



August 1, 2019

Via Electronic Filing

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Sidny Ellison v. Philadelphia Gas Works
Docket No: **F-2019-3010432**
Motion to Compel

Dear Secretary Chiavetta:

Please find the enclosed for filing the Motion to Compel the Response of Philadelphia Gas Works to Complainant Sidny Ellison's Interrogatories and Requests for Production of Documents, Set I, in the above-captioned matter.

A copy is being served upon counsel for PGW, pursuant to the attached Certificate of Service. Please contact me with any questions or concerns.

Sincerely,

Robert W. Ballenger, Esquire
Joline R. Price, Esquire

Attorneys for Sidny Ellison

Enclosure

Cc: Service List

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sidny Ellison,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. F-2019-3010432
	:	
Philadelphia Gas Works,	:	
	:	
Respondent	:	

NOTICE TO PLEAD

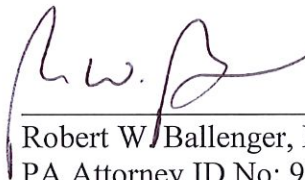
To: Graciela Christlieb, Esq. Counsel for Philadelphia Gas Works

You are hereby notified to file a written response to the attached Motion to Compel of Complainant Sidny Ellison within five (5) days from the date of service of this notice. 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.



Robert W. Ballenger, Esq.
PA Attorney ID No: 93434
Joline R. Price, Esq.
PA Attorney ID No: 315405
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102

Dated: August 1, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sidny Ellison	:	
Complainant	:	
	:	
	:	F-2019-3010432
	:	
	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

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

Pursuant to 52 Pa. Code § 5.342(g), Sidny Ellison, 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:

Background

1. On June 7, 2019, 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 alleged theft of service at 705 W. Annsbury Street during a period when she resided elsewhere. Complainant is requesting that the Commission order PGW to establish service in her name at 705 W. Annsbury.

2. Complainant currently lives at 705 W. Annsbury Street. In August 2013, Complainant moved into an apartment at 612 N. 16th Street, Philadelphia, PA 19130. In May 2015, Complainant moved to an apartment at 1623 Mount Vernon Street Philadelphia, PA 19130.
3. Complainant established gas service with PGW at 1623 Mount Vernon Street in May 2015 and received her first bill on May 9, 2015. Complainant received gas service at 1623 Mount Vernon Street through December 2018.
4. In late 2018, Complainant decided to relocate to 705 W. Annsbury Street. On December 13, 2018, Complainant requested gas service be turned on at 705 W. Annsbury Street via PGW's online portal.
5. On December 14, 2018, PGW visited 705 W. Annsbury Street in response to Complainant's request.
6. According to PGW, PGW discovered a tampered meter bypass at 705 W. Annsbury Street on December 14, 2018.
7. According to PGW, PGW calculated the bill of \$3,785.22 for theft of service at 705 W. Annsbury Street based on historical usage at the property.
8. PGW is requiring full payment of the \$3,785.22, as well as a reconnection fee and a security deposit, to restore gas service to 705 W. Annsbury Street.
9. On July 11, 2019, counsel for Complainant served Sidny Ellison's Interrogatories and Requests for Production of Documents, Set I, to PGW, and filed a Certificate of Service thereof with the Commission.
10. On July 22, 2019, PGW served Philadelphia Gas Works' Objections to Sidny Ellison'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.

11. PGW's Objections to Interrogatories 1, 2, 4, 5, 6, 7 and 8 are without merit and should be dismissed.
12. PGW's Objection to Interrogatory 9 is also without merit; however, in the interest of narrowing the contested discovery issues, Complainant is not seeking an order to dismiss PGW's Objection to Interrogatory 9 and does not seek an order to compel a response to Interrogatory 9.
13. Notwithstanding its Objections, PGW provided partial responses to Interrogatories 1, 2, 4 and 5.

PGW's Objections to Interrogatories 1 and 2 are without merit and should be dismissed.

PGW should be directed to provide a complete response to Interrogatories 1 and 2.

14. Complainant's Request 1 and Request 2 stated:

Request 1

Please provide records of all contacts on between PGW and Complainant on Complainant's PGW Account at 612 N. 16th Street, Philadelphia, PA 19130 between June 2013 and present, including but not limited to, a printout of contacts and credit and collections events for the Account.

- a. records of all calls and contacts for this Account.
- b. records of all credit and collections activities for the Account.
- c. records of all bills issued and payments received for this Account.
- d. copies of all correspondence sent to Complainant regarding the Complainant's PGW Account at the above address.
- e. any other documents, records, or correspondence regarding Complainant's Account at the above address.

Request 2

Please provide records of all contacts on between PGW and Complainant on Complainant's PGW Account at 1623 Mount Vernon Street Apt 2F, Philadelphia, PA 19130 between March 2015 and present, including but not limited to, a printout of contacts and credit and collections events for the Account.

- a. records of all calls and contacts for this Account.
- b. records of all credit and collections activities for the Account.

- c. records of all bills issued and payments received for this Account.
- d. copies of all correspondence sent to Complainant regarding the Complainant's PGW Account at the above address.
- e. any other documents, records, or correspondence regarding Complainant's Account at the above address.

15. Respondent objected to these interrogatories as follows:

Objection to Request 1:

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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. This interrogatory is requesting information for an address that is not the subject of the Complaint. Additionally, the scope encompasses several years before the theft that is the subject matter of the Complaint. There has been no allegation that a bypass was discovered at 612 N. 16th Street or that the Complainant is responsible for any theft prior to May of 2016. Any records involving 612 N. 16th Street are irrelevant as are any records involving Complainant's accounts prior to May of 2016.

Notwithstanding PGW's objections and without waiving the same, PGW will provide a statement of the Complainant's account at 612 N. 16th Street, Philadelphia, PA 19130 for the period of time she was the ratepayer at that address.

Objection to Request 2:

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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. This interrogatory is requesting information for an address that is not the subject of the Complaint. Additionally, the scope encompasses several years before the theft that is the subject matter of the Complaint. There has been no allegation that a bypass was discovered at 1623 Mount Vernon Street, 2F or that the Complainant is responsible for any theft prior to May of 2016. Any records involving 1623 Mount Vernon Street, Apt 2F are irrelevant as are any records involving Complainant's accounts prior to May of 2016.

Notwithstanding PGW's objections and without waiving the same, PGW will provide a statement of the Complainant's account at 1623 Mount Vernon Street, 2F, Philadelphia, PA 19130 for the period of time she was the ratepayer at that address.

16. PGW's objections to Requests 1 and 2 are 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).
17. 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).
18. Requests 1 and 2 seek information that is directly relevant to the Complaint and reasonably calculated to lead to the discovery of admissible evidence. Complainant has specifically plead that she has never had a PGW account in her name at 705 W. Annsbury Street and that, prior to and throughout the duration of time in which PGW alleges theft of gas service occurred at 705 W. Annsbury Street, she resided elsewhere. See Complainant's Statement of Facts, ¶¶7-18. PGW has not specifically admitted these facts in its Answer. See PGW Answer, ¶4. Complainant is entitled to seek records from PGW through discovery that would tend to prove the truthfulness of the factual averments in her Complaint.
19. In addition, Requests 1 and 2 seek information about Complainant's own accounts which is solely in the possession of PGW. Not only should Complainant be presumptively entitled to information about her own accounts, but such information is also reasonably calculated to lead to the discovery of admissible evidence, including evidence of Complainant's ongoing relationship with PGW, good faith in dealing with PGW, and a course and pattern of conduct in relationship to PGW. Such evidence has strong probative value in assessing Complainant's right to requested relief, including Complainant's request that the Commission find PGW violated the Public Utility Code by failing to provide and maintain adequate, efficient, safe and reasonable service. See Complaint, ¶5 (Requested Relief). PGW should be directed to disclose

its records of Complainant's accounts at 612 N. 16th Street and 1623 Mount Vernon Street Apt 2F.

20. The instant action is necessitated solely by PGW's determination that Complainant is responsible for charges associated with an alleged bypass at 705 W. Annsbury Street while she was not an occupant of the property and was a PGW ratepayer at a different address. In order to prevail on her complaint, Complainant intends to show that she was not living at 705 W. Annsbury Street. Complainant intends to show that she was not occupying the property at 705 W. Annsbury both during the time of the alleged theft of service and for an extended period of time prior to the alleged theft of service, and as such, is not responsible for the theft charges. Responses to Requests 1 and 2 would establish that not only was Complainant a ratepayer at a different address, but she was residing at different addresses during that time. Records of calls, contacts, credit and collections activities, bills and payments received, and correspondence with PGW at 612 N. 16th Street and 1623 Mount Vernon could show that Complainant was living at those addresses over a period of time prior to and throughout the alleged period of theft at 705 W. Annsbury. Both requests are narrowly tailored to cover only records of the times during which Complainant had an account at specific prior addresses, and do not request information in regard to other accounts at those addresses.

21. Complainant submits that Respondent's objection to Requests 1 and 2 must be dismissed. PGW should be directed to provide a complete response to the request.

PGW's Objection to Interrogatory 4 is without merit and should be dismissed. PGW should be directed to provide a complete response to Interrogatory 4.

22. Complainant's Request 4 stated:

Regarding PGW Service at the Property, 705 W. Annsbury, please provide:

- a. The names of all PGW Account holders from January 2010 until November 2018.

- b. The Account numbers for all PGW Accounts at 705 W. Annsbury from January 2010 through November 2018.
- c. Statements of Account for all PGW service at 705 W. Annsbury from January 2010 until November 2018.

23. In response to Request 4, 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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. This interrogatory is requesting information that encompasses several years before the theft that is subject matter of the Complaint. There has been no allegation that theft occurred prior to May of 2016.

Notwithstanding PGW’s objections and without waiving same, PGW will provide the information sought from May of 2016 to the present.

24. PGW’s objection to Request 4 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).

25. 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).

26. Request 4 seeks information that is both directly relevant to the Complaint and reasonably calculated to lead to the discovery of admissible evidence. Specifically, Request 4 seeks potential exculpatory evidence – the identity of PGW’s customers of record at 705 W. Annsbury Street during a reasonable period of time predating and extending throughout the period in which PGW has alleged that theft of service was committed at 705 W. Annsbury Street. Together with Request 5, PGW’s records could help demonstrate patterns of customer interactions and events associated with named customers of PGW other than Complainant, including potential prior instances of theft of service or unauthorized usage, that could support

a finding that someone other than Complainant committed theft alleged to have occurred between May 2016 and December 2018. Request 4 is limited in time, seeking only records going back to January 2010, and not the entire time that Complainant has been an owner of 705 W. Annsbury Street. Complainant is willing to further narrow Request 4, and hereby withdraws her request for account numbers (subpart (b)).

27. Request 4 is also directly relevant to the subject matter of the Complaint as it requests information regarding the usage at 705 W. Annsbury Street. The usage history and patterns of usage at the property are directly relevant to PGW's calculations of the theft charges based on estimated usage.

28. Complainant submits that Respondent's objection to Request 4 must be dismissed. PGW should be directed to provide a complete response to subparts (a) and (c) of the request.

PGW's Objection to Interrogatory 5 is without merit and should be dismissed. PGW should be directed to provide a complete response to Interrogatory 5.

29. Complainant's Request 5 stated:

Please provide records of all contacts between PGW and Account holders at 705 W. Annsbury Street from January 2010 until November 2018, including but not limited to:

- a. records of all contacts and calls on Accounts.
- b. records of all credit and collections activities for the Accounts.
- c. records of all bills issued and payments received for the Accounts.
- d. copies of all correspondence sent to PGW Account holders regarding PGW Accounts.
- e. any other documents, records, or correspondence regarding PGW Accounts at 705 W. Annsbury.

30. In response to Request 5, 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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May

16, 2016 and December 14, 2018. This interrogatory is requesting information that encompasses several years before the theft that is subject matter of the Complaint. There has been no allegation that theft occurred prior to May of 2016.

Notwithstanding PGW's objections and without waiving same, PGW will provide the information sought from May of 2016 to the present.

31. PGW's objection to Request 5 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).
32. 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).
33. Request 5 seeks information that is both directly relevant to the subject matter of 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 theft of service at 705 W. Annsbury. Complainant is entitled to search for information that is relevant to the subject matter of her Complaint and her claim that she cannot be considered a customer for the time period of the alleged theft. In order to prevail on her complaint, Complainant must show that she is not responsible for the alleged theft of service. Request 5 (together with Request 4) seeks potential exculpatory evidence regarding PGW's customers of record at 705 W. Annsbury Street during a reasonable period of time predating and extending throughout the period in which PGW has alleged that theft of service was committed at 705 W. Annsbury Street. Response to Request 5 could help demonstrate patterns of customer interactions and events associated with named customers of PGW other than Complainant, including potential prior instances of theft of service or unauthorized usage, that could support a finding that someone other than Complainant committed theft alleged to

have occurred between May 2016 and December 2018. Furthermore, evidence provided in response to Request 5 could be relevant to Complainant's contentions that she was not living at 705 W. Annsbury Street.

34. Complainant submits that Respondent's objection to Request 5 must be dismissed. PGW should be directed to provide a complete response to the request.

PGW's Objection to Interrogatory 6 is without merit and should be dismissed. PGW should be directed to provide a complete response to Interrogatory 6.

35. Complainant's Request 6 stated:

Please provide a description or copy of PGW's collection policies for unpaid PGW bills from landlords who are not named as PGW customers of record.

36. 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 information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. 705 W. Annsbury Street is owned by the Complainant and her mother. This interrogatory is requesting information regarding debt collection policies in landlord/tenant matters. There has been no allegation that this matter involves landlords or tenants or that anyone other than the Complainant or her mother resided at 705 W. Annsbury Street during the time the theft occurred.

37. 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).

38. 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).

39. Request 6 seeks information that is both directly relevant to the Complaint and reasonably calculated to lead to the discovery of admissible evidence. The main issue in this case is whether PGW can hold an owner of a property responsible for theft of service charges that accrued when that owner was not living in the property. This Request seeks information regarding PGW's policies regarding a similarly situated group of owners who might not be the ratepayers of record. These policies are relevant to determining whether PGW's actions in this case are reasonable in holding a non-occupant liable for theft of service charges.
40. Complainant submits that Respondent's objection to Request 6 must be dismissed. PGW should be compelled to provide a complete response to the request.

PGW's Objection to Interrogatory 7 is without merit and should be dismissed. PGW should be directed to provide a complete response to Interrogatory 7.

41. Complainant's Request 7 stated:

Please provide a description or copy of PGW's collection policies for unpaid PGW bills from non-landlord property owners who are not named as PGW customers of record.

42. In response to Request 7, 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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. 705 W. Annsbury Street is owned by the Complainant and her mother. This interrogatory is requesting information debt collection policies for unpaid PGW bills. There has been no allegation that this matter involves unpaid PGW bills, in fact, during the time the theft occurred, no PGW bills were being issued for service at 705 W. Annsbury Street.

43. PGW's objection to Request 7 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).
44. 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).
45. Request 7 seeks information that is both directly relevant to the Complaint and reasonably calculated to lead to the discovery of admissible evidence. The main issue in this case is whether PGW can hold an owner of a property responsible for theft of service charges that accrued when that owner was not living in the property and was not the ratepayer of record. PGW has made a demand for payment prior to connecting service at 705 W. Annsbury Street. The amount that PGW is requesting is a bill for PGW services estimated to have been provided at that address while Complainant resided elsewhere, and, as Complainant has not yet paid it, is an unpaid PGW bill. PGW's assertion that this matter does not involve unpaid bills is baseless and directly conflicts with the Bureau of Consumer Services Informal Complaint Decision, which found as fact that "PGW **billed** unauthorized usage of \$3,785.22, from 5/16/2016 through 12/14/2018, based on historical usage at 705 W Annsbury Street, Philadelphia PA." See Exhibit H to Complainant's Formal Complaint (emphasis added).
46. Complainant submits that Respondent's objection to Request 7 must be dismissed. PGW should be compelled to provide a complete response to the request.

PGW's Objection to Interrogatory 8 is without merit and should be dismissed. PGW should be directed to provide a complete response to Interrogatory 8.

47. Complainant's Request 8 stated:

Please provide all current PGW manuals, training materials and documents that address collection of debt from property owners and/or landlords.

48. In response to Request 8, 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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. 705 W. Annsbury Street is owned by the Complainant and her mother. This interrogatory is requesting information regarding how PGW employees are trained in debt collection. This case in no way involves an allegation regarding the behavior of PGW's employees with respect to debt collection.

49. PGW's objection to Request 8 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).

50. 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).

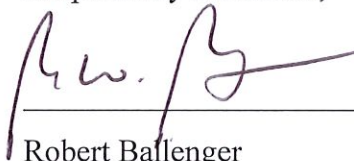
51. Request 8 seeks information that is both directly relevant to the subject matter of the Complaint and reasonably calculated to lead to the discovery of admissible evidence. The main issue in this case is whether PGW can hold an owner of a property responsible for theft of service charges that accrued when that owner was not living in the property and not the ratepayer of record. This Request seeks information regarding how PGW trains employees to collect these types of debt. Complainant is entitled to examine whether PGW undertook the correct process

in charging her for this debt and attempting to collect it by conditioning service at the property on payment of that debt.

52. Complainant submits that Respondent's objection to Request 8 must be dismissed. PGW should be compelled to provide a complete response to the request.

WHEREFORE, Complainant moves that Philadelphia Gas Works Objections to Sidney Ellison's Interrogatories and Requests for Production of Documents – Set I, Interrogatories 1, 2, 4, 5, 6, 7, and 8 be dismissed and that PGW be compelled to provide full and complete responses, with all information requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Ballenger", written over a horizontal line.

Robert Ballenger
Attorney ID: 93434
Joline Price
Attorney ID: 315405
Attorneys for Complainant

Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102

Dated: August 1, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sidny Ellison,	:	
Complainant	:	
v.	:	Docket No. F-2019-3010432
Philadelphia Gas Works,	:	
Respondent	:	

I hereby certify that I have this day served a copy of the Motion to Compel the Response of Philadelphia Gas Works to Complainant Sidny Ellison’s Interrogatories and Requests for Production of Documents, Set I, in the above-captioned matter upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code §1.54.

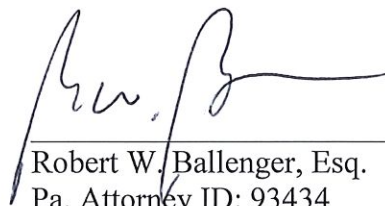
Via Electronic Filing, First Class Mail & Email (as indicated)

(First Class Mail & Email as indicated)
Graciela Christlieb, Esq.
Philadelphia Gas Works
800 W. Montgomery Ave.
Philadelphia, PA 19122
Graciela.christlieb@pgworks.com

(Electronic Filing)
Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Administrative Law Judge F. Joseph Brady
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

Sidny Ellison
705 West Annsbury Street
Philadelphia Pa 19140



Robert W. Ballenger, Esq.
Pa. Attorney ID: 93434
Community Legal Services, Inc.
1424 Chestnut Street
Tel: 215-981-3788
rballenger@clsphila.org

August 1, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sidny Ellison,	:	
Complainant	:	
v.	:	Docket No. F-2019-3010432
Philadelphia Gas Works,	:	
Respondent	:	

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

EXHIBIT A:

Philadelphia Gas Works' Objections to
Sidny Ellison's Interrogatories and
Requests for Production of Documents – Set I



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

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Direct Dial: 215-684-6164
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E-mail: graciela.christlieb@pgworks.com

March 8, 2019

Joline Price, Esq.
Community Legal Services of Philadelphia
1410 West Erie Avenue
Philadelphia, PA 19140

RE: Sidny Ellison v. Philadelphia Gas Works, Docket No. F-2019-3010432

Dear Ms. Price:

Enclosed please find PGW's objections to "Sidny Ellison's Interrogatories and Requests for Production of Documents – Set I" served upon PGW on July 11, 2019.

A copy of this letter and the Certificate of Service are being filed with Commission.

Sincerely,



Graciela Christlieb

Enc.

Cc: Secretary, Pennsylvania Public Utility Commission


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sidny Ellison	:	
<i>Complainant</i>	:	
v.	:	Docket No. F-2019-3010432
	:	
Philadelphia Gas Works	:	
<i>Respondent</i>	:	

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

Pursuant to 52 Pa. Code §§ 5.342(c) and (e), Philadelphia Gas Works hereby objects to Nos. 1, 2, 4, 5, 6, 7, 8, and 9 of “Sidny Ellison’s Interrogatories and Requests for Production of Documents – Set I” served upon PGW on July 11, 2019.

July 22, 2019



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sidny Ellison	:	
<i>Complainant</i>	:	
v.	:	Docket No. F-2019-3010432
	:	
Philadelphia Gas Works	:	
<i>Respondent</i>	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Philadelphia Gas Works' Objections to Sidny Ellison's Interrogatories and Requests for Production of Documents – Set I, Nos. 1, 2, 4, 5, 6, 7, 8, and 9 upon the Complainant, Sidny Ellison, in accordance with the requirements of 52 Pa. Code § 1.55 (relating to service on attorneys).

By electronic mail:

Joline Price, Esq.
Robert Ballenger, Esq.
Community Legal Services of Philadelphia
1410 West Erie Avenue
Philadelphia, PA 19140

July 22, 2019



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

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Sidny Ellison's Interrogatories and
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Set 1

Ellison to PGW I-1

Please provide records of all contacts on between PGW and Complainant on Complainant's PGW Account at 612 N. 16th Street, Philadelphia, PA 19130 between June 2013 and present, including but not limited to:

- a. records of all calls and contacts for this Account.
- b. records of all credit and collections activities for the Account.
- c. records of all bills issued and payments received for this Account.
- d. copies of all correspondence sent to Complainant regarding the Complainant's PGW Account at the above address.
- e. any other documents, records, or correspondence regarding Complainant's Account at the above address.

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 the information sought is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. The Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. This interrogatory is requesting information for an address that is not the subject of the Complaint. Additionally, the scope encompasses several years before the theft that is subject matter of the Complaint. There has been no allegation that a bypass was discovered at 612 N. 16th Street or that the Complainant is responsible for any theft prior to May of 2016. Any records involving 612 N. 16th Street are irrelevant as are any records involving the Complainants accounts prior to May of 2016.

Notwithstanding PGW's objections and without waiving same, PGW will provide a statement of the Complainant's account at 612 N. 16th Street, 2F, Philadelphia, PA 19130 for the period of time she was the ratepayer at that address.

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Ellison to PGW I-2

Please provide records of all contacts on between PGW and Complainant on Complainant's PGW Account at 1623 Mount Vernon Street Apt 2F, Philadelphia, PA 19130 between March 2015 and present, including but not limited to, a printout of contacts and credit and collections events for the Account.

- a. records of all calls and contacts for this Account.
- b. records of all credit and collections activities for the Account.
- c. records of all bills issued and payments received for this Account.
- d. copies of all correspondence sent to Complainant regarding the Complainant's PGW Account at the above address.
- e. any other documents, records, or correspondence regarding Complainant's Account at the above address.

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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. This interrogatory is requesting information for an address that is not the subject of the Complaint. Additionally, the scope encompasses several years before the theft that is subject matter of the Complaint. There has been no allegation that a bypass was discovered at 1623 Mount Vernon Street, 2F or that the Complainant is responsible for any theft prior to May of 2016. Any records involving 1623 Mount Vernon Street, Apt 2F are irrelevant as are any records involving the Complainants accounts prior to May of 2016.

Notwithstanding PGW's objections and without waiving same, PGW will provide a statement of the Complainant's account at 1623 Mount Vernon Street, 2F, Philadelphia, PA 19130 for the period of time she was the ratepayer at that address.

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Ellison to PGW I-4

Regarding PGW Service at the Property, 705 W. Annsbury, please provide:

- a. The names of all PGW Account holders from January 2010 until November 2018.
- b. The Account numbers for all PGW Accounts at 705 W. Annsbury from January 2010 through November 2018.
- c. Statements of Account for all PGW service at 705 W. Annsbury from January 2010 until November 2018.

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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. This interrogatory is requesting information that encompasses several years before the theft that is subject matter of the Complaint. There has been no allegation that theft occurred prior to May of 2016.

Notwithstanding PGW's objections and without waiving same, PGW will provide the information sought from May of 2016 to the present.

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Ellison to PGW I-5

Please provide records of all contacts between PGW and Account holders at 705 W. Annsbury Street from January 2010 until November 2018, including but not limited to:

- a. records of all contacts and calls on Accounts.
- b. records of all credit and collections activities for the Accounts.
- c. records of all bills issued and payments received for the Accounts.
- d. copies of all correspondence sent to PGW Account holders regarding PGW Accounts.
- e. any other documents, records, or correspondence regarding PGW Accounts at 705 W. Annsbury

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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. This interrogatory is requesting information that encompasses several years before the theft that is subject matter of the Complaint. There has been no allegation that theft occurred prior to May of 2016.

Notwithstanding PGW's objections and without waiving same, PGW will provide the information sought from May of 2016 to the present.

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Ellison to PGW I-6

Please provide a description or copy of PGW's collection policies for unpaid PGW bills from landlords who are not named as PGW customers of record.

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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. 705 W. Annsbury Street is owned by the Complainant and her mother. This interrogatory is requesting information regarding debt collection policies in landlord/tenant matters. There has been no allegation that this matter involves landlords or tenants or that anyone other than the Complainant or her mother resided at 705 W. Annsbury Street during the time the theft occurred.

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Ellison to PGW I-7

Please provide a description or copy of PGW's collection policies for unpaid PGW bills from non-landlord property owners who are not named as PGW customers of record.

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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. 705 W. Annsbury Street is owned by the Complainant and her mother. This interrogatory is requesting information debt collection policies for unpaid PGW bills. There has been no allegation that this matter involves unpaid PGW bills, in fact, during the time the theft occurred, no PGW bills were being issued for service at 705 W. Annsbury Street.

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Ellison to PGW I-8

Please provide all current PGW manuals, training materials and documents that address collection of debt from property owners and/or landlords.

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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. 705 W. Annsbury Street is owned by the Complainant and her mother. This interrogatory is requesting information regarding how PGW employees are trained in debt collection. This case in no way involves an allegation regarding the behavior of PGW's employees with respect to debt collection.

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Ellison to PGW I-9

Please provide a detailed description of all collection efforts PGW has undertaken with regard to unpaid PGW bills at 705 W. Annsbury Street, identifying each person from whom PGW has sought payment.

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 Complaint is regarding the theft that occurred at 705 W. Annsbury Street between May 16, 2016 and December 14, 2018. 705 W. Annsbury Street is owned by the Complainant and her mother. This interrogatory is requesting information regarding debt collection efforts for unpaid PGW bills. There has been no allegation that this matter involves unpaid PGW bills, in fact, during the time the theft occurred, no PGW bills were being issued for service at 705 W. Annsbury Street. Moreover, PGW has already agreed, as a response to I-5 b., to provide "records of all credit and collections activities for the Accounts" from May of 2016 to the present.