



March 2, 2022

VIA E-FILING

David P. Zambito

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2 North – Filing Room
Harrisburg, PA 17120

**RE: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement
v. Westover Property Management Company, L.P. d/b/a Westover Companies;
Docket No. C-2022-3030251**

**Motion of Westover Property Management Company, L.P. d/b/a Westover
Companies to Dismiss Objections and Compel Answers to Interrogatories and
Requests for Production of Documents**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission (“Commission”) is the Motion of Westover Property Management Company, L.P. d/b/a Westover Companies to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents.

Copies of this filing have been served as shown on the attached Certificate of Service.

Please contact me if you have any question regarding this filing. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

By: David P. Zambito

*Counsel for Westover Property Management, L.P.
d/b/a Westover Companies*

DPZ:kmg
Enclosures

cc: Per Certificate of Service
Peter Quercetti, Vice President of Operations Management, Westover Companies
Alexander Stefanelli, CFO, Westover Companies

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

Westover Property Management Company, L.P.
d/b/a Westover Companies

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:
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:
:
:
:

Docket No. C-2022-3030251

CERTIFICATE OF SERVICE

I hereby certify that I have this 2nd day of March, 2022 served a true copy of the foregoing **Motion of Westover Property Management Company, L.P. d/b/a Westover Companies to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents**, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL AND FIRST CLASS MAIL

Stephanie M. Wimer, Esq.
Kayla L. Rost, Esq.
Michael L. Swindler, Esq.
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Commonwealth Keystone Building
400 North Street – 2 West
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David P. Zambito, Esq.
Counsel for *Westover Property Management
Company, L.P. d/b/a Westover Companies*

VERIFICATION

I, Alexander Stefanelli, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 3/2/2022

Alex Stefanelli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
	:	Docket No. C-2022-3030251
v.	:	
	:	
Westover Property Management Company, L.P. d/b/a Westover Companies	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.342(g)(1), you are hereby notified that you have five (5) days from the service of the enclosed Motion to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents (“Motion”) of Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) to file an Answer to the Motion. Your failure to answer will allow the Commission to rule on the Motion without a response from you, thereby requiring no other proof. All pleadings, such as an Answer, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on counsel for Westover, and where applicable the Administrative Law Judge presiding over the case.

File with:

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

With a copy to:

David P. Zambito, Esq. (PA ID #80017)
Jonathan P. Nase, Esq. (PA ID #44003)
Cozen O’Connor
17 North Second St., Suite 1410
Harrisburg, PA 17101



David P. Zambito, Esq. (I.D. No. 80017)
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E-mail: jnase@cozen.com

Dated: March 2, 2022

*Counsel for Westover Property Management
Company, L.P. d/b/a/ Westover Companies*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	Docket No. C-2022-3030251
v.	:	
	:	
Westover Property Management Company, L.P.	:	
d/b/a Westover Companies	:	

**MOTION OF
WESTOVER PROPERTY MANAGEMENT COMPANY, L.P.
D/B/A WESTOVER COMPANIES
TO DISMISS OBJECTIONS AND COMPEL
ANSWERS TO INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS**

AND NOW COMES Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) pursuant to 52 Pa. Code § 5.342(g), to file this Motion to Dismiss Objections and Compel Answers to Interrogatories and Requests for the Production of Documents (“Motion”). Westover respectfully requests that the Presiding Officer direct the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) to produce privilege logs, and any non-privileged documents, in response to Westover’s Interrogatories and Requests for the Production of Documents - Set I, Nos. 5 and 40.

In support whereof, Westover states as follows:

I. PROCEDURAL HISTORY

1. On January 3, 2022, I&E filed the instant Formal Complaint (“Complaint”) against Westover. The Secretary’s Bureau served the Complaint on Westover by email on January 5, 2022.

2. On January 25, 2022, Westover filed its Answer and New Matter.

3. I&E filed its Reply to New Matter on February 14, 2022.

4. On January 31, 2022, Westover filed its Interrogatories and Requests for Production of Documents – Set I (“Set I”). A copy of this discovery is attached as **Exhibit 1**.

5. On February 10, 2022, I&E filed its Objections (“the “Objections”) to certain interrogatories and requests for production of documents in Set I. **Exhibit 2**.

6. The Commission’s regulation at 52 Pa. Code § 5.342(g) generally requires a party to file a motion to compel within ten days of service of an objection to discovery, or else the objected-to discovery is deemed withdrawn. In this case, the parties attempted in good faith to negotiate a resolution of their discovery dispute, but were unable to complete their negotiations within ten days of service of the objections. Consequently, on February 22, 2022, Westover filed a letter advising the Commission that the parties were continuing their negotiations, but had agreed to extend the deadline for Westover to file a motion to compel until the close of business on March 2, 2022.

7. The parties’ negotiations resolved their discovery dispute as to all issues other than Set I, Nos. 5 and 40.

II. THE ALJ SHOULD OVERRULE THE OBJECTIONS AND DIRECT I&E TO PRODUCE PRIVILEGE LOGS, AND ANY NON-PRIVILEGED DOCUMENTS, IN RESPONSE TO SET I, NOS. 5 AND 40

A. The Presiding Officer Should Order I&E to Produce Privilege Logs, and any Non-Privileged Documents, in Response to Set I, No. 5

8. Interrogatory No. 5 sought copies of documents pertaining to informal investigations by I&E of alleged operators of master meter systems, in which the informal

investigation was closed without a settlement agreement and without I&E filing a Formal Complaint.

9. I&E objected on the grounds that some of the documents are protected from disclosure by the attorney-client privilege and the deliberative process privilege.

10. The instructions to Set I stated at ¶ 7 (emphasis added):

7. To “identify” a “document” means to provide all of the following information *irrespective of whether the document is deemed privileged or subject to any claim of privilege*:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and

d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (e.g., letter, business record, memorandum, computer print-out, etc.). In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these interrogatories to attach a copy of each such document to the answers hereto and reference said document to the particular interrogatory to which the document is responsive.

11. In addition, the instructions to Set I stated at ¶¶ 18 and 19:

18. If, in connection with an interrogatory, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called “attorneys’ work product doctrine,” or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

19. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and, (c) the basis on which the privilege or other protection from disclosure is claimed.

12. I&E did not provide a privilege log; it merely asserted that certain unidentified documents are privileged.

13. Without a privilege log, neither Westover nor the Presiding Officer can evaluate I&E's claim that the withheld documents are privileged. Westover therefore requests that the Presiding Officer direct I&E to produce a privilege log so that Westover may evaluate I&E's claim of privilege.

14. I&E also claimed that certain unidentified documents contain confidential and proprietary information "such as maps depicting the location of piping and pipeline operating pressure, the release of which could be used for criminal or terroristic purposes."

15. Without a privilege log, neither Westover nor the Presiding Officer can evaluate I&E's claim that the withheld documents are confidential or proprietary, or contain confidential public utility security information. Westover therefore requests that the Presiding Officer direct I&E to produce a privilege log so that Westover may evaluate I&E's claim that certain documents are confidential or proprietary, or contain confidential public utility security information.

16. Additionally, by the end of this week, Westover expects to file a Petition for a Protective Order to allow the parties to exchange documents that are confidential or proprietary, or that contain confidential public utility security information.

17. Finally, I&E claimed that the production of the requested documents "would cause an unreasonable burden, especially when those documents are not subject to public disclosure."

18. I&E provides no explanation of why the production of a privilege log would cause an unreasonable burden, nor does it explain why the production of any relevant non-privileged documents would cause an unreasonable burden.

19. Interrogatory No. 5 is reasonably calculated to lead to the discovery of admissible evidence, and so is within the scope of discovery. 52 Pa. Code 5.321(c). In its Answer and New Matter ¶ 62, Westover alleged that "I&E has singled out Westover for prosecution, despite many

other landlords being similarly situated. Such selective enforcement constitutes a violation of Westover's due process rights." The information requested in Interrogatory No. 5 is reasonably calculated to lead to the discovery of admissible evidence regarding Westover's claim that its constitutional rights are being violated. Westover therefore requests that the Presiding Officer direct I&E to produce privilege logs, as well as any non-privileged documents, responsive to Interrogatory No. 5.

B. The Presiding Officer Should Order I&E to Produce Privilege Logs, and any Non-Privileged Documents, Responsive to Set I, No. 40

20. Interrogatory No. 40 sought facts supporting the following statement in I&E's Answer to Westover's Petition for Declaratory Order at Docket No. P-2021-3030002: "The issuance of such a Declaratory Order would send a clear message not only to Westover but also to similarly situated pipeline operators that have not yet registered with the Commission that master meter systems are, without question, subject to the Commission's safety oversight." Specifically, Interrogatory No. 40 requested information about any other apartment complex in Pennsylvania that I&E believes operates a "master meter system," even though it is not registered as a pipeline operator pursuant to Act 127.

21. I&E objected on the grounds that the documents are protected from disclosure by the attorney-client privilege and the deliberative process privilege.

22. As discussed above, the instructions to Westover's Interrogatories requested a privilege log if any information was withheld on grounds of privilege.

23. I&E did not provide a privilege log; it merely asserted that certain unidentified documents are privileged.

24. Without a privilege log, neither Westover nor the Presiding Officer can evaluate I&E's claim that the withheld documents are privileged. Westover therefore requests that the

Presiding Officer direct I&E to produce a privilege log so that Westover may evaluate I&E's claim of privilege.

25. I&E also claimed that certain unidentified documents contain confidential and proprietary information "such as maps depicting the location of piping and pipeline operating pressure, the release of which could be used for criminal or terroristic purposes."

26. Without a privilege log, neither Westover nor the Presiding Officer can evaluate I&E's claim that the withheld documents are confidential or proprietary, or contain confidential public utility security information. Westover therefore requests that the Presiding Officer direct I&E to produce a privilege log so that Westover may evaluate I&E's claim that certain documents are confidential or proprietary, or contain confidential public utility security information.

27. Finally, I&E claimed that the production of the requested documents "would cause an unreasonable burden, especially when those documents are not subject to public disclosure."

28. I&E provides no explanation of why the production of a privilege log would cause an unreasonable burden, nor does it explain why the production of any relevant non-privileged documents would cause an unreasonable burden.

29. Interrogatory No. 40 is reasonably calculated to lead to the discovery of admissible evidence, and so is within the scope of discovery. 52 Pa. Code 5.321(c). In its Answer and New Matter ¶ 62, Westover alleged that "I&E has singled out Westover for prosecution, despite many other landlords being similarly situated. Such selective enforcement constitutes a violation of Westover's due process rights." The information requested in Interrogatory No. 40 is reasonably calculated to lead to the discovery of admissible evidence regarding Westover's claim that its constitutional rights are being violated.

30. Moreover, Interrogatory No. 40 is reasonably calculated to lead to the discovery of admissible evidence regarding the penalty to be imposed on Westover, in the event that I&E's complaint is sustained. I&E's argument that the Commission should send a "clear message" to "similarly situated pipeline operators that have not yet registered with the Commission" is obviously relevant to the amount of the civil penalty necessary to deter future violations – by Westover or other master meter operators. 52 Pa. Code § 69.1201(c)(8). Westover therefore requests that the Presiding Officer direct I&E to produce privilege logs, as well as any non-privileged documents, responsive to Interrogatory No. 40.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, Westover respectfully requests that the Presiding Officer:

- (1) grant the instant Motion;
- (2) direct I&E to produce all non-privileged documents responsive to Set I, Nos. 5 and 40; and
- (3) direct I&E to produce privilege logs responsive to Set I, Nos. 5 and 40, which:
 - (a) identify each document claimed to be privileged;
 - (b) state the date of each such document;
 - (c) identify the author, preparer or signer of each such document;
 - (d) identify every person to whom each such document was distributed;
 - (e) indicate the nature and subject matter of each such document; and,
 - (f) state the basis on which each such document is claimed to be privileged.

[Signature appears on next page.]

Respectfully submitted,



David P. Zambito, Esq. (I.D. No. 80017)

Jonathan P. Nase, Esq. (I.D. No. 44003)

Cozen O'Connor

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Counsel for *Westover Property Management
Company, L.P. d/b/a/ Westover Companies*

Date: March 2, 2022

Exhibit 1

Westover Interrogatories Set I (Nos. 1-52) to I&E (Jan. 31, 2022)



January 31, 2022

VIA E-MAIL

David P. Zambito

Direct Phone 717-703-5892
Direct Fax 215-989-4216
dzambito@cozen.com

Stephanie M. Wimer, Esq.
Senior Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**RE: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement
v. Westover Property Management Company, L.P. d/b/a Westover Companies;
Docket No. C-2022-3030251**

**Interrogatories and Requests for Production of Documents Propounded by
Westover Property Management Company, L.P. d/b/a Westover Companies on the
Bureau of Investigation and Enforcement – Set I**

Dear Senior Prosecutor Wimer:

Enclosed please find the Interrogatories and Requests for Production of Documents Propounded by Westover Property Management Company, L.P. d/b/a Westover Companies on the Bureau of Investigation and Enforcement – Set I. Verified answers are due within twenty days. Copies have been served as shown on the attached Certificate of Service.

Please contact me if you have any question or concern. Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

BY: DAVID P. ZAMBITO
Counsel for *Westover Property Management, L.P.*
d/b/a Westover Companies

DPZ:kmg
Enclosures

cc: Per Certificate of Service
Peter Quercetti, Vice President of Operations Management, Westover Companies
Alexander Stefanelli, CFO, Westover Companies

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	Docket No. C-2022-3030251
v.	:	
	:	
Westover Property Management Company, L.P.	:	
d/b/a Westover Companies	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 31st day of January , 2022 served a true copy of the foregoing **Interrogatories and Requests for Production of Documents Propounded by Westover Property Management Company, L.P. d/b/a Westover Companies on the Bureau of Investigation and Enforcement – Set I**, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA E-MAIL AND FIRST CLASS MAIL

Stephanie M. Wimer, Esq.
Kayla L. Rost, Esq.
Michael L. Swindler, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street – 2 West
Harrisburg, PA 17120
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David P. Zambito, Esq.
Counsel for *Westover Property Management
Company, L.P. d/b/a Westover Companies*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of :
Investigation and Enforcement v. Westover Property : Docket No. C-2022-3030251
Management Company, L.P. d/b/a Westover Companies :

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED BY WESTOVER PROPERTY MANAGEMENT COMPANY, L.P. D/B/A
WESTOVER COMPANIES ON THE BUREAU OF INVESTIGATION AND
ENFORCEMENT – SET I**

Pursuant to 66 Pa. C.S. § 333 and 52 Pa. Code § 5.341 *et seq.*, Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) hereby propounds the following Interrogatories and Requests for Production of Documents on the Bureau of Investigation and Enforcement (“I&E”) – Set I.

INSTRUCTIONS

1. The “Responding Party,” “you,” or “your” means the party to which these interrogatories and requests for production of documents are propounded and/or all agents, affiliates, employees, consultants, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. “Complaint” means the Formal Complaint filed by I&E against Westover on January 3, 2022 at Docket No. C-2022-3030251.
4. “Petition” means the Petition for Declaratory Order filed by Westover at Docket No. P-2021-3030002.
5. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

6. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

7. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and

d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.). In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these interrogatories to attach a copy of each such document to the answers hereto and reference said document to the particular interrogatory to which the document is responsive.

8. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check,

check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

9. “Communication” means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

10. “Date” means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

11. “Person” refers to, without limiting the generality of its meaning, every natural person, corporation, partnership, association (whether formally organized or *ad hoc*), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or organization.

12. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

13. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

14. The answers provided should first restate the question asked and identify the person(s) supplying the information.

15. In answering these interrogatories, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party’s attorneys, agents, consultants, or investigators, and not merely such

information of the Responding Party's own knowledge. If any of the interrogatories cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

16. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 7 and state the basis of the objection.

17. If the Responding Party objects to part of an interrogatory and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that interrogatory. If the Responding Party objects to the scope or time period of an interrogatory and refuses to answer for that scope or time period, state the Responding Party's objection and answer the interrogatory for the scope or time period that the Responding Party believes is appropriate.

18. If, in connection with an interrogatory, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

19. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject

matter of the information; and, (c) the basis on which the privilege or other protection from disclosure is claimed.

20. These interrogatories are continuing and the Responding Party is obliged to change, supplement and correct all answers given to conform to new or changing information.

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED BY WESTOVER PROPERTY MANAGEMENT COMPANY, L.P. D/B/A
WESTOVER COMPANIES ON THE BUREAU OF INVESTIGATION AND
ENFORCEMENT – SET I**

DOCKET NOS. C-2022-3030251

1. Identify all witnesses that I&E intends to call in this proceeding.
2. Provide copies of all documents that I&E intends to introduce as evidence in this proceeding.
3. Provide a list by docket number of all previous Formal Complaints that I&E has filed against alleged operators of master meter systems subject to Commission regulation pursuant to Act 127.
4. Provide a list by docket number of all previous Informal Investigations by I&E that resulted in settlements with an alleged operator of a master meter system subject to Commission regulation pursuant to Act 127.
5. Provide copies of any Documents pertaining to Informal Investigations by I&E of alleged operators of master meter systems, in which the Informal Investigation was closed without a settlement agreement and without I&E filing a Formal Complaint.
6. Provide copies of all Documents in I&E's possession addressing the Commission's jurisdiction over, or authority to regulate, operators of master meter systems pursuant to Act 127.
7. Please describe I&E's input into the "Act 127 of 2011 – The Gas and Hazardous Liquids Pipeline Act Frequently Asked Questions" document on the Commission's website.
8. Describe all educational activities I&E has undertaken to advise master meter operators of their jurisdictional status since the enactment of Act 127.

9. Identify any person who has Communicated with I&E regarding Westover's natural gas systems in the last five years. Provide copies of any Communications between I&E and each person so identified.

10. Provide copies of any Communications between I&E and any member of the Oaktree Group, LLC regarding Westover.

11. Identify any verbal communications between I&E and any member of the Oaktree Group, LLC regarding Westover, including a detailed description of the conversation.

12. Provide copies of any Communications between I&E and any member of Entech Engineering, Inc., regarding Westover.

13. Identify any verbal communications between I&E and any officer, employee or agent of Entech Engineering, Inc.

14. Identify the dates of employment by the Commission of Paul Metro, his job title, and any disciplinary actions against or investigations of him known to I&E.

15. Describe any restrictions on Paul Metro's interactions with the Commission after termination of his employment with the Commission.

16. Identify the dates of employment by the Commission of Anthony Rametta, his job title, and any disciplinary actions against or investigations of him known to I&E.

17. Describe any restrictions on Anthony Rametta's interactions with the Commission after termination of his employment with the Commission.

18. Identify the dates of employment by the Commission of Andrew Geibel, his job title, and any disciplinary actions against or investigations of him known to I&E.

19. Describe any restrictions on Andrew Geibel's interactions with the Commission after termination of his employment with the Commission.

20. Has any I&E personnel ever referred business to Paul Metro, Anthony Rametta, Andre Geibel, or the Oaktree Group, LLC? Identify.

21. Has any I&E personnel ever identified targets of I&E investigation for Paul Metro, Anthony Rametta, Andrew Geibel or the Oaktree Group? Identify.

22. Provide copies of any Communications between I&E and any former Commission employee regarding Westover, including identification of the former employee and his or her dates of employment and job description.

23. Provide copies of any Communications between I&E and Westover.

24. Provide copies of any other Documents in I&E's possession regarding Westover.

25. Identify all actions taken by I&E to investigate Westover prior to filing the Complaint. For every action, identify the I&E staff involved and the date of the action taken.

26. Identify all I&E personnel who participated in any way in the investigation of Westover prior to filing the Complaint.

27. Identify any instance where I&E personnel entered properties owned or operated by Westover without the express consent of Westover. Identify the name and title of the I&E personnel, the date, the time, the location, and the reason for entry. Please provide car or phone GPS tracking logs for these employees on the dates they entered Westover properties.

28. Reference Paragraph 26 of the Complaint. Please explain fully why I&E believes that each of the following apartment complexes constitute a "master meter system" as defined in 49 CFR § 191.3:

- A. Park Court
- B. Oak Forest
- C. Woodland Plaza

- D. Mill Creek
- E. Country Manor
- F. Fox Run
- G. Main Line Berwyn
- H. Black Hawk
- I. Paoli Place
- J. Concord Court
- K. Gladstone Towers
- L. Hillcrest
- M. Lansdowne Towers
- N. Lansdale Village
- O. Norriton East
- P. Valley Stream
- Q. Willow Run

29. Does I&E believe Westover owns or operates any other system that is a “master meter system” as defined in 49 CFR § 191.3? Explain fully why or why not.

30. For each of the apartment complexes listed below, please answer the following question: Does I&E believe that this apartment complex is engaged in the distribution of gas in or affecting interstate or foreign commerce? Fully explain each response.

- A. Park Court
- B. Oak Forest
- C. Woodland Plaza
- D. Mill Creek

- E. Country Manor
- F. Fox Run
- G. Main Line Berwyn
- H. Black Hawk
- I. Paoli Place
- J. Concord Court
- K. Gladstone Towers
- L. Hillcrest
- M. Lansdowne Towers
- N. Lansdale Village
- O. Norriton East
- P. Valley Stream
- Q. Willow Run

31. Does I&E believe that Westover owns or operates any other system that is engaged in the distribution of gas in or affecting interstate or foreign commerce? Explain fully why or why not.

32. Does I&E believe that all systems that distribute gas from a Pennsylvania natural gas distribution company (“NGDC”) to customers in Pennsylvania are engaged in the distribution of gas in or affecting interstate commerce? If not, please explain how the Commission should distinguish those systems that distribute gas in or affecting interstate commerce from those that do not?

33. For each of the apartment complexes listed below, please answer the following question: If this apartment complex is not a “master meter system” as defined in 49 CFR

§ 191.3, does the Commission have jurisdiction over it pursuant to Act 127? Explain fully why or why not.

- A. Park Court
- B. Oak Forest
- C. Woodland Plaza
- D. Mill Creek
- E. Country Manor
- F. Fox Run
- G. Main Line Berwyn
- H. Black Hawk
- I. Paoli Place
- J. Concord Court
- K. Gladstone Towers
- L. Hillcrest
- M. Lansdowne Towers
- N. Lansdale Village
- O. Norriton East
- P. Valley Stream
- Q. Willow Run

34. If Westover does not operate any “master meter systems” as defined in 49 CFR § 191.3, does the Commission have jurisdiction over Westover pursuant to Act 127? Explain fully why or why not.

35. Does I&E believe that an apartment complex that utilizes natural gas exclusively for a central boiler system is jurisdictional under Act 127? Explain.

36. Does I&E believe that an apartment complex that utilizes natural gas primarily for a central boiler system is jurisdictional even though some tenants utilize natural gas for the limited purpose of cooking? Explain.

37. Does I&E believe that an apartment complex that has an NGDC meter attached to the building and has distribution lines located entirely internal to the building are jurisdictional under Act 127? Explain.

38. Reference Paragraph 44 of the Complaint. Please explain the basis for I&E's claim that an immediate threat to public safety exists with every day that Westover fails to submit to Commission jurisdiction.

39. Identify each gas accident, leak or other incident ("Incident") at a Westover apartment complex of which I&E has been notified during the last five years (including the Incident at Jamestown Village on May 22 and 23, 2018). For each Incident, indicate:

- A. The date of the Incident;
- B. The apartment complex at which the Incident occurred;
- C. I&E's response to each Incident; and
- D. Provide copies of all documents relating to each Incident.

40. Reference I&E's Answer to Westover's Petition page 7: "The issuance of such a Declaratory Order would send a clear message not only to Westover but also to similarly situated pipeline operators that have not yet registered with the Commission that master meter systems are, without question, subject to the Commission's safety oversight." Does I&E believe that any

other apartment complex in Pennsylvania operates a “master meter system,” even though it is not registered as a “pipeline operator” pursuant to Act 127? If so:

- A. Identify each such apartment complex;
- B. Explain why I&E believes that each such apartment complex operates a “master meter system;”
- C. Explain all efforts taken by I&E to encourage each such apartment complex to comply with Act 127; and
- D. Identify any informal investigations or complaints instituted against any such apartment complex.

41. Does I&E believe a hearing is necessary in this proceeding? Please explain.

42. Does I&E believe the Complaint may be consolidated with Westover’s Petition?

43. Identify any Commission docket at which I&E requested that civil penalties be assessed on the basis of a violation of Act 127, including the amount of civil penalty requested by I&E, the amount of civil penalty agreed upon under a settlement with I&E and the amount of civil penalty ordered to be paid by the Commission.

44. Explain the specific bases for I&E’s request of a civil penalty of \$200,000 against Westover and how it comports with the Commission’s statement of policy at 52 Pa. Code § 69.1201 (“Factors and Standards for Evaluating Litigated and Settled Proceedings”).

45. Does I&E consider a respondent’s efforts to seek clarification of a disputed legal issue from the Commission to be a mitigating factor in the assessment of civil penalties?

46. To the best of I&E’s knowledge, has the Commission initiated efforts to promulgate regulations to implement Act 127? Provide a detailed explanation of any efforts undertaken or planned to be undertaken.

47. Identify and provide any document within I&E's possession regarding the Commission's efforts to promulgate regulations to implement Act 127.

48. Identify any formal or informal complaint or ethics inquiry received by I&E or the Commission regarding any past or present I&E pipeline safety field investigator.

49. Has the PUC received financial assistance or incentives from the Office of Pipeline Safety through the Pipeline Safety Grants program? If yes, specify how those funds have been used.

50. Has Pennsylvania outlawed the installation of master meter systems?

51. Does the PUC encourage natural gas distribution companies to absorb master meter systems? Why or why not?

52. Is I&E aware of any injuries or deaths at a Pennsylvania apartment complex since 2012 due to a natural gas explosion? If the answer is yes, please provide the date of each explosion, the location, and any other information I&E has about the incident.

Exhibit 2

I&E Objections to Westover Interrogatories

**Set I (Nos. 3-6, 9-14, 18, 22-24,
30-32, 39-43, 48 and 50)
(Feb. 10, 2022)**



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 10, 2022

Via Electronic Mail

David P. Zambito, Esq.
Jonathan P. Nase, Esq.
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
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Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Westover Property Management Company, L.P.
d/b/a Westover Companies
Docket No. C-2022-3030251
I&E Objections to Interrogatories

Dear Counsel:

Enclosed are the Bureau of Investigation and Enforcement's ("I&E") **Objections to the Interrogatories of Westover Property Management Company, L.P. d/b/a Westover Companies** in the above-referenced matter.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please contact the undersigned.

Sincerely,

Stephanie M. Wimer
Senior Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 207522
(717) 772-8839
stwimer@pa.gov

cc: Per Certificate of Service

Secretary Rosemary Chiavetta (*via e-file – Cover Letter and Certificate of Service only*)
Michael L. Swindler, Deputy Chief Prosecutor (*via email - mwindler@pa.gov*)
Kayla L. Rost, Prosecutor (*via email – karost@pa.gov*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3030251
	:	
Westover Property Management Company,	:	
L.P. d/b/a Westover Companies	:	
Respondent	:	

**OBJECTIONS OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT
TO THE INTERROGATORIES OF
WESTOVER PROPERTY MANAGEMENT COMPANY, L.P.
d/b/a WESTOVER COMPANIES**

Pursuant to 52 Pa. Code § 5.342(c), the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by and through its prosecuting attorneys, submits the within Objections to the Interrogatories of Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”), directed to I&E, and in support thereof, avers as follows:

OBJECTIONS

3. Provide a list by docket number of all previous Formal Complaints that I&E has filed against alleged operators of master meter systems subject to Commission regulation pursuant to Act 127.

OBJECTION: Compilation of the list of the above-referenced docket numbers would cause an unreasonable burden and an unreasonable investigation on I&E since such information is in the public domain and can be found by researching legal databases (such as LexisNexis or Westlaw) and/or the Commission's website (<https://www.puc.pa.gov/>). Moreover, the request is not discoverable in that it seeks the disclosure of the mental impressions of a party's attorney, including legal research.

4. Provide a list by docket number of all previous Informal Investigations by I&E that resulted in settlements with an alleged operator of a master meter system subject to Commission regulation pursuant to Act 127.

OBJECTION: Compilation of the list of the above-referenced docket numbers would cause an unreasonable burden and an unreasonable investigation on I&E since such information is in the public domain and can be found by researching legal databases (such as LexisNexis or Westlaw) and/or the Commission's website (<https://www.puc.pa.gov/>). Moreover, the request is not discoverable in that it seeks the disclosure of the mental impressions of a party's attorney, including legal research.

5. Provide copies of any Documents pertaining to Informal Investigations by I&E of alleged operators of master meter systems, in which the Informal Investigation was closed without a settlement agreement and without I&E filing a Formal Complaint.

OBJECTION: Documents related to I&E's informal investigations of master meter systems are protected from disclosure by the attorney-client and deliberative process privileges. The attorney-client privilege extends to any referral from the I&E Safety Division to the I&E Enforcement Division, *i.e.*, the prosecuting attorneys, for professional legal consultation and evaluation of matters pertaining to master meter systems that were investigated by the I&E Safety Division as it relates to their enforcement or potential enforcement. The deliberative process privilege also protects these documents from disclosure as they contain confidential deliberations of law and reflect opinions, recommendations, or advice.

Additionally, I&E's investigative documents pertaining to master meter systems contain confidential and proprietary information such as maps depicting the location of piping and pipeline operating pressure, the release of which could be used for criminal or terroristic purposes.

Moreover, producing all documents related to informal investigations conducted by I&E of alleged operators of master meter systems would cause an unreasonable burden, especially when those documents are not subject to public disclosure.

6. Provide copies of all Documents in I&E's possession addressing the Commission's jurisdiction over, or authority to regulate, operators of master meter systems pursuant to Act 127.

OBJECTION: Production of all documents in I&E's possession addressing the Commission's jurisdiction over, or authority to regulate, operators of master meter systems pursuant to Act 127 would cause an unreasonable burden and an unreasonable investigation on I&E since such information is in the public domain and can be found by researching legal databases (such as LexisNexis or Westlaw) and/or the Commission's website (<https://www.puc.pa.gov/>). Moreover, the request is not discoverable in that it seeks the disclosure of the mental impressions of a party's attorney, including legal research.

9. Identify any person who has Communicated with I&E regarding Westover's natural gas systems in the last five years. Provide copies of any Communications between I&E and each person so identified.

PARTIAL OBJECTION: I&E communicated with employees, officers, agents, independent contractors, and/or representatives of Westover. Production of copies of all communications between I&E and employees, officers, agents, independent contractors, and/or representatives of Westover regarding Westover would cause an unreasonable burden and an unreasonable investigation on I&E since Westover already has possession of the requested communications in that it can seek said communications from its own employees, officers, agents, independent contractors, and/or representatives.

I&E communicated with three Commission employees who do not work in I&E regarding Westover's natural gas systems in the last five years. Such communications are protected from disclosure by the deliberative process privilege, attorney work product doctrine, and attorney client privilege. These communications contain confidential deliberations of law and reflect opinions, recommendations, or advice, and therefore are protected from disclosure by the deliberative process privilege. The communications also contain mental impressions, conclusions, opinions, notes or summaries, or legal theories of I&E's prosecutors and therefore are protected from disclosure by the attorney work product doctrine. Moreover, the communications contain professional legal consultation and evaluation and are protected from disclosure by the attorney client privilege. Personnel

providing technical prosecutory services to I&E related to this matter are shielded from any advisory duties concerning Westover.

I&E communicated with one PECO employee concerning Westover's natural gas systems in the last five years. I&E does not object to revealing the PECO employee's identity or providing related communications.

10. Provide copies of any Communications between I&E and any member of the Oaktree Group, LLC regarding Westover.

OBJECTION: Production of copies of all communications between I&E and any member of the Oaktree Group, LLC regarding Westover would cause an unreasonable burden and an unreasonable investigation on I&E since it is the understanding of I&E that Oaktree Group, LLC was hired by Westover to serve as its consultant in this matter and, as such, Westover already has possession of the requested communications in that it can seek said communications from its own consultant.

11. Identify any verbal communications between I&E and any member of the Oaktree Group, LLC regarding Westover, including a detailed description of the conversation.

OBJECTION: Identifying verbal communications between I&E and members of the Oaktree Group LLC regarding Westover, including a detailed description of each conversation, would cause an unreasonable burden and an unreasonable investigation on I&E since it is the understanding of I&E that Oaktree Group, LLC was hired by Westover to serve as its consultant in this matter and, as such, Westover already has possession of the requested communications in that it can seek said communications from its own consultant.

12. Provide copies of any Communications between I&E and any member of Entech Engineering, Inc., regarding Westover.

OBJECTION: Production of copies of all communications between I&E and any member of Entech Engineering, Inc. regarding Westover would cause an unreasonable burden and an unreasonable investigation on I&E since it is the understanding of I&E that Entech Engineering, Inc. was hired by Westover to serve as its consultant in this matter and, as such, Westover already has possession of the requested communications in that it can seek said communications from its own consultant.

13. Identify any verbal communications between I&E and any officer, employee or agent of Entech Engineering, Inc.

OBJECTION: Identifying verbal communications between I&E and any officer, employee or agent of Entech Engineering, Inc. regarding Westover would cause an unreasonable burden and an unreasonable investigation on I&E since it is the understanding of I&E that Entech Engineering, Inc. was hired by Westover to serve as its consultant in this matter and, as such, Westover already has possession of the requested communications in that it can seek said communications from its own consultant.

14. Identify the dates of employment by the Commission of Paul Metro, his job title, and any disciplinary actions against or investigations of him known to I&E.

OBJECTION: The interrogatory seeks information that is not relevant in that it would not lead to the discovery of facts of any consequence useful or necessary to determine the outcome of this proceeding. Moreover, the interrogatory seeks information of no probative value. Furthermore, it is I&E's understanding that Paul Metro is an employee, officer or agent of Oaktree Group LLC, which are consultants hired by Westover. Mr. Metro did not act on behalf of I&E in this matter.

18. Identify the dates of employment by the Commission of Andrew Geibel, his job title, and any disciplinary actions against or investigations of him known to I&E.

OBJECTION: The interrogatory seeks information that is not relevant in that it would not lead to the discovery of facts of any consequence useful or necessary to determine the outcome of this proceeding. Moreover, the interrogatory seeks information of no probative value. Furthermore, it is I&E's understanding that Andrew Geibel is an employee, officer or agent of Oaktree Group LLC, which are consultants hired by Westover. Mr. Geibel did not act on behalf of I&E in this matter.

22. Provide copies of any Communications between I&E and any former Commission employee regarding Westover, including identification of the former employee and his or her dates of employment and job description.

OBJECTION: The former Commission employees with whom I&E communicated concerning Westover are Paul Metro, Anthony Rametta, and Andrew Geibel, who are officers, employees and/or agents of Oaktree Group, LLC. Westover retained Oaktree Group, LLC to serve as its consultant. Accordingly, providing copies of communications between I&E and Westover's consultant would cause an unreasonable burden and an unreasonable investigation on I&E since it is the understanding of I&E that Oaktree Group, LLC was hired by Westover to serve as its consultant in this matter and, as such, Westover already has possession of the requested communications in that it can seek said communications from its own consultant.

Additionally, the dates of employment and job descriptions of the above-referenced former Commission employees are not relevant in that they would not lead to the discovery of facts of any consequence useful or necessary to determine the outcome of this proceeding.

Moreover, this portion of the interrogatory seeks information of no probative value.

23. Provide copies of any Communications between I&E and Westover.

OBJECTION: Providing copies of all communications between I&E and Westover would cause an unreasonable burden and an unreasonable investigation on I&E since such information is already in Westover's possession.

24. Provide copies of any other Documents in I&E's possession regarding Westover.

OBJECTION: The interrogatory is overly broad, unduly burdensome and seeks the discovery of documents that are protected from disclosure by the attorney-client privilege, attorney work product doctrine, and deliberative process privilege. The attorney-client privilege extends to all documents related to the I&E Safety Division's referral of the Westover matter to the I&E Enforcement Division, *i.e.*, the prosecuting attorneys, for professional legal consultation and evaluation.

The documents in I&E's possession concerning Westover also contain mental impressions, conclusions, opinions, notes or summaries, or legal theories of I&E's prosecutors and therefore are protected from disclosure by the attorney work product doctrine.

Moreover, the documents in I&E's possession concerning Westover contain confidential deliberations of law and reflect opinions, recommendations or advice, and therefore are protected from disclosure by the deliberative process privilege.

30. For each of the apartment complexes listed below, please answer the following question: Does I&E believe that this apartment complex is engaged in the distribution of gas in or affecting interstate or foreign commerce? Fully explain each response.

- A. Park Court
- B. Oak Forest
- C. Woodland Plaza
- D. Mill Creek
- E. Country Manor
- F. Fox Run
- G. Main Line Berwyn
- H. Black Hawk
- I. Paoli Place
- J. Concord Court
- K. Gladstone Towers
- L. Hillcrest
- M. Lansdowne Towers
- N. Lansdale Village
- O. Norriton East
- P. Valley Stream
- Q. Willow Run

OBJECTION: The interrogatory seeks discovery of I&E's legal conclusions and, as such, is outside the permissible scope of discovery since it seeks disclosure of the mental impressions of a party's attorney, or his or her conclusions, opinions, summaries, legal research, or legal theories.

31. Does I&E believe that Westover owns or operates any other system that is engaged in the distribution of gas in or affecting interstate or foreign commerce? Explain fully why or why not.

OBJECTION: The interrogatory seeks discovery of I&E's legal conclusions and, as such, is outside the permissible scope of discovery since it seeks disclosure of the mental impressions of a party's attorney, or his or her conclusions, opinions, summaries, legal research, or legal theories.

32. Does I&E believe that all systems that distribute gas from a Pennsylvania natural gas distribution company (“NGDC”) to customers in Pennsylvania are engaged in the distribution of gas in or affecting interstate commerce? If not, please explain how the Commission should distinguish those systems that distribute gas in or affecting interstate commerce from those that do not?

OBJECTION: The interrogatory seeks discovery of I&E’s legal conclusions and, as such, is outside the permissible scope of discovery since it seeks disclosure of the mental impressions of a party’s attorney, or his or her conclusions, opinions, summaries, legal research, or legal theories.

39. Identify each gas accident, leak or other incident (“Incident”) at a Westover apartment complex of which I&E has been notified during the last five years (including the Incident at Jamestown Village on May 22 and 23, 2018). For each Incident, indicate:

- A. The date of the Incident;
- B. The apartment complex at which the Incident occurred;
- C. I&E’s response to each Incident; and
- D. Provide copies of all documents relating to each Incident.

PARTIAL OBJECTION: I&E submits an objection to 39(D). I&E’s documents relating to the incident at Jamestown Village are protected from disclosure by the attorney-client and deliberative process privileges. The attorney-client privilege extends to all documents related to the I&E Safety Division’s referral of the Westover matter to the I&E Enforcement Division, *i.e.*, the prosecuting attorneys, for professional legal consultation and evaluation. The deliberative process privilege also protects these investigative documents from disclosure as they contain confidential deliberations of law and reflect opinions, recommendations or advice.

40. Reference I&E's Answer to Westover's Petition page 7: "The issuance of such a Declaratory Order would send a clear message not only to Westover but also to similarly situated pipeline operators that have not yet registered with the Commission that master meter systems are, without question, subject to the Commission's safety oversight." Does I&E believe that any other apartment complex in Pennsylvania operates a "master meter system," even though it is not registered as a "pipeline operator" pursuant to Act 127? If so:
- A. Identify each such apartment complex;
 - B. Explain why I&E believes that each such apartment complex operates a "master meter system;"
 - C. Explain all efforts taken by I&E to encourage each such apartment complex to comply with Act 127; and
 - D. Identify any informal investigations or complaints instituted against any such apartment complex.

OBJECTION: Information related to I&E's informal investigations of master meter systems at apartment complexes are protected from disclosure by the attorney-client and deliberative process privileges. The attorney-client privilege extends to any referral from the I&E Safety Division to the I&E Enforcement Division, *i.e.*, the prosecuting attorneys, for professional legal consultation and evaluation of matters pertaining to master meter systems that were investigated by the I&E Safety Division as it relates to their enforcement or potential enforcement. The deliberative process privilege also protects these documents from disclosure as they contain confidential deliberations of law and reflect opinions, recommendations or advice.

Additionally, I&E's investigative information pertaining to master meter systems at apartment complexes contain confidential and proprietary information such as maps depicting the location of piping and pipeline operating pressure, the release of which could be used for criminal or terroristic purposes.

Moreover, releasing information related to informal investigations conducted by I&E of alleged operators of master meter systems at apartment complexes would cause an unreasonable burden, especially when those documents are not subject to public disclosure.

41. Does I&E believe a hearing is necessary in this proceeding? Please explain.

OBJECTION: The interrogatory seeks discovery of I&E's legal opinions, strategy, and tactics, and, as such, is outside the permissible scope of discovery since it seeks disclosure of the mental impressions of a party's attorney, or his or her conclusions, opinions, notes, summaries, legal research, or legal theories.

42. Does I&E believe the Complaint may be consolidated with Westover's Petition?

OBJECTION: The interrogatory seeks discovery of I&E's legal opinions, strategy, and tactics, and, as such, is outside the permissible scope of discovery since it seeks disclosure of the mental impressions of a party's attorney, or his or her conclusions, opinions, notes, summaries, legal research, or legal theories.

43. Identify any Commission docket at which I&E requested that civil penalties be assessed on the basis of a violation of Act 127, including the amount of civil penalty requested by I&E, the amount of civil penalty agreed upon under a settlement with I&E and the amount of civil penalty ordered to be paid by the Commission.

OBJECTION: Compilation of the list of the above-referenced docket numbers would cause an unreasonable burden and an unreasonable investigation on I&E since such information is in the public domain and can be found by researching legal databases (such as LexisNexis or Westlaw) and/or the Commission's website (<https://www.puc.pa.gov/>). Moreover, the request is not discoverable in that it seeks the disclosure of the mental impressions of a party's attorney, including legal research. Furthermore, I&E does not possess such a list and is not required to create one.

48. Identify any formal or informal complaint or ethics inquiry received by I&E or the Commission regarding any past or present I&E pipeline safety field investigator.

OBJECTION: The interrogatory is overly broad and seeks information that is not relevant in that it would not lead to the discovery of facts of any consequence useful or necessary to determine the outcome of this proceeding. Moreover, the interrogatory seeks information of no probative value. Furthermore, the interrogatory causes unreasonable embarrassment.

50. Has Pennsylvania outlawed the installation of master meter systems?

OBJECTION: The interrogatory causes an unreasonable burden and an unreasonable investigation on I&E since such information is in the public domain and can be found by researching legal databases (such as LexisNexis or Westlaw) and/or the Commission's website (<https://www.puc.pa.gov/>). Moreover, the request is not discoverable in that it seeks the disclosure of the mental impressions of a party's attorney, including legal research.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3030251
	:	
Westover Property Management Company,	:	
L.P. d/b/a Westover Companies	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Objections of the Bureau of Investigation and Enforcement to the Interrogatories of Westover Property Management Company, L.P. d/b/a Westover Companies** dated February 10, 2022, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail Only

David P. Zambito, Esq.
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Cozen O'Connor
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Dated: February 10, 2022



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
 Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

Date Created	Filing Number
2/10/2022	2368490

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Docket Number: C-2022-3030251

Case Description:

Transmission Date: 2/10/2022 1:35 PM

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eFiling Confirmation Number: 2368490

File Name	Document Type	Upload Date
C-2022-3030251 (Westover Companies) I&E Objections to Westover Interrogatories CL&COS.pdf	Certificate of Service	2/10/2022 1:35:09 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

No paper submission is necessary for filings under 250 pages.

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