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March 29, 2019

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

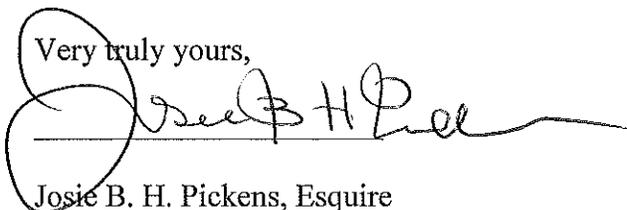
Re: Tomisha Palmer v. Philadelphia Gas Works, Docket No. F-2018-3006197

Dear Secretary Chiavetta:

Enclosed for filing is the **Petition for Leave to Withdraw 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.

Very truly yours,



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	:	

Petition for Leave to Withdraw 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 § 5.94(a), Tomisha Palmer, Complainant in the above docketed matter, by and through counsel Community Legal Services, Inc., hereby requests that the Administrative Law Judge (“ALJ”) permit the Complainant to withdraw her Motion to Compel Philadelphia Gas Works (“PGW”) to Answer Complainant Tomisha Palmer’s Interrogatories and Requests for Production of Documents, Set I (“Motion to Compel Set I”). In support of this Petition, 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. On February 27, 2019, counsel for Complainant served Tomisha Palmer’s Interrogatories and Requests for Production of Documents, Set I (“Set I”), to PGW, and filed a Certificate of Service thereof with the Commission.

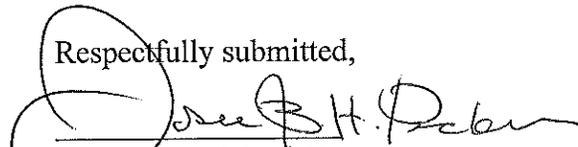
3. On March 8, 2019 and March 11, 2019, PGW served Philadelphia Gas Works' Objections to Tomisha Palmer's Interrogatories and Requests for Production of Documents – Set I (PGW's Objections).
4. On March 18, 2019, Complainant filed a Motion to Compel Philadelphia Gas Works (PGW) to Answer Complainant Tomisha Palmer's Interrogatories and Requests for Production of Documents, Set I.
5. In the Motion to Compel Set I, Complainant sought to compel responses to Interrogatories 6, 9, 20, and 26 on the grounds that PGW's Objections were without merit and should be dismissed.
6. In the Motion to Compel Set I, Complainant did not seek to compel responses to Interrogatories 8, 11, 12, 13, 15, 19, 21, 31, 35, and 36 in the interest of narrowing the contested discovery issues before the ALJ and in light of the ALJ's grant of a continuance on the hearing on the merits of this proceeding, which permitted Complainant additional time to conduct further discovery.
7. On March 25, 2019, PGW filed its Answer to the Motion to Compel Philadelphia Gas Works (PGW) to Answer Complainant Tomisha Palmer's Interrogatories and Requests for Production of Documents, Set I ("Answer").
8. In its Answer, PGW withdrew its Objection to Interrogatories 6 and 20.
9. In its Answer, PGW stated that it had provided a partial response to Interrogatory 9, which it provided with other Set I responses on March 19, 2019. PGW also stated that it "apologizes for any confusion or inconvenience caused by its oversight in not adding, 'Notwithstanding PGW's objections and without waiving same, PGW will provide the records sought with

respect to theft effectuated by way of removal and subsequent installation of a diversion device.’ to its Objection to I-9.”

10. Also in its Answer, PGW provided a partial response to Interrogatory 26.
11. After reviewing PGW’s Answer, Complainant determined that there were minimal remaining contested Set I discovery issues because PGW had either withdrawn its objections or provided partial responses to all of the contested matters.
12. Complainant informed the ALJ by email dated March 25, 2019 that a response from the ALJ on the Motion to Compel Set I was no longer required. A copy of Complainant’s email to the ALJ is attached as Appendix A.
13. By email dated March 28, 2019, the ALJ instructed Complainant to withdraw the Motion to Compel Set I in accordance with 52 Pa. Code § 5.94(a). See Appendix A.
14. . Complainant has decided not to seek the ALJ’s resolution of the minimal remaining contested Set I discovery issues.

WHEREFORE, Complainant respectfully requests that the ALJ permit the Complainant to withdraw the Motion to Compel Philadelphia Gas Works (“PGW”) to Answer Complainant Tomisha Palmer’s Interrogatories and Requests for Production of Documents, Set I.

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 29, 2019

APPENDIX A

Josie Pickens

From: Pell, Christopher <cpell@pa.gov>
Sent: Thursday, March 28, 2019 12:03 PM
To: Josie Pickens; Christlieb, Graciela C
Cc: Lydia Gottesfeld
Subject: RE: [External] RE: Palmer v. PGW (F-2018-3006197) Answer to Motion to Compel

Ms. Pickens,

Since you no longer require any action on my part on the Motion to Compel, please withdraw the motion in accordance with 52 Pa. Code § 5.94(a).

Thank you,
ALJ Pell

From: Josie Pickens <JPickens@clsphila.org>
Sent: Monday, March 25, 2019 3:27 PM
To: Christlieb, Graciela C <Graciela.Christlieb@pgworks.com>; Pell, Christopher <cpell@pa.gov>
Cc: Lydia Gottesfeld <lgottesfeld@clsphila.org>
Subject: [External] RE: Palmer v. PGW (F-2018-3006197) Answer to Motion to Compel

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Dear Judge Pell and Ms. Christlieb:

In light of PGW's Answer to Complainant's Motion to Compel, in which PGW withdraws its objections to two of the four contested discovery matters and provides partial responses to two others, I do not see a need for Judge Pell to issue an order on Complainant's Motion to Compel Set I responses. I believe that this discovery dispute has been resolved. Judge Pell, can you please instruct as to whether I should formally request to withdraw the motion?

Thank you,

Josie Pickens



Josie B. H. Pickens
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Energy Unit Co-Director
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North Philadelphia Law Center
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From: Christlieb, Graciela C
[<mailto:Graciela.Christlieb@pgworks.com>]
Sent: Monday, March 25, 2019 2:55 PM
To: Pell, Christopher (cpell@pa.gov)
Cc: Josie Pickens; Lydia Gottesfeld
Subject: Palmer v. PGW (F-2018-3006197)
Answer to Motion to Compel

Good afternoon Judge Pell,

Attached please find PGW's Answer to Complainant's Motion to Compel, which I filed with the Commission electronically. A hard

copy will follow.

Sincerely,

Graciela Christlieb



Graciela Christlieb | Senior Attorney | Legal Department
Philadelphia Gas Works | 800 W. Montgomery Ave | Philadelphia, PA 19122
Phone: (215) 684-6164 | Fax: (215) 684-6798
Follow us on [Facebook](#) [Twitter](#) and [YouTube](#)

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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 **Petition for Leave to Withdraw 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:

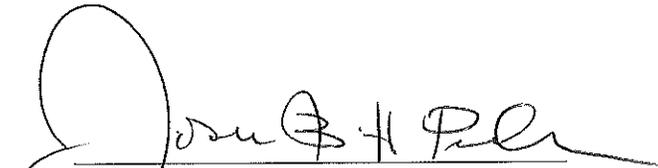
By First Class U.S. Mail, postage prepaid, and e-mail as indicated:

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 29th day of March, 2019



Josie B. H. Pickens, Esquire
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Philadelphia, PA 19140