



PHILADELPHIA GAS WORKS

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February 10, 2021

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

Re: Your Life Your Choice, LLC v. PGW, Docket No. C – 2020 – 3021849

Dear Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.342(g)(1), the Philadelphia Gas Works (“PGW”) hereby files its Motion to Compel Responses to the discovery requests served upon the Complainant on December 21, 2020.

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

Sincerely,

Danielle Leva

Enclosure

cc: Administrative Law Judge Eranda Vero (email)
Pamela McNeal (email)
Your Life Your Choice, LLC (nicolejoyner@letsholdon.com)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Your Life Your Choice, LLC	:	
c/o Nicole Joyner,	:	
	:	
Complainant	:	
v.	:	Docket No. C – 2020 – 3021849
	:	
Philadelphia Gas Works,	:	
	:	
Respondent	:	

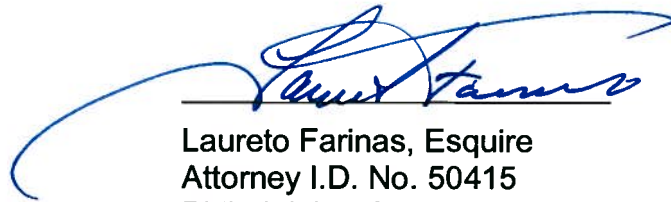
NOTICE TO PLEAD

To: Your Life Your Choice, LLC c/o Nicole Joyner, Complainant

Pursuant to 52 Pa. Code §5.342(g)(1), you are hereby notified to file a written response to the enclosed Motion to Compel, within five (5) days from service hereof or you may be deemed to be in default and relevant facts stated in these pleadings may be deemed admitted and a judgment may be entered against you.

Respectfully submitted,

February 10, 2021



Laureto Farinas, Esquire
Attorney I.D. No. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Your Life Your Choice, LLC	:	
c/o Nicole Joyner,	:	
Complainant	:	
v.	:	Docket No. C – 2020 – 3021849
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**Philadelphia Gas Works’
Motion to Compell Discovery**

Pursuant to 52 Pa. Code §5.342(g), the Philadelphia Gas Works (“PGW”) hereby files this Motion to Compel responses to discovery requests served upon the Complainant on December 21, 2021 in the above captioned matter. In support of its motion, PGW avers the following:

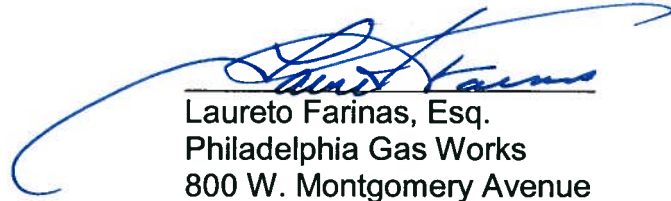
1. In December 2019, the PGW discovered theft of gas service at 1327 South Wilton Street, Philadelphia, Pennsylvania (“Service Address”).
2. On December 17, 2019, PGW noted the PGW account of “My Life My Choice” c/o Nicole Joyner is responsible for the unauthorized usage charges from May 30, 2017 to December 11, 2019, in the amount of \$5,726.53.
3. On or about August 26, 2020, the Complainant’s representative, Nicole Joyner filed a formal complaint with the Commission under *Your Life Your Choice, LLC v. PGW*, Docket No. C – 2020 – 3021849. That matter is a dispute of the amount charged and responsibility for unauthorized usage at 1327 S. Wilton Street, Philadelphia, Pennsylvania (Service Address) to which PGW filed a timely answer.
4. In December 2020, the Complainant agreed to provide information to PGW that would explain her position in the above referenced matter, particularly documentation that the Complainant relies upon to show that she is not responsible for payment of the gas service at the Service Address during the period from May 3, 2017 through December 11, 2019.
5. In a telephone conversation between PGW and the Complainant on December 8, 2020, the Complainant indicated that she would not provide the information as agreed. The Complainant did not provide that information.

6. As efforts to engage in informal discovery have been unsuccessful, PGW, by email on December 18, 2020 and officially on December 21, 2020, propounded a set of formal discovery upon the Complainant, Nicole Joyner, seeking information on the Complainant's purported ownership of the Service Address and the involvement of the two entities "My Life My Choice" and Your Life Your Choice, LLC. PGW seeks information on other tenants of the Service Address and the nature of their leaseholds ("Discovery"). PGW's Discovery is attached hereto as Appendix "A."
7. The Complainant did not object to PGW's Discovery requests.
8. Responses to the Discovery were due on January 11, 2021. The Complainant failed to respond to that Discovery.
9. On the day before the hearing scheduled for January 27, 2021, the Complainant requested a second continuance in the hearing of this matter. On the day of the scheduled hearing the Administrative Law Judge ("ALJ"), rather than hold the hearing held a conference to discuss the request. The ALJ granted the Complainant's request. At that conference the Complainant indicated that she would be seeking counsel. PGW agreed to allow the Complainant an additional 10 days from that date (or February 8, 2021) to respond to the Discovery.
10. PGW has waited for the Complainant's responses to that Discovery to arrive by email or by regular mail.
11. On February 10, 2021, PGW telephoned to the Complainant to inquire about delivering the responses to the Discovery. The Complainant indicated that she had printed out some information but was not prepared to provide it to PGW.
12. As of this filing, the Complainant failed to respond to that Discovery.
13. In failing to respond timely to PGW's Discovery, the Complainant is in violation of 52 Pa. Code §5.342.
14. The Complainant must comply with PGW's Discovery in order to have the documentation that the Complainant states supports her case.
15. The Commission should order the Complainant to comply with PGW's. Failure to comply could result in the imposition of sanctions against the Complainant in this matter.

Wherefore, PGW respectfully requests that this Commission issue an order mandating that the Complainant respond to PGW's Discovery requests dated December 18, 2020 immediately and such other relief that the Commission deems appropriate.

Respectfully submitted,

February 10, 2021



Laureto Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
215-684-6164

APPENDIX “A”

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Your Life Your Choice, LLC	:	
c/o Nicole Joyner,	:	
Complainant	:	
v.	:	Docket No. C – 2020 – 3021849
	:	
Philadelphia Gas Works,	:	
Respondent	:	

CERTIFICATE OF SERVICE

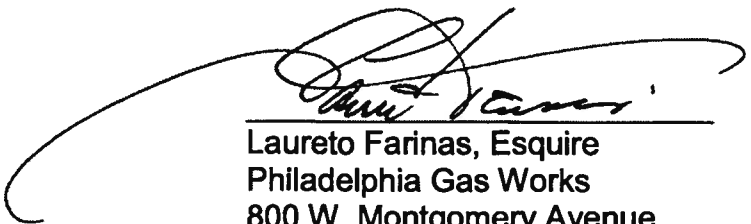
I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT PGW'S REQUESTS FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES TO YOUR LIFE YOUR CHOICE, LLC c/o NICOLE JOYNER, Set I, Nos. 1 through 20 UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §§1.54, (relating to service by a participant) 5.341, 5.361 AND THE COMMISSION'S EMERGENCY ORDER AT M-2020-3019262 (relating to service via email)

For Complainant:

Ms. Nicole Joyner
Your Life Your Choice
P.O. Box 54870
Philadelphia, PA 19134

via email: (nicolejoyner@letsholdon.com)

December 18, 2020



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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c/o Nicole Joyner,	:	
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**PGW'S REQUESTS FOR PRODUCTION OF DOCUMENTS AND
INTERROGATORIES TO YOUR LIFE YOUR CHOICE, LLC c/o NICOLE JOYNER**

SET I

Philadelphia Gas Works (hereinafter referred to as "PGW"), by undersigned counsel, hereby requests that the party to whom these interrogatories are addressed answer fully, in writing and under oath, the following interrogatories pursuant to 52 Pa. Code §5.321, *et seq.*

DEFINITIONS AND INSTRUCTIONS

Unless negated by the context of the interrogatory, the following definitions are to be considered to be applicable to all interrogatories contained herein:

(A) "Documents" is an all-inclusive term referring to any writing and/or recorded or graphic matter however produced or reproduced. The term documents includes without limitation correspondence, memoranda, interoffice communications, minutes, reports, notes, schedules, analyses, drawings, diagrams, tables, graphs, charts, maps, surveys, books of account, ledgers, invoices, purchase orders, pleadings, questionnaires, contracts, bills, checks, drafts, diaries, logs, proposals, printouts, recordings, telegrams, films, and all other such documents tangible or retrievable of any kind. The term documents also includes any preliminary notes and drafts of all the foregoing, in whatever form (For example: printed, typed, longhand, shorthand, on paper, paper tape, tabulating cards, ribbon blueprints, magnetic tape, microfilm, film, motion picture file, phonograph records, or other form).

(B) With respect to documents, the term "identify" means to give the date, title, author and addressee; identify with respect to documents further means:

(I) To describe a document sufficiently well to enable the interrogator to know what such document is and to retrieve it from a file or wherever it may be located;

(II) To describe it in a manner suitable for use as a description in a subpoena;

(III) To give the name, address, position or title of the person(s) who has/have custody of the document and/or copies thereof.

(C) "Identify" when used in reference to an individual means:

(I) To state his/her full name;

(II) Present or last known business address;

(III) Present employer or last known employer;

(IV) Whether ever employed by any party to this action and, if so, the dates he (she) was employed by such party, the name of such party, and the last position held as an employee of such party.

(D) Whenever the expression "and/or" is used in these interrogatories, the information called for should be set out both in the conjunctive and disjunctive, and wherever the information is set out in the disjunctive, it should be given separately for each and every element sought.

(E) Whenever a date, amount, or other computation or figure is requested, the exact date, amount, or other computation or figure is to be given unless it is not known; and then the approximate date, amount, or other computation or figure should be given or the best estimate thereof; and the answer shall state that the date, amount or other computation or figure is an estimate or approximation.

(F) No answer is to be left blank. If the answer to an interrogatory or subparagraph of an interrogatory is "none" or "unknown", such statement must be written in the answer. If the question is inapplicable, "N/A" must be written in the answer. If an answer is omitted because of the claim of privilege, the basis of the privilege is to be stated.

(G) "You" refers to yourself, Nicole Joyner and Your Life Your Choice, LLC. and related entities as they have come to be known in the context of these matters, its agent, servant and/or employee who may have been an actor in the occurrence mentioned in the complaint. "Service Address" refers to 1327 South Wilton Street, Philadelphia, Pennsylvania.

(H) These interrogatories are continuing, and any information secured subsequent to the filing of your answers which would have been includable in the answers had it been known or available, are to be supplied by supplemental answers.

(I) Disputed Transaction or Disputed Transactions shall refer to any and all transactions, charges, bills and/or applications of payments that are the subject of a dispute or in dispute (including those matters in dispute as the term "Dispute" as defined in accordance with 52 Pa. Code §56.2 as "A grievance of an applicant, customer or occupant about a public utility's applications of a provision covered by this chapter (referring to Chapter 52 of the Pennsylvania Code), including but not limited to subjects such as a credit determination, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged.") questions, complaints, and/or inquiries regarding Customer Accounts.

(J) The Responses to these discovery requests are to be in conformance with 52 Pa. Code §5.306 et seq.

PGW'S REQUESTS FOR PRODUCTION OF
DOCUMENTS AND INTERROGATORIES TO
YOUR LIFE YOUR CHOICE, LLC c/o NICOLE JOYNER
SET I

1. Please describe the relationship that you have with the limited liability corporation, Your Life Your Choice. Please indicate whether you are an officer, founder, owner, employee, landlord or client of that organization.
2. If you are an officer or founder of the Your Life Your Choice, LLC organization please provide a copy of all supporting documentation showing its incorporation, the names and addresses of all those association with that limited liability corporation.
3. Please describe the relationship that you have with the limited liability corporation, My Life My Choice. Please indicate whether you are an officer, founder, owner, employee, landlord or client of that organization.
4. Please explain your relationship with Quinette Duval and her relationship with My Life My Choice, LLC and Your Life Your Choice, LLC.
5. Please explain your relationship with Rochetta Adkins and her relationship with My Life My Choice, LLC and Your Life Your Choice, LLC.
6. If you are an officer or founder of the My Life My Choice, LLC organization please provide a copy of all supporting documentation showing its incorporation, the names and addresses of all those association with that limited liability corporation.
7. Do you or Your Life Your Choice, LLC own 1327 S. Wilton Street, Philadelphia, Pennsylvania ("Service Address")? If so, when did you or Your Life Your Choice LLC purchase it? Please provide proof of ownership.
8. To your knowledge and understanding, under what names were the PGW services at the Service Address for the period between May 30, 2017 through December 11, 2019?
9. To your knowledge and understanding, under what names are the PGW services at the Service Address for the period between December 2019 to the present (December 2020)?
10. To your knowledge and understanding, under what names were the telephone, internet or related services at the Service Address for the period between May 30, 2017 through December 11, 2019?

11. To your knowledge and understanding, under what names are the telephone service, internet or related services at the Service Address for the period between December 2019 and the present (December 2020)?
12. To your knowledge and understanding, under what names were the PECO services (electricity) at the Service Address for the period between May 30, 2017 through December 11, 2019?
13. To your knowledge and understanding, under what names were the PECO services (electricity) at the Service Address for the period between December 2019 and the present (December 2020)?
14. For questions Set I, Nos. 7 through 12 (above), please provide all supporting documentation in your possession showing responsibility for payment of utility service.
15. Please identify the tenants occupying the Service Address since your purchase or possession of it.
16. Please identify the tenants occupying the Service Address since the Service Address has been owned by Your Life Your Choice, LLC.
17. Please provide a copy of all documentation that you intend to submit in evidence in the hearing of this matter that is currently scheduled for January 27, 2021.
18. Please confirm that you are seeking reimbursement of the amount paid to PGW for unauthorized usage to restore gas service to the Service Address (\$5,489.75) or some other amount. Please indicate whether you seek reimbursement on behalf of Nicole Joyner or Your Life Your Choice, LLC
19. Please provide a copy of all documentation that you believe exonerates you from responsibility for payment of the disputed unauthorized usage.
20. For Set I, Nos. 17 and 19 please explain how such documentation supports your argument in this case.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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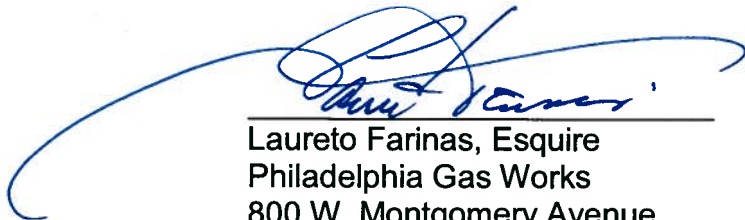
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For Complainant:

Ms. Nicole Joyner
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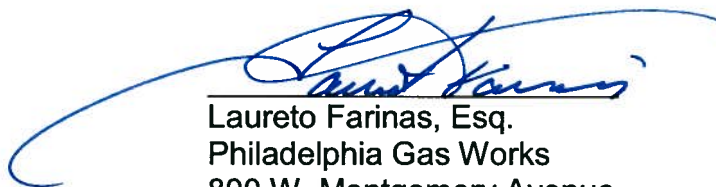


Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

VERIFICATION

I, Laureto Farinas, hereby declare that I am counsel to the Philadelphia Gas Works; and that as such, I am authorized to make this verification on its behalf, that the facts set forth in the foregoing Motion to Compel are true to the best of my knowledge, information and belief, and that I expect to be able to prove these at a hearing held in this matter. I make this verification subject to the penalties of 18. Pa. C.S. §4904, pertaining to false statements to authorities.

February 10, 2021



Laureto Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
215-684-6164

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT and the **Emergency Order at M-2020-3019262**).

Service List:

For Complainant:

Ms. Nicole Joyner
Your Life Your Choice, LLC
P.O. BOX 54870
Philadelphia, PA 19148

by email: nicolejoyner@letsholdon.com

February 10, 2021


Laureto Farinas, Esq.
Philadelphia Gas Works
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