



**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

May 9, 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(g)(1), the Philadelphia Gas works ("PGW") hereby Answers the Complainant's Motion to Overrule PGW's Objections and Compel PGW to Respond to Complainant's Written Discovery Requests ("motion to compel").

Thank you for your assistance in the matter.

Sincerely,

A handwritten signature in blue ink that reads "Danielle Leva".

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' Answer to the  
Complainant's Motion to Overrule PGW's Objections and  
Compel PGW to Respond to Complainant's Written Discovery Requests**

Pursuant to 52 Pa. Code §5.342(g)(1), the Philadelphia Gas Works ("PGW") hereby Answers the Complainant's Motion To Overrule PGW's Objections and Compel PGW to Respond to Complainant's Written Discovery Requests ("motion to compel").

The Commission should sustain PGW's as explained in PGW's objections and as stated herein.

**PGW's Answer Motion to Compell**

The Complainant has failed to serve the motion to compel upon PGW as he is obligated to do by the Commission's procedural rules, 52 Pa. Code §1.54. As of this writing PGW has not received in the mail or by email for fax transmission, a copy of the motion to compel from the Complainant. On May 8, 2018 PGW checked the Commission's docket website and found that the Complainant had filed the motion to compel on April 4, 2018.

Further, the motion to compel fails to comply with other Commission technical rules for a correct filing. The motion to compel is not signed, nor is the Certificate of Service. The Certificate of Service is incorrect as it states that the Complainant had complied with the Commission electronic filing rules. The Certificate of Service fails to show that it has made service upon the other party to this matter, i.e. PGW.

The Complainant is aware that PGW will accept service by email. The Complainant has communicated with counsel for PGW by email. Yet, the Complainant did not serve

PGW with the motion to compel to afford a timely answer to it. Thus, the Complainant exhibits bad faith in conducting discovery in this matter.

For these reasons alone, PGW's objections should be sustained.

**PGW's Answer to Complainant's  
Memorandum of Law in Support of the Motion to Compel**

The Complainant's memorandum begins by setting forth questions for consideration in this matter. These questions raise an issue involving the grant or denial of a Medical Certification. The questions presented are not before the Commission. These questions are improper. The Complaint and the decision of the Commission's Bureau of Consumer Services ("BCS") from which this matter is an appeal only deal with the Complainant's eligibility for a payment arrangement. The Complaint is simply a request for an affordable payment arrangement. The Complainant simply states that he wants a payment, "...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.

Pursuant to 52 Pa. Code §5.321(c), a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. In this matter, the Complaint does not mention anything about a Medical Certification. Therefore, the discovery of matter concerning a Medical Certification granted to the Complainant is beyond the scope of this proceeding, which simply involves the Complainant's eligibility for a payment arrangement.

The Complainant's "Questions" should be disregarded and PGW's objections should be sustained.

I. **Definition**

PGW reiterates the reasons for objecting 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.

The motion to compel fails to show how PGW has misrepresented the content of the Definitions section of the Discovery. PGW's objections are not subterfuge should be sustained.

## II. Objection to Instructions:

PGW withdraws its objection to compliance with 18 Pa. C.S. §4904. PGW has complied with 18 Pa. C.S. §4904 with the responses to discovery provided timely to the Complainant.

## III. Objection to Interrogatories Nos. 7, 8, 9 10, 11 and 12

As stated above, the Complaint and the decision of the BCS from which this matter is an appeal only deal with the Complainant's eligibility for a payment arrangement. The Complaint is simply a request for an affordable payment arrangement. The Complainant simply states that he wants 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.

Pursuant to 52 Pa. Code §5.321(c), a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. In this matter, the Complaint does not mention anything about a Medical Certification. Therefore, the discovery of matter concerning a Medical Certification

granted to the Complainant is beyond the scope of this proceeding, which simply involves the Complainant's eligibility for a payment arrangement

PGW's objections to Interrogatories Nos. 7, 8, 9 10, 11 and 12 are not subterfuge and should be sustained.

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

As previously stated, the Complaint and the decision of the BCS from which this matter is an appeal only deal with the Complainant's eligibility for a payment arrangement. The Complaint is simply a request for an affordable payment arrangement. The Complainant simply states that he wants 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.

Pursuant to 52 Pa. Code §5.321(c), a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. In this matter, the Complaint does not mention anything about a Medical Certification. Therefore, the discovery of matter concerning a Medical Certification granted to the Complainant is beyond the scope of this proceeding, which simply involves the Complainant's eligibility for a payment arrangement

PGW's objections to the Requests for Production of Documents Nos. 1 and 2 are not subterfuge and should be sustained.

V. Objection to Requests for Production of Documents No. 5

PGW objects to Requests for Production of Documents No. 5 because it is overbroad. It will require an unreasonable investigation and it is beyond the scope of this proceeding. The Complaint and the decision of the BCS from which this matter is an appeal only deal with the Complainant's eligibility for a payment arrangement. The Complaint is simply a request for an affordable payment arrangement. The Complainant simply states that he wants a payment arrangement, "...that I can actually sustain."

Pursuant to 52 Pa. Code §5.321(c), a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. In this matter, the Complaint does not mention 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.

VI. Objection to Requests for Production of Documents No. 6

PGW has objected to the Request for Production of Documents No. 6 on the grounds that it 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 has provided 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.

VII. Objection to Requests for Production of Documents No. 8

PGW reiterates its basis for the objection to Requests for Production of Documents No. 8. That discovery 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.

Other communications are simply those having to do with scheduling and are “Outlook” meetings that set the hearing dates of the matter.

PGW has provided 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.

The Contacts for Account are the way that PGW employees provide information about an account to each other.

The motion fails to show how PGW’s objection is unethical. PGW’s objections to Request for Production of Documents No. 8 should be sustained.

#### VIII. Objection to Requests for Production of Documents No. 14

PGW restates that it 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.

The motion to compel seems to confuse a discovery request with the force of a subpoena. Since the Complainant has access to the desired transcripts through other means, it is not necessary for PGW to comply with this discovery request.

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

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

As PGW stated in its objections 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.

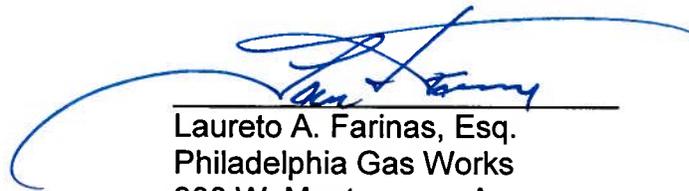
PGW has provided the “Contacts for Account” of the Complainant’s account that will show the action of PGW and the Complainant relating to the Complainant’s account.

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.

May 9, 2018

Respectfully submitted,



Laureto A. Farinas, Esq.  
Philadelphia Gas Works  
800 W. Montgomery Avenue  
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 ANSWER TO THE COMPLAINANT'S MOTION TO OVERRULE PGW'S OBJECTIONS AND COMPEL PGW TO RESOND TO COMPLAINANT'S WRITTEN DISCOVERY REQUESTS, 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)

May 9, 2018



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