

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**THEREFORE,**

**IT IS ORDERED:**

- 1) That Respondent will submit full and complete answers to Complainant's Interrogatories (Nos. 1, 3 and 4).
- 2) Respondent shall pay Complainant cost in the amount of \$1,250.00 incurred in Complainant's attempts to communicate with PGW to resolve this dispute, both drafting and presenting this Motion as well as Respondent's willful, calculated and malicious attempts to conceal and or misrepresent facts related to Complainant's account and or status. Said payment shall be made within five (5) days by check or money order, payable to Deree J. Norman and delivered to Deree J. Norman at 5367 Thomas Ave, Philadelphia, PA 19143.

Date \_\_\_\_\_

/s/ \_\_\_\_\_  
Eranda Vero  
Administrative Law Judge

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**Complainant’s Motion To Sanction Respondent PGW For Failure To Submit Full And Complete Answers To Complainant’s Written Discovery Requests**

Pursuant to 52 Pa. Code §5.371(a)(1) Deree J. Norman (Complainant) hereby moves this Honorable Commission to Sanction Philadelphia Gas Works (PGW or Respondent) for failure to submit full and complete answers and or objections to Interrogatories and Request for Production of Documents.

Complainant incorporates herein by reference, the attached Memorandum of Law in Support of Complainant’s Motion to Sanction Respondent for failure to submit full and complete answers and or objections to Interrogatories and Request for Production of Documents.

Date: May 14, 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 Sanction Respondent  
For Failure To Submit Full And Complete Answers To Complainant’s  
Written Discovery Requests**

Pursuant to 52 Pa. Code §5.371(a)(1) Deree J. Norman (Complainant) hereby moves this Honorable Commission to Sanction Philadelphia Gas Works (PGW or Respondent) for failure to file full and complete answers and or objections to Interrogatories and Request for Production of Documents.

**I. INTRODUCTION**

52 Pa. Code §5.342(a)(4) requires that Answers to interrogatories must: Answer each interrogatory fully and completely unless an objection is made. 52 Pa. Code §5.342(d) requires service of an Answer to be effectuated within twenty (20) days of receipt of said interrogatories.

Moreover 52 Pa. Code §5.342(c) states: An objection shall be prepared, filed and served in the same manner provided for an answer, except that an objection must be contained in a document separate from an answer as required by the time provisions of subsection (e). 52 Pa. Code §5.342(e) requires service of an Objection to be effectuated within twenty (10) days of receipt of said interrogatories.

Respondent failed to comply with these rules as it relates to Complainant’s Interrogatories (Nos. 1, 3 and 4).

**II. HISTORY**

On April 16, 2018, Complainant served Respondent with written Interrogatories and Requests for Production of Documents. On April 25, 2018, Respondent submitted timely Objections to some of Complainant's discovery request.

On May 4, 2018, Complainant filed a timely Motion to Compel Discovery Responses to his Interrogatories and Requests for Production of Documents in relation to Respondent's Objections.

On May 7, 2018 Respondent filed a timely yet incomplete and vague response to Complainant's Interrogatories and Request for Production of Documents of which no Objection was imposed.

On May 9, 2018 Administrative Law Judge Eranda Vero entered an Order in relation to Respondent's Objections.

### **III. INTERROGATORIES**

**The following Interrogatories have gone without full and complete answers and without objections:**

*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.*

Respondent's submissions to Interrogatory 1 is attached hereto as **(Exhibit 1)**

Amidst a claim of unavailability Respondent has willfully, calculatedly and maliciously failed identifying the department head of the aforesaid department, nor have they provided a justifiable and or verifiable reason as to why said person will not be available for the May 18, 2018 hearing. Respondent's refusal to identify the individual(s) whom head the department and said person qualifications clearly precludes Complainant from issuing a subpoena and is therefore tantamount to witness tampering, fraud by concealment and misrepresentation.

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.*

Respondent's submissions to Interrogatory 3 attached hereto as **(Exhibit 2)**

Respondent has willfully, calculatedly and maliciously avoided identifying PGW's requirements as they relate to PGW's responsibilities in the establishment of a payment arrangement. Respondent has identified the PUC's criteria but not their own. This attempted subterfuge is tantamount to fraud by concealment and misrepresentation.

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.*

Respondent's submissions to Interrogatory 4 attached hereto as **(Exhibit 3)**

Respondent has willfully, calculatedly and maliciously avoided identifying the department head of the Customer Service department, nor have they provided a justifiable and or verifiable reason as to why that person will not be available for the May 18, 2018 hearing.

WHEREFORE Complainant moves this Honorable Commission to enter an Order in the form attached hereto.

May 14, 2018

Respectfully submitted,

/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	:	
Complainant	:	
v.	:	No. C-2018-2640719
	:	
Philadelphia Gas Works	:	
Respondent	:	

**AFFIDAVIT OF SERVICES**

I, Deree J. Norman, do hereby certify that on this 14<sup>th</sup> 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 Sanction Respondent for failure file full and correct responses to Interrogatories 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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**VERIFICATION**

I, Deree J. Norman, hereby declare that the facts set forth in the foregoing Motion to Sanction Respondent for failure to file full and complete answers to Complainant's Interrogatories (Nos. 1, 3 and 4) are true to the best of my knowledge, information and belief. I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

  
Deree J. Norman

# **EXHIBIT 1**

**Before the  
Pennsylvania Public Utility Commission**

***Deree J. Norman v. Philadelphia Gas Works***  
**Docket No. C-2018-2640719**

**Deree J. Norman's  
Interrogatories and Requests for Production of Documents**

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**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.

**RESPONSE:**

None of the persons who head the departments and sections and who are responsible for the operation and production and distribution of PGW's bills and billings statements are available to testify at the May 18, 2018 hearing.

The person available to testify at the hearing of this matter is Jessica Glace, Senior Customer Review Officer – PGW. She is trained and equipped to explain the billing system and the calculation and distribution of bills as well as the criteria for giving payment arrangements on PGW accounts.

**This response was prepared by Jessica Glace, Senior Customer Review Officer – PGW.**

# **EXHIBIT 2**

**Before the  
Pennsylvania Public Utility Commission**

***Deree J. Norman v. Philadelphia Gas Works***  
**Docket No. C-2018-2640719**

**Deree J. Norman's  
Interrogatories and Requests for Production of Documents**

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**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.

**RESPONSE:**

The following is the 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:

The Responsible Utility Customer Protection Act, 66 Pa.C.S. §1401 *et seq.* (the Act or Chapter 14), applies to complaints alleging inability to pay and requesting a Commission-issued payment arrangement. This law provides strict guidelines that the Commission must follow in handling customer complaints.

Regarding the length of payment arrangements, the Pennsylvania Public Utility Code provides the following:

**(b) Length of payment arrangements.**--The length of time for a customer to resolve an unpaid balance on an account that is subject to a payment arrangement that is investigated by the commission and is entered into by a public utility and a customer shall not extend beyond:

- (1) Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level.
- (2) Three years for customers with a gross monthly household income level exceeding 150% and not more than 250% of the Federal poverty level.
- (3) One year for customers with a gross monthly household income level exceeding 250% of the Federal poverty level and not more than 300% of the Federal poverty level.
- (4) Six months for customers with a gross monthly household income level exceeding 300% of the Federal poverty level.

66 Pa.C.S. § 1405(b).

Additionally, §1405(d) provides that "...[a]bsent a change in income, the commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a commission order or decision."  
66 Pa.C.S. §1405(d).

A change in income is defined as "[a] decrease in household income of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer's income level is 200% or less of the Federal poverty level."  
66 Pa.C.S. §1403.

**This response was prepared by Jessica Glace, Senior Customer Review Officer – PGW.**

# **EXHIBIT 3**

**Before the  
Pennsylvania Public Utility Commission**

***Deree J. Norman v. Philadelphia Gas Works***  
**Docket No. C-2018-2640719**

**Deree J. Norman's  
Interrogatories and Requests for Production of Documents**

---

**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 May 18, 2018 hearing.

**RESPONSE:**

None of the persons who head the departments and/or sections and who are responsible for the calculation and analyzation of payment plan options available to customers who are indigent, in arrears or in default will be available to testify at the May 18, 2018 hearing.

The person available to testify at the hearing of this matter is Jessica Glace, Senior Customer Review Officer – PGW. She is trained and equipped to explain the calculation and analyzation of payment plan options available to customers who are indigent, in arrears or in default.

**This response was prepared by Jessica Glace, Senior Customer Review Officer – PGW.**

# APPENDIX A

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ORDER RE MOTION TO COMPEL DISCOVERY**

On April 16, 2018, Deree J. Norman (Mr. Norman or Complainant) served Philadelphia Gas Works (PGW or Respondent) with written Interrogatories and Requests for Production of Documents. On April 25, 2018, PGW submitted timely Objections to Mr. Norman’s discovery request.

On May 4, 2018, Mr. Norman filed a timely Motion to Compel Discovery Responses to his interrogatories and requests for production of documents.

The Commission’s regulations permit a broad scope of discovery. The Rules of Administrative Practice and Procedure at 52 Pa. Code §5.321 provide that:

[A] participant may obtain discovery regarding any matter, not privileged, **which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of another party or participant** . . . It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

52 Pa. Code §5.321 (Emphasis added).

Specific limitations on the scope of discovery are found at 52 Pa. Code § 5.361(a), which prohibits discovery which is sought in bad faith, would cause unreasonable burden or expense, relates to privileged material or would require the making of an unreasonable investigation by the answering party.

**Definition E**

In the present case, PGW objects to discovery Definition E to the extent that it requires a response providing the home address of any PGW employees mentioned in a discovery response. PGW argues that the home addresses of PGW employees are irrelevant to the disposition of this matter and that only the PGW headquarters address is relevant in this regard. After carefully considering both parties' positions, I agree with PGW that the home addresses of current PGW employees are irrelevant. However, PGW must produce the last known address of any PGW employees mentioned in a discovery response, who are no longer employed with the Respondent.

**Definition H**

PGW objects to discovery Definition H on the grounds that it requires information that is beyond the scope of this proceeding.

Upon review of Mr. Norman's formal Complaint at Docket No. C-2018-2640719, I find that it is essentially a request for an affordable payment arrangement with allegations that there are incorrect changes in Complainant's gas bills. I shall overrule PGW's objection to Definition H and order the Respondent to comply with this definition in its answers to Mr. Norman's discovery request.

**Instruction 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." PGW argues that its is not bound to provide discovery responses that comply with 18 Pa.C.S. § 4904.

I agree with PGW. The Commission's Procedural Rules at 52 Pa. Code § 5.321 *et seq.* govern the discovery in this proceeding. Consequently, PGW's objection to Instruction I is sustained.

**Interrogatory ## 7, 8, 9, 10, 11, and 12**

PGW objects to Interrogatory ## 7, 8, 9, 10, 11, and 12 on the grounds that they request information concerning Medical Certifications. PGW argues that the topic of Medical Certification is beyond the scope of this proceeding.

Upon review of Mr. Norman's present Complaint, I find that PGW's observation is correct. As I mentioned above, Mr. Norman's present Complaint against PGW consists of a request for an affordable payment arrangement and the claim that there are incorrect changes in Complainant's gas bills. In particular, the incorrect charges claim consists entirely of the following averments:

Complainant's electric service was terminated on August 21, 2017 and remains off to date, therefore Complainant is unable to utilize all gas appliances that have electric pilots and/or ignitions (Home heater, water heater and stove. However, Complainant's bill is an exact mirror of the previous years bill during the same period when he could use his appliances.

Complaint, ¶ 4. There is nothing in Mr. Norman's Complaint that suggests that the subject matter of the pending action involves Medical Certifications. Consequently, PGW's objections to Interrogatory ## 7, 8, 9, 10, 11, and 12 are sustained.

**Request for Production of Documents # 6**

PGW objects to Request for Production of Documents # 6 on the grounds that it is overbroad, it will require an unreasonable investigation, and it is beyond the scope of the proceedings. Request for Production of Documents # 6 seeks all statements, logs, and communications of all PGW witnesses, including those with the Complainant. PGW argues that

on its face this request seeks information related to work done by PGW witnesses that has nothing to do with Mr. Norman, his PGW account or his Complaint.

I find that a literal reading of the Request supports PGW's objection. Therefore, I shall limit the scope of the request as follows:

- 1) The Request for Production of Documents # 6 shall cover the period December 27, 2015 (two years prior to the filing of the Complaint) to May 8, 2018.
- 2) The Request for Production of Documents # 6 shall cover only the statements, logs, and communications of all PGW employees, among each other or with Mr. Norman, concerning Mr. Norman's existing payment arrangement or request for new payment arrangements, as well as all the statements, logs, and communications of all PGW employees, among each other or with Mr. Norman, concerning the accuracy of Mr. Norman's gas bills during the period of time December 27, 2018 to May 8, 2018.

### **Request for Production of Documents # 8**

PGW objects to Request for Production of Documents # 8 on the grounds that it seeks an Investigative Report that contains privileged information protected by the Attorney-Client Privilege and 52 Pa. Code §5.323.

The Commission's Rules of Administrative Practice and Procedure at 52 Pa. Code §5.323

A party may obtain discovery of any matter discoverable under § 5.321(b) (relating to scope) even though prepared in anticipation of litigation or hearing by or for another party or by or for that other party's representative, including his attorney, consultant, surety, indemnitor, insurer or agent. The discovery may not include disclosure of the mental impressions of a party's attorney or his conclusions, opinions, memoranda, notes, summaries, legal research or legal theories. With respect to the representative of a party other than the party's attorney, discovery may not include disclosure of his mental impressions, conclusions or opinions

respecting the value or merit of a claim or defense or respecting strategy, tactics or preliminary or draft versions of written testimony or exhibits, whether or not final versions of the testimony or exhibits are offered into evidence.

52 Pa. Code § 5.323 (Emphasis added).

PGW shall comply with Complainant's Request for Production of Documents # 8 only to the extent that it does not seek disclosure of the mental impressions, conclusions, opinions, memoranda, notes, summaries, legal research or legal theories of a PGW attorney or representative concerning the present Complaint.

#### **Request for Production of Documents # 14**

PGW objects to Request for Production of Documents # 14, which asks PGW to produce a copy of a transcript from hearings on matters between Complainant and PGW in previous disputes. PGW explains that copying and distributing copies of the transcript is in violation of the terms of PGW's purchase of the transcript from the court reporting agency. In its Objections, PGW provides the Complainant with the contact information for the court reporting agency that prepared the document in question.

PGW's objection to Request for Production of Documents # 14 is sustained.

#### **Request for Production of Documents ## 17 and 18**

PGW objects to Request for Production of Documents ## 17 and 18 to the extent that they seek information that privileged information protected by the Attorney-Client Privilege and 52 Pa. Code §5.323.

Consistent with my ruling on PGW objection to Request for Production of Documents # 8, PGW objections to Request for Production of Documents ## 17 and 18 are sustained.

THEREFORE,

IT IS ORDERED:

1. That Philadelphia Gas Works' Objections to Deree J. Norman's Interrogatories and Requests for Production of Documents are granted, in part, and denied, in part, consistent with the discussion above.
2. That Philadelphia Gas Works shall submit answers to Deree J. Norman's Interrogatories and Requests for Production of Documents in compliance with this Order, by no later than Monday, May 14, 2018.

Date: May 9, 2018

\_\_\_\_\_  
/s/  
Eranda Vero  
Administrative Law Judge

**C-2018-2640719 DERE E J NORMAN v. PHILADELPHIA GAS WORKS**

**SERVICE LIST**

DEREE J NORMAN  
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