

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman	:	
Complainant	:	
v.	:	No. C-2018-2640719
	:	
Philadelphia Gas Works	:	
Respondent	:	

Complainant’s Motion To Overrule Respondent’s Objections And Compel Respondent To Respond To Complainant’s Written Discovery Requests

Pursuant to 52 Pa. Code §5.342(g) Complainant hereby moves this Honorable Commission to Overrule Respondent’s Objections to Interrogatories and Request for Production of Documents and Compel Respondent to submit specific and accurate answers and documents to Complainant’s Interrogatories and Request for Production of Documents.

Complainant incorporates herein by reference, the attached Memorandum of Law in Support of Complainant’s Motion to Overrule Respondent’s Objections to Interrogatories and Request for Production of Documents and Compel Respondent to submit specific and accurate answers and documents to Complainant’s Interrogatories and Request for Production of Documents

Date: May 4, 2018

Respectfully Submitted,

By: /s/ Deree J. Norman
Deree J. Norman

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman	:	
Complainant	:	
v.	:	No. C-2018-2640719
	:	
Philadelphia Gas Works	:	
Respondent	:	

**Memorandum of Law in Support of Complainant’s Motion To Overrule Respondent’s
Objections And Compel Respondent To Respond To Complainant’s Written Discovery
Requests**

Pursuant to 52 Pa. Code §5.342(g) Complainant hereby moves this Honorable Commission to Overrule Respondent’s Objections to Interrogatories and Request for Production of Documents and Compel Respondent to submit specific and accurate answers and documents to Complainant’s Interrogatories and Request for Production of Documents.

Moreover, the scope of the matter before this Honorable Commission is a review of the payment arrangement established by the BCS Informal Complaint Decision No. 3557990. However, the factual integrity of the information in relation to the Complainant’s account submitted by PGW during the BCS investigation is fraudulent and needs to be quantified.

Therefore, the questions before this Honorable Commission are as follows:

Q: Did PGW fail to acknowledge Complainant’s Medical Certification previous submitted in 2014 when Complainant was approved for SSI Disability?

Suggested answer: **Yes**

Q: Did PGW fail to supply, by mail and or fax, Complainant and or Complainant’s Physician with a new Medical Certification form to be completed and returned as per his request?

Suggested answer: **Yes**

Q: Did PGW comply with current rules and attempt to establish a payment arrangement with Complainant before the BCS Informal Complaint was filed?

Suggested answer: **No**

Q: Did PGW submit fraudulent billing information in its recapitulation of Complainant's account? ¹

Suggested answer: **Yes**

Q: Did BCS, in its decision, base the payment arrangement on fraudulent, fabricated and or unsupportable information submitted by PGW?

Suggested answer: **Yes**

PGW's Objections Should be Overruled

I. Definitions – Respondent's Objections to Definitions Should Be Overruled

PGW's Objection to 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.

Respondents' have clearly misrepresented the factual content of the Definitions listed in Complainant's written discovery Request for Interrogatories and Production of Documents.

¹ The accuracy of the bills issued to Complainant by PGW needs to be quantified to establish the basis for any payment arrangement issued by the BCS.

1. "Definition "E" "Identify".
 - i. **Complainant:** *"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.*
 - ii. **Respondent** *"Identify" requires a response giving the home address of any PGW employees mentioned in a Discovery Request.*
2. "Definition "H" "Identify"
 - i. **Complainant:** *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"*
 - ii. **Respondent:** *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")*

Respondent's objection to these definitions is mere subterfuge and a continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers.

Wherefore Respondent's Objections to Definitions should be Overruled and Respondent should be Compelled to Respond to Complainant's written discovery request.

II. Instructions - Respondent's Objections to Instructions Should Be Overruled

PGW's Objection to Instructions:

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. 54904.

Respondents assertion that PGW is not bound by 18 Pa. C.S. §4904 when responding to written Interrogatories and the Production of Documents is inherently unintelligible.

3. 52 Pa. Code §5.342(a)(6) requires all answers or objections to written interrogatories by a party be in compliance with 52 Pa. Code §1.36.
4. 52 Pa. Code §1.36 “Verifications” states: Applications, petitions, formal complaints, motions and answers thereto containing an averment of fact not appearing of record in the action or containing a denial of fact must be personally verified by a party thereto or by an authorized officer or other authorized employee of the party if a corporation or association. Verification means a signed written statement of fact supported by oath or affirmation or made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).
5. It should also be established that 52 Pa. Code §3.21 et seq. does not govern the discovery in this proceeding as stated by Respondent PGW in its Objection to Complainant’s written Interrogatories and Request for Production of Documents.

Wherefore Respondents Objections to Complainant’s Instructions should be Overruled and Respondent should be Compelled to Respond to Complainant’s Written Discovery Request and verify said response in accordance with 18 Pa. C.S. §4904.

III. Interrogatory’s No. 7 and No. 8, No. 9, No. 10, No. 11 and No. 12 - Respondent’s Objections to Interrogatories Nos 7, 8, 9, 10, 11 and 12 Should Be Overruled

PGW’s Objection to Interrogatory’s No. 7 and No. 8:

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 an affordable payment

arrangement. There are no allegations of the denial of a Medical Certification or any other allegations related to a Medical Certification.

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 an affordable payment arrangement. There are no allegations of the denial of a Medical Certification or any other allegations related to a Medical Certification.

- 6.** Respondent's objection to Interrogatory No. 7 is mere subterfuge and a continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to identify the department that plays an intricate part in determining a customer's medical status and of which is responsible for the operation and/or production and/or distribution of PGW's medical certification qualifications. Omitting this information is tantamount to fraud.
- 7.** Respondent's objection to Interrogatory No. 8 is mere subterfuge and a continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to provide and/or 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 May 18, 2018 hearing.

PGW's Objection to Interrogatory's No. 9, No. 10, No. 11 and No. 12:

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 an affordable payment arrangement. 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.

- 8.** Complainant's was instructed that his previous Medical Certification was invalid while his request for a new form was misappropriated as that a PGW representative informed Complainant that one would be sent to his Physician via fax. Complainant provided PGW with all of the Physician's relevant information. However, a fax was never sent. Respondent's objection to Interrogatory No. 9 is mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to identify the make and model of any and/or all fax machines allegedly used by PGW to distribute medical certification to Complainant's Physicians in August of 2017.
- 9.** Respondent's objection to Interrogatory No. 10 is mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to identify the

specific fax machine allegedly used by PGW to distribute a medical certification to Complainant's Physician in August of 2017.

10. Respondent's objection to Interrogatory No. 11 is mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to identify the specific person(s) that communicated with the Complainant in relation to a medical certification allegedly sent by mail and/or faxed to Complainant's Physician in August of 2017.
11. Respondent's objection to Interrogatory No. 12 is mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to identify the specific person(s) that allegedly distributed a medical certification to Complainant's Physician by fax in August of 2017.
 - a. PGW's refusal to acknowledge Complainant's previous medical certification as well as their refusal to comply with Complainant's request for a new medical certification form to be faxed to his Physician, puts PGW in a position to terminate Complainant's gas service and ignore any ongoing billing discrepancies.

Wherefore Respondent's Objections to Complainant's Interrogatories No. 7, No. 8, No. 9, No. 10, No. 11 and No. 12 should be Overruled and Respondent should be Compelled to Respond to Interrogatories No. 7, No. 8, No. 9, No. 10, No. 11 and No. 12 with specificity and accuracy.

IV. Production of Documents (POD) No. 1 and No. 2 - Respondent's Objections to POD Nos 1 and 2 Should Be Overruled

PGW's Objects to Request 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 an affordable payment arrangement. 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.

12. Respondent's objection to POD No. 1 is mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to Produce a copy of the medical certification Complainant requested be sent to Complainant's Physician.
13. Respondent's objection to POD No. 2 is mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to produce the fax confirmation report which shows PGW's alleged distribution of a medical certification to Complainant's Physician.

Wherefore Respondents Objections to Complainant's Production of Documents No. 1, and No. 2 should be Overruled, and Respondent should be Compelled to Comply Production of Documents No. 1, and No. 2 and Respond with specificity and accuracy to Complainant's Written Discovery Request.

V. Production of Documents (POD) No. 5 Respondent's Objections to POD No. 5 Should Be Overruled

PGW's Objection to Request 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 an affordable payment arrangement. There are no allegations of billing or billing system error related to the Complainant's account for gas services or error in the BCS decision which provided a payment arrangement based upon the Complainant's income

14. Computerized operational systems, such as PGW's billing system, can generate diagnostic reports to show errors in intervals of seconds, minutes, hours, days, months and so on. In fact it's part of PGW protocol to run said diagnostics to ensure that their system is operating inside the guild lines established by PUC rules. Respondent's objection to POD No. 5 is mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate it customers. If an error report was generated in August of 2017 no extensive or burdensome research or investigation would be required to retrieve it. Moreover, Complainant's request is well within the scope of a payment arrangement as that the basis of any arrangement would be the unpaid bills in question. Respondent failed to produce any and/or all diagnostic and/or error reports generated by PGW's billing system from August 1, 2017 through August 31, 2017 thereby concealing any information as to the inaccurately of bills issued.

VI. Production of Documents (POD) No. 6 Respondent's Objections to POD No. 6 Should Be Overruled

PGW's Objection 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 and communication of PGW and the Complainant relating to the Complainant's account.

15. Any and or all material related to Complainant's account would be identifiable by Complainant's account number and stored electronically and or by hard copy as such. Therefore, all information related to Complainant's account should be readily available and or accessible at any time and would impose no burdensome investigation to retrieve it. Complainant's request is in fact very specific and therefore not overbroad. Respondent's objection to POD No. 6 is mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate it customers. Respondent failed to 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.

Wherefore Respondents Objections to Complainant's Production of Documents No. 6 should be Overruled, and Respondent should be Compelled to Comply Production of Documents No. 6 and Respond with specificity and accuracy to Complainant's Written Discovery Request.

VII. Production of Documents (POD) No. 8 Respondent's Objections to POD No. 8 Should Be Overruled

PGW's Objection 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 55.323. 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 55.323.

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.

16. Attorney-client privilege does not apply to every communication with an attorney.

For the privilege to exist, the communication must be to, from, or with an attorney, and intended to be confidential. In addition, the communication must be for the purpose of requesting or receiving legal advice.

There were no attorneys involved with the issuance of Complainant's bills or evaluation of Complainant's medical status, nor was an attorney involved in the BCS investigation of information PGW supplied prior to the BCS decision. Respondent's objection to POD No. 8 is mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to 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

Wherefore Respondents Objections to Complainant's Production of Documents No. 8 should be Overruled, and Respondent should be Compelled to Comply Production of Documents No. 8 and Respond with specificity and accuracy to Complainant's Written Discovery Request.

VIII. Production of Documents (POD) No. 14 - Respondent's Objections to POD No. 14 Should Be Overruled

PGW's Objection 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 the Commission's 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. The cost is \$285. Alternatively, the Complainant may request a review of the transcript at the Commission's offices

17. No legal agreement and or terms between PGW and the Commonwealth Reporting Company, Inc. exist that would give PGW the authority to deny a properly filed request for the production of documents in a legal proceeding. PGW's attempt to conceal and or suppress information that would unfavorably contradict their most recent falsifications is tantamount to fraud. Respondent's objection to POD No. 14 is

mere subterfuge and continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondent failed to 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

Wherefore Respondent's Objections to Complainant's Production of Documents No. 14 should be Overruled, and Respondent should be Compelled to Comply Production of Documents No. 14 and Respond with specificity and accuracy to Complainant's Written Discovery Request.

IX. Production of Documents (POD) No. 17 and No. 18 - Respondent's Objections to POD No. 17 and No. 18 Should Be Overruled

PGW's Objections to Requests for Production of Documents Nos. 17 and 18

PGW objects to Requests for Production of Documents Nos. 17 and 18 which state,

17. Produce all documents and communications substantiating any defense to the Complaint's cause of action.

18. Produce all copies of internal memoranda, inter-office memos, facsimiles, email or other documents or communications regarding this case, made by the PGW and/or any agent and/or employee of PGW.

PGW objects to Requests for Production of Documents Nos. 17 and 18 to the extent that it seeks information that is privileged information protected by the Attorney Client Privilege and 52 Pa. Code 55.323. The PGW investigative report and similar inter-office communications contain 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 55.323.

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.

18. PGW appears to suggest that an answer to a complaint is not part of a defense and is somehow privileged. Respondent's objection to POD No. 17 is mere subterfuge and a continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondents failed to Produce all documents and communications substantiating any defense to the Complainant's cause of action.

19. Attorney-client privilege protects most communications between clients and their lawyers. But, according to the crime-fraud exception to the privilege, a client's communication to his or her attorney isn't privileged if he or she made it with the intention of committing or covering up a crime or fraud. Respondent's objection to POD No. 18 is mere subterfuge and a continuance of the unethical and fraudulent business practices exercised by PGW in an ongoing effort to control and manipulate its customers. Respondents failed to 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.

Wherefore Respondents Objections to Complainant's Production of Documents No. 17, and No. 18 should be Overruled, and Respondent should be Compelled to Comply with Production of Documents No. 17, and No. 18 and Respond with specificity and accuracy to Complainant's Written Discovery Request.

May 4, 2018

Respectfully submitted,

/s/Deree J. Norman
Deree J. Norman
5367 Thomas Ave
Philadelphia, Pa 19143
(267) 304-2162
dereenorman@yahoo.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman	:	
Complainant	:	
v.	:	No. C-2018-2640719
	:	
Philadelphia Gas Works	:	
Respondent	:	

AFFIDAVIT OF SERVICES

I, Deree J. Norman, do hereby certify that on this 4th day of May 2018 I served a true and correct copy of the Motion and Memorandum of Law in Support of Complainant’s Motion to Overruled Respondent’s Objections to Interrogatories and Request for Production of Documents and Compel Respondent to submit specific and accurate answers and documents to Complainant’s Interrogatories and Request for 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 4TH FLR.
800 W MONTGOMERY AVE
PHILADELPHIA PA 19122

APPENDIX 1



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

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

April 25, 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") herby 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**

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

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

Pursuant to 52 Pa. Code §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 on April 16, 2018 by email, a copy of which is attached hereto as Appendix “A,” and is incorporated by reference as if fully set forth.

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. 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.

2. Objection to Instructions:

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.

3. Objection 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 an affordable payment arrangement. 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. 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 an affordable payment arrangement. 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 an affordable payment arrangement. 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.

4. 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 an affordable payment arrangement. 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.

5. Objection 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 an affordable payment arrangement. There are no allegations of billing or billing system error related to the Complainant's account for gas services or error in the BCS decision which provided a payment arrangement based upon the Complainant's income.

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

6. Objection 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 and communication 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 as the Request for Production of Documents No. 6 is overbroad.

7. Objection 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.

8. Objection 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 the Commission's 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. The cost is \$285. 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.

9. Objections to Requests for Production of Documents Nos. 17 and 18

PGW objects to Requests for Production of Documents Nos. 17 and 18 which state,

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, email or other documents or communications regarding this case, made by the PGW and/or any agent and/or employee of PGW.

PGW objects to Requests for Production of Documents Nos. 17 and 18 to the extent that it seeks information that is privileged information protected by the Attorney Client Privilege and 52 Pa. Code §5.323. The PGW investigative report and similar inter-office communications contain 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.

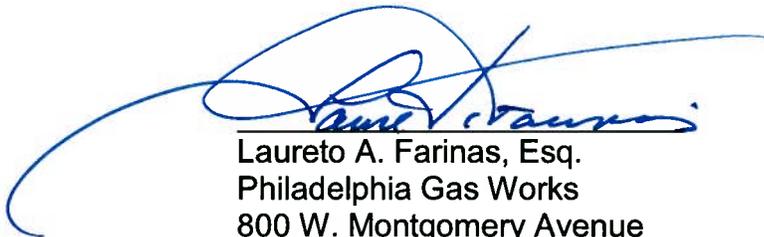
PGW will provide in due course the "Contacts for Account" of the Complainant's account that will show the action of PGW and the Complainant relating to the Complainant's account.

PGW's objections to Request for Production of Documents Nos. 17 and 18 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.

April 25, 2018

Respectfully submitted,



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

APPENDIX A

**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 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 §5.342(d). 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 on or before twenty (20) 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, response shall conform to 52 Pa. Code §5.342(c)
- 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 May 18, 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 current and/or recent litigation 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 current and/or recent litigation 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 current and/or recent litigation and/or in arrears and/or in default who will be available to testify at the May 18, 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 May 18, 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 immediately.

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

C-2018-2640719

AFFIDAVIT OF SERVICES

I, Deree J. Norman, do hereby certify that on this 16th day of April 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 e-mail.

LAURETO FARINAS
PHILADELPHIA GAS WORKS
4TH FLR.
800 W MONTGOMERY AVE
PHILADELPHIA PA 19122
Laureto.Farinas@pgworks.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman,	:	
Complainant	:	
v.	:	Docket No. C – 2018 – 2640719
	:	
Philadelphia Gas Works,	:	
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, 14, 17 and 18** 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).

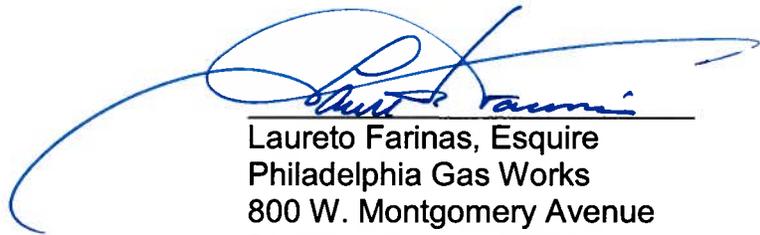
Service List

For Complainant:

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

and by email:
dereenorman@yahoo.com

April 25, 2018



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