



PHILADELPHIA GAS WORKS

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November 28, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

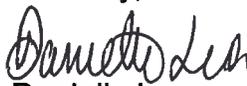
Re: Deree J. Norman v. PGW, Docket No. C – 2018 – 2640719

Dear Secretary Chiavetta:

Please find attached Philadelphia Gas Works' Answer to the Complainant's Motion for Disqualification.

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
Answer to the Complainant’s Motion for Disqualification**

Pursuant to 52 Pa. Code §§5.482 and 5.572 and the Philadelphia Gas Works (“PGW”) hereby Answers the Complainant’s Motion for Disqualification which was served upon PGW at 5:15 p.m. on November 21, 2018 (the “Motion”). The Motion seeks to disqualify Administrative Law Judge Eranda Vero (“Presiding Officer”) as the presiding officer of the above captioned matter.

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

On or about December 27, 2017 the Complainant filed a formal complaint with this Commission under the above captioned matter. This matter involves a billing dispute, a request for a payment arrangement that the Complainant “...can actually and logically sustain” on the account for gas service to the Complainant’s residence at 5367 Thomas Avenue in Philadelphia (“Service Address”) and an alleged conflict of interest concerning the fact that the Commission’s budget funded from the assessments issued to the Commission’s jurisdictional utilities by operation of law.¹

On January 22, 2018, PGW filed an Answer denying the material allegations of the Complaint; PGW averred that the bills issued for usage at the Service Address are correct that the payment arrangement issued by the Commission’s Bureau of Consumer Services (“BCS”) of \$121 per month (\$81 PGW EZ-Way budget and \$40 toward the outstanding account balance) is based upon the BCS’s income guidelines and should not be altered.

The Complainant’s central argument for moving to disqualify the Presiding Officer appears to be alleged personal bias and unfair treatment in issuing decisions regarding

¹ In the formal complaint, Paragraph 5, p. 3, the Complainant seems to challenge the Commission’s assessments upon jurisdictional utilities as governed by 66 Pa. C.S.A §§510 and 511.

discovery.² The Complainant's Motion, filed on November 21, 2018, comes only two days following the Complainant's filing of the Complainant's Petition for Reconsideration of the Order regarding discovery of November 8, 2018. The instant Motion is written without the benefit of the Presiding Officer's Order on Complainant's Petition for Reconsideration, dated November 27, 2018 which fully explains the Presiding Officer's reasoning in reaching decisions regarding discovery, which is attached hereto as Appendix "A."

PGW denies that it has willfully and/or intentionally misrepresented any facts in conducting discovery or in any other aspect of this matter. PGW has invited the Complainant to agree on informal discovery to exchange information and has at all times invited the Complainant to discuss settlement of the matter. In the Motion, the Complainant mischaracterizes and misinterprets the oral orders and statements of the Presiding Officer.

The Meter Test – Discovery Set II, Nos 1 through 8

A portion of the Motion is devoted to the Presiding Officer's decision regarding the Meter Test. The finding in the Order on Discovery of November 8, 2018 that the issues regarding the meter test and PGW's responses to Discovery Set II Nos. 1 through 8 are moot is founded upon facts of record. At the discovery hearing of October 12, 2018, 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 testimony regarding correspondence from PGW to the Complainant requesting that the Complainant contact Ms. Glace or counsel for PGW to

² The Motion also alleges unfair treatment by the Presiding Officer in the context of a request for a continuance due to a medical condition. Because PGW received inconsistent information (medical condition vs. hospitalization) regarding the request for a continuance, PGW raised the issue of requiring more proof. Once proof was provided PGW was satisfied and did not oppose the continuance. No confidential medical information regarding the Complainant's condition was ever sought or provided.

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 times to reschedule the meter test.

The Complainant's assertions in the Motion notwithstanding, PGW denies that the Complainant attempted to contact PGW with hopes of rescheduling after he declined Ms. Glace's offer to reschedule the meter test.

The Order on Discovery of November 8, 2018 finding that the issues regarding the meter test and PGW's responses to Set II Nos. 1 through 8 are moot 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.

At the hearing of October 12, 2018, the Complainant offered to stipulate that the PGW meter at his residence was in accurate working order within the $\pm 2\%$ margin of error allowed by the Commission's regulation at 52 Pa.Code § 59.22. PGW accepted the Complainant's offer to so stipulate. Thus, with the Complainant's stipulation there was no need to pursue the issues surrounding the meter test. The Presiding Officer's finding that the issue is moot is well founded and supported by the testimony of record.

Responses to Discovery Set II, Nos 9 through 16

The Motion continues by alleging that the Presiding Officer's Order on Discovery of November 8, 2018 with regard to the dismissing the Complainant's Motion to Compel and Sanction as premature is evidence in support of disqualification.

In the Presiding Officer's Order on Discovery of November 8, 2018 and in the Order on Complainant's Petition for Reconsideration of November 27, 2018, the Presiding Officer clearly lays out the facts of the issue and her reasoning. In essence, the Complainant's Motion to Compel was dismissed with regard to Responses to Discovery Set II, Nos. 9 through 16 as premature because the Presiding Officer's Order on Discovery of November 8, 2018 had not been issued at the time that the Complainant filed the Motion to Compel and Sanction on October 23, 2018.

The Order on Complainant's Petition for Reconsideration of November 27, 2018, states, ...

Lastly, I asked counsel for PGW, Laureto Farinas, Esq., how much time the Responded needed to provide the responses to Mr.

Norman's Set II – Interrogatories No. 9-16, as amended by my oral order. 2Tr. 97. Mr. Farinas responded that ten days were sufficient to provide responses to Mr. Norman's discovery request. 2Tr. 97.

Prior to the closing of the prehearing conference, Mr. Farinas requested that I render my discovery rulings in writing for future clarity. 2Tr. 112. I informed the parties that I would render my rulings in writing "as soon as possible," and encouraged PGW to start working on the responses in the meanwhile. 2Tr. 112.

...

On October 23, 2018, Mr. Norman filed another Motion to Compel or Sanction (3rd Motion to Compel or October 23, 2018 Motion) the Respondent for failure to abide to the discovery rulings made orally at the prehearing conference on October 12, 2018.

On October 29, 2018, PGW filed an Answer to the October 23, 2018 Motion stating that, while it was working on preparing responses to the Complainant's Set II – Interrogatories No. 9-16 as amended by my oral ruling, it had yet to receive my written order. In addition, PGW averred that, on October 30, 2018, it would submit responses to the Complainant's Set II – Interrogatories No. 9-16 "based upon [its] understanding of the re-wording of the questions."

On October 30, 2018, PGW submitted its responses to Complainant's Set II – Interrogatories No. 9-16.

Upon review of the responses, I found that they, for the most part, followed my oral ruling made on October 12, 2018. In addition, I understood PGW's predicament in supplying the responses, as I, too, was unable to render the discovery ruling in writing without the assistance of the transcript. In turn, I found the assistance of the transcript to be necessary for the issuance of this Order in view of the numerous amendments that Mr. Norman has made to his original Complaint and the extensive discussion that took place at the prehearing conference.

The Order on Complainant's Petition for Reconsideration of November 27, 2018 in *Deree J. Norman v. Philadelphia Gas Works*, Docket No. C-2018-2640719, pp. 4 – 5

The instant Motion mischaracterizes the statements of the Presiding Officer into instructions that were not there. The record of the proceeding does not support the Complainant's strained interpretation of the events at the hearing of October 12, 2108. Further, the instant Motion and other motions to compel in this matter fail to demonstrate how PGW's responses are insufficient or how they have impaired his ability to prepare for the hearing of this matter.

Argument

The Commission's regulations allow for parties to move for the disqualification of a presiding officer. The regulation provides, "[a] party may file a motion for disqualification of presiding officer which shall be accompanied by affidavits alleging personal bias or other disqualification." 52 Pa. Code §5.482(a)

A motion to disqualify an administrative law judge from participating in a complaint proceeding must be denied if they moving party's allegations are unsubstantiated and do not constitute good cause to warrant removal. *Lorraine F. Mosso v. Peoples Natural Gas Co. and Duquesne Light Co.*, 70 Pa. PUC 146 (1989).

In *Mosso*, the Commission stated, "[t]he Complainant's references to certain provisions of the Public Utility Code and our regulations, without proof of specific disqualifying acts, are tantamount to mere assertions." *Mosso*, at 147. Accordingly, a party moving for the disqualification of an administrative law judge in a complaint proceeding must not only allege, but also show proof of actions on the part of the administrative law judge that demonstrate personal bias or some other disqualifying characteristic.

In this matter, Motion fails to show proof of actions of the Presiding Officer that demonstrate a personal bias or some other disqualifying characteristic. In the Motion, the Complainant has grossly misinterpreted the events and reasons for the Presiding Officer in making decision on discovery matters. The mere assertions in the Motion are not supported by the Complainant's strained interpretation of the facts surrounding the Presiding Officer's fair and well-reasoned decisions.

Throughout this proceeding the Presiding Officer has afforded the Complainant extensive latitude in amending the Complaint for more specificity and allowing new discovery filings late into the time line for the matter.

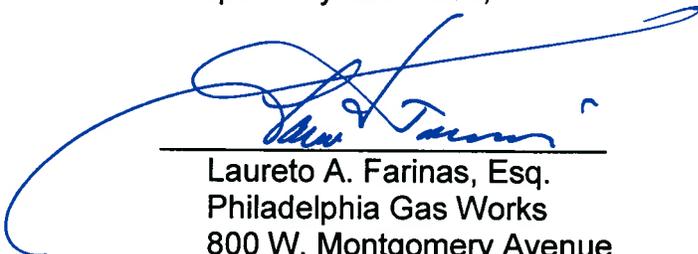
PGW has attempted to accommodate the Complainant with offers to exchange information informally and settlement discussions that could lead to a better understanding of the technical issues involved. Nevertheless, as each new hearing date approaches, the Complainant seems to raise some new issue that might serve to

delay the final disposition of this matter and delay the Complainant's full payment for PGW service.

WHEREFORE, for the reasons stated above, PGW respectfully requests that the Complainant's Motion for Disqualification be denied.

November 27, 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

:
:
:
:
:

C-2018-2640719

ORDER ON COMPLAINANT'S PETITION FOR RECONSIDERATION

On December 27, 2017, Deree J. Norman (Mr. Norman or Complainant) filed the present formal Complaint against Philadelphia Gas Works (PGW or Respondent).

On April 16, 2018, Mr. Norman served PGW with written Interrogatories and Requests for Production of Documents. On April 25, 2018, PGW submitted timely Objections to Mr. Norman's discovery request.

On May 4, 2018, Mr. Norman filed a timely Motion to Compel Discovery Responses to his interrogatories and requests for production of documents (1st Motion to Compel).

On May 9, 2018, PGW filed a timely Answer to Mr. Norman's 1st Motion to Compel.

On May 9, 2018, I issued an Order granting, in part, and denying, in part, PGW's Objections to Mr. Norman's Interrogatories and Requests for Production of Documents, Set I. The May 9, 2018 Order instructed PGW to submit answers to Mr. Norman's Interrogatories and Requests for Production of Documents, Set I, in compliance with the Order, by no later than May 14, 2018.

On May 17, 2018, one day prior to the scheduled evidentiary hearing in this matter, Mr. Norman filed a Petition for Reconsideration of the May 9, 2018 Order.

On May 18, 2018, the parties convened for the initial hearing scheduled in this matter. Prior to the beginning of the hearing, the parties requested and were granted the opportunity to conduct settlement discussions with my assistance as a settlement judge. While the parties were unable to resolve the issues raised in the Complaint during the off-the record settlement discussions, they were able to use the time to clarify the nature and scope of the issues raised. 1Tr.¹ 5-6. In particular, it was determined that the scope of the present Complaint would extend no further than October 2015. 1Tr. 6. In addition, Mr. Norman clarified his high billing dispute as a synchronization issue between the PGW meter and the Company's systems (billing system, reading system). 1Tr. 6. Mr. Norman agreed to pay the undisputed portion of his bill, which amounted to \$730.98 and covered the period October 2015 to May 18, 2018, by no later than June 1, 2018. 1Tr. 6-7. In addition, the parties were instructed to work together to schedule a meter test at the service address and to resolve informally any discovery issues before filing formal objection and motions on them. 1Tr. 7-9. I also instructed the parties to inform me when the gas meter serving the serving address was removed for testing and if there were any issues that I needed to rule upon. 1Tr. 9.

No party raised any formal discovery issues prior to September 11, 2018.

By Hearing Notice dated September 11, 2018, a further in-person hearing was scheduled in this matter on October 12, 2018.

On September 24, 2018, Deree J. Norman (Mr. Norman or Complainant) served Philadelphia Gas Works (PGW or Respondent) with Interrogatories and Requests for Production of Documents, Set II. Mr. Norman did not file a Certificate of Service with the Secretary of the Commission as required by the provisions of 52 Pa.Code § 5.341(b). On or about September 25,

¹ "1Tr." refers to the transcript of the hearing held on May 18, 2018. "2Tr." refers to the transcript of the prehearing conference held on October 12, 2018.

2018, Mr. Norman filed a Motion to Modify the Time for Service of Answers or Objections to Written Interrogatories.

On October 4, 2018, PGW submitted timely Objections to Mr. Norman's discovery request, generally objecting to the timeliness of the propounded interrogatories and specifically challenging the relevancy of Set II - Interrogatories No. 9-16.

On October 10, 2018, Mr. Norman filed a Motion to Compel responses to his Requests for Production of Documents or to impose sanctions for failure to respond to same (2nd Motion to Compel or October 10, 2018 Motion).

In view of these developments, the further hearing scheduled for October 12, 2018, changed into a prehearing conference. At the conference, Mr. Norman amended and clarified his high billing dispute by stipulating that, if the gas meter currently serving the Service Address was tested for accuracy, it would test accurate within the $\pm 2\%$ margin of error allowed by the Commission's regulation at 52 Pa.Code § 59.22. 2Tr. 99-104. He further explained that Set II - Interrogatories No. 9-16 were relevant to his claim that pressure, density and composition of the gas that goes through PGW's meters impacts the meters' readings. 2Tr. 90-104.

Upon considering the parties' respective positions on the discovery issues, I sustained in part, and overruled in part Mr. Norman's October 10, 2018 Motion. First, I ruled that to Set II – Interrogatories 1-8 concerning the accuracy testing of Mr. Norman's gas meter were moot in view of Mr. Norman's recent stipulation. 2Tr. 105. Second, I instructed PGW to respond to Set II – Interrogatories 9-11 with information regarding the last two segments of PGW's service line (facilities, equipment, sections) immediately preceding Mr. Norman's meter at the Service Address. 2Tr. 92-95. Third, I instructed PGW to respond the Set II – Interrogatories No. 12-13 concerning the "natural gas mixture used by PGW" only to the extent the information is not protected or confidential. 2Tr. 95-96. Fourth, I instructed PGW to respond to Set II – Interrogatories 14-15 as written. 2Tr. 96. Next, I asked Mr. Norman to explain the type of information sought through by his Set II – Interrogatory No. 16. 2Tr. 97. Mr. Norman explained

that Set II – Interrogatory No. 16 requests information on the maximum and minimum capacity of density and pressure that his gas meter was designed to handle. 2Tr. 97.

Lastly, I asked counsel for PGW, Laureto Farinas, Esq., how much time the Respondent needed to provide the responses to Mr. Norman’s Set II – Interrogatories No. 9-16, as amended by my oral order. 2Tr. 97. Mr. Farinas responded that ten days were sufficient to provide responses to Mr. Norman’s discovery request. 2Tr. 97.

Prior to the closing of the prehearing conference, Mr. Farinas requested that I render my discovery rulings in writing for future clarity. 2Tr. 112. I informed the parties that I would render my rulings in writing “as soon as possible,” and encouraged PGW to start working on the responses in the meanwhile. 2Tr. 112.

The prehearing conference produced 113 pages of transcript. The transcript became available on November 2, 2018.

By Hearing Notice dated October 15, 2018, the further hearing in the above-captioned matter was rescheduled for November 29, 2018, at 10:00 a.m.

On October 23, 2018, Mr. Norman filed another Motion to Compel or Sanction (3rd Motion to Compel or October 23, 2018 Motion) the Respondent for failure to abide to the discovery rulings made orally at the prehearing conference on October 12, 2018.

On October 29, 2018, PGW filed an Answer to the October 23, 2018 Motion stating that, while it was working on preparing responses to the Complainant’s Set II – Interrogatories No. 9-16 as amended by my oral ruling, it had yet to receive my written order. In addition, PGW averred that, on October 30, 2018, it would submit responses to the Complainant’s Set II – Interrogatories No. 9-16 “based upon [its] understanding of the re-wording of the questions.”

On October 30, 2018, PGW submitted its responses to Complainant’s Set II – Interrogatories No. 9-16.

Upon review of the responses, I found that they, for the most part, followed my oral ruling made on October 12, 2018. In addition, I understood PGW's predicament in supplying the responses, as I, too, was unable to render the discovery ruling in writing without the assistance of the transcript. In turn, I found the assistance of the transcript to be necessary for the issuance of this Order in view of the numerous amendments that Mr. Norman has made to his original Complaint² and the extensive discussion that took place at the prehearing conference.

In view of the above, on November 8, 2018, I issued an Order (November 8, 2018 Order) which denied in part and granted in part Mr. Norman's October 10, 2018 Motion, and memorialized my oral order made during the October 12, 2018 prehearing conference. In particular, the November 8, 2018 Order denied Mr. Norman's Motion with regard to Set II – Interrogatories 1-8 as they were now moot; ordered PGW to supplement its responses to Set II – Interrogatories 9-16 by no later than November 19, 2018; denied Mr. Norman's October 23, 2018 Motion as premature in view of the extension of time for filing supplemental responses to Set II – Interrogatories 9-1; and, barring exigent or unforeseen circumstances, precluded PGW from submitting evidence in the record that is responsive to the discovery requests that has not been provided to the Complainant prior to the hearing.

A Hearing Notice dated October 15, 2018, notified the parties that a further hearing was scheduled in this matter for Thursday, November 29, 2018.

At 10:03 a.m. on November 19, 2018, I received via e-mail Mr. Norman's Petition for Reconsideration of my November 8, 2018 Order (Petition).

² Initially, Mr. Norman's incorrect billing dispute was limited to the following statement:

Complainant's electric service was terminated on August 21, 2017 and remains off to date, therefore Complainant is unable to utilize all gas appliances that have electric pilots and/or ignitions (Home heater, water heater and stove). However, Complainant's bill is an exact mirror of the previous years bill during the same period when he could use his appliances. (See Attached).

Complaint, ¶ 4.

At 3:29 p.m. on November 19, 2018, I received via e-mail a copy of PGW's supplemental response to Interrogatories and Requests for Production of Documents, Set II Nos. 12 and 13.

On November 20, 2018, I issued an Order (November 20, 2018 Order) whereby I reduced PGW's time to file an answer to the Petition, in accordance with the provisions of 52 Pa. Code § 5.103(c) and in consideration of the approaching date of the further hearing. In particular, the November 20, 2018 Order instructed PGW to file an answer to the Petition by no later than 12:00 p.m. on November 21, 2018.

PGW filed a timely Answer to the Petition.

Mr. Norman's Petition is ready for ruling.

In his Petition for Reconsideration, Mr. Norman avers that my analysis of Complainants' Second Motion to Compel erroneously failed to address the following issues:

- 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.

Petition, ¶ 1(b).

My November 8, 2018 Order specifically addressed Mr. Norman's second amendment to his Complaint during the prehearing conference, as well as his stipulation that, if the gas meter currently serving the Service Address was tested for accuracy, it would test

accurate within the $\pm 2\%$ margin of error allowed by the Commission's regulation at 52 Pa.Code § 59.22. 2Tr. 99-104. Any claims or issues concerning the meter test are therefore moot.

With regard to Mr. Norman's statement that the November 8, 2018 Order failed to address the Respondent's filing of insufficient and untimely answers to Complainant's Interrogatories, Set I, I note that nowhere in the spacious October 10, 2018 Motion did Mr. Norman state with any degree of specificity why he deems PGW's responses to Complainant's Interrogatories, Set I, to be insufficient. Nor is such a reason provided in his Petition for Reconsideration.

Similarly, Mr. Norman's claim that PGW's responses were untimely by two days, having been served upon the Complaint on May 16, 2018 instead of May 14, 2018, fails to explain how or why the delay hindered in any way the Complainant's discovery efforts. In fact, Mr. Norman first raised the issue of the untimely responses to Complainant's Interrogatories, Set I, in his October 10, 2018, Motion, a mere two days before the scheduled evidentiary hearing in the above-captioned matter. I find the October 10, 2018 Motion to be untimely to the extent it raises the issue of timeliness of PGW's responses to Interrogatories, Set I.

In his Petition for Reconsideration, Mr. Norman also avers that my analysis of Complainant's Third Motion to Compel erroneously deemed Complainant's Motion as premature. See Petition, ¶ 1(a). Other than providing his own interpretation of my oral ruling made on October 12, 2018, Mr. Norman's Petition for Reconsideration fails to raise new or novel arguments not previously considered by the undersigned. See Petition, ¶¶ 1(a), 3-8. In particular, my November 8, 2018, Order addressed Mr. Farinas' assessment of the time needed to provide responses to Complainant's Interrogatories, Set II as modified by me; Mr. Farina's request that I render my oral ruling in writing; my promise to issue a written order memorializing my oral ruling "as soon as possible"; my instruction to PGW to start working on the responses in the meanwhile; as well as the difficulties that I encountered in issuing the written order without the assistance of the transcript from the October 12, 2018, prehearing conference:

Lastly, I asked counsel for PGW, Laureto Farinas, Esq., how much time the Responded needed to provide the responses to Mr. Norman's Set II – Interrogatories No. 9-16, as amended by my oral order. Tr. 97. Mr. Farinas responded that ten days were sufficient to provide responses to Mr. Norman's discovery request. Tr. 97.

Prior to the closing of the prehearing conference, Mr. Farinas requested that I render my discovery rulings in writing for future clarity. Tr. 112. I informed the parties that I would render my rulings in writing "as soon as possible," and encouraged PGW to start working on the responses in the meanwhile. Tr. 112.

The prehearing conference produced 113 pages of transcript. The transcript became available on November 2, 2018.

By Hearing Notice dated October 15, 2018, the further hearing in the above-captioned matter was rescheduled for November 29, 2018, at 10:00 a.m.

On October 23, 2018, Mr. Norman filed another Motion to Compel or Sanction (October 23, 2018 Motion) the Respondent for failure to abide to the discovery rulings made orally at the prehearing conference on October 12, 2018.

On October 29, 2018, PGW filed an Answer to the October 23, 2018 Motion stating that, while it was working on preparing responses to the Complainant's Set II – Interrogatories No. 9-16 as amended by my oral ruling, it had yet to receive my written order. In addition, PGW averred that, on October 30, 2018, it would submit responses to the Complainant's Set II – Interrogatories No. 9-16 "based upon [its] understanding of the re-wording of the questions."

On October 30, 2018, PGW submitted its responses to Complainant's Set II – Interrogatories No. 9-16.

Upon review of the responses, I find that they, for the most part, follow my oral ruling made on October 12, 2018. In addition, I understand PGW's predicament in supplying the responses, as I, too, was unable to render the discovery ruling in writing without the assistance of the transcript. In turn, I found the assistance of the transcript to be necessary for the issuance of this Order in view

of the numerous amendments that Mr. Norman has made to his original Complaint and the extensive discussion that took place at the prehearing conference.

November 8, 2018, Order, at 2-3. (Emphasis added). (footnote omitted).

In view of the above my November 8, 2018 Order ordered PGW to supplement its responses to Set II – Interrogatories 9-16 by no later than November 19, 2018 and concluded that Mr. Norman’s October 23, 2018, Motion to Compel was premature. My decision stands.

Lastly, in his Petition for Reconsideration, Mr. Norman claims that by extending Respondent’s time to supplement answers to Complainant’s Interrogatories, Set II, to November 19, 2018, the November 8, 2018, Order “precluded the Complaint from issuing a Motion to Compel Respondent’s to submit complete and accurate answers to Complainant’s second set of Interrogatories.” Petition, ¶ 9. This statement is particularly interesting in view of the fact that it was made before PGW’s deadline for serving responses to Complainant’s Interrogatories, Set II, had run out. If fact, it appears that Complainant was contemplating filing a motion to compel responses before he had an opportunity to learn what the responses were. It is therefore unclear what the content of his motion to compel is or would be.

Mr. Norman considers the November 8, 2018 a “miscarriage of justice [which] was executed without any written request by Respondents’ (sic) to extent the time allotted to submit answers to Complainant’s second set of Interrogatories.” Petition, ¶ 10. In making this statement, Mr. Norman ignores the provisions of the Commission’s regulation at 52 Pa.Code § 5.321(b) which allow the presiding officer discretion in modifying the timing of discovery responses without a request or agreement by the parties when justice requires it. See also 52 Pa.Code §§ 5.331(d), 5.351(b), 5.349(d). While the November 8, 2018, Order clearly states the reasons for extending PGW’s time for answering Complainant’s Interrogatories, Set II, the Petition for Reconsideration fails to explain how exactly Mr. Norman’s discovery efforts were hindered by the Order. Complainant has not established that he was prejudiced by the November 8, 2018, Order.

C-2018-2640719 DEREE J NORMAN v. PHILADELPHIA GAS WORKS

SERVICE LIST

DEREE J NORMAN
5367 THOMAS AVENUE
PHILADELPHIA PA 19143
267.257.5108
Accepts e Service

LAURETO FARINAS ESQUIRE
PHILADELPHIA GAS WORKS
4TH FLOOR
800 W MONTGOMERY AVENUE
PHILADELPHIA PA 19122
215.684.6982
Accepts e Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deree J. Norman,	:	
Complainant	:	
v.	:	Docket No. C – 2018 – 2640719
	:	
Philadelphia Gas Works,	:	
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 FOR DISQUALIFICATION, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §§1.54 AND 5.342(c) (RELATING TO SERVICE BY A PARTICIPANT).

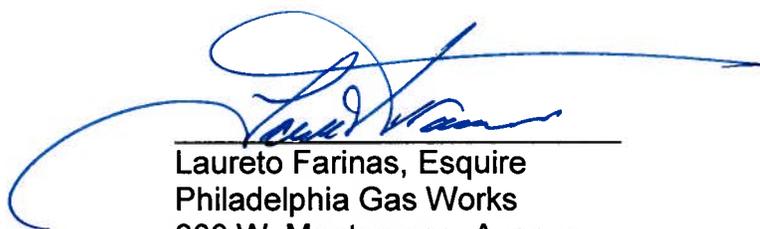
Service List

For Complainant:

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

and by email:
dereenorman@yahoo.com

November 28, 2018



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