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Docket No. C-2019-3013933

Hearing Date: October 20, 2020

EE Statement No.:

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EE STATEMENT. NO. 1

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DIRECT TESTIMONY

OF

DWAYNE ACKIE,
ON BEHALF OF COMPLAINANTS

CONCERNING SAFETY VIOLATIONS AND OTHER CONCERNS
AT
PGW PASSYUNK GAS PROCESSING PLANT

Docket No.: C-2019-3013933

JUNE 28, 2020

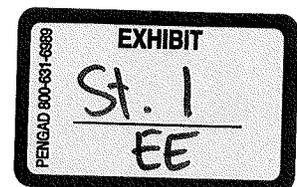


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1 **I. INTRODUCTION**

2 **Q: PLEASE STATE YOUR FULL NAME AND ADDRESS.**

3 A. Dwayne Wendell Ackie, 5000 Woodbine Ave Apt #301, Philadelphia PA, 19131

4 **Q: HOW DO YOU KNOW THE RESPONDENT IN THIS MATTER -**
5 **PHILADELPHIA GAS WORKS (PGW)?**

6 A. I'm employed by the Respondent

7 **Q: HOW LONG HAVE YOU BEEN EMPLOYED WITH PGW?**

8 A. For 9.25 yrs

9 **Q: WHAT IS YOUR CURRENT POSITION AT PGW?**

10 A; Senior Process Operator

11 **Q: HOW LONG HAVE YOU BEEN IN YOUR CURRENT POSITION?**

12 A: 4.25 yrs

13 **Q: HOW LONG HAVE YOU WORKED AT PGW PASSYUNK GAS PROCESSING**
14 **PLANT?**

15 A; 5 yrs

16 **Q: WHAT POSITIONS HAVE YOU HELD AT PGW PASSYUNK GAS**
17 **PROCESSING PLANT?**

18 A; Process Operator II, Process Operator I and Senior Process Operator

19 **Q: SINCE YOU HAVE BEEN EMPLOYED AT PGW PASSYUNK GAS**
20 **PROCESSING PLANT, NAME THE PERSON(S) WHO HAVE BEEN THE**
21 **PLANT'S MANAGER?**

22 A: Brian McGuire

23 **Q: SINCE YOU HAVE BEEN EMPLOYED AT PGW PASSYUNK GAS**
24 **PROCESSING PLANT, NAME THE PERSON(S) WHO HAVE BEEN THE**
25 **PLANT'S GENERAL SUPERVISOR?**

1 A: Dave Martinez

2 **Q: WHAT ARE YOUR JOB DUTIES AS A SENIOR PROCESS OPERATOR?**

3 A. Operate all primary equipment and control auxiliary equipment related to all plant
4 processes by regulating pressure, flow, level etc. Record all operating data
5 {measurement, pressure, temperature etc}. Operate and interpret combustible gas
6 indicator and oxygen analyzers. Look for unusual/abnormal conditions around the plant
7 and report to supervisor. Perform safety checks in the plant.

8 **Q: CAN YOU TELL ME THE ORGANIZATIONAL STRUCTURE FOR THE**
9 **OPERATIONS DEPARTMENT AT PGW PASSYUNK GAS PROCESSING**
10 **PLANT? THAT IS, WHO REPORTS TO WHOM – STARTING WITH THE**
11 **LOWEST POSITION TO THE HIGHEST?**

12 A. Senior Process Operator- Working Foreman - Shift Supervisors – Operations
13 Supervisors- General Supervisor- Plant Manager

14 **Q: CAN YOU TELL ME WHAT THE WORK SCHEDULES/SHIFTS ARE FOR**
15 **PGW PASSYUNK GAS PROCESSING OPERATIONS PERSONNEL?**

16 A: Four shifts rotated every 4 weeks
17 Day shift (6am-2pm)
18 Middle shift (2pm-10pm)
19 Late shift (10pm-6am)
20 Swing shift (a combination of Day, Middle, Late shifts)

21 **Q: HOW ARE WORK SCHEDULES/SHIFTS ASSIGNED AT PGW PASSYUNK**
22 **GAS PROCESSING FOR OPERATIONS PERSONNEL?**

23 A: Dave Martinez prepares and approves schedule which goes in a rotational form every 4
24 weeks e.g. Day -Swing- Middle- Late shifts in that order
25

1 **Q: WHAT OTHER DEPARTMENTS ARE THERE AT PGW PASSYUNK GAS**
2 **PROCESSING BESIDES THE OPERATIONS DEPARTMENT?**

3 A: Maintenance Department

4 **Q: WHY DID YOU PARTICIPATE IN THE FORMAL COMPLAINT FILED**
5 **BEFORE THE COMMISSION ON OCTOBER 31, 2019?**

6 A: For the safety of Philadelphia Residents including my coworkers and mines

7 **II. DAVID MARTINEZ'S VACATION VEHICLE DEMAND**

8 **Q: BASED ON YOUR YEARS OF EMPLOYMENT, ARE YOU FAMILIAR WITH**
9 **PGW PASSYUNK GAS PROCESSING SAFETY POLICIES?**

10 A: Yes I do

11 **Q: WHICH SAFETY POLICIES ARE YOU AWARE OF? PLEASE EXPLAIN.**

12 A: Using plant vehicle for personal business and leisure

13 Plant being understaffed

14 Operation positions being abandoned hence no one available to respond to incidents
15 accidents

16 **Q: IN THE FORMAL COMPLAINT, THERE IS A STATEMENT THAT DAVID**
17 **MARTINEZ ASKED AN OPERATIONS SUPERVISOR AND A SENIOR**
18 **PROCESS OPERATOR ON SHIFT TO FOLLOW HIM TO PHILADELPHIA**
19 **INTERNATIONAL AIRPORT (PHL) AND RETURN HIS EMPTY CAR TO PGW**
20 **EMPLOYEE LOT WHILE HE WAS ON VACATION. WHAT, IF ANYTHING,**
21 **DO YOU KNOW ABOUT THIS EVENT? EXPLAIN.**

22 A: Yes I knew about this event because I was the Senior Process Operator on shift who
23 made the drive to and from the airport

24 **Q: COULD YOU HAVE TOLD DAVID MARTINEZ "NO"? WHY OR WHY NOT?**

25 A: No because of fear of retaliation

1 **Q: WHO WERE THE OTHER EMPLOYEES WORKING THAT SHIFT, IF YOU**
2 **REMEMBER?**

3 A: Operations Supervisor- John Walker and Working Foreman Jose Ortiz

4 **Q: WHY WERE YOU, AS THE SENIOR PROCESS OPERATOR, AND JOHN**
5 **WALKER AS THE OPERATIONS SUPERVISOR CONSIDERED**
6 **“ESSENTIAL”?**

7 A: We were essential because we made sure gas feed to the city residents were uninterrupted
8 and safe and most important that the gas process and storage had no problems and if we
9 would rectify problems immediately to avoid a catastrophic incident

10 **Q: HOW LONG WERE YOU AND MR. WALKER AWAY FROM THE PLANT?**

11 A: 40-45mins

12 **Q: DO YOU REMEMBER WHAT TIME THIS EVENT OCCURRED?**

13 A: Between August 28th and 29th 2017.

14 **Q: DID YOU OR ANYONE REPORT THE INCIDENT TO THE PLANT**
15 **MANAGER, BRIAN MCGUIRE OR ANYONE ELSE AT PGW?**

16 A: No

17 **Q: WHY OR WHY NOT?**

18 A: Organizational Structure deterred me. Dave wouldn't have done this if Brian McGuire
19 didn't agree. Reporting this incident would have caused retaliation against me

20 **Q: WAS THIS THE FIRST TIME MR. MARTINEZ MADE SUCH A REQUEST OF**
21 **YOU?**

22 A: Yes

23 **Q: DID MR. MARTINEZ MAKE SUCH A REQUEST OF ANYONE ELSE BEFORE**
24 **OR AFTER YOURS AND MR. WALKER'S EXPERIENCE, TO YOUR**
25 **KNOWLEDGE?**

1 A: Best of my knowledge this occurred more than once

2 **Q: WHAT SAFETY POLICY(IES), IF ANY, WERE VIOLATED BY DAVID**
3 **MARTINEZ'S ACTIONS IN THIS EVENT?**

4 A: Dave Martinez jeopardize the safety of the plant by removing essential workers form
5 their positions. Plant was under staff for that period putting the City in great danger of an
6 incident that could be prevented or control if workers were on site. Having workers use
7 company vehicle for his personal leisure. Safety of the working foreman who was alone
8 **A TRUE AND CORRECT COPY OF PGW'S DOCUMENT PRODUCTION OF**
9 **DAVID MARTINEZ'S 2017 VACATION ABSENCES IS ATTACHED AS**
10 **EXHIBIT "I-A" AND PASSYUNK PLANT SCHEDULE FOR THE PERIOD**
11 **FROM AUGUST 19, 2017 – SEPTEMBER 15, 2017 IS ATTACHED AS EXHIBIT**
12 **"I-B" TO THIS TESTIMONY.**

13 **III. CHRISTMAS DAY, DECEMBER 25, 2017**

14 **Q: IN THE FORMAL COMPLAINT, THERE IS MENTION OF AN INCIDENT**
15 **THAT OCCURRED ON CHRISTMAS DAY, DECEMBER 25, 2017. DO YOU**
16 **KNOW ANYTHING ABOUT THAT INCIDENT?**

17 A: Yes

18 **Q: HOW DO YOU KNOW ABOUT THIS DECEMBER 25, 2017 INCIDENT?**

19 A: I worked on that day

20 **Q: TELL ME WHAT YOU KNOW.**

21 A: Working Foreman Jose Ortiz left plant before his relief Michael Tomczak arrived. Mike
22 Tomczak arrived 2hrs after Ortiz departure. The plant was without a WF [Working
23 Foreman] for 2hrs leaving the City of Philadelphia in great danger. Ryan O'Donnell-
24 Operations Supervisor knew of this and allowed this to happen as he clocked Tomczak in
25 as being on time, misleading and stealing time

1 **Q: HOW DID PGW HANDLE THE MATTER, THAT IS, DID ANYONE FROM**
2 **PGW INCLUDING, BUT NOT LIMITED TO, PASSYUNK PLANT**
3 **MANAGEMENT ASK YOU ABOUT THE INCIDENT?**

4 **A: No Management from Passyunk plant ask me about the incident**

5 **Q: TO YOUR KNOWLEDGE, WHAT DISCIPLINARY ACTION, IF ANY, WAS**
6 **TAKEN AGAINST PGW PASSYUNK PLANT OPERATIONS SUPERVISOR,**
7 **RYAN O'DONNELL (O'DONNELL") BY PGW?**

8 **A: No Disciplinary action taken to my knowledge**

9 **Q: TO YOUR KNOWLEDGE, WHAT DISCIPLINARY ACTION, IF ANY, WAS**
10 **TAKEN AGAINST PGW PASSYUNK PLANT WORKING FOREMAN**
11 **MICHAEL TOMCZAK ("TOMCZAK") BY PGW?**

12 **A: No disciplinary action**

13 **Q: TO YOUR KNOWLEDGE, WHAT DISCIPLINARY ACTION, IF ANY, WAS**
14 **TAKEN AGAINST PGW PASSYUNK PLANT WORKING FOREMAN JOSE**
15 **ORTIZ ("ORTIZ") BY PGW?**

16 **A: No disciplinary action**

17 **Q: WHAT, IF ANYTHING, SHOULD HAVE HAPPENED TO O'DONNELL AS A**
18 **RESULT OF THE DECEMBER 25, 2017 INCIDENT BASED ON PGW**
19 **POLICIES/RULES?**

20 **A: Termination of employment**

21 **Q: WHAT, IF ANYTHING, SHOULD HAVE HAPPENED TO TOMCZAK AS A**
22 **RESULT OF THE DECEMBER 25, 2017 INCIDENT BASED ON PGW**
23 **POLICIES/RULES?**

24 **A: Termination of employment**

25

1 **Q: WHAT, IF ANYTHING, SHOULD HAVE HAPPENED TO ORTIZ AS A RESULT**
2 **OF THE DECEMBER 25, 2017 INCIDENT BASED ON PGW POLICIES/RULES?**

3 A: Termination of employment

4 **Q: BASED ON YOUR KNOWLEDGE OF PGW PASSYUNK GAS PROCESSING**
5 **PLANT POLICIES, WHAT POLICIES WERE VIOLATED IN THIS EVENT?**

6 A: Stealing Time

7 Job Abandonment

8 Falsifying records (Time clock)

9 **Q: WHY DO YOU THINK THE DECEMBER 25, 2017 INCIDENT WAS TREATED**
10 **THE WAY IT WAS BY PGW AND/OR PASSYUNK PLANT MANAGEMENT?**
11 **EXPLAIN.**

12 A: Race of the perpetrators (Caucasian) were not of brown and black hence they weren't
13 fired

14 **Q: IN AUGUST 2018 YOU FILED AN EMPLOYMENT DISCRIMINATION**
15 **LAWSUIT AGAINST PGW AND THE GAS WORKS EMPLOYEES' UNION**
16 **LOCAL 686 WITH THE U.S. EQUAL EMPLOYMENT OPPORTUNITY**
17 **COMMISSION (EEOC) AND THE PENNSYLVANIA HUMAN RELATIONS**
18 **COMMISSION (PHRC), IS THAT CORRECT?**

19 A: Yes

20 **Q: WHAT, IF ANYTHING, DID PGW SUBMIT TO THE EEOC IN RESPONSE TO**
21 **YOUR CHARGE OF DISCRIMINATION?**

22 A: PGW submitted a position statement

23 **Q: DID PGW'S POSITION STATEMENT TO YOUR EEOC/PHRC CHARGE OF**
24 **EMPLOYMENT DISCRIMINATION INCLUDE ANY STATEMENTS FROM**
25 **PGW MANAGEMENT? IF SO, WHO WERE THEY?**

1 A: Yes. Curt Malkemes, then-PGW Director, Gas Processing; John Zuk, PGW then-Vice
2 President – Gas Processing; Brian McGuire, PGW Plant Manager – Passyunk Plant;
3 Dave Martinez, PGW General Supervisor, Gas Processing Operations – Passyunk Plant;
4 Ryan O’Donnell, PGW Supervisor, Gas Processing Operations – Passyunk Plant; Charles
5 Grant, PGW Senior Vice President, Labor, Human Resources, and Corporate
6 Communications; Debora Decolli – PGW Office Manager; and Matthew Rohrer- PGW
7 Senior Business Partner, Human Resources.

8 **TRUE AND CORRECT COPIES OF EACH EEOC STATEMENT ARE**
9 **ATTACHED AS EXHIBIT “II” TO THIS TESTIMONY.**

10 **IN THEIR STATEMENTS DATED OCTOBER 2018, MALKEMES AND ZUK**
11 **MENTIONED AN INVESTIGATION OCCURING IN FEBRUARY 2018 AND**
12 **CONDUCTED BY PGW SECURITY AND LOSS PREVENTION REGARDING**
13 **“POSSIBLE FAILURE TO ADHERE TO TIMEKEEPING AND SECURITY**
14 **POLICIES AT [PASSYUNK] PLANT. “**

15 **Q: WHAT DO YOU KNOW ABOUT ANY “POSSIBLE FAILURE TO ADHERE TO**
16 **TIMEKEEPING AND SECURITY POLICIES AT [PASSYUNK] PLANT”?**

17 A: Yes I knew about failure of timekeeping at Passyunk plant in December 25, 2017. Mike
18 Tomczak was clocked in by Supervisor Ryan O’Donnell, and didn’t get to the plant until
19 2hrs later. By Mike not coming in on time and Jose Ortiz leaving, the Working Foreman
20 position was unfilled for 2hrs.

21 On February 23, 2018, Brian McGuire entered the plant without his badge, and without
22 notifying the Operations Supervisor.

23 **Q: DID ANYONE FROM PGW SECURITY AND LOSS PREVENTION**
24 **DEPARTMENT INTERVIEW YOU AS PART OF THEIR INVESTIGATION AT**
25 **PASSYUNK PLANT? EXPLAIN.**

1 A: Yes, Charles Grant interviewed me about Mike Tomczak not being at work and being
2 clocked in by Ryan O'Donnell

3 **BOTH MESSR. MALKEMES AND ZUK STATED THEY "CHANGED CERTAIN**
4 **PROCEDURES AT THE PASSYUNK PLANT, INCLUDING BUT NOT LIMITED**
5 **TO A NEW RULE THAT UNION PERSONNEL COULD NO LONGER DRIVE**
6 **THE PLANT TRUCK TO ENTER/EXIT THE PREMISES AND NEEDED TO**
7 **ASK FOR MANAGEMENT PERMISSION PRIOR TO USING THE PLANT**
8 **TRUCK."**

9 **Q: HOW DID YOU LEARN ABOUT THE NEW PLANT TRUCK RULE?**

10 A: I know it verbally from Ryan O'Donnell and then from John Walker – both are
11 Operations Supervisors.

12 **Q: WHAT WAS THE NEW PLANT TRUCK RULE?**

13 A: Ryan O'Donnell first told me that the truck is not to be used by operators. Then a couple
14 days later, John Walker told me that operators can use the truck if we are granted
15 permission by a supervisor. Walker also said there is a check list now for mileage before
16 and after trip and a pre- and post-check walk around for inspection for damages to the
17 vehicle.

18 **Q: DO YOU HAVE A COPY OF THE NEW PLANT TRUCK RULE?**

19 A: Yes

20 **A TRUE AND CORRECT COPY OF THE MARCH 13, 2018 EMAIL FROM**
21 **DAVID MARTINEZ IS ATTACHED AS EXHIBIT "III" AND PGW'S**
22 **INTERROGATORY RESPONSE TO THE NEW PLANT TRUCK RULE IS**
23 **ATTACHED AS EXHIBIT "III-A" TO THIS TESTIMONY.**

24 **Q: HOW DID THE NEW PLANT TRUCK RULE IMPACT YOU IN THE**
25 **PERFORMANCE OF YOUR JOB AS A SENIOR PROCESS OPERATOR?**

1 A: This made my job unsafe at night as the vehicle helped in the poorly lighted plant from
2 road pot holes and a variety of aggressive nocturnal animals

3 **Q: HOW DID THE NEW PLANT TRUCK RULE IMPACT YOU EMOTIONALLY,**
4 **IF AT ALL? EXPLAIN.**

5 A: This stressed me out as they were not concerned about our safety.

6 **Q: WHO WERE THE OTHER UNION PERSONNEL (PROCESS OPERATORS) AT**
7 **PASSYUNK PLANT WHO WOULD HAVE BEEN AFFECTED BY THE NEW**
8 **PLANT TRUCK RULE WHEN IT WAS PUT IN PLACE?**

9 A: Maurice Goodwin, John Jenkins and Ryan Purcell

10 **Q: WHAT ARE THE RACES OF CURT MALKEMES, JOHN ZUK, BRIAN**
11 **MCGUIRE, RYAN O'DONNELL AND MICHAEL TOMCZAK?**

12 A: Caucasian

13 **Q: WHAT ARE THE RACES OF THE UNION PERSONNEL, THAT IS, PROCESS**
14 **OPERATORS IMPACTED BY THE NEW PLANT TRUCK RULE?**

15 A: Maurice Goodwin - African American; John Jenkins – African American; Ryan Purcell
16 – Caucasian

17 A TRUE AND CORRECT COPY OF PGW'S INTERROGATORY RESPONSE
18 TO THE CHRISTMAS DAY, DECEMBER 25, 2017 INCIDENT IS ATTACHED
19 AS EXHIBIT "II-A" TO THIS TESTIMONY.

20 **IV. PASSYUNK PLANT MANAGER BRIAN MCGUIRE'S FEBRUARY 2018 AFTER**
21 **SHIFT RETURN TO THE PLANT.**

22 **Q: THE FORMAL COMPLAINT AND YOU MENTION AN INCIDENT THAT**
23 **OCCURRED AT PGW PASSYUNK PLANT IN FEBRUARY 2018. WHAT DATE**
24 **DID THIS INCIDENT OCCUR?**

25 A; February 23rd 2018

1 **Q: HOW DO YOU KNOW THE DATE OF THE FEBRUARY 2018 INCIDENT?**

2 A: Documented in a Journal

3 **Q: HOW DID YOU CREATE THE ENTRIES IN THIS JOURNAL?**

4 A: Via handwritten

5 **Q: WHY DID YOU BEGIN TO KEEP A JOURNAL?**

6 A: To document retaliation, hostility and unsafe working practice

7 **Q: WHEN DID YOU BEGIN TO KEEP A JOURNAL?**

8 A: February 22, 2018

9 **Q: WHEN DID YOU DOCUMENT INCIDENTS IN THE JOURNAL?**

10 A: It varied from time to time. Sometimes, if I had privacy at work, I would jot it down at
11 work. Most times I write it down once I get home.

12 **Q: DID YOU CHANGE ANY OF THE ENTRIES IN THIS JOURNAL AFTER YOU**
13 **INITIALLY WROTE THEM?**

14 A: No

15 **Q: WHERE DID YOU KEEP THIS JOURNAL?**

16 A: At home

17 **Q: DID ANYONE BESIDES YOU WRITE IN THIS JOURNAL?**

18 A: No

19 **TRUE AND CORRECT COPIES OF RESPONSIVE SECTIONS OF DWAYNE**
20 **ACKIE'S JOURNAL ARE ATTACHED AS EXHIBIT "IV" TO THIS**
21 **TESTIMONY.**

22 **Q: WHAT SHIFT WERE YOU WORKING ON FEBRUARY 23, 2018?**

23 A: B Shift

24 **Q: WHAT TIME WAS B SHIFT ON FEBRUARY 23, 2018?**

25 A: 6:00 p.m. to 6:00 a.m.

1 A TRUE AND CORRECT COPY OF THE PASSYUNK PLANT OPERATIONS
2 SHIFT SCHEDULE FOR FEBRUARY 23, 2018 IS ATTACHED AS EXHIBIT
3 "IV-A" TO THIS TESTIMONY.

4 Q: TELL ME WHAT HAPPENED ON THE EVENING OF FEBRUARY 23, 2018
5 WHEN PLANT MANAGER BRIAN MCGUIRE RETURNED TO THE
6 PASSYUNK PLANT?

7 A: Brian entered Passyunk plant without his employee badge and plant protective equipment
8 against plant policies and headed to the Control room. He used the Plant protection van
9 which he took off the headlights and sped off to the Control room. McGuire placed the
10 workers and residents of Philadelphia in great danger that night when he took the
11 headlights off as Passyunk Plant had loaded LNG Trailers going in and out of the plant.
12 On getting to the Control room McGuire confronted me, it was then I smell alcohol
13 reeking from him. McGuire use profanity in asking me what I was doing there, (my
14 location the Gas analyzer machine). I answered to him waiting to get my readings, he
15 then challenged me by saying readings are on the CPU then proceeded out the door
16 calling on the supervisor Wallace Benson who's office he bypassed in order to harass me

17 Q: HOW DO YOU KNOW MCGUIRE ENTERED THE PASSYUNK PLANT ON
18 THE EVENING OF FEBRUARY 23, 2018 WITHOUT HIS EMPLOYEE BADGE?

19 A: The main gate security guard informed myself and Pat McGlone that McGuire did not
20 have his employee badge. McGuire asked her "pretty please," showed her his driver's id,
21 and told her not to let them (the Operations Supervisor – Wallace Benson) that McGuire
22 was there.

23 Q: DO YOU KNOW THE NAME OF THE SECURITY GUARD WHO TOLD YOU
24 THIS?

25 A: No.

1 **Q: IS SHE AN EMPLOYEE OF PGW?**

2 A: No. She is an employee of Sovereign Security.

3 **Q: WHEN DID SHE TELL YOU AND PAT MCGLONE THIS ABOUT MCGUIRE?**

4 A: On February 23, 2018, about 20 minutes after Brian left the plant. McGlone and I went
5 on a break at the front gate, and asked the main gate security guard why McGuire didn't
6 notify the supervisors that he was there.

7 **Q: WHAT ARE THE PROCEDURES FOR PERSONS GAINING ACCESS TO**
8 **PASSYUNK PLANT AFTER HOURS, I.E., 4:30 P.M.?**

9 A: The policy is that the gate has to notify the Operations Supervisor of a person trying to
10 gain access into the plant – with or without employee badges. This policy applies from
11 4:30 p.m. to 4:30 a.m. and all weekends, Saturdays and Sundays because they are not
12 business hours.

13 **Q: HOW DO YOU KNOW MCGUIRE "TOOK OFF THE HIGHLIGHTS" ON THE**
14 **PLANT PROTECTION VAN ON THE EVENING OF FEBRUARY 23, 2018?**

15 A: Wayne Rauceo, Operations Supervisor at Passyunk plant, saw the security footage of
16 McGuire on the evening of February 23, 2018. It was shown to him in the CCTV room
17 by security guard working in that room.

18 **Q: YOU MENTIONED PASSYUNK PLANT MANAGER BRIAN MCGUIRE GAVE**
19 **A STATEMENT IN YOUR EEOC/PHRC MATTER, CORRECT?**

20 A: Yes

21 **Q: IS THIS THE STATEMENT MR. MCGUIRE GAVE IN CONNECTION TO**
22 **YOUR EEOC/PHRC CHARGE OF DISCRIMINATION?**

23 A: Yes
24
25

1 A TRUE AND CORRECT COPY OF THE OCTOBER 2018 EEOC STATEMENT
2 OF BRIAN MCGUIRE IS ATTACHED IN EXHIBIT "II" TO THIS
3 TESTIMONY.

4 Q: WHERE IS MR. MCGUIRE'S DESK IN RELATION TO THE CONTROL
5 ROOM AS HE REFERENCES IN HIS OCTOBER 24, 2018 EEOC STATEMENT?

6 A: Brian's desk is in his office in the Main Office located South West of the Control Room

7 Q: DO YOU HAVE ANY TYPE OF DOCUMENT THAT SHOWS THE PASSYUNK
8 PLANT LAYOUT?

9 A: Yes

10 Q: WHAT TYPE OF DOCUMENT DO YOU HAVE THAT SHOWS THE
11 PASSYUNK PLANT LAYOUT?

12 A: I have a plant layout diagram.

13 A TRUE AND CORRECT COPY OF PGW PASSYUNK PLANT LAYOUT
14 DIAGRAM IS ATTACHED AS EXHIBIT "V" TO THIS TESTIMONY.

15 Q: IS THE LAYOUT OF PGW PASSYUNK PLANT THE SAME IN THE DIAGRAM
16 AS IT WAS IN FEBRUARY 2018?

17 A: Yes

18 Q: WHERE IS MR. MCGUIRE'S DESK LOCATED IN THE DIAGRAM?

19 A: Main Office on Schuylkill Ave

20 Q: IS MR. MCGUIRE'S DESK IN AN OFFICE?

21 A: Yes

22 Q: HAVE YOU EVER BEEN IN MR. MCGUIRE'S OFFICE?

23 A: Yes

24 Q: WHERE IS THE "CONTROL ROOM" MR. MCGUIRE MENTIONED IN HIS
25 OCTOBER 2018 EEOC STATEMENT?

1 A: North East of Main Office on Old Passyunk Road

2 **Q: HOW FAR IS THE CONTROL ROOM FROM MCGUIRE'S DESK/OFFICE?**

3 A: About two city blocks apart

4 **Q: WHERE THE LIGHTS ON IN THE CONTROL ROOM WHEN MCGUIRE**
5 **CONFRONTED YOU ON THE EVENING OF FEBRUARY 23, 2018?**

6 A: I was in the main area of the Central Control Room, and the lights were on. The lights
7 were off in the Supervisor's office.

8 **Q: IS IT POSSIBLE TO SEE WHETHER THE LIGHTS ARE ON IN THE**
9 **CONTROL ROOM FROM MCGUIRE'S OFFICE?**

10 A: No, because of the distance between his office and the Control Room and because the
11 windows in the Control Room have shades.

12 **Q: WHAT TIME DID MCGUIRE CONFRONT YOU ON THE EVENING OF**
13 **FEBRUARY 23, 2018, IF YOU CAN RECALL?**

14 A: 11:35 p.m.

15 **Q: HOW DO YOU REMEMBER THE TIME?**

16 A: Because I wrote it in my journal.

17 **Q: WHAT HAPPENED WHEN MCGUIRE CONFRONTED YOU ON THE**
18 **EVENING OF FEBRUARY 23, 2018?**

19 A: I smelled alcohol in his breath as he used profanity in asking me what I was doing there. I
20 told him getting my readings. He argued that there were no readings to be taken where I
21 was and that the computer has all the readings

22 **Q: IN A RESPONSE TO OUR INTERROGATORIES DIRECTED TO PGW IN THIS**
23 **PUC MATTER, BRIAN MCGUIRE DENIES HE WAS "INEBRIATED WHEN**
24 **HE CAME TO THE PLANT AFTER HIS REGULARLY SCHEDULED SHIFT IN**
25 **OR ABOUT FEBRUARY 2018." IS THAT TRUE?**

1 A: False. I smelled liquor on him when he came into the Control Room. He was a short
2 distance from me.

3 **A TRUE AND CORRECT COPY OF PGW'S INTERROGATORY RESPONSE**
4 **REGARDING THIS FEBRUARY 2018 INCIDENT IS ATTACHED AS EXHIBIT**
5 **"IV-B" TO THIS TESTIMONY.**

6 **Q: DID YOU DISCUSS THIS INCIDENT WITH ANY MANAGEMENT LEVEL**
7 **PERSONNEL AT PGW? IF SO, WHO?**

8 A: Yes, Charles Grant and John Ferrer

9 **Q: FROM HIS EEOC STATEMENT, CHARLES GRANT LISTS HIS POSITION AS**
10 **SENIOR VICE PRESIDENT, LABOR, HUMAN RESOURCES AND**
11 **CORPORATE COMMUNICATIONS. WHAT POSITION DOES JOHN FERRER**
12 **HOLD AT PGW?**

13 A: John Ferrer is PGW Director of Security

14 **Q: TELL ME WHAT HAPPENED REGARDING THAT/THOSE DISCUSSIONS?**

15 A: Grant made it known that Maurice and I was being hunted by McGuire and eventually
16 contacted me to tell me McGuire was suspended with intent to terminate

17 **Q: WHEN DID CHARLES GRANT CONTACT YOU TO TELL YOU MCGUIRE**
18 **WAS SUSPENDED WITH INTENT TO TERMINATE?**

19 A: About around April 2018

20 **Q: HOW DID CHARLES GRANT CONTACT YOU TO TELL YOU ABOUT**
21 **MCGUIRE BEING SUSPENDED WITH INTENT TO TERMINATE?**

22 A: By telephone. He called me on my cellphone.

23 **Q: WHAT DID CHARLES GRANT TELL YOU, IF ANYTHING, WAS THE**
24 **REASON FOR MCGUIRE'S SUSPENSION WITH INTENT TO TERMINATE?**

25

1 A: He said, "I've got some good news for you, Mr. Ackie. Your boss Brian McGuire has
2 been suspended with an intent to terminate." He then told me I would not be harassed or
3 bothered {I can't remember exactly which one} again.

4 **Q: WAS MCGUIRE SUSPENDED AFTER FEBRUARY 23, 2018? IF SO, FOR HOW
5 LONG, IF YOU KNOW.**

6 A: Yes. He was suspended for 6 or 8 weeks.

7 **Q: WAS BRIAN MCGUIRE, PGW PASSYUNK PLANT MANAGER,
8 TERMINATED?**

9 A: No

10 **Q: DID ANYONE TELL YOU WHY MCGUIRE WAS NOT TERMINATED?**

11 A: No.

12 **V. SEPTEMBER 11, 2018 RYAN O'DONNELL VEHICLE ACCIDENT**

13 **Q: FINALLY, IN THE FORMAL COMPLAINT, THERE IS A STATEMENT THAT
14 OPERATIONS SUPERVISOR RYAN O'DONNELL LEFT THE PASSYUNK
15 PLANT ON SEPTEMBER 11, 2018 WITHOUT PROPER NOTIFICATION OF
16 PLANT PERSONNEL.**

17 **Q: DO YOU KNOW ANYTHING ABOUT THIS INCIDENT?**

18 A: Yes.

19 **Q: HOW DO YOU KNOW ABOUT THIS INCIDENT?**

20 A: Because I was on shift – the operator that worked with O'Donnell. My shift was 2:00
21 p.m. to 10:00 p.m.

22 **Q: WHAT HAPPENED ON SEPTEMBER 11, 2018 CONCERNING PGW
23 OPERATIONS SUPERVISOR RYAN O'DONNELL?**

24 A: Ryan O'Donnell left the plant without notifying either Gary Nelson {Working Foreman}
25 or me, and got into a vehicle accident. The last time I saw O'Donnell was at 2:15 p.m. in

1 the Central Control Room. I did not see him again for the remainder of his shift, which
2 was from 6:00 a.m. to 6:00 p.m. On making my roving rounds at 4:00 p.m., I observed
3 that the supervisor pick-up truck, a Chevy Colorado, was nowhere on the plant facility.
4 After returning to Central Control Room after 5:00 p.m., I noticed that O'Donnell didn't
5 take any detex readings, so I took the 5:00 p.m. reading.

6 At 5:50 p.m., John Walker {Operations Supervisor} called me on my cellphone and
7 asked if the plant vehicle was at Central. I answered no. Then, when Walker came into
8 the Central Control Room, which is where the Supervisor's office is, he informed me that
9 most likely that was the vehicle O'Donnell got in an accident. Walker asked me when
10 O'Donnell left the plant, and I told him O'Donnell did not inform me. Walker then
11 called Nelson, whose office is in the LNG Control Room, on the speaker phone. Nelson
12 also wasn't notified about O'Donnell leaving the plant, which put Nelson and me plus the
13 City of Philadelphia in an unsafe situation with not knowing of a supervisor abandoning
14 the LNG plant.

15 Walker told me that Dave Martinez was already home and had to go to the accident
16 location. Dave called Walker and told him about the accident, and that Dave needed
17 Walker to come and pick up the vehicle. Walker went and brought the vehicle back to
18 Passyunk plant. Dave did not inform Gary and me about no supervisor being at the plant
19 for a period of time.

20 **Q: WHAT SHIFT DID WORKING FOREMAN GARY NELSON WORK ON**
21 **SEPTEMBER 11, 2018?**

22 A: He worked the same shift I did that day, 2:00 p.m. to 10:00 p.m.

23 **Q: WHAT SHIFT DID OPERATIONS SUPERVISOR JOHN WALKER WORK ON**
24 **SEPTEMBER 11, 2018?**

25 A: He worked the B shift, 6:00 p.m. to 6:00 a.m.

1 **Q: WHAT IS PGW POLICY CONCERNING ACCIDENTS IN PGW VEHICLES?**

2 A: Once you get in an accident with a PGW vehicle, you cannot move the vehicle. Risk
3 management sends someone to pick the vehicle up, and you have to take a drug test.

4 **Q: DO YOU KNOW WHETHER DAVE MARTINEZ INSTRUCTED RYAN
5 O'DONNELL TO TAKE A DRUG TEST AFTER THE SEPTEMBER 11, 2018
6 VEHICLE ACCIDENT INVOLVING A PGW PASSYUNK PLANT VEHICLE?**

7 A: No, I don't know.

8 **Q: DO YOU KNOW WHETHER RYAN O'DONNELL TOOK A DRUG TEST
9 AFTER THE SEPTEMBER 11, 2018 VEHICLE ACCIDENT INVOLVING A
10 PGW PASSYUNK PLANT VEHICLE?**

11 A: No, I don't know.

12 **Q: WHAT REASON, IF ANY, DID RYAN O'DONNELL GIVE FOR BEING AWAY
13 FROM THE PLANT AT THE TIME OF THE SEPTEMBER 11, 2018 VEHICLE
14 ACCIDENT?**

15 A: I have no idea because he didn't speak to me, and I didn't hear from anyone.

16 **Q: WERE DAVE MARTINEZ AND/OR BRIAN MCGUIRE AT WORK ON
17 SEPTEMBER 11, 2018? IF SO, WHAT WERE THEIR WORK HOURS?**

18 A: Dave was there because he left and had to come back. His hours are normally 6:00 a.m.
19 to 3:30 p.m. I can't remember about Brian McGuire.

20 **Q: WHAT, IF ANY, PGW POLICIES/RULES DID RYAN O'DONNELL VIOLATE
21 AS A RESULT OF LEAVING THE PLANT ON SEPTEMBER 11, 2018?**

22 A: Leaving the plant without notifying the workers, and the plant was unsupervised. If there
23 were an accident or incident, he would be unable to respond as quickly as possible. He as
24 the supervisor is the one who makes decisions when there is an accident. He was the
25 only Operations Supervisor on shift at that time.

1 TRUE AND CORRECT COPIES OF PGW'S INTERROGATORY RESPONSES
2 REGARDING THIS SEPTEMBER 11, 2018 VEHICLE ACCIDENT IS
3 ATTACHED AS EXHIBITS "VI-A" AND "VI-B" TO THIS TESTIMONY.

4 VI. CONCLUSION

5 Q: DOES THIS COMPLETE YOUR DIRECT TESTIMONY?

6 A: Yes

7 DWAYNE ACKIE RESERVES THE RIGHT TO SUPPLEMENT/AMEND HIS
8 DIRECT TESTIMONY AS WARRANTED.

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dwayne Ackie, Miguel J. Chavarria, Jr.,
Maurice A. Goodwin and Wayne Rauceo

v.

Philadelphia Gas Works

:
:
:
:
:
:

C-2019-3013933

VERIFICATION STATEMENT

I, DWAYNE ACKIE, am a Co-Complainant in the above captioned matter. I hereby verify that the statements made in the foregoing Direct Testimony are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A section 4904, relating to unsworn falsification to authorities.

Date:

06/28/20



Dwayne Ackie

EXHIBITS



Absence Detail From 1/1/2017 To 12/31/2017

PGW

Employee ID	Employee Name	Hire Date	Policy Profile	Dept	Absence Date	Hours	Absence Type
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	01/12/2017	8.00	Admin Leave Time
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	01/16/2017	1.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	01/20/2017	4.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	01/20/2017	5.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	02/03/2017	4.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	02/03/2017	5.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	02/16/2017	1.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	06/23/2017	4.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	06/23/2017	5.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	08/28/2017	9.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	08/27/2017	9.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	08/28/2017	9.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	08/28/2017	8.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	08/29/2017	9.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	07/03/2017	9.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	07/04/2017	1.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	07/13/2017	8.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	08/15/2017	1.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	08/29/2017	9.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	08/30/2017	9.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	08/31/2017	9.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	09/01/2017	4.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	09/01/2017	5.00	Vacation

EXHIBIT I-A

Absence Detail From 1/1/2017 To 12/31/2017

PGW

EE STATEMENT NO. 1

Employee ID	Employee Name	Hire Date	Policy Profile	Dept	Absence Date	Hours	Absence Type
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	10/16/2017	3.50	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	11/23/2017	1.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	11/24/2017	4.00	Admin Leave Time
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	11/24/2017	4.00	Admin Leave Time
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	11/24/2017	1.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	12/07/2017	9.00	Vacation
12274	Martinez, David	11/22/2004	PGW_NON_UNION_OT_NONEXEMPT	53	12/26/2017	9.00	Vacation

EXHIBIT I-A

Passyunk Plant Schedule		19-Aug-17 to 15-Sep-17		D/M=Generator Test		OO = Richmond Training		* = Odorant Sniff Test immediately after shift (Richmond)		= Odorant Sniff Test 6:00am (Passyunk)		#M = 10 am to 10 pm																
Supervisor	19-Aug	20-Aug	21-Aug	22-Aug	23-Aug	24-Aug	25-Aug	26-Aug	27-Aug	28-Aug	29-Aug	30-Aug	31-Aug	1-Sep	2-Sep	3-Sep	4-Sep	5-Sep	6-Sep	7-Sep	8-Sep	9-Sep	10-Sep	11-Sep	12-Sep	13-Sep	14-Sep	15-Sep
SUPERVISORS	\$	\$	M	T	W	T	F	\$	\$	M	T	W	T	F	\$	\$	M	T	W	T	F	\$	\$	M	T	W	T	F
W. Rauceo	-	D	D	D	D	OO	-	-	D	D	D	D	D	-	-	V	H	D	D	D	-	-	A	D	D	D	D	-
J. Walker	M	M	L	L	-	-	M	V	M	L*	L	-	-	V	V	A	B	L	-	-	M	V	V	V	V	-	-	V
R. O'Donnell	-	-	M	M	M	M	D	-	-	M	M	M	M	D	-	-	A	M	M	M	D	ED	-	M	M	M	M	D
W. Benson	L	L	-	-	L	L	L	L	-	-	L	L	L	B	B	-	-	L	L	L	L	B	-	-	L	L	L	L
J. Colon	D	-	OO	-	D	OO	D	D/M	-	OO	-	D	D	M	A	-	-	V	M	D	D	M	V	L	L	-	-	M
J. Mullin	-	-	D	D	FA	D	D	-	-	D	D	D	D	D	-	-	H	D	D	D	D	-	-	D	D	D	D	D
FOREMAN																												
G. Nelson	A	A	ED	-	V	V	V	V	V	-	-	A	A	A	A	D	-	ED	D	D	D	A	D/M	-	-	A	D/M	D
J. Ortiz	V	V	M	D*	ED	-	A	A	A	B	B	-	-	V	V	M	A	M	-	EL	M	V	OO	A	M	-	-	M
M Chavarria	B	-	EL	M	M	D/M	B	B	-	EA	V	V/M	V/M	B	B	-	-	V	V	V	L	B	-	-	D	V/M	HO	L
M. Tomczak	-	B	HO	L/OO	L	L	-	-	B	OO	A	L	L	-	-	L	B	L	M/L	M	-	-	L	B	L	L	L	-
P.O 1																												
J. Jenkins	EM	D/M	A	A	D/M	D	-	ED	D	D	D	D	D	-	-	M	D	S	D	D	ED	-	S	A	D	D	D	ED
D. Ackie	V	V	V	V	-	-	V	M	M	L*	L	-	-	D	A	D	L/D	L	-	-	M	A	#M	B	L	-	-	HO
M. Goodwin	ED	-	B	B	M	M	A	-	-	M	M	M	M	M	-	-	M	M	M	M	V	-	-	V	M	M	M	M/L
S. Edwards	L	L	-	-	L	L	B	L	L	-	-	L	L	L	B	L	-	-	L	L	L	B	L	-	-	L	L	L/D

PRINTED: 9/17/2017 2:47 PM

EXHIBIT I-B

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
PHILADELPHIA DISTRICT OFFICE**

DWAYNE ACKIE,

Complainant

v.

**PHILADELPHIA GAS WORKS
and
GAS WORKS EMPLOYEES
UNION LOCAL 686,**

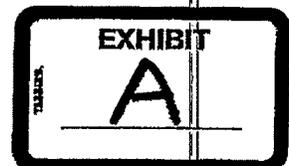
Respondents.

**EEOC CHARGE NO:
530-2018-04318**

EEOC STATEMENT OF CURT MALKEMES

I, Curt Malkemes, am employed by Philadelphia Gas Works (PGW) in the capacity of Director, Gas Processing. Ensuring that PGW customers are provided with uninterrupted gas service throughout the winter months requires that PGW maintain large reserves. LNG is predominantly methane (CH₄) that has been converted temporarily to liquid form for ease of storage and transport. PGW condenses natural gas from its gaseous form into LNG at close to atmospheric pressure by cooling the gas to approximately -260 degrees F. The LNG is stored in tanks at PGW's Plants. When it is time to distribute gas to PGW customers, the LNG must be removed from the storage tanks and converted back into its gaseous form through a vaporization process before it can travel through gas pipeline.

The handling and processing of LNG requires great care in order to ensure public safety because LNG is not odorized, and LNG vapors are potentially flammable and dangerous. Due to the critical and extremely safety sensitive nature of Plant operations, PGW operates its Plants 24-hours a day, 7 days per week. Additionally, it is imperative that LNG Plants are adequately staffed at all times.



PGW's Passyunk Plant is located in South Philadelphia and operates as a natural gas distribution facility, an LNG storage facility, and vaporization facility. It is necessary that at least the following personnel be scheduled and present at all times: one (1) Supervisor; one (1) Working Foreman; and one (1) Process Operator. It is optimal to have at least four (4) of each of Supervisors, Working Foreman, and Process Operators on staff at the Passyunk Plant at all times.

At the beginning of winter each year, it is necessary to transport LNG from PGW's Richmond Plant to the Passyunk Plant. The LNG is transported by way of a truck. Once it arrives at the Passyunk Plant, a Process Operator hooks hoses up to the truck and the LNG is unloaded into the LNG tank at Passyunk Plant where it can be stored for vaporization and distribution throughout the winter time. This process is repeated later in the winter if necessary. Individuals assigned to unload the truck are usually pleased with this assignment because it accrues a large amount of overtime while requiring very little actual physical labor.

In January of 2018, Matthew Rohrer, Senior Business Partner, Human Resources Department, recommended that the Passyunk Plant increase its manpower to alleviate concerns that the employees at the Plant were being over scheduled in connection with staffing limitations. In response to this recommendation and because the Plant was understaffed on Process Operators in the operating season season, Brian McGuire, Plant Manager, consulted with me regarding the possibility of allocating some of the manpower from the Richmond Plant to the Passyunk Plant for upcoming truck unloading. I agreed that this would be a productive allocation of manpower, and, for the truck unloading that occurred in January, February, and March of 2018, manpower was allocated from the Richmond Plant.

In or about February of 2018, John Zuk, VP, Gas Processing, informed me that an investigation was being conducted with respect to the possibility that timekeeping and security policies were not being adhered to at the Plant. In or about the week of February 19, 2018, in order to more immediately address any possible failure to adhere to timekeeping and security policies pending investigation, Mr. Zuk and I changed certain procedures at the Passyunk Plant, including but not limited to a new rule that Union personnel could no longer drive the Plant truck to enter/exit the premises and needed to ask for management permission prior to using the Plant truck. This rule was intended to prevent personnel from entering and exiting the Plant without having to use their security badges to swipe in. Additionally, on or about February 22, 2018, Mr. Zuk and I met with Mr. McGuire and Don Henry, Plant Manager at PGW's Richmond Plant, to remind them of the importance of following timekeeping and security policies the Plants. Mr. Zuk specifically told Mr. McGuire that he needed to "tighten things up" with respect to adhering to company policies at the Plant.

It is my understanding that in or about March of 2018, it was raised at the Safety Committee Meeting at the Plant that there were rats and squirrels at the Plant. An exterminator has been utilized at the Plant before. One on occasion, there was a squirrel at the Plant that had caused a blackout. Additionally, there have been other animals spotted such as fox, rats, mice. In fact, an exterminator was already scheduled to visit the Plant as of the date of the meeting.

The foregoing statements are true and correct to the best of my knowledge, information and belief.

10/22/18

DATE



CURT MALKEMES

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
PHILADELPHIA DISTRICT OFFICE**

DWAYNE ACKIE,

Complainant

v.

**PHILADELPHIA GAS WORKS
and
GAS WORKS EMPLOYEES
UNION LOCAL 686,**

Respondents.

**EEOC CHARGE NO:
530-2018-04318**

EEOC STATEMENT OF JOHN ZUK

I, John Zuk, am employed by Philadelphia Gas Works (PGW) in the capacity of Vice President, Gas Processing.

In or about February of 2018, I was informed by PGW Security and Loss Prevention that an investigation was being conducted with respect to possible failure to adhere to timekeeping and security policies at the Plant. Curt Malkemes, Director of Gas Processing, and I took immediate action to address any possible failure to adhere to timekeeping and security policies pending investigation.

In or about the week of February 19, 2018, in order to more immediately address any possible failure to adhere to timekeeping and security policies pending investigation, Mr. Malkemes and I changed certain procedures at the Passyunk Plant, including but not limited to a new rule that Union personnel could no longer drive the Plant truck to enter/exit the premises and needed to ask for management permission prior to using the Plant truck. This rule was intended to prevent personnel from entering and exiting the Plant without having to use their security badges to swipe in. Additionally, on or about February 22, 2018, Mr. Malkemes and I



met with Brian McGuire, Manager at PGW's Passyunk Plant, and Don Henry, Manager at PGW's Richmond Plant, to remind them of the importance of following timekeeping and security policies the Plants. I specifically told Mr. McGuire and Mr. Henry that they needed to "tighten things up" with respect to adhering to company policies at the Plants.

On or about May 1, 2018, David Martinez, General Supervisor at the Plant, provided me with paper signs that had been anonymously posted at the Passyunk Plant that stated "The Rat Pack". I provided these signs to Mr. Grant for further investigation by Security and Loss Prevention into who had drafted and/or posted the signs. I have not received any reports of similar instances to date.

The foregoing statements are true and correct to the best of my knowledge, information and belief.

10-23-18
DATE

John Zuk
JOHN ZUK

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
PHILADELPHIA DISTRICT OFFICE**

DWAYNE ACKIE,
Complainant

EEOC CHARGE NO:
530-2018-04318

v.

**PHILADELPHIA GAS WORKS
and
GAS WORKS EMPLOYEES
UNION LOCAL 686,**

Respondents.

EEOC STATEMENT OF BRIAN MCGUIRE

I, Brian McGuire, am employed by Philadelphia Gas Works (PGW) in the capacity of Plant Manager at the Passyunk Plant. I have held this position since May 29, 2015. I have been employed by PGW since February 19, 1985, and I have worked in PGW Gas Supply since 1987.

In or about January of 2018, Matthew Rohrer, Senior Business Partner, Human Resources Department, recommended that the Passyunk Plant increase its manpower to alleviate concerns that the employees at the Plant were being over scheduled in connection with staffing limitations. In response to this recommendation and because the Plant was understaffed on Process Operators going into the second truck unloading of the season, I consulted with Curt Malkemes, Director, Gas Processing, regarding the possibility of allocating some of the manpower from the Richmond Plant to the Passyunk Plant for upcoming truck unloading. Mr. Malkemes agreed that this would be a productive allocation of manpower, and, for the truck unloading that occurred in January, February, and March of 2018, manpower was allocated from the Richmond Plant.



In or about February of 2018, I was made aware that an investigation into an internal Human Resources complaint had led to discovery of the possibility that timekeeping and security policies were not being adhered to at the Plant. In or about the week of February 19, 2018, in order to more immediately address any possible failure to adhere to timekeeping and security policies pending investigation, Curt Malkemes, Director, Gas Processing, and John Zuk, VP, Gas Processing, changed certain procedures at the Passyunk Plant, including but not limited to a new rule that Union personnel could no longer drive the Plant truck to enter/exit the premises and needed to ask for management permission prior to using the Plant truck. Additionally, on or about February 22, 2018, Mr. Zuk and Mr. Malkemes met with me and Don Henry, Plant Manager at PGW's Richmond Plant, to remind us of the importance of following timekeeping and security policies the Plants. Mr. Zuk specifically told me and Mr. Henry that we needed to "tighten things up" with respect to adhering to company policies at the Plants.

The following day, on or about February 23, 2018, I returned to the Plant after work in order to retrieve some documents that I had left in my desk that I needed for my son's driver's license exam early the next morning. As I was only there to pick up paperwork from my office, I was dressed in street clothes. I deny that I had been drinking, and I deny that I cursed at any employees that evening, as alleged in the Charge. As Plant Manager, I have unrestricted access to the Plant and would not "announce" my presence, as seems to be implied in Mr. Chavarria's Charge.

I entered the Control Room to find all of the overhead lights off. I saw Wallace Benson, Supervisor, with his feet on his desk while reclining in a chair, and Dwayne Ackie, Process Operator, reclining on a bench. Having just been directed by the VP of my department that I

needed to make sure policies were being followed at the Plant, I was concerned that these employees appeared to be sleeping and asked why the lights were off. Mr. Ackie claimed that he was taking readings, but I knew this could not be true given Mr. Ackie's location.

After I obtained what I needed to from my office, I turned to Mr. Benson, who was supposed to be supervising, and addressed the appearance that Mr. Benson and Mr. Ackie had been sleeping, a gate had been open when I arrived at the Plant which should have been closed, and Mr. Benson was not wearing the fire retardant pants he was required to wear during his shift. I wanted to be sure to pass along the message to the Supervisors that I had received from my supervisors. In furtherance of the directive to "tighten things up", management at the Plant made a good faith effort to ensure adherence to all company policies, including but not limited to the very serious policy regarding Safe Usage of Electronic Communication Devices. In connection therewith, I issued verbal warnings regarding inappropriate use of cell phones at the Plant to individuals including, but not limited to, Anthony Popolo, Senior Mechanic.

Since December 27, 2017, no employee in gas processing at the Plant has been disciplined for insubordination. On or about May 31, 2018, David Martinez, General Supervisor, was reviewing time sheets and noticed that Maurice Goodwin, Process Operator, had clocked in four (4) hours late for his scheduled shift. Mr. Goodwin admitted, and the supervisors working that day confirmed, that Mr. Goodwin did not speak to a supervisor regarding his need to be four (4) hours later. This matter was referred to Labor Administration for discipline, and it is my understanding that discipline was issued for the infraction. It is my understanding that the discipline was later withdrawn because Mr. Benson subsequently provided information that Mr. Ackie had told him that he was covering for Mr. Goodwin and that he had said "O.K."

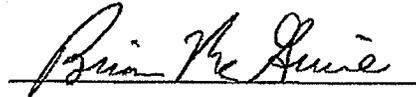
Therefore, because it appeared that a supervisor indirectly approved the change in start time, the discipline was withdrawn, and Mr. Goodwin suffered no harm.

On or about June 5, 2018, Deborah DeColli, Office Supervisor, reported to me that an employee appeared to be sleeping in the library. I went in to check and found Mr. Goodwin fully reclined in a chair and sound asleep. I informed Labor Administration of the report I had received and what I had found, and discipline was issued as appropriate.

The foregoing statements are true and correct to the best of my knowledge, information and belief.

10-24-18

DATE



BRIAN MCGUIRE

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
PHILADELPHIA DISTRICT OFFICE**

DWAYNE ACKIE,

Complainant

v.

**PHILADELPHIA GAS WORKS
and
GAS WORKS EMPLOYEES
UNION LOCAL 686,**

Respondents.

**EEOC CHARGE NO:
530-2018-04318**

EEOC STATEMENT OF DAVID MARTINEZ

I, David Martinez, am employed by Philadelphia Gas Works (PGW) in the capacity of General Supervisor, Gas Processing Operations, and I have held this position since August 28, 2015.

In or about February of 2018, I was made aware by Brian McGuire, Plant Manager, that upper management had issued a directive that we "tighten things up" at the Plant with respect to adherence to company policies, particularly security and timekeeping policies. In furtherance of the directive to "tighten things up", management at the Plant made a good faith effort to ensure adherence to all company policies, including but not limited to the very serious policy regarding Safe Usage of Electronic Communication Devices. In connection therewith, I issued verbal warnings regarding inappropriate use of cell phones at the Plant to individuals including, but not limited to, Bob D'Angelo, Working Foreman in Maintenance, and Maurice Goodwin, Process Operator.

In or about March of 2018, Mark McGee, Manager, Health/Safety and Plant Protection, conducted a Safety Committee Meeting at the Plant at which I was present. At each such



meeting, Mr. McGee asks whether there is any new business. At the March meeting, Tom Mack, Fire and Safety Leader, shared as new business that there were rats and squirrels at the Plant. Mr. McGee responded that an exterminator would be brought in, as the exterminator had been called before with respect to a squirrel at the Plant that had caused a blackout. There have been other animals spotted such as fox, raccoons, rats, mice.

On May 1, 2018, Wallace Benson, Supervisor, reported to me that I might want to come over to the Union locker room to check out what had been posted on the Union bulletin board. I saw that the "The Rat Pack" had been written in marker on a piece of paper and posted on the bulletin board. I took it down immediately and addressed the sign with everyone who was in the maintenance shops that day to let them know that such signs were inappropriate and would not be tolerated. Later that day, Wayne Rauceo, Supervisor, brought another such piece of paper to my attention that had been inside of one of the tool boxes. I also collected this piece of paper and provided both of these papers to Mr. Zuk. There have not been any similar incidents reported to me date.

I am responsible for scheduling and reviewing time sheets in Gas Operations at the Passyunk Plant. On or about May 31, 2018, I was reviewing time sheets and noticed that Maurice Goodwin, Process Operator, had clocked in four (4) hours late for his scheduled shift. Mr. Goodwin admitted, and the supervisors working that day confirmed, that Mr. Goodwin did not speak to a supervisor regarding his need to be four (4) hours later. This matter was referred to Labor Administration for discipline, and it is my understanding that discipline was issued for the infraction. It is my understanding that the discipline was later withdrawn because Mr. Benson subsequently provided information that Dwayne Ackie, Process Operator had told him that he was covering for Mr. Goodwin and that he had said "O.K." Therefore, because it appeared that a

supervisor indirectly approved the change in start time, the discipline was withdrawn, and Mr. Goodwin suffered no harm.

The foregoing statements are true and correct to the best of my knowledge, information and belief.

10/24/18

DATE



DAVID MARTINEZ

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
PHILADELPHIA DISTRICT OFFICE**

DWAYNE ACKIE,

Complainant

v.

**PHILADELPHIA GAS WORKS
and
GAS WORKS EMPLOYEES
UNION LOCAL 686,**

Respondents.

**EEOC CHARGE NO:
530-2018-04318**

EEOC STATEMENT OF CHARLES GRANT

I, Charles Grant, am employed by Philadelphia Gas Works (PGW) in the capacity of Senior Vice President, Labor, Human Resources, and Corporate Communications.

In or about January of 2018, I was made aware that during the course of an investigation by Matthew Rohrer, Senior Business Partner, Human Resources Department, into a Human Resources Complaint, he had reviewed documentation that led him to believe that there was possible failure to comply with timekeeping and security policies by employees at the Passyunk Plant.

In connection therewith, Mr. Rohrer was instructed to put his investigation on hold pending further investigation by the Security and Loss Prevention Department.

On or about February 26, 2018, Mr. Rohrer received a verbal complaint by Dwayne Ackie, Process Operator, alleging that Brian McGuire, Plant Manager, had been retaliating against him and other Plant employees for participating the Human Resources and subsequent Security and Loss Prevention investigations. This complaint was brought to my attention.



Given the snowball effect of the ongoing investigations and in order to allow the Company the opportunity to resolve all of the issues brought to its attention, and given Mr. Ackie's allegations regarding Mr. McGuire's conduct, PGW acted consistent with its past practices when in receipt of such allegations and placed Mr. McGuire on administrative leave pending the outcome of the ongoing investigations.

In order to assure the Plant employees who had alleged that they had been retaliated against that their concerns were being taken seriously, I reached out to Miguel Chavarria, Jr., Working Foreman and Dwayne Ackie, Process Operator (as well as Maurice Goodwin, Process Operator, who had been identified by Mr. Chavarria) to inform them that Mr. McGuire was being placed on administrative leave pending conclusion of all open investigations.

Open investigations were concluded in or about the beginning of April 2018. Mr. Chavarria was provided with a letter dated April 24, 2018, explaining that a thorough investigation had been conducted with respect to his allegations and informing him that the investigation had resulted in a finding that no discrimination or retaliation had occurred. Mr. McGuire returned from administrative leave having been fully exonerated regarding any allegations of discrimination, harassment, and/or retaliation. In connection with the concurrent investigation regarding timekeeping policies, Mr. McGuire, David Martinez, General Supervisor, and all Gas Processing Operations Supervisors at the Passyunk Plant received letters addressing the need for them to adhere to Company timekeeping and security policies.

On or about May 1, 2018, John Zuk, VP, Gas Processing, provided me with two pieces of paper that had been anonymously posted at the Passyunk Plant which stated "The Rat Pack". PGW's Security and Loss Prevention Department conducted an investigation into who had posted and/or drafted the signs. PGW was unable to determine who had drafted and/or posted the

signs. However, PGW management made clear that such signs were inappropriate. I spoke with the employees at the Plant and addressed the signs that had been discovered. I told the employees that the signs were inappropriate and would not be tolerated. There have not been any similar incidents reported to date.

The foregoing statements are true and correct to the best of my knowledge, information and belief.

10/23/18

DATE

Charles J Grant

CHARLES GRANT

**Response of Philadelphia Gas Works
to the Interrogatories of the
Complainants, Set II-1, 2, 8-14, in
Docket No. C-2019-3013933**

Request: Complainants' – Set II-12 If you disagree with Complainants' statements of facts in paragraph 13 of their Formal Complaint, state with specificity what statements you disagree with.

- a. Your statements shall include information that provides a more accurate description of the events.

Response:

Subject to and without waiving its prior objections, PGW specifically denies that any of the allegations in paragraph 13 constitute a safety violation, including any violation of any provision of the Public Utility Code, Commission regulations or Commission orders, and further denies that any safety violation occurred on December 25, 2017. By way of further response, there are circumstances where a foreman may leave without a relieving foreman being present (e.g., with a supervisor's permission).

Response provided by: Brian McGuire

Dated: March 25, 2020

O'Donnell, Ryan

From: Martinez, David E
Sent: Tuesday, March 13, 2018 3:57 PM
To: Benson Jr, Wallace B; Mullin, John J; O'Donnell, Ryan; Rauceo, Wayne W; Walker, John K
Cc: McGuire, Brian A
Subject: Vehicle Use

All,
The vehicle is there for a Supervisor to be able to respond quickly during abnormal conditions and was not intended to be used by Operators to complete their rounds. However, if anyone needs to use the vehicle for any other reason, the Operations Supervisor must grant permission and give the keys to the employee. A checklist is currently being worked on for a vehicle check required by the Operations Supervisor and Operator before and after each use. Please refrain from leaving the keys in the car, so that we can confirm all checks are made pre and post Operators borrowing the vehicle.

Any questions, please do not hesitate to contact me.

Thank You for your cooperation,



David Martinez | General Supervisor- Operations | Gas Processing Department
Philadelphia Gas Works | 3100 W. Passyunk Ave | Philadelphia, PA 19145
Phone: (215) 787-4841 | Cell: (267) 249-7136
Follow us on [Facebook](#) [Twitter](#) and [YouTube](#)

**Response of Philadelphia Gas Works
to the Interrogatories of the
Complainants, Set II in
Docket No. C-2019-3013933**

Request: Complainants' – Set II-6 State PGW Gas Processing Department's policy for management and union personal use of company vehicles.

Response: While not a formal, adopted "policy," certain personnel of PGW's Gas Processing Department have been advised that the Operations Supervisor must give permission to employees to use company vehicles when not being used by a Supervisor.

Response provided by: Raymond Snyder

Dated: March 5, 2020

2-23-18

At 11:35 pm

Bryan McGuire came into Central Control to Harass me in street clothes. He found me in corner of Central Control next to Dry bitu machine waiting for my next reading. He asked me what the fuck I'm doing there. I told him getting my readings. He then replied readings are on the CPU.

This is untrue as
there is only one lead on
on CPU all over the
plant.

2-25-18

Met with HR Grant, Skip
Ferrer. Told them about the
2-23-18 harassment.

9-11-18

Ryan O'Donnell left Central about 2:15pm and was never seen again for entire shift, usually he'll be up @ main office. On making my roving rounds @ 4:30pm I observed that the supervisor pick up truck was nowhere on the plant facilities. After returning to Central after 5:00pm I notice that Ryan didn't take any detox reading so I took the 5:00pm.

At 5:50pm J. Walker called me and asked if the vehicle was @ central. It was then when I said no he informed me that most likely that's the vehicle R. Odonnell got in an accident. On reaching the Central Control J. Walker asked me when R. Odonnell left the plant. I told him he didn't inform me. He then called G. Nelson who also wasn't notified about R. Odonnell leaving the plant putting Gary, I plus the City of Philadelphia in a very unsafe situation with no training of a Supervisor abandoning an LNG plant

Dave reported to the accident from home and he didn't inform Gary & I about no supervision for a period of time.

9-15-18

R. Odonnell allowed J. Mastorley to enter the plant in his personal vehicle and without FR attire twice on the Day shift

Darrel and I conversation came about when we were talking about employees on the verge of retiring. That's when he said. I would better hurry up and retire before he gets fired messing with all guys.

10-25-18

A capacity test was notified to me at the last minute by my Supervisors J. Walker & J. Mullin who showed to be upset by the last minute scheduling

of the test. The test required that 2 operators be here for the test but D. Martinez waited till the day of the test between 6:06 & 6:45 am to try and keep an operator to double up with me. His permit for this job was signed on the 10-24-18 @ 7:45 PM. So D. Martinez had ample time to require an operator. Definitely he was trying to give me all of the work load, which eventually

cause me to record a
back strain from closing
& opening of 8 valves
including an 16" valve
that is very hard to
operate. So hard, I told
him before I started
with the valve, I could only
operate it with an assistant.
He needed no hands, I
took J. Walker to start
an repair to get me
a shop gang to help me
J. McSherry. At the end
of the day J. Walker

pulled me aside and told
me he was fed up with day
work because of the hostility
towards me. The shop
guys not wanted to help
because it was me. He
said they don't want
to help Maurice? I since
the Discrimination filing to
HR

Sun 20th Oct
Informed Ryan O'Donnell of
finding leak on fuel ray of
#3 boiler. He called Dave who
investigated then called McSherry

		Passwork Plant Schedule																											
3-Feb-18 to 2-Mar-18	A - 6:00AM to 6:00PM	= Truck Unloading																											
	B - 6:00PM to 6:00AM	M* = 10am start																											
	V - VACATION	L = LNG Physical - 2/22/18 - 7am																											
	AL - ADMIN. LEAVE																												
		Approved by: DM																											
		3-Feb	4-Feb	5-Feb	6-Feb	7-Feb	8-Feb	9-Feb	10-Feb	11-Feb	12-Feb	13-Feb	14-Feb	15-Feb	16-Feb	17-Feb	18-Feb	19-Feb	20-Feb	21-Feb	22-Feb	23-Feb	24-Feb	25-Feb	26-Feb	27-Feb	28-Feb	1-Mar	2-Mar
		S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F
		SUPERVISORS																											
R. O'Donnell		-	A	D	D	V	-	-	D	D	D	D	D	-	-	V	D	D	D	D	-	EA	D	D	D	D	D	D	-
W. Benson		A	B	B	L	-	-	M/L	M	M	L	L	-	-	A	A	M	L	L	-	-	B	B	M	L	L	-	-	V
W. Rauceo		-	-	A	M	M	M	D	ED	-	M	M	M	M	F	-	ED	M	M	M	M	A	-	-	M	M	M	M	A
J. Walker		B	AL	-	-	L/D	L	-	L	L	-	-	L	L	B	B	L	-	-	L	L	AL	AL	L	-	-	L	L	B
J. Mullin		-	-	D	D	D	AL	-	-	D	D	D	D	D	-	-	D	D	D	D	D	-	-	D	D	D	D	D	D
FOREMAN																													
M. Chavarria		L	B	EB	EB	B	B	B	B	B	EB	EB	B	B	B	B	L	EB	-	AL	AL	V	D	D	-	-	D	D	
M. Tomczak		D	HO	V	-	-	V	F	F	F	F	-	-	-	S	S	H	-	-	B	M	M	A	D	-	-	M	M	
S. Edwards		-	-	DT	DT	DT	DT	HO	-	EM	DT	DT	DT	DT	DT	A	ED/M	-	A	A	A	A	L	-	-	M	M	M	L
J. Ortiz		EM	A	A	A	A	A	EA	EA	A	A	A	A	A	EA	-	HO	A	B	B	B	-	-	L	B	L	L/D	L	-
G. Nelson		-	-	STD	STD	STD	STD	STD	-	-	STD	STD	STD	STD	STD	-	-	STD	STD	STD	STD	STD	-	-	STD	STD	STD	STD	STD
S.P.O																													
M. Goodwin		EB	B	M/L	B	M	B	-	-	D	A	D	M	A	EA	EA	A	D	A	D	D	-	-	A	D	A	D	D	-
VACANT																													
J. Jenkins		-	EA	D	AL	L	B	B	EB	-	B	M	D	HO	AL	-	-	L	B	M	M	A	ED/M	-	M	B	M	M	A
D. Ackie		A	AL	-	EA	D	A	A	A	L	-	EL	L	B	B	B	B	EM	-	L#	L	B	L	B	EL	-	L	L	B
R. Purcell		-	-	V	V	V	V	V	-	-	V	V	V	V	V	-	-	D	D	D	D	A	-	-	D	D	D	D	D
J. Macomber		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	M	M	M	M	-	-	M	M	M	M	M	M
P. McGlone		-	-	B	B	B	HO	B	-	-	B	B	B	B	B	-	-	L	L	L	L	B	-	-	L	L	L	L	L

**Response of Philadelphia Gas Works
to the Interrogatories of the
Complainants, Set II-1, 2, 8-14, in
Docket No. C-2019-3013933**

Request: Complainants' – Set II-11 If you disagree with Complainants' statements of facts in paragraph 11 of their Formal Complaint, state with specificity what statements you disagree with.

- a. Your statements shall include information that provides a more accurate description of the events.

Response:

Subject to and without waiving its prior objections, PGW admits only that Brian McGuire returned to the Passyunk plant after his regularly scheduled shift in or about February 2018 in order to retrieve personal documents from his office, and specifically denies that his entrance constituted any safety violation, including any violation of any provision of the Public Utility Code, Commission regulations or Commission orders. As the Plant Manager, Mr. McGuire is permitted to enter the plant at any time and has all of the "credentials" required to enter the plant. It is further specifically denied that Mr. McGuire was inebriated when he came to the plant after his regularly scheduled shift in or about February 2018.

Response provided by: Brian McGuire

Dated: March 25, 2020

EVACUATION or PLANT EMERGENCY

The following are description of plant alarms. If sounded for any reason other than noon testing of the General alarm every Thursday and Civil alarm on the first Friday each month, evacuate or prepare to evacuate as prescribed.

Visitor Note: Due to the lack of familiarity with plant layout, if at all possible, follow your plant escort in any emergency situation. If you become separated, locate and follow the nearest plant employee. If unable, proceed to nearest emergency exit as depicted in RED, and proceed as directly as possible to the emergency gathering point, depicted in BLUE.

General Alarm

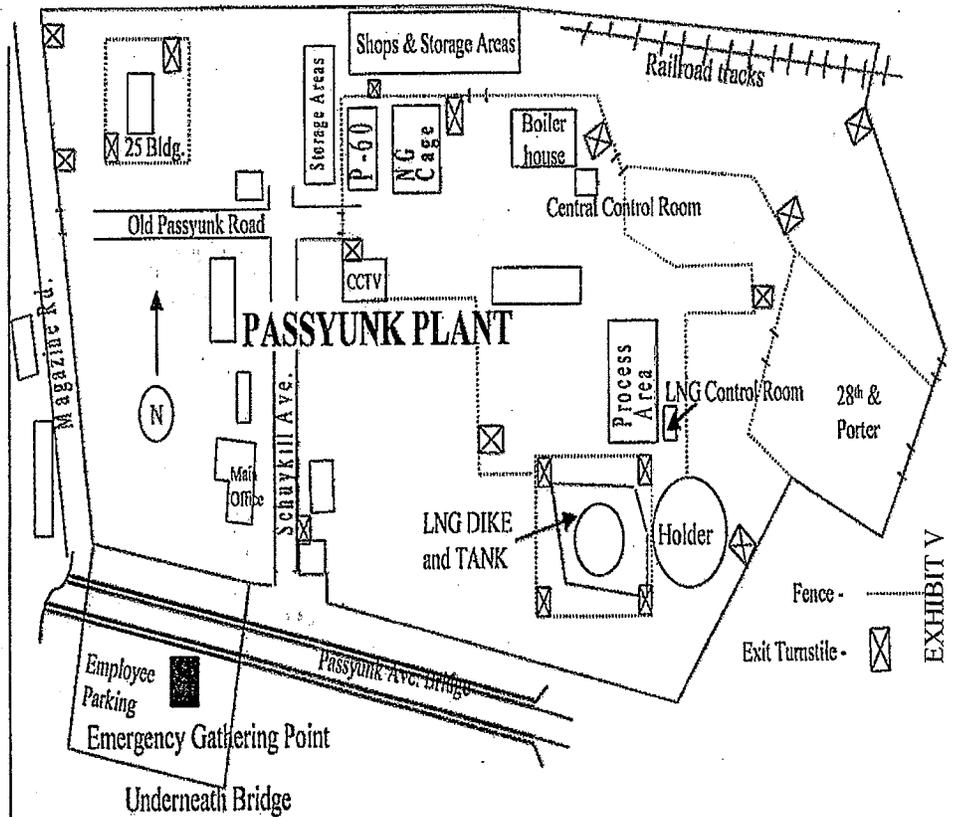
A frequency oscillating, air siren (standard civil defense siren) with characteristic spool-up from a low frequency tone to a higher one consisting of one complete cycle lasting approx. fifteen (15) seconds.

Emergency Evacuation Alarm

The same frequency oscillating siren as describe in "General Alarm" but will continue through ten (10) consecutive cycles.

Civil Evacuation Alarm

A frequency oscillating, air siren (standard civil defense siren) with characteristic spool-up from a low frequency tone to a higher one, with repeated oscillation every eight to ten seconds.



General Alarm

Contractors – Secure job/task site as much as possible and report to the in-house assembly area (contractor's gate) and await further instruction.

Visitors –
See "Visitor Note" above

Plant Evacuation Order

Contractors and Visitors – (Visitors follow escorts if available. See "Visitor Note" above, left). Exit plant by nearest emergency exit as depicted in RED on the plant diagram. FROM OUTSIDE THE PLANT, proceed to the Emergency Gathering Point as depicted in BLUE on the diagram.

Civil Evacuation

Contractors and Visitors – (Visitors follow escorts if available. See "Visitor Note" above, left). Exit plant by nearest emergency exit as depicted in RED on the plant diagram. FROM OUTSIDE THE PLANT, proceed to the Emergency Gathering Point as depicted in BLUE on the diagram.

**Response of Philadelphia Gas Works
to the Interrogatories of the
Complainants, Set II-1, 2, 8-14, in
Docket No. C-2019-3013933**

Request: Complainants' – Set II-1 Describe in detail the incident that occurred on or about September 11, 2018 involving Passyunk Plant Operations Supervisor Ryan O'Donnell ("O'Donnell") leaving the plant property without proper notification to plant personnel, taking a company vehicle and getting involved in a car accident.

- a. Your description shall include the names, job titles and actions of all PGW personnel who had to retrieve O'Donnell and the company vehicle as well as those responsible for investigation and/or reporting in the matter.
- b. Your response shall include all documents concerning, related and referring to this event.

Response:

Subject to and without waiving its prior objections, PGW specifically denies that any safety violation occurred, including any violation of any provision of the Public Utility Code, Commission regulations or Commission orders. PGW further specifically denies that Ryan O'Donnell left the plant property "without proper notification to plant personnel." For a detailed description of the referenced September 11, 2018 incident involving Mr. O'Donnell, PGW hereby refers to and incorporates as if fully set forth herein the Automobile Accident Report authored by David Martinez, which is attached as Attachment A. For a further response, PGW hereby incorporates as if fully set forth herein its response to Set II-5.

Response provided by: Brian McGuire

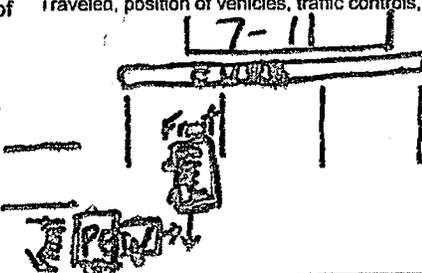
Dated: March 25, 2020

AUTOMOBILE ACCIDENT REPORT

EE STATEMENT NO. 1

Set II-1, Attachment A

Location of Accident 2300 Passyunk Ave. (7-11 Parking Lot) Date & Time of Accident 9-11-18 4:45pm

PGW VEHICLE	Vehicle No. <u>277207</u> Make/Type <u>Chevrolet Colorado</u> Year <u>2007</u> Operator <u>Ryan O'Donnell</u> PR No. <u>286</u> Extent of Damage <u>None</u> Est. Speed <u> </u> MPH Nature of Injury to Operator <u>n/a</u>
OTHER VEHICLE	Owner _____ Address _____ Make/Type <u>Mazda RAV-4</u> Year _____ License No. <u>KKN-2589 (PA)</u> Extent of Damage <u>Scratch on Rear bumper (Driver side)</u> Est. Speed <u> </u> MPH Operator _____ Address _____ Operator License No. _____ Injuries and/or Medical Att'n <u>n/a</u> Remarks of Operator _____
PASSENGERS & EXTENT OF INJURIES	Name _____ Injuries and/or Medical Att'n _____ Address _____ In PGW <input type="checkbox"/> Vehicle <input type="checkbox"/> Other Name _____ Injuries and/or Medical Att'n _____ Address _____ In PGW <input type="checkbox"/> Vehicle <input type="checkbox"/> Other Name _____ Injuries and/or Medical Att'n _____ Address _____ In PGW <input type="checkbox"/> Vehicle <input type="checkbox"/> Other
MISC. DATA	Weather and/or Road Conditions <u>Overcast</u> Action by Police <u>DC# 18-01-033958</u> Name <u>Ofc. Prout</u> Badge# <u>5183</u> Police District _____ Insurance Coverage: Public Liability Policy# _____ Company _____ Collision Policy# _____ Company _____
WITNESSES	Name _____ Address _____ Comments: _____
<p>Details of Accident: As Ryan O'Donnell was backing out of a parking spot at 7-11, another driver was noticed also backing out of a parking spot. Once Mr. O'Donnell noticed the other driver didn't see him, he tried to move out of the way by moving the truck back into the parking spot, but the two (2) vehicle had still collided, leaving a small scratch on the rear driver side bumper of the RAV-4. No damage to PGW truck #277207.</p> <p>Draw sketch below showing existing street conditions, direction Traveled, position of vehicles, traffic controls, etc.</p> 	

Reported by .David Martinez Reviewed by _____
 Date Sept. 11 2018 Title and Dept. _____
 Phoned to Risk Mngt. Dept. Sept. 11 2018 Date _____ 20

EXHIBIT VI-B

EE STATEMENT NO. 1
EXHIBIT VII

Philadelphia Gas Works



800 West Montgomery Avenue, Philadelphia, PA 19122
Lorraine S. Webb
VP, Human Resources and Organizational Development
Telephone: (215) 684-6684
Facsimile: (215) 684-6500
E-mail: lorraine.webb@pgworks.com

April 24, 2018

VIA HAND DELIVERY

Mr. Dwayne Ackie
5000 Woodbine Avenue
Apt. 301
Philadelphia PA, 19131

Re: Complaint of February 26, 2018

Dear Mr. Ackie:

Thank you for bringing forward your concerns regarding the behavior of certain Passyunk Plant Management personnel. As you are aware, on February 26, 2018, you left a voicemail message for Sr. Business Partner, Matthew Rohrer, in which you stated that you wished to report certain conduct of Passyunk Plant Manager, Brian McGuire, and your belief that the working environment at the Passyunk Plant had become hostile and unsafe. This information was immediately relayed to the Director of Organizational Development, Gary Gioioso, and the Director of Security, John Ferrer. Subsequently, you reported your belief that certain actions taken by Mr. McGuire on the evening of February 23, 2017 were in retaliation for your having participated in an investigation into a fellow employee's internal complaint of discrimination and retaliation.

As with any such claims, PGW treated these allegations very seriously. As you are aware, PGW retained an independent third party to investigate your concerns, as well as the concerns of other employees at the Passyunk Plant. Your concerns, as well as the findings of that investigation, were reviewed at the highest level of the organization.

The investigation did not result in a finding that discrimination or retaliation occurred, nor that Mr. McGuire subjected any employee at the Passyunk Plant to a hostile work environment. Additionally, the investigation did not result in a finding that conditions at the Passyunk Plant were unsafe. Notwithstanding, PGW does not take lightly your perception that you were retaliated against. Therefore, PGW is in the process of arranging training for all employees at the Plant on the topics of discrimination, harassment, retaliation, and implicit bias. Our goal is to have a culture that supports diversity and inclusion as well as teamwork, communication and

the ability to resolve conflict resolution. This training is being sponsored by the highest level of PGW management.

Finally, PGW has made clear to all individuals who were subject to the investigation that they are prohibited from retaliating in any way against you or anyone else who has participated in, or was the subject of, the investigatory process. It is the responsibility of all PGW employees to foster an environment in which all employees are treated with respect and feel comfortable voicing a complaint without fear of reprisal. All individuals involved in this matter have been reminded of this responsibility and made aware of the serious consequences that will occur should they fail to uphold that responsibility in the future. PGW will continue to maintain a work environment that is free of all activities that are threatening, abusive, alarming, or create an environment which interferes with employees doing their jobs. PGW will not tolerate harassment or retaliation against any employee for filing a discrimination and/or harassment complaint or for assisting in the investigation of any such complaint.

If you experience or witness any inappropriate comments or conduct of any kind, or if you believe that retaliation of any kind has occurred, please let me know immediately so that we can investigate and take corrective action if appropriate. Also, if there is anything else which you think we should consider doing, please let me know. We will consider all suggestions.

Further, if, after reviewing this letter, you believe there to be any remaining concerns, of any nature, involving any PGW personnel, or the working environment in general, please bring those issues to my attention immediately and they will be addressed in a prompt and thorough manner.

We value your continued contributions to the PGW Organization and thank you for bringing your concerns to our attention.

Sincerely,

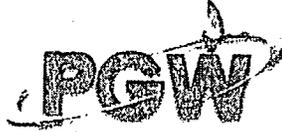


Lorraine S. Webb

VP – Human Resources and Organizational Development

EE STATEMENT NO. 1
EXHIBIT VIII

Philadelphia Gas Works



800 West Montgomery Avenue, Philadelphia PA 19122
Lorraine s. Webb, VP – Human Resources and
OD
Telephone: (215) 684-6684
Facsimile: (215) 684-6500
Email: Lorraine.Webb@pgworks.com

April 19, 2018

Employee: Brian McGuire
Department: Gas Processing
Subject: Performance Issues

Dear Brian,

As you aware, on December 21, 2017 Philadelphia Gas Works' (PGW) Human Resources Department received a complaint regarding allegations of racial and national origin discrimination. PGW also received subsequent related complaints of retaliation. You were named in these complaints as an involved party.

As with any such claims, PGW treated these allegations very seriously and conducted a thorough investigation. Although the investigation did not result in a finding that race or national origin-based discrimination or retaliation occurred, the investigation did reveal issues with your management performance, including your oversight and use the Time and Labor Management System (TLM), and instances of circumventing the Plant's C-Cure security badging system. The purpose of this letter is to share some of the findings of the investigation, and to reiterate the Company's expectations of you with respect to your role as a leader at PGW.

Primarily, the investigation resulted in a finding that circumvention and manipulation of the TLM and C-Cure Systems has become part of the culture of the Passyunk Plant, and that you either implicitly or explicitly condoned and/or did not seek to correct this problem. As the senior manager at the plant, it is your responsibility to ensure that employees are accurately clocked in and out, that you truthfully report the time that you are present at work, and that security protocols are followed. These practices are crucial to PGW's operations and impact payroll, security and regulatory requirements.

Regarding your own timekeeping, you acknowledged during the investigation that on various occasions you logged into the TLM system on your smart phone to remotely clock in prior to arriving at the Passyunk Plant. You also acknowledged logging into TLM on your smart phone to remotely clock out after having already left the Passyunk Plant. The investigation further showed that there were occasions in which TLM clock-in and clock-out times had been entered for you; however, there was no indication that you were actually present at the plant on those occasions. Additionally, there were other occasions in which you disregarded security protocols and bypassed the Plant's C-Cure system. Regarding your conduct with respect to the timekeeping of your subordinates, you acknowledged during the investigation that you suspected, but did not seek to investigate or correct, certain unauthorized timekeeping practices at Passyunk Plant regarding accurate logging of clock in and out times. For example, it was

revealed that certain employees consistently logged out other employees at the end of shifts. In that vein, the investigation revealed that there have been occasions in which you clocked in and out David Martinez, General Supervisor of the Passyunk Plant, as present at the plant when, in fact, he was not. The investigation also revealed that someone in the Passyunk Administrative Office had the ability to and would log Mr. Martinez into TLM using his username and password. It is also worth noting that during the investigation, Mr. Martinez acknowledged circumventing the Plant's C-Cure Security System.

As stated above, these findings are serious, and as a result, the following actions are being taken:

1. You and your subordinates may only clock in and out using TLM time clocks physically located at your designated worksite. You will not be allowed to use remote access to clock in or out, whether through IVR, the internet or any other means.
2. In the event that management employees receive either a pay adjustment or merit increase, you may be prohibited from receiving any such increases.
3. You will be assigned to either a coach and/or equivalent training designed to help you improve your management skills.

Going forward it is expected that you will exercise better judgment regarding your own timekeeping practices, and will endeavor to perform your supervisory obligations regarding the practices of subordinates to the full extent required of someone in your position. Further instances of timekeeping abuse similar to those highlighted will result in additional discipline, up to and including termination.

It is also important to be clear that you are prohibited from engaging in any retaliation of any kind with respect to anyone who was involved in this investigation, including but not limited to attempting to make the working environment uncomfortable for these employees. This includes individuals who you believe made complaints or may have been interviewed.

In addition Brian, any other performance issue that undermines management's confidence in your ability to perform the full duties of your job will also result in further disciplinary action up to and including termination.

A copy of this document will be placed in your Personnel File and shall remain there while you are employed with the Philadelphia Gas Works.

Sincerely,


Lorraine S. Webb

VP - Human Resources and Organizational Development

CC: Douglas Moser
Raymond Snyder
John Zuk
Personnel folder



HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICIES AND PROCEDURES

ELECTRONIC TIME
RECORDING – NON-UNION
EMPLOYEES

Effective Date: 03/01/09

Number #000-15

I. PURPOSE

To accurately record employees' attendance and time worked to ensure (i) proper compensation and (ii) compliance with PGW attendance policies.

II. POLICY

All active PGW non-union employees (including part-time and temporary employees and co-op students) are required to electronically record work start and stop times using one of the following methods: Electronic Badge Reader, Web Clock or Interactive Voice Response System (IVR). The acceptable methods of reporting time to be used for each department will be determined by the applicable department Vice President.

III. DEFINITIONS

- A. **Electronic Badge Reader** – Electronic device used to record work start and stop times via PGW ID badge (NOTE: this is not the same as the CCURE system used to gain access to PGW facilities). Electronic Badge Readers are located throughout PGW's various facilities.
- B. **Clocking In or Clocking Out** – Employees record their time by one of three methods: a) swiping in or out at an Electronic Badge Reader, b) logging in or out via the Web Clock through their computer or c) through the use of an IVR system. Recording time via any of these methods shall be referred to as Clocking In or Clocking Out.
- C. **Five Minute Grace Period** - The period of time lasting 5 minutes and 59 seconds (5:59 minutes) immediately following the scheduled start time, whereby the employee will not be considered late. Overtime eligible employees will be granted up to 5:59 minutes after their scheduled starting time to clock in without penalty.
- D. **Interactive Voice Response System ("IVR")** – The telephone system used to record work start and stop times.
- E. **Overtime Eligible Employees** – Those employees identified by the Company as being eligible for overtime in accordance with the criteria set forth under the Fair Labor Standards Act. This includes all Union positions and certain non-union positions.
- F. **Reporting Period** – For overtime eligible employees, this is the period of time from 10 minutes prior to employees' scheduled start time through 5:59 minutes after the scheduled start time.
- G. **Unauthorized Overtime** – Overtime worked by an employee without approval by the appropriate Manager/Supervisor.



- H. **Web Clock** – Online web-based clock that records work start and stop times.

IV. TIME RECORDING GUIDELINES

- A. Each working day upon arrival to work, employees will be required, during the Reporting Period, to: a) "swipe" their PGW ID badge through the applicable Electronic Badge Reader(s), b) clock in using the Web Clock through their computer or c) clock in via IVR as specified by their department Vice President. Recorded time will be electronically collected and used to post attendance information to employees' attendance record and as input to payroll.
- B. At the end of each work day, employees will be required to: a) "swipe" their PGW ID badge through the applicable Electronic Badge Reader(s), b) clock out using the Web Clock through their computer or c) clock out via IVR as specified by their department Vice President. Employees must clock out within 5:59 minutes after the end of their scheduled work day unless they are required to work overtime. Employees required to work overtime must clock out upon completion of the time worked. Recorded time will be electronically collected and used to post attendance information to employees' attendance record and as input to payroll.
- C. At the discretion of the applicable department Vice President, some employees will be required or allowed to record their work start and stop times using the Web Clock or IVR.
- D. Employees who typically utilize an Electronic Badge Reader or Web Clock to record their work start and stop times but who are offsite and are, therefore, unable to "swipe" their PGW ID badges or clock in via computer will be required to contact the applicable personnel specified by their department Vice President so that accurate work start and/or stop times may be recorded.

V. MONITORING COMPLIANCE

- A. Managers/Supervisors are responsible for monitoring compliance with attendance and time reporting policies within their respective departments.
- B. Employees are required to personally record their work start and stop times (through an Electronic Badge Reader, Web Clock or IVR, as permitted).
- C. Failure to record work start or stop times in accordance with Sections IV(A) and IV(B) by overtime eligible employees may result in time being docked and may result in appropriate disciplinary action.
- D. All overtime eligible employees are required to start work at their scheduled start times.



HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICIES AND PROCEDURES

ELECTRONIC TIME
RECORDING – NON-UNION
EMPLOYEES

Effective Date: 03/01/09

Number #000-15

- E. Overtime eligible employees are not permitted to clock in more than 10 minutes prior to their scheduled start time unless approved in advance by their Manager/Supervisor. Failure to adhere to this rule may result in unauthorized overtime and may result in disciplinary action. Employees that are not eligible for overtime are not subject to this requirement.
- F. Overtime eligible employees that elect to clock in up to 10 minutes before their scheduled start time may not perform any PGW work prior to their scheduled start time. Failure to adhere to this rule may result in unauthorized overtime and may result in disciplinary action. Employees that are not eligible for overtime are not subject to this requirement.
- G. Overtime eligible employees are afforded a Five Minute Grace Period after their scheduled start time without incurring disciplinary measures or being docked pay. Employees that are not eligible for overtime are not subject to this requirement.
- H. Overtime eligible employees who record their work start time after the expiration of the Five Minute Grace Period may have their pay docked in 6 minute increments. Overtime eligible employees' pay will not be docked if they record their work start time during the Five Minute Grace Period. Employees that are not eligible for overtime are not subject to this requirement.
- I. All employees will be granted access to PGW's facilities for a reasonable period both before and after their scheduled start and end times. The Company understands that employees may have transportation, healthcare, childcare arrangements, etc., where it would be inconvenient for the employee to be required to wait to enter the premises or to vacate the premises. Employees may utilize the cafeteria or be at their workstation, provided they do not disrupt the work activities of other employees. However, overtime eligible employees, unless approved in advance by their Manager/Supervisor, may not perform any task that may be construed as work prior to their scheduled start time or after their scheduled end time. Failure of overtime eligible employees to adhere to this rule may result in unauthorized overtime and may result in disciplinary action.
- J. Employees are specifically prohibited from clocking in or out for another employee (through an Electronic Badge Reader, Web Clock or IVR). Violations of this provision will be subject to disciplinary action in accordance with HRD Policy #003-11, Corporate Discipline.
- K. As "at will" employees, all non-union employees – whether overtime eligible or non-overtime eligible – are subject to all discipline, including discharge, not prohibited by applicable law.



HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICIES AND PROCEDURES

ELECTRONIC TIME
RECORDING – NON-UNION
EMPLOYEES

Effective Date: 03/01/09

Number #000-15

VI. RECORDING TIME CORRECTIONS

- A. When an error in reporting employees' time and/or attendance occurs, or when the data is incomplete at the time of payroll preparation and reporting, the Company will make every effort to resolve the issue prior to the next pay period.
- B. The appropriate PGW management personnel will be authorized to override the PGW electronic time and attendance system in order to make necessary corrections.
- C. It is the responsibility of employees to contact their Manager/Supervisor immediately of any problems with recording their work start or stop times as required by this policy. If it is determined there are problems with the system, the Manager/Supervisor should document the employee's start or stop time, as applicable, and report the problem immediately to the HR System Administrator.

VII. LOST/FORGOTTEN ID BADGE

- A. Employees who lose their badge will be provided with two (2) free replacement badges within a calendar year. Employees will be charged a replacement badge fee, currently \$25, if they are required to replace a third (3rd) badge within the year.
- B. Employees must notify their Manager/Supervisor immediately of their inability to record their work start or stop time due to a forgotten or lost PGW ID badge. The department will document the employee's work start and/or stop time(s) for entry into the PGW electronic time and attendance system.

Approved:

(Signature on File)
Thomas E. Knudsen
President and CEO

03-01-09
Date

	HUMAN RESOURCES DEPARTMENT PERSONNEL POLICY AND PROCEDURES	CORPORATE DISCIPLINE POLICY
	Effective Date: 1/22/16	Number #003-11
	Supersedes: 04/25/12 Creation Date: 06/03/02	

I. PURPOSE

Rules and standards are necessary to (i) promote productivity, (ii) protect the health and safety of all residents/customers and employees, (iii) maintain safe, reliable and uninterrupted service and (iv) protect the public property as well as the Company's good will and property. The basic purpose of the Corporate Disciplinary Policy is not to provide punishment but, rather, to maintain voluntary and willing compliance with PGW rules and regulations and treat problems constructively.

II. POLICY

Employees who violate a Company rule or regulation will be disciplined fairly, consistently and in proportion to the seriousness of the circumstances. This may include disciplinary action up to and including discharge from employment for the first offense.

III. TYPES OF WORK RULE VIOLATIONS

A. Generally, there are three (3) types of work rule violations -- minor, major and dischargeable. Violation of any minor Company rule will result in progressive disciplinary action up to and including discharge. Major work rule violations are subject to a separate chain of discipline as outlined below. Dischargeable offenses may be dealt with by immediate termination.

1. Minor work rule violations will subject the offending employee to the following progressive disciplinary schedule:

First occurrence	-	Written Warning
Second occurrence	-	One (1) Day Suspension
Third occurrence	-	Five (5) Day Suspension
Fourth occurrence	-	Ten (10) Day Suspension
Fifth occurrence	-	Dismissal

2. Minor work rule violations include, but are not necessarily limited to, the following:

- a. Abuse of smoking privileges, or smoking in other than a designated area.
- b. Abuse of rest and lunch periods.
- c. Gambling on Company time.



HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICY AND PROCEDURES

CORPORATE DISCIPLINE
POLICY

Effective Date: 1/22/16
Supersedes: 04/25/12
Creation Date: 06/03/02

Number #003-11

- d. Leaving the work place ahead of scheduled time or during work hours without permission. *(In addition to the penalties outlined above, employee's pay is docked for the time not worked)*
- e. Failure to report off work sick or to report lateness. *(In addition to the penalties outlined above, employee's pay is docked for the time not worked.)*
- f. Unauthorized cameras, radios or televisions on Company property.
- g. Distribution of literature and material of any kind (with the exception of Union-sponsored material) during working hours, or non-working hours, in areas without the express authorization of the Human Resources Department.
- h. Sleeping or reading unauthorized material on the job.
- i. Receiving or making excessive personal telephone calls.
- j. Use of insulting or abusive language to a coworker.
- k. Late reporting of injuries or carelessness in the performance of duties.
- l. Use, attempted use, or holding an electronic communication device (i.e., cellular phone, laptop, etc.) while driving a Company-issued vehicle.
- m. Smoking while in a Company vehicle, whether driving the vehicle or not.
- n. Refusing or failing to use a seatbelt, or employing an improperly fastened seatbelt while driving a Company vehicle.

IV. MAJOR WORK RULE VIOLATIONS SUBJECT TO PROGRESSIVE DISCIPLINE

- A. Major work rule violations are subject to a three-step disciplinary procedure, consisting of a ten (10) day suspension for the first offense, thirty (30) day suspension for the second offense and dismissal for the third offense. **However, aggravating circumstances (e.g., acts involving criminal or unlawful behavior) may result in more severe disciplinary action, including termination for a first or second offense.** Major work rule violations include, but may not necessarily be limited to, the following:



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PERSONNEL POLICY AND PROCEDURES**

**CORPORATE DISCIPLINE
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Effective Date: 1/22/16

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1. The unauthorized use or destruction of Company equipment, vehicles, tools, materials, and/or the unauthorized use of Company personnel to perform personal or private work on or off Company premises.
2. Deliberate misuse of Company supplies, materials, machines or tools.
3. Deliberate misrepresentation of hours worked.
4. Willful violation of established safety procedures, rules and regulations.
5. Insubordination directed to any person in a position of higher authority.
6. Making any oral or written derogatory racial, ethnic or gender-based slurs or epithets.
7. Distribution of any legally slanderous, pornographic or hateful material.
8. Improper and/or unprofessional treatment of customers.
9. Restricting production, or interfering with PGW employees in the performance of their duties in violation of Article III, Section 5 of the collective bargaining agreement
10. Disclosing company, customer or employee confidential information without appropriate authorization.
11. Falsification of time sheets or time entries on work logs.
12. Falsification of overtime.
13. Failure to report an accident involving PGW vehicles, equipment or property.

- B. Where practicable, a supervisor will verbally warn an employee that his or her conduct is becoming insubordinate as the conduct is occurring, prior to charging an employee with insubordination.

An employee charged with a major infraction has the option of electing to receive a five (5) day suspension without a grievance rather than a ten (10) day suspension with the right to grieve, provided that the employee does not have a record of a major infraction within the proceeding forty (40) months.



**HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICY AND PROCEDURES**

**CORPORATE DISCIPLINE
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Number #003-11

V. DISCHARGEABLE OFFENSES

A. Work rule violations subject to immediate discharge include, but may not be limited, to the following:

1. Refusal to work, unless the employee has legitimate safety concerns. However, no employee may refuse work where health or safety of our customers or the public may be compromised.
2. Possession of unauthorized weapons in a working area or job site of the Company.
3. Use of an assumed name or falsification of records, including the misrepresentation of data submitted in the course of securing employment, but excluding time sheet, time entry on work logs, or overtime records.,
4. Larceny or theft of customer, employee or Company property.
5. Sick leave fraud, including engaging in gainful secondary employment in contradiction of a purported medical condition while on sick leave.
6. Failure to maintain a City of Philadelphia residence (see HRD Policy 005-3, Philadelphia Residency Requirement).
7. Willful and knowing falsification of Company records, including any documents associated with any plan or benefit sponsored or overseen by the Company. The Company sponsored/overseen plans subject to this provision shall include, but not be limited to, the following: Long Term and Short Term Disability, Deferred Compensation, Flexible Spending Accounts and Life Insurance.
8. Workers compensation fraud, including but not limited to engaging in any outside activity, including secondary employment, in contradiction of purported physical restrictions.
9. Solicitation by any employee, while on duty, or while wearing a Company uniform, of any private work of a nature normally performed by PGW employees, or any work not authorized by PGW, or unsolicited referral of any work of a nature normally performed by PGW employees discovered while on duty to any other person including the employee.
10. Knowingly benefiting from or participating in the use of illegally obtained PGW services.



**HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICY AND PROCEDURES**

**CORPORATE DISCIPLINE
POLICY**

**Effective Date: 1/22/16
Supersedes: 04/25/12
Creation Date: 06/03/02**

Number #003-11

11. Violation of HRD Policy 003-17, Employee Gas Accounts.
12. Physical violence of any kind.
13. Adjusting or modifying a restricted PGW customer gas account as outlined in HRD Policy 003-24, Restrictions on Working on PGW Customer Gas Accounts. Restricted gas accounts include: relatives, friends, PGW employees, employee's own gas account, premise listed as employee's residence with PGW and any properties own by the PGW employee.
14. Possession of illegal drugs or prescription drugs for which the employee has no prescription issued by a licensed physician; sale of drugs of any kind (irrespective of whether an employee has a prescription for said prescription drugs) while on PGW's property or during the employee's hour of work.

V. DISCIPLINARY PROCESS

- A. A disciplinary hearing with a Union representative will be conducted when an employee has been suspected of violating an established rule or regulation. The employee will be given the opportunity to express his or her side of the case, assisted by his or her Union representative. A decision will then be made and all parties will be informed of the decision. The results of the hearing must be documented. A copy will be given to the employee and Union representative and the original placed in the employee's file.
- B. Disciplinary action resulting in suspension may only be taken with the approval of the appropriate manager or an authorized representative. Disciplinary action resulting in the discharge may only be taken with the approval of the Vice President of Human Resources.

VI. REMOVAL OF DISCIPLINE

- A. All infractions classified as minor will not be counted as offenses after a period of twenty-four (24) months, provided that the employee has no further violations of that particular classification of offense during that period.
- B. All infractions classified as major will not be counted as offenses after a period of forty (40) months, provided that the employee has no further violations of that particular classification of offenses during that period.



HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICY AND PROCEDURES

CORPORATE DISCIPLINE
POLICY

Effective Date: 1/22/16

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Number #003-11

VII. APPLICABILITY

- A. The work rules provided in this policy apply to both union and non-union employees. The penalties and disciplinary processes described herein, however, apply only to union-represented employees. Non-union employees are subject to all discipline, including discharge, not prohibited by applicable law.

Approved:

(Signature on file)
Craig E. White
President and CEO

1/22/2016
Date



HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICIES AND PROCEDURES

ELECTRONIC TIME
RECORDING - UNION
EMPLOYEES

Effective Date: 03/01/09

Number #000-16

I. PURPOSE

To accurately record employees' attendance and time worked to ensure (i) proper compensation and (ii) compliance with PGW attendance policies.

II. POLICY

All active PGW union employees are required to electronically record work start and stop times using one of the following methods: Electronic Badge Reader, Web Clock or Interactive Voice Response System (IVR). The acceptable methods of reporting time to be used for each department will be determined by the applicable department Vice President.

III. DEFINITIONS

- A. **Electronic Badge Reader** - Electronic device used to record work start and stop times via PGW ID badge (NOTE: this is not the same as the CCURE system used to gain access to PGW facilities). Electronic Badge Readers are located throughout PGW's various facilities.
- B. **Clocking In or Clocking Out** - Employees record their time by one of three methods; a) swiping in or out at an Electronic Badge Reader, b) logging in or out via the Web Clock through their computer or c) through the use of an IVR system. Recording time via any of these methods shall be referred to as Clocking In or Clocking Out.
- C. **Fifteen Minute Grace Period** - The period of time lasting 14 minutes and 59 seconds immediately following the scheduled start time.
- D. **Five Minute Grace Period** - The period of time lasting 5 minutes and 59 seconds (5:59 minutes) immediately following the scheduled start time, whereby the employee will not be considered late. Employees will be granted up to 5:59 minutes after their scheduled start time to clock in without penalty.
- E. **Interactive Voice Response System ("IVR")** - The telephone system used to record work start and stop times.
- F. **Reporting Period** - The period of time from 10 minutes prior to employees' scheduled start time through 5:59 minutes after the scheduled starting time.
- G. **Unauthorized Overtime** - Overtime worked by an employee without approval by the appropriate Manager/Supervisor.
- H. **Web Clock** - Online web-based clock that records work start and stop times.



HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICIES AND PROCEDURES

**ELECTRONIC TIME
RECORDING - UNION
EMPLOYEES**

Effective Date: 03/01/09

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IV. TIME RECORDING GUIDELINES

- A. Each working day upon arrival to work, employees will be required, during the Reporting Period, to: a) "swipe" their PGW ID badge through the applicable Electronic Badge Reader(s), b) clock in using the Web Clock through their computer or c) clock in via IVR as specified by their department Vice President. Recorded time will be electronically collected and used to post attendance information to employees' attendance record and as input to payroll.
- B. At the end of each work day, employees will be required to: a) "swipe" their PGW ID badge through the applicable Electronic Badge Reader(s), b) clock out using the Web Clock through their computer or c) clock out via IVR as specified by their department Vice President. Employees must clock out within 5:59 minutes after the end of their scheduled work day unless they are required to work overtime. Employees required to work overtime must clock out upon completion of the time worked. Recorded time will be electronically collected and used to post attendance information to employees' attendance record and as input to payroll.
- C. At the discretion of the applicable department Vice President, some employees will be required or allowed to record their work start and stop times using the Web Clock or IVR.
- D. Employees who typically utilize an Electronic Badge Reader or Web Clock to record their work start and stop times but who are offsite and are, therefore, unable to "swipe" their PGW ID badges or clock in via the Web Clock will be required to contact the applicable personnel specified by their department Vice President so that accurate work start and/or stop times may be recorded.

V. MONITORING COMPLIANCE

- A. Managers/Supervisors are responsible for monitoring compliance with attendance and time reporting policies within their respective departments.
- B. Employees are required to personally record their work start and stop times (through an Electronic Badge Reader, Web Clock or IVR, as permitted).
- C. Failure to record work start or stop times may result in time being docked.
- D. Failure to record work start or stop times in accordance with Sections IV(A) and IV(B) above may result in progressive disciplinary action as identified in Section VI.
- E. All Union employees are required to start work at their scheduled start times. Union employees are not permitted to clock in more than 10 minutes prior to their scheduled start time unless approved in advance by their Manager/Supervisor.



**HUMAN RESOURCES DEPARTMENT
PERSONNEL POLICIES AND PROCEDURES**

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Failure to adhere to this rule may result in progressive disciplinary action as identified in Section VI.

- F. Employees that elect to clock in up to 10 minutes before their scheduled start time may not perform any PGW work prior to their scheduled start time. Employees may not perform any work outside their scheduled shift without proper authorization from their Manager/Supervisor.
- G. Union employees are afforded a Five Minute Grace Period and may clock in up to 5:59 minutes after their scheduled start time without incurring disciplinary measures or being docked pay. Union employees who record their work start time after the expiration of the Five Minute Grace Period may have their pay docked in 6 minute increments.
- H. Union employees who clock in after the expiration of the Five Minute Grace Period, but within the Fifteen Minute Grace Period, shall be disciplined under HRD Policy 000-7, Section III, 7, Discipline for Lateness.
- I. Union employees who call in to report their lateness prior to their scheduled start time and who clock in outside of the Fifteen Minute Grace Period shall be disciplined under HRD Policy 000-7, Section III, 7, Discipline for Lateness.
- J. Union employees who do not call in to report their lateness prior to their scheduled start time and who clock in outside of the Fifteen Minute Grace Period shall be disciplined under HRD Policy 003-11, Corporate Discipline.
- K. Certain Gas Processing Union positions (Operations Working Foreman, Process Operator I and Process Operator II) work an 8 hour shift without lunch. In order to allow employees to share work related information as they are relieved by the next shift, the employees whose shifts are ending are entitled to six (6) minutes of overtime in order to discuss work issues relating to the prior shift without prior approval by their Manager/Supervisor. An employee must actually perform relief work during the relief period in order to be eligible for overtime pay. The employee must clock out no earlier than 6 minutes after the end of their shift, but prior to 11 minutes and 59 seconds after the end of their shift. Clocking out after this period without supervisory permission may result in unauthorized overtime and may subject the employee to appropriate disciplinary measures as identified in Section VI. Employees shall not be disciplined if they record their exit time after 11 minutes and 59 seconds beyond their scheduled end time only if the time is approved by their Manager/Supervisor.
- L. Employees may not perform any task that may be construed as work prior to their scheduled start time or after their scheduled end time unless approved in advance by their Manager/Supervisor. Failure to adhere to this rule may result in unauthorized overtime and the employee may be subject to appropriate



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progressive disciplinary action as identified in PGW's Corporate Discipline Policy 003-11.

- M. Employees are specifically prohibited from clocking in or out for another employee (through an Electronic Badge Reader, Web Clock or IVR). Violations of this provision will be subject to disciplinary action in accordance with HRD Policy #003-11, Corporate Discipline.

VI. DISCIPLINARY MEASURES

- A. **Failure to record time at the start or end of the shift.** – Failure of employees to clock in prior to starting work or clock out after completing work may result in progressive disciplinary measures as outlined in Section VI(D).
- B. **Clocking in more than 10 minutes prior to the scheduled start time.** – Employees may not clock in more than 10 minutes prior to their scheduled starting time. Failure to adhere to this rule may result in unauthorized overtime payments to the employee and may result in progressive disciplinary measures as outlined in Section VI(D).
- C. Beginning May 1, 2009, employees who commit any of the aforementioned TLM infractions during a rolling 12-month period shall be disciplined according to the following progressive discipline schedule:

4 th Occurrence	Counseling
5 th Occurrence	Warning
6 th Occurrence	2 nd Warning
7 th Occurrence	One Day Suspension
8 th Occurrence	Five Day Suspension
9 th Occurrence	Ten Day Suspension
10 th Occurrence	Twenty Day Suspension

Departmental managers and supervisors may determine not to include an occurrence in calculating the above disciplinary schedule if the employee informs his or her Manager/Supervisor of the infraction on the same day on which the infraction occurred or due to mitigating circumstances or based on the employee's overall record.

Each occurrence after the 10th occurrence during the 12-month rolling period shall be a 20 day suspension.

Each infraction equals one (1) occurrence (e.g., unauthorized clocking in prior to employees' scheduled starting time and unauthorized clocking out after scheduled end time infractions committed on the same day are two (2) occurrences).



HUMAN RESOURCES DEPARTMENT
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RECORDING - UNION
EMPLOYEES

Effective Date: 03/01/09

Number #000-16

Employees will be notified of his or her infractions within 20 days of the date that the infraction was committed.

VII. RECORDING TIME CORRECTIONS

- A. When an error in reporting an employee's time and/or attendance occurs, or when the data is incomplete at the time of payroll preparation and reporting, the Company will make every effort to resolve the issue prior to the next pay period.
- B. The appropriate PGW management personnel will be authorized to override the PGW electronic time and attendance system in order to make necessary corrections.
- C. It is the responsibility of employees to contact their Manager/Supervisor or the applicable timekeeper immediately of any problems with recording their work start or stop times as required by this policy. If it is determined there are problems with the system, the Manager/Supervisor or timekeeper should document the employee's start or stop time, as applicable, and report the problem immediately to the HR System Administrator.

VIII. LOST/FORGOTTEN ID BADGE

- A. Employees who lose their badge will be provided with two (2) free replacement badges within a calendar year. Employees will be charged a replacement badge fee, currently \$25, if they are required to replace a third (3rd) badge within the year.
- B. Employees must notify their Manager/Supervisor immediately of their inability to record their work start or stop time due to a forgotten or lost PGW ID badge. The department will document the employee's work start and/or stop time(s) for entry into the PGW electronic time and attendance system.

Approved:

(Signature on File)
Thomas E. Knudsen
President and CEO

03-01-09
Date

EE STATEMENT. NO. 1

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SURREBUTTAL TESTIMONY

OF

DWAYNE ACKIE,
ON BEHALF OF COMPLAINANTS

CONCERNING SAFETY VIOLATIONS AND OTHER CONCERNS
AT
PGW PASSYUNK GAS PROCESSING PLANT

Docket No.: C-2019-3013933

AUGUST 27, 2020

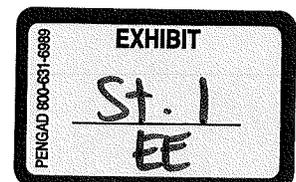


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1 **I. INTRODUCTION**

2 **Q: WHY ARE YOU PROVIDING THIS SURREBUTTAL TESTIMONY?**

3 A. Because I read Brian McGuire's statements related to my testimony, and many of his
4 statements are untrue or incomplete. I wanted to correct the errors and provide complete
5 responses.

6 **II. RESPONSES TO REBUTTAL TESTIMONY OF BRIAN MCGUIRE**

7 **Q: WHAT STATEMENTS MADE BY BRIAN MCGUIRE DO YOU SAY ARE NOT**
8 **TRUE?**

9 A. First, McGuire states that my statement(s) do not "constitute a safety violation, including
10 any violation of any provision 9 of the Public Utility Code, Commission regulations or
11 Commission orders,"¹ but I work at the Passyunk Plant and know that the incidents I gave
12 testimony about do create safety violations based on PGW practices and policies and put
13 my life and the lives of my co-workers and the community at risk.

14 As it relates to the September 11, 2018 incident with Ryan O'Donnell. McGuire states
15 that O'Donnell notified Working Foreman on shift Gary Nelson of his whereabouts.²
16 This is not true. I worked that shift. O'Donnell didn't notified Gary nor myself about
17 leaving the plant. I witnessed John Walker, the Operations Supervisor in the Central
18 Control building ask Gary on speaker phone if O'Donnell told him that he (O'Donnell)
19 was leaving the plant, and Gary answered no.

20 **Q: OK. WHAT OTHER STATEMENTS MADE BY BRIAN MCGUIRE ARE NOT**
21 **TRUE?**

22
23
24
25 ¹ PGW Statement No. 3 at 3, 7

² PGW Statement No. 3 at 3

1 A. In that same statement, McGuire says employees are permitted to leave plant when there
2 is sufficient coverage.³ But on that day in August 2017, Dave Martinez (Passyunk Plant
3 General Supervisor) removed 2 of the 3 essential workers (John Walker and myself) from
4 the plant leaving it with an insufficient number of employees. Hence, putting the
5 working foreman, Jose Ortiz in an unsafe position.

6 **Q: ARE BRIAN MCGUIRE'S UNTRUE STATEMENTS ONLY RELATED TO THE**
7 **SEPTEMBER 11, 2018 INCIDENT?**

8 A; No.

9 **Q: WHAT OTHER STATEMENTS ARE UNTRUE?**

10 A: McGuire makes clarification statements related to the August 2017 incident in which
11 Dave Martinez asked me and John Walker to take him to the airport and return his
12 vehicle to the PGW employee parking lot.⁴ Brian states the Operations Supervisors must
13 leave the plant several times a week to download Detex unit from Penrose station. This
14 is untrue as this task occurs once a week, and it is not common to do when there isn't any
15 other Operations Supervisor or above management present at the plant. For example, on
16 Saturday, August 22, 2020, Wallace Benson (Operations Supervisor) used the rare
17 occasion of Dave Martinez being at the plant on the weekend and notified Martinez he
18 was leaving the plant to get the Detex.

19 McGuire also stated that Dave's vacation request incident most importantly happened in
20 non-vaporization season.⁵ However, this valet request happened with an Operations
21 Supervisor and a Senior Process Operator during peak season when high pressure boilers
22 were on and left unattended.

23
24 ³ PGW Statement No. 3 at 3.

25 ⁴ PGW Statement No. 3 at 4.

⁵ PGW Statement No. 3 at 4-5.

1 **Q: I SEE. ARE THERE ANY OTHER STATEMENTS BY BRIAN MCGUIRE YOU**
2 **WOULD LIKE TO ADDRESS?**

3 A: Yes. McGuire states City pressure is controlled remotely by Gas Control, located at 9th
4 and Montgomery.⁶ But what he didn't say is when Gas Control loses remote connection
5 to the monitors and regulators, Passyunk plant workers are needed immediately to
6 manually control the flow of gas safely going to the City. Hence, the need for quick and
7 sufficient coverage at the plant at all times.

8 **Q: OK. WHAT ELSE, IF ANYTHING, ABOUT BRIAN MCGUIRE'S TESTIMONY**
9 **DO YOU WANT TO ADDRESS?**

10 A; McGuire makes reference to the statements given by Daniel J. Cassidy.⁷ But Cassidy is
11 responding to our complaint that occurred before he was rehired at PGW in September
12 2019.⁸ It is not clear to me why Curt Malkemes, PGW Director, Gas Processing who
13 worked at PGW and has knowledge of the incidents in our complaint during the time
14 periods we referenced in our Formal Complaint did not make statements.⁹ Also, John
15 Zuk, PGW Vice President, Gas Processing, and not Mike Roberts, worked at PGW
16 during the incidents we mentioned in our Formal Complaint and has knowledge of the
17 incidents. Zuk also did not make any statements as well.

18 **Q: BRIAN MCGUIRE ALSO COMMENTS ON STATEMENTS YOU MADE**
19 **REGARDING THE FEBRUARY 23, 2018 INCIDENT AT THE PLANT. WHAT,**
20 **IF ANYTHING, WOULD YOU LIKE TO ADDRESS THERE?**

21
22 ⁶ PGW Statement No. 3 at 5.

23 ⁷ PGW Statement No. 3 at 6.

24 ⁸ PGW Statement No. 2 at 1, 3-4.

25 ⁹ EE Statement No. 1, Exhibit II – Malkemes EEOC Statement. Malkemes discusses staffing requirements and understaffing at Passyunk Plant. Cassidy makes general statements in his rebuttal testimony and does not reference any specific time periods.

1 A: Yes. McGuire states that he can enter the plant at any time and that he has all the
2 credentials to enter the plant.¹⁰ Yet still he begged the security guard to let him in
3 unannounced to the Operations Supervisor without his PGW ID card and PPE. Plant
4 policy for after hours and weekends require him and anyone else to notify the Supervisor.
5 McGuire adhered to this policy a couple weeks before on February 10, 2018, when he
6 entered the plant to retrieve his vehicle. Wayne Rauceo (Operations Supervisor) was
7 notified. McGuire didn't discuss his use of a vehicle that he barred all operational
8 personnel from using unless there was an emergency. That same vehicle McGuire drove
9 turning the headlights off as to avoid detection and drove not to his office located 50
10 meters from the guard booth, but to Central Control located 2 blocks from his office.
11 McGuire says he believes that I made false accusations when in fact my statements are
12 completely correct. McGuire was smelling of alcohol as he asked me "What the fuck you
13 doing there?" "There" being at the Gas Analyzer Machine. I told him "Getting my
14 readings." McGuire argued with me saying, "There are no readings there but they are on
15 the CPU at my SPO desk." McGuire didn't catch me sleeping. That is untrue. McGuire
16 would have confronted me then and there about sleeping, if he had caught me. Also,
17 McGuire should have given me a disciplinary warning or other action, if I were caught
18 sleeping on the job. He did not. Instead, McGuire confronted the Operations Supervisor,
19 Wallace Benson about the lights in Benson's office being off, the truck unloading gate
20 being opened and Wallace not having his FR pants. I witnessed all of this.

21 **III. CONCLUSION**

22 **Q: DOES THIS COMPLETE YOUR SURREBUTTAL TESTIMONY?**

23 A: Yes
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¹⁰ PGW Statement No. 3 at 7.

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**DWAYNE ACKIE RESERVES THE RIGHT TO SUPPLEMENT/AMEND HIS
SURREBUTTAL TESTIMONY AS WARRANTED AT TRIAL/HEARING.**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dwayne Ackie, Miguel J. Chavarria, Jr.,
Maurice A. Goodwin and Wayne Rauceo

v.

Philadelphia Gas Works

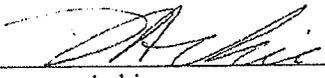
C-2019-3013933

VERIFICATION STATEMENT

I, DWAYNE ACKIE, am a Co-Complainant in the above captioned matter. I hereby verify that the statements made in the foregoing Surrebuttal Testimony are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A section 4904, relating to unsworn falsification to authorities.

Date:

8-27-20



Dwayne Ackie

EE STATEMENT NO. 2

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DIRECT TESTIMONY

OF

MAURICE GOODWIN,
ON BEHALF OF COMPLAINANTS

CONCERNING SAFETY VIOLATIONS AND OTHER CONCERNS
AT
PGW PASSYUNK GAS PROCESSING PLANT

Docket No.: C-2019-3013933

JUNE 29, 2020

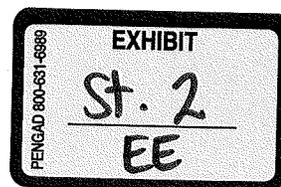


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1 **I. INTRODUCTION**

2 **Q: PLEASE STATE YOUR FULL NAME AND ADDRESS.**

3 A: Maurice Andrew Goodwin 2111 Bridge St, Philadelphia PA 19124

4 **Q: HOW DO YOU KNOW THE RESPONDENT IN THIS MATTER -**
5 **PHILADELPHIA GAS WORKS (PGW)?**

6 A: It's my employer

7 **Q: HOW LONG HAVE YOU BEEN EMPLOYED WITH PGW?**

8 A: A little over 8 years

9 **Q: WHAT IS YOUR CURRENT POSITION AT PGW?**

10 A: Senior process operator

11 **Q: HOW LONG HAVE YOU BEEN IN YOUR CURRENT POSITION?**

12 A: I've held my current position a little under 4 years

13 **Q: HOW LONG HAVE YOU WORKED AT PGW PASSYUNK GAS PROCESSING**
14 **PLANT?**

15 A: A little under 4 years

16 **Q: WHAT POSITIONS HAVE YOU HELD AT PGW PASSYUNK GAS**
17 **PROCESSING PLANT?**

18 A: Process Operator and Senior Process Operator

19 **Q: SINCE YOU HAVE BEEN EMPLOYED AT PGW PASSYUNK GAS**
20 **PROCESSING PLANT, NAME THE PERSON(S) WHO HAVE BEEN THE**
21 **PLANT'S MANAGER?**

22 A: Brain McGuire

23 **Q: SINCE YOU HAVE BEEN EMPLOYED AT PGW PASSYUNK GAS**
24 **PROCESSING PLANT, NAME THE PERSON(S) WHO HAVE BEEN THE**
25 **PLANT'S GENERAL SUPERVISOR?**

1 A: Dave Martinez

2 **Q: WHAT ARE YOUR JOB DUTIES AS A SENIOR PROCESS OPERATOR?**

3 A. Job is to operate valves around the plant, operate the boilers and water pumps throughout
4 the plant. Run generators throughout plant. Escort people and firewatch certain jobs done
5 around the plant, and assist maintenance shops.

6 **Q: CAN YOU TELL ME THE ORGANIZATIONAL STRUCTURE FOR THE**
7 **OPERATIONS DEPARTMENT AT PGW PASSYUNK GAS PROCESSING**
8 **PLANT? THAT IS, WHO REPORTS TO WHOM – STARTING WITH THE**
9 **LOWEST POSITION TO THE HIGHEST?**

10 A: Operators report to Supervisor or Foreman. Foreman reports to supervisor. Supervisors
11 report to General Supervisor. General Supervisor reports to Plant Manager.

12 **Q: CAN YOU TELL ME WHAT THE WORK SCHEDULES/SHIFTS ARE FOR**
13 **PGW PASSYUNK GAS PROCESSING OPERATIONS PERSONNEL?**

14 A: Work schedules rotate between day shift (6-2pm) middle shift (2-10pm) and late shift
15 (10-6am) and a swing shift which consist of 3 days of middle shift and 2 days of late
16 shift. A and B Shifts only come in when people call out (short staff) and when people are
17 on vacation.

18 **Q: HOW ARE WORK SCHEDULES/SHIFTS ASSIGNED AT PGW PASSYUNK**
19 **GAS PROCESSING FOR OPERATIONS PERSONNEL?**

20 A: Dave Martinez makes up the schedules. But, when you first come to the plant, the shifts
21 were assigned to personnel by who you were replace due to retirement or if someone's
22 decides to leave department.

23 **Q: WHAT OTHER DEPARTMENTS ARE THERE AT PGW PASSYUNK GAS**
24 **PROCESSING BESIDES THE OPERATIONS DEPARTMENT?**

25 A: The maintenance department

1 **Q: HAVE YOU EVER PROVIDED TESTIMONY BEFORE THE PENNSYLVANIA**
2 **PUBLIC UTILITY COMMISSION (“COMMISSION”) BEFORE?**

3 A: No

4 **Q: WHY DID YOU PARTICIPATE IN THE FORMAL COMPLAINT FILED**
5 **BEFORE THE COMMISSION ON OCTOBER 31, 2019?**

6 A: I participated in this Formal Complaint because I felt like I was treated unfairly for
7 participation in the initial investigation (the incident with Tomczak and the complaint of
8 Miguel Chavarria), and that they were retaliating against me and the Company didn't care
9 so I felt like this was the only way my voice was actually going to be heard out on this
10 matter.

11 **II. CHRISTMAS DAY, DECEMBER 25, 2017**

12 **Q: IN THE FORMAL COMPLAINT, THERE IS MENTION OF AN INCIDENT**
13 **THAT OCCURRED ON DECEMBER 25, 2017. DO YOU KNOW ANYTHING**
14 **ABOUT THAT INCIDENT?**

15 A: Yes

16 **Q: HOW DO YOU KNOW ABOUT THIS DECEMBER 25, 2017 INCIDENT?**

17 A: I was there

18 **Q: TELL ME WHAT YOU KNOW.**

19 A: I know that I was there minutes prior to my start time at 6pm that day, and that Mike
20 Tomczak wasn't present at the time he was clocked in and didn't show up till about 8:30
21 pm that day.

22 **Q: WHEN DID YOU LEARN THAT TOMCZAK WAS CLOCKED IN?**

23 A: When I went to the initial interview at 9th and Montgomery in February 2018. The
24 interviewers told me Tomczak was clocked in a minute after me. I told them he couldn't
25 have been because I was right there, and it was no way he could clocked in a minute after

1 me on the same time clock. My desk is right across from the time clock, and I didn't
2 seek Tomczak at all a minute after I clocked in. The first time I saw him was around 8:30
3 pm.

4 **Q: WHO WAS THE WORKING FOREMAN ON THE B SHIFT ON DECEMBER 25,**
5 **2017 FROM 6:00 P.M. UNTIL THE TIME TOMCZAK REPORTED TO WORK?**

6 A: Nobody was the Working Foreman on December 25, 2017 from 6:00 p.m. until 8:30
7 p.m., when Tomczak came to work.

8 **Q: HOW COULD THAT HAVE AFFECTED THE OPERATION OF THE PLANT**
9 **DURING THE TIME TOMCZAK WAS NOT AT WORK FROM 6:00 P.M. TO**
10 **8:30 P.M. ON DECEMBER 25, 2017?**

11 A: It could have affected the Plant because if anything would have failed or the pressure
12 filling up in pumps, the boil off could have been too high, etc. those are things you have
13 to be on the computer in the LNG Control Room to correct, which are the Working
14 Foreman's jobs. I am not trained to operate the compute system, and Ryan O'Donnell as
15 management is not allowed to do the Working Foreman's job. Ryan and I were the only
16 ones at the plant during the time before Tomczak came to work.

17 **Q: HOW DID PGW HANDLE THE MATTER, THAT IS, DID ANYONE FROM**
18 **PGW INCLUDING, BUT NOT LIMITED TO, PASSYUNK PLANT**
19 **MANAGEMENT ASK YOU ABOUT THE INCIDENT?**

20 A: The Passyunk Plant management didn't ask me anything about the incident, but they did
21 schedule me a visit to talk to I think it was 2-3 men down at the main office building at
22 8th and Montgomery Streets. I had never seen these men before that day and I can't
23 remember their names.

1 Q: TO YOUR KNOWLEDGE, WHAT DISCIPLINARY ACTION, IF ANY, WAS
2 TAKEN AGAINST PGW PASSYUNK PLANT OPERATION SUPERVISOR,
3 RYAN O'DONNELL (O'DONNELL") BY PGW?

4 A: O'Donnell received no disciplinary actions

5 Q: TO YOUR KNOWLEDGE, WHAT DISCIPLINARY ACTION, IF ANY, WAS
6 TAKEN AGAINST PGW PASSYUNK PLANT WORKING FORMAN MICHAEL
7 TOMCZAK ("TOMCZAK") BY PGW?

8 A: Tomczak received no disciplinary action

9 Q: TO YOUR KNOWLEDGE, WHAT DISCIPLINARY ACTION, IF ANY, WAS
10 TAKEN AGAINST PGW PASSYUNK PLANT WORKING FORMAN JOSE
11 ORTIZ ("ORTIZ") BY PGW?

12 A: Ortiz received no disciplinary action

13 Q: WHAT, IF ANYTHING, SHOULD HAVE HAPPENED TO O'DONNELL AS A
14 RESULT OF THE DECEMBER 25, 2017 INCIDENT BASED ON PGW
15 POLICIES/RULES?

16 A: Handbook states stealing time could lead to termination.

17 Q: WHAT, IF ANYTHING, SHOULD HAVE HAPPENED TO TOMCZAK AS A
18 RESULT OF THE DECEMBER 25, 2017 INCIDENT BASED ON PGW
19 POLICIES/RULES?

20 A: A warning for being late.

21 Q: WHAT, IF ANYTHING, SHOULD HAVE HAPPENED TO ORTIZ AS A RESULT
22 OF THE DECEMBER 25, 2017 INCIDENT BASED ON PGW POLICIES/RULES?

23 A: A warning, suspension or termination for leaving the foremen seat unattended and not
24 waiting for his relief.

25

1 **Q: WHY DO YOU THINK THE DECEMBER 25, 2017 INCIDENT WAS TREATED**
2 **THE WAY IT WAS BY PGW AND/OR PASSYUNK PLANT MANAGEMENT?**
3 **EXPLAIN.**

4 A: All the people involved in the incident are actual friends outside of the job with the Plant
5 Manager Brian McGuire or General Supervisor Dave Martinez.

6 **Q: HAVE DO YOU KNOW THEY ARE FRIENDS OUTSIDE THE JOB?**

7 A: Brian McGuire, Ryan O'Donnell and their families have houses in Atlantic City, NJ, and
8 spend weekends down there together.

9 Jose Ortiz watched Dave Martinez's dog while Dave was on vacation.

10 **III. CONCLUSION**

11 **Q: DOES THIS COMPLETE YOUR DIRECT TESTIMONY?**

12 A: Yes to the best of my knowledge.

13 **MAURICE GOODWIN RESERVES THE RIGHT TO SUPPLEMENT/AMEND**
14 **HIS DIRECT TESTIMONY AS WARRANTED.**

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dwayne Ackie, Miguel J. Chavarria, Jr.,
Maurice A. Goodwin and Wayne Rauceo

v.

Philadelphia Gas Works

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C-2019-3013933

VERIFICATION STATEMENT

I, MAURICE GOODWIN, am a Co-Complainant in the above captioned matter. I hereby verify that the statements made in the foregoing Direct Testimony are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A section 4904, relating to unsworn falsification to authorities.

Date: 6/29/20

Maurice Goodwin
Maurice Goodwin

EE STATEMENT NO. 3

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AMENDED DIRECT TESTIMONY

OF

MIGUEL J. CHAVARRIA, JR.
ON BEHALF OF COMPLAINANTS

CONCERNING SAFETY VIOLATIONS AND OTHER CONCERNS
AT
PGW PASSYUNK GAS PROCESSING PLANT

Docket No.: C-2019-3013933

JULY 26, 2020

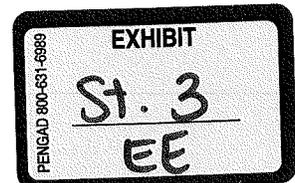


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1 **I. INTRODUCTION**

2 **Q: PLEASE STATE YOUR FULL NAME AND ADDRESS.**

3 A: Miguel Juan Chavarria, Jr., 131 E. Durham Street, Philadelphia, PA 19119

4 **Q: HOW DO YOU KNOW THE RESPONDENT IN THIS MATTER -**
5 **PHILADELPHIA GAS WORKS (PGW)?**

6 A: I have been employed by the Philadelphia Gas Works for 27 plus years.

7 **Q: IN WHICH PGW DEPARTMENT DO YOU WORK?**

8 A: Gas Processing

9 **Q: HOW LONG HAVE YOU WORKED IN PGW'S GAS PROCESSING**
10 **DEPARTMENT?**

11 A: My entire time at PGW, so 27+ years.

12 **Q: IN WHICH PGW GAS PROCESSING PLANT DO YOU WORK?**

13 A: I currently work in the Passyunk Plant.

14 **Q: HOW LONG HAVE YOUR WORKED AT PGW'S PASSYUNK GAS**
15 **PROCESSING PLANT?**

16 A: Over my career at PGW, I've switched back and forth. But the majority of time I've
17 been at Passyunk Plant.

18 **Q: WHAT IS YOUR CURRENT POSITION AT PGW?**

19 A: A Foreman of Operations/Working Foreman of Operations.

20 **Q: HOW LONG HAVE YOU BEEN A WORKING FOREMAN?**

21 A: I've been a Working Foreman for approximately 14 years.

22 **Q: WHAT ARE YOUR JOB RESPONSIBILITIES AS A WORKING FOREMAN AT**
23 **PGW?**

24

25

1 A: Basically, we monitor temperatures, pressures of natural gas and stored liquefied natural
2 gas. We also operate different equipment for the Plant's operations. Equipment includes
3 vaporizers, boilers, pumps, valves and compressors.

4 **Q: DO YOU HAVE AN OFFICE AT PASSYUNK PLANT?**

5 A: We, the LNG foremen, were stationed in a small building called the LNG Control
6 building. But within the last month or two, we are now in Central Control Building with
7 the Process Operators and Shift Supervisors. The LNG Control building is being totally
8 updated, which is the first time since I worked there. Prior to this total renovation, we
9 were 3 feet away from electrical equipment that required a 9 foot safety distance.

10 **Q: DURING YOUR TIME AT PGW PASSYUNK GAS PROCESSING PLANT,**
11 **WHAT OTHER POSITIONS HAVE YOU HELD?**

12 A: Back then, I was a Process Operator IV, III, II and I.

13 **Q: SINCE YOU HAVE BEEN EMPLOYED AT PGW PASSYUNK GAS**
14 **PROCESSING PLANT, NAME THE PERSON(S) WHO HAVE BEEN THE**
15 **PLANT'S MANAGERS?**

16 A: Rudy Giracho (I'm not certain of the spelling); Jim McLaughlin; Don Henry; Mike Duffy
17 and Brian McGuire. There were other short term plant managers between the ones noted.

18 **Q: SINCE YOU HAVE BEEN EMPLOYED AT PGW PASSYUNK GAS**
19 **PROCESSING PLANT, NAME THE PERSON(S) WHO HAVE BEEN THE**
20 **PLANT'S GENERAL SUPERVISORS?**

21 A: Mike Duffy; Brian McGuire, Don Henry and Jim McLaughlin.

22 **Q: INITIALLY YOU STATED YOU DID NOT WISH TO CONTINUE IN THIS**
23 **FORMAL COMPLAINT MATTER. WHY DID YOU CHANGE YOUR MIND?**
24
25

1 A: I changed my mind because I believe Passyunk Plant safety issues need to be addressed
2 everywhere. I don't want any stone unturned. So, my pursuing other avenues does not
3 stop me from participating in this matter.

4 **II. MANIPULATION OF READINGS ON TEMPERATURE INDICATORS (TE1019)**
5 **DURING LNG VAPORIZATION PROCESS AND PATTERNS OF CONTINUING**
6 **SAFETY VIOLATIONS**

7 **Q: BASED ON THE FORMAL COMPLAINT STATEMENTS, WHAT SAFETY**
8 **ISSUES DO YOU SPECIFICALLY WANT TO ADDRESS BEFORE THE PUC?**

9 A: There is a reckless approach to the process at Passyunk Plant. There is a "by any means
10 necessary" approach at the Plant. By that I mean, there is a willingness to bypass safety
11 features of the operations and to use malfunctioning and unsafe equipment. For example,
12 the same operating conditions that existed in 2000 are being used in 2020. In 2000,
13 Passyunk Plant management bypassed the low temperature sensors (TE1019 indicators)
14 on the LNG vaporizers piping by wrapping the sensors in steam hoses. By wrapping the
15 TE1019 indicators/sensors, the line temperature was masked to be the same as the steam
16 hoses' temperature. Thus, disabling any low temperature safety shutdowns for the
17 vaporization system. This is how liquefied natural gas (LNG) got into the vaporized
18 natural gas (VNG) piping, which is not engineered to handle LNG's cryogenic
19 temperatures, setting off an explosion. This same operations condition is still being used
20 today at PGW Passyunk Plant.

21 Also, the highest levels of management at this Plant will put their jobs above the safety
22 and service of the Plant, employees, first responders - police, firemen, paramedics and the
23 public we serve by using the same "by any means necessary" approach to operations.
24 This happened in 2016, when Plant management lied to the public, news media and
25 others regarding the conditions at Passyunk Plant, and this continues today.

1 **Q: WHO DO YOU MEAN BY “THE HIGHEST LEVELS OF MANAGEMENT” AT**
2 **PASSYUNK PLANT?**

3 A: Most specifically the plant manager and general supervisor of operations, that is, Brian
4 McGuire and David Martinez.

5 **Q: HOW DID PGW PASSYUNK PLANT MANAGEMENT LIE TO THE PUBLIC IN**
6 **MARCH 22, 2016?**

7 A: They described the events that were going as controlled, and they also said it was a
8 normal plant procedure that occurred. This is not true, and had never been true in my
9 27+ years. If it were controlled, it would not have blown the safety valves, which control
10 over pressure situations. The design and operational set points on those lines were
11 exceeded, releasing the over pressured natural gas into the atmosphere. Over pressured
12 gas then migrated into the LNG Control building, which has live, unsealed electrical
13 circuits. That situation could have been a catastrophic event, which could have killed all
14 of the personnel in the LNG Control building and would have damaged the most vital
15 safety systems for the LNG storage tank. This emission/explosion would have been 200
16 feet from Passyunk LNG tank and a tremendous, deadly situation.

17 **Q: WHAT REALLY HAPPENED ON MARCH 22, 2016 AT PGW’S PASSYUNK**
18 **PLANT?**

19 A: The 0-30 station is located on property of the old Sunoco refinery, which later became
20 Philadelphia Energy Solutions (“PSE”). The 0-30 station is meant to regulate and
21 monitor gas pressure before it comes to Passyunk Plant. What happened on March 22,
22 2016 was operator/maintenance error at the 0-30 station, which left the amount of gas
23 coming through that station uncontrolled and at transmission line pressures, which
24 resulted in approximately 600 pound per square inch (“PSI”) coming through the line.
25

1 To put that into perspective, the normal yard pressure at Passyunk Plant is 100 psi. So,
2 we were over pressured by approximately 500 psi.

3 The everyday monitoring of the stations, including the 0-30 station, is the responsibility
4 of process operators, known as the roving operator. These roving operators work out of
5 the Richmond plant. Their responsibility is to go to the stations to monitor pressures and
6 check monitoring equipment. It is my understanding that on March 22, 2016 there was
7 maintenance occurring that day, but the roving operator did not check the pressure
8 valves, etc. This information can be support by looking at the gas control, instrument
9 road crew (i.e., maintenance) and the 0-30 station log books as well as the Richmond
10 Plant control log book.

11 **Q: WHAT OTHER SAFETY CONCERNS DO YOU HAVE THAT ARE A PART OF**
12 **A PATTERN AT PGW'S PASSYUNK PLANT?**

13 A: They added a valve and updated the LNG tank in the summer 2019 to present. This is
14 known as ITV valve install and tank systems updating. The LNG tank re-pressurization
15 system, which is a staple, has not restored. This is a problem because in the event of low
16 pressure, the LNG tank re-pressurization system would add natural gas to maintain
17 normal pressures and keep the tank stabilize. With LNG, it is vital to keep systems calm
18 and stable.

19 **III. THE SEPTEMBER 2019 INCIDENT INVOLVING RYAN O'DONNELL**

20 **Q: DO YOU HAVE ANY PERSONAL KNOWLEDGE REGARDING A**
21 **SEPTEMBER 2019 INCIDENT INVOLVING RYAN O'DONNELL?**

22 A: Yes, I was on shift and a female voice keep calling for "Shift supervisor pick up. Shift
23 supervisor pick up."

24 **Q: HOW DID YOU HEAR THAT?**

25 A: On my walkie talkie. All operators on shift have a walkie talkie.

1 **Q: SO WHEN YOU HEARD THIS FEMALE VOICE, WHAT DID YOU DO?**

2 A: I first assumed it was Plant security or materials management trying to reach the
3 supervisor, who was Ryan O'Donnell.

4 **Q: WHAT HAPPENED NEXT?**

5 A: After the voice kept asking for shift supervisor, I used my radio saying, "Hello. This is
6 LNG Control Room. Do you need the Shift Supervisor?" She said, "I'm trying to reach
7 the shift supervisor. He left his radio here at Rite Aid."

8 After that, I called over to Central Control room to see if O'Donnell was back in the
9 Plant, because I had no idea he left the Plant in the first place. Kyre Chapman, process
10 operator, answered and said he hadn't seen Ryan and didn't know where Ryan was.

11 At that point, I called Ryan on his cellphone. He answered and said he retrieved the
12 radio.

13 **Q: WHAT SAFETY PROBLEM, IF ANY, DID THIS CREATE?**

14 A: It leaves a highly danger and sensitive facility without supervision. And in the event of
15 an emergency, procedures cannot be put into place without supervision involvement:
16 safety systems, first responders, turning on safety equipment, presence and directions are
17 just some of the responsibilities of supervisors. Supervisors can go out with notice. But
18 with Ryan leaving the Plant without notifying personnel and leaving his radio in addition,
19 this created a safety violation. When a Supervisor does leave the Plant, I change my
20 operation standard – which is a different posture for the Working Foreman and process
21 operator. Not knowing Ryan left the Plant did not give us the notice that we needed to
22 change our posture.

23 **IV. CONCLUSION**

24 **Q: DOES THIS COMPLETE YOUR DIRECT TESTIMONY?**

25 A: Yes

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dwayne Ackie, Miguel J. Chavarria, Jr.,
Maurice A. Goodwin and Wayne Rauceo

v.

Philadelphia Gas Works

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C-2019-3013933

VERIFICATION STATEMENT

I, MIGUEL CHAVARRIA, JR., am a Co-Complainant in the above captioned matter. I hereby verify that the statements made in the foregoing Direct Testimony are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A section 4904, relating to unsworn falsification to authorities.

Date:

7/26/2020


Miguel Chavarria, Jr.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SURREBUTTAL TESTIMONY

OF

MIGUEL CHAVARRIA, JR.,
ON BEHALF OF COMPLAINANTS

CONCERNING SAFETY VIOLATIONS AND OTHER CONCERNS
AT
PGW PASSYUNK GAS PROCESSING PLANT

Docket No.: C-2019-3013933

SEPTEMBER 14, 2020

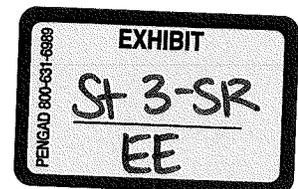


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I. INTRODUCTION

Q: WHY ARE YOU PROVIDING THIS SURREBUTTAL TESTIMONY?

A. Because I read Brian McGuire's statements related to my testimony and Ray Snyder's testimony regarding Wayne Rauceo's testimony, and many of their statements do not accurately state what is actually going on at the Passyunk Plant related to the vaporization system and process.

II. RESPONSES TO REBUTTAL TESTIMONY OF BRIAN MCGUIRE

Q: WHAT STATEMENTS MADE BY BRIAN MCGUIRE DO YOU SAY ARE NOT ACCURATE?

Brian McGuire's statements about the LNG Vaporization System.¹ PGW Passyunk Plant Vaporization System has experienced constant system failures during my time operating it, mainly from extreme cold weather freezing of valves and transmitters. As an Operations Working Foreman, I actually operate the vaporizers and auxiliary equipment associated with the LNG vaporization at Passyunk Plant, so I can attest that the design of Passyunk Plants Vaporization System is dangerous and critically flawed and should be decommissioned and replaced with a modern direct fire or propelen glycol system that can operate as engineered safely and efficiently which the current system does not accomplish.

PGWs focus on safety violations is absolutely not a justification for sabotaging engineered and designed components of Passyunk Plant Vaporization System, and that is exactly what wrapping TE-1019, TE-1013, and TE-1015 with steam hoses does by obstructing temperature sensors designated as Emergency Shut Down from receiving a

¹ PGW Statement No. 3-SR at 4

1 true reading from its intended is source. These actions are a total disregard for safety
2 and puts PGW personnel, First Responders Fireman and Policeman, and the people
3 whose homes sit next to Passyunk Plant less than 200 yards from the Process Area and
4 LNG Tank.

5 **Q: OK. YOU ALSO MENTIONED RAY SNYDER'S STATEMENTS. WHAT**
6 **THINGS ARE INACCURATE ABOUT HIS TESTIMONY?**

7 A. Ray Snyder's statement "steam has to been used to ensure the system works properly and
8 external components of instruments exposed to ambient temperatures do not freeze in
9 cold ambient temperatures"² is a direct admission to the complaint made as steam hoses
10 wrapped around temperature sensors, transmitters, and valves is not part of the system's
11 engineering or design. So normalizing jerry rigging the system and operating it by any
12 means necessary is not necessary as new technology is readily available.

13 **III. CONCLUSION**

14 **Q: DOES THIS COMPLETE YOUR SURREBUTTAL TESTIMONY?**

15 A: Yes

16 **MIGUEL CHAVARRIA, JR RESERVES THE RIGHT TO**
17 **SUPPLEMENT/AMEND HIS SURREBUTTAL TESTIMONY AS WARRANTED**
18 **AT TRIAL/HEARING.**

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24
25 ² PGW Statement No. 1 at 3.

EE STATEMENT NO. 4

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DIRECT TESTIMONY

OF

WAYNE RAUCEO,
ON BEHALF OF COMPLAINANTS

CONCERNING SAFETY VIOLATIONS AND OTHER CONCERNS
AT
PGW PASSYUNK GAS PROCESSING PLANT

Docket No.: C-2019-3013933

JUNE 30, 2020

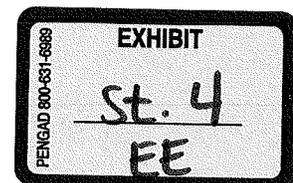


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1 **I. INTRODUCTION**

2 **Q: PLEASE STATE YOUR FULL NAME AND ADDRESS.**

3 A: WAYNE WINSTON RAUCEO, 6123 GREENE STREET, PHILADELPHIA, PA 19144

4 **Q: HOW DO YOU KNOW THE RESPONDENT IN THIS MATTER -**
5 **PHILADELPHIA GAS WORKS (PGW)?**

6 A: EMPLOYED BY PGW

7 **Q: HOW LONG HAVE YOU BEEN EMPLOYED WITH PGW?**

8 A: OCTOBER 2020 WILL BE TWELVE YEARS OF SERVICE

9 **Q: WHAT IS YOUR CURRENT POSITION AT PGW?**

10 A: OPERATION SUPERVISOR

11 **Q: HOW LONG HAVE YOU BEEN IN YOUR CURRENT POSITION?**

12 A: EIGHT YEARS

13 **Q: HOW LONG HAVE YOU WORKED AT PGW PASSYUNK GAS PROCESSING**
14 **PLANT?**

15 A: TWELVE YEARS

16 **Q: WHAT POSITIONS HAVE YOU HELD AT PGW PASSYUNK GAS**
17 **PROCESSING PLANT?**

18 A: SHIFT SUPERVISOR PRIOR TO BECOMING OPERATION SUPERVISOR

19 **Q: SINCE YOU HAVE BEEN EMPLOYED AT PGW PASSYUNK GAS**
20 **PROCESSING PLANT, NAME THE PERSON(S) WHO HAVE BEEN THE**
21 **PLANT'S MANAGER?**

22 A: DONALD HENRY, MICHAEL DUFFY AND BRIAN MCGUIRE.

23 **Q: SINCE YOU HAVE BEEN EMPLOYED AT PGW PASSYUNK GAS**
24 **PROCESSING PLANT, NAME THE PERSON(S) WHO HAVE BEEN THE**
25 **PLANT'S GENERAL SUPERVISOR?**

1 A: MICHAEL DUFFY, BRIAN MCGUIRE AND DAVID MARTINEZ.

2 **Q: WHAT ARE YOUR JOB DUTIES AS AN OPERATIONS SUPERVISOR?**

3 A: SUPERVISED THE START UP OPERATION AND SHUT DOWN OF NATURAL
4 GAS, LNG AND VAPORIZATION FACILITIES. MONITORED THE SAFE
5 OPERATION OF ASSOCIATED EQUIPMENT. PARTICIPATING IN THE
6 TRAINING OF SENIOR PROCESS OPERATOR AND WORKING FOREMAN IN
7 ALL FACETS OF OPERATIONS, OVERSEE THE DAY TO DAY OPERATION AT
8 PASSYUNK PLANT.

9 **Q: HOW DID YOU BECOME AN OPERATIONS SUPERVISOR?**

10 A: AFTER WORKING AS A SHIFT SUPERVISOR FOR FOUR YEARS, I TOOK A
11 WRITTEN EXAM FOLLOWED BY AN INTERVIEW FOR THE OPERATION
12 SUPERVISOR POSITION.

13 **Q: WHAT OTHER POSITIONS, IF ANY, HAVE YOU APPLIED FOR AT PGW
14 PASSYUNK GAS PROCESSING PLANT?**

15 A: GENERAL SUPERVISOR.

16 **Q: WHEN DID YOU APPLY FOR THESE POSITION(S)?**

17 A: IN JUNE OF 2015.

18 **Q: DID YOU GET THE POSITION? IF NOT, WHO DID?**

19 A: NO. DAVID MARTINEZ (GENERAL SUPERVISOR).

20 **Q: CAN YOU TELL ME THE ORGANIZATIONAL STRUCTURE FOR THE
21 OPERATIONS DEPARTMENT AT PGW PASSYUNK GAS PROCESSING
22 PLANT? THAT IS, WHO REPORTS TO WHOM – STARTING WITH THE
23 LOWEST POSITION TO THE HIGHEST?**

24 A: SENIOR PROCESS OPERATOR – WORKING FOREMAN – SHIFT SUPERVISOR –
25 OPERATION SUPERVISOR – GENERAL SUPERVISOR – PLANT MANAGER

1 **Q: CAN YOU TELL ME WHAT THE WORK SCHEDULES/SHIFTS ARE FOR**
2 **PGW PASSYUNK GAS PROCESSING OPERATIONS PERSONNEL?**

3 A: DAY SHIFT, SWING SHIFT, MIDDLE SHIFT, AND LATE SHIFT.

4 **Q: HOW ARE WORK SCHEDULES/SHIFTS ASSIGNED AT PGW PASSYUNK**
5 **GAS PROCESSING FOR OPERATIONS PERSONNEL?**

6 A: SENIOR PROCESS OPERATORS, WORKING FOREMEN, SHIFT SUPERVISOR
7 AND OPERATION SUPERVISORS PARTICIPATE IN IN A ROTATING SHIFT,
8 WHICH CONSISTS OF DAY SHIFT, SWING SHIFT, MIDDLE SHIFT AND LATE
9 SHIFTS.

10 **Q: WHO DO YOU REPORT TO DIRECTLY?**

11 A: GENERAL SUPERVISOR DAVID MARTINEZ.

12 **Q: DO YOU HAVE ANYONE WHO REPORTS DIRECTLY TO YOU? IF SO,**
13 **WHO?**

14 A: SENIOR PROCESS OPERATORS, WORKING FOREMEN AND SHIFT
15 SUPERVISORS.

16 **Q: HAVE YOU EVER PROVIDED TESTIMONY BEFORE THE PENNSYLVANIA**
17 **PUBLIC UTILITY COMMISSION ("COMMISSION") BEFORE?**

18 A: NO.

19 **Q: WHY DID YOU PARTICIPATE IN THE FORMAL COMPLAINT FILED**
20 **BEFORE THE COMMISSION ON OCTOBER 31, 2019?**

21 A: BACK IN DECEMBER 2000, AN EXPLOSION OCCURRED AT PGW PASSYUNK
22 PLANT. REPORTS STATE THAT THE CAUSE OF THE INCIDENT WAS UNSAFE
23 PRACTICES AND LACK OF MAINTENANCE. IN JUNE OF 2019, ANOTHER
24 EXPLOSION TOOK PLACE AT OUR NEIGHBORING PHILADELPHIA ENERGY
25 SOLUTIONS (PES). I WORKED THE OVERNIGHT SHIFT WHEN THE INCIDENT

1 OCCURRED AT PES. I WITNESSED THE EXPLOSION FROM PASSYUNK
2 PLANT THAT EVERYBODY SAW ON TELEVISION. WHAT I WITNESSED WAS
3 HORRIFIC, AND WILL LINGER IN MY MIND FOR EVER. NOW, BECAUSE OF
4 DANGEROUS PRACTICES AND UNQUALIFIED PERSONNEL IN SUPERVISORY
5 POSITIONS AT PGW PASSYUNK LNG FACILITY, I HAVE DECIDED TO FILE A
6 FORMAL COMPLAINT TO RESOLVE THESE PROBLEMS BEFORE ANOTHER
7 DISASTER OCCURS.

8 **II. PROMOTION TO MANAGEMENT LEVEL**

9 **Q: IN THE FORMAL COMPLAINT, THERE IS AN ALLEGATION THAT PGW**
10 **PASSYUNK PLANT PROMOTES PERSONNEL TO MANAGEMENT LEVEL**
11 **POSITIONS WHO DO NOT MEET THE POSTED JOB REQUIREMENTS**
12 **INCLUDING WORK EXPERIENCE AND EDUCATION. DO YOU HAVE ANY**
13 **KNOWLEDGE OF THIS OCCURING AT PASSYUNK PLANT?**

14 **A: YES.**

15 **Q: HOW DO YOU KNOW THIS INFORMATION? EXPLAIN.**

16 **A: IN JUNE OF 2015, I APPLIED FOR THE POSITION OF GENERAL SUPERVISOR,**
17 **WHICH I BELIEVE I AM QUALIFIED FOR. BUT AT THE CONCLUSION OF THE**
18 **HIRING PROCESS, I WAS INFORMED THAT THE DEPARTMENT SELECTED**
19 **ANOTHER CANDIDATE FOR THE POSITION. THE CANDIDATE WHO WAS**
20 **SELECTED DID NOT MEET THE PREREQUISITES FOR THE POSITION. IN**
21 **MARCH OF 2016, ANOTHER INEXPERIENCED AND UNQUALIFIED**
22 **CANDIDATE WAS PROMOTED TO THE POSITION OF OPERATION**
23 **SUPERVISOR.**

1 Q: WHAT ARE THE NAMES OF THE CANDIDATES WHO WERE SELECTED
2 FOR THE POSITION OF GENERAL SUPERVISOR (IN 2015) AND
3 OPERATION SUPERVISOR (IN 2016) THAT YOU ARE REFERRING TO?

4 A: DAVE MARTINEZ FOR THE GENERAL SUPERVISOR POSITION, AND RYAN
5 O'DONNELL FOR THE POSITION OF OPERATION SUPERVISOR.

6 Q: HOW DOES THE PROMOTION OF DAVE MARTINEZ TO THE POSITION OF
7 GENERAL SUPERVISOR CREATE UNSAFE PRACTICES AND/OR LACK OF
8 MAINTENANCE AT PGW'S PASSYUNK GAS PROCESSING PLANT?
9 EXPLAIN.

10 A: DAVE MARTINEZ SKIPPED THE POSITION OF OPERATION SUPERVISOR AND
11 WAS PROMOTED TO THE POSITION OF GENERAL SUPERVISOR. BEFORE
12 BECOMING GENERAL SUPERVISOR, DAVE MARTINEZ WAS ONLY WORKING
13 AS A SHIFT SUPERVISOR FOR 14 MONTHS. THE DEPARTMENT GUIDELINES
14 STATE THAT YOU HAVE TO WORK AS A SHIFT SUPERVISOR AT LEAST 3 – 5
15 YEARS BEFORE BECOMING AN OPERATION SUPERVISOR. ALSO, THE
16 DEPARTMENT GUIDELINES STATES THAT YOU HAVE TO WORK AS AN
17 OPERATION SUPERVISOR AT LEAST 3 – 5 YEARS BEFORE BECOMING A
18 GENERAL SUPERVISOR. BECAUSE HE ONLY WORKED AS A SHIFT
19 SUPERVISOR FOR 14 MONTHS AND SKIPPED THE POSITION OF OPERATION
20 SUPERVISOR, HE IS UNABLE TO HAVE A GRASP OF THE DAY TO DAY
21 OPERATIONS AT PASSYUNK PLANT. HE LACKS THE KNOWLEDGE OF HOW
22 EACH EQUIPMENT WORKS AND OF THE VAPORIZATION PROCESS. THAT IS,
23 HE DOES NOT KNOW HOW EVERY FACET OF THE OPERATIONS AT THE
24 PLANT WORKS IN ORDER FOR THE PLANT TO PROVIDE SAFE RELIABLE
25 GAS TO THE CITY OF PHILADELPHIA. ALSO, HE DOES NOT HAVE AN

1 UNDERSTANDING THE WORKINGS OF EACH OF THE LEVEL OF EMPLOYEES
2 -- WORKING FOREMAN AND PROCESS OPERATOR.

3 **Q: HOW DOES THE PROMOTION OF RYAN O'DONNELL TO THE POSITION**
4 **OF OPERATIONS SUPERVISOR CREATE UNSAFE PRACITCES AND/OR**
5 **LACK OF MAINTENANCE AT PGW'S PASSYUNK GAS PROCESSING**
6 **PLANT?**

7 **A: IT IS VERY SIMILAR TO DAVE MARTINEZ. RYAN O'DONNELL WORKED AS**
8 **A SHIFT SUPERVISOR FOR 4 MONTHS BEFORE BECOMING AN OPERATIONS**
9 **SUPERVISOR. THE DEPARTMENT GUIDELINES STATES THAT IN ORDER TO**
10 **BECOME AN OPERATIONS SUPERVISOR, YOU MUST WORKED AS A SHIFT**
11 **SUPERVISOR FOR AT LEAST 3 - 5 YEARS. AND THEN ONCE RYAN**
12 **O'DONNELL BECOME AN OPERATIONS SUPERVISOR, HE WOULD ASK DAVE**
13 **MARTINEZ AND BRIAN MCGUIRE ABOUT HIS WORK DUTIES. HE WOULD**
14 **ASK ON OCCASIONS ABOUT HOW THE VAPORIZER WORKS AND HOW YOU**
15 **WOULD GO ABOUT PURGING GAS OUT OF VESSELS.**

16 **Q: DO YOU HAVE ANY DOCUMENTS TO SUPPORT YOUR TESTIMONY?**

17 **A: YES.**

18 **Q: WHAT DOCUMENTS DO YOU HAVE?**

19 **A: IN HOUSE JOB DESCRIPTIONS AND RESUMES.**

20 **TRUE AND CORRECT COPIES OF IN HOUSE JOB DESCRIPTIONS FOR THE**
21 **POSITIONS OF GENERAL SUPERVISOR AND OPERATION SUPERVISOR,**
22 **AND RESUMES OF WAYNE RAUCEO, DAVID MARTINEZ AND RYAN**
23 **O'DONNELL ARE ATTACHED AS EXHIBIT "I" TO THIS TESTIMONY.**

24 **III. PASSYUNK PLANT MANAGER BRIAN MCGUIRE'S FEBRUARY 2018 AFTER**
25 **SHIFT RETURN TO THE PLANT**

1 **THE FORMAL COMPLAINT MENTIONS AN INCIDENT THAT OCCURRED**
2 **AT PGW PASSYUNK PLANT IN FEBRUARY 2018 INVOLVING PLANT**
3 **MANAGER BRIAN MCGUIRE.**

4 **Q: WHAT, IF ANYTHING, DO YOU KNOW ABOUT THIS INCIDENT?**

5 A: I MET WITH SECURITY SUPERVISOR FREDDY FERNANDEZ, WHILE I WAS
6 WORKING THE MIDDLE SHIFT ON THE FOLLOWING WEEK OF THE
7 INCIDENT. AT THAT TIME FREDDY WAS THE SECURITY SUPERVISOR OF
8 THE CCTV ROOM. FREDDY FERNANDEZ BROUGHT TO MY ATTENTION
9 THAT BRIAN MCGUIRE, ON THAT NIGHT, CAME IN AT THE FRONT GATE
10 WITHOUT HIS EMPLOYEE ID AND TOLD THE FEMALE SECURITY GUARD,
11 "DO YOU KNOW WHO I AM?" SHE SAID "NO." HE SAID, "I AM BRIAN
12 MCGUIRE, THE PLANT MANAGER." SHE SAID, "SO YOU ARE BRIAN
13 MCGUIRE?" HE SAID, "YES." THEN BRIAN IN TURN TOLD THE FEMALE
14 GUARD, "SHHHH! DON'T SAY ANYTHING, I'M GOING TO GO TO THE BACK."
15 BRIAN LEFT THE GUARD CHECK, AND TOOK A COMPANY VEHICLE AND
16 WENT TO THE BACK - TO THE OPERATIONS AREA OF THE PLANT.
17 THEN FREDDY FERNANDEZ SHOWED ME A VIDEO IN THE CCTV ROOM
18 WITH A COMPANY VEHICLE LEAVING THE FRONT AREA WITH THE
19 HEADLIGHTS ON AND WITHIN A FEW METERS OF DRIVING, THE
20 HEADLIGHTS ON THE VEHICLE WENT OFF. THEN BRIAN MADE A RIGHT
21 HAND TURN TO GET INTO THE SECONDARY GATE ENTRANCE TO THE
22 OPERATIONS AREA. THE VEHICLE CAME TO A STOP AS SOON AS HE MADE
23 THE RIGHT TURN. AFTER ABOUT 5 MINUTES, THE VEHICLE BEGAN TO
24 MOVE AND WENT THROUGH THE SECONDARY GATE ENTRANCE. THAT
25 WAS THE END OF THE VIDEO I SAW.

1 FREDDY WENT ON TO EXPLAIN TO ME HOW THE VEHICLE WAS ABLE TO
2 GO FROM A STILL POSITION TO GOING THROUGH THE SECONDARY GATE.
3 THERE WAS ANOTHER SECURITY GUARD, WHO WAS DOING HIS ROUNDS,
4 COMING OUT OF THE OPERATIONS AREA. BRIAN SAW THAT SECURITY
5 GUARD, CALLED HIM OVER AND ASKED THE SECURITY GUARD IF HE
6 COULD SWIPE BRIAN IN. THE SECURITY GUARD SWIPED BRIAN IN, WHICH
7 IS HOW HE WAS ABLE TO GET INTO THE OPERATIONS AREA.

8 THE REASON WHY BRIAN MCGUIRE'S ACTIONS OF TURNING OFF THE
9 VEHICLE HEADLIGHTS AND NOT ANNOUNCING HIS PRESENCE AT THE
10 PLANT WERE SO DANGEROUS IS WE WERE DOING LNG TRUCK UNLOADING
11 AT THE TIME. THAT MEANS THE LNG TRUCK WOULD BE MOVING BACK
12 AND FORTH FROM THE OPERATIONS AREA TO OUT OF THE PLANT. IF THE
13 DRIVER OF THE LNG TRUCK DID NOT SEE BRIAN THAT COULD HAVE
14 RESULTED IN AN ACCIDENT.

15 ON ANOTHER SHIFT, ON ANOTHER DAY, FREDDY FERNANDEZ TOLD ME
16 BOTH THE FEMALE GUARD AT THE FRONT GATE AND THE SECOND
17 SECURITY GUARD WHO LET BRIAN INTO THE SECONDARY GATE WERE
18 TERMINATED FOR BREACH OF SECURITY.

19 ON ANOTHER OCCASION, FREDDY FERNANDEZ TOLD ME THAT A
20 SUPERVISOR FROM 9TH AND MONTGOMERY CAME TO RETRIEVE THE
21 VIDEO FROM THE CCTV ROOM. UPON REVIEWING THE VIDEO, THE PGW
22 SUPERVISOR STATED, "HMMM. THIS IS GROUNDS FOR TERMINATION (OF
23 BRIAN MCGUIRE)."

24 FOR THE PAST TWO WEEKS, FREDDY FERNANDEZ IS NOW BACK AT
25 PASSYUNK PLANT, SECOND SHIFT. RECENTLY, FREDDY MENTIONED BOTH

1 SECURITY GUARDS WROTE REPORTS OF THE INCIDENT BEFORE THEIR
2 TERMINATION ABOUT WHAT HAPPENED THE NIGHT THAT BRIAN
3 MCGUIRE CAME TO THE PLANT WITHOUT HIS EMPLOYEE ID. BOTH
4 SECURITY GUARDS' REPORTS INDICATED BRIAN MCGUIRE WAS UNDER
5 THE INFLUENCE. THE SECURITY GUARDS AND FREDDY FERNANDEZ
6 WORK FOR SOVEREIGN SECURITY.

7 **Q: WHAT PGW POLICIES DO YOU KNOW REGARDING THE USE OF**
8 **COMPANY VEHICLES?**

9 **A:** FROM MY UNDERSTANDING, IF YOU ARE CAUGHT DRIVING OR
10 OPERATING A VEHICLE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL,
11 YOU ARE REQUIRED TO GO DOWN TO 9TH AND MONTGOMERY FOR A TEST.
12 YOU ARE NOT ALLOWED TO DRIVE DOWN, A SUPERVISOR MUST TAKE
13 YOU THERE. DURING WORK, AS A SUPERVISOR, IF YOU NOTICE THAT
14 ANOTHER EMPLOYEE IS UNDER THE INFLUENCE, YOU CALL A
15 SUPERVISOR WHO IS NOT WORKING, AND THAT SUPERVISOR WILL
16 ESCORT THE EMPLOYEE TO GET A TEST.

17 **Q: IS THIS PGW POLICY, AS YOU KNOW IT, WRITTEN OR VERBAL?**

18 **A:** BOTH.

19 **Q: IS THAT YOUR TESTIMONY OF WHAT YOU KNOW ABOUT THE**
20 **FEBRUARY 2018 INCIDENT WITH BRIAN MCGUIRE?**

21 **A:** YES.

22 **A TRUE AND CORRECT COPY OF RESPONSIVE PAGES OF PGW'S ETHICS**
23 **AND CONFLICT OF INTEREST COMPLIANCE POLICY AND PROGRAM IS**
24 **ATTACHED AS EXHIBIT "II" TO THIS TESTIMONY.**

1 **IV. MANIPULATION OF READINGS ON TEMPERATURE INDICATOR (TE1019)**
2 **DURING THE LNG VAPORIZATION PROCESS**

3 **IN THE FORMAL COMPLAINT, THERE IS A STATEMENT THAT THE**
4 **READINGS OF A TEMPERATURE INDICATOR (TE1019) ARE BEING**
5 **MANIPULATED DURING THE LNG VAPORIZATION PROCESS.**

6 **Q: WHAT, IF ANYTHING, DO YOU KNOW ABOUT THE EVENTS IN THIS**
7 **STATEMENT?**

8 **A: FOR THE PAST COUPLE OF WINTER SEASONS, THE STEAM LANCE HAS**
9 **BEEN PLACED AROUND TE1019 TO PREVENT AN ALARM FROM OCCURRING**
10 **IN THE LNG CONTROL ROOM. WHEN THE STEAM LANCE IS PLACED**
11 **AROUND THE TE1019 INDICATOR, THERE IS A CONSTANT TEMPERATURE**
12 **BEING APPLIED TO THE INDICATOR. THIS MEANS THE ELECTRICAL**
13 **ELEMENT IN THE TE1019 WILL NEVER GET DOWN TO 0 DEGREES, EVEN IF**
14 **THE PRODUCT IN THE HEADER GETS DOWN TO 0 DEGREES, BECAUSE THE**
15 **TEMPERATURE OF THE STEAM LANCE IS AROUND 80 DEGREE.**
16 **THEREFORE, THERE IS NO WAY THE WORKING FORMAN WILL KNOW**
17 **THROUGH THE TE1019 INDICATOR THE PRODUCT IS GETTING DOWN TO 0**
18 **DEGREES.**

19 **THE TE1019 IS A TEMPERATURE INDICATOR LOCATED ON THE VNG (VAPOR**
20 **NATURAL GAS) HEADER, AND IT SENSES THE TEMPERATURE WITHIN THE**
21 **HEADER AND SENDS A TEMPERATURE READING BACK TO THE LNG**
22 **CONTROL ROOM. DURING THE VAPORIZATION PROCESS, THE AVERAGE**
23 **VNG READING FALLS BETWEEN 40 – 60 DEGREES CELSIUS. IN THE EVENT,**
24 **IF THE TEMPERATURE GOES DOES TO 0 DEGREES, THE TE1019 PICKS UP**
25 **THAT 0 DEGREES READING AND SEND AN ALARM ON THE SCREEN TO THE**

1 WORKING FOREMAN, WHO IS LOCATED IN THE LNG CONTROL ROOM.
2 THERE IS ALSO AN AUDIO ALARM IN THE LNG CONTROL ROOM. THE
3 VAPORIZATION SYSTEM HAS A FAIL SAFE SYSTEM, WHICH
4 AUTOMATICALLY SHUTS THE WHOLE SYSTEM DOWN, WHEN THE
5 TEMPERATURE INDICATES 0 DEGREES CELSIUS. SIMILARLY, IF THE
6 TEMPERATURE IN THE VNG HEADER GETS TO 120 DEGREES FARENTHIEIT,
7 THE SAME THING WILL OCCUR.

8 **PGW STATES IN THEIR RESPONSE TO OUR INTERROGATORY THAT "TE-**
9 **1019 IS A DEVICE DOWNSTREAM OF THE VAPORIZAERS THAT CAN**
10 **SENSE LOW PROCESS TEMPORATIRES. WHEN THIS OCCURS, STEAM IS**
11 **USED TO ENSURE THE SYSTEM WORKS PROPERLY IN COLD AMBIENT**
12 **CONDITIONS."**

13 **A TRUE AND CORRECT COPY OF PGW'S RESPONSE TO TE1019**
14 **TEMPERATURE INDICATOR INTERROGATORY IS ATTACHED AS**
15 **EXHIBIT "III-A" TO THIS TESTIMONY.**

16 **Q: DO YOU AGREE WITH THIS STATEMENT?**

17 **A: NO.**

18 **Q: WHY OR WHY?**

19 **A: YOU DON'T NEED TO PLACE A STEAM LANCE OUTSIDE OF TE1019 DEVICE**
20 **IN ORDER FOR TE1019 TO WORK PROPERLY. BY DOING SO, YOU NEGATE**
21 **THE ENTIRE PROCESS. THE TE1019 CAN WORK EFFICIENTLY BY PUTTING**
22 **SOME TYPE OF HOUSING OVER IT, INSTEAD OF A STEAM LANCE.**

23 **Q: WHAT DO YOU MEAN BY "SOME TYPE OF HOUSING" OVER THE TE1019**
24 **INDICATOR?**

1 A: THE TE1019 INDICATOR IS A SMALL DEVICE. SO, IF YOU USE SOME TYPE
2 OF COVERING WITH INSULATION THAT DOES NOT USE STEAM TO
3 PREVENT THE TE1019 INDICATOR FROM FREEZING UP THAT WILL ALLOW
4 A TRUE READING TO BE TRANSMITTED BACK TO THE LNG CONTROL
5 ROOM.

6 Q: **WHAT IS THE DIFFERENCE BETWEEN THE STEAM LANCE BEING**
7 **PLACED ON THE TE1019 TEMPERATURE INDICATOR AND YOUR**
8 **PROPOSED COVERING?**

9 A: MANIPULATION. BY USING THE STEAM LANCE IT WILL NEGATE A TRUE
10 READING BECAUSE OF THE CONSTANT FLOW OF STEAM AROUND THE
11 INDICATOR. THE COVERING, A BOX WITH INSULATION, WILL NOT HAVE
12 THE CONSTANT FLOW OF STEAM AND THEREFORE GIVE A TRUE READING
13 OF THE PRODUCT IN THE VNG HEADER.

14 V. **CONCLUSION**

15 Q: **DOES THIS COMPLETE YOUR DIRECT TESTIMONY?**

16 A: Yes

17 **WAYNE RAUCEO RESERVES THE RIGHT TO SUPPLEMENT/AMEND HIS**
18 **DIRECT TESTIMONY AS WARRANTED, AND TO SEEK SUBPOENAS FOR**
19 **PRODUCTION OF DOCUMENTS FROM SOVEREIGN SECURITY.**

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dwayne Ackie, Miguel J. Chavarria, Jr.,
Maurice A. Goodwin and Wayne Rauceo

v.

Philadelphia Gas Works

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C-2019-3013933

VERIFICATION STATEMENT

I, WAYNE RAUCEO, am a Co-Complainant in the above captioned matter. I hereby verify that the statements made in the foregoing Direct Testimony are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A section 4904, relating to unsworn falsification to authorities.

Date: 6-30-20

Wayne Rauceo
Wayne Rauceo

EXHIBITS

JOB DESCRIPTION

JOB TITLE	JOB CODE	UNIT	FLSA STATUS
General Supervisor, Gas Processing Operations	2B229	Gas Management – Gas Processing	Non-exempt
REPORTS TO	JOB CODE	RATING	HR ANALYST
Plant Manager	2A040 or 2A022	Grade: <u>6</u> HP: <u>445</u>	A. Hicks
SUMMARY			
<p>This level I manager (M1) provides supervision and direction on operations of the LNG and natural gas plants, and the metering and regulations stations. The incumbent ensures both the availability and the reliability of all plant equipment and facilities through the implementation of operating procedures. In addition, the incumbent coordinates and oversees supervisors responsible for the day-to-day plant operations on a 24-hour, 7 day/week basis. This M1 participates in the selection process of new job applicants, ensures progression growth of personnel as required skill levels are attained and provides analyses and information management regarding ongoing operations and potential issues. Impact of decisions will be measurable within 3 to 6 months.</p>			
ESSENTIAL FUNCTIONS			
<p>Gas Processing Operations</p> <ol style="list-style-type: none"> 1. Provides first-line supervision of the operation of LNG vaporization, liquefaction, LNG truck loading and loading, natural gas facilities, M&R stations, and auxiliary facilities such as boilers, electric generators, boil-off compressors, under-tank heating systems, odorization systems, fire water systems, and emergency shutdown systems. 2. Maintains and ensures the uninterrupted supply of gas distributed to the City of Philadelphia at the required levels of odorant, pressure, flows and temperatures. 3. Develops, reviews and approves daily work permits ensuring that they provide an accurate and detailed account of work to be performed as well as new or updated operating and purge procedures. 4. Ensures facilities' operating and purge procedures are current, reviewed, updated annually and properly executed in compliance of with all applicable federal, state and local ordinances. 5. Monitors activities associated with the delivery of adequate volumes of gas to the distribution system; identifies abnormal operating conditions; recommends and implements corrective actions. 6. Oversees the operation of equipment associated with the control and metering send-out gases, proper odorization of gas and maintaining gas pressure and temperatures; secures plant equipment prior to maintenance activities ensuring the proper purging, equipment testing, and inspection of equipment in accordance with applicable federal, state, and local regulations. 7. Ensures proper documentation of data by process operators and employs this data in performance evaluation of plant processes. <p>Personnel Management</p> <ol style="list-style-type: none"> 8. Coordinates subordinate work activities by developing monthly shift schedules, project timelines, milestones and analyzing impact, determining priorities of activities, making work assignments, monitoring projects, and providing direction and assistance as needed. 9. Assesses employee needs ensuring subordinates are properly trained and adhere to company policies, practices and procedures including collective bargaining agreement when applicable; participates in the selection process of new employees. 10. Evaluates and meets with subordinates to discuss work performance providing appropriate commendations and disciplinary actions to ensure employees are well equipped to meet and/or exceed job expectations. <p>Finance & Accounting</p> <ol style="list-style-type: none"> 11. Maintaining natural and supplemental gases operating expenditures within budget limits. 12. Assists in the development of operating and capital budgets by providing technical and cost information for activities and by establishing required levels of manpower. <p>Other Related Functions</p> <ol style="list-style-type: none"> 13. Keeps abreast of current trends, equipment technology and best practices in equipment maintenance. 14. Performs other special projects and assignments as requested. 			

EDUCATION & EXPERIENCE QUALIFICATIONS	
<ul style="list-style-type: none"> ▪ Associates degree in a relevant field of study or 3 to 5 years relevant experience working as a Supervisor of Gas Processing Operations ▪ Must have 5 - 7 years relevant experience working in instrumentation, operations management, gas control or other relevant craft ▪ Must have a City of Philadelphia Class "A" Engineer's license ▪ Must have knowledge of all plant emergency procedures, operation of emergency equipment, first aid and safe working practices ▪ Must have knowledge of location, description and function of all plant electrical services, pipelines, gas and water service lines, etc. ▪ Must have knowledge of city, state and federal regulations, codes, laws, and industry standards ▪ Must have supervisory skills with the ability to create a professional and constructive environment that fosters a team-oriented and customer service approach to day-to-day operations ▪ Must have interpersonal/communications skills with the ability to interact effectively at all levels of the organization and maintain a high level of client trust and confidence ▪ Must have project management skills with the ability to effectively work under pressure while meeting established deadlines ▪ Must have computer skills with proficiency in the use of Microsoft Office ▪ Must be flexible with the ability to work out-of-hours as needed ▪ Must have a valid Pennsylvania Driver's License with a good driving record ▪ Equivalent combination of education and experience may be acceptable in lieu of degree 	
ORGANIZATIONAL SCOPE	
<p>REVIEWING SUPERVISOR Director, Gas Processing</p>	
<p>IMMEDIATE SUPERVISOR Plant Manager or Operations Manager</p>	<p>OTHER POSITIONS REPORTING TO THIS SUPERVISOR Maintenance Manager Engineers as assigned Secretary II</p>
<p>THIS JOB General Supervisor, Gas Processing Operations</p>	<p>DIRECT REPORTS Shift Supervisor, Gas Processing Operations Operations Supervisor, Gas Processing Operations</p>

ADA PHYSICAL & MENTAL REQUIREMENTS

Following is a list of specific physical and mental requirements necessary to complete the Essential Functions of the job successfully. All requirements are subject to possible modification to reasonably accommodate individuals with disabilities. Individuals who pose a direct threat or significant risk to the health and safety of themselves or others in the workplace, because physical requirements cannot be eliminated or reduced by reasonable accommodation, will not be considered qualified for this position. The activities and metrics identified in this document represent what the Company anticipates are required under normal operating circumstances. However, due to the nature of PGW's work, normal circumstances may not always apply.

GENERAL WORK CLASSIFICATION: Check One Only

- Sedentary work - Exerting up to 10 pounds of force occasionally, and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects, including the human body. Sedentary work involves sitting most of the time. Jobs are sedentary if walking and standing are required only occasionally, and all other sedentary criteria are met.
- Light work - Exerting up to 20 pounds of force frequently, and/or a negligible amount of force constantly to move objects. If the use of arm and/or leg control requires exertion of forces greater than that of sedentary work and if the worker sits most of the time, the job is considered light work.
- Medium work - Exerting up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects.
- Heavy work - Exerting up to 100 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects.
- Very heavy work - Exerting in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force constantly to move objects.

SPECIFIC WORK REQUIREMENTS:

Utilizing the "Key" below, check appropriate boxes for each requirement category as it pertains to performing the essential functions of the attached position.

- Key:** C = Constantly 75% or more of an average workday
 F = Frequently 50% to 75% of an average workday
 O = Occasionally 25% to 50% of an average workday
 R = Rarely less than 25% of an average workday

C	F	O	R	WORKING ENVIRONMENT DESCRIPTIONS
			X	Indoor Work: Performs duties subject to inside environmental conditions protected from weather but not necessarily from temperature changes.
X				Outdoor Work: Performs duties subject to outside environmental conditions with no effective protection from weather.
X				Extreme Temperatures: Performs work activities at temperatures below 32 degrees or above 100 degrees for periods of more than one hour, this includes such factors as the affects of wind and humidity
		X		Noise: There is sufficient noise to cause the worker to shout in order to be heard above the noise level and/or affect hearing ability.
X				Vibration: There is sufficient exposure to oscillating movements of the extremities or whole body.
X				Hazards: Exposed to one or more hazards such as moving mechanical parts, moving vehicles, electrical current, high places, high heat, chemicals, etc.
X				Atmospheric Conditions: Exposed to one or more conditions that affect the respiratory system such as fumes, odors, dusts, mists, gases, poor ventilation, etc

C	F	O	R	PHYSICAL REQUIREMENT DESCRIPTION
X				Balancing: Maintaining body equilibrium to prevent falling when walking, standing, or crouching on narrow, slippery, or erratically moving surfaces
X				Bending and Stooping: Bending body downward and forward by bending spine at the waist.
X				Climbing: Ascending or descending ladders, scaffolding, ramps, poles, and other devices using feet and legs and/or hands and arms. Body agility is emphasized
X				Climbing Stairs: Ascending or descending stairs to gain access to a building or to move from one floor to another
		X		Crawling: Moving about on hands and knees or hands and feet.
		X		Light Carrying/Lifting: Physically transporting items weighing less than 15 pounds from one location to another
		X		Moderate Carrying/Lifting: Items weighing 15 to 44 pounds
			X	Heavy Carrying/Lifting: Items weighing 45 pounds and over
			X	Fingering: Picking, pinching, typing, or otherwise working primarily with fingers rather than with the whole hand or arm
		X		Grasping: Applying pressure to an object with fingers (including thumb) and palm
		X		Kneeling: Bending legs at knees to come to rest on one or both knees
		X		Light Lifting: Raising objects under 15 pounds from a lower to a higher position or moving objects horizontally from one position to another
		X		Moderate Lifting: Objects 15 – 44 pounds
			X	Heavy Lifting: Objects 45 pounds and over
		X		Pulling Hand over Hand: Using upper extremities to exert force in order to draw, drag, haul, or tug objects in a sustained motion
		X		Pushing: Using upper extremities to press against something with steady force in order to thrust forward, downward, or upward
		X		Reaching above shoulder: Extending hand(s) and arm(s) in any direction
		X		Repetitive motion: Substantial movements of the wrists, hands, and/or fingers for sustained periods of time
			X	Sitting: Particularly for sustained periods of time
X				Standing: Particularly for sustained periods of time
X				Walking: Moving about on foot, particularly for long distances.
X				Hearing: Utilizes hearing to perform one or more of the following: use communication equipment, detect specific noises, proper equipment operation, understand what clients are saying in normal conversation

C	F	O	R	VISUAL ACUITY REQUIREMENT DESCRIPTION (with or without corrective eyewear)
			X	Typical Office Work: Performs activities such as: preparing & analyzing data; transcribing; extensive reading; viewing PC screens; inspecting small parts; using measurement devices; operating machines
		X		Typical Trade Work: Performs activities utilizing mechanical equipment such as: lathes, drill presses, power saws, C screens; inspecting small parts; using measurement devices; operating machines
	X			Typical Vehicle Work: Performs activities which require visual acuity to operate motor vehicles or heavy equipment
X				Typical Service Work: Performs activities determining the accuracy, neatness, and thoroughness of work assignment or general observations of facilities/structures (i.e. custodial, inspection, security guard, laborer)
C	F	O	R	COMPREHENSION
X				Ability to understand, remember, and apply oral and/or written instructions or other information
X				Ability to understand, remember, and communicate routine, factual information
X				Ability to understand complex problems and to collaborate and explore alternative solutions
X				Ability to understand opposing viewpoints highly complex issues and to negotiate/integrate different viewpoints
C	F	O	R	ORGANIZATION
X				Ability to organize thoughts and ideas into understandable terminology
X				Ability to organize and prioritize own work schedule on short-term basis (longer than one month)
X				Ability to organize and prioritize work schedules of others on short-term basis
X				Ability to organize and prioritize work schedules of others on long-term basis
C	F	O	R	REASONING and DECISION MAKING
X				Ability to apply common sense in performing job
X				Ability to make decisions which have moderate impact on immediate work unit
X				Ability to make decisions of significant impact on the immediate work unit & monitor impact outside work unit
X				Ability to make decisions which have significant impact on the department's credibility, operations, and services
C	F	O	R	COMMUNICATION
X				Ability to understand and follow basic instructions and guidelines
X				Ability to complete routine forms, use existing form letters and/or conduct routine oral communication
X				Ability to compose letters, outlines, memos, basic reports and/or to orally communicate technical information
X				Ability to communicate with individuals utilizing a telephone; requires ability to hear & speak effectively on phone
X				Ability to express or exchange ideas by means of the spoken word, communicating orally with others accurately, loudly, and quickly
		X		Ability to make informal presentations speaking before groups inside and/or outside the organization
		X		Ability to compose materials such as detailed reports, work-related manuals, publications of limited scope or impact, etc., and/or to make presentations outside the immediate work area
			X	Ability to formulate complex and comprehensive materials such as legal documents, authoritative reports, official publications of major scope and impact, etc., and/or to make formal presentations

JOB DESCRIPTION

JOB TITLE	JOB CODE	UNIT	FLSA STATUS
Supervisor, Gas Processing Operations	3A214	Gas Management – Gas Processing	Non-exempt
REPORTS TO	JOB CODE	RATING	HR/ANALYST
General Supervisor, Gas Processing Operations	2B229	Grade: <u>5</u> HP: <u>393</u>	A. Hicks

SUMMARY

This level II supervisor (S2) position is responsible for supervision and monitoring of operations including the liquefaction, vaporization, M&R Stations, LNG storage and natural gas facilities, and of auxiliary equipment such as gas conditioning, emergency electric generators, boilers, LNG under-tank heating systems, LNG boil-off compressors, and related hazards. The incumbent conducts work force planning, coaching, scheduling, training, budget preparations, expense control and other administrative duties. This S2 is responsible for the overall quality of work for the group acting as a lead technical resource, setting job standards and performance expectations. Incumbent may act in the absence of the manager to ensure that basic pieces of work are completed in a quality, timely and efficient manner. Impact of decisions will be measurable within one to two months.

ESSENTIAL FUNCTIONS:

Gas Processing Operations

1. Ensures that the City of Philadelphia is supplied with an uninterrupted service of natural gas through direct oversight of operational work procedures, monitoring activities associated with the delivery of adequate volumes of gas to the distribution system and operation of natural gas liquefaction, storage and re-vaporization facilities.
2. Coordinates maintenance activities to ensure safe plant operations including but not limited to providing for the testing and inspection of equipment ensuring the proper and effective conditioning of gas distributed to the city and in compliance with all applicable federal, state and local ordinances.
3. Writes, reviews and authorizes all operational gas purging for LNG tanks, natural gas facilities and M&R Station operations as well as equipment testing procedures associated with liquefaction and vaporization of natural gas.
4. Oversees the operation equipment associated with the control and metering of the send-out gases, proper conditioning of gas and maintenance of gas pressure and temperatures.
5. Ensures proper documentation of data by process operators and employs this data in evaluation of the plant.

Personnel Management

6. Coordinates subordinate work activities by developing project timelines, milestones and analyzing impact, determining priorities of activities, making work assignments, monitoring projects, and providing direction and assistance as needed.
7. Assesses employee needs ensuring subordinates are properly trained and adhere to company policies, practices and procedures including collective bargaining agreement when applicable; participates in the selection process of new employees.
8. Evaluates and meets with subordinates to discuss work performance providing appropriate commendations and disciplinary actions to ensure employees are well equipped to meet and/or exceed job expectations.

Finance & Accounting

9. Provides cost effective suggestions for process improvements in order to reduce department budget expenditures.
10. Maintains natural and supplemental gases and operating expenditures within budget limits.
11. Participates in the annual budget preparation process as needed or requested.

Other Related Functions

12. Keeps abreast of current trends, equipment technology and best practices in equipment maintenance.
13. Performs other special projects and assignments as requested.

EDUCATION & EXPERIENCE QUALIFICATIONS	
<ul style="list-style-type: none">▪ Associates degree in a relevant field of study or 3 - 5 years experience working as a Shift Supervisor, Gas Processing Operations in the PGW Gas Processing Department▪ Must have 1-3 years relevant experience working in instrumentation, operations management, gas control or other relevant craft▪ Must have a City of Philadelphia Class "A" Engineer's license▪ Must have knowledge of city, state and federal regulations, codes, laws, and industry standards▪ Must be thoroughly familiar with all company, plant operating, emergency procedures and the operation of emergency equipment, including fire protection and vapor dispersion control equipment▪ Must have supervisory skills with the ability to create a professional and constructive environment that fosters a team-oriented and customer service approach to day-to-day operations▪ Must have interpersonal/communications skills with the ability to interact effectively at all levels of the organization and maintain a high level of client trust and confidence▪ Must have the ability to effectively work under pressure while meeting established deadlines▪ Must have computer skills with proficiency in the use of Microsoft Office, Microsoft Project and Visio▪ Must be flexible with the ability to work a monthly rotating shift schedule▪ Must have a valid Pennsylvania Driver's License with a good driving record▪ Equivalent combination of education and experience may be acceptable in lieu of degree	
ORGANIZATIONAL SCORE	
REVIEWING SUPERVISOR Plant Manager	
IMMEDIATE SUPERVISOR General Supervisor, Gas Processing Operations	OTHER POSITIONS REPORTING TO THIS SUPERVISOR Shift Supervisor – Gas Processing Operations
THIS JOB Supervisor, Gas Processing Operations	DIRECT REPORTS Union covered craft personnel

ADA PHYSICAL & MENTAL REQUIREMENTS

Following is a list of specific physical and mental requirements necessary to complete the Essential Functions of the job successfully. All requirements are subject to possible modification to reasonably accommodate individuals with disabilities. Individuals who pose a direct threat or significant risk to the health and safety of themselves or others in the workplace, because physical requirements cannot be eliminated or reduced by reasonable accommodation, will not be considered qualified for this position. The activities and metrics identified in this document represent what the Company anticipates are required under normal operating circumstances. However, due to the nature of PGW's work, normal circumstances may not always apply.

GENERAL WORK CLASSIFICATION: Check One Only

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- Light work** - Exerting up to 20 pounds of force frequently, and/or a negligible amount of force constantly to move objects. If the use of arm and/or leg control requires exertion of forces greater than that of sedentary work and if the worker sits most of the time, the job is considered light work.
- Medium work** - Exerting up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects.
- Heavy work** - Exerting up to 100 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects.
- Very heavy work** - Exerting in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force constantly to move objects.

SPECIFIC WORK REQUIREMENTS:

Utilizing the "Key" below, check appropriate boxes for each requirement category as it pertains to performing the essential functions of the attached position.

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C	F	O	R	WORKING ENVIRONMENT DESCRIPTIONS
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X				Outdoor Work: Performs duties subject to outside environmental conditions with no effective protection from weather.
X				Extreme Temperatures: Performs work activities at temperatures below 32 degrees or above 100 degrees for periods of more than one hour, this includes such factors as the affects of wind and humidity
		X		Noise: There is sufficient noise to cause the worker to shout in order to be heard above the noise level and/or affect hearing ability.
X				Vibration: There is sufficient exposure to oscillating movements of the extremities or whole body.
X				Hazards: Exposed to one or more hazards such as moving mechanical parts, moving vehicles, electrical current, high places, high heat, chemicals, etc.
X				Atmospheric Conditions: Exposed to one or more conditions that affect the respiratory system such as fumes, odors, dusts, mists, gases, poor ventilation, etc

EE STATEMENT NO. 4
EXHIBIT I

IC	F	O	R	PHYSICAL REQUIREMENT DESCRIPTION
X				Balancing: Maintaining body equilibrium to prevent falling when walking, standing, or crouching on narrow, slippery, or erratically moving surfaces
X				Bending and Stooping: Bending body downward and forward by bending spine at the waist.
X				Climbing: Ascending or descending ladders, scaffolding, ramps, poles, and other devices using feet and legs and/or hands and arms. Body agility is emphasized
X				Climbing Stairs: Ascending or descending stairs to gain access to a building or to move from one floor to another
		X		Crawling: Moving about on hands and knees or hands and feet.
		X		Light Carrying/Lifting: Physically transporting items weighing less than 15 pounds from one location to another
		X		Moderate Carrying/Lifting: Items weighing 15 to 44 pounds
			X	Heavy Carrying/Lifting: Items weighing 45 pounds and over
			X	Fingering: Picking, pinching, typing, or otherwise working primarily with fingers rather than with the whole hand or arm
		X		Grasping: Applying pressure to an object with fingers (including thumb) and palm
		X		Kneeling: Bending legs at knees to come to rest on one or both knees
		X		Light Lifting: Raising objects under 15 pounds from a lower to a higher position or moving objects horizontally from one position to another
		X		Moderate Lifting: Objects 15 – 44 pounds
			X	Heavy Lifting: Objects 45 pounds and over
		X		Pulling Hand over Hand: Using upper extremities to exert force in order to draw, drag, haul, or tug objects in a sustained motion
		X		Pushing: Using upper extremities to press against something with steady force in order to thrust forward, downward, or upward
		X		Reaching above shoulder: Extending hand(s) and arm(s) in any direction
		X		Repetitive motion: Substantial movements of the wrists, hands, and/or fingers for sustained periods of time
			X	Sitting: Particularly for sustained periods of time
X				Standing: Particularly for sustained periods of time
X				Walking: Moving about on foot, particularly for long distances.
X				Hearing: Utilizes hearing to perform one or more of the following: use communication equipment, detect specific noises, proper equipment operation, understand what clients are saying in normal conversation

C	F	O	R	VISUAL ACUITY REQUIREMENT DESCRIPTION (with or without corrective eyewear)
			X	Typical Office Work: Performs activities such as: preparing & analyzing data; transcribing; extensive reading; viewing PC screens; inspecting small parts; using measurement devices; operating machines
		X		Typical Trade Work: Performs activities utilizing mechanical equipment such as: lathes, drill presses, power saws, C screens; inspecting small parts; using measurement devices; operating machines
	X			Typical Vehicle Work: Performs activities which require visual acuity to operate motor vehicles or heavy equipment
X				Typical Service Work: Performs activities determining the accuracy, neatness, and thoroughness of work assignment or general observations of facilities/structures (i.e. custodial, inspection, security guard, laborer)
C	F	O	R	COMPREHENSION
X				Ability to understand, remember, and apply oral and/or written instructions or other information
X				Ability to understand, remember, and communicate routine, factual information
X				Ability to understand complex problems and to collaborate and explore alternative solutions
X				Ability to understand opposing viewpoints highly complex issues and to negotiate/integrate different viewpoints
C	F	O	R	ORGANIZATION
X				Ability to organize thoughts and ideas into understandable terminology
X				Ability to organize and prioritize own work schedule on short-term basis (longer than one month)
X				Ability to organize and prioritize work schedules of others on short-term basis
X				Ability to organize and prioritize work schedules of others on long-term basis
C	F	O	R	REASONING and DECISION MAKING
X				Ability to apply common sense in performing job
X				Ability to make decisions which have moderate impact on immediate work unit
X				Ability to make decisions of significant impact on the immediate work unit & monitor impact outside work unit
X				Ability to make decisions which have significant impact on the department's credibility, operations, and services
C	F	O	R	COMMUNICATION
X				Ability to understand and follow basic instructions and guidelines
X				Ability to complete routine forms, use existing form letters and/or conduct routine oral communication
X				Ability to compose letters, outlines, memos, basic reports and/or to orally communicate technical information
X				Ability to communicate with individuals utilizing a telephone; requires ability to hear & speak effectively on phone
X				Ability to express or exchange ideas by means of the spoken word, communicating orally with others accurately, loudly, and quickly
		X		Ability to make informal presentations speaking before groups inside and/or outside the organization
		X		Ability to compose materials such as detailed reports, work-related manuals, publications of limited scope or impact, etc., and/or to make presentations outside the immediate work area
			X	Ability to formulate complex and comprehensive materials such as legal documents, authoritative reports, official publications of major scope and impact, etc., and/or to make formal presentations

C	F	O	R	MATHEMATICS
			X	No mathematical ability is required
X				Ability to count accurately
X				Ability to add, subtract, multiply, divide and to record, balance, and check results for accuracy
X				Ability to compute, analyze, and interpret numerical data for reporting purposes
X				Ability to compute, analyze, and interpret complex statistical data and/or to develop forecasts and computer models

EQUIPMENT / DEVICE OPERATION: Check All that Apply

COMPUTER SOFTWARE	VEHICLES	HEAVY EQUIPMENT/TOOLS
<input checked="" type="checkbox"/> Microsoft Office <input checked="" type="checkbox"/> Outlook <input type="checkbox"/> ADP <input type="checkbox"/> Oracle <input checked="" type="checkbox"/> Visio <input type="checkbox"/> BCCS <input type="checkbox"/> AIMS <input type="checkbox"/> Goldmine <input type="checkbox"/> Other, (describe below) DataStream, TLM	<input type="checkbox"/> Bicycle <input checked="" type="checkbox"/> Standard Passenger Vehicle (Coupe, Sedan, Light SUV, Minivan, etc.) <input checked="" type="checkbox"/> Trucks/Vans (Pick-up, CDL, Cargo Van, etc.) <input type="checkbox"/> Skilled Trade Vehicles (Excavator, Front End Loader, Crane, Towed Compressor, Forklift, etc.) <input type="checkbox"/> Other, (describe below)	<input type="checkbox"/> Construction Equipment (Jackhammers, excavation hand tools, shovels, bars, rakes, levels, etc.) <input type="checkbox"/> Welding Tools (AC/DC welders, Arc welders, Welding machines) <input type="checkbox"/> Drafting Tools (CAD, drafting machines, hand compass, dividers, protractors, etc.) <input checked="" type="checkbox"/> Natural Gas Equipment (compressors, scrubbers, evaporators, refrigeration equipment, etc.) <input type="checkbox"/> Other, (describe below)

APPROVALS:

Raymond Snyder - Director, Gas Processing

Douglas A. Moser - Senior Vice President, Gas Management

 6/23/2010
 Department Director's Signature Date

 7/21/10
 Department Senior Vice President's Signature Date

WAYNE RAUCEO
6123 Greene St
Philadelphia PA 19144
[REDACTED]
[REDACTED]@gmail.com

- OBJECTIVE:** To use my skills in Information Systems, my experience in retail purchasing and familiarity with natural gas operations to ensure the consistent delivery of natural gas to PGW customers.
- EDUCATION:** Temple University, Philadelphia, PA
B.S. in Information Systems Technology, 2001 GPA: 3.1/4.0
Delaware County Community College, Media, PA
Completed core courses in engineering) GPA: 3.2,
HVAC Certificate of Competency (June, 2008)
City Of Philadelphia Engineers & License
- EXPERIENCE:**
- 2008 to Present **Philadelphia Gas Works, Philadelphia, PA**
Operation Supervisor
Supervised the start up operation and shut down of natural gas, LNG and Vaporization facilities. Monitored the safe operation of associated equipment. Participated in the training of Process Operators in all facets of operations. Participated in the composition of purge and operation procedures, and safety reports. Monitored equipment operations and entered needed maintenance request. Supervised union covered Process Operators in the operation of equipment.
- 2007-2008 **US Airways, Philadelphia, PA**
Manager
Planned and coordinated hub operations for assigned shift. Maximized operational performance for the hub by adjusting to changes in operational conditions and proactively solving problems. Supervised, fleet service agents to ensure on-time performance and quality customer service. Evaluated tower personnel and provided necessary counseling, training or disciplinary action. Applied overtime and budgetary control to meet department goals. Developed reports. Assume other duties as required by the station and department leadership.
- 1995 to 2007 **Rite Aid/CVS Pharmacy, Philadelphia, PA**
Store Manager
Maintained professional and technical knowledge by attending workshops. Overall store management, supervision, and policy implementation; Sales and inventory management; Employee staffing, training, and development.
- 1989 to 1990 **Trinidad & Tobago Coast Guard**
Assistant Mechanic
Repaired and maintained naval vessels in addition to routine patrol and sentry duties.

1986 to 1989

Trinidad & Tobago Oil Company

Marine Mechanic Apprentice/Craft Apprentice

Completed a year-long series of rotations in machine shop craft, welding, electrical, and rotating equipment. In June 1988 was assigned to marine mechanic duty.

TECHNICAL SKILLS: Proficient in Microsoft Office Suite

CITIZENSHIP: U.S. Citizen

DAVID MARTINEZ

13400 Stevens Rd. ■ Philadelphia, PA 19116

Phone: [REDACTED] ■ Email: [REDACTED]@gmail.com

Key skills and knowledge areas:

- Plant Operations (steam boilers, generators, pumps, etc.)
- Strong team collaboration skills. Work closely with team members to achieve goals. Being able to work independently when necessary.
- Microsoft Office (Excel, Outlook, PowerPoint, Word, Visio)

EDUCATION

- Roman Catholic High School (Philadelphia, PA)
- 1998-2002

CERTIFICATIONS

Class A Operator Engineers' License (Philadelphia)

WORK EXPERIENCE

Philadelphia Gas Works (2004-Present)

General Supervisor, Operations (2015-present)

- *Review and update Operation procedures*
- *Nitrogen purging and Gassing out of auxiliary equipment and related valves.*
- *Scheduling for Supervision and Union employees*
- *Oversee Plant Operations*

Shift Supervisor, GPO (2013-2015)

- Overseeing the daily operation of the Natural Gas Plant
- Review daily work permits, informing necessary personnel of any concerns or precautions
- Provide direction and assistance to operators in operation of the DCS Control System, startup and shutdown of plant equipment and make sure that all operating and safety procedures are adhered to at all times

Process Operator (2009-2013)

- Operated boilers, pumps, generators and other equipment
- Loaded/Unloaded trucks with Liquid Natural Gas (LNG)

- Monitored temperature and pressures during the liquefying of natural gas and vaporization period

Distribution (2004-2009)

- Repaired broken underground gas piping, installed new lines for new and existing customers
- Ran pneumatic tools such as a jack hammer, spade, dirt tamper, etc.
- Titles while in the Department include: Laborer, Compressor Operator, and Pipe Mechanic

REFERENCES

- *References can be provided upon request*

RYAN O'DONNELL

██████████@gmail.com || C: ██████████ | Philadelphia, PA 19145

SUMMARY

Enthusiastic individual with superior skills in working in both team-based and independent capacities. Bringing strong work ethic and excellent organizational skills to any setting. Excited to begin new challenge with successful team.

SKILLS

- Plant Operations (steam boilers, generators, pumps, etc.)
- Team collaboration, but able to work well independently if necessary.
- Piping
- Boilers
- Hammer
- Hand tools
- Personnel
- Power tools
- Repairs
- Water treatment
- Management

EXPERIENCE

PHILADELPHIA GAS WORKS

Gas Processing Department

Operations Supervisor 03/2016 - Current

- Oversee LNG Vaporization process to ensure pressures and temperatures are within a safe operating range for heat exchange.
- Manage and train Union personnel.
- Verify sufficient odorant injection to City Gas.

Shift Supervisor 10/2015 - 03/2016

Processing Operator 02/2009 - 10/2015

- Loaded/Unloaded tankers of LNG to and from LNG Storage Tank.
- Verify all equipment (boilers, generators, pumps, etc.) are running efficiently.
- Maintain water treatment to boilers.
- Operate valves related to the process.

PHILADELPHIA GAS WORKS
Distribution Department

Laborer, Compressor Operator, Pipe Mechanic 02/2001 - 02/2009

- Operated pneumatic tools including but not limited to a jack hammer and spader.
- Operated hand tools such as shovels, sledge hammers, tunneling bars, etc.
- Repaired broken gas mains.
- Install gas lines into homes for heating and appliances.

CITY CENTER, Northeast Hospital
Stationary Engineer 12/2015 - 12/2017

- Maintain and repairs all equipment in the boiler-house.
- Uses hand tools, threads and installs pipe, cleans filters and strainers, replacing packing to maintain efficient working plant.
- Daily chemical water treatment of the boilers to insure proper running of equipment.
- Cleans boilers, waterside and fire side as required to meet code requirements.
- Starts, stops, adjusts and regulates boilers and associated equipment as necessary to insure efficiency of service.
- Monitoring Alarm System for facility and operating, maintaining repairing compressors, boilers, pumps, gauges, micro-processors, motors, electric power tools, water treatment systems and associate piping.
- Minor maintenance on Air Handlers, belts, flushing.

EDUCATION

Furness High School | Philadelphia, PA 1994-1998

CERTIFICATIONS

Class A Engineers' License (Philadelphia)



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I. PURPOSE

The purpose of this Directive and Policy is to ensure that PGW and its executives, managers and other covered individuals comply with the State Ethics Act and the PGW Ethics Policy as stated in this document. This Directive and Policy sets forth both the State Ethics Act standards as well as the heightened ethical standards of PGW.

II. INDIVIDUALS COVERED BY THE PGW ETHICS POLICY

The PGW Ethics Policy applies to all PGW executives, managers and employees, regardless of their position.

III. INDIVIDUALS AND ENTITIES COVERED BY THE STATE ETHICS ACT

The State Ethics Act applies to PGW and the covered individuals whose positions are listed in Appendix "A." Where the PGW Ethics Policy sets higher standards of conduct, the higher standards will apply.

Note: Provisions of the PGW Ethics Policy are in plain type.
Provisions of the State Ethics Act are in **bold type**.

IV. DEFINITIONS

"Associated organizations and businesses": Organizations and businesses which are owned, leased, franchised or operated by an individual or his immediate family, or where the individual is employed or holds an office or position.

"Covered individual": A PGW executive or employee to whom this Directive and Policy applies, whose position is listed in Appendix "A."

"De minimis interest": An economic consequence that has an insignificant effect.

"Family member": Immediate family member, sibling, aunt, uncle, step-brother, step-sister, nephew and niece. See **"Immediate family member"** and **"Household member,"** below.



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"Honorarium": Payment made in recognition of published works, appearances, speeches and presentations and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.

"Household member": A person who lives or has ever lived in the home or residence of the covered individual.

"Immediate family member": A spouse, child, grandchild, stepchild, parent or stepparent.

"Personal interest": A relationship, personal in nature, arising from the individual's employment, contractual relationship, membership, affiliation or association with an organization or entity.

V. PROVISIONS

A. HONESTY, INTEGRITY AND LOYALTY

1. **Generally:** Honesty and integrity are characterized by truthfulness, and freedom from deception and fraud. Passive dishonesty is no less reprehensible than active dishonesty. Loyalty presumes that in performing our jobs, we will first act in the best interest of our employer in an honest manner and in compliance with the law. These qualities are unchanging, no matter what the situation.
2. Covered individuals must conduct themselves with the highest degree of honesty, integrity and loyalty. Dishonesty and disloyalty, whether active, passive or by omission, are prohibited.
3. Covered individuals must take all reasonable measures to ensure that PGW engages in honest, ethical and lawful business practices.
4. Covered individuals may not engage in self-dealing where PGW interests are concerned.



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5. Covered individuals may not engage in activities that conflict with the best interests of PGW.
6. Covered individuals may not participate in activities, or allow activities to occur that pose or appear to pose a conflict of interest with their position at PGW.
7. Covered individuals must place PGW's interests ahead of their own.

Exception: When acting in their status as a PGW customer, covered individuals may represent their own interest, but may only seek goods and services to which PGW customers are entitled and which do not violate PGW guidelines, practices or procedures.

8. SPECIFIC ACTIVITIES AND TRANSACTIONS

a. CASH AND BANK ACCOUNTS

- (i.) Discrepancies in cash and account transactions must be reported.
- (ii.) All accounts of PGW funds shall be established and maintained in the name of PGW and may be opened or closed only on the authority of the PFMC Board
of Directors or their designees in the Treasury Department.
- (iii.) All cash and checks received shall be promptly recorded and deposited in a PGW bank account.
- (iv.) No funds shall be maintained in the form of cash, except authorized petty cash.
- (v.) No payments may be made in cash (currency) other than regular, approved



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normal disbursements from petty cash supported by signed receipts or other appropriate documentation.

- (vi.) Corporate checks shall not be written to "cash," "bearer," or similar designations.

b. COMPANY CREDIT CARDS

- (i.) PGW credit cards must be used solely to conduct PGW business.
- (ii.) Personal expenses may not be charged on PGW credit cards.
- (iii.) PGW credit cards may not be used to avoid preparing documentation for direct payment to vendors.
- (iv.) All expenses made on PGW credit cards must be reported in monthly expense reports that state the business purpose of the expense and the name of those involved in the event.
- (v.) Where allowed by law, charges on Company credit cards, for which a properly approved expense report has not been received at the time of any employee's termination of employment, may be deducted from the employee's last paycheck. PGW will pursue reimbursement of any amounts it has paid on the employee's account.

c. CONFIDENTIAL INFORMATION

- (i.) A covered individual may not use, share or make available to third parties information that is not immediately available to the general public.



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Note: Questions regarding whether information is available to the general public should be referred to General Counsel before the subject information is released.

- (ii.) All requests for information about PGW's business, technical or financial affairs should be referred to the Office of Vice President, Strategic Planning.

d. DISCOUNTS

A covered individual may not accept discounts from a supplier on a personal purchase unless (i.) it is also available to the general public; (ii.) such discounts will not affect PGW's purchase prices; and (iii.) the discounts are generally offered to others having a similar business relationship with the supplier or customer.

e. WRONGFUL OR ILLEGAL CONDUCT ON COMPANY PROPERTY OR TIME

A covered individual may not engage in illegal activities on PGW property (including within PGW vehicles) or while on PGW business. Prohibited activities include but are not limited to:

- (i.) consumption and/or storage of alcoholic beverages (this also constitutes a violation of PGW's Drug and Alcohol Policy).
- (ii.) unlawful manufacture, distribution, dispensing, possession, transfer, sale, purchase or use of a controlled substance.
- (iii.) unlawful manufacture, distribution, dispensing, possession, transfer, sale, purchase or use of alcohol.
- (iv.) driving vehicles or operating PGW equipment while under the influence of alcohol or



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controlled substances.

- (v.) gambling on PGW property or within PGW vehicles.
- (vi.) carrying or possessing weapons of any sort, licensed or not.
- (vii.) parking vehicles on PGW property if such vehicles contain weapons.
- (viii.) unauthorized and/or unlicensed use of PGW vehicles.

f. EXPENSE REIMBURSEMENT

Requests for expense reimbursement must be properly approved, accurate, and reflect only those expenses, or portion of expenses, attributable to PGW business.

g. MISUSE OF COMPANY TIME

- (i.) With the exception of vacation or other authorized leave, no covered individual shall receive pay for hours not worked.
- (ii.) Covered individuals must report only time of the actual number of hours worked.
- (iii.) Covered individuals may not conduct or solicit private, non-PGW business or for-profit activities during PGW work hours and/or on PGW premises.



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h. OUTSIDE EMPLOYMENT

- (i.) Covered individuals may not be employed outside PGW in any business that provides services to or is seeking providing services to PGW.
- (ii.) Covered individuals may not be employed by any business or person that is in competition with PGW.
- (iii.) Covered individuals may not engage in any employment, business or representation that conflicts with or would impair the effectiveness of their work performance, including but not limited to solicitation of outside business opportunities on company time.
- (iv.) Covered individuals may not use PGW time, materials, information or other assets in connection with outside activities or employment.

i. PGW PROPERTY, EQUIPMENT DATA AND RESOURCES

Covered individuals may not make unauthorized use of PGW assets or permit others to do so. PGW assets include, but are not limited to, vehicles, fuel, tools, parts, materials, computers, copy machines, fax machines, software, data, space and equipment.

j. RECORDS

- (i.) Covered individuals are responsible for the reports and records that they generate, the information that they provide to others, and the information that they enter or retrieve from the PGW computer system.



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- (ii.) Covered individuals must ensure that PGW books, records, accounts, reports, marketing information, revenue material, sales information, expense accounts, time sheets, claim forms and other data must be accurate.
- (iii.) Access to PGW records and data set forth above must be accessed only by those with proper authorization.

k. SOFTWARE AND COMPUTERS

Covered individuals may not:

- (i.) Engage in the unauthorized use of PGW computers or software.
- (ii.) Use PGW computers for non-PGW related purposes.
- (iii.) Access or use PGW computers or computer data for personal use.
- (iv.) Create or run unauthorized software on a PGW computer, may not operate a PGW computer in an unauthorized mode, and may not intentionally cause any kind of operational failure or malfunction.
- (v.) Use PGW computers for their own personal financial gain.
- (vi.) Copy software that is owned or licensed to PGW.
- (vii.) Copy or transfer unauthorized and/or unlicensed software onto PGW computers.



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**1. POLITICAL CONTRIBUTIONS AND
ACTIVITIES**

- (i.) Political contributions by PGW are prohibited. No PGW funds or assets (including work hours) may be contributed, loaned or otherwise made available, directly or indirectly, to any political party or for a campaign for political office by any person, or used in support or opposition to such person or party.
- (ii.) Covered individuals may not run for political office.
- (iii.) Covered individuals may engage in political activities (other than running for political office) so long as the activities are not conducted on or adjacent to PGW premises, the activities are conducted solely in the covered individual's personal capacity, and the covered individuals does not wear a PGW uniform, PGW emblem, utilize PGW property, or otherwise identify himself or herself as associated with PGW, or otherwise acting on behalf of PGW while engaged in such activities.

m. COPYRIGHTED MATERIALS

Covered individuals may not engage in unauthorized duplication, distribution or display of copyrighted materials.

VI. CONFLICT OF INTEREST

Covered individuals shall not:

- A. on behalf of PGW, engage directly or indirectly in any business transaction or private arrangement for profit that benefits, involves or relates to, directly or indirectly, the covered individual, immediate family member, family member or household member;



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- B. on behalf of PGW, award, negotiate, modify or change contracts or contract obligations, settle or adjust claims, extend loans, grant subsidies, fix rates, issue permits, guarantees or other things of value to, with or on behalf of any entity the covered individual, immediate family member, family member or household member has a greater than de minimis financial or personal interest;
- C. directly or indirectly, cause PGW business, funds, resources or goodwill to go to a business organization or entity in which the covered individual and/or his or her immediate family, family member or household member has an ownership, property or other valuable share or interest in the business organization or entity, or which employs the foregoing individuals;
- D. directly or indirectly, cause PGW business, funds, resources or goodwill to go to the covered individual, an immediate family member, family member or household member; or
- E. represent or act as an agent for any private interest, whether for compensation or not, in any transaction in which PGW, PFMC or the City of Philadelphia has a direct and substantial interest and which could be reasonably expected to result in a conflict between a private interest of the covered individual and his official capacity with PGW.

Exceptions

1. A covered individual may represent his or her own personal interests as a PGW customer concerning PGW products and services.
2. Situations where the general public would also benefit, such as an across-the-board decrease in gas rates for residential customers, or a change in appliances covered under a parts and labor plan.

VII. DISCLOSURE OF ACTUAL, POTENTIAL OR PERCEIVED CONFLICT OF INTEREST

- A. Covered individuals must immediately disclose any relationship that constitutes a conflict of interest, has the potential for becoming a conflict of interest, or which is perceived to be a conflict of interest now or in the future.



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three-member governing body of a political subdivision, where one member has abstained from voting as a result of a conflict of interest and the remaining two members of the governing body have cast opposing votes, the member who has abstained shall be permitted to vote to break the tie vote if disclosure is made as otherwise provided herein.

XVII. RETALIATION PROHIBITED

PGW ETHICS POLICY

PGW executives, managers and employees shall not retaliate against individuals because they reported violations of the PGW Ethics Policy or the State Ethics Act in accordance with this Directive, or because they cooperated or intended to cooperate with a PGW investigation, disciplinary action or other action by PGW to enforce the PGW Ethics Policy or the State Ethics Act.

STATE ETHICS ACT

Retaliation Prohibited. No public official or public employee shall discharge any official or employee or change his official rank or grade or compensation or deny him a promotion or threaten to do so, for filing a complaint with or providing information to the [State Ethics] commission or testifying in any commission proceeding.

XVIII. REPORTING VIOLATIONS

PGW ETHICS POLICY

- A. Affirmative obligation to report in writing violations of Ethics Policy: PGW employees who have knowledge of a violation of PGW's Ethics Policy must report the violation in writing, dated and signed, to his or her immediate supervisor or the PGW Ethics Officer.
- B. Content of written report: Where a written report is required, it should indicate the date, time and location of the violation, a description of what occurred, whether the violation is on-going, witness names, names of supervisors who were notified, and the



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person to whom the written report is provided.

- C. Verbal reporting: Violations may be reported verbally in situations where time is of the essence, where a written report would not be feasible or where a written report would expose the writer or others to injury or harm. Verbal reports should have the same content as written reports (see above).
- D. The PGW Ethics Hotline: PGW has established an Ethics Hotline so individuals can obtain guidance and advice concerning ethical issues and the PGW Ethics Policy, or report suspected violations quickly and easily. PGW's Ethics Officer is the only person with access to the Ethic Hotline's voice mail. Other than messages left on voice mail, the calls are not recorded. PGW's Ethics Officer will personally respond to each report or inquiry. Callers who wish to remain anonymous will not be required to identify themselves or where they work.

PGW HOTLINE: (215) 684-6640

- E. In addition to using the PGW Hotline, questions concerning ethical issues and the PGW Ethics Policy and Directive, and information concerning ethics violations can be reported directly to the Ethics Officer:

Howard Lebofsky, Esq.
Legal Department
800 W. Montgomery Avenue
Philadelphia, PA 19122
(267) 249-7594 or (215) 684-6640
howard.lebofsky@pgworks.com

- F. **CONFIDENTIALITY AND ANONYMITY**

PGW ETHICS POLICY

1. To the fullest extent practicable, and unless the contacting individual requests otherwise, the Ethics Officer and senior management of PGW will maintain confidentiality regarding any person who requests guidance or information concerning ethical issues or reports possible wrongdoing via the Ethics Hotline or other means.



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XX. CONSEQUENCES OF NON-COMPLIANCE

PGW ETHICS POLICY

- A. Individuals will be disciplined where their conduct violates the PGW Ethics Directive and Policy, and/or the State Ethics Act. Disciplinary action for infractions can range from a reprimand to termination. Management will review the facts of each case and make an independent determination regarding appropriate discipline, after which discipline shall be administered in accordance with management's determination.
- B. Disciplinary action for violations of State Ethics Act or the PGW Ethics Policy is not exclusive.
1. Disciplinary action taken by PGW against individuals for violations of the State Ethics Act and/or the PGW Ethics Policy does not preclude the State Ethics Commission from investigating allegations of misconduct, charging individuals accused of misconduct, or imposing fines or penalties for violations.
 2. Sanctions and/or penalties imposed by the State Ethics Commission do not preclude PGW from investigating allegations of misconduct or taking disciplinary action for violations.
- C. Criminal sanctions may be imposed.
- D. Some offenses may result in loss of pension.

STATE ETHICS ACT

§ 1109. Penalties

(a) Restricted activities violation. Any person who violates the provisions of section 1103(a), (b) and (c) (relating to restricted activities) commits a felony and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

(b) Financial Interests statement violation. Any person who violates the provisions of section 1103(d) through (j), 1104 (relating to statement of



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financial interests required to be filed) or 1105(a) (relating to statement of financial interests) commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(c) **Treble damages.** Any person who obtains financial gain from violating any provision of this chapter, in addition to any other penalty provided by law, shall pay a sum of money equal to three times the amount of the financial gain resulting from such violation into the State Treasury or the treasury of the political subdivision. Treble damages shall not be assessed against a person who acted in good faith reliance on the advice of legal counsel.

(d) **Impeachment and disciplinary action.** The penalties pre or commissions to discipline officials or employees.

(e) **Other violations of chapter.** Any person who violates the confidentiality of a commission proceeding pursuant to section 1108 (relating to investigations by commission) commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both. Any person who engages in retaliatory activity proscribed by section 1108(j) commits a misdemeanor and, in addition to any other penalty provided by law, shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both. Any person who willfully affirms or swears falsely in regard to any material matter before a commission proceeding pursuant to section 1108 commits a felony and shall, upon conviction, be sentenced to pay a fine of not more than \$5,000 or to imprisonment for not more than five years, or both.

(f) **Civil penalty.** In addition to any other civil remedy or criminal penalty provided for in this chapter, the commission may, after notice has been served in accordance with section 1107(5) (relating to powers and duties of commission) and upon a majority vote of its members, levy a civil penalty upon any person subject to this chapter who fails to file a statement of financial interests in a timely manner who fails to file a statement of financial interests in a timely manner or who files a deficient statement of financial interests, at a rate of not more than \$25 for each day such statement remains delinquent or deficient. The maximum penalty payable under this paragraph is \$250.



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(g) Reliance on solicitor's opinion. A public official of a political subdivision who acts in good faith reliance on a written, nonconfidential opinion of the solicitor of the political subdivision or upon an opinion of the solicitor of the political subdivision, publicly stated an open meeting of the political subdivision and recorded in the official minutes of the meeting, shall not be subject to the penalties provided for in subsections (a) and (b) nor for the treble damages provided for in subsection (c). However, this subsection shall not apply in situations where the solicitor's opinion has been rendered under duress or where the parties seeking and rendering the solicitor's opinion have colluded to purposefully commit a violation of this chapter.

§ 1110. Wrongful use of chapter

(a) Liability. A person who signs a complaint alleging a violation of this chapter against another is subject to liability for wrongful use of this chapter if:

(1) the complaint was frivolous, as defined by this chapter, or without probable cause and made primarily for a purpose other than that of reporting a violation of this chapter; or

(2) he publicly disclosed or caused to be disclosed that a complaint against a person had been filed with the commission.

(b) Probable cause. A person who signs a complaint alleging a violation of this chapter has probable cause for doing so if he reasonably believes in the existence of the facts upon which the claim is based and either:

(1) reasonably believes that under those facts the complaint be valid under this chapter; or

(2) believes to this effect in reliance upon the advice counsel sought in good faith and given after full disclosure of all facts within his knowledge and information.

...

(d) Damages. When the essential elements of an action brought pursuant to this section have been established, the plaintiff is



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entitled to recover for the following:

- (1) The harm to his reputation by a defamatory matter alleged as the basis of the proceeding.
- (2) The expenses, including any reasonable attorney fees, that he has reasonably incurred in proceedings before the commission.
- (3) Any specific pecuniary loss that has resulted from the proceedings.
- (4) Any emotional distress that has been caused by the proceedings.
- (5) Any punitive damages according to law in appropriate cases.

XXI. EFFECTIVE DATE

This Policy is effective immediately for all non-bargaining unit members.

Approved:

(Signature on File)
Thomas E. Knudsen
President and CEO

12/11/06
Date



Appendix A
HRD Policy #003-1

Individuals holding the following positions are considered "Public Officials" or "Public Employees" for purposes of the State Ethics Act.

1. Chief Executive Officer
2. Chief Operating Officer
3. Chief Financial Officer
4. Sr. Vice President
5. Vice President
6. Controller
7. Executive Assistant to the Chief Executive Officer
8. Associate General Counsel
9. Assistant General Counsel
10. Senior Attorney
11. Staff Attorney
12. Director, Administration and Communications
13. Director, Asset Management & CS
14. Director, Customer Response
15. Director, Distribution Department
16. Director, Employee Services


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17. Director, Engineering and Facilities
18. Director, Equal Employment Opportunity Compliance
19. Director, Gas Planning and Rates
20. Director, Gas Processing
21. Director, Internal Audit
22. Director, Labor Relations
23. Director, Operations Training and Technology
24. Director, Regulatory Compliance
25. Safety Director
26. Director, Strategic/Corporate Planning and Procedures
27. Director, Supply Services Strategies
28. Director, Supply and Transportation
29. Director, Tariffs and Reports
30. Director, Technical Services
31. Superintendent, Building Services
32. Superintendent, Field Services Operations
33. Superintendent, Richmond Plant
34. Superintendent, Passyunk Plant
35. Manager, Asset Management
36. Audit Manager, Internal Audit
37. Manager, Business Applications and Delivery


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38. Manager, Capital Budget and Reports
39. Manager, Cast Iron Replacement
40. Manager, Corporate Affairs
41. Manager, Credit Collection
42. Manager, Customer Accounts Department
43. Manager, Customer Review Unit
44. Manager, Distribution Planning
45. Manager, Engineering
46. Manager, Facilities Services
47. Manager, Federal Regulatory Affairs
48. Manager, Field Services Department
49. Manager, Fleet Operations
50. Manager, Gas Control
51. Manager, Gas Planning
52. Manager, Labor Relations
53. Program Manager, Low Income Assistance
54. Manager, Major Account Sales
55. Manager, Measurement and Technical Services, Field Services Div.
56. Manager, Network Services
57. Manager, Operations and Construction



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58. Manager, Operations MGF
59. Manager, Processing and MBE Coordination
60. Operations Project Manager
61. Manager, Oracle Administration
62. Manager, Quality Assurance
63. Manager, Rates and Pricing
64. Manager, Security and Loss Prevention
65. Senior Project Manager, Strategic Corporate Planning
66. Manager, Systems and Administration, Human Resources Department
67. Manager, System Services
68. Manager, Technical Services
69. Manager, Telecommunications
70. Training Manager, Human Resources Department
71. Business Systems Administrator
72. Employee Services Administrator
73. Administrator, Gas Acquisition
74. Staffing and Diversity Administrator
75. System Administrator, Customer Services Division
76. Natural Gas Account
77. Accounting Supervisor
78. Supervisor, AMR/Repair



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79. General Supervisor, Distribution
80. Supervisor, Distribution
81. Area Night Supervisor, Field Services Division
82. Supervisor, Bill Preparation and Mailing
83. Supervisor, Claims and Litigation
84. Supervisor, Customer Affairs
85. Supervisor, Distribution
86. Supervisor, Instruction and Maintenance
87. Supervisor, Business Services and Customer Affairs
88. Supervisor, Custodial
89. Supervisor, Customer Affairs
90. Supervisor, Dispute Resolution
91. General Supervisor, Inventory
92. Supervisor, Inventory
93. Supervisor, Maintenance
94. Supervisor, Maintenance, GSD Gas Supply Delivery
95. Supervisor, Measurement
96. Supervisor, Meter Reading
97. General Supervisor, Meter Reading
98. Supervisor, Office Services


Appendix A
HRD Policy #003-1

99. Supervisor, Operations
100. Supervisor, Operations, GSD Gas Supply Delivery
101. Shift Supervisor, GSD Gas Supply Delivery
102. Payroll and Accounting Supervisor
103. Supervisor, Plant Protection and Safety
104. Supervisor, Recon and Analysis
105. Assistant Supervisor, Field Services Division
106. Assistant Supervisor, Field Services Operations
107. Senior Internal Auditor
108. Internal Auditor
109. Senior Staff Engineer
110. Senior Staff Engineer, Distribution
111. Maintenance Engineer
112. Staff Engineer
113. Staff Engineer, Distribution
114. Staff Engineer, Gas Processing
115. Review Officer
116. Senior Compensation Analyst
117. Senior Regulatory Analyst
118. Senior Corrosion Technician
119. Senior Human Resources Department Representative



Appendix A
HRD Policy #003-1

- 120. Corrosion Technician
- 121. Revenue Protection Investigator
- 122. Senior Staff Nurse
- 123. Chief Dispatcher, Field Services Division
- 124. Senior Procurement Specialist

Rev. 12/06

**Response of Philadelphia Gas Works
to the Interrogatories of the
Complainants, Set II in
Docket No. C-2019-3013933**

Request: Complainants' – Set II-7

Passyunk plant uses steam hoses and lances in the winter vaporization process. Describe in detail the purpose of and policy for putting a steam hose and/or lance around the TE 1019 temperature indicator and sensor during the winter vaporization process for converting liquid natural gas (LNG) to vapor natural gas (VNG).

Response:

TE-1019 is a device downstream of the vaporizers that can sense low process temperatures. When this occurs, steam is used to ensure the system works properly in cold ambient conditions.

Response provided by: Raymond Snyder

Dated: March 5, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SURREBUTTAL TESTIMONY

OF

**WAYNE RAUCEO,
ON BEHALF OF COMPLAINANTS**

**CONCERNING SAFETY VIOLATIONS AND OTHER CONCERNS
AT
PGW PASSYUNK GAS PROCESSING PLANT**

Docket No.: C-2019-3013933

AUGUST 28, 2020



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1 **I. INTRODUCTION**

2 **Q: WHY ARE YOU PROVIDING THIS SURREBUTTAL TESTIMONY?**

3 A: There are statements made by former PGW Senior Vice President, Gas Management Ray
4 Snyder and current PGW Passyunk Plant Manager Brian McGuire that fail to address the
5 safety violations and other concerns we highlighted in our Formal Complaint.

6 **II. SURREBUTTAL TO THE REBUTTAL TESTIMONY OF RAY SNYDER**

7 **Q: WHAT STATEMENTS WERE MADE BY RAY SNYDER THAT YOU BELIEVE**
8 **ARE INCORRECT OR NEED CLARIFICATION?**

9 A: In his testimony, Mr. Snyder states that the steam lance wrapped around the pipe that
10 houses TE-1019 temperature shutdown device does not falsely raise the temperature.¹ I
11 do not need to apply the knowledge gained as an engineering student or my practical
12 experience gained from my years of working in the fossil fuel industry to know that
13 heating the outside of a pipe will eventually heat the air in its interior. I trust that anyone
14 who has noticed their refrigerator running more in the summer understands that the
15 external air can affect the interior temperature.

16 **Q: OK. WHAT OTHER STATEMENTS, IF ANY, DOES RAY SNYDER MAKE IN**
17 **HIS REBUTTAL TESTIMONY THAT YOU WISH TO RESPOND?**

18 A: Mr. Snyder mentions there are other sensors, TE-1013 and TE-1015 upstream that
19 function as redundant safety shutdown systems for the TE-1019 temperature shutdown.²
20 His dismissal of the importance of the TE-1019 indicator as a fail-safe system strikes at
21 the motivation to bring this case before the PUC. Fail safe and backup systems exist to
22 protect the safety of the workers on the ground and the City of Philadelphia. In an ideal
23

24 ¹ PGW Statement No. 1 at 4

25 ² PGW Statement No. 1 at 3-4.

1 scenario, a change in the temperature of LNG would be detected further upstream. But,
2 accidents happen, sensors malfunction and, on the worst day, redundancies save lives. In
3 December 2000, an explosion at the Passyunk plant did occur due to the bypassing of
4 temperature shutdowns. The explosion occurred was just 200 feet upstream from TE-
5 1019 temperature shutdown, which is the manipulated sensor in question. Thankfully,
6 nobody died. Unsafe operation of the Passyunk plant is being brought to the attention of
7 the PUC to prevent another accident. I was working when the explosion at Philadelphia
8 Energy Solutions (“PES”) occurred on June 21, 2019, and I would hate to see the
9 Passyunk plant meet the same fate. I want to return safely home at the end of my shift.

10 **Q: DO YOU HAVE ANY THING ELSE YOU WOULD LIKE TO COMMENT ON**
11 **BASED ON RAY SNYDER’S TESTIMONY?**

12 **A:** Yes. Mr. Snyder discusses my duty to report safety violations.³ His comments address
13 the reason why this case was presented to the PUC. I feel it is my duty to report these
14 violations outside of the company. At every turn, the leadership structure at Passyunk
15 Plant has shown that they prioritize the protection of the white “in” group over the safety
16 of the front line plant workers and the City of Philadelphia.

17 The safety violations I observed would have required reprimanding the white “in” group
18 and compel them to change their behavior. I knew from my experience that my report
19 would be dismissed or suppressed. These techniques were applied in the creation of the
20 rebuttal testimony of Mr. Snyder, which attempts to minimize the importance of the
21 impact of putting a steam lance around the TE-1019 temperature shutdown and other
22 issues raised in our Formal Complaint. PGW does not put a premium on preventing
23

24
25 ³ PGW Statement No. 1 at 4.

1 explosions and other unsafe conditions over justifying their actions that continue to put
2 lives at risk.

3 I am also aware of the physical intimidation and financial retaliation that has been
4 directed towards me and other employees of color, when they threatened that white
5 power structure at Passyunk Plant in particular. For example, I nor any of the
6 black/brown supervisors were not given overtime opportunities on the TP1 project, which
7 occurs once every ten years and most recently in November 2017, but Ryan O'Donnell
8 (Caucasian), John Mullin (Caucasian) and David Martinez (White Hispanic) were
9 allowed work on the project, thus getting overtime pay. Next, after participating in
10 interviews for a December 2017 complaint of discrimination at the Plant, I found a note
11 in tool box in the boiler house with the words "Rat Pack" written on it. Furthermore, after
12 sending the October 17, 2019 letter that serves as the basis of the Formal Complaint in
13 this matter, I attended our morning meeting on October 23, 2019 where we discuss
14 projects for the day. In attendance were Brian McGuire; Dave Martinez; Lou Matos,
15 Plant's maintenance manager; former employee Don Henry, former Richmond Plant
16 manager and current consultant; and Bob Walser, Plant staff engineer. Brian started the
17 meeting by questioning me regarding the operational range of the TE-1019 temperature
18 shutdown. This was unusual since the morning meetings meant to discuss projects for
19 the day. We don't usually discuss procedures and how pieces of equipment work at the
20 morning meeting. But safety concerns about this piece of equipment, TE-1019
21 temperature shutdown, were raised in our October 17, 2019 letter.

22 **III. SURREBUTTAL TESTIMONY OF BRIAN MCGUIRE**

23 **Q: YOU HAD A CHANCE TO READ THE REBUTTAL TESTIMONY OF BRIAN**
24 **MCGUIRE AS WELL?**

25 **A: Yes.**

1 **Q: DO YOU HAVE ANY COMMENTS OR RESPONSE TO BRIAN MCGUIRE'S**
2 **REBUTTAL TESTIMONY?**

3 A: Yes. Mr. McGuire does not respect the value of the Passyunk plant's safety operation.
4 He views it as secondary to the monitoring that takes place off site.⁴ He views Passyunk
5 plant frontline workers as placeholders, whose skill and experience is unnecessary due to
6 offsite monitoring. At the Plant on every shift, there is an Operations Supervisor, a
7 Working Foreman and a Senior Process Operator. We all work together in order to
8 supple safe reliable gas to the City of Philadelphia. The Plant runs safely on most days
9 but Mr. McGuire is blind to the dangers of irregular incidents. For example, when Mr.
10 McGuire came to the Plant on February 23, 2018 after hours and breached security in
11 entering the Plant, and with lights off on the vehicle during the time the Plant was
12 performing LNG truck unloading to the storage tank. This general view allows for him to
13 support workers within his "in" group leaving the plant understaffed and also allows him
14 to feel comfortable hiring under qualified people. If you view supervisory positions as
15 insignificant, as Mr. McGuire does, then the skill of the person in that position does not
16 matter.

17 **Q: CAN YOU EXPLAIN WHAT YOU MEAN BY YOUR COMMENTS?**

18 A: Mr. McGuire cites the fact that the company guidelines are not binding but never offers
19 an explanation for his deviations from them.⁵ For example, Mr. McGuire states in his
20 testimony that PGW is "not required to adhere to company guidelines."⁶ However, Mr.
21 McGuire states he himself went through the company guidelines "positions of increasing
22 responsibility including Shift Supervisor, Operations Supervisor and General Supervisor"

23 ⁴ PGW Statement No. 3 at 5.

24 ⁵ PGW Statement No. 3 at 8.

25 ⁶ PGW Statement No. 3 at 8.

1 which occurred over a 30 year period. However, Dave Martinez worked as a Shift
2 Supervisor for 14 months and then leapfrogged to the position of General Supervisor,
3 jumping over the Operations Supervisor position. Mr. McGuire provides no explanation
4 for this unusual and unsafe promotion. Dave Martinez did not meet the minimum
5 requirement to be considered for the Operations Supervisor position, a position he never
6 held. This is harmful to Plant operations and personnel because the practical hands on
7 knowledge gained in the years working in those positions allows for safe and efficient
8 running of the Plant.

9 Ryan O'Donnell was promoted to Operations Supervisor, but he too worked as a Shift
10 Supervisor for four months, less than the required 3 – 5 years. Thus, it appears that in
11 Mr. McGuire's mind, the prerequisite for becoming a supervisor at the LNG facility is no
12 experience, at least for his white "in" group.

13 Finally, I don't understand why the Plant Manager Brian McGuire and General
14 Supervisor Dave Martinez are not the ones defending the TE-1019 temperature shutdown
15 and the vaporization process, since they are the ones who supposedly have first hand,
16 front line exposure and experience with the daily processes at Passyunk Plant. More
17 importantly, if, God forbid, there is an incident at the Plant, the Fire Department is not
18 going to call Mr. Snyder or Mr. Cassidy for assistance. They will call Mr. McGuire
19 and/or Mr. Martinez or any of the supervisors on shift.

20 **IV. CONCLUSION**

21 **Q: DOES THIS COMPLETE YOUR SURREBUTTAL TESTIMONY?**

22 **A: Yes.**

23 **WAYNE RAUCEO RESERVES THE RIGHT TO SUPPLEMENT/AMEND HIS**
24 **DIRECT TESTIMONY AS WARRANTED AT TRIAL/HEARING.**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dwayne Ackie, Miguel J. Chavarria, Jr.,
Maurice A. Goodwin and Wayne Rauceo

v.

Philadelphia Gas Works

:
:
:
:
:
:

C-2019-3013933

VERIFICATION STATEMENT

I, WAYNE RAUCEO, am a Co-Complainant in the above captioned matter. I hereby verify that the statements made in the foregoing Surrebuttal Testimony are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A section 4904, relating to unsworn falsification to authorities.

Date: 8-28-20

Wayne Rauceo
Wayne Rauceo

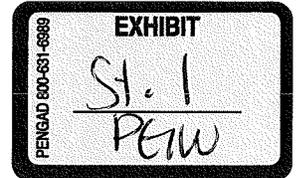
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dwayne Ackie, Miguel J. Chavarria, Jr., :
Maurice A. Goodwin and Wayne Rauceo, :
Complainants :

Docket No. C-2019-3013933

v. :

Philadelphia Gas Works, :
Respondent :



REBUTTAL TESTIMONY OF

RAYMOND M. SNYDER, PE

ON BEHALF OF
PHILADELPHIA GAS WORKS

TOPICS:

Vaporization Process

AUGUST 17, 2020

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1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.**

3 A. My name is Raymond Snyder and I was the Senior Vice-President-Gas Management for
4 Philadelphia Gas Works ("PGW") before I retired in 2019. PGW's primary address is
5 800 W. Montgomery Ave., Philadelphia, PA 19122.

6 **Q. HOW LONG WERE IN THIS POSITION?**

7 A. I was in this position for four years, from 2015 through 2019.

8 **Q. WHAT WERE YOUR KEY RESPONSIBILITIES IN THIS POSITION?**

9 A. I was responsible for gas acquisition and transportation, gas control, natural gas and LNG
10 facilities, metering and regulating stations, engineering, federal regulatory affairs and
11 leased properties.

12 **Q. HAVE YOU HELD PRIOR POSITIONS AT PGW?**

13 A. Yes. I was employed by PGW for 39 years, during which time I held positions of
14 increasing responsibility, including Vice President of Gas Management (2012-2015),
15 Director of Gas Processing (2002-2012) and Manager, Engineering (1995-2000).

16 **Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY BEFORE THE
17 PENNSYLVANIA PUBLIC UTILITY COMMISSION?**

18 A. Yes. I provided testimony to the Pennsylvania Public Utility Commission for the PGW
19 Computation of Annual Purchased Gas Costs for various years. I also provided
20 testimony for PGW's proceeding to establish the availability, rates, and terms of service
21 for eligible customers under a proposed Negotiated Liquefied Natural Gas Service – Rate
22 LNG-N, at Docket No. R-2019-3009016.

23 **Q. ON WHOSE BEHALF IS THIS REBUTTAL TESTIMONY OFFERED?**

24 A. PGW.

1 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

2 A. The purpose of this Rebuttal Testimony is to respond to portions of the Direct Testimony
3 submitted by Dwayne Ackie,¹ Maurice Goodwin² and Wayne Rauceo.³ On a later date I
4 will be responding to portions of the Amended Direct Testimony of Miguel J. Chavarria,
5 Jr.⁴ These testimonies relate to a Formal Complaint that Mr. Ackie, Mr. Goodwin, Mr.
6 Rauceo and Mr. Chavarria filed with the Commission against PGW.

7 **Q. HAVE YOU REVIEWED THE FORMAL COMPLAINT AND DIRECT**
8 **TESTIMONY OF THE COMPLAINANTS?**

9 A. Yes.

10 **Q. DO YOU HAVE ANY OVERALL OBSERVATIONS ABOUT THE DIRECT**
11 **TESTIMONY OF THE COMPLAINANTS?**

12 A. Yes. Overall, I note that many of the statements and allegations in the Direct
13 Testimonies of the Complainants, even if true, do not show any kind of safety violations
14 or concerns with the way the Plant was being operated. While I will address allegations
15 regarding the vaporization process, I am not responding to the factual averments that
16 have nothing to do with the safe operation of the Plant. However, my silence on those
17 allegations should not be viewed as agreement. Consistent with PGW's Answer to the
18 Complaint, those averments continue to be denied.

1 EE Statement No. 1.

2 EE Statement No. 2.

3 EE Statement No. 4.

4 EE Statement No. 3. Mr. Chavarria's original Direct Testimony, which was served on PGW on July 2, 2020, indicated that he no longer wished to continue in this Complaint proceeding. In his Amended Direct Testimony, which was served on PGW on July 27, 2020, Mr. Chavarria provided substantive testimony. The Administrative Law Judge has afforded PGW an additional two weeks beyond the due date for this Rebuttal Testimony to respond to Mr. Chavarria's testimony.

1 **II. RESPONSIVE TESTIMONY**

2 **Q. PLEASE DESCRIBE MR. RAUCEO'S TESTIMONY REGARDING THE LNG**
3 **VAPORIZATION PROCESS.**

4 A. Mr. Rauceo testifies about the alleged use of steam lance on the temperature indicator
5 ("TE-1019") that is utilized during the LNG vaporization process. He explains that when
6 the temperature goes to 0 degrees, the TE-1019 picks up that reading and sends an alarm
7 on the screen to the Working Foreman and an audio alarm in the LNG control room. He
8 also refers to a failsafe feature of the vaporization system, which automatically shuts the
9 whole system down when the temperature indicates 0 degrees. He claims that steam
10 lance is used to prevent an alarm from occurring in the LNG control room, suggesting
11 that when the steam lance is placed around the TE-1019, a constant temperature is being
12 applied. As a result, Mr. Rauceo alleges that the electrical element in the TE-1019 will
13 never get down to 0 degrees and sound the alarm.⁵

14 **Q. DO YOU HAVE A RESPONSE?**

15 A. Yes. None of Mr. Rauceo's allegations constitute a violation of any provision of the
16 Public Utility Code, Commission regulations or Commission orders, nor do they amount
17 to a safety violation of any other kind. The Plant operates at all times in accordance with
18 established procedures and protocols. A steam lance, which is a connection to a steam
19 source that allows steam to be directed and sprayed to a desired location similar to a
20 water hose, has never been used to prevent an alarm from occurring in the LNG control
21 room. Rather, steam has been used to ensure the system works properly and external
22 components of instruments exposed to ambient temperatures do not freeze in cold
23 ambient temperatures. Moreover, the two vaporizers at the Plant have redundant safety

⁵ EE Statement No. 4 at 10-11.

1 shutdown systems – the TE-1013 and TE-1015 are upstream and would be the initial
2 shutdowns. The TE-1019 is a third device downstream of both vaporizers that can sense
3 low process temperature, and is not the primary safety device that would initiate a
4 shutdown in the event of low process temperature. I further note that TE-10119 detects
5 internal, not external temperatures. Finally, I am aware that the Complaint also suggests
6 that by silencing the alarm, a worker can leave the central control room or the property
7 without drawing attention. It is the Operations Supervisor's responsibility to ensure that
8 the operators remain in their area or at the Plant. Also, additional resources are scheduled
9 during periods of vaporization for more frequent checks.

10 Additionally, if an Operations Supervisor observes an unsafe condition, he/she is
11 required to address it and report it immediately. Mr. Rauceo is an Operations Supervisor
12 who runs his shift, yet there is no record of this alleged safety concern being addressed or
13 reported by Mr. Rauceo. Any Working Foreman or Process Operator who observes or
14 becomes aware of an unsafe condition is obligated to report it as well. There are no
15 records of any reports related to TE-1019. Finally, there are monthly Safety Committee
16 meetings in the Plant and at the corporate level where anything unsafe should be reported
17 and addressed. Again, there are no records of safety concerns relating to TE-1019 being
18 raised at these meetings.

19 **Q. DOES MR. RAUCEO ALSO REFER TO A DISCOVERY RESPONSE**
20 **PROVIDED BY PGW AS PART OF THIS PROCEEDING?**

21 A. Yes. He refers to PGW's response to an interrogatory explaining that the TE-1019 is a
22 device downstream of the vaporizers that can sense low process temperatures, and that
23 when this occurs, steam is used to ensure that the system works properly in cold ambient
24 conditions. Mr. Rauceo further testifies that he does not agree with this response. He

1 contends that steam lance does not need to be placed outside the TE-1019 device in order
2 for it to work properly and that doing so negates the process. He states that the TE-1019
3 can work efficiently by putting some type of housing over it, instead of steam lance.⁶

4 **Q. HOW DO YOU RESPOND?**

5 A. TE-1019 is a sensor inside the pipe that measures the process temperature of the gas
6 inside the pipe. That temperature is measured by a sensing element that extends into the
7 center of the pipe and is received by an external transmitting instrument that transmits the
8 temperature to the plant control system. The steam lance, or any kind of external heat
9 applied to the external instrument, will prevent it from freezing in cold ambient
10 temperatures, or warm up instruments that may have frozen, so process temperatures can
11 be accurately transmitted to the control system. Application of heat to external
12 instruments in cold ambient temperatures is a common practice in process plants. It has
13 no effect on the process temperature inside the pipe or the sensor inside the pipe. The
14 process temperature of the gas and sensor inside of the pipe is independent of the ambient
15 temperature of the external instrument.

16 There are various ways to apply heat to external instruments in cold ambient
17 temperatures. In addition to using steam, electric heat tracing is common. Enclosures
18 with heaters are also common and are typically used where there are multiple instruments
19 at one location that can be inside one heated enclosure. The Passyunk Plant vaporization
20 system, however, has a number of standalone external instruments, and steam is the
21 heating medium used in the vaporization process, so it is available in close proximity to
22 instruments such as TE-1019 at minimal incremental cost. Mr. Rauceo's reference to

⁶ EE Statement No. 4 at 11-12.

1 "some type of housing" appears to be a reference to an enclosure which to be effective
2 would have a heater inside of it as previously noted, which would have the same effect as
3 electric heat tracing or steam.

4 **Q. HOW DOES MR. RAUCEO DESCRIBE THE DIFFERENCE BETWEEN THE**
5 **STEAM LANCE BEING PLACED ON THE TE-1019 AND HIS PROPOSED**
6 **COVERING?**

7 A. He calls it "manipulation" and claims that the use of steam lance negates a true reading
8 because of the constant flow of steam around the indicator, whereas a box with insulation
9 will not have the constant flow of steam and will give a true reading.⁷

10 **Q. IS MR. RAUCEO CORRECT?**

11 A. No. Contrary to Mr. Rauceo's statements, no "manipulation" of readings occurs at the
12 Plant, and safety shutdown systems are not bypassed. As I previously stated, the steam
13 has no effect on the process temperature inside the pipe or the sensor inside the pipe; just
14 the opposite, it allows the process temperatures to be accurately transmitted to the control
15 system by preventing the external instrument from freezing in cold ambient temperatures,
16 or by warming up an instrument that may have frozen..

17 **III. CONCLUSION**

18 **Q. DOES THAT COMPLETE YOUR REBUTTAL TESTIMONY?**

19 A. Yes; however, I reserve the right to supplement this testimony as may be appropriate.

⁷ EE Statement No. 4 at 12.

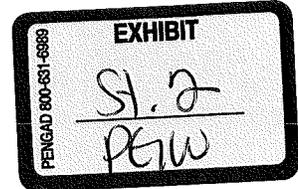
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dwayne Ackie, Miguel J. Chavarria, Jr.,
Maurice A. Goodwin and Wayne Rauceo,
Complainants

Docket No. C-2019-3013933

v.

Philadelphia Gas Works,
Respondent



REBUTTAL TESTIMONY OF

DANIEL J. CASSIDY

**ON BEHALF OF
PHILADELPHIA GAS WORKS**

TOPICS:

Staffing at Passyunk Plant

AUGUST 17, 2020

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1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.**

3 A. My name is Daniel Cassidy and I am Vice President Technical Operations for
4 Philadelphia Gas Works (“PGW”). My business address is 800 W. Montgomery Ave.,
5 Philadelphia, PA 19122.

6 **Q. HOW LONG HAVE YOU BEEN IN THIS POSITION?**

7 A. I have been in this position since September 2019.

8 **Q. WHAT ARE YOUR KEY RESPONSIBILITIES IN THIS POSITION?**

9 A. My key responsibility is to provide leadership to the Gas Processing, Engineering, and
10 Facilities organizations at PGW. This includes developing and implementing
11 departmental vision and strategies, developing policies and procedures to ensure the
12 continued safe and reliable operation of PGW systems, developing financial projections
13 and budgets, and personnel management.

14 **Q. HAVE YOU HELD PRIOR POSITIONS AT PGW?**

15 A. Yes. From July 1990 through January 2003, I was a Senior Staff Engineer for PGW. In
16 that position, I led site utility teams and implemented engineering and operational
17 programs.

18 **Q. PLEASE DESCRIBE YOUR OTHER PROFESSIONAL EXPERIENCE.**

19 A. Between stints at PGW, I worked for almost 17 years at Johnson & Johnson, first as a
20 Manager and then as a Senior Manager. In those positions, I was responsible for utility
21 systems and energy management, meeting facility sustainability goals, project
22 development, and the engineering associated with all of those initiatives.

23 **Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY BEFORE THE**
24 **PENNSYLVANIA PUBLIC UTILITY COMMISSION?**

1 A. No.

2 **Q. ON WHOSE BEHALF IS THIS REBUTTAL TESTIMONY OFFERED?**

3 A. PGW.

4 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

5 A. The purpose of this Rebuttal Testimony is to respond to portions of the Direct Testimony
6 submitted by Dwayne Ackie,¹ Maurice Goodwin² and Wayne Rauceo.³ On a later date I
7 will be responding, as necessary, to portions of the Amended Direct Testimony of Miguel
8 J. Chavarria, Jr.⁴ These testimonies relate to a Formal Complaint that Mr. Ackie, Mr.
9 Goodwin, Mr. Rauceo and Mr. Chavarria filed with Commission against PGW.

10 **Q. HAVE YOU REVIEWED THE FORMAL COMPLAINT AND DIRECT**
11 **TESTIMONY OF THE COMPLAINANTS?**

12 A. Yes.

13 **Q. DO YOU HAVE ANY OVERALL OBSERVATIONS ABOUT THE DIRECT**
14 **TESTIMONY OF THE COMPLAINANTS?**

15 A. Yes. Overall, I note that many of the statements and allegations in the Direct Testimony
16 of the Complainants, even if true, do not show any kind of safety violations or concerns
17 with the way the Plant was being operated. While I will address statements that allege
18 understaffing of the Plant, I am not responding to any other factual averments that have
19 nothing to do with the safe operation of the Plant. However, my silence on those

¹ EE Statement No. 1.

² EE Statement No. 2.

³ EE Statement No. 4.

⁴ EE Statement No. 3. Mr. Chavarria's original Direct Testimony, which was served on PGW on July 2, 2020, indicated that he no longer wished to continue in this Complaint proceeding. In his Amended Direct Testimony, which was served on PGW on July 27, 2020, Mr. Chavarria provided substantive testimony. The Administrative Law Judge has afforded PGW an additional two weeks beyond the due date for this Rebuttal Testimony to respond to it.

1 allegations should not be viewed as agreement. Consistent with PGW's Answer to the
2 Complaint, those averments continue to be denied.

3 **II. RESPONSIVE TESTIMONY**

4 **Q. ARE YOU FAMILIAR WITH MR. ACKIE'S ALLEGATIONS CONCERNING**
5 **UNDERSTAFFING OF THE PLANT?**

6 A. Yes.

7 **Q. DO YOU HAVE A RESPONSE?**

8 A. Yes. The Plant is staffed at all times as necessary for PGW to fulfill its obligations under
9 the Public Utility Code, Commission regulations and Commission orders. Importantly,
10 no policy, rule, law, or regulation establishing staffing levels for the Plant exists. Also,
11 no policy, rule, law, or regulation prohibits or otherwise prevents the Plant from
12 operating without a specific number of individuals scheduled and/or present. It is only
13 necessary that sufficient qualified staff are scheduled and present to be able to run the
14 Plant.

15 I dispute the veracity of Mr. Ackie's complaints regarding alleged understaffing
16 of the Plant, as further described in the Rebuttal Testimony of PGW's witness, Brian
17 McGuire. (PGW Statement No. 3). None of Mr. Ackie's accounts constituted a safety
18 violation or otherwise posed a threat of any kind to the public. He does not describe any
19 instance that occurred at the Plant due to the absence or unavailability of staff. PGW's
20 employees are permitted to leave the Plant for a variety of reasons when there is
21 sufficient coverage, including but not limited to, the need to report to different locations
22 or during breaks, so long as they are available by cell phone or radio. PGW's staffing
23 models contemplate the brief absence of Plant personnel. For example, if a Working
24 Foreman leaves his/her station for any reason, the Supervisor on shift has the same

1 visuals and capabilities from his/her office computer to operate remotely (if need be) as a
2 Working Foreman does, and the Supervisor can monitor the screens until relief comes in
3 and/or the Working Foreman returns.

4 **III. CONCLUSION**

5 **Q. DOES THAT COMPLETE YOUR REBUTTAL TESTIMONY?**

6 A. Yes; however, I reserve the right to supplement this testimony as may be appropriate.

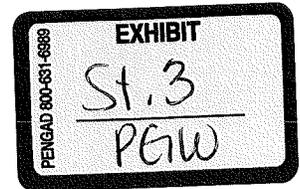
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dwayne Ackie, Miguel J. Chavarria, Jr.,
Maurice A. Goodwin and Wayne Rauceo,
Complainants

Docket No. C-2019-3013933

v.

Philadelphia Gas Works,
Respondent



REBUTTAL TESTIMONY OF

BRIAN MCGUIRE

**ON BEHALF OF
PHILADELPHIA GAS WORKS**

TOPICS:

**Specific Allegations Regarding Passyunk Plant
Staffing at Passyunk Plant
Promotions at Passyunk Plant**

AUGUST 17, 2020

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1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.**

3 A. My name is Brian McGuire and I am Manager of the Passyunk Plant ("Plant") of
4 Philadelphia Gas Works ("PGW"). My business address is 3100 Passyunk Avenue,
5 Philadelphia, PA 19145.

6 **Q. HOW LONG HAVE YOU BEEN IN THIS POSITION?**

7 A. I have been in this position since May 2015.

8 **Q. WHAT ARE YOUR KEY RESPONSIBILITIES IN THIS POSITION?**

9 A. My responsibilities include ensuring that the Plant operates in a safe and productive
10 manner. This entails writing procedures for the safe operation of the Plant and
11 addressing many daily details related to the Plant's operations.

12 **Q. HAVE YOU HELD PRIOR POSITIONS AT PGW?**

13 A. Yes. I have been employed by PGW for over 30 years, since 1989, in positions of
14 increasing responsibility, including Shift Supervisor, Operations Supervisor and General
15 Supervisor.

16 **Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY BEFORE THE**
17 **PENNSYLVANIA PUBLIC UTILITY COMMISSION?**

18 A. No.

19 **Q. ON WHOSE BEHALF IS THIS REBUTTAL TESTIMONY OFFERED?**

20 A. PGW.

21 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

1 A. The purpose of this Rebuttal Testimony is to respond to portions of the Direct Testimony
2 submitted by Dwayne Ackie,¹ Maurice Goodwin² and Wayne Rauceo.³ On a later date I
3 will be responding, as necessary, to portions of the Amended Direct Testimony of Miguel
4 J. Chavarria, Jr.⁴ These testimonies relate to a Formal Complaint that Mr. Ackie, Mr.
5 Goodwin, Mr. Rauceo and Mr. Chavarria filed with Commission against PGW.

6 **Q. DO YOU HAVE ANY OVERALL OBSERVATIONS ABOUT THE DIRECT**
7 **TESTIMONY OF THE COMPLAINANTS?**

8 A. Yes. Overall, I note that many of the statements and allegations in the Direct Testimony
9 of the Complainants, even if true, do not show any kind of safety violations or concerns
10 with the way the Plant was being operated. Notably, none of the statements in the Direct
11 Testimony allege that any incident occurred that resulted in the unsafe operation of the
12 Plant. I am advised by counsel that you need more than the potential for a safety hazard
13 to be in violation of the law.⁵ Further, I will not address the factual averments that have
14 nothing to do with the safe operation of the Plant. However, my silence on those
15 allegations should not be viewed as agreement. Consistent with PGW's Answer to the
16 Complaint, those factual averments continue to be denied.

¹ EE Statement No. 1.

² EE Statement No. 2.

³ EE Statement No. 4.

⁴ EE Statement No. 3. Mr. Chavarria's original Direct Testimony, which was served on PGW on July 2, 2020, indicated that he no longer wished to continue in this Complaint proceeding. In his Amended Direct Testimony, which was served on PGW on July 27, 2020, Mr. Chavarria provided substantive testimony. The Administrative Law Judge has afforded PGW an additional two weeks beyond the due date for this Rebuttal Testimony to respond to it.

⁵ See *Povacz v. PECO Energy Company*, Docket No. C-2015-2475023, Opinion and Order at 30 (March 28, 2019), appeal docketed, No. 492 CD 2019 (Cmwlth. Ct. April 26, 2019) (the fact that a hazard exists and there is a potential for harm is not sufficient to prove a safety violation under Section 1501 of the Public Utility Code); see also *Randall v. PECO*, Docket No. C-2016-2537666, Opinion and Order at 31 (May 9, 2019), appeal docketed, No. 607 CD 2019 (Cmwlth. Ct. May 22, 2019) (proper focus of an inquiry regarding the safety of a utility facility or service is whether the preponderance of the evidence demonstrates that a utility facility or service caused or will cause harm to the public.)

1 **II. RESPONSIVE TESTIMONY**

2 **Q. PLEASE DESCRIBE MR. ACKIE'S DIRECT TESTIMONY CONCERNING AN**
3 **ALLEGED INSTANCE IN SEPTEMBER 2018.**

4 A. Mr. Ackie claims that on September 11, 2018, Ryan O'Donnell, Operations Supervisor at
5 the Plant, left without proper notification to Plant personnel.⁶ He also alleges that Mr.
6 O'Donnell was involved in an accident with a PGW vehicle.⁷

7 **Q. DO YOU HAVE A RESPONSE?**

8 A. Yes. These allegations are simply inaccurate and require clarification, and I maintain that
9 this incident did not constitute a safety violation, including any violation of any provision
10 of the Public Utility Code, Commission regulations or Commission orders. Contrary to
11 Mr. Ackie's claims, Mr. O'Donnell did not leave the plant property "without proper
12 notification to plant personnel." PGW's employees are permitted to leave the Passyunk
13 plant for a variety of reasons when there is sufficient coverage, including but not limited
14 to, the need to report to different locations or during breaks, so long as they are available
15 by cell phone or radio. In this case, Mr. O'Donnell left the plant and went to 7-Eleven,
16 which is two blocks away. Mr. O'Donnell notified the Working Foreman on shift (Gary
17 Nelson) of his whereabouts. Mr. O'Donnell was still available by Plant Radio and was
18 still able to respond to any abnormalities in the plant.

19 Additionally, on the same date of the above-referenced accident, PGW's
20 Passyunk Plant General Supervisor, David Martinez, filled out an Automobile Accident
21 Report. According to the Automobile Accident Report, Mr. O'Donnell was backing out
22 of a parking spot at the same time that another driving was backing out of a perpendicular

⁶ EE Statement No. 1 at 17-18.

⁷ EE Statement No. 1 at 18-19.

1 spot. When Mr. O'Donnell realized that the other driver did not see him, Mr. O'Donnell
 2 tried to avoid the accident by pulling back into the parking spot. Despite these efforts,
 3 the two vehicles collided. The damage was very minor; there was a small scratch on the
 4 rear, driver-side bumper of the other vehicle, and there was no damage to the PGW
 5 vehicle. As demonstrated from this Accident Report, the incident was an *accident*, was
 6 properly reported and documented by PGW, and was not an issue of a PGW safety
 7 violation.

8 **Q. PLEASE DESCRIBE MR. ACKIE'S DIRECT TESTIMONY CONCERNING AN**
 9 **ALLEGED INSTANCE IN AUGUST 2017.**

10 A. Yes. Mr. Ackie testifies that in August 2017, David Martinez, General Supervisor, asked
 11 an Operations Supervisor and a Senior Process Operator to follow him to the Philadelphia
 12 International Airport and return his vehicle to the PGW employee lot while he was on
 13 vacation.⁸

14 **Q. HOW DO YOU RESPOND?**

15 A. Again, these allegations require clarification, and I maintain that this incident did not
 16 create a safety violation. While this practice has since been discontinued, at the time,
 17 employees were permitted to leave their vehicles parked in the Passyunk parking lot
 18 when traveling to the airport. The airport is less than ten minutes away from the
 19 Passyunk Plant. It is important to note that Operations Supervisors must leave the
 20 Passyunk Plant several times each week and make a ten-minute drive to download
 21 DETEX unit data from the Penrose M&R Station. As such, this sort of time away from
 22 the Plant is common workplace practice. Most importantly, in this case, it was August

⁸ EE Statement No. 1 at 3-5.

1 (Non-Vaporization Season), and a Working Foreman was present at the Plant to monitor
2 City pressure and other Passyunk Plant systems.

3 **Q. HOW IS CITY PRESSURE MONITORED?**

4 A. Yes. City pressure is controlled, with monitors and downstream regulators, remotely by
5 the City's Gas Control Department ("Gas Control"), located at 9th & Montgomery, not by
6 operators at PGW's Passyunk Plant. Personnel at Passyunk Plant monitor City pressure
7 only as a backup to Gas Control.

8 **Q. DOES MR. ACKIE MAKE ANY OTHER ALLEGATIONS ABOUT THE PLANT
9 BEING UNDERSTAFFED?**

10 A. Yes. Both he and Mr. Goodwin testify that on December 25, 2017, no Working Foreman
11 was at the Plant for about two hours, between the departure of one Working Foreman and
12 the alleged late arrival of another.⁹ Mr. Goodwin also discusses tasks that need to be
13 performed in the LNG Control Room, which he claims can only be done by the Working
14 Foreman.¹⁰

15 **Q. WHAT IS YOUR RESPONSE?**

16 A. I was not at the Plant that day, so I do not have personal knowledge of whether a
17 Working Foreman was there during the time in question. Generally speaking, if a
18 Working Foreman leaves his/her station for whatever reason, the Supervisor on shift has
19 the same visuals and capabilities from his/her office computer to operate remotely (if
20 need be) as a Working Foreman does. It is not uncommon for a Working Foreman to
21 briefly leave their stations. Some examples of reasons Working Foreman leave their
22 stations include:

⁹ EE Statement No. 1 at 5-7.

¹⁰ EE Statement No. 2 at 3-6.

- 1 • Transporting paperwork;
- 2 • Picking up lunch;
- 3 • Retrieving items from vehicles; and
- 4 • Random drug tests.

5 In these cases, a supervisor monitors the screens until relief comes in and/or the Working
6 Foreman returns.

7 **Q. IN EACH OF THESE ALLEGED INSTANCES, MR ACKIE SUGGESTS THAT**
8 **THE PLANT WAS LEFT UNDERSTAFFED. HOW DO YOU RESPOND?**

9 A. PGW's witness Daniel J. Cassidy addresses overall staffing needs at the Plant in his
10 Rebuttal Testimony. In addition to what Mr. Cassidy explains, I note that at any given
11 time, the Plant can and does operate safely and adequately without being fully staffed.
12 At various times throughout a day, one or more essential worker may be away from the
13 Plant for any number of reasons.

14 **Q. DOES MR. ACKIE ALSO MAKE ALLEGATIONS ABOUT YOU?**

15 A. Yes. Mr. Ackie references an instance on February 23, 2018 when I returned to the Plant
16 after my shift. He makes a series of allegations concerning my conduct in the Plant that
17 night.¹¹ Mr. Rauceo also discusses that instance even though he was not even at the
18 Plant.¹²

19 **Q. DO YOU HAVE A RESPONSE?**

20 A. I completely dispute Mr. Ackie's and Mr. Rauceo's account of events. In or around
21 February 2018, I did return to the Passyunk Plant one night after my regularly scheduled
22 shift in order to retrieve personal documents from my office. However, I specifically

¹¹ EE Statement No. 1 at 10-17.

¹² EE Statement No. 4 at 6-9.

1 deny that my entrance constituted any safety violation, including any violation of any
2 provision of the Public Utility Code, Commission regulations or Commission orders. As
3 the Plant Manager, I am permitted to enter the plant at any time, and I have all of the
4 “credentials” required to enter the plant. I also further deny that I was inebriated when I
5 came to the plant after my regularly scheduled shift in or around February 2018. I
6 believe Mr. Ackie made this (false) accusation because I caught him sleeping in the
7 Control Room that night, and I reported this incident to the Operations Supervisor to
8 ensure that it would not happen again.

9 **Q. DOES MR. ACKIE DISCUSS WHAT HE CALLS THE “NEW PLANT TRUCK**
10 **RULE”?**

11 A. Yes. Mr. Ackie is referring to a new rule that was implemented in 2018 to require union
12 personnel to obtain management permission prior to using the plant truck. He claims that
13 this rule made his job unsafe at night and it did not appear that PGW was concerned
14 about the safety of union personnel.¹³

15 **Q. PLEASE RESPOND.**

16 A. As with his other allegations, he makes no link between the new plant truck rule and the
17 safe operation of the plant. However, since he claims that it made him feel unsafe and
18 questions PGW’s concern about the safety of union personnel, I wish to ensure the
19 Commission that neither of these outcomes was intended or has any basis. As the policy
20 notes, union personnel may use the truck with management permission.

¹³ EE Statement No. 1 at 9-10.

1 **Q. PLEASE DESCRIBE MR. RAUCEO'S TESTIMONY REGARDING**
2 **PROMOTIONS.**

3 A. Mr. Rauceo testifies that the Plant promotes personnel to management level positions
4 who do not meet the posted job requirements, including work experience and education.
5 He points to a General Supervisor position for which he applied in June 2015 and did not
6 receive, criticizing the qualifications of the successful candidate. He also alleges that an
7 unqualified candidate was promoted to Operation Supervisor in March 2016.¹⁴

8 **Q. HOW DO YOU RESPOND?**

9 A. First, I note that Mr. Rauceo refers only to "department guidelines" for a person to work
10 in a certain position for a set number of years prior to a promotion, but guidelines are just
11 that. PGW was not required to adhere to the guidelines and instead hired individuals who
12 were viewed as being the most qualified for the positions. Second, and more importantly,
13 since it is my understanding that the Commission does not address employment issues,
14 Mr. Rauceo does not offer a single example of how either promotion resulted in the
15 unsafe operation of the Plant or even placed safety in jeopardy. He only notes that
16 questions were asked by the employees of their supervisors, which in my experience over
17 many years of being a supervisor and a manager, is quite normal for employees who are
18 new to their positions.

19 **III. CONCLUSION**

20 **Q. DOES THAT COMPLETE YOUR REBUTTAL TESTIMONY?**

21 A. Yes; however, I reserve the right to supplement this testimony as may be appropriate.

¹⁴ EE Statement No. 4 at 4-6.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

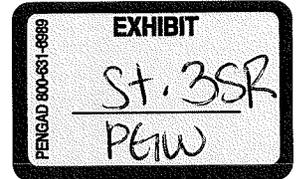
Dwayne Ackie, Miguel J. Chavarria, Jr.,
Maurice A. Goodwin and Wayne Rauceo,
Complainants

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: Docket No. C-2019-3013933
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v.

Philadelphia Gas Works,
Respondent

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SUPPLEMENTAL REBUTTAL TESTIMONY OF

BRIAN MCGUIRE

**ON BEHALF OF
PHILADELPHIA GAS WORKS**

TOPICS:

OPERATIONS AT PASSYUNK PLANT

AUGUST 31, 2020

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1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, TITLE AND BUSINESS ADDRESS.**

3 A. My name is Brian McGuire and I am Manager of the Passyunk Plant (“Plant”) of
4 Philadelphia Gas Works (“PGW”). My business address is 3100 Passyunk Avenue,
5 Philadelphia, PA 19145.

6 **Q. DID YOU PREVIOUSLY SUBMIT TESTIMONY IN THIS PROCEEDING?**

7 A. Yes. I submitted Rebuttal Testimony on behalf of PGW on August 17, 2020.

8 **Q. ON WHOSE BEHALF IS THIS SUPPLEMENTAL REBUTTAL TESTIMONY**
9 **OFFERED?**

10 A. PGW.

11 **Q. WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL REBUTTAL**
12 **TESTIMONY?**

13 A. The purpose of this Supplemental Rebuttal Testimony is to respond to the Amended
14 Direct Testimony submitted by Miguel J. Chavarria, Jr.¹ Mr. Chavarria’s original Direct
15 Testimony, which was served on PGW on July 2, 2020, indicated that he no longer
16 wished to continue in this Complaint proceeding. In his Amended Direct Testimony,
17 which was served on PGW on July 27, 2020, Mr. Chavarria provided substantive
18 testimony. The Administrative Law Judge afforded PGW an additional two weeks
19 beyond the due date for Rebuttal Testimony to respond to Mr. Chavarria’s testimony.

¹ EE Statement No. 3.

1 **Q. WHAT DOES MR. CHAVARRIA'S AMENDED DIRECT TESTIMONY**
2 **ADDRESS?**

3 A. Mr. Chavarria's Amended Direct Testimony addresses overall operations at the Passyunk
4 Plant and discusses one instance in which he claims that an Operations Supervisor left the
5 plant without notifying personnel.²

6 **Q. PLEASE SUMMARIZE YOUR RESPONSE TO MR. CHAVARRIA'S AMENDED**
7 **DIRECT TESTIMONY.**

8 A. Overall, I note that the statements and allegations in the Amended Direct Testimony of
9 Mr. Chavarria, even if true, do not show that any safety violations have occurred due to
10 the way in which the Plant has been operated. Notably, other than a reference to an event
11 in 2000, none of his statements allege that any incident occurred as a result of the manner
12 in which management has operated the Plant. Although I am addressing the substance of
13 Mr. Chavarria's testimony, my silence as to any allegations should not be viewed as
14 agreement. Consistent with PGW's Answer to the Complaint, those factual averments
15 continue to be denied.

16 **II. RESPONSIVE TESTIMONY**

17 **Q. PLEASE DESCRIBE MR. CHAVARRIA'S TESTIMONY REGARDING THE**
18 **OVERALL OPERATIONS AT THE PASSYUNK PLANT.**

19 A. Mr. Chavarria describes the operations at the Passyunk Plant as "reckless," alleging that
20 there is a willingness to bypass safety features of the operations and to use
21 malfunctioning and unsafe equipment. Mr. Chavarria further contends that "the highest
22 levels of management at this Plant will put their jobs above the safety and service of the
23 Plant" by using a "by any means necessary" approach to operations. He refers to the

² Mr. Chavarria names Ryan O'Donnell, who he refers to as a Shift Supervisor. However, Mr. O'Donnell is the Operations Supervisor and was in the same position in September 2019, the timeframe referenced by Mr. Chavarria.

1 General Supervisor of Operations, David Martinez, and the Plant Manager, which is me,
2 as “the highest levels of management” against whom he is lodging these accusations.³

3 **Q. HOW DO YOU RESPOND?**

4 A. Mr. Chavarria’s allegations about the manner in which the Passyunk Plant is operated
5 have no basis. As the Plant Manager, I am responsible for ensuring that the Plant
6 operates in a safe and productive manner. I take those responsibilities seriously and have
7 never handled them in a reckless manner. At all times, the Plant operates in a safe
8 manner according to established procedures and protocols. Contrary to his claims, there
9 is no willingness by management at the Plant to bypass safety features of the operations
10 or to use malfunctioning and unsafe equipment.

11 **Q. HOW DO YOU RESPOND TO MR. CHAVARRIA’S REFERENCE TO YOU
12 AND MR. MARTINEZ USING A “BY ANY MEANS” APPROACH TO
13 OPERATIONS?**

14 A. At the outset, I am not even sure what Mr. Chavarria means by this allegation. However,
15 again, as the Plant Manager, I have not placed my job above the safety and service of the
16 Plant, employees, first responders and the public, as he alleges. Mr. Martinez is the
17 General Supervisor, Operations. As Mr. Martinez’ supervisor, I can assure the
18 Commission that he has likewise not engaged in such a practice.

19 **Q. DOES MR. CHAVARRIA RAISE CONCERNS ABOUT THE LNG
20 VAPORIZATION PROCESS?**

21 A. Yes. Mr. Chavarria alleges that the LNG vaporization process was manipulated in 2000
22 and that the same operating conditions that existed then are being used in 2020. He
23 specifically claims that in 2000, Passyunk Plant management bypassed the temperature
24 indicator (“TE-1019”) that is used during the LNG vaporization process, “setting off an

³ EE Statement No. 3 at 3-4.

1 explosion.” He alleges that PGW management at that time wrapped the sensors in steam
2 hoses, and that this practice is still being followed today.⁴

3 **Q. HOW DO YOU RESPOND?**

4 A. What may or may not have been happening in 2000 is irrelevant to this proceeding. In
5 any event, the vaporization process control system and safety shutdowns were completely
6 redesigned (from 2000-2001), so there is no basis for comparison between current
7 operating conditions and those in 2000. PGW continually works to improve the LNG
8 vaporization process, and in fact, updated its procedures in October 2017 and June 2019
9 to improve process reliability. As to Mr. Chavarria’s other allegations concerning the use
10 of steam hose, PGW witness Raymond E. Snyder, PE, already fully addressed concerns
11 raised by the Complainants regarding the LNG vaporization process in response to
12 similar averments in Mr. Rauceo’s Direct Testimony.⁵ In short, management at the
13 Passyunk Plant has not during my time as Plant Manager, or anytime of which I am
14 aware, manipulated readings on the temperature indicators and is not currently engaged
15 in such a practice.

16 **Q. DOES MR. CHAVARRIA ALSO DISCUSS AN INCIDENT THAT OCCURRED**
17 **IN 2016?**

18 A. Yes. He alleges that Passyunk Plant management lied to the public on March 22, 2016
19 about a release of natural gas and he gives his own rendition of what he believes
20 happened that day.⁶

⁴ EE Statement No. 3 at 3-4.

⁵ PGW Statement No. 1 at 3-6.

⁶ EE Statement No. 3 at 3-5.

1 **Q. PLEASE RESPOND.**

2 A. My understanding is that Administrative Law Judge Heep issued an order earlier in this
3 proceeding striking allegations from the Complaint about a release of natural gas in
4 March 2016 because the statute of limitations has expired. Although Mr. Chavarria
5 makes a general contention that “this continues today,” he offers no details to support that
6 averment. In fact, I note that his account of the event is that it was due to human error by
7 the roving operator – not a high level management decision to disregard some safety
8 procedure or protocol. No operator error occurred. A valve malfunctioned but the safety
9 device in Passyunk Plant worked as designed to prevent over-pressurization. Proper
10 notifications to local authorities were made. No safety violations occurred that can be
11 the basis for Mr. Chavarria’s claim as to any unsafe practices occurring today.

12 Also, his testimony is about what “could” have happened and he does not describe
13 any safety incidents that actually occurred or resulted in any harm to the public or anyone
14 else. In any event, Mr. Chavarria’s recounting of what he believes happened in March
15 2016 should be disregarded as his responsibilities did not then, and do not now, place him
16 in a position of knowing what occurred. Indeed, I note that he refers to what his
17 “understanding” was as opposed to what he knows. Contrary to Mr. Chavarria’s claims,
18 Passyunk Plant management did not lie to the public in connection with the events of
19 March 2016. Further, I am not aware of any instance in which Passyunk Plant
20 management has lied to the public.

21 **Q. DOES MR. CHAVARRIA RAISE ANY OTHER ISSUES?**

22 A. Yes. Mr. Chavarria states that a valve was added to the LNG tank in the Summer of 2019
23 and that the re-pressurization system was not restored. He claims this is a problem

1 because in the event of low pressure, the LNG tank re-pressurization system would add
2 natural gas to maintain normal pressures and keep the tank stable.

3 **Q. DO YOU HAVE A RESPONSE?**

4 A. With regards to the repress system not being restored, Mr. Chavarria is incorrect. As part
5 of a Capital Project upgrade to the re-pressurization system controls, PGW replaced
6 regulators and added indicators to notify operators when the system has been
7 activated. The re-pressurization system is always available manually and was during the
8 capital upgrade. During the upgrades, Operations personnel monitored LNG tank
9 pressure and the associated alarms, and they had the ability to manually operate the
10 system in order to re-pressurize the LNG tank if necessary. This never became necessary
11 during the project. After Engineering completed the Capital upgrade and the new system
12 was verified to be safe and reliable, the automatically controlled (and improved) re-
13 pressurization system was put back in-service. Note that the LNG tank is also equipped
14 with vacuum breakers to back up the re-pressurization system in the event of a
15 failure. These breakers have never activated, nor have they been required to activate.

16 **Q. CAN YOU PLEASE ADDRESS THE FINAL ISSUE RAISED BY MR.**
17 **CHAVARRIA'S TESTIMONY?**

18 A. Mr. Chavarria refers to an alleged incident in September 2019 when the Operations
19 Supervisor, Ryan O'Donnell, left his radio at a nearby store. He further claims that the
20 Operations Supervisor did not notify personnel and left the Plant unsupervised.⁷

21 **Q. HOW DO YOU RESPOND?**

22 A. As I explained in my Rebuttal Testimony, PGW's employees are permitted to leave the
23 Plant and in fact do leave the Plant for a variety of reasons, provided that they are

⁷ EE Statement No. 3 at 5-6.

1 available by radio or cell phone.⁸ Mr. O'Donnell retrieved his radio within 10 minutes of
2 leaving it at the store. Moreover Mr. O'Donnell was available by cell phone; indeed, Mr.
3 Chavarria testified that when he called Mr. O'Donnell, he answered the phone.⁹ Mr.
4 Chavarria has pointed to no incidents of any kind, including incidents occurring as a
5 result of any safety violation, which occurred during the time Mr. O'Donnell was away
6 from the Plant. Also, other Plant management were available as needed. As Mr.
7 Cassidy noted in his Rebuttal Testimony, PGW's staffing models contemplate the brief
8 absence of Plant personnel.¹⁰

9 **III. CONCLUSION**

10 **Q. DOES THAT COMPLETE YOUR SUPPLEMENTAL REBUTTAL**
11 **TESTIMONY?**

12 **A. Yes; however, I reserve the right to supplement this testimony as may be appropriate.**

⁸ PGW Statement No. 3 at 3-4.

⁹ EE Statement No. 3 at 6.

¹⁰ PGW Statement No. 2 at 3-4.