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March 18, 2019

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

Re: Tomisha Palmer v. Philadelphia Gas Works, Docket No. F-2018-3006197

Dear Secretary Chiavetta:

Enclosed for filing is the **Motion to Compel Philadelphia Gas Works to Answer Complainant Tomisha Palmer's Interrogatories and Requests for Production of Documents, Set I.**

Copies of these documents have been served on Administrative Law Judge Pell and the parties pursuant to 52 Pa. Code § 5.342(g).

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Josie B. H. Pickens', is written over a horizontal line.

Josie B. H. Pickens, Esquire
Community Legal Services
1410 West Erie Avenue
Philadelphia, PA 19140
(215) 227-4378 (p)
jpickens@clsphila.org

Enclosures
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TOMISHA PALMER	:	
Complainant	:	
	:	
	:	F-2018-3006197
	:	
	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

NOTICE TO PLEAD

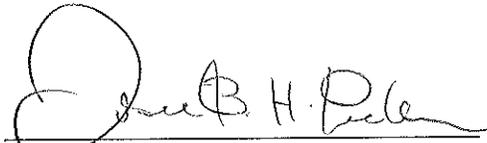
To: Graciela Christlieb, Esq. Counsel for Philadelphia Gas Works

You are hereby notified to file a written response to the attached Motion to Compel of Complainant Tomisha Palmer within five (5) days from the date of service of this notice, absent good cause. If you do not file a written response denying the enclosed Motion to Compel within five (5) days of service, the presiding officer may rule in favor of Complainant on the attached Motion without a hearing. Failure to respond to this Motion could result in an order directing responses to Complainant's Interrogatories and Requests for Production of Documents.

All pleadings, such as answers to motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned counsel for Complainant.



Josie B. H. Pickens Esq.
PA Attorney ID No: 309422
Lydia R. Gottesfeld, Esq.
PA Attorney ID No: 318974
Community Legal Services, Inc.
1410 W. Erie Avenue
Philadelphia, PA 19140

Dated: March 18, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TOMISHA PALMER	:	
Complainant	:	
	:	
	:	F-2018-3006197
	:	
	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

**Motion to Compel Philadelphia Gas Works to Answer Complainant Tomisha Palmer’s
Interrogatories and Requests for Production of Documents, Set I**

Pursuant to 52 Pa. Code § 5.342(g), Tomisha Palmer, Complainant in the above docketed matter, by and through counsel Community Legal Services, Inc., hereby requests that the Administrative Law Judge dismiss the objections to discovery by Philadelphia Gas Works (PGW or Respondent) and direct PGW to provide full and complete responses, with all information requested, in response to Complainant’s First Set of Interrogatories and Request for Production of Documents. In support of this motion, Complainant states as follows:

1. On or about November 26, 2018 Complainant filed a Formal Complaint against PGW with the Public Utility Commission (Commission or PUC) disputing PGW’s allegations that she is responsible for charges associated with an alleged meter bypass at 4244 N. Hicks Street and requesting that the Commission order PGW to establish service in her name at 1763 N. Croskey Street in Philadelphia.
2. Complainant lives at 1763 N. Croskey Street in Philadelphia, PA.
3. On August 1, 2018, Complainant went to a Philadelphia Gas Works (PGW) office to apply for gas service at 1763 N. Croskey Street. PGW informed Complainant that she could not

establish service at 1763 N. Croskey Street because PGW was holding Complainant responsible for billing charges associated with an alleged meter bypass and/or tampering at 4244 N. Hicks Street in Philadelphia.

4. The sole basis for PGW's denial of service to Complainant at 1763 N. Croskey Street is PGW's claim that Complainant is responsible for charges associated with an alleged meter bypass and/or tampering at 4244 N. Hicks Street. Complainant satisfies all other applicable requirements to establish service at 1763 N. Croskey Street.
5. Complainant resided at 4244 N. Hicks Street in Philadelphia for some periods of time prior to June 27, 2017.
6. Complainant does not own the property at 4244 N. Hicks Street in Philadelphia.
7. During the periods when she resided at 4244 N. Hicks Street, Complainant did not have exclusive possession or control of the property. Other parties had access to 4244 N. Hicks Street, which included access to PGW's meter.
8. PGW alleges that there was a meter bypass and/or tampering at 4244 N. Hicks Street that was discovered on June 27, 2017.
9. Complainant was not aware of the alleged existence of a meter bypass and/or tampering at 4244 N. Hicks Street until June 27, 2017, when PGW removed its gas meter from the property.
10. Complainant did not cause or permit any meter bypass and/or tampering to exist or occur at 4244 N. Hicks Street and denies PGW's allegation that she is responsible for any charges associated with alleged meter bypass and/or tampering at 4244 N. Hicks Street.
11. Petitioner is requesting new service at 1763 N. Croskey Street where PGW has made no allegation of meter bypass and/or meter tampering.

12. On February 27, 2019 counsel for Complainant served Tomisha Palmer's Interrogatories and Requests for Production of Documents, Set I, to PGW, and filed a Certificate of Service thereof with the Commission.
13. On March 8, 2019 and March 11, 2019, PGW served Philadelphia Gas Works' Objections to Tomisha Palmer's Interrogatories and Requests for Production of Documents – Set I (PGW's Objections). A copy of PGW's Objections is attached as Exhibit A hereto.
14. PGW's Objections to Interrogatories 6, 9, 20, and 26 are without merit and should be dismissed.
15. PGW's Objections to Interrogatories 8, 11, 12, 13, 15, 19, 21, 31, 35, and 36 also are without merit; however, in the interest of narrowing the contested discovery issues before the ALJ and in light of the recent grant of a continuance on the hearing on the merits of this proceeding, which will permit Complainant additional time to conduct discovery, Complainant is not seeking an order to dismiss PGW's Objections to Interrogatories 8, 11, 12, 13, 15, 19, 21, 31, 35, and 36 and does not seek an order to compel responses to Interrogatories 8, 11, 12, 13, 15, 19, 21, 31, 35, and 36.
16. Notwithstanding its Objections, PGW has agreed to provide partial responses to Interrogatories 6, 8, 13, 31, and 36. Those responses are due March 19, 2019, along with responses to Complainant's remaining Set I interrogatories, which PGW has not objected to.

PGW's Objections to Interrogatories 6, 9, 20, and 26 are without merit and should be dismissed. PGW should be directed to provide a complete response to Interrogatories 6, 9, 20, and 26.

17. Complainant's Request 6 stated:

Please provide all information, documents and records pertaining to any alleged unauthorized usage, meter tampering, or gas theft at the Property, including but not limited to, documents and records which contain the following information:

- a. **The date(s) any alleged unauthorized usage, meter tampering, or gas theft was discovered;**
- b. **How the alleged unauthorized usage, meter tampering, or gas theft was discovered;**
- c. **Any notices concerning alleged unauthorized usage, meter tampering, or gas theft provided to Complainant;**
- d. **How it was determined that there had been unauthorized usage, meter tampering, or theft of gas;**
- e. **The names and position titles of all employees connected with determining that there had been unauthorized usage, meter tampering or gas theft; and**
- f. **The method by which the alleged unauthorized usage, meter tampering, or gas theft was accomplished.**

18. In response to Request 6, Respondent objected as follows:

The scope of discovery is limited to “any matter, not privileged, which is relevant to the subject matter involved in the pending action.” 52 Pa. Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the bulk of the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The scope of this interrogatory is not limited to either a timeframe or a party and, as such, request information that has no bearing on any fact at issue in this proceeding. There has been no allegation that the bypass at the Property predates the Complainant moving into the Property. Records of instances of suspected unauthorized use, meter tampering, or gas theft at the Property prior to June 27, 2017 that do not involve the Complainant are entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case. Any records of instances of suspected unauthorized use, meter tampering or gas theft at the Property after June 27, 2017 that do not involve the Complainant are similarly irrelevant.

Notwithstanding PGW’s objections and without waiving the same, PGW will provide the records sought with respect to theft discovered at the Property on June 27, 2017.

19. PGW’s objection to Request 6 is without merit. In Pennsylvania, evidence is relevant if

“it has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.” Pa.R.E. 401(a)-(b).

20. Pursuant to the Commission’s Regulations, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. 52 Pa. Code § 5.321(c).

21. Request 6 seeks information that is both directly relevant to the Complaint and reasonably calculated to lead to the discovery of admissible evidence. The instant action is necessitated solely by PGW's determination that Complainant is responsible for charges associated with an alleged bypass and/or tampering at 4244 N. Hicks Street. In order to prevail on her complaint, Complainant must show that she is not responsible for the alleged bypass and/or tampering. Complainant intends to show that she is not the owner of 4244 N. Hicks Street and that during the time she resided at 4244 N. Hicks Street she did not have exclusive possession or control of the property. This request seeks to establish that if a bypass and/or tampered meter existed at 4244 N. Hicks Street it could have been caused by a third party without Complainant's authorization or consent. Evidence that demonstrates that there was unauthorized use, meter tampering, or gas theft at the property either prior to or after the period of Complainant's occupancy tends to make it more probable that someone other than Complainant, including but not limited to the owners, landlord, other tenants, or agents for the property could have caused the alleged meter bypass and/or meter tampering that is at issue in this case. Further, the Complainant will be asking the ALJ to determine whether PGW's conduct in holding her responsible for a meter bypass and/or meter tampering at 4244 N. Hicks Street was reasonable. PGW should be directed to disclose whether the utility knew or should have known about a history, pattern or practice of unauthorized use, meter tampering, or gas theft at the property so that the ALJ can determine the reasonableness of PGW's conduct in this case.

22. Complainant submits that Respondent's objection to Request 6 must be dismissed. PGW should be directed to provide a complete response to the request.

23. Complainant's Request 9 stated:

Please describe PGW's policy and procedure for investigating unauthorized usage, meter tampering, and gas theft. Please provide all current PGW manuals, training materials and documents pertaining to, but not limited to, the following:

- a. What triggers PGW to conduct an investigation;**
- b. What notices are provided to the customer concerning the investigation;**
- c. What PGW personnel and departments are involved in the investigation;**
- d. How long the process takes; and**
- e. What steps are taken to determine the reason for and the nature of the alleged unauthorized usage, meter tampering, or gas theft.**

24. In response to Request 9, Respondent objected as follows:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa. Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the bulk of the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The theft at the Property was effectuated by the way of removing the meter and replacing it with a flex connector during a period of time when there were no active accounts at the property; PGW policies and procedures that do not relate to the investigation of gas theft by way of a meter bypass have no bearing on any fact at issue in this matter. As stated in the Complaint, PGW discovered the theft when the Department of Human Services did a walk-through of the Property and reported the odor of gas, which caused PGW to visit the property. Once in the Property, PGW observed its gas meter on the floor and a flex connector installed from the inlet to the outlet. The information sought that goes beyond the means of investigating the type of theft present at the Property is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

25. PGW's objection to Request 9 is without merit. In Pennsylvania, evidence is relevant if

"it has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action." Pa.R.E. 401(a)-(b).

26. Pursuant to the Commission's Regulations, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. 52 Pa. Code § 5.321(c).

27. Request 9 seeks information that is both directly relevant to the Complaint and reasonably calculated to lead to the discovery of admissible evidence. The request seeks information regarding PGW's policies and procedures for investigating unauthorized usage, meter tampering, and gas theft because PGW uses these terms interchangeably, including within its Objections where it uses the terms tampering (PGW Objection to Request 11); stealing gas (PGW Objection to Request 11); bypass (PGW Objection to Request 12); and gas theft (PGW Objection to Request 9). Further, the Commission's Regulations define *Unauthorized use of utility service* broadly to include "unreasonable interference or diversion of service, including meter tampering (any act which affects the proper registration of service through a meter), by-passing unmetered service that flows through a device connected between a service line and customer-owned facilities and unauthorized service restoral." 52 Pa. Code § 56.2.

28. Request 9 seeks documents and information within PGW's possession regarding PGW procedures in the specific contexts – tampering with a meter, theft, and unauthorized use -- that are the subject matter of this Complaint. Complainant seeks this information to ascertain whether PGW followed proper procedures in alleging and billing her for a meter bypass and/or meter tampering. Complainant must be allowed to obtain information from PGW in pursuit of the relief requested in her Formal Complaint.

29. Complainant submits that Respondent's objection to Request 9 must be dismissed. PGW should be directed to provide a complete response to the request.

30. Complainant's Request 20 stated:

Please describe PGW's policy for routine maintenance and/or inspection of meters and AMR devices. Please provide all current PGW manuals, training materials and documents pertaining to the maintenance and/or inspection of meters and AMR devices.

31. In response to Request 20, Respondent objected as follows:

The scope of discovery is limited to “any matter, not privileged, which is relevant to the subject matter involved in the pending action.” 52 Pa. Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. PGW’s policy for routine maintenance and/or inspection of meters and AMR devices and the documentation pertaining thereto has no bearing on any fact at issue in this proceeding. The theft at the Property was effectuated by way of removing the meter and replacing it with a flex connector during a period of time when there were no active accounts at the property; a method which effectively takes the meter and the attached AMR out of the equation entirely. There has been no allegation made by the Complainant that the issues she has raised in her Complaint are the result of the meter and/or AMR not being maintained properly or that some malfunction on the part of the meter and/or AMR is to blame for PGW terminating her service for theft. The information sought is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

32. PGW’s objection to Request 20 is without merit. In Pennsylvania, evidence is relevant if

“it has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.” Pa.R.E. 401(a)-(b).

33. Pursuant to the Commission’s Regulations, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. 52 Pa. Code § 5.321(c).

34. Request 20 seeks information that is both directly relevant to the Complaint and reasonably calculated to lead to the discovery of admissible evidence. The instant action is necessitated solely by PGW’s determination that Complainant is responsible for charges associated with an alleged bypass and/or tampering at 4244 N. Hicks Street. In order to prevail on her complaint, Complainant must show that she is not responsible for the alleged bypass and/or tampering. Complainant intends to show that she is not the owner of 4244 N. Hicks Street and that during the time she resided at 4244 N. Hicks Street she did not have exclusive possession or control of the property. This request

seeks to establish that if a bypass and/or tampered meter existed at 4244 N. Hicks Street it could have predated Complainant's occupancy in the property and that PGW failed to identify the alleged bypass at an earlier date due to its failure to comply with its policy for routine maintenance and/or inspection of meters and AMR devices. Evidence that demonstrates that PGW did not maintain or inspect its meters tends to make it more probable that the alleged tampered meter could have predated Complainant's occupancy at the property. Further, the Complainant will be asking the ALJ to determine whether PGW's conduct in holding her responsible for a meter bypass and/or meter tampering at 4244 N. Hicks Street was reasonable. PGW should be directed to disclose whether it adhered to its policy for routine maintenance and inspection of its meters so that the ALJ can determine the reasonableness of PGW's conduct in this case.

35. Complainant submits that Respondent's objection to Request 20 must be dismissed. PGW should be directed to provide a complete response to the request.

36. Complainant's Request 26 stated:

Please provide complete records on the history of the meter that was removed from the Property. Please include:

- a. **The age of the meter;**
- b. **The date on which it was first placed into service (whether at the Property or elsewhere);**
- c. **The date on which the meter was first installed at the Property (if different from the response to II-11(b));**
- d. **Whether PGW had, since first being placed into service through and including the date the meter was removed from the Property, ever determined that the meter had been tampered with and on what date(s) PGW made this determination; and**
- e. **Records of any and all service performed on the meter since it was first placed into service, including but not limited to, records of any refurbishing, meter testing, ERT replacement or repair, or otherwise.**

37. In response to Request 26, Respondent objected as follows:

The scope of discovery is limited to “any matter, not privileged, which is relevant to the subject matter involved in the pending action.” 52 Pa. Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The history of the meter that was removed from the property has no bearing on any fact at issue in this proceeding. The theft at the Property was effectuated by way of removing the meter and replacing it with a flex connector during a period of time when there were no active accounts at the property; a method which effectively takes the meter and the attached AMR out of the equation entirely. There has been no allegation made by the Complainant that the issues she has raised in her Complaint are the result of the meter and/or AMR not being maintained properly or that some malfunction on the part of the meter and/or AMR is to blame for PGW terminating her service for theft. The information sought is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

38. PGW’s objection to Request 26 is without merit. In Pennsylvania, evidence is relevant if “it has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action.” Pa.R.E. 401(a)-(b).

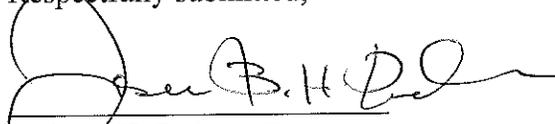
39. Pursuant to the Commission’s Regulations, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. 52 Pa. Code § 5.321(c).

40. Request 26 seeks information that is both directly relevant to the Complaint and reasonably calculated to lead to the discovery of admissible evidence. Complainant seeks documents and information within PGW’s possession regarding PGW interactions with the meter that Complainant is alleged to have bypassed and/or tampered with – when and how PGW installed, serviced, inspected, repaired or removed such meter is directly relevant to whether PGW can show Complainant actually bypassed or tampered with the meter and relevant to the calculation of the charges PGW is requesting of Complainant based on that tampering. Complainant must be allowed to obtain information that forms the basis of PGW’s allegations that are the subject of the Formal Complaint.

41. Complainant submits that Respondent's objection to Request 26 must be dismissed. PGW should be compelled to provide a complete response to the request.

WHEREFORE, Complainant moves that Philadelphia Gas Works Objections to Tomisha Palmer's Interrogatories and Requests for Production of Documents – Set I, Interrogatories 6, 9, 20, and 26 be dismissed and that to the extent that additional responsive information, records, or documents exist, PGW be compelled to provide those answers and documents.

Respectfully submitted,



Josie B. H. Pickens Esq.
PA Attorney ID No: 309422

Lydia R. Gottesfeld, Esq.
PA Attorney ID No: 318974

Attorneys for Complainant

Community Legal Services, Inc.
1410 W. Erie Avenue
Philadelphia, PA 19140

Dated: March 18, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TOMISHA PALMER	:	
Complainant	:	
	:	
	:	F-2018-3006197
	:	
	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

**Motion to Compel Philadelphia Gas Works to Answer Complainant Tomisha Palmer's
Interrogatories and Requests for Production of Documents, Set I**

Exhibit A: Philadelphia Gas Works' Objections to Tomisha Palmer's Interrogatories
and Requests for Production of Documents – Set I

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tomisha Palmer	:	
Complainant	:	
v.	:	Docket No. F-2018-3006197
	:	
Philadelphia Gas Works	:	
Respondent	:	

**PHILADELPHIA GAS WORKS' OBJECTIONS TO
TOMISHA PALMER'S INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS – SET I**

Pursuant to 52 Pa. Code §§ 5.342(c) and (e), Philadelphia Gas Works (“PGW”) hereby objects to Nos. 6, 8, 11, 12, 13, 15, 19, 20, 21, 26, 31, 35, and 36 of “Tomisha Palmer’s Interrogatories and Requests for Production of Documents – Set I” served upon PGW on February 27, 2019.

March 8, 2019



Graciela C. Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

Tomisha Palmer v. Philadelphia Gas Works
Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-6

Please provide all information, documents and records pertaining to any alleged unauthorized usage, meter tampering, or gas theft at the Property, including but not limited to, documents and records which contain the following information:

- a. The date(s) any alleged unauthorized usage, meter tampering, or gas theft was discovered;
- b. How the alleged unauthorized usage, meter tampering, or gas theft was discovered;
- c. Any notices concerning alleged unauthorized usage, meter tampering, or gas theft provided to Complainant;
- d. How it was determined that there had been unauthorized usage, meter tampering, or theft of gas;
- e. The names and position titles of all employees connected with determining that there had been unauthorized usage, meter tampering or gas theft; and
- f. The method by which the alleged unauthorized usage, meter tampering, or gas theft was accomplished.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the bulk of the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The scope of this interrogatory is not limited to either a timeframe or a party and, as such, requests information that has no bearing on any fact at issue in this proceeding. There has been no allegation that the bypass at the Property predates the Complainant moving into the Property. Records of instances of suspected unauthorized use, meter tampering or gas theft at the Property prior to June 27, 2017 that do not involve the Complainant are entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case. Any records of instances of suspected unauthorized use, meter tampering or gas theft at the Property after June 27, 2017 that do not involve the Complainant are similarly irrelevant.

Notwithstanding PGW's objections and without waiving same, PGW will provide the records sought with respect to theft discovered at the Property on June 27, 2017.

Tomisha Palmer v. Philadelphia Gas Works
Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-8

Does PGW have the records of any readings taken with a Gas Detection Instrument (GDI) at the Property? If yes, provide all records.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. GDI readings have no bearing on any fact at issue in this proceeding. GDIs are designed to detect the concentration of gas in the air of the specific area in which they are being used. GDIs detect gas leaks. Records of all the GDI readings ever taken at the Property have no bearing on any fact at issue in this proceeding. Gas leaks can and do exist where there is no theft and theft can and does exist where there are no gas leaks. The information requested is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

PGW further objects to this interrogatory on the grounds that it is so broad as to be unreasonably burdensome. This interrogatory fails to establish a timeframe for the requested materials and reviewing the history of the property to determine if and when GDI readings were taken and then pulling those records would create an unreasonable burden.

Notwithstanding PGW's objections and without waiving same, PGW will provide the records of any GDI readings taken in the Property on June 27, 2017 as PGW was called to the property due to an odor of gas.

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Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-11

Please state any specific health and safety issues involved with the illegal usage, meter tampering, or gas theft alleged in this case, and provide any supporting documents in PGW's possession.

Objection:

52 Pa.Code § 5.361(a)(2) states that discovery is not permitted which would cause unreasonable annoyance or burden to a party. This interrogatory is asking PGW to educate the Complainant on the nature of natural gas, which would be both unreasonably annoying and unreasonably burdensome. This request is unreasonably annoying because of the wealth of materials available to general public on the health and safety issues inherent in illegal gas usage, meter tampering, and gas theft.¹ These issues are not case specific, they are involved anytime the integrity of the structures put in place to safely transport gas from one place to another are violated. This request is unreasonably burdensome because illegal usage, meter tampering, and gas theft all interfere with the safe and proper transportation of natural gas into a building; because PGW is a natural gas utility, an enormous number of the documents in its possession in some way or another relate to the health and safety issues that arise when natural gas is not safely and properly transported into a building. Moreover, 52 Pa.Code § 5.361(a)(1) states that discovery is not permitted which is sought in bad faith. If the Complainant wishes to argue that tampering with a meter and stealing gas is safe, she is free to do so; it does not follow that PGW should be put in the position of expending the time and resources to establish something that is so widely accepted as to be common knowledge.

¹ For example: <http://www.opusenergyblog.com/energy-theft-dangers-need-to-know/>

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Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-12

Please provide all records of any instances, if any, of suspected unauthorized use, meter tampering or gas theft at the Property prior to June 27, 2017.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. There has been no allegation that the bypass at the Property predates the Complainant moving into the Property. Records of instances of suspected unauthorized use, meter tampering or gas theft at the Property prior to June 27, 2017 are entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

Tomisha Palmer v. Philadelphia Gas Works
Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-13

Please provide all information, documents and records concerning the maintenance or inspection of the curb box located outside of the Property.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the bulk of the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The scope of this interrogatory is not limited to a timeframe and, as such, requests information that has no bearing on any fact at issue in this proceeding.

PGW further objects to this interrogatory on the grounds that it is so broad as to be unreasonably burdensome. This interrogatory fails to establish a timeframe for the requested materials and reviewing the history of the property to determine if and when there was maintenance done on the curb box and then pulling those records would create an unreasonable burden.

Notwithstanding PGW's objections and without waiving same, PGW will provide the records sought with respect to the period of time between July 30, 2014 and June 27, 2017.

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Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set I

Palmer to PGW I-15

Please state if a bonus was paid to the employee(s) who removed the meter from the Property. If a bonus was paid, please provide the following:

- a. The name(s) of the employee(s) who received the bonus;
- b. The amount of this bonus and any documentation relating to payment of this bonus;
- c. The number of bonuses paid to the employee(s) during the course of employment with the Company; and
- d. All documents, manuals and memos that relate to such type of bonus, including but not limited to, information about when and under what conditions such a bonus would be paid.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Whether the PGW employee(s) who removed the meter from the Property received a bonus has no bearing on any fact at issue in this matter. As stated in the Complaint, PGW discovered the theft when the Department of Human Services did a walk-through of the Property and reported the odor of gas, which caused PGW to visit the property. Once in the Property, PGW observed its gas meter on the floor and a flex connector installed from the inlet to the outlet. The information sought is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

Tomisha Palmer v. Philadelphia Gas Works
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Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-19

Please provide all documents pertaining to the assignment of Complainant's PGW debt to collection agencies.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. There are no issues raised in the Complaint that in any way involve collection agencies. The information sought is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

Tomisha Palmer v. Philadelphia Gas Works

Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-20

Please describe PGW's policy for routine maintenance and/or inspection of meters and AMR devices. Please provide all current PGW manuals, training materials and documents pertaining to the maintenance and/or inspection of meters and AMR devices.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. PGW's policy for routine maintenance and/or inspection of meters and AMR devices and the documentation pertaining thereto has no bearing on any fact at issue in this proceeding. The theft at the Property was effectuated by way of removing the meter and replacing it with a flex connector during a period of time when there were no active accounts at the property; a method which effectively takes the meter and the attached AMR out of the equation entirely. There has been no allegation made by the Complainant that the issues she has raised in her Complaint are the result of the meter and/or AMR not being maintained properly or that some malfunction on the part of the meter and/or AMR is to blame for PGW terminating her service for theft. The information sought is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

Tomisha Palmer v. Philadelphia Gas Works

Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set I

Palmer to PGW I-21

Please describe any unauthorized usage detection or theft detection software, policy, or protocol currently utilized by PGW. Please provide all current PGW manuals, training materials and documents pertaining to PGW's unauthorized usage detection or gas theft detection software, policy, or protocol.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is an improper fishing expedition. The nature of this request becomes even more obvious by the fact that it is followed up by a request that PGW "state whether any system that PGW has in place to detect unauthorized usage, meter tampering, gas theft, or zero usage was used to detect unauthorized use, meter tampering, or gas theft at the Property. Please provide all documents that pertain to PGW's use of such a system at the Property." (I-22). Information pertaining to any unauthorized usage detection or theft detection software, policy, or protocol currently utilized by PGW, *which was not used* to detect unauthorized use, meter tampering, or gas theft at the Property is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case. Information pertaining to whether any system that PGW has in place to detect unauthorized usage, meter tampering, gas theft, or zero usage *was used* to detect unauthorized use, meter tampering, or gas theft at the Property and all documents that pertain to PGW's use of such a system at the Property will be provided as an answer to I-22.

PGW further objects to this interrogatory on the grounds that the information sought is highly confidential, proprietary, and safety sensitive. The information sought provides a roadmap for any individual wishing to avoid detection while stealing gas; a situation which would not only have a financial impact on PGW, but would also create any number of incredibly dangerous situations while simultaneously putting PGW at a disadvantage in its attempts to detect and remedy them.

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Tomisha Palmer's Interrogatories and
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Set 1

Palmer to PGW I-26

Please provide complete records on the history of the meter that was removed from the property.

Please include:

- a. The age of the meter;
- b. The date on which it was first placed into service (whether at the property or elsewhere);
- c. The date on which the meter was first installed at the Property (if different from the response to II-11(b));
- d. Whether PGW had, since first being placed into service through and including the date the meter was removed from the property, ever determined that the meter had been tampered with and on what date(s) PGW made this determination; and
- e. Records of any and all service performed on the meter since it was first placed into service, including but not limited to, records of any refurbishing, meter testing, ERT replacement or repair, or otherwise.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The history of the meter that was removed from the property has no bearing on any fact at issue in this proceeding. The theft at the Property was effectuated by way of removing the meter and replacing it with a flex connector during a period of time when there were no active accounts at the property; a method which effectively takes the meter and the attached AMR out of the equation entirely. There has been no allegation made by the Complainant that the issues she has raised in her Complaint are the result of the meter and/or AMR not being maintained properly or that some malfunction on the part of the meter and/or AMR is to blame for PGW terminating her service for theft. The information sought is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

Tomisha Palmer v. Philadelphia Gas Works
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Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-31

Please provide all Records of Complainant's application for or establishment of service with PGW at the Property.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the bulk of the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The scope of this interrogatory is not limited a timeframe and, as such, requests information that has no bearing on any fact at issue in this proceeding. The allegations in the Complainant regarding application for or establishment of service concern the period of time after service was terminated on June 27, 2017. Records of Complainant's application for or establishment of service prior to June 27, 2017 are entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

Notwithstanding PGW's objections and without waiving same, PGW will provide the records sought with respect to the period of time after June 27, 2017.

Tomisha Palmer v. Philadelphia Gas Works

Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-35

Please provide all documents and records pertaining to the gas service termination at the Property that occurred on or about June 27, 2013. This includes, but is not limited to, documents and records pertaining to the following:

- h. All termination notices provided to the Complainant prior to and subsequent to the shut-off.
- i. All visits made to the Complainant's service address prior to termination.
- j. All telephone calls made to the Complainant's service address prior to termination.
- k. All telephone calls made by the Complainant to PGW concerning service termination prevention, service termination, and service restoration.
- l. All visits made by the Complainant to PGW customer service centers concerning service termination prevention, service termination, and service restoration.
- m. All records arising from the actual terminations of service at Complainant's residence.
- n. The names and position titles of each employee involved in the termination process, from shut off notices to physical equipment shut off.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The circumstances surrounding the gas service termination that occurred on or about June 27, 2013 have no bearing on any fact at issue in this proceeding. There has been no allegation made by the Complainant that the issues raised in the Complaint are the result of improper termination of service in 2013. Moreover, if the Complainant wished to contest the circumstances surrounding the gas service termination that occurred at the Property on or about June 27, 2013, she had three years from that date to do so and did not. The information sought is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

Tomisha Palmer v. Philadelphia Gas Works

Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-36

Please provide all documents and records pertaining to the gas service termination at the Property that occurred on or about July 30, 2014. This includes, but is not limited to, documents and records pertaining to the following:

- o. All termination notices provided to the Complainant prior to and subsequent to the shut-off.
- p. All visits made to the Complainant's service address prior to termination.
- q. All telephone calls made to the Complainant's service address prior to termination.
- r. All telephone calls made by the Complainant to PGW concerning service termination prevention, service termination, and service restoration.
- s. All visits made by the Complainant to PGW customer service centers concerning service termination prevention, service termination, and service restoration.
- t. All records arising from the actual terminations of service at Complainant's residence.
- u. The names and position titles of each employee involved in the termination process, from shut off notices to physical equipment shut off.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that it goes beyond the scope of permissible discovery and that the bulk of the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The bulk of the information sought has no bearing on any fact at issue in this proceeding. There has been no allegation made by the Complainant that the issues raised in the Complaint are the result of improper termination of service in 2014. Moreover, if the Complainant wished to contest the circumstances surrounding the gas service termination that occurred at the Property on or about July 30, 2014, she had three years from that date to do so and did not. The bulk of the information sought is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

Notwithstanding PGW's objections and without waiving same, PGW will provide its Records of the physical termination of service that occurred on or about July 30, 2014.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tomisha Palmer	:	
Complainant	:	
v.	:	Docket No. F-2018-3006197
	:	
Philadelphia Gas Works	:	
Respondent	:	

**PHILADELPHIA GAS WORKS' OBJECTIONS TO
TOMISHA PALMER'S INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS – SET I**

Pursuant to 52 Pa. Code §§ 5.342(c) and (e), Philadelphia Gas Works (“PGW”) hereby objects to No. 9 of “Tomisha Palmer’s Interrogatories and Requests for Production of Documents – Set I” served upon PGW on February 27, 2019.

March 11, 2019



Graciela C. Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

Tomisha Palmer v. Philadelphia Gas Works
Docket No. F-2018-3006197

Tomisha Palmer's Interrogatories and
Requests for Production of Documents
Set 1

Palmer to PGW I-9

Please describe PGW's policy and procedure for investigating unauthorized usage, meter tampering, and gas theft. Please provide all current PGW manuals, training materials and documents pertaining to, but not limited to, the following:

- a. What triggers PGW to conduct an investigation;
- b. What notices are provided to the customer concerning the investigation;
- c. What PGW personnel and departments are involved in the investigation;
- d. How long the process takes; and
- e. What steps are taken to determine the reason for and the nature of the alleged unauthorized usage, meter tampering, or gas theft.

Objection:

The scope of discovery is limited to "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa.Code § 5.321(c). Relevant evidence is evidence that tends to make a fact at issue more or less probable. PGW objects to this interrogatory on the grounds that the bulk of the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The theft at the Property was effectuated by way of removing the meter and replacing it with a flex connector during a period of time when there were no active accounts at the property; PGW policies and procedures that do not relate to the investigation of gas theft by way of a meter bypass have no bearing on any fact at issue in this matter. As stated in the Complaint, PGW discovered the theft when the Department of Human Services did a walk-through of the Property and reported the odor of gas, which caused PGW to visit the property. Once in the Property, PGW observed its gas meter on the floor and a flex connector installed from the inlet to the outlet. The information sought that goes beyond the means of investigating the type of theft present at the Property is entirely unrelated to and would have no impact whatsoever on the issues to be decided in this case.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TOMISHA PALMER	:	
Complainant	:	
	:	
	:	F-2018-3006197
	:	
	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

CERTIFICATE OF SERVICE

Re: Tomisha Palmer v. Philadelphia Gas Works, Docket No. F-2018-3006197

I hereby certify that I have this day, served a copy of the foregoing **Motion to Compel Philadelphia Gas Works to Answer Complainant Tomisha Palmer's Interrogatories and Requests for Production of Documents, Set I.** in the manner and upon the persons listed below:

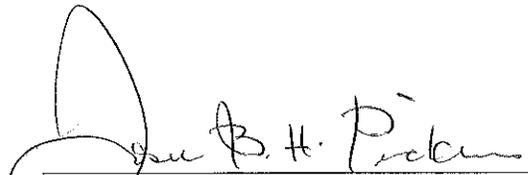
By First Class U.S. Mail, postage prepaid, and e-mail as indicated:

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

Tomisha Palmer
1763 N. Croskey Street
Philadelphia, PA 19121

Graciela Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

Dated this 18th day of March, 2019



Josie B. H. Pickens, Esquire
Community Legal Services, Inc.
1410 West Erie Avenue
Philadelphia, PA 19140