

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PETITION FOR RECONSIDERATION**

Pursuant to 52 Pa. Code § 5.572, Complainant, Deree J. Norman, respectfully moves this Honorable Commission to reconsider the November 8, 2018 Order denying Complainant's Second and Third Motions for Sanctions.

1. This request for reconsideration is being sought with respect to the mistaken determinations issued by Administrative Law Judge Eranda Vero which are as follows:
  - a. ALJ Vero's analysis of Complainants' Third Motion to Sanction erroneously deemed Complainant's Motion as premature.
  - b. ALJ Vero's analysis of Complainants' Second Motion to Sanction erroneously failed to address all issues, specifically:
    - i. Respondents' willful and intentional failure to attend a mutually agreed upon scheduled meter testing.
      - a. Respondents' failed to produce any documentation that a meter test was ever scheduled.
    - ii. Respondents' failure to comply with ALJ Vero's May 9, 2018 Order which required Respondents' to file timely answers to Complainants' first set of Interrogatories by May 14, 2018.
      - a. Respondents' filed insufficient untimely answers on May 16, 2018.
2. On October 12, 2018 during a preliminary hearing, ALJ Vero entered an oral Order which was clear, concise and specific as to: Tr. 97 – Tr. 112

- (a) deem Respondent's requirement to submit answers to Complainant's second set of Interrogatories specifically 1 through 8 as moot.
    - i. Complainant's stipulation to the classification of Interrogatories 1 through 8 was to the information requested in said Interrogatories.
    - ii. Complainant's stipulation to the classification did not absolve Respondents' of being held accountable for their intentional failure to attend a mutually agreed upon scheduled meter testing.
  - (b) the continuation and or rescheduling of the hearing in the above captioned matter.
  - (c) the Respondents' requirement to submit complete and full answers to Complainant's second set of Interrogatories specifically 9 through 16 within 10 days.
  - (d) all motions must be submitted five (5) days prior to the new hearing date.
3. Prior to the closing of the proceedings on October 12, 2018, Counsel for Respondent requested that ALJ Vero memorialize her oral Order. ALJ Vero informed the parties that she would memorialize the rulings in writing "as soon as possible," and instructed Respondents' Counsel to proceed without hesitation.
4. ALJ Vero's agreement to memorialize her oral Order in writing in no way shape or form suggested, implied or stated that an indefinite extension was granted to Respondents' as to their time to submit answers to Complainant's second set of Interrogatories, nor did she indicate that Respondents' ten (10) days would start after said written Order was issued or that she required additional information of any kind to issue said written Order.
5. Action as to the first "(a)" item of ALJ Vero's oral Order was immediate, Interrogatories 1 through 8 were understood by both parties to be moot. (*no written Order was needed for either party to understand item "(a)"*). Action as to the second "(b)" item of ALJ Vero's oral Order was also immediate and without delay, a new hearing date was requested, scheduled and docketed on October 15, 2018 with a new hearing date set for November 29, 2018. (*no written Order was needed for either party to understand item "(b)"*).

6. Action as to the third “(c)” item of ALJ Vero’s oral Order was ignored by Respondents’. However, it was not ignored by Complainant. Therefore, Complainant filed a timely Motion to Sanction dated October 23, 2018 after Respondents’ failed to honor the 10-day period allotted to submit complete and full answers to Complainant’s second set of Interrogatories as per ALJ Vero’s oral Order. (*no written Order was needed for either party to understand item “(c)”*).
7. Moreover, Respondents’ subsequently responded to the Motion to Sanction by e-mail, alluding that the motion was premature and that “There is no order on this latest discovery dispute.” This revelation could not be further from the truth as that all parties acknowledged during the October 12, 2018 hearing that they understood the oral Order and that the Order would be adhered to. Tr. 97 – Tr. 112
8. Additionally, Respondents’ subsequently submitted insufficient answers to Complainants’ second set of Interrogatories on October 30, 2018 prior to ALJ Vero’s November 8, 2018 submission of a written Order which was an exact reflection of her oral Order. Had Respondents’ truly relied on a written Order being issued to determine when to submit answers to Complainants’ second set of Interrogatories as stated in their October 30, 2018 e-mail, they would have waited until said written Order was issued to submit answers to Complainants’ second set of Interrogatories, specifically 9 through 16.
9. Furthermore, Judge Vero’s written Order extends Respondent’s time to supplement answers to Complainant’s second set of Interrogatories to November 19, 2018, thereby precluding the Complaint from issuing a Motion to Compel Respondent’s to submit complete and accurate answers to Complainant’s second set of Interrogatories. This essentially has given Respondent’s thirty-eight (38) days to comply with the October 12, 2018 oral Order.
10. This miscarriage of justice was executed without any written request by Respondents’ to extent the time allotted to submit answers to Complainant’s second set of Interrogatories. In addition, this miscarriage of justice limits Complainant’s time to evaluate and or reply

to Respondents' submission of answers to Complainant's second set of Interrogatories to two (2) days.

11. The latitude being extended to Respondents' in regards non-compliance with Orders and rules of this Commission are reprehensible and should not be permitted to continued. Respondents' continued misrepresentation of facts and failure to comply with Orders issued by this commission should have consequences of which Respondent should be held accountable.

WHEREFORE, Complainant respectfully request that this Honorable Commission and or the Honorable Eranda Vero reconsider the November 8, 2018 Order which was clearly issued in error.

October 19, 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)

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**AFFIDAVIT OF SERVICES**

I, Deree J. Norman, do hereby certify that on this 19<sup>th</sup> day of November 2018 I served a true and correct copy of the Petition for Reconsideration on the following via the PUC's electronic filing system and electronic mail.

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 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