

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**COMPLAINANT’S PETITION FOR RECONSIDERATION**

Pursuant to 52 Pa. Code §5.572(a)-(c) Deree J. Norman (Complainant) respectfully moves this Honorable Commission to Reconsider the decisions to sustain Respondent’s Objections to Complainant’s Interrogatories Nos.7, 8, 9, 10, 11, and 12 in addition to Complainant’s Request for Production of Documents No. 14 in the Order issue by Administrative Law Judge Eranda Vero on May 9, 2018.

**I. HISTORY**

1. 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.
2. 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.
3. 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.
4. On May 9, 2018 Administrative Law Judge Eranda Vero entered an Order in relation to Respondent’s Objections.

**II. STANDARDS FOR RECONSIDERATION**

5. The Commission's decision in *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (1982) states the standards for granting a petition for reconsideration:

A Petition for Reconsideration, under the provisions of 66 Pa. C.S. 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code to rescind or amend a prior order in whole or in part.

6. The Commission, citing Duick at 559, frequently states that "a petition for reconsideration may properly raise any matter designed to convince this Commission that we should exercise our discretion to amend or rescind a prior Order, in whole or in part. Such petitions are likely to succeed only when they raise 'new and novel arguments' not previously heard or considerations which appear to have been overlooked or not addressed by the Commission."

### **III. GROUNDS FOR RECONSIDERATION**

6. Complainant's request for reconsideration of the Commission's decision to sustain Interrogatories 7, 8, 9, 10, 11, and 12 derive from the Administrative Law Judge's decision in this matter which is based on the following, which satisfies the Duick standards stated above:

- a Complainant's BCS filing was predicated on the fact that PGW's authorized employee never offered and or refused to address a payment arrangement in regard to Complainant's past due balance. Complainant then requested a Medical Certification to ensure there was no disruption of service until an agreement was discussed and or established. (*See: 52 Pa Code §56.112 and 52 Pa. Code §56.97(a)(2)(ii)*). Although the same issues in the current BCS Complaint are under appeal, any payment arrangement would encompass the past due amounts that are the subject of an open appeal. Given the fact that the utility company is only bound by a PUC final decision, the utility company does not have to honor the appeal process and may terminate service although the matter is legally unresolved.

- i* PGW acknowledges and complied with Complainant's request for a Medical Certification form to be faxed to Complainant's Physician on August 29, 2017. **(Exhibit 1)**

*ii* Complainant filed a BCS Complaint (No. 3557990) on August 29, 2017. The BCS Complaint decision that led to this action was file the same day as the request for a Medical Certification form because PGW would not address a payment plan and or payment arrangement. **(Exhibit 2)**

*iii* Complainant also filed a BCS Complaint (3558059) against PECO Energy Co. on or about that same day. The BCS Complaint decision in that matter clearly shows the BCS investigator identified himself and clearly detailed all aspects of the issues raised by Complainant. **(Exhibit 3)**

*iv* The BCS investigator in relation to this Complaint chose to remain anonymous and they clearly left out relevant details in their recapitulation of the issues raised by Complainant. *(See: Exhibit 2)*

- b Therefore, ALJ Eranda Vero’s statement “*There is nothing in Mr. Norman’s Complaint that suggests that the subject matter of the pending action involves Medical Certifications.*” In her May 9, 2018 Order, is unequivocally incorrect and based on misunderstood and or misrepresented information from PGW.

7. Complainant’s request for reconsideration of the Commission's decision to sustain Respondents Objection to Request for Production of Documents (PROD) 14 is derived from ALJ Eranda Vero’s May 9, 2018 Order where she established that the scope of the complaint is as follow: “*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.*”

8. ALJ Eranda Vero also conclude that 52 Pa. Code §5.321 governs discovery in this matter. However, by sustain Respondent’s Objection to Complainant’s Request for Production of Documents 14. ALJ Eranda Vero’s decision as to PROD 14 is a direct contradiction to 52 Pa Code §5.321

- a In Respondents Objection to PROD 14, Respondent has clearly identified the transcript in question that relates to the matter that is currently under appeal.

*i* “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 Norman v. Philadelphia Gas Works, Docket No. C-2015-2489503, comprised of 97 pages.”

therefore, the document is clearly available and clearly relevant to this matter. The mere fact that Respondent does not want to produce this document coupled with Respondent's falsifications of a legal conclusions does not meet the criteria of 52 Pa. Code §5.361 (Limitations).

*ii* Complainant requires an offer of proof as it relates to Respondents assertion that an NDA (Non-Disclosure Agreement) exist with the court reporting agency that would legally bar Respondent from reproducing the transcript in relation to a related legal matter.

b Therefore, ALJ Eranda Vero's decision to sustain the Objection to PROD 14 is unsubstantiated and without merit.

#### **IV. CONCLUSION**

WHEREFORE, for all the foregoing reasons, Complainant respectfully request that the Commission grant his request for Reconsideration and reverse its decisions as it pertains to Interrogatories 7, 8, 9, 10, 11, and 12 as well as PROD 14.

May 16, 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
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Philadelphia Gas Works	:	
Respondent	:	

**AFFIDAVIT OF SERVICES**

I, Deree J. Norman, do hereby certify that on this 16<sup>th</sup> day of May 2018 I served a true and correct copy of the Petition for Reconsideration 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 Petition for Reconsideration 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**

Contacts for Account: Norman, Deree J

Account... 0021 1634 7424 Norman, Deree J

- Transaction History
- Full Comments

Date	Type	Comment	Person	Fo
09/25/2017	CRU	Response sent to BCS on 9/25/2017 2:50:24 PM for BCS Case Number 3557990. It is PGW?s final position that The customer provided BCS with income of \$1,500 with 2 in the household. The forecasted budget of \$81 is being provided to the PUC toobtain a PUC par. Report sent. Waiting for decision..	Norman, Deree J	
08/31/2017	COLL	GAS IS ON MEDICAL -1- HOLD FROM 08/31/17 TO 09/30/17 BALANCE OF THE BILL IS \$ 2347.65 RECEIVED 08/31/17	Norman, Deree J	
08/30/2017	CRU	_CRU_ On 08/29/2017 the customer filed BCS # 3557990. FSD dispatch was notified of the case and the collector has been sent alert on the account. The shut off is canceled.	Norman, Deree J	
08/30/2017	SER	AIMS Order#: 9050502 Cancelled -PUC COMPL	Norman, Deree J	
08/30/2017	CRU	PUC Complaint BCS# 3557990 filed on 8/29/2017 12:00:00 AM (CRU 787-1250) regarding ON - PAR NEEDED (# 61), by Deree Norman. # of Adults in Household: 2. # and Ages of Children in Household: 0 . Gross Income: GMI 1 1500.00 STUDENT 0	Norman, Deree J	
08/29/2017	COLL	Faxed medical ok results	Norman, Deree J	
08/29/2017	COLL	Cor called provided gmi: 1500.00 hh: 2 level: 1.. CRP: 155.00 cure: 1047.00 PAR: 176.00 Catch up: 1254.00... adv both things needed for each option.. c/s	Norman, Deree J	
08/29/2017	COLL	COR called provided Dr. Erin Dancy F: 2156140044 P: 2153495200 COR is patient..	Norman, Deree J	
08/29/2017	COLL	cor called in wanting to get on PAR Cor is on PAR with a catch up amount of 1254.00 Cor has a 5691 on account from july 31 st in the amount of 2196.81 has not made a payment on the account since 12/8/2014 which he paid 79.00 Cor stated he would call back with medical information for a 30 day hold.	Norman, Deree J	
08/29/2017	SER V	Joseph Cartagena was here on a 96 C & C Field Shut Off order with Order # 9046620 , with a result of Completed , with activities of ( Field Collections - NPSO Incomplete ) , with comments of "Phoned customer affairs. Customer has been placed on a medical preliminary hold."	Norman, Deree J	
08/29/2017	COLL	cor called for pari have collector on sight nothing can be done at this moment	Norman, Deree J	
08/29/2017	SER	Joseph Cartagena was here on a 96 C & C Field Shut Off	Norman, Deree J	

Change Customer Contact Launch Related Transaction

Contacts for Account: Norman, Deree J

Account... 0021 1634 7424 Norman, Deree J

Transaction History

Full Comments

Date	Type	Comment	Person	Fo
08/29/2017	COLL	cor called for par i have collector on sight nothing can be done at this moment	Norman, Deree J	
08/01/2017	SERV	Joseph Borelli was here on a 96 C & C Field Shut Off order with Order # 8964828 . with a result of Completed with activities of ( Field Collections - NPSO CGI) , with comments of "could not locate curb valve"	Norman, Deree J	
07/14/2017	CRU	PUC Formal Complaint Docket # C2015-2489503 was completed by receiving a final decision on 7/13/2017 12:00:00 AM.	Norman, Deree J	
07/14/2017	CRU	__CRU__ — Received Opinion & Order for Docket #C-2015-2489503 — Complaint dismissed & closed. — Also contacted FSD to cancel collector due to the customer should have had a PUC hold which expired. —	Norman, Deree J	
07/14/2017	SERV	AIMS Order#: 8917255 Cancelled -HOLD	Norman, Deree J	
02/10/2017	LHP	Sent LIHEAP app and postage-paid, return envelope to customer. Urge customer to complete application and mail it to the LIHEAP office, using the enclosed envelope.	Norman, Deree J	
11/22/2016	LHP	Customer potentially eligible for LIHEAP. Mailed cover letter and LIHEAP application. For reference, copy of cover letter is stored in Online Bill.	Norman, Deree J	
11/01/2016	GRT	UNIV SERV identified COR potentially eligible for LIHEAP. Use LHPA (English) or SLHP (Spanish) cust cont type to mail appl.	Norman, Deree J	
07/22/2016	CRU	__CRU__ — Received Initial Decision for DOCKET# C-2015-2489503. The complaint has not met his burden of proof. Case is dismissed. WAITING FOR FINAL ORDERS. —	Norman, Deree J	
11/02/2015	GRT	UNIV SERV Identified COR potentially eligible for LIHEAP. Use LHPA(English) or SLHP(Spanish) cust cont type to mail appl	Norman, Deree J	
09/24/2015	CRU	*CRU* ATTENDED TELEPHONIC HEARING WITH CUSTOMER DEREENORMAN, PGW LAWYER LAURETO FARINAS, AND ALJ DENNIS J. BUCKLEY FOR DOCKET C-2015-2489503. ~~~~~AWAITING FINAL DECISION	Norman, Deree J	
09/18/2015	CRU	CONT: he would have accumulated an estimated additional amount of \$1147.54. Also informed the customer of CPE fee...	Norman, Deree J	

Change Customer Contact Launch Related Transaction

# **EXHIBIT 2**

**INFORMAL COMPLAINT DECISION  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J Norman  
5367 Thomas Avenue  
Philadelphia PA 19143

**Date:** 9/27/2017

**BCS:** 3557990

**Acct. No:** 2116347424

V.

Philadelphia Gas Works

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**INFORMAL COMPLAINT DECISION BY THE BUREAU OF CONSUMER SERVICES:**

**STATEMENT OF COMPLAINT:**

You contacted the Bureau of Consumer Services on 8/29/2017. In your complaint, you asked for help in preventing the termination of your Philadelphia Gas Works service.

**INVESTIGATION BY STAFF OF THE BUREAU OF CONSUMER SERVICES  
REVEALED:**

1. Your total account balance is \$2345.05. This balance does not include any payments or bills sent out on or after 9/25/2017.
2. According to 66 Pa. C.S. §1405, the Commission has the authority to establish a payment agreement between a public utility and a customer.

**BASED ON THESE FINDINGS, THE BUREAU OF CONSUMER SERVICES  
CONCLUDES THAT:**

The Commission will exercise its authority and establish a payment agreement on the outstanding balance noted above.

**THEREFORE, IT IS DECIDED THAT:**

1. Beginning November 2017 bill due date, you must pay the company a special budget amount of \$121.00 each month. This special budget amount includes a regular monthly budget amount of \$81.00, based on your usage, plus \$40.00 toward your account balance. **This amount may change depending on any change in the amount of service you use.**
2. You must pay all current bills that may become due before the beginning date stated above. You must make all payments by the due date of each month's bill and continue making the payments until you pay the account in full.
3. The company will not charge late payment fees to your account as long as you pay according to this decision. However, the company may apply late payment fees if you do not pay on time or you do not keep this agreement.
4. If you break this payment agreement, the company has the right to shut off your service. If the company shuts off your service, they may make you pay your full bill plus a reconnect fee and a deposit to restore service.

5. Based on the information you gave us, you appear to be eligible for Philadelphia Gas Works's CRP program. CRP is a special program that may reduce budget and forgive your outstanding balance. This special program will be the best payment plan you can get. You must contact the company to apply for the CRP program.
6. If you enroll in CRP, the company will tell you the new amount you will pay each month. You will pay that new amount instead of the special budget amount listed above. Because this is the lowest payment plan you can get, the PUC will not be able to make another payment plan for you. Therefore, if you are accepted into the program, it is very important that you pay your CRP bill every month.

BUREAU OF CONSUMER SERVICE  
Investigator

# **EXHIBIT 3**

**INFORMAL COMPLAINT DECISION  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J Norman  
5367 Thomas Avenue  
Philadelphia PA 19143

**Date:** 10/31/2017

V.

**BCS:** 3558059

**Acct. No:** 1927301508

PECO Energy

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**INFORMAL COMPLAINT DECISION BY THE BUREAU OF CONSUMER SERVICES:**

**STATEMENT OF COMPLAINT:**

You contacted the Bureau of Consumer Services on 8/30/2017. In the complaint, you asked for help in having your PECO Energy service restored. You reported monthly income of \$1500.00 with a household size of two (110% of the Federal poverty level).

You stated that you contacted the company and requested that a medical certificate be sent to you. You never received the medical certificate.

**INVESTIGATION BY STAFF OF THE BUREAU OF CONSUMER SERVICES REVEALED THAT:**

1. You filed a formal complaint, Docket # C-2015-2472605, with the Public Utility Commission on 3/16/2015.
2. Docket # C-2015-2472605 was closed on 7/12/2017 with a final Opinion and Order. The Initial Decision of an Administrative Law Judge (ALJ), issued on 7/8/2016, was adopted. The ALJ determined that you failed to prove by direct or circumstantial evidence that your bills are incorrect. You also failed to carry your burden of proving that PECO Energy was responsible for the high bills alleged in your complaint.
3. According to company records, on 7/13/2017 a 10-day shut-off notice was mailed to you in the amount of \$1760.56.
4. According to company records, on 7/19/2017 you contacted the company regarding the shut-off notice. The company requested a payment of \$959.94 to avoid termination of service. You requested a medical certificate. The company mailed a medical certificate to you.
5. According to company records, on 8/21/2017 the company terminated your electric service for non-payment. The technicians successfully completed an underground taps cut at 5367 Thomas Avenue, Philadelphia, PA. The technicians gave you an opportunity to be cut at the meter, but you refused indoor access to the meter.

6. Per the company's tariff:

**18.7 RECONNECTION CHARGE.** If service is terminated or discontinued by reason or act of the customer, the same customer, whether an applicant or a customer as defined at 66 Pa. C.S. § 1403, shall pay a reconnection charge prior to restoration of service at the same address within twelve months after discontinuance or termination. The reconnection charges, listed below, are based on the Company's current standard schedule of reconnection fees, which include direct labor costs, contractor costs, and material/transportation costs. In the case of fraud, the reconnection charge will also include allocated overheads, all investigative costs, and administrative costs as determined by the Company. All theft and fraud reconnections will be completed at the premise and will not be performed remotely.

	Reconnect Fees For Non-Payment	Reconnect Fees For Theft / Fraud
Electric Reconnect at the Meter	\$ 75.00	\$ 350.00
Electric Reconnect at Tap	\$ 260.00	\$ 1,180.00
Electric Reconnect - Underground dig	\$ 1,650.00	\$ 4,450.00
Electric with dual meters	\$ 100.00	\$ 350.00
Electric Remote Reconnect (one or dual meters)	\$ 20.00	N/A

7. According to company records, per your request, on 8/31/2017 a medical certificate was faxed to Dr. Ron C Anafi at 215-615-3671.
8. The company has yet to receive a completed medical certificate.
9. The company reported to our office that your total account balance is \$1909.33. This balance does not include any payments or bills sent out on or after 9/6/2017.
10. The company reported that they made one (1) payment agreement with you in the past, and that you broke the agreement.
11. The company reported that you have made one (1) payment over the past 36 months.
12. According to 66 Pa. C.S. §1407 (c), following the termination of a customer's service for nonpayment of bills, a public utility may require full payment of reconnection fees and repayment of any outstanding balance.
13. According to 52 Pa. Code § 56.191 (c) (2) (iv), if a customer has not defaulted on at least two payment arrangements, the company may require full payment of any reconnection fees together with payment over 24 months of any outstanding balance incurred by the customer or applicant if the customer or applicant has an income not exceeding 150% of the Federal poverty level. The initial payment required toward the outstanding balance as a condition of restoration cannot exceed 1/24 of the outstanding balance.
14. The company has offered two options for restoration:
  - A) Pay \$1886.90 towards the account balance, plus a \$1650.00 reconnection fee, for a total of \$3536.90.

OR

  - B) If your income is below 150% of the Federal poverty level, your account balance will be entered into a payment arrangement. The company will accept \$1728.62 to restore service. This amount represents the \$1650.00 reconnection fee and \$78.62 towards the account balance. You must verify your income to be below 150% of the Federal poverty level if you would like to accept this option. You must contact the company to provide income verification.

- 15.66 Pa. C.S. § 1403 -- "Medical certificate." A written document, in a form approved by the Commission:
- (1) certifying that a customer or member of the customer's household is seriously ill or has been diagnosed with a medical condition which requires the continuation of service to treat the medical condition; and
  - (2) signed by a licensed physician, nurse practitioner or physician's assistant.
- 16.66 Pa. C.S. § 1403 -- "Customer." A natural person in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential utility service is requested. The term includes a person who, within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.
- 17.66 Pa. C.S. § 1403 -- "Applicant." A natural person not currently receiving service who applies for residential service provided by a public utility or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential utility service is requested. The term does not include a person who, within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.
18. If a customer has demonstrated a good faith effort to pay their utility bills, the Bureau of Consumer Services may apply 66 Pa. C.S. §1405 (a), and establish a payment arrangement for a utility customer.

**BASED ON THESE FINDINGS, THE BUREAU OF CONSUMER SERVICES CONCLUDES THAT:**

1. The Public Utility Commission has determined that the billing on this account is correct.
2. On 7/19/2017 a medical certificate was mailed to you. On 8/31/2017 a medical certificate was faxed to your doctor. The company has not received a completed medical certificate.
3. Service was terminated more than 30 days ago, therefore you are now considered an "applicant".
4. A medical certificate may be used for a "customer" or a member of the customer's household.
5. An applicant cannot use a medical certificate to circumvent the payment required for restoration.
6. Based on the payment history stated in #11 above, you have not made a good faith effort to pay your outstanding balance.
7. Through this decision, the Commission is upholding the company's position on what you must pay to have your service restored.

**THEREFORE IT IS DECIDED:**

1. This informal complaint is dismissed.
2. You must pay according to the terms described in #14 above.

Tim Clark  
Investigator

# 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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LAURETO FARINAS ESQUIRE  
PHILADELPHIA GAS WORKS  
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*Accepts eService*