

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

HOFFMAN & KOZLANSKY	:	
REALTY CO., LLC,	:	
	:	
Complainant,	:	
	:	
v.	:	
	:	
PENNSYLVANIA AMERICAN	:	
WATER COMPANY	:	
	:	
Respondent.	:	Docket No. C-2018-3006168

CERTIFICATE OF SERVICE

ERNEST D. PREATE, JR., ESQ., and JOHN G. DEAN, ESQ., hereby certify that on the 30th day of October, 2019, COMPLAINANT HOFFMAN & KOZLANSKY REALTY CO., LLC'S MOTION TO COMPEL RESPONDENT PENNSYLVANIA AMERICAN WATER COMPANY'S RESPONSES TO COMPLAINANT'S THIRD SET OF INTERROGATORIES was served upon the following Parties via email and U.S. Postal Service First Class Mail:

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Philadelphia, PA 19104
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Attorney for Respondent Pennsylvania
American Water Company

AND

Administrative Law Judge Steven Haas
Public Utility Commission
400 North Street
Keystone Building
Harrisburg, PA 17120
Email: sthaas@pa.gov

Respectfully submitted,

s/Ernest Preate

Ernest Preate

The Law Offices Of

Attorney Ernest Preate

204 Wyoming Avenue,

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s/John G. Dean

John G. Dean

Shanna W. Williamson

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SUCCESSOR TO
J. JULIUS LEVY (1924-1978)
ERNEST D. PREATE, SR. (1934-1995)
ROBERT A. PREATE (1969-2002)

ERNEST D. PREATE, JR.

October 30, 2019

Via US Mail and Email- sthaas@pa.gov

Administrative Law Judge Steven Haas
Public Utility Commission
400 North Street
Keystone Building
Harrisburg, PA 17120

**Re: Hoffman & Kozlansky Realty v. PAWC
Docket: C-2018-3006168**

Dear ALJ Haas:

Enclosed please find Complainant Hoffman and Kozlansky Realty Co., LLC's Motion to Compel Respondent Pennsylvania American Water Company's Responses to Complainants Third Set of Interrogatories and Certificate of Service.

Sincerely,

s/Ernest D. Preate, Jr.

Ernest D. Preate, Jr., Esquire

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October 30, 2019

Via US Mail and Email- mmorris@regerlaw.com

Margaret A. Morris, Esquire
Reger, Rizzo, Darnall, LLP
Circa Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Re: Hoffman & Kozlansky Realty v. PAWC
Docket: C-2018-3006168

Dear Ms. Morris:

Enclosed please find Complainant Hoffman and Kozlansky Realty Co., LLC's Motion to Compel Respondent Pennsylvania American Water Company's Responses to Complainants Third Set of Interrogatories and Certificate of Service.

Sincerely,

s/Ernest D. Preate, Jr.

Ernest D. Preate, Jr., Esquire

cc: The Honorable Steven K. Haas, PA Public Utility Commission (Cover & COS only)
Hoffman & Kozlansky Realty (w/encl)
Elliott Greenleaf Law Offices (w/encl)
Charles Dutil (w/encl)

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	:	
PENNSYLVANIA AMERICAN WATER COMPANY	:	
	:	
Respondent.	:	

**COMPLAINANT HOFFMAN & KOZLANSKY REALTY CO., LLC’S MOTION TO
COMPEL RESPONDENT PENNSYLVANIA AMERICAN WATER COMPANY’S
RESPONSES TO COMPLAINANT’S THIRD SET OF INTERROGATORIES**

Pursuant to 52 Pa. Code §§ 5.342 and 5.321(c), Hoffman and Kozlansky Realty Co., LLC, (“Complainant” or “Hoffman”) by and through its attorneys, Ernest D. Preate, Jr., Esq., and John G. Dean, Esq., hereby respectfully request that the Pennsylvania Public Utility Commission (the “Commission”) to compel Pennsylvania American Water Company (“PAWC”) to fully respond to and file complete responses to Complainant’s Third Set of Interrogatories (the “Interrogatories”) as propounded upon PAWC and as attached hereto as Exhibit “A”.

I. SUMMARY

On October 21, 2019, PAWC submitted Objections to the Interrogatories propounded upon it by Hoffman; **specifically, PAWC objected to nineteen (19) out of the twenty one (21) Interrogatories.** (emphasis supplied). The Objections are unfounded, baseless and contrary to 52 Pa. Code §5.321(c), which states:

Scope. Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books,

documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

Moreover, the Objections hinder the intent of discovery as set forth in 52 Pa. Code §5.321(f), which states:

Purpose and methods. A party may obtain discovery for the purpose of preparation of pleadings, or for preparation or trial of a case, or for use at a proceeding initiated by petition or motion, or for any combination of these purposes, by one or more of the following methods:

- (1) Deposition upon oral examination or written questions.
- (2) Written interrogatories to a party.
- (5) On the record data requests in rate cases.

As such, Complainant respectfully requests that the Commission dismiss PAWC's Objections and compel that the interrogatories be answered.

These interrogatories were propounded in large part to ascertain whether or not under Statute 66 Pa. C.S. §1501 PAWC did "furnish and maintain adequate, efficient, safe and reasonable" water service to the property of Olympia Chimney at 400 Saunders Street, Scranton. The water they provided went to use in the production and operation of the plant, and, to the water sprinkler and fire hydrants in and on the property. PAWC knew this and monitored the usage. It knew exactly where the water delivered to the property was going- for operation of the plant, and, separately for firefighting capability.

II. SPECIFIC GROUNDS TO COMPEL RESPONSES AND DISMISS PAWC'S OBJECTIONS

In support of their Motion to Compel complete responses to Complainant's Third Set of Interrogatories, Complainant avers as follows:

REQUEST #3

In the last five (5) years, has there been a water line and pressure fluctuation at the property?

OBJECTION:

In addition to its General Objections, PAWC objects to documents outside the four year period to maintain records as required by the Code.

Complainant must be compelled to provide the requested information pursuant to 55 Pa. Code §5.342(c)(6), which does “[n]ot excuse the answering party from answering the remaining interrogatories or subparts of interrogatories to which no objection is stated.” There is no objection lodged as to the substance of this request, merely an assertion regarding a technicality. As such, this Objection must be dismissed and PAWC shall be ordered to produce the information requested in #3 for a period of four (4) years.

REQUEST #4

Identify any and all PAWC customer complaints concerning the PAWC division and/or adjacent divisions servicing the Property for water line pressure issues for commercial and/or residential properties located in Scranton, Pennsylvania, within a ten (10) mile radius of the subject Property between August 1, 2018 and October 31, 2018. If this includes adjacent service divisions, please indicate so. To protect the confidentiality of the customer, please indicate only the name of the street and the block number where the complaint was made (i.e., 100 block of Smith Street).

OBJECTION:

In addition to its General Objections, PAWC objects to a portion of the request since it was asked and answered in PAWC Response #1 to Second Set of Interrogatories. PAWC objects to the extent that a portion of the Request is irrelevant to the scope of the hearing, burdensome and oppressive. Certain requested information relates to PAWC facilities which are not at issue in this proceeding. The discovery request is not proportional to the needs of the case considering that the burden and expense of the requested discovery outweighs its likely benefit. PAWC objects to the extent that the Requested is confidential customer information.

Complainant must be compelled to provide the requested information pursuant to 55 Pa. Code §§5.342 and 5.321. This request was not asked and answered, and PAWC’s non-responsive objection is in contravention to the purpose of the discovery process as set forth above in 52 Pa. Code §5.321(f). Moreover, to assert as an objection that Complainant requested

“confidential customer information” is disingenuous as the actual Request itself states: “To protect the confidentiality of the customer, please indicate only the name of the street and the block number where the complaint was made (i.e., 100 block of Smith Street).” As such, Complainant respectfully requests that the Commission dismiss PAWC’s Objections and compel that the interrogatories be answered.

REQUEST #5

Did any PAWC customers make complaints concerning low water pressure within the division that services the Property between August 15, 2018 and September 21, 2018? To protect the confidentiality of the customer, please indicate only the name of the street and the block number where the complaint was made.

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #1 to Second Set of Interrogatories.

As opposed to the response provided by PAWC Response #1 to the Second Set of Interrogatories, the above interrogatory specifically requests information regarding any complaints of “low water pressure” and further cannot be deemed “asked and answered” as Request #5 is simply not the same as Request #1 in the Second Set of Interrogatories. Attached hereto as Exhibit “B” is a true and correct copy of the August 13, 2019 Responses of PAWC to the Second Set of Interrogatories. As such, Complainant respectfully requests that the Commission dismiss PAWC’s Objections and compel that the interrogatories be answered.

REQUEST #6

Did PAWC have a basis to believe that the fire hydrants outside and/or inside that service the Property and the sprinklers in the Property would function properly with a leak of the magnitude discovered on the Property or adjacent to the Property?

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #6 to Second Set of Interrogatories. The Request calls for speculation. PAWC has no information to base an opinion regarding customer equipment "in the Property." PAWC objects to the extent that the Request is overly broad and remote since it lacks specificity as to time.

This request cannot be deemed “asked and answered” as Request #6 is simply not the same as Request #6 in the Second Set of Interrogatories. See Exhibit “B” at #6. The Objections as to speculation is baseless. As such, Complainant respectfully requests that the Commission dismiss PAWC’s Objections and compel that the interrogatories be answered.

REQUEST #7

What is the process for meter readings at the Property? Are they regularly scheduled?

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #7 to Second Set of Interrogatories.

This request cannot be deemed “asked and answered” as Request #7 is simply not the same as Request #7 in the Second Set of Interrogatories. See Exhibit “B” at #7. As such, Complainant respectfully requests that the Commission dismiss PAWC’s Objections and compel that the interrogatories be answered.

REQUEST #8

Regarding the Davis and May Station, Pittston and River Station, and Nat West Station, which Stations are regulated and which are not regulated?

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #9 to Second Set of Interrogatories. PAWC objects to the extent that the Request misstates PAWC Response # 21 to Amended Discovery Request. The Property, #600 Sanders Street, lies in an area that is supplied water by (1) a 16" non-pressure regulated water main; (2) the Davis and May Water Pressure Regulating Station, and (3) the Pittston and River Water Pressure Regulating Station. All three (3) sources can, and do supply water to the Sanders Street area at any given time, depending on system demand. (Emphasis added).

This request cannot be deemed “asked and answered” as Request #8 is simply not the same as Request #9 in the Second Set of Interrogatories. See Exhibit “B” at #9. The Objection is baseless and hinders the discovery process. As such, Complainant respectfully requests that the Commission dismiss PAWC’s Objections and compel that the interrogatories be answered.

REQUEST #9

Provide all Flow and Pressure data from the division that services the Property from August 1, 2018 to October 31, 2018.

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Responses #8 and #9 to Second Set of Interrogatories. PAWC objects to the request since it was also asked and answered in PAWC Supplemental Responses #19, #20, and #21 to Amended First Set of Interrogatories.

This request cannot be deemed “asked and answered” as Request #9 is simply not the same as Requests # 8-9 in the Second Set of Interrogatories. See Exhibit “B” at #8-9. Moreover, PAWC objection that this Request was “asked and answered in PAWC Supplemental Responses #19, #20, and #21 to Amended First Set of Interrogatories” is simply not accurate. Attached hereto as Exhibit “C” is a true and correct copy of PAWC Supplemental Responses to Amended First Set of Interrogatories. The Objection is furthermore baseless and hinders the discovery process. As such, Complainant respectfully requests that the Commission dismiss PAWC’s Objections and compel that the interrogatories be answered.

REQUEST #10

When did PAWC identify a leak in the area around the Property in September 2018?

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #10 to Second Set of Interrogatories.

This request cannot be deemed “asked and answered” as Request #10 is simply not the same as Request #10 in the Second Set of Interrogatories. See Exhibit “B” at #10. The Objection is baseless and hinders the discovery process. As such, Complainant respectfully requests that the Commission dismiss PAWC’s Objections and compel that the interrogatories be answered.

REQUEST #14

What are Fluid Conservation Systems Omnicoll and what is their function?

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked

and answered in PAWC Supplemental Response #21 to Amended First Set of Interrogatories. Furthermore, this information is publically available on the internet.

REQUEST #15

It is believed that PAWC reads three (3) meters for the Property. The first is number 75092410, the second is 66631986, the third is 77151928. For each, what is the PAWC account number, where are they located and what is the size, manufacturer and model number for each meter?

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #13 to Second Set of Interrogatories. The location was provided in PAWC Response #25 to Second Set of Interrogatories and PAWC Response #2 to First Set Amended Discovery. The size, make and model were provided in PAWC Response #11 to First Set Amended Discovery and PAWC Response #28 to First Set Amended Discovery. The account number for each respective meter is set forth on the monthly bill and provided in Bates No. 0004-0054; 0091-0159.

REQUEST #16

What records does PAWC have for opening or closing valves within the division that services the Property and within adjacent divisions between August 15, 2018 and September 21, 2018?

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #14 to Second Set of Interrogatories. PAWC objects to the extent that a portion of the Request is irrelevant to the scope of the hearing, burdensome and oppressive. Certain requested information relates to PAWC systems which are not at issue in this proceeding. The Request is not proportional to the needs of the case considering that the burden and expense of the requested discovery outweighs its likely benefit. PAWC objects to the extent that the Request is neither simple nor unambiguous.

This request cannot be deemed "asked and answered" as Request #16 is simply not the same as Request #14 in the Second Set of Interrogatories. See Exhibit "B" at #14. The Objection is baseless and hinders the discovery process. As such, Complainant respectfully requests that the Commission dismiss PAWC's Objections and compel that the interrogatories be answered.

REQUEST #17

In a PAWC Notice to Consumers (the "Notice") dated April 28, 2017, PAWC announced they were seeking a "water rate change" from the Pennsylvania Public Utility Commission. The Notice declared that it needed the rate relief

because the "aging and undersized water mains" and "failing infrastructures" needed to be replaced in our Luzerne and Lackawanna County systems. (See Notice attached hereto as Exhibit A). As referenced in the attached Notice, please list those pipes and locations in Lackawanna County, and, more specifically those in the division covering the Olympia property and adjacent divisions where pipes and infrastructure have failed and needed repair and/or replacement prior to the April 28, 2017 Notice to Consumers.

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #17 to Second Set of Interrogatories. PAWC objects that the Request misstates information stated on Exhibit A. Pages 1 and 2 of Exhibit A are the required statutory notice publications of PAWC 2017 rate filing. The published notices never mention "South Scranton Area." PAWC objects to the Request since the requested information related to the 2017 rate filing is publically available, as set forth in the Letter, dated April 28, 2017 attached as page 4 of Exhibit A.

REQUEST #18

Please list those pipes and locations where PAWC pipes and infrastructures have failed and needed repair and/or replacement in the division covering the Olympia property and adjacent divisions between August 1, 2018 to October 31, 2018.

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #18 to Second Set of Interrogatories. PAWC objects to the extent that a portion of the Request is irrelevant to the scope of the hearing, burdensome and oppressive. Certain requested information relates to PAWC systems which are not at issue in this proceeding. The Request is not proportional to the needs of the case considering that the burden and expense of the requested discovery outweighs its likely benefit. PAWC objects to the extent that the requested information related to the 2017 rate filing is publically available, as set forth in the Letter, dated April 28, 2017, attached as page 4 of Exhibit A.

This request cannot be deemed "asked and answered" as Request #18 is simply not the same as Request #18 in the Second Set of Interrogatories. See Exhibit "B" at #18. The Objection is baseless and hinders the discovery process. As such, Complainant respectfully requests that the Commission dismiss PAWC's Objections and compel that the interrogatories be answered.

REQUEST #19

In a Scranton Times-Tribune news article (the "article") dated April 18, 2019, PAWC announced that its water crews repaired "a pair of water main breaks that disrupted service to about 25 customers in South Scranton." (See article attached

hereto as Exhibit B). The article states that the breaks occurred in 6-inch mains in the 500 block of Fig Street and the 1300 block of Prospect Avenue. (See id.). It is believed that the 6-inch main on Prospect Avenue services the water meter box on the east side of Complainant's building at 600 Sanders Street. The meter box is designated the Prospect/Herbert Street meter box. Susan Turcmanovich, PAWC spokeswoman, is quoted in the news article that the breaks "were caused by a pressure change from opening valves." (See id.). Please describe:

- a) from opening what valves and where, and,
- b) how far from the opening of the valves was the water main break, and,
- c) how did this water main break occur due to a pressure change, and,
- d) describe the scientific process.

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #26 to Second Set of Interrogatories. PAWC objects to the extent that the term "meter box" is not defined making it difficult to answer. PAWC objects to the extent that the Request is vague and ambiguous and requires the adoption of the Complainant's "belief".

This request cannot be deemed "asked and answered" as Request #19 is simply not the same as Request #26 in the Second Set of Interrogatories. See Exhibit "B" at #26. The Objection is baseless and hinders the discovery process. As such, Complainant respectfully requests that the Commission dismiss PAWC's Objections and compel that the interrogatories be answered.

REQUEST #20

During the 2016-2018 timeframe,

- a) did PAWC personnel open valves within the division that services the property and/or adjacent divisions within a 5 block radius of the Sanders Street meter pit and/or the Prospect Avenue meter pit?
- b) Further, would the opening of such valves caused pressure changes in the water service delivery systems to the Sanders Street and/or Prospect Avenue meter pits?

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #27 to Second Set of Interrogatories. PAWC objects to the extent that the Request is vague and ambiguous so as to make a response impossible without speculation or with specificity.

This request cannot be deemed “asked and answered” as Request #20 is simply not the same as Request #27 in the Second Set of Interrogatories. See Exhibit “B” at #27. The Objection is baseless and hinders the discovery process. Moreover, the request is not vague or ambiguous. As such, Complainant respectfully requests that the Commission dismiss PAWC’s Objections and compel that the interrogatories be answered.

REQUEST #21

Further, please indicate whether the computers and sensing equipment described in Respondent’s response to question 13 of the amended first set of Interrogatories were able to:

- a) detect these pressure changes, and
- b) in what period of time, and,
- c) whether they were able to discern the location of the breaks on Fig Street and Prospect Avenue.

OBJECTION:

In addition to its General Objections, PAWC objects to the request since it was asked and answered in PAWC Response #28 to Second Set of Interrogatories. PAWC objects to the Request since Attorney Preate notified counsel for PAWC *via* email and Letter, dated March 27, 2019, that the First Set of Discovery was moot and simultaneously propounded Amended First Set Discovery.

This request cannot be deemed “asked and answered” as Request #21 is a valid question that demands a response, a response that was never provided in prior interrogatories. The Objection is baseless and hinders the discovery process. As such, Complainant respectfully requests that the Commission dismiss PAWC’s Objections and compel that the interrogatories be answered.

WHEREFORE, Complainant respectfully requests that the Commission dismiss PAWC's Objections and compel that the interrogatories be answered.

Respectfully submitted,

s/Ernest Preate
Ernest Preate
**The Law Offices Of
Attorney Ernest Preate**
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s/John G. Dean
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Attorneys for Complainant Hoffman &
Kozlansky Realty Co., LLC

Dated: October 30, 2019

EXHIBIT A

**BEFORE THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

HOFFMAN & KOZLANSKY	:	
REALTY CO., LLC,	:	
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Complainant,	:	
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v.	:	Docket No. C-2018-3006168
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PENNSYLVANIA AMERICAN	:	
WATER COMPANY	:	
	:	
Respondent.	:	

COMPLAINANT HOFFMAN & KOZLANSKY REALTY CO., LLC'S THIRD SET OF INTERROGATORIES UPON RESPONDENT PENNSYLVANIA AMERICAN WATER

Hoffman and Kozlansky Realty Co., LLC, (“Complainant”) by and through its attorneys, Ernest D. Preate, Jr., Esq., and John G. Dean, Esq., demand the Respondent, Pennsylvania American Water Company (“Respondent” or “PAWC”), answer the following Interrogatories, under oath, pursuant to 52 Pa. Code §§ 5.321 and 5.349 *et seq.*

Pursuant to 52 Pa. Code § 5.342, you must send your objections within ten (10) days and answers within twenty (20) days. Your answers and objections should not be filed with the Pennsylvania Public Utility Commission. You should file the cover letter and Certificate of Service with the Commission's Secretary. If you have any objection to any of the Interrogatories, please identify the Interrogatory stating your objection in full as to why you should not have to answer/produce it. Any objection not raised within the ten (10) day period provided for by 52 Pa. Code § 5.342(c) will be deemed waived and you will not be permitted to raise the objection at a later time.

These Interrogatories shall be deemed continuing so as to require supplemental answers if Affiant, or anyone on Respondent's behalf, obtains further information between the time the

answers are served, and the time of Hearing.

I. DEFINITIONS

1. "Individual" shall mean any person, partnership, joint venture, firm, association, corporation or business or any governmental or legal entity.

2. "Document" is used in its customary broad sense and includes, without limitation, the following items, whether printed, recorded, filmed or reproduced by any other mechanical process, or written or produced by hand, and whether an original, master, or copy, namely: agreements; books; records; letters; accounts; notes; summaries; forecasts; appraisals; surveys; estimates; diaries; desk calendars; work sheets; reports; communications, including intra-company communications; correspondence; cable grams; radio grams; telegrams; telexes; memoranda, including intra-company memoranda; summaries; notes and records of personal conversations or interviews; price lists; ledgers; invoices; purchase orders; change orders; contracts; notices; drafts of any documents; marginal or other comments or notes appearing on any documents; business records; maps; charts; plans; drawings; blueprints; Mylars, (polyester film or plastic sheets); bar charts; take off-sheets; change orders; purchase orders; specifications; schedules; computer printouts; computer tapes; microfilm; microfiches; photographs; computer database(s); slides; negatives; motion pictures; video recordings; tape or other voice recordings and transcriptions thereof; data compilations from which information can be obtained, translated, if necessary, by you through detection devices into reasonably usable form; and any other information containing paper, writing or physical thing in the actual or constructive possession, custody or control of the respondents or any of their agents, servants, employees, representatives, attorneys or assigns.

3. "Pennsylvania American Water Company" means PAWC, or any of its operating

entities, subsidiaries, affiliates, agents, officers, directors, employees, contractors, subcontractors, or vendors.

4. "Agent", "investigator" and "attorney" refers to all person(s) working on your behalf and/or under your direction.

5. "Communication" shall mean any transmission of information, the information transmitted, and any process by which information is transmitted, and shall include written communications and oral communications.

6. "Relate to" or "pertaining to" (for forms thereof) shall mean constituting, reflecting, representing, supporting, concerning, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating and/or relevant to. As indicated, the term necessarily includes information, which is in Opposition to as well as in support of the positions and claims of the Complainant in this action, as well as any claims made by the Respondent.

7. "Any" shall be understood to include and encompass all.

8. "Date" means the day of the month, the month and the year. If only the approximate date is known or available to Respondent, please state the approximate date, indicating that it is approximate only.

9. "Address" means the street number, street name, city, state or providence, country (other than the United States of America), and, if available, ZIP Code or other mailing code for the place of the designated person's residence or, if a business, the place its business is principally conducted.

10. "Identify", when referring to a person or persons, means to state the current name, address and telephone number of the person about whom the information is sought. When

referring to individuals, please state the name of their present or last known employer, their office or title, if any, their job description and nature and dates of affiliation with any party to this litigation.

11. "Identify", when used with respect to an act (including an alleged omission), communication, occurrence, statement or conduct (herein collectively called Acts), means to (a) describe the substance of the event or events constituting such act and state the date when such act occurred; (b) identify each and every person participating in such act; (c) identify all other persons (if any) present when such act occurred; (d) state whether any minutes, notes, memoranda, or other record of such act was made; (e) state whether such record now exists; and, (f) identify the person or persons presently having possession, custody or control of each such record.

12. "Identify", when referring to a document, means to provide, as to each such document, the following information:

- a. Its date;
- b. Its title if it has one, all identifying numbers if any, all other identifying or categorizing designations, and a brief description of it (such as letter, memorandum, manuscript, notes, etc.);
- c. Its subject matter;
- d. The name, title, and address of each person that wrote, signed, initialed, dictated or otherwise participated in the creation of the document;
- e. The name, title, and address of each addressee, and of each other person receiving a copy of it;
- f. Its present location, and the name and address of its present custodian;
- g. If the document is not an original, the name and address of the custodian of the original; and

- h. Any other designation necessary to sufficiently identify the document so that a copy of it may be ordered or obtained from its custodian. If any such document was, but is no longer, in Respondent(s) possession, custody or control, or in existence, state the date and manner of its disposition.

13. "Subject Property", "Property" or "Premises" is defined and otherwise known as the property owned by Complainant at 600 Sanders Street, Scranton, Lackawanna County, Pennsylvania 18505 and subject to PAWC metering and billing for water services at all relevant times that is the subject of this proceeding.

14. "Division(s)" is defined as specific PAWC Service Divisions.

II. GENERAL PROVISION AND INSTRUCTIONS

The following general provisions and instructions are applicable to this third set of interrogatories as well as all supplements thereto:

1. Respondent is requested to furnish not only such information as is available to the particular individuals answering the interrogatories, but also such information as is known to each employee, representative, agent, subsidiary, parent or affiliate of Respondent, its attorneys, investigators and experts, unless such information is privileged from discovery.

2. Whenever in an answer to these Interrogatories refers to a conversation or oral statement, it is requested to give the date and place thereof, the identity of persons involved in the conversation or oral statement, it is requested to give the date and place thereof, the identity of the persons involved in the conversation or oral statement, the identity of any persons present in the substance of the conversation or oral statement.

3. Whenever an Interrogatory is framed in the disjunctive, it should also be construed to be in the conjunctive and vice versa.

4. Whenever an Interrogatory is framed in the singular, it should also be construed to

be in the plural and vice versa.

5. In the event that the exact information requested in any of these Interrogatories is not available or cannot be ascertained at the time the Answers to these Interrogatories are prepared, please answer such Interrogatory with the information available, using estimates or approximations where necessary, and indicate that such estimates or approximations have been used.

6. In the event that information requested in these Interrogatories is not available or cannot be ascertained at the time of answering these Interrogatories, but such information becomes available or is ascertained thereafter and prior to the Hearing of this Case, please submit Supplemental Answers hereto upon such occurrence.

7. Complainant reserves the right to serve further Interrogatories or Document Requests dealing with subjects covered herein or with subjects not covered herein.

8. In answering these Interrogatories, if individuals are identified by name, Respondent is requested also to provide the individuals current work and home address and phone number(s).

III. INTERROGATORIES

1. We have been informed that PAWC is divided into service divisions. What division services the Property?

2. Do water line and/or pressure volumes and/or fluctuations in one service division effect other service divisions?

3. In the last five (5) years, has there been a water line and pressure fluctuation at the property?

4. Identify any and all PAWC customer complaints concerning the PAWC division

and/or adjacent divisions servicing the Property for water line pressure issues for commercial and/or residential properties located in Scranton, Pennsylvania, within a ten (10) mile radius of the subject Property between August 1, 2018 and October 31, 2018. If this includes adjacent service divisions, please indicate so. To protect the confidentiality of the customer, please indicate only the name of the street and the block number where the complaint was made (i.e., 100 block of Smith Street).

5. Did any PAWC customers make complaints concerning low water pressure within the division that services the Property between August 15, 2018 and September 21, 2018? To protect the confidentiality of the customer, please indicate only the name of the street and the block number where the complaint was made.

6. Did PAWC have a basis to believe that the fire hydrants outside and/or inside that service the Property and the sprinklers in the Property would function properly with a leak of the magnitude discovered on the Property or adjacent to the Property?

7. What is the process for meter readings at the Property? Are they regularly scheduled?

8. Regarding the Davis and May Station, Pittston and River Station, and Nat West Station, which Stations are regulated and which are not regulated?

9. Provide all Flow and Pressure data from the division that services the Property from August 1, 2018 to October 31, 2018.

10. When did PAWC identify a leak in the area around the Property in September 2018?

11. When did PAWC first send a Leak Detection Team to investigate the leak at the property in September 2018?

12. For the water mains that serviced the Property between August 15, 2018 and September 21, 2018, please identify: a) their location; b) the pipe material; c) the age; d) the location of the connection from the Property to these mains; and e) the size and the material of the Property connecting pipes.

13. What are Permanent + Leak Noise Perma-loggers and what is their function?

14. What are Fluid Conservation Systems Omnicoll and what is their function?

15. It is believed that PAWC reads three (3) meters for the Property. The first is number 75092410, the second is 66631986, the third is 77151928. For each, what is the PAWC account number, where are they located and what is the size, manufacturer and model number for each meter?

16. What records does PAWC have for opening or closing valves within the division that services the Property and within adjacent divisions between August 15, 2018 and September 21, 2018?

17. In a PAWC Notice to Consumers (the "Notice") dated April 28, 2017, PAWC announced they were seeking a "water rate change" from the Pennsylvania Public Utility Commission. The Notice declared that it needed the rate relief because the "aging and undersized water mains" and "failing infrastructures" needed to be replaced in our Luzerne and Lackawanna County systems. (See Notice attached hereto as Exhibit A). As referenced in the attached Notice, please list those pipes and locations in Lackawanna County, and, more specifically those in the division covering the Olympia property and adjacent divisions where pipes and infrastructure have failed and needed repair and/or replacement prior to the April 28, 2017 Notice to Consumers.

18. Please list those pipes and locations where PAWC pipes and infrastructures have

failed and needed repair and/or replacement in the division covering the Olympia property and adjacent divisions between August 1, 2018 to October 31, 2018.

19. In a Scranton Times-Tribune news article (the “article”) dated April 18, 2019, PAWC announced that its water crews repaired “a pair of water main breaks that disrupted service to about 25 customers in South Scranton.” (See article attached hereto as Exhibit B). The article states that the breaks occurred in 6-inch mains in the 500 block of Fig Street and the 1300 block of Prospect Avenue. (See id.). It is believed that the 6-inch main on Prospect Avenue services the water meter box on the east side of Complainant’s building at 600 Sanders Street. The meter box is designated the Prospect/Herbert Street meter box. Susan Turcmanovich, PAWC spokeswoman, is quoted in the news article that the breaks “were caused by a pressure change from opening valves.” (See id.). Please describe:

- a) from opening what valves and where, and,
- b) how far from the opening of the valves was the water main break, and,
- c) how did this water main break occur due to a pressure change, and,
- d) describe the scientific process.

20. During the 2016-2018 timeframe,

- a) did PAWC personnel open valves within the division that services the property and/or adjacent divisions within a 5 block radius of the Sanders Street meter pit and/or the Prospect Avenue meter pit?
- b) Further, would the opening of such valves caused pressure changes in the water service delivery systems to the Sanders Street and/or Prospect Avenue meter pits?

21. Further, please indicate whether the computers and sensing equipment described in Respondent’s response to question 13 of the amended first set of Interrogatories were able to:

- a) detect these pressure changes, and

- b) in what period of time, and,
- c) whether they were able to discern the location of the breaks on Fig Street and Prospect Avenue.

Respectfully submitted,

s/Ernest D. Preate, Jr.

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Dated: October 9, 2019