

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

THEREFORE,

IT IS ORDERED:

- 1) Respondent will submit full and complete answers to Complainant’s continued discovery request: Interrogatories and Requests for Production of Documents Nos. 9 through 16 and all of Complainant’s original discovery request: Interrogatories Nos. 1 through 12 and Requests for Production of Documents Nos. 1 through 24.
- 2) Respondent shall pay Complainant cost in the amount of \$5,000.00 incurred as a result of **(a)** Respondents’ failure to comply with an Order of the Commission issued by Administrative Law Judge Eranda Vero¹, **(b)** both drafting and presenting two previous Motions², **(c)** both drafting and presenting this Motion. 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

¹ On October 12, 2018 Judge Vero granted Respondents’ ten (10) days to submit full and complete answers to Complainant’s.
² Two previously filed Motions to Sanction have not been ruled on as of the date of this motion. In said motions: **(a)** Respondents’ previously failed to honor a mutually agreed upon scheduled meter test, **(b)** Respondents’ failure to comply with the continuation of discovery request, **(c)** Respondents’ failed to comply with an Order of the Commission by filing untimely responses to Interrogatories and Production of Documents, **(d)** Respondents’ have willfully and maliciously attempted to conceal and or misrepresent facts related to this matter.

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Complainant’s Motion To Compel and Sanction Respondent

Pursuant to 52 Pa. Code §5.342(g) and §5.371(a)(1) Deree J. Norman (Complainant) hereby moves this Honorable Commission to Compel and Sanction Philadelphia Gas Works (PGW or Respondent) for failure to submit full and complete answers to ongoing Interrogatories and Request for Production of Documents as per the instructions, directive and or Order of the Commission.

Complainant incorporates herein by reference, the attached Memorandum of Law in Support of Complainant’s Motion to Compel and Sanction Respondent for failure to submit full and complete answers to ongoing Interrogatories and Request for Production of Documents as per the instructions, directive and or Order of the Commission.

Date: October 23, 2018

Respectfully Submitted,

By: /s/ Deree J. Norman
Deree J. Norman

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

**Memorandum of Law in Support of Complainant’s Motion To Compel
and Sanction Respondent**

Pursuant to 52 Pa. Code §5.342(g) and §5.371(a)(1) Deree J. Norman (Complainant) hereby moves this Honorable Commission to Compel and Sanction Philadelphia Gas Works (PGW or Respondent) for failure to submit full and complete answers to ongoing Interrogatories and Request for Production of Documents as per the instructions, directive and or Order of the Commission.

I. INTRODUCTION

In the above captioned matter before this Honorable Commission, the Respondent has willfully failed to submit full and complete answers to ongoing Interrogatories and Request for Production of Documents as per the instructions, directive and or Order of the Commission.

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 April 25, 2018 Respondent filed Objections to Complainant’s written Interrogatories and Requests for Production of Documents.

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 which required the submission of Answers to Complainant's Interrogatories and Request for Production of Documents by May 14, 2018.

On May 16, 2018 Respondents' filed untimely Answers to Complainant's Interrogatories and Request for Production of Documents.

On May 18, 2018 a hearing was held on the above captioned mater. The mater was continued to allow the following:

1. Respondent requested time to research the capabilities of the Complainant's meter.
2. Respondent requested a testing of Complainant's meter.
 - a. both parties mutually agreed to a date and a timeframe for the meter test Respondent requested.¹

On June 6, 2018 PGW failed to honor the mutually agreed upon appointment to exchange Complainant's Meter for testing. Complainant immediately contacted Judge Vero's chambers at (215) 560-2105 to inform her of the breach. Complainant was assured by the individual who took the call that Judge Vero would be notified of the breach. No response and or correspondence was ever received from Judge Vero on the matter of the breach.

¹ The meter test, which consisted of exchanging the current meter with a new meter, was scheduled for June 6, 2018 between the hours of 8:00 AM and 1:30 PM.

On June 6, 2018 Complainant was present for the appointment and remained at the property well after 1:30 PM.

On June 7, 2018 Complainant attempted to contact PGW's attorney by phone at (215) 684-6982 with hopes of rescheduling for June 8, 2018. However, Mr. Farinas was unavailable yet never responded to the message left by Complainant.

On June 19, 2018, approximately after two weeks had elapsed, Respondent saw it fit to contact Complainant. Respondents' were previously informed by Complainant's physician of his medical challenges and or limitations (respiratory issues). In addition, Respondents' were provided with documented evidence that the electricity at Complainant's home was turned off. During the latter part of June and the month of July the City of Philadelphia experienced server heatwaves. Respondent did not offer a specific time or date to reschedule the appointment and given the fact that Complainant simply could not be at the Property under those weather conditions without a specific time or date, no date was set for the testing of Complainant's meter.

On July 16, 2018 Complainant attempted to contact PGW's attorney by phone at (215) 684-6982 with hopes of rescheduling. However, Mr. Farinas was unavailable yet never responded to the message left by Complainant.

On August 17, 2018 Complainant attempted to contact PGW's attorney by phone at (215) 684-6982 with hopes of rescheduling. However, Mr. Farinas was unavailable yet never responded to the message left by Complainant.

On September 10, 2018, Complainant was blindsided as he learned of Respondents' Counsels ex parte email exchange with Judge Vero that began on July 30, 2018. The e-mails clearly show Respondent, by and through Counsel, knowingly misrepresented PGW's failure to attend the mutually agreed upon scheduled meter testing.

On September 11, 2018, to Complainant's dismay, Judge Vero scheduled a new hearing for October 12, 2018.

On September 24, 2018 Complainant's submitted a continuation of his original discovery request, in effort to obtain the results of the research Respondent notified this Commission it required to attain specifics on the capabilities of Complainant's meter. The results of Respondent's research on the capabilities and or limitations of Complainant's meter should have been forwarded to Complainant as soon as they were received by Respondent's Counsel. However, no such action has occurred.

On October 12, 2018, Judge Vero Ordered Respondents' to file, within ten days, full and complete answers to Complainant's ongoing discovery request.

III. REASONS TO COMPEL ANSWERS TO ONGOING INTERROGATORIES AND PRODUCTION OF DOCUMENTS

A. Respondents' Answers Are Insufficient

Respondents' failed to comply with the Order of the Commission which granted Respondents' ten (10) days to submit full and complete answers to Complainant's ongoing Interrogatories and Production of Documents. Respondents' submitted no answers to ongoing Interrogatories and Production of Documents

Therefore, Respondents' should be required to Answer any and or all discovery request.

IV. REASONS TO SANCTION

Respondent and Counsel for Respondent should be sanctioned for the following:

1. Respondent willfully disregarded the Order of the Commission which granted Respondents' ten (10) days to submit full and complete answers to Complainant's ongoing Interrogatories and Production of Documents

2. Respondent was intentionally absent from the mutually agreed upon appointment to test Complainant's meter.
 - a. Respondent, by and through Counsel, failed to properly inform this Commission that PGW did not arrive at Complainant's residence on June 6, 2018 at any time.
 - b. Respondent failed to contact Complainant in a reasonable time after PGW missed the scheduled appointment.
3. Respondent, by and through Counsel, knowingly and willfully refused to respond to Complainant's attempts to reschedule the appointment which PGW disregarded.
4. Respondent, by and through Counsel, knowingly and willfully misrepresented facts during ex parte e-mail communications with Judge Vero related to this matter.
 - a. Counsel falsely stated that Complainant refused to reschedule.
 - b. Counsel falsely stated he sent information to Complainant via FedEx.
5. Respondent failed to comply with Judge Vero's May 9, 2018 Order.
6. Respondent, by and through Counsel, knowingly and willfully misrepresented facts in his submission of Objections that were also submitted to this Commission.
 - a. Counsel falsely stated that the matter before this Commission made no mention of a billing dispute.
 - i. At a previous hearing in this matter held on May 18, 2018 Administrative Law Judge Erand Vero clearly established that Complainant's complaint include a billing dispute as well as a request for a reasonable payment arrangement.
 - b. Counsel falsely stated that piping that precedes the meter at Complainant's service address and or components of the meter have no relation to measurement of gas used by Complainant.
 - i. Counsels' position is unintelligible, in light of the fact that natural gas passes through, the preceding pipes and meter in question, at different densities, temperatures and pressures, the preceding pipes and components of the meter clearly effect the measurement of the gas that passes through them.

- c. Counsel falsely stated that pressure in the pipeline also has no relation to measurement.
 - i. (See: (IV)(5)(b)(i) above.
- 7. Respondent, by and through Counsel, failed to supply any information on research and or results of research they informed this Commission was needed which was the basis for the continuance.

V. CONCLUSION

Respondent, by and through Counsel, failed to comply with an Order of this Commission issued by Administrative Law Judge Eranda Vero. Therefore, Respondent has knowingly omitted and or refuse to provide information in relation to the above captioned matter before this Honorable Commission.

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

October 23, 2018

Respectfully submitted,

/s/Deree J. Norman
Deree J. Norman
5367 Thomas Ave
Philadelphia, Pa 19143
(267) 304-2162
dereenorman@yahoo.com

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AFFIDAVIT OF SERVICES

I, Deree J. Norman, do hereby certify that on this 23rd day of October 2018 I served a true and correct copy of the Motion and Memorandum of Law in Support of Complainant’s Motion to Compel and Sanction Respondent for failure to submit full and complete answers to ongoing Interrogatories and Request for Production of Documents as per the instructions, directive and or Order of the Commission in the above captioned manner on the following via electronic mail and 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

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VERIFICATION

I, Deree J. Norman, hereby declare that the facts set forth in the foregoing Motion to Compel and Sanction Philadelphia Gas Works (PGW or Respondent) for failure to submit full and complete answers to ongoing Interrogatories and Request for Production of Documents as per the Order of the Commission, 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