



**PHILADELPHIA GAS WORKS**

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November 21, 2018

Administrative Law Judge Eranda Vero  
Pennsylvania Public Utility Commission  
801 Market Street  
Suite 4063  
Philadelphia, PA 19107

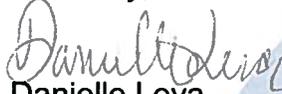
**Re: Deree J. Norman v. PGW, Docket No. C – 2018 – 2640719**

Dear Judge Vero:

Pursuant to 52 Pa. Code §5.61, the Philadelphia Gas Works ("PGW") hereby answers the Complainant's Petition for Reconsideration of the Order on Complainant's Motion to Compel and Sanction PGW dated November 8, 2018..

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in this matter.

Sincerely,

  
Danielle Leva

Enclosure

cc: Rosemary Chiavetta, Secretary  
Wendy Vacca (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 (“PGW”) Answer to the  
Complainant’s Motion to Compel and Sanction PGW**

Pursuant to 52 Pa. Code §5.572 and the Order November 20, 2018 of the presiding Administrative Law Judge in the above captioned matter, the Philadelphia Gas Works (“PGW”) hereby Answers the Complainant’s Petition for Reconsideration (“Petition”) of the Order on Complainant’s Motions to Compel and Sanction dated November 8, 2018 which, *inter alia*, dismissed the Complainant’s Motion To Compel and Sanction PGW dated October 23, 2018 as premature (“Nov. 8, 2018 Order”).

For the following reasons the Complainant’s Petition should be denied.

1. The Petition states that the Nov. 8, 2018 Order is mistaken in that it failed to address the issues surrounding the PGW meter test. The Petition ignores and mischaracterizes the record testimony presented at the hearing held on October 12, 2018. During that hearing the presiding Administrative Law Judge, heard testimony on the discovery issues.

2. At that hearing PGW witness, Jessica Glace provide extensive testimony on the facts surrounding the scheduling of the meter test. Ms. Glace explained that it was human error that resulted in the failure to have the meter test scheduled for the agreed upon date. Ms. Glace further testified of her efforts to reschedule the meter test through a telephone conversation with the Complainant. The Complainant, during that telephone conversation, expressly declined to reschedule the test. Ms. Glace also provided the record with correspondence from PGW requesting that the Complainant contact Ms. Glace or counsel for PGW to reschedule the meter test. At the hearing of October 12, 2018, the Complainant, in response to Ms. Glace’s testimony stated, *inter alia*, that PGW did call him enough to reschedule the meter test.

The Nov. 8, 2018 Order finding that the issues regarding the meter test and PGW's responses to Set II Nos. 1 through 8 are mute is underscored by the fact that PGW is the party that requested originally requested the meter test. The Complainant never sought a meter test in furtherance of his preparation for the case.

Furthermore, at the hearing of October 12, 2018, the Complainant, of his own volition, offered to stipulate that the PGW meter at his residence was in accurate working order as defined by the PGW Tariff. PGW accepted his stipulation. Thus, with the Complainant's stipulation, there was no need to pursue the issues surrounding the meter test. The Nov. 8, 2018 Order finding that the responses to Set II Nos. 1 through 8 are mute is well founded and should not be reconsidered.

3. The Petition seeks reconsideration of the Nov. 8, 2018 Order regarding the timeliness of PGW's responses to Set II Nos. 9 through 16. The Petition mischaracterizes the intent of the presiding Administrative Law Judge in stating that the responses were due "as soon as possible." In fact, PGW was asked how long would it take. PGW estimated that it would take 10 days, but that PGW wanted to have the actual rewording of the applicable questions of to Set II in order to be certain that the questions were addressed. The presiding Administrative Law Judge instructed PGW to "get a head start." This supported 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.

4. Paragraph 4 of the Petition mischaracterizes the statements of the presiding Administrative Law Judge as her ideas and her understanding of the testimony at the October 12, 2018 hearing are clearly expressed in the Nov. 8, 2018 Order.

As PGW had been working on the responses to its understanding, PGW was waiting for the new discovery order that would present the questions as re-worded and the actual due date for the responses. Nevertheless, in the spirit of cooperation, PGW submitted its responses to the discovery Set II Nos. 9 through 16 based upon its understanding of the re-wording of the questions on October 30, 2018.

Pursuant to the Nov. 8, 2018 Order, PGW has submitted its supplemental responses to Set II Nos. 12 and 13. PGW also provides update of the Statement of Account for PGW's use at the hearing scheduled for November 29, 2018.

5. The Petition, Paragraph 5 mischaracterizes the intent Petition of the presiding Administrative Law Judge as her ideas and her understanding of the testimony at the October 12, 2018 hearing are clearly expressed in the Nov. 8, 2018 Order.

6. See PGW's Answer, Paragraph 3 above.

7. The Petition, Paragraph 7 mischaracterizes the intent Petition of the presiding Administrative Law Judge as her ideas and her understanding of the testimony at the October 12, 2018 hearing are clearly expressed in the Nov. 8, 2018 Order.

8. The Petition, Paragraph 8 states without specifics that PGW's responses are insufficient. PGW denies this assertion as it responded to the question as it understood them. The Petition has no basis to make this assertion. Pursuant to the Nov. 8, 2018 Order, PGW has submitted its supplemental responses to Set II Nos. 12 and 13. PGW also provides update of the Statement of Account for PGW's use at the hearing scheduled for November 29, 2018.

9. The extension to November 19, 2018 for the provision of supplemental answers to PGW's discovery responses is reasonable in light of the evolving nature of the Complainant's issues in the Complaint where the Initial Hearing was scheduled for May 18, 2018 and that PGW has invited the Complainant to have informal discovery that very likely would have shortened the time needed to prepare for this matter. The Complainant never agreed to informal discovery.

10. PGW denies that there is any miscarriage of justice in any way shape or form associated with PGW's participation in this matter. To the contrary, the Complainant seeks to delay the final disposition of this matter to delay full payment for PGW service.

11. PGW denies that there had been any more "latitude" extended to PGW than there has been to the Complainant. As each new hearing date approaches, the Complainant seeks to delay the final disposition of this matter to delay full payment for PGW service

**WHEREFORE**, for the reasons stated above, PGW respectfully requests that the Complainant's Petition for Reconsideration of the Nov 8, 2018 Order be denied.

November 21, 2018

Respectfully submitted,



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Laureto A. Farinas, Esq.  
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800 W. Montgomery Avenue  
Philadelphia, PA 19122

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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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 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).

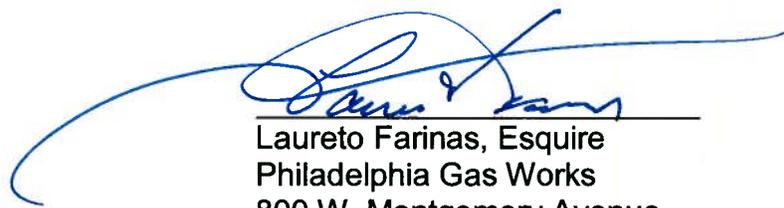
**Service List**

For Complainant:

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

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

November 21, 2018



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