



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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October 4, 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:

Please find attached Philadelphia Gas Works' Objections to the Complainants' Discovery Requests: Interrogatories and Requests for Productions of Documents- Set II.

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  
Wendy Vacca (PGW Mail)  
Jessica Glace (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’  
Objections to the Complainants’ Discovery Requests:  
Interrogatories and Requests for Production of Documents – Set II**

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 Set III (“Discovery”) of the Complainant, Deree J. Norman, addressed to PGW, that the Complainant served upon PGW in the above captioned matter on September, 24, 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. **Unreasonable Initiation of Further Discovery**

The Commission’s procedural rules governing discovery, at 52 Pa. Code §5.331(b), state, “A party shall initiate discovery as early in the proceeding as reasonably possible.” From his previous discovery requests in this proceeding, the Complainant is familiar with the time constraints and other rules governing discovery pursuant to 52 Pa. Code §5.331. At a further hearing in this matter held May 18, 2018, the Complainant was permitted to amend the nature of his complaint from that of a request for a reasonable payment arrangement to a billing dispute. Since May 18, 2018, the Complaint had not propounded any discovery concerning this new aspect of his complaint until September 24, 2018. The Complainant waited 129 days from the

date of the last hearing to propound more discovery requests on September 24, 2018. Moreover, several of the discovery requests (1 through 8) concern the scheduling of the meter test which was to have occurred on June 6, 2018. The Complainant waited some 110 days following June 6, 2018 to request information in discovery concerning the events of June 6, 2018. The Complainant has delayed in the preparation of this matter.

Moreover, the Commission issued a notice of the Further Hearing of this matter on September 11, 2018. That notice scheduled the Further Hearing for October 12, 2018. With only 18 days to the date of the Further Hearing the Complainant propounds the new set of Discovery (questions 1 through 16). These discovery requests contravene the Commission's rules governing discovery. PGW objects to this entire set of Discovery for the following reasons.

First, pursuant to 52 Pa. Code §5.342(e), Objections to Discovery are due within 10 days after service of the Discovery (October 4, 2018). After objections and the associated responses to the objections are filed, the presiding officer must consider and rule on them.

Further, pursuant to 52 Pa. Code §5.342(d), PGW's answers to the Discovery would be due 20 days after the service of Discovery. Even if PGW did not object to the Discovery, PGW's answers would not be due until Monday, October 15, 2018, three days after the scheduled hearing of this matter.

The Complainant has had sufficient time to prepare the Discovery but waited September 24, 2018 to propound the latest set of Discovery.

The Complainant's attempt to acquire more information through Discovery only 18 days before the Further Hearing indicates that the Complainant attempts delay the final disposition of this matter. To allow the discovery process to occur as envisioned by 52 Pa. Code §5.331 will cause a delay in the hearing of this simple dispute. In this way the Complainant seeks Discovery at this late date in bad faith. The Complainant is free to examine the PGW witness with questions in the nature of the Discovery request at the scheduled Further Hearing on October 12, 2018. PGW's objections to Discovery should be sustained.

2. Questions 9 through 16

PGW objects to the Discovery Questions 9 through 16 which are:

9. Identify the (i.e. name/code number/designation number etc.) of the underground facility and or pipeline that services Complainant's residence at 5367 Thomas Ave.

10. Identify the minimum and maximum pressure sustainable by the underground facility and or pipeline that services Complainant's residence at 5367 Thomas Ave

11. Produce the daily operating pressure reports for the underground facility and or pipeline that services Complainant's residence at 5367 Thomas Ave for the period (June 22, 2015 through September 21, 2018)

12. Identify the current components of the natural gas mixture (Quality of Gas) used by PGW that services Complainant's residence at 5367 Thomas Ave.

13. Identify any and or all variations and or changes to the natural gas mixture used by PGW that services Complainant's residence at 5367 Thomas Ave for the period (June 22, 2015 through September 21, 2018)

14. Identify if Complainant's current meter uses a dual valve or a multi valve system.

15. Identify if Complainant's current meter uses a type of pantograph mechanism.

16. Identify Complainant's current meters minimum and maximum capabilities.

PGW objects on the grounds that the nature of the questions refers to conditions of the piping preceding the meter at the Complainant's service address or components of the meter which have no relation to measurement. The topic of pressure and piping apparatus is more akin to a safety issue and is beyond the scope of this proceeding. PGW has charged for gas service that passed through the meter. The Complaint is simply a challenged to the accuracy of the bills rendered and a request for an affordable payment arrangement. There are no allegations of safety issues relating to the piping apparatus before the meter.

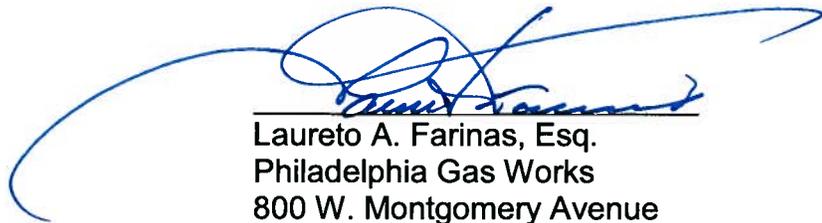
To the extent that the questions are relevant to this matter, the Complainant is free to examine the PGW witness with questions in the nature of the Discovery requests 9 through 16 at the scheduled Further Hearing on October 12, 2018.

PGW's objection to Questions 9 through 16 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.

October 4, 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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C-2018-2640719

**COMPLAINANT DERE J. NORMAN'S CONTINUATION OF  
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 request 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](mailto:dereenorman@yahoo.com) on or before October 9, 2018. 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.)

**Continuation of Interrogatories and the Production of Documents**

1. Produce the work order issued by PGW requesting the changing of Complainant's gas meter for testing that was mutually agreed to and scheduled for June 6, 2018 between 8:30 a.m. and 1:30 p.m.
2. Identify whether the work order was placed in a queue for the next available technician or if assignment of the work order was dispatched to a specific technician.
3. Identify the technician that the work order referenced in paragraph one (1) was assigned to either by queue or dispatcher.
4. Identify methods of which technicians are in communication with PGW's base station, dispatcher and or main office.
5. Produce a detailed explanation as to why PGW failed to honor the mutually agreed upon appointment to change Complainant's meter for testing.
6. Produce a detailed explanation as to why Complainant was not contacted by PGW on or before the next business day after PGW's failure to comply with the mutually agreed upon appointment to change Complainant's meter for testing.
7. Produce a detailed explanation as to why PGW did not contact Complainant for approximately two weeks.
8. Produce a detailed explanation as to why Complainant received no response to messages left for Laureto Farinas at (215) 684-6982 on June 6, 2018, July 18, 2018 and August 16, 2018.
9. Identify the (i.e. name/code number/designation number etc.) of the underground facility and or pipeline that services Complainant's residence at 5367 Thomas Ave.
10. Identify the minimum and maximum pressure sustainable by the underground facility and or pipeline that services Complainant's residence at 5367 Thomas Ave.
11. Produce the daily operating pressure reports for the underground facility and or pipeline that services Complainant's residence at 5367 Thomas Ave for the period (June 22, 2015 through September 21, 2018)

12. Identify the current components of the natural gas mixture (Quality of Gas) used by PGW that services Complainant's residence at 5367 Thomas Ave.
13. Identify any and or all variations and or changes to the natural gas mixture used by PGW that services Complainant's residence at 5367 Thomas Ave for the period (June 22, 2015 through September 21, 2018)
14. Identify if Complainant's current meter uses a dual valve or a multi valve system.
15. Identify if Complainant's current meter uses a type of pantograph mechanism.
16. Identify Complainant's current meters minimum and maximum capabilities.

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](mailto: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](mailto: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.

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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 24<sup>th</sup> day of September 2018 I served a true and correct copy of the Continued Request for Interrogatories and the Production of Documents in the above manner on the following via e-mail.

LAURETO FARINAS  
PHILADELPHIA GAS WORKS  
4<sup>TH</sup> FLR.  
800 W MONTGOMERY AVE  
PHILADELPHIA PA 19122  
[Laureto.Farinas@pgworks.com](mailto:Laureto.Farinas@pgworks.com)

**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' OBJECTION TO THE COMPLAINANTS' DISCOVERY REQUESTS (1 THROUGH 16) SERVED UPON PGW ON SEPTEMBER 24, 2018** 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).

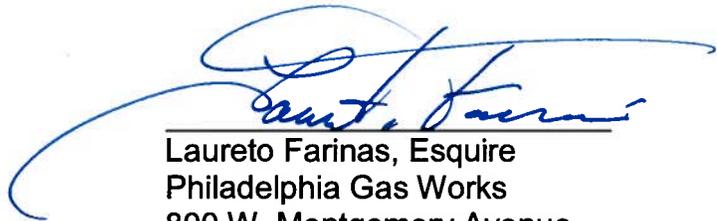
**Service List**

For Complainant:

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

and by email:  
[dereenorman@yahoo.com](mailto:dereenorman@yahoo.com)

October 4, 2018



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