



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Danielle Leva, Paralegal
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August 10, 2020

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

Re: Mubarak Reed v. PGW, Docket No. F – 2019 – 3014736

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §§1.12 and 5.342(d)(1), the Philadelphia Gas Works (“PGW”) hereby objects timely to the following Interrogatories and Requests for Production of Documents Set I

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,

/s/ Danielle Leva
Danielle Leva

Enclosure

cc: Administrative Law Judge Angela Jones
Mubarak Reed

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mubarak Reed,	:	
Complainant	:	
v.	:	Docket No. F-2019-3014736
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**Philadelphia Gas Works’
Objections to the Complainant’s Discovery Requests:
Interrogatories and Requests for Production of Documents, Set I**

Pursuant to 52 Pa. Code §§1.12 and 5.342(d)(1), the Philadelphia Gas Works (“PGW”) hereby objects timely to the following Interrogatories and Requests for Production of Documents Set I of the Complainant addressed to PGW, that the Complainant has propounded upon PGW in the above captioned matter by letter dated January 27, 2020, a copy of which is attached hereto as Appendix “A,” and is incorporated by reference as if fully set forth.

PGW’s Objections

1. Set I, (actually Instructions)

The Certificate of Service states that “Interrogatories and Request for Production of Documents – Set I and Requests for Admissions – Set II...” has been served on January 27, 2020 (“Discovery”). This is not descriptive of the contents of the Discovery Requests served upon PGW. (See attached) The portion of the Discovery Requests designated as Set I, appears to be instructions for answering the requests and not a set of discovery requests. The portion of the Discovery Requests that appear to be actual requests for discovery are designated as “Set III.” The Discovery Requests do not contain a “Set II” as mentioned in the Certificate of Service. There are no Requests for Admissions at all.

The Certificate of Service filed with the PUC, misleads the Commission in that it establishes deadlines for my responses to missing (or mislabeled) Sets of Discovery

and Requests for Admission. PGW seeks the agreement of the Complainant to designate the portion of the Discovery designated at Set I to be relabeled as “Instructions” and that the portion of the Discovery designated at Set III to be relabeled as Set I.

PGW’s Objection to Set I, No. 16

Set I No. 16 states

16. Please provide all Documents and Records pertaining to the gas service termination at the Property that occurred on or about October 25, 2017. This includes, but is not limited to, the following Documents and Records pertaining to the October 25, 2017 gas service termination:

- a. All visits made to the Property at any time within six months before or after October 25, 2017.

PGW objects to this discovery request to the extent that it seeks account information of the previous customer of record of the Service Address that is the subject of this proceeding. Account information of the previous customer of record is confidential information and PGW is not permitted to make confidential information public or available to others with the appropriate legal authority.

Further, the information sought by Discovery Set I No. 16 is irrelevant and beyond the scope of the instant proceeding. In this matter the Complainant was charged for unauthorized usage for the period beginning with the Complainant’s acquisition of the Service Address.

WHEREFORE, for the reasons stated above, PGW respectfully requests that the Commission issue an order sustaining PGW's objections to the Complainants' discovery Set I, No.16.

Respectfully submitted,

August 10, 2020

/s/ Laureto Farinas
Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

APPENDIX A

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT, PHILADELPHIA GAS WORKS' OBJECTION TO THE COMPLAINANT'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, Set I, No. 16 UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §§1.54 and 5.342(c) (RELATING TO SERVICE BY A PARTICIPANT).

Service List

For Presiding Officer:

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

For Complainant:

Mr. Mubarak Reed
1925 W. 67th Avenue
Philadelphia, PA 19138

& by e-mail: mubarakreed10@gmail.com

August 10, 2020

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



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Laureto A. Farinas, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinas@pgworks.com

Via Regular Mail and Email

January 29, 2020

Mr. Mubarak Reed
1925 67th Avenue
Philadelphia, PA 19138

RE: *Mubarak Reed v. Philadelphia Gas Works, Docket No. F-2019-3014736*

Dear Mr. Reed:

This is to confirm that I have received a copy of your discovery requests dated January 27, 2020 (“Discovery Requests”), which are attached, in the above referenced matter. This matter is a dispute of charges for unauthorized usage at 1937 Rowan Street (“Service Address”). Your filing of the formal complaint with the Pennsylvania Public Utility Commission (“PUC”) was on November 23, 2019. By PUC notice dated December 2, 2019, a hearing was set for February 14, 2020.

1. Certificate of Service:

Pursuant to 52 Pa. Code §5.341(b) you were to have filed the Certificate of Service (page 1 of your Discovery Requests) with the PUC. The date of filing of the Certificate of Service will establish that you have requested discovery and set the date from which deadlines will be counted. If you have not filed the Certificate of Service with the PUC, then the clock on deadlines has not started. I do not see the Certificate of Service list on the case docket on the PUC website. Please contact me to verify that you have filed the Certificate of Service for your Discovery Requests.

I received an email with your Discovery Requests attached. The email was dated January 27, 2020. It was sent at 10:27 p.m. As it was sent to me after business hours and so late in the evening, I consider that PGW was served on January 28, 2020. This was confirmed with your physical delivery to PGW headquarters at about 10:00 a.m. on January 28, 2020.

The Certificate of Service mentions that you have provided "Interrogatories and Request for Production of Documents – Set I and Requests for Admissions – Set II..." This does not describe what is contained in your Discovery Requests. The portion of your Discovery Requests designated as Set I, appears to be instructions for answering the requests and not a set of discovery requests. In fact, the only section of your Discovery Requests that appear to be actual requests for discovery are designated as "Set III." The Discovery Requests do not contain a "Set II" as mentioned in the Certificate of Service. There are no Requests for Admissions at all.

If you have filed this Certificate of Service with the PUC, it misleads the PUC in that it establishes deadlines for my responses to missing (or mislabeled) Sets of Discovery and Requests for Admission. I cannot respond to requests that do not exist.

2. Instructions: (also known as "Set I").

In the Instruction "Set I", you state that the due date for responses is, "...twenty (15) days from the date of service." I assume that you intend the due date to be 15 days. Pursuant to 52 Pa. Code §5.342(d) the time designated for responses to discovery in rate cases is 15 days. The time designated for responses to discovery in all other cases is 20 days. Your complaint is not a rate case. If you intended the date of service to be January 27, 2020, the due date for PGW's response is February 17, 2020, several days after the scheduled hearing on February 14, 2020.

The PUC's rules of discovery in 52 Pa. Code §5.342(e) also allow PGW 10 days after service of discovery to file objections to the discovery requests. The objections are ruled upon by the presiding officer in our case. I will file objections to your Discovery Requests in due course (10 days from the official date of service).

Finally, the PUC's rules of discovery in 52 Pa. Code §5.322, allows and encourages the parties to a proceeding to have informal agreements on discovery. I have found this to be helpful and efficient in exchanging the most pertinent information of a case in timely matter. If you would like to discuss exchanging information using this method, please contact me at my direct-dial number above. Thank you.

Sincerely,



Laureto Farinas

cc: Mubarak Reed (mubarakreed10@gmail.com)
Jessica Glace (PGW mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MUBARAK REED	:	
Complainant	:	
v .	:	Docket No. F-2019-3014736
	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day, served a copy of Interrogatories and Requests for Production of Document- Set I and Requests for Admission - Set II upon the participant, listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant).

By e-mail and first-class mail:
Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works Legal
Department
800 West Montgomery Avenue
Philadelphia, PA 19122
laureto.farinas@pgworks.com

Respectfully Submitted,

Mubarak Reed

Mubarak Reed
1925 67th Avenue
Philadelphia, PA 19138
Tel: 267-539-7424

Dated this 27th day of Jan, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MUBARAK REED	:	
Complainant	:	
v .	:	Docket No. F-2019-3014736
	:	
PHILADELPHIA GAS WORKS	:	
Respondent	:	

Mubarak Reed Interrogatories and Requests for Production of Documents

SET I

Pursuant to 52 Pa. Code §§5.341, 5.349, Complainant Mubarak Reed, hereby propounds the following Interrogatories and Requests for Production of Documents to Philadelphia Gas Works (hereinafter "PGW") to be answered by those officers, employees or agents as may be cognizant of the requested facts and/or documents and who are authorized to answer on behalf of the Company. The due date for response to the Interrogatories is twenty (15) days from the date of service.

The following instructions apply to these interrogatories:

1. These interrogatories shall be deemed to be continuing. PGW is obliged to change, supplement and correct all answers to interrogatories to conform to available information, including such information as first becomes available to PGW after the answers hereto are served.
2. The answer should first restate the question asked and also identify the name and position of the individual who provided the answer.
3. Each interrogatory and request for production shall be answered fully and completely. All information is to be divulged that is within the knowledge, possession,

control, or custody of PGW or may be reasonably ascertained thereby. The term "PGW" or "Company" as used herein includes PGW, its attorneys, agents, employees, or other representatives.

4. As used in these discovery requests, the following terms shall have the meanings provided below, unless the context clearly requires otherwise:

- a. "Account" means a PGW Gas Account and all charges attributed to such Account.
- b. "Commission" means the Pennsylvania Public Utility Commission, including, without limitation, the Commission's Bureau of Consumer Services and the natural persons providing services as investigators thereto.
- c. "Complainant" means
- d. "Document" or "workpaper" means and includes, but is not limited to, the original and all copies (regardless of origin and whether or not including additional writing thereon or attached thereto) of memoranda, reports, books, manuals, instructions, directives, records, forms, notes, letters, notices, confirmations, telegrams, pamphlets, notations of any sort concerning conversations, telephone calls, meetings or other communications, bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires, surveys, drawings, graphs, charts and photographs and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written

comments concerning the foregoing, in whatever form stored or contained in or on whatever medium including computerized memory or magnetic media.

- e. "Property" means that certain dwelling located at 1937 Rowan Street, Philadelphia, PA 19140.
- f. "Record" means any and all documents or workpapers in the possession, custody or control of, or which may be reasonably ascertained or acquired by, the Company.

Mubarak Reed V. Philadelphia Gas Works

Docket No. F-2019-3014736

Interrogatories and Request For Documents

Set III

- ill-1. Please state the Company procedures that apply to PGW findings of Unauthorized Use of gas. Please provide all current PGW manuals, training materials and documents including but not limited to copies of notices and other documents provided to the customer, and procedures for terminating service, Please include materials that address meter bypass, meter disconnection, or other alleged tampering with or vandalizing the meter.
- III-2. For each gas meter PGW has a record of at the Property between January 2017 and present:
- a. please provide all Records regarding the installation, service, inspection, repair, certification and removal of that meter,
 - b. the dates on which each such installation, service, inspection, repair, certification and removal was performed and
 - c. the identity and position title of each PGW worker performing such installation, service, inspection, repair, certification or removal.
 - d. Please provide all records of the discontinuing and continuing of service at the curb stop.
- II-3. Please provide all Records regarding any investigation performed by PGW of gas usage, meter functioning and gas service since August 2017.

III-4. Please provide all information, documents and records that pertain to how the Company determined that Unauthorized Use of gas was taking place at the Property between January 30, 2019 thru October 1, 2019.

III-5. Please provide all Records regarding the technician's determination that Unauthorized Use of gas was taking place at the Property and in what way did he find the gas "on" at the property.

III-6. Please provide all records that the technician recorded in regards to the usage of devices that he used to find gas in the fuel lines.

III-7. Please provide all records stating that the technician found the gas on at the Curb stop.

III-8. Please provide all current Records, including all policies, procedures, memoranda and manuals with respect to identifying properties where Unauthorized Use of gas is suspected to have taken place.

III-9. Please describe how the Company estimated usage for the Property during the period when the Unauthorized Use of gas is alleged to have taken place.

III-10. Please provide all Records describing how PGW calculated the estimated usage for the Property during the period when the Unauthorized Use of gas is alleged to have taken place.

III-11. Please outline the step by step process necessary to effectuate the type of Unauthorized Use of gas that PGW alleges to have occurred at the Property between January 30, 2019 and September 30, 2019.

III-12. Please state whether any remote detection system, software, policy or protocol that PGW has in place to detect Unauthorized Use of gas was used to determine Unauthorized Use of gas alleged to have occurred at the

Property between January 30, 2019 and September 30, 2019. Please provide all documents that pertain to PGW's use of such a remote detection system, software, policy or protocol at the Property, documents that pertain to PGW's use of such a remote detection system, software, policy or protocol at the Property,

III-13. Please provide a complete copy of all Records relating to the installation, inspection and/or investigation of the gas meter removed from the Property on or around September 25, 2019 including, but not limited to, handwritten notes and phone logs.

III-14. Please provide any Records that PGW has relied on to conclude that Mubarak Reed is responsible for Unauthorized Use of gas alleged to have occurred at the Property.

III-15. Please provide the monthly gas usage at the Property from January 2019 through September 2019.

III-16. Please provide all Documents and Records pertaining to the gas service termination at the Property that occurred on or about October 25 2017. This includes, but is not limited to, the following Documents and Records pertaining to the October 25, 2017 gas service termination:

- a. All visits made to the Property at any time within six months before or after October 25, 2017

III-17. State the name, occupation and title, if applicable, of each witness PGW intends to call to testify at the hearing in this matter.

III-18. State the subject- area, facts and opinions as to which each witness Identified by PGW in III-17] is expected to testify during the hearing in

this matter.

III-19. With respect to each witness identified by PGW [in response to the preceding question], set forth their qualifications, including:

- (a) the schools or training programs that each has attended, including years in attendance and degrees or certification received;
- (b) experience in their particular field or endeavor, including names of employers with years of employment;
- (c) a list of publications authored by person, including title of work, the name of the periodical or book in which it was printed and the date of publication;

January 27, 2020

Respectfully submitted,

Mubarak Reed

Mubarak Reed
1925 67th Avenue
Philadelphia. Pa, 19138

