



PHILADELPHIA GAS WORKS

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October 29, 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' Answer to the Complainant's Motion to Compel and Sanction PGW.

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
Administrative Law judge Eranda Vero
Wendy Vacca (PGW Mail)
Jessica Glace (PGW Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman,	:	
Complainant	:	
v.	:	Docket No. C – 2018 – 2640719
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**Philadelphia Gas Works (“PGW”) Answer to the
Complainant’s Motion to Compel and Sanction PGW**

Pursuant to 52 Pa. Code §§1.12(a) and 5.342(g) (1), the Philadelphia Gas Works (“PGW”) hereby Answers the Complainant’s Motion To Compel and Sanction PGW (“motion to compel”). PGW respectfully requests that Complainant’s motion to compel be dismissed as premature as there has been no Order on discovery setting forth the correct re-wording of the remaining discovery questions and setting the due date of the responses thereto.

In response the Complainant’s statement of the history of discovery, PGW states that it has complied with all requests for discovery save the responses to the Complainant’s discovery Set II questions 9 through 16.

On May 7, 2018 and May 16, 2018 PGW had responded to the Complainant’s discovery requests from Set I. The Complainant has not notified PGW nor filed any motion stating specifically how PGW’s submissions of May 7, 2018 and May 16, 2018 were unresponsive.

The Complainant has stipulated that the PGW meter at the Service Address, 5367 Thomas Avenue is reading accurately.

On September 24, 2018 the Complainant propounded Set II of his discovery upon PGW. On October 4, 2018, PGW filed objections to all of Set II on the grounds that the Complainant had re-initiated discovery unreasonably as the due date for discovery would have fallen on the day after the scheduled hearing of the matter, October 12, 2018. On or about October 10, 2018, the Complainant filed (but did not serve upon PGW) a Motion to Compel in response to PGW’s Objections to Set II.

At the hearing of this matter, October 12, 2018, the presiding Administrative Law Judge Eranda Vero ("ALJ") ruled on the Complainant's Motion to Compel of October 10, 2018 but has not issued the expected written order that precisely re-words several of the questions of Set II, Nos. 9 through 16 which concern the operational aspects of natural gas piping prior to the meter at the Complainant's Service Address.

PGW maintains that this information has no meaningful relationship to the measurement of gas that passes through the meter. PGW acknowledges that it is the Complainant's burden to show how such aspects of gas piping would have such an affect so as to render a bill for gas service as incorrect. To this extent, PGW has not mischaracterized anything with regard to the effect pre-meter pressures upon the measurement of gas through a meter.

As to the Complainant's argument that the responses to Set II Nos. 9 through 16 are late, PGW's position is that there is no order on this latest discovery dispute and a definite due date has not been set. PGW's understanding of the remaining discovery was that PGW would need about 10 days to complete, but there would be an order issued that would present the re-worded questions to avoid misinterpretations and further argument over the re-wording of those questions.

While PGW has been working on the responses to our understanding, we were waiting for the new discovery order that would present the questions as re-worded and the actual due date for the responses. Having responded to the Complainant's discovery Set II, Questions 1 through 8, early (in less than the 20 days provided by the Commission's rules, at the hearing on October 12, 2018) PGW's completion of responses to Set II Questions 9 through 16 as re-worded, will not interfere with the Further Hearing date of this matter which has now been continued to November 29, 2018.

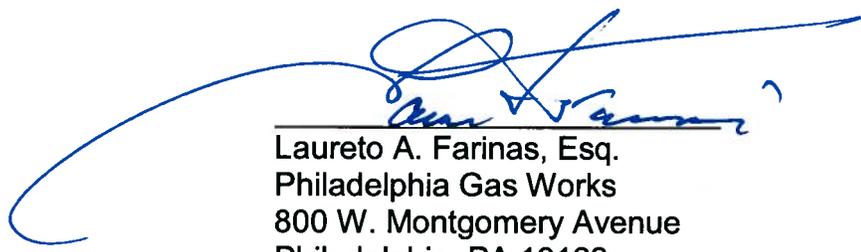
In the spirit of cooperation, PGW will submit its responses to the discovery Set II Nos. 9 through 16 based upon our understanding of the re-wording of the questions on October 30, 2018. The responses are currently under review for final submission.

WHEREFORE, for the reasons stated above, PGW respectfully requests that the Complainant's motion to compel be dismissed as premature and sustain PGW's

Objections to discovery in a manner consistent with the ALJ's findings at the hearing of October 12, 2018 of this matter.

October 29, 2018

Respectfully submitted,



Laureto A. Farinas, Esq.
Philadelphia Gas Works
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Philadelphia, PA 19122

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman,
Complainant

v.

Philadelphia Gas Works,
Respondent

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:

Docket No. C – 2018 – 2640719

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT, PHILADELPHIA GAS WORKS ANSWER TO THE COMPLAINANT'S MOTION TO COMPEL AND SANCTION PGW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §§1.54 AND 5.342(c) (RELATING TO SERVICE BY A PARTICIPANT).

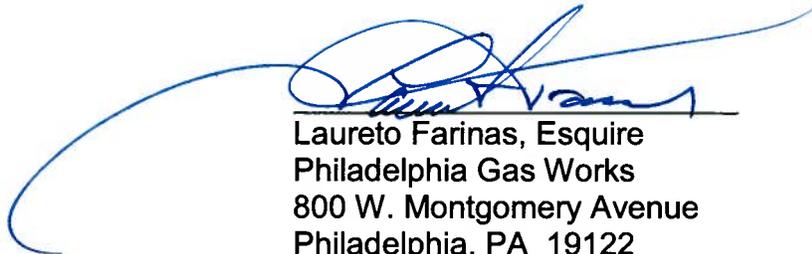
Service List

For Complainant:

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

and by email:
dereenorman@yahoo.com

October 29, 2018


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