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VIA HAND DELIVERY

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

Re:

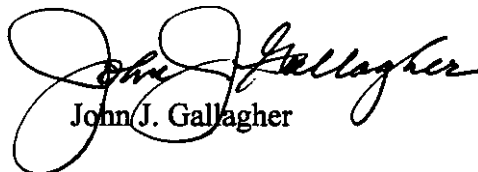
**Docket No. C-2014-2435567
City of Lancaster—Answer to Motion to Compel
Complainants Interrogatories Set II**

Dear Secretary Chiavetta:

Enclosed please find an original copy the City of Lancaster's Amended Answer to the Motion to Compel filed by the Complainant in the above captioned matter.

Should you have any questions concerning this correspondence please contact me at your convenience. Copies of this correspondence and the City of Lancaster's Motion have been served on the parties listed in the attached Certificate of Service.

Sincerely,


John J. Gallagher

Enclosures

cc: Certificate of Service

BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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Docket No. C-2014-2435567

Frank D. Kitzmiller

v.

City of Lancaster - Water Department

**AMENDED ANSWER OF
THE CITY OF LANCASTER – WATER DEPARTMENT
TO THE MOTION TO COMPEL
RESPONSES TO DISCOVERY OF
FRANK D. KITZMILLER, SET II**

I. INTRODUCTION

Pursuant to Section 5.342(g)(1) of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code § 5.342(g)(1), and in accordance with Your Honor’s direction at the hearing in this matter on April 18, 2018, Respondent, the City of Lancaster – Water Department (“City” or “Lancaster”) hereby submits its Amended Answer to the Motion to Compel of Frank D. Kitzmiller (“Complainant” or “Kitzmiller”). City of Lancaster respectfully requests that Judge Cheskis deny the Motion to Compel of the Complainant regarding responses to Complainant Interrogatories, Set II, In support of its Answer, City Of Lancaster sets forth the following:

II. BACKGROUND

Complainant propounded its second set of interrogatories on January 23, 2018. On February 2, 2018, the City filed objections to Kitzmiller interrogatories Set 2, Nos 6, 7, & 8.

III. ANSWERS TO COMPLAINANTS MOTION

Lancaster will respond to the specific interrogatories contained in Kitzmiller No. 2 of the Motion to Compel as they are presented in *seriatim*:

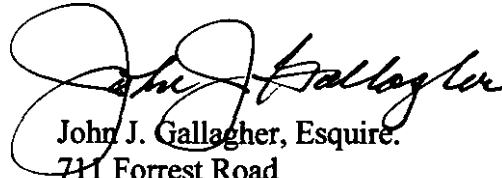
1. As the City has not waived its objection to any of the Kitzmiller interrogatories in Set 2 (or Set 1) on relevancy grounds, the City objects to Set 2 interrogatories Nos 1-5 and Nos 9-11 on the grounds that these interrogatories are not relevant to Complainants billing complaint.

2. In addition, Respondent respectfully requests that Your Honor deny Complainants request to Compel responses to Interrogatories Set No. 2 Nos. 1, 2, 3, 4, 5, 9, 10 and 11 on the grounds that as an active party to the prior rate case proceeding at Docket No. R-2014-2418872, Complainant raised the exact billing/rates issue raised in this proceeding. There, Complainant failed to present any discovery in the form presented in the interrogatories listed in the Motion to Compel regarding the issues raised in the prior rate proceeding. As such Complainant is estopped from compelling responses to discovery that he had every opportunity to present four and a half years ago. Complainant should not be afforded a "second bite of the apple" concerning issues presented in a prior proceeding. Additionally, Complainant requests information contained in Appendix B of the Joint Petition for Settlement in the previously mentioned rate proceeding (R-2014-2418872). Complainant had specifically executed the Joint Petition for Settlement thereby agreeing to all its provisions and its analysis of billings contained in Appendix B. Complainant has specifically waived his right to raise these issues after executing the referenced Joint Settlement Petition.

III. CONCLUSION

Based on the foregoing, Respondent the City of Lancaster – Water Department respectfully requests that your Honor deny Complainants Motion to Compel Responses to Complainants Interrogatories Set II.

Respectfully submitted,



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Date: April 26, 2018

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in the manner indicated below, and in accordance with the requirements of § 1.54 (relating to service by a party).

FIRST CLASS MAIL


Mr. Frank D. Kitzmiller
1041 Preston Rd.
Lancaster, PA

HAND DELIVERY

Honorable Joel Cheskis
Office of Administrative Law Judge
Pa Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17101-3265

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Dated: April 27, 2018



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Counsel for City of Lancaster