calculation and analyzation of payment plan options available to customers who are indigent and/or in arrears and/or in default who will be available to testify at the March 28, 2018 hearing.
- 5.** Identify the software used by the billing department and/or the billing system.
- 6.** Identify the operating system used by the billing department and/or the billing system.
- 7.** Identify the department that is responsible for the operation and/or production and/or distribution of PGW's medical certifications.
- 8.** Identify the person(s) that heads the department and/or section and/or is responsible for the operation and/or production and/or distribution of PGW's medical certifications who will be available to testify at the March 28, 2018 hearing.
- 9.** Identify the make and model of any and/or all fax machines used by PGW to distribute medical certification to Physicians between August 1, 2017 and August 31, 2017.
- 10.** Identify the specific fax machine used to distribute a medical certification to Complainant's Physician between August 1, 2017 and August 31, 2017.
- 11.** Identify the specific person(s) that communicated with the Complainant in relation to a medical certification sent by mail and/or faxed to Complainant's Physician between August 1, 2017 and August 31, 2017.
- 12.** Identify the specific person(s) that distributed a medical certification to Complainant's Physician by fax between August 1, 2017 and August 31, 2017.

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce a copy of the medical certification form which PGW sent to Complainant's Physician.
2. Produce the fax confirmation report which shows PGW's alleged distribution of a medical certification to Complainant's Physician.
3. Produce any and/or all documents bearing Complainant's signature related to payment agreements and/or arrangements.
4. Produce any and/or all documents expected to be introduced as evidence in the above captioned matter.
5. Produce any and/or all diagnostic and/or error reports generated by PGW's billing system from August 1, 2017 through August 31, 2017.
6. Produce all statements, logs and communications of any and all witnesses including any and all statements of Complainant and Respondent, including taped recordings, whether transcribed or not, as well as all written statements.
7. Produce any and/or all documents and/or communications containing the name, home and business address and qualifications of all persons who have been retained or specially employed by Respondent in anticipation of litigation or preparation for the hearing in this matter and who are not expected to be called as witnesses at trial or as to whom no such decision has yet been made, and attach any documents or communications received from said person(s). If there are no documents or communications, then the name of said person(s) as well as their home and business addresses should be provided.
8. Produce any and/or all documents, records, or communications of or prepared by an investigator acquired and/or employed because of their investigation(s), including but not limited to telephone calls, correspondence, facsimiles, e-mail, billing, inspections, notes, observations, interviews, statements and/or findings.
9. Produce the name, home and business address, background and qualifications of any and all persons in the employ of Respondent who in anticipation and/or preparation of litigation, is expected to be called as a witness at trial.
10. Produce any and/or all documents and communications containing the name and home and business addresses of all individuals contacted as potential witnesses.

11. Produce all reports, communications, and/or documents prepared by any experts who will testify at hearing in this matter.
12. Produce a digital copy of any and/or all recorded communication between Complainant and PGW and/or any of PGW representatives.
13. Produce a transcript of any and/or all recorded communication between Complainant and PGW and/or any of PGW representatives.
14. Produce a copy of any and/or all transcripts from any and/or all hearings held before the PUC or any other Judicial body between Complainant and PGW in the last 5 years.
15. Produce all reports, manuals, textbooks, policy sheets or other documents, or communications which any said expert, potential expert, witness or potential witness has consulted or reviewed as a result or in preparation of this litigation or will consult or review.
16. Produce copies of a curriculum vitae of any and or all experts who will testify at trial.
17. Produce all documents and communications substantiating any defense to the Complainant's cause of action.
18. Produce all copies of internal memoranda, inter-office memos, facsimiles, e-mail or other documents or communications regarding this case, made by the PGW and/or any agent and/or employee of PGW.
19. Produce the name and address of the senior executive of PGW's law department.
20. Produce any and or all documents of any nature whatsoever which refer in any way to the situation described in the Complaint and/or the facts or circumstances leading up to and following said complaint.
21. Produce any and all documents or other tangible materials of any nature whatsoever which you plan to have marked for identification at trial, introduce into evidence at trial, or about which you plan to question a witness at trial.
22. Produce any and/or all documents or communications of any nature whatsoever which relate, refer or pertain to the Complainant, any other party to this action, the situation, situation site and or any instrumentality involved in the situation described in the Complaint.

23. Produce all documents and/or communications relating to any facts on the basis of which it is asserted that the conduct of the Complainant contributed to the happenings of the alleged occurrences or to the cost and or usage associated allegedly as a result.
24. Produce any and all documents of any nature whatsoever referred to in Respondent's Answers to Complainant's Interrogatories.

This request is deemed to be continuing insofar as if any of the above is secured *subsequent* to the date herein for the production of same, said documents, photographs, statements, reports, etc., are to be provided to the Complainant's home, at 5367 Thomas Ave, Philadelphia, PA 19143 or e-mail at [dereenorman@yahoo.com](mailto:dereenorman@yahoo.com) immediately.

Laureto Farinas, Esquire  
Attorney for:  
Respondent PGW  
800 W. Montgomery Ave.  
Philadelphia, PA 19122  
Phone (215) 684-6982  
[Laureto.Farinas@pgworks.com](mailto:Laureto.Farinas@pgworks.com)

I \_\_\_\_\_, subject to the penalties of 18 Pa C.S.A. §4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

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Signature

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman

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v.

:  
:  
:

F-2018-2640713

PGW

**AFFIDAVIT OF SERVICES**

I, Deree J. Norman, do hereby certify that on this 9<sup>th</sup> day of March, 2018 I served a true and correct copy of the Request for Interrogatories and the Production of Documents in the above manner on the following via the PUC's electronic filing system.

ERANDA VERO  
ADMINISTRATIVE LAW JUDGE  
801 MARKET STREET, SUITE 4063  
PHILADELPHIA, PA 19107

LAURETO FARINAS  
PHILADELPHIA GAS WORKS  
4<sup>TH</sup> FLR.  
800 W MONTGOMERY AVE  
PHILADELPHIA PA 19122

# **EXHIBIT 4**



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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Danielle Leva, Paralegal  
Legal Department  
Direct Dial: 215-684-6862  
FAX: 215-684-6798  
E-mail: [danielle.leva@pgworks.com](mailto:danielle.leva@pgworks.com)

March 19, 2018

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

**Re: Deree J. Norman v. PGW, Docket No. C – 2018 – 2640719**

Dear Secretary Chiavetta:

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

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

Sincerely,

  
Danielle Leva

Enclosure

cc: Deree J. Norman  
Administrative Law Judge Eranda Vero  
Wendy Vacca (PGW Mail)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Deree J. Norman,</b>	:	
Complainant	:	
v.	:	<b>Docket No. C – 2018 – 2640719</b>
	:	
<b>Philadelphia Gas Works,</b>	:	
Respondent	:	

**Philadelphia Gas Works’  
Objections to the Complainants’ Discovery Requests:  
Interrogatories and Requests for Production of Documents**

Pursuant to 52 Pa. Code §§1.12 and 5.342(d)(1), the Philadelphia Gas Works (“PGW”) hereby objects timely to the following Interrogatories and Requests for Production of Documents (“Discovery”) of the Complainant, Deree J. Norman, addressed to PGW, that the Complainant served upon PGW in the above captioned matter by email dated March 12, 2018, 4:49 p.m., a copy of which is attached hereto as Appendix “A,” and is incorporated by reference as if fully set forth.

For purposes of calculating due dates under 52 Pa. Code §§1.12 and 5.342, PGW considers this Discovery as having been served on Tuesday, March 13, 2018 although dated March 9, 2018. As explained below and to the extent that the Complainant’s Discovery fails to conform to the Commission’s rules governing Discovery at 52 Pa. Code §5.321, *et seq.*, PGW objects to the Discovery.

**PGW’s Objections**

1. **Service of the Discovery**

PGW objects to the date indicated on the Discovery. It indicates that the discovery was served upon PGW on March 9, 2018. Service of the Discovery upon PGW did not occur on March 9, 2018. By email dated March 9, 2018, the Complainant attempted to serve the Discovery upon PGW, but the Complainant’s email lacked the Discovery that was purported to be attached to that email. On March 9 and 12, 2018, PGW notified the Complainant by “Reply” email that there was no attachment containing

the Discovery to the March 9, 2018 email. Finally, by emails dated March 12, 2018, 5:49 p.m. and again at 5:51 p.m., the Complainant's Discovery was received by PGW as an attachment to those emails. (See Appendix "A")

Thus, pursuant to 52 Pa. Code §§1.12, 1.6 and 5.342, PGW considers that the Discovery was served upon PGW on March 13, 2018 due to the late time of day (after 4:30 p.m.) of the actual delivery by email.

## 2. Unreasonable Initiation of Discovery

The Commission's procedural rules governing discovery, at 52 Pa. Code §5.331(b), state, "A party shall initiate discovery as early in the proceeding as reasonably possible." In this matter, the Complaint was filed on or about December 27, 2017. More than one month later, the Commission scheduled a hearing of this matter for March 28, 2018 by notice dated February 2, 2018. The Complainant first attempted to initiate discovery on March 9, 2018. Approximately 10 weeks have passed from filing of the Complaint before the Complainant attempted to obtain discovery. As the Complainant's appeal is merely a request for a different payment arrangement than that provided by the Commission's Bureau of Consumer Services, ten weeks is an unreasonable amount of time to commence discovery as the discovery process will interfere with the scheduled hearing date.

Pursuant to 52 Pa. Code §5.342(e), Objections to Discovery are due within 10 days after service of the Discovery (March 23, 2018). After objections and the associated responses to the objections are filed, the presiding officer must consider and rule on them.

Further, pursuant to 52 Pa. Code §5.342(d), PGW's answers to the Discovery, to which it does not object, are due 20 days after the service of Discovery. Even if the Discovery had been served on the date as originally intended March 9, 2018, PGW's answers would be due on March 29, 2018, one day after the scheduled hearing of this matter.

The Complainant has not requested a continuance in the scheduled hearing date. Approximately 10 weeks have passed from the date of filing of the Complaint in

this matter. The Complainant has had sufficient time to prepare the Discovery but waited until March 9, 2018 to attempt service of the Discovery for the first time.

On March 15, 2018, PGW attempted to contact the Complainant by telephone. Counsel for PGW left a message inviting the Complainant to engage in informal discovery pursuant to 52 Pa. Code §5.322 with an explanation of why it is helpful and encouraged by the Commission as explained in the Prehearing Order, Paragraph 7, dated March 1, 2018 of this matter. As of this filing, the Complainant has not returned the telephone call to discuss the informal exchange of information for the hearing.

The Complainant's initiation of discovery at an unreasonable time will cause a delay in the hearing of this simple payment arrangement dispute. PGW's objections to discovery should be sustained.

3. Complainant's 10 day response time is inconsistent with 52 Pa. Code §5.342

PGW objects to the Discovery in as much as the Complainant has named a due date of his choosing to send answers. On the first page, first paragraph of the Discovery, the Complainant instructs that the responses are due "...on or before ten (10) days business days from the date of service..." This contravenes 52 Pa. Code §5.342 which sets the time for filing of objections and answers to discovery. Pursuant to 52 Pa. Code §5.342(e), Objections to Discovery are due within 10 days after service of the Discovery (March 23, 2018). Pursuant to 52 Pa. Code §5.342(d), PGW's answers to the Discovery, to which it does not object, are due 20 days after the service of Discovery.

PGW objections should be sustained.

4. Definitions

PGW objects to the Discovery Definitions: "Identify" as included in E and H. In these definitions of the "Identify" are burdensome and beyond the scope of this matter. The Definition "E" "Identify" requires a response giving the home address of any PGW employees mentioned in a Discovery Response. This request for information is beyond the scope of this proceeding. The home addresses of PGW employees are irrelevant to

the disposition of this matter. Only the PGW headquarters address is relevant in this regard.

The Definition “H” “Identify” requires information that is beyond the scope of this proceeding which is the review of decision granting a payment arrangement given the Commission’s Bureau of Consumer Services (“BCS”). “Identity” under Definition “H” requires:

“...when used with respect to a procedure, process or software means to state, (1) who created it (2) who owns it (3) what data is entered into it (4) how the data is entered (5) how the data is collected (6) step by step “flow char of process”.” This information is beyond the scope of proceeding to review a BCS payment arrangement.

PGW’s objections should be sustained.

5. Objections to Instructions: I

PGW objects to Instruction I which states, “Answer each of the following discovery requests separately and fully in writing pursuant to 18 Pa. C.S. §4904.”

The Commission’s Procedural Rules at 52 Pa. Code §3.21 *et seq.* govern the discovery in this proceeding. PGW is not bound to provide discovery responses that comply with 18 Pa. C.S. §4904.

6. Objections to Interrogatory No. 7

PGW objects to Interrogatory No. 7 which states,

7. Identify the department that is responsible for the operation and/or production and/or distribution of PGW’s medical certifications.

PGW objects on the grounds that the topic of Medical Certifications is beyond the scope of this proceeding. The Complaint is simply a request for a payment arrangement, “that I can actually sustain.” There are no allegations of the denial of a Medical Certification or any other allegations related to e Medical Certification.

PGW’s objection to Interrogatory No. 7 should be sustained.

PGW objects to Interrogatory No. 8 which states,

8. Identify the person(s) that heads the department and/or section and/or is responsible for the operation and/or production and/or distribution of PGW's medical certifications who will be available to testify at the March 28, 2018 hearing.

PGW objects on the grounds that the topic of Medical Certifications is beyond the scope of this proceeding. The Complaint is simply a request for a payment arrangement, "that I can actually sustain." There are no allegations of the denial of a Medical Certification or any other allegations related to a Medical Certification.

PGW's objection to Interrogatory No. 8 should be sustained.

PGW objects to Interrogatory Nos. 9, 10, 11 and 12 which state,

9. Identify the make and model of any and/or all fax machines used by PGW to distribute medical certification to Physicians between August 1, 2017 and August 31, 2017.

10. Identify the specific fax machine used to distribute a medical certification to Complainant's Physician between August 1, 2017 and August 31, 2017.

11. Identify the specific person(s) that communicated with the Complainant in relation to a medical certification sent by mail and/or faxed to Complainant's Physician between August 1, 2017 and August 31, 2017.

12. Identify the specific person(s) that distributed a medical certification to Complainant's Physician by fax between August 1, 2017 and August 31, 2017.

PGW objects to Interrogatory Nos. 9, 10, 11 and 12 on the grounds that the topic of Medical Certifications is beyond the scope of this proceeding. The Complaint is simply a request for a payment arrangement, "that I can actually sustain." There are no allegations of the denial of a Medical Certification or any other allegations related to a Medical Certification fax machine or document mishap.

PGW's objections to Interrogatory Nos. 9, 10, 11 and 12 should be sustained.

7. Objections to Requests for Production of Documents Nos. 1 and 2

PGW objects to Requests for Production of Documents Nos. 1 and 2 which state,

1. Produce a copy of the medical certification form which PGW sent to Complainant's Physician.
2. Produce the fax confirmation report which shows PGW's alleged distribution of a medical certification to Complainant's Physician

PGW objects to Requests for Production of Documents Nos. 1 and 2 on the grounds that the topic of Medical Certifications is beyond the scope of this proceeding. The Complaint is simply a request for a payment arrangement, "that I can actually sustain." There are no allegations of the denial of a Medical Certification or any other allegations related to a Medical Certification fax machine or document mishap.

PGW's objections to Requests for Productions of Documents Nos. 1 and 2 should be sustained.

8. Objections to Requests for Production of Documents No. 5

PGW objects to Requests for Production of Documents No. 5 which states,

5. Produce any and/or all diagnostic and/or error reports generated by PGW's billing system from August 1, 2017 through August 31, 2017.

PGW objects to Requests for Production of Documents No. 5 on the grounds that is overbroad. It will require an unreasonable investigation and it is beyond the scope of this proceeding. The Complaint is simply a request for a payment arrangement, "that I can actually sustain." There are no allegations of billing or other billing system error related to the Complainants account for gas services.

PGW's objections to Request for Production of Documents No. 5 should be sustained.

9. Objections to Requests for Production of Documents No. 6

PGW objects to Requests for Production of Documents No. 6 which states,

6. Produce all statements, logs and communications of any and all witnesses including any and all statements of Complainant and Respondent, including taped recordings, whether transcribed or not, as well as all written statements.

PGW objects to Requests for Production of Documents No. 6 on the grounds that is overbroad, it will require an unreasonable investigation and it is beyond the scope of this proceeding. The request seeks all statements logs and communications of all PGW witnesses, including those with the Complainant. On its face this request seeks information related to work done by the PGW witness that has nothing to do with the Complainant, his PGW account or this complaint. PGW will provide in due course the "Contacts for Account" of the Complainant's account that will show the action of PGW and the Complainant relating to the Complainant's account

PGW's objections to Request for Production of Documents No. 6 should be sustained.

#### 10. Objections to Requests for Production of Documents No. 8

PGW objects to Requests for Production of Documents No. 8 which states,

8. Produce any and/or all documents, records, or communications of or prepared by an investigator acquired and/or employed because of their investigation(s), including but not limited to telephone calls, correspondence, facsimiles, e-mail, billing, inspections, notes, observations, interviews, statements and/or findings.

PGW objects to Requests for Production of Documents No. 8 that is seeks an Investigative Report that contains privileged information protected by the Attorney Client Privilege and 52 Pa. Code §5.323. The PGW investigative report contains the mental impressions, conclusions or opinions of the PGW investigator communicating with PGW counsel relating to the merits of the matter, which are considered outside of discovery pursuant to 52 Pa. Code §5.323.

PGW will provide in due course the "Contacts for Account" of the Complainant's account that will show the action of PGW and the Complainant relating to the Complainant's account.

PGW's objections to Request for Production of Documents No. 8 should be sustained.

11. Objections to Requests for Production of Documents No. 14

PGW objects to Requests for Production of Documents No. 14 which states,

14. Produce a copy of any and/or all transcripts from any and/or all hearings held before the PUC or any other judicial body between Complainant and PGW in the last 5 years.

PGW objects to Requests for Production of Documents No. 14 in that it requires PGW to produce a copy of transcripts from hearings on matters between Complainant and PGW in previous disputes, which is in violation of the terms of PGW's purchase transcript from the court reporting agency. The request refers to the transcript of a hearing held on Thursday, September 24, 2015 before Administrative Law Judge Dennis J. Buckley in the matter of Deree Normal v. Philadelphia Gas Works, Docket No. C-2015-2489503, comprised of 97 pages. Copying and distribution of the transcript is a violation of the purchasing policy of the Commonwealth Reporting Company, Inc.

The Complainant may purchase a copy directly from Commonwealth Reporting Company, Inc. by calling 717-761-7150. Alternatively, the Complainant may request a review of the transcript at the Commission's offices.

PGW's objections to Request for Production of Documents No. 14 should be sustained.

**WHEREFORE**, for the reasons stated above, PGW respectfully requests that the Commission issue an order sustaining PGW's objections to the Complainant's Discovery.

March 19, 2018

Respectfully submitted,



Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122

# **APPENDIX A**

**Farinas, Laureto A**

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**From:** Farinas, Laureto A  
**Sent:** Monday, March 12, 2018 4:59 PM  
**To:** 'Deree Norman'  
**Subject:** RE: Norman v PGW C-2018-2640719

Mr. Norman,

I still have not received your email with discovery. Also, I hope that you reviewed ALJ Vero's Prehearing Order dated March 9, 2018. In Paragraph 7 she explains how to conduct discovery at the PUC.

Thanks,

Laureto Farinas

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**From:** Farinas, Laureto A  
**Sent:** Friday, March 09, 2018 1:59 PM  
**To:** 'Deree Norman'  
**Subject:** RE: Norman v PGW C-2018-2640719

Mr. Norman,

There were no documents attached to your email. See below.

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**From:** Deree Norman [<mailto:dereenorman@yahoo.com>]  
**Sent:** Friday, March 09, 2018 12:43 PM  
**To:** Farinas, Laureto A  
**Subject:** Norman v PGW C-2018-2640719

Mr. Farinas

Attached please find my request for Interrogatories and Production of Documents.

Thank you

Deree J. Norma

## Farinas, Laureto A

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**From:** Deree Norman <dereenorman@yahoo.com>  
**Sent:** Monday, March 12, 2018 5:49 PM  
**To:** Farinas, Laureto A  
**Subject:** Norman v PGW C-2018-2640719  
**Attachments:** Interrogatories and Production.pdf

## Farinas, Laureto A

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**From:** Deree Norman <dereenorman@yahoo.com>  
**Sent:** Monday, March 12, 2018 5:50 PM  
**To:** Farinas, Laureto A  
**Subject:** Norman v PGW C-2018-2640719  
**Attachments:** Interrogatories and Production.pdf

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman

v.

Philadelphia Gas Works (PGW)

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:  
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:

C-2018-2640719

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**COMPLAINANT DERE J. NORMAN'S INTERROGATORIES AND REQUEST FOR  
THE PRODUCTION OF ALL DOCUMENTS  
DIRECTED TO RESPONDENT PHILADELPHIA GAS WORKS**

Deree J. Norman (Complainant) hereby makes demand that the Respondent Philadelphia Gas Works (PGW) answer the following Interrogatories pursuant to the 52 Pa. Code §5.331(b). Complainant also requested that Respondent produce the originals or clear, readable copies of the below listed documents and/or items. These documents and/or items will be examined and/or photocopied. The below listed documents and/or items are to be produced at the home of Complainant, respectfully at 5367 Thomas Ave, Philadelphia, PA 19143 or sent electronically by e-mail to [dereenorman@yahoo.com](mailto:dereenorman@yahoo.com) on or before ten (10) business days from the date of service herein. Such request is continuing up to and at the time of the hearing.

**DEFINITIONS**

- A. "You" or "your" refers to the respondent PGW herein and to all other persons acting or purporting to act on behalf of PGW, including partners, agents, subcontractors, and employees.
- B. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.
- C. "Documents" shall mean all written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed

or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings, of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations of personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access.

- D.** "Person(s)" means an individual, corporation, partnership, subcontractor, expert, trust, associations, company, organization, or any form of a business or commercial entity.
- E.** "Identify" when used with respect to an individual means to state (1) their name; (2) business affiliation; (3) official title and/or position; and (4) their last known residential and or business address.
- F.** "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.
- G.** "Identify" when used with respect to a company or other business entity means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.
- H.** "Identify" when used with respect to a procedure, process or software means to state, (1) who created it (2) who owns it (3) what data is entered into it (4) how the data is entered (5) how the data is collected (6) step by step "flow chart of process"
- I.** "Relate to" means consist of, refer to, reflect, or be in any way logically connected with the matter discussed.
- J.** For purposes of the Rule, a statement includes:
  - (1) A written statement, signed or otherwise adopted or approved by the person making it,
  - or

(2) A stenographic, mechanical, electronic, video graphic or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

## **INSTRUCTIONS**

- I.** Answer each of the following discovery requests separately and fully in writing pursuant to 18 Pa. C.S. § 4904.
- II.** Include all information within your knowledge, the knowledge of your attorneys, any past or present staff, and any investigators or experts employed by you or your attorneys.
- III.** These discovery requests are continuing, and you must amend your responses if you know of new information or evidence.
- IV.** If your response is an objection, respond to any portion of the request to which your objection does not apply.
- V.** If an original is requested but is not available (or is objected to), and a copy or duplicate is available (or not objected to), provide the copy.
- VI.** If a document, requested was in your custody or was known to you, but is no longer available, provide a description of the document, including the contents, and set forth how the document left your possession.
- VII.** If after due diligence in investigating and researching a discovery request, you cannot respond fully, answer to the best of your knowledge and explain your inability to give a complete answer.
- VIII.** In response to requests for discovery about communications, dealings, or events, set forth the place and/or medium (such as by phone), identify the nature of the communication or event, and identify all parties who were present or involved.
- IX.** If any response to a request for the production of documents involves in excess of 250 pages, please confer with me about reducing the scope of the request or providing the documents in electronic form (e.g. pdf.)

## INTERROGATORIES

1. Identify the person(s) that heads the department and/or section and/or is responsible for the operation and/or production and/or distribution of PGW's bills and/or billings statements who will be available to testify at the March 28, 2018 hearing.
2. Identify the department that is responsible for the calculation and analyzation of payment plan options available to customers who are indigent and/or in arrears and/or in default.
3. Identify the complete criteria and/or process required for the calculation and analyzation of payment plan options available customers who are indigent and/or in arrears and/or in default.
4. Identify the person(s) that heads the department and/or section and/or is responsible for the calculation and analyzation of payment plan options available to customers who are indigent and/or in arrears and/or in default who will be available to testify at the March 28, 2018 hearing.
5. Identify the software used by the billing department and/or the billing system.
6. Identify the operating system used by the billing department and/or the billing system.
7. Identify the department that is responsible for the operation and/or production and/or distribution of PGW's medical certifications.
8. Identify the person(s) that heads the department and/or section and/or is responsible for the operation and/or production and/or distribution of PGW's medical certifications who will be available to testify at the March 28, 2018 hearing.
9. Identify the make and model of any and/or all fax machines used by PGW to distribute medical certification to Physicians between August 1, 2017 and August 31, 2017.
10. Identify the specific fax machine used to distribute a medical certification to Complainant's Physician between August 1, 2017 and August 31, 2017.
11. Identify the specific person(s) that communicated with the Complainant in relation to a medical certification sent by mail and/or faxed to Complainant's Physician between August 1, 2017 and August 31, 2017.
12. Identify the specific person(s) that distributed a medical certification to Complainant's Physician by fax between August 1, 2017 and August 31, 2017.

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Produce a copy of the medical certification form which PGW sent to Complainant's Physician.
2. Produce the fax confirmation report which shows PGW's alleged distribution of a medical certification to Complainant's Physician.
3. Produce any and/or all documents barring Complainant's signature related to payment agreements and/or arrangements.
4. Produce any and/or all documents expected to be introduced as evidence in the above captioned matter.
5. Produce any and/or all diagnostic and/or error reports generated by PGW's billing system from August 1, 2017 through August 31, 2017.
6. Produce all statements, logs and communications of any and all witnesses including any and all statements of Complainant and Respondent, including taped recordings, whether transcribed or not, as well as all written statements.
7. Produce any and/or all documents and/or communications containing the name, home and business address and qualifications of all persons who have been retained or specially employed by Respondent in anticipation of litigation or preparation for the hearing in this matter and who are not expected to be called as witnesses at trial or as to whom no such decision has yet been made, and attach any documents or communications received from said person(s). If there are no documents or communications, then the name of said person(s) as well as their home and business addresses should be provided.
8. Produce any and/or all documents, records, or communications of or prepared by an investigator acquired and/or employed because of their investigation(s), including but not limited to telephone calls, correspondence, facsimiles, e-mail, billing, inspections, notes, observations, interviews, statements and/or findings.
9. Produce the name, home and business address, background and qualifications of any and all persons in the employ of Respondent who in anticipation and/or preparation of litigation, is expected to be called as a witness at trial.
10. Produce any and/or all documents and communications containing the name and home and business addresses of all individuals contacted as potential witnesses.

11. Produce all reports, communications, and/or documents prepared by any experts who will testify at hearing in this matter.
12. Produce a digital copy of any and/or all recorded communication between Complainant and PGW and/or any of PGW representatives.
13. Produce a transcript of any and/or all recorded communication between Complainant and PGW and/or any of PGW representatives.
14. Produce a copy of any and/or all transcripts from any and/or all hearings held before the PUC or any other Judicial body between Complainant and PGW in the last 5 years.
15. Produce all reports, manuals, textbooks, policy sheets or other documents, or communications which any said expert, potential expert, witness or potential witness has consulted or reviewed as a result or in preparation of this litigation or will consult or review.
16. Produce copies of a curriculum vitae of any and or all experts who will testify at trial.
17. Produce all documents and communications substantiating any defense to the Complainant's cause of action.
18. Produce all copies of internal memoranda, inter-office memos, facsimiles, e-mail or other documents or communications regarding this case, made by the PGW and/or any agent and/or employee of PGW.
19. Produce the name and address of the senior executive of PGW's law department.
20. Produce any and or all documents of any nature whatsoever which refer in any way to the situation described in the Complaint and/or the facts or circumstances leading up to and following said complaint.
21. Produce any and all documents or other tangible materials of any nature whatsoever which you plan to have marked for identification at trial, introduce into evidence at trial, or about which you plan to question a witness at trial.
22. Produce any and/or all documents or communications of any nature whatsoever which relate, refer or pertain to the Complainant, any other party to this action, the situation, situation site and or any instrumentality involved in the situation described in the Complaint.

23. Produce all documents and/or communications relating to any facts on the basis of which it is asserted that the conduct of the Complainant contributed to the happenings of the alleged occurrences or to the cost and or usage associated allegedly as a result.
24. Produce any and all documents of any nature whatsoever referred to in Respondent's Answers to Complainant's Interrogatories.

This request is deemed to be continuing insofar as if any of the above is secured *subsequent* to the date herein for the production of same, said documents, photographs, statements, reports, etc., are to be provided to the Complainant's home, at 5367 Thomas Ave, Philadelphia, PA 19143 or e-mail at [dereenorman@yahoo.com](mailto:dereenorman@yahoo.com) immediately.

Laureto Farinas, Esquire  
Attorney for:  
Respondent PGW  
800 W. Montgomery Ave.  
Philadelphia, PA 19122  
Phone (215) 684-6982  
[Laureto.Farinas@pgworks.com](mailto:Laureto.Farinas@pgworks.com)

I \_\_\_\_\_, subject to the penalties of 18 Pa C.S.A. §4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

---

Signature

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman

v.

PGW

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:  
:  
:

F-2018-2640713

**AFFIDAVIT OF SERVICES**

I, Deree J. Norman, do hereby certify that on this 9<sup>th</sup> day of March, 2018 I served a true and correct copy of the Request for Interrogatories and the Production of Documents in the above manner on the following via the PUC's electronic filing system.

ERANDA VERO  
ADMINISTRATIVE LAW JUDGE  
801 MARKET STREET, SUITE 4063  
PHILADELPHIA, PA 19107

LAURETO FARINAS  
PHILADELPHIA GAS WORKS  
4<sup>TH</sup> FLR.  
800 W MONTGOMERY AVE  
PHILADELPHIA PA 19122

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Deree J. Norman,</b>	:	
Complainant	:	
v.	:	<b>Docket No. C – 2018 – 2640719</b>
	:	
<b>Philadelphia Gas Works,</b>	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT, **PHILADELPHIA GAS WORKS' OBJECTION TO THE COMPLAINANTS' INTERROGATORIES NOS. 7, 8, 9, 10, 11 AND 12 AND REQUESTS FOR PRODUCTION OF DOCUMENTS NOS. 1, 2, 5, 6, 8 AND 14**, UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §§1.54 and 5.342(c) (RELATING TO SERVICE BY A PARTICIPANT).

**Service List**

For Complainant:

Mr. Deree J. Norman  
5367 Thomas Avenue  
Philadelphia, PA 19143

and by email:  
[dereenorman@yahoo.com](mailto:dereenorman@yahoo.com)

March 19, 2018

  
\_\_\_\_\_  
Laureto Farinas, Esquire  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6982