



April 11, 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 above-referenced Motion. 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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:  
:

Docket No. C-2022-3030251

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 11th day of April, 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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David P. Zambito, Esq.  
Counsel for *Westover Property Management  
Company, L.P. d/b/a Westover Companies*

## VERIFICATION

I, Pete Quercetti, 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: 4/11/2022

Pete Quercetti

**VERIFICATION**

I, Alexander Stellan, 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: 4/11/22

Alexander Stellan

**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  
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Dated: April 11, 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	:	

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**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**

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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”). Specifically, Westover respectfully requests that the Presiding Officer reject the claim of the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) that certain documents need not be turned over in discovery because they are protected by the “deliberative process/governmental privilege.” Westover requests that the Presiding Officer direct I&E to turn over 28 documents that an I&E privilege log claims are privileged, based solely on the deliberative process/governmental privilege.<sup>1</sup>

In support whereof, Westover states as follows:

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<sup>1</sup> As discussed further herein, I&E withheld 28 documents claiming that they are protected solely by the deliberative process/governmental privilege. I&E withheld numerous additional documents based on the deliberative process/governmental privilege as well as other privileges (such as the attorney-client privilege). This Motion to Compel only seeks the 28 documents that were withheld based solely on the deliberative process/governmental privilege.

## I. PROCEDURAL HISTORY

1. On January 3, 2022, I&E filed the instant Formal Complaint (“Complaint”) against Westover.<sup>2</sup> The Secretary’s Bureau served the Complaint on Westover by e-mail 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 temporarily resolved their discovery dispute as to all issues other than Set I, Nos. 5 and 40.<sup>3</sup> With regard to Set I, No. 24, the parties agreed that I&E

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<sup>2</sup> The Complaint was filed several weeks after Westover filed a Petition for Declaratory Order at Docket No. P-2021-3030002 seeking to resolve the legal issues regarding the applicability of the Gas and Hazardous Liquids Pipeline Act.

<sup>3</sup> With regard to Set I, Nos. 5 and 40, Westover filed a Motion to Compel on March 2, 2022. I&E filed an Answer to that Motion to Compel on March 7, 2022.

would have thirty days to provide a privilege log of documents that it claimed were privileged.

**Exhibit 3** (a portion of this document has been redacted on the grounds it constitutes confidential settlement discussions between counsel).

8. On March 30, 2022, I&E served its 51-page privilege log pertaining to Set I, No. 24 (the “Privilege Log”). **Exhibit 4**. This privilege log claimed that 28 documents (the “Disputed Documents”) are privileged based solely on the deliberative process/governmental privilege.

## **II. I&E SHOULD BE DIRECTED TO PRODUCE THE DISPUTED DOCUMENTS.**

### **A. Interrogatories and Requests for Production of Documents**

9. Set I, No. 22 asked I&E to “[p]rovide 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.” Set I, No. 23 asked I&E to “[p]rovide copies of any Communications between I&E and Westover.”

10. Set I, No. 24 asked I&E to “[p]rovide copies of any other Documents in I&E’s possession regarding Westover.” **Exhibit 1**.

11. The instructions to Set I define a “Document” as follows:

“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.

**B. Applicable Commission Regulations**

12. 52 Pa. Code § 5.321(c) provides:

Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

13. 52 Pa. Code § 5.361(a)(2) provides that discovery is not permitted that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

**C. I&E's Answer to Set I, No. 24**

14. I&E objected to Set I, No. 24 on the grounds that it is overly broad, unduly burdensome, and seeks the discovery of privileged information. As discussed above, to support its privilege claim, I&E produced a 51-page Privilege Log.

15. I&E claimed that 28 documents on the Privilege Log are not subject to discovery based solely by the deliberative process/governmental privilege. In addition, I&E claimed that numerous other documents on the Privilege Log are protected by the deliberative process/governmental privilege, as well as other privileges, such as the attorney-client privilege or the attorney work product doctrine. **Exhibit 4.** By this Motion to Compel, Westover only seeks to compel I&E to turn over the 28 documents that were withheld based solely on the deliberative process/governmental privilege.

**D. I&E’s claim that Set I, No. 24 is overly broad and unduly burdensome should be rejected.**

16. Set I, Nos. 22 and 23 requested certain documents in I&E’s possession regarding Westover. Set I, No. 24 was a “catch-all” question, which sought any additional documents in I&E’s possession pertaining to Westover, which were not specifically requested by other interrogatories and requests for production of documents in Set I. This discovery request was reasonably calculated to lead to the discovery of admissible evidence; documents in I&E’s possession pertaining to Westover must have informed I&E’s decision to file a complaint against Westover. Contrary to I&E’s assertion, Set I, No. 24 was not unreasonably overbroad.

17. I&E’s Privilege Log identified the 28 Disputed Documents. It is not unduly burdensome for I&E to copy those 28 documents and provide them to Westover.

**E. I&E’s claim that the Disputed Documents are protected by the deliberative process/governmental privilege should be rejected.**

18. The Pennsylvania courts have held that the deliberative process privilege and the governmental privilege are coterminous. *Van Hine v. Dep’t of State*, 856 A.2d 204, 212 (Pa. Cmwlth. 2004).

19. “The deliberative process privilege permits the government to withhold documents containing ‘confidential deliberations of law or policymaking, reflecting opinions, recommendations or advice.’” *Unified Jud’l Syst. v. Vartan*, 557 Pa. 390, 399, 733 A.2d 1258, 1263 (1999) (opinion announcing the judgement of the Court) (quoting *Redland Soccer Club, Inc. v. Department of the Army*, 55 F.3d 827, 853 (3<sup>rd</sup> Cir. 1995)).

20. For the deliberative process privilege to apply, certain requirements must be met. The communication must have been made before the deliberative process was completed and the communication must have been deliberative in character (*i.e.*, it must have made recommendations or expressed opinions on legal or policy matters). *Vartan, supra*, 557 Pa. at 401, 733 A.2d at 1264.

In addition, the courts have held that the following requirements must be satisfied to support a claim for the deliberative process/governmental privilege:

“The head of the agency claiming the privilege must personally review the material, there must be a ‘specific designation and description of the documents claimed to be privileged,’ and there must be ‘precise and certain reasons for preserving’ the confidentiality of the communications. Usually, such claims must be made by affidavit.”

*Chladek v. Commonwealth*, 1998 W.L 126915 (E.D. Pa. 1998), quoted with approval in *Van Hine*, *supra*, 856 A.2d at 208 (Pa. Cmwltth. 2004).

21. In this case, the Privilege Log identifies the 28 Disputed Documents, but there is no affidavit demonstrating that any of other elements of the test have been satisfied. If I&E’s Answer to this Motion to Compel includes an affidavit, Westover respectfully requests an opportunity to respond to I&E’s Answer and affidavit.

22. I&E has not demonstrated that the head of the agency (the Chairman of the Public Utility Commission) has personally reviewed any of the 28 documents in dispute. The privilege claim was made by the counsel for I&E, not by a Commissioner or other high-ranking agency official.

23. I&E has not articulated precise reasons for preserving the confidentiality of any of the Disputed Documents. For example, there is no allegation that turning over any of the documents would compromise confidential sources of information.

24. I&E has not demonstrated that the documents are deliberative in character. For example, the first document listed on page 1 of the Privilege Log is an inspection report. This document was completed by Scott Orr and not sent to anyone. Westover respectfully submits that an inspection report that was not sent to anyone does not constitute deliberative material that must be kept confidential from the party whose facilities were inspected.

25. The deliberative process/governmental privilege protects recommendations or opinions relating to policy-making or legal matters, but I&E has not established that any of the Disputed Documents contain such recommendations or opinions. The “decision” involved in this case is simply whether or not to file a Complaint against Westover; it does not involve making Commission policy or adjudicating a case before the Commission. This case is clearly distinguishable from *Commonwealth v. Pub. Util. Comm’n*, 331 A.2d 598 (Pa. Cmwlth. 1975), in which the Commonwealth Court of Pennsylvania refused to order the disclosure of staff reports making recommendations to the Commissioners on a litigated case.

26. Even if I&E had filed an affidavit demonstrating that the various elements of the privilege were satisfied, the privilege is not absolute. The Presiding Officer must balance the interest of the government in ensuring the secrecy of the documents in question against the need of the party to obtain discovery. *Frankenhauser v. Rizzo*, 59 F.R.D. 339, 343 (E.D. Pa. 1973), quoted with approval in *Van Hine, supra*, 856 A.2d at 208 (Pa. Cmwlth. 2004).

27. To perform this balancing test, the courts use several factors, including the following:

- (a) the extent to which disclosure will thwart governmental processes by discouraging citizens from giving the government information;
- (b) the impact upon persons who have given information of having their identities disclosed;
- (c) the degree to which governmental self-evaluation and consequent program involvement will be chilled by disclosure;
- (d) whether the information sought is factual data or evaluative summary;
- (e) whether the party seeking the discovery is an actual or potential defendant in any criminal proceeding either pending or reasonably likely to follow from the incident in question;
- (f) whether the police investigation has been completed;
- (g) whether any intradepartmental disciplinary proceedings have arisen or may arise from the investigation;
- (h) whether the Petitioner’s suit is non-frivolous and brought in good faith;
- (i) whether the information sought is available through other discovery or from other sources; and

(j) the importance of the information sought to the Petitioner's case.

*Van Hine, supra*, 856 A.2d at 209 (Pa. Cmwlth. 2004).

28. Several of these factors clearly favor the disclosure of the 28 Disputed Documents. I&E's investigation is concluded. On the basis of that investigation, I&E has filed a Complaint against Westover alleging that Westover is a jurisdictional entity that committed multiple violations of federal pipeline safety laws. I&E seeks \$200,000 in damages. Westover has an interest in defending itself against these charges, and its attempt to do so is not frivolous. Westover has no other source for inspection reports, e-mails, and other documents pertaining to I&E's investigation.

29. The deliberative process/governmental privilege does not protect factual reports and summaries. *Van Hine, supra*, 856 A.2d at 211 (Pa. Cmwlth. 2004). Westover strongly suspects that at least some of the information contained in the 28 Disputed Documents is factual rather than evaluative, and so must be disclosed.

30. Due process considerations also favor the disclosure of the 28 Disputed Documents. Westover has a property interest that will be impacted by the outcome of this proceeding. I&E is the Commission's prosecutor. Allowing I&E to withhold material evidence from Westover would be like allowing a district attorney to withhold material evidence from a criminal defendant. The United States Supreme Court, of course, has ruled that the government's withholding of material evidence from a criminal defendant violates the defendant's due process rights. *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed.2d 215 (1963)

31. The deliberative process/governmental privilege should be narrowly construed because Pennsylvania law does not favor evidentiary privileges.

[E]xceptions to the demand for every man's evidence are not lightly created nor expansively construed, for they are in derogation of the search for truth." *Hutchison v. Luddy*, 414 Pa. Super. 138, 146, 606 A.2d 905, 908 (1992) (quoting *Herbert v.*

*Lando*, 441 U.S. 153, 175, 99 S.Ct. 1635, 1648, 60 L. Ed.2d 115 (1979)). Thus, courts should accept testimonial privileges “only to the very limited extent that permitting a refusal to testify or excluding relevant evidence has a public good transcending the normally predominant principle of utilizing all rational means for ascertaining the truth.” *In re Grand Jury Investigation*, 918 F.2d 374, 383 (3d Cir. 1990) (quoting *Trammel v. United States*, 445 U.S. 40, 46, 100 S.Ct. 906, 910, 63 L.Ed.2d 186 (1980)).

*Joe v. Prison Health Services*, 782 A.2d 24, 31 (Pa. Cmwlth. 2001) (quoting *Commonwealth v. Stewart*, 547 Pa. 277, 282-283, 690 A.2d 195, 197 (Pa. 1997)).

32. Set I, No. 24 simply seeks information in the possession of a litigant that is reasonably calculated to lead to the discovery of admissible evidence. This is within the scope of discovery in Commission proceedings. 52 Pa. Code § 5.321(c). The Commission’s regulations make clear that I&E is to be treated like any other litigant in Commission proceedings. 52 Pa. Code § 5.321(e) (“This subchapter applies equally to Commission staff serving in a prosecutory or party capacity in proceedings before the Commission, with no exceptions other than as specifically set forth in this chapter.”).

### **III. CONCLUSION**

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

- (1) grant the instant Motion; and
- (2) direct I&E to produce all 28 documents in the Privilege Log that were withheld

based solely on the deliberative process/governmental privilege.

[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: April 11, 2022

# **Exhibit 1**





January 31, 2022

**VIA E-MAIL**

**David P. Zambito**

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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 31<sup>st</sup> 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.  
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Bureau of Investigation & Enforcement  
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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 :

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**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**

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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**



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](mailto:dzambito@cozen.com)  
[jnase@cozen.com](mailto:jnase@cozen.com)

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](mailto: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](mailto:mwindler@pa.gov)*)  
Kayla L. Rost, Prosecutor (*via email – [karost@pa.gov](mailto: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**

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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.  
Jonathan P. Nase, Esq.  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101  
[dzambito@cozen.com](mailto:dzambito@cozen.com)  
[jnase@cozen.com](mailto:jnase@cozen.com)  
*Counsel for Westover Property  
Management Company, L.P.  
d/b/a Westover Companies*



---

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

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

**Filed On:** 2/10/2022 1:35 PM

**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.**

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.

# **Exhibit 3**



**From:** Nase, Jonathan

**Sent:** Sunday, February 27, 2022 4:32 PM

**To:** 'Wimer, Stephanie M' <stwimer@pa.gov>

**Cc:** Swindler, Michael <mswindler@pa.gov>; Rost, Kayla <karost@pa.gov>; Zambito, David <DZambito@cozen.com>

**Subject:** RE: I&E v. Westover Property Management Company, L.P. d/b/a Westover Companies, Docket No. C-2022-3030251 - Discovery

Stephanie:

With regard to Set I, No. 24, Westover agrees to a 30-day period (from tomorrow, February 28) for I&E to provide a privilege log. Westover also agrees to I&E providing the supplemental responses and privilege logs, other than the privilege log for Set I, No. 24, by the close of business on Friday, March 4, 2022.

[REDACTED]

[REDACTED]

Jonathan



**Jonathan Nase**  
**Member | Cozen O'Connor**  
17 North Second Street Suite 1410 | Harrisburg, PA 17101  
P: 717-773-4191 F: 215-372-2340  
Email | Bio | Map | cozen.com

# **Exhibit 4**



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

March 30, 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](mailto:dzambito@cozen.com)  
[jnase@cozen.com](mailto:jnase@cozen.com)

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 Additional Supplemental Answers to Set I Interrogatories**

Dear Counsel:

Enclosed are the Bureau of Investigation and Enforcement's ("I&E") **Additional Supplemental Answers to the Interrogatories of Westover Property Management Company, L.P. d/b/a Westover Companies ("Westover") – Set I** in the above-referenced matter. The enclosed Additional Supplemental Answers provide a privilege log in response to Westover's Set I, No. 24.

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 and Enforcement  
PA Attorney ID No. 207522  
(717) 772-8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

SMW/ac  
Enclosures

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](mailto:mwindler@pa.gov))  
Kayla L. Rost, Prosecutor (via email – [karost@pa.gov](mailto: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	:	

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**ADDITIONAL SUPPLEMENTAL ANSWERS OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT  
TO THE INTERROGATORIES OF  
WESTOVER PROPERTY MANAGEMENT COMPANY, L.P.  
d/b/a WESTOVER COMPANIES – SET I**

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Pursuant to 52 Pa. Code § 5.342(a), the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by and through its prosecuting attorneys, provides the within Additional Supplemental Answers to the Interrogatories of Westover Property Management Company, L.P. d/b/a Westover Companies – Set I, directed to I&E.

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

**Supplemental Answer:** On February 10, 2022, I&E objected to this interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks the discovery of privileged information. To support its claim that Documents in I&E's possession regarding Westover are protected from disclosure by the deliberative process privilege/governmental privilege, attorney work product doctrine, and attorney client privilege, attached is a privilege log. Additionally, please refer to the privilege logs that I&E produced on March 4, 2022 in response to Westover's Set I, Nos. 9 and 39(D).

**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	:	

**VERIFICATION**

I, Scott Orr, Fixed Utility Valuation Engineer – 2, in the Bureau of Investigation and Enforcement’s Safety Division, hereby state that the facts above set forth 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: March 30, 2022



\_\_\_\_\_  
Scott Orr  
Fixed Utility Valuation Engineer – 2  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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 Supplemental Response to Westover – Set I, No. 24  
 Privilege Log

<b>Date</b>	<b>Record Type</b>	<b>From</b>	<b>To</b>	<b>Description</b>	<b>Privilege/Doctrine</b>
December 20, 2020	Inspection Report	Scott Orr, Fixed Utility Valuation Engineer	N/A	Summary and Recommendations of Virtual Operations and Maintenance Gas Distribution Operator Inspection	Deliberative Process/Governmental Privilege
May 19, 2021	Email; Reports and Data Concerning I&E Safety's Investigation	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Recommendations of I&E Safety upon Referral to I&E Enforcement	Deliberative Process/Governmental Privilege
May 19, 2021	Email; Reports and Data Concerning I&E Safety's Investigation	Scott Orr, Fixed Utility Valuation Engineer	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Recommendations of I&E Safety upon Referral to I&E Enforcement	Deliberative Process/Governmental Privilege
May 19, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Correspondence Related to Inspection, Warning Letter	Deliberative Process/Governmental Privilege

Pennsylvania Public Utility Commission,  
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d/b/a Westover Companies  
Docket No. C-2022-3030251

I&E Supplemental Response to Westover – Set I, No. 24  
Privilege Log

May 19, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Inspection, Warning Letter	Deliberative Process/Governmental Privilege
May 20, 2021	Email; Reports and Data Concerning I&E Safety's Investigation	Richard Kanaskie, I&E Director	Michael Swindler, I&E Deputy Chief Prosecutor and Stephen Signore, I&E Administrative Officer and Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Correspondence Related to Referral from I&E Safety to I&E Enforcement	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
May 20, 2021	Email; Reports and Data Concerning I&E Safety's Investigation	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Richard Kanaskie, I&E Director	Correspondence Related to Recommendations of I&E Safety and concerning Referral to I&E Enforcement	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
May 20, 2021	Email	Richard Kanaskie, I&E Director	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Inspection, Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product



Pennsylvania Public Utility Commission,  
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d/b/a Westover Companies  
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I&E Supplemental Response to Westover – Set I, No. 24  
Privilege Log

May 20, 2021	Email	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Michael Swindler, I&E Deputy Chief Prosecutor and Richard Kanaskie, I&E Director	Correspondence Related to Inspection, Warning Letter	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
May 22, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection, Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 23, 2021	Email; Reports and Data Concerning I&E Safety's Investigation	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Recommendations of I&E Safety upon Referral to I&E Enforcement	Deliberative Process/Governmental Privilege and Attorney Work Product
May 24, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Inspection, Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 24, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection, Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product

Pennsylvania Public Utility Commission,  
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 Westover Property Management Company, L.P.  
 d/b/a Westover Companies  
 Docket No. C-2022-3030251

I&E Supplemental Response to Westover – Set I, No. 24  
 Privilege Log

May 24, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Inspection, Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 26, 2021	Email; I&E Warning Letter	Joanna McElroy, Legal Assistant	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 26, 2021	Email; I&E Warning Letter	Stephanie Wimer, I&E Senior Prosecutor	Joanna McElroy, Legal Assistant	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 26, 2021	Email; I&E Warning Letter	Stephanie Wimer, I&E Senior Prosecutor	Joanna McElroy, Legal Assistant and Alicia Claypool, Legal Assistant	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 26, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 26, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Assignment	Deliberative Process/Governmental Privilege and Attorney Work Product

Pennsylvania Public Utility Commission,  
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 d/b/a Westover Companies  
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I&E Supplemental Response to Westover – Set I, No. 24  
 Privilege Log

May 26, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 27, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 27, 2021	Email; Draft Warning Letter	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 28, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
May 28, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
May 28, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

Pennsylvania Public Utility Commission,  
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d/b/a Westover Companies  
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I&E Supplemental Response to Westover – Set I, No. 24  
Privilege Log

May 28, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
May 28, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
May 28, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 28, 2021	Email; Draft Warning Letter	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 28, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
May 28, 2021	Email; Draft Warning Letter	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product

Pennsylvania Public Utility Commission,  
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I&E Supplemental Response to Westover – Set I, No. 24  
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May 28, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
May 28, 2021	Email; Draft Warning Letter	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
May 28, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
June 3, 2021	Email; I&E Warning Letter of June 2, 2021	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer and Elena Bozhko, Fixed Utility Valuation Engineer and Vladimir Shteyn, Fixed Utility Valuation Engineer and Nicholas Nagele, Fixed Utility Valuation Engineer and Martin Salamonski, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege

Pennsylvania Public Utility Commission,  
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 d/b/a Westover Companies  
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I&E Supplemental Response to Westover – Set I, No. 24  
 Privilege Log

June 3, 2021	Email; I&E Warning Letter	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer and Elena Bozhko, Fixed Utility Valuation Engineer and Vladimir Shteyn, Fixed Utility Valuation Engineer and Nicholas Nagele, Fixed Utility Valuation Engineer and Martin Salamonski, Fixed Utility Valuation Engineer	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege
June 3, 2021	Email	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer and Elena Bozhko, Fixed Utility Valuation Engineer and Vladimir Shteyn, Fixed Utility Valuation Engineer and Nicholas Nagele, Fixed Utility Valuation Engineer and Martin Salamonski, Fixed Utility Valuation Engineer	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege

Pennsylvania Public Utility Commission,  
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 d/b/a Westover Companies  
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I&E Supplemental Response to Westover – Set I, No. 24  
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June 3, 2021	Email	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer and Elena Bozhko, Fixed Utility Valuation Engineer and Vladimir Shteyn, Fixed Utility Valuation Engineer and Nicholas Nagele, Fixed Utility Valuation Engineer and Martin Salamonski, Fixed Utility Valuation Engineer	Correspondence Related to Warning Letter	Deliberative Process/Governmental Privilege
July 12, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
July 12, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product

Pennsylvania Public Utility Commission,  
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I&E Supplemental Response to Westover – Set I, No. 24  
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July 12, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
July 12, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
July 12, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
July 12, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
July 12, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product



Pennsylvania Public Utility Commission,  
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I&E Supplemental Response to Westover – Set I, No. 24  
 Privilege Log

July 16, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
July 23, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
July 23, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
July 23, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
July 26, 2021	Email; Draft I&E Letter	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product

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 Supplemental Response to Westover – Set I, No. 24  
Privilege Log

July 26, 2021	Email; Draft I&E Letter	Stephanie Wimer, I&E Senior Prosecutor	Joanna McElroy, Legal Assistant and Alicia Claypool, Legal Assistant	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
July 26, 2021	Email; Draft I&E Letter	Alicia Claypool, Legal Assistant	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to I&E Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
July 26, 2021	Email; Draft I&E Letter	Stephanie Wimer, I&E Senior Prosecutor	Joanna McElroy, Legal Assistant	Correspondence Related to I&E Letter	Deliberative Process/Governmental Privilege and Attorney Work Product
July 27, 2021	Email; Draft I&E Letter	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
July 27, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
July 27, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product

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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I&E Supplemental Response to Westover – Set I, No. 24  
 Privilege Log

July 27, 2021	Email; I&E Letter	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
July 27, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney/Client Privilege
July 27, 2021	Email; I&E Letter	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
July 29, 2021	Email: I&E Letter	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
July 30, 2021	Inspection Report	Scott Orr, Fixed Utility Valuation Engineer	N/A	Summary and Recommendations Related to Act 127 Registration Inspection	Deliberative Process/Governmental Privilege

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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I&E Supplemental Response to Westover – Set I, No. 24  
Privilege Log

August 17, 2021	Email	Shirley Spunaugle, Manager, Secretary's Bureau, Document Control and Record Maintenance	Lee Yalcin, TUS Fixed Utility Financial Analyst – 3	Correspondence Related to Act 127 Registration	Deliberative Process/Governmental Privilege
August 17, 2021	Email	Shirley Spunaugle, Manager, Secretary's Bureau, Document Control and Record Maintenance	Shirley Spunaugle, Manager, Secretary's Bureau, Document Control and Record Maintenance	Correspondence Related to Act 127 Registration	Deliberative Process/Governmental Privilege
August 18, 2021	Email; Westover Companies Act 127 Registration Form	Scott Orr, Fixed Utility Valuation Engineer	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Act 127 Registration	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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 Supplemental Response to Westover – Set I, No. 24  
Privilege Log

August 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
August 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
August 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
August 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
August 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
August 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product

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August 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
August 23, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence related to Investigation Update	Deliberative Process/Governmental Privilege and Attorney Work Product
August 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Investigation Update	Deliberative Process/Governmental Privilege and Attorney Work Product
August 23, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation Update	Deliberative Process/Governmental Privilege and Attorney Work Product
August 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Investigation Update	Deliberative Process/Governmental Privilege and Attorney Work Product

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August 24, 2021	Email	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
August 24, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Kokou Apetoh, Fixed Utility Valuation Engineer and Sunil Patel, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege
August 24, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Coordinating a Phone Call	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
August 24, 2021	Email	Kokou Apetoh, Fixed Utility Valuation Engineer	Scott Orr, Fixed Utility Valuation Engineer and Sunil Patel, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege
August 24, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Kokou Apetoh, Fixed Utility Valuation Engineer and Sunil Patel, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege

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September 17, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
September 17, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
September 20, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
September 20, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
September 20, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege



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September 20, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
September 20, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
September 20, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
September 20, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
September 22, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product

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September 22, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
September 22, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
September 22, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney Work Product
September 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Coordinating a Meeting	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
September 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspections	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
September 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Kayla Rost, I&E Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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September 23, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
September 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
September 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
September 30, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
October 4, 2021	Inspection Report	Scott Orr, Fixed Utility Valuation Engineer	N/A	Summary and Recommendations Related to Gas Distribution Operations and Maintenance Inspection	Deliberative Process/Governmental Privilege

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October 4, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
October 4, 2021	Email; Conference Call Notes	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Summary and Impressions from Strategy Call	Deliberative Process/Governmental Privilege and Attorney Work Product
October 4, 2021	Conference Call Notes	Kayla Rost, I&E Prosecutor	N/A	Summary and Impressions from Strategy Call	Deliberative Process/Governmental Privilege and Attorney Work Product
October 4, 2021	Word Document	Stephanie Wimer, I&E Senior Prosecutor	N/A	Summary and Impressions of Legal Research concerning Master Meter Systems	Deliberative Process/Governmental Privilege and Attorney Work Product
October 4, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product and Attorney-Client Privilege

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October 12, 2021	Inspection Report	Scott Orr, Fixed Utility Valuation Engineer	N/A	Summary and Recommendations Related to Operator Qualification Program Inspection	Deliberative Process/Governmental Privilege
October 13, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
October 13, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
October 13, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege
October 13, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Lara Lapinski, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege

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October 13, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
October 13, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
October 13, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege
October 13, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Lara Lapinski, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege
October 13, 2021	Inspection Report	Scott Orr, Fixed Utility Valuation Engineer	N/A	Summary and Recommendations Related to Non-Compliance Follow-up Inspection	Deliberative Process/Governmental Privilege

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October 28, 2021	Email; Draft I&E Data Requests – Set I	Stephanie Wimer, I&E Senior Prosecutor	Alicia Claypool, Legal Assistant	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
October 28, 2021	Email; I&E Data Requests – Set I	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
October 28, 2021	Email; I&E Data Requests – Set I	Alicia Claypool, Legal Assistant	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product
October 28, 2021	Email; I&E Data Requests – Set I	Stephanie Wimer, I&E Senior Prosecutor	Alicia Claypool, Legal Assistant	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product
October 29, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Kayla Rost, I&E Prosecutor and Stephanie Wimer, I&E Senior Prosecutor and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege

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October 29, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product
October 29, 2021	Email; I&E Data Requests	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer and Kayla Rost, I&E Prosecutor	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product and Attorney-Client Privilege
October 29, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
October 29, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to I&E's Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product
October 29, 2021	Email; Draft I&E Data Requests – Set I	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product



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October 29, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
October 29, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
October 29, 2021	Email; I&E Data Requests – Set I	Stephanie Wimer, I&E Senior Prosecutor	Alicia Claypool, Legal Assistant	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product
October 29, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product
October 29, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product
October 29, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product

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October 29, 2021	Email; I&E Data Requests – Set I	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product
November 1, 2021	Email	Alicia Claypool, Legal Assistant	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Data Requests	Deliberative Process/Governmental Privilege and Attorney Work Product
November 3, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 3, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor and Kayla Rost, I&E Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
November 3, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 3, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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November 3, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 3, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 3, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 3, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 8, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation; Legal Research	Deliberative Process/Governmental Privilege and Attorney Work Product
November 8, 2021	Word Document	Kayla Rost, I&E Prosecutor	N/A	Summary and Impressions concerning Westover's letter dated November 4, 2021	Deliberative Process/Governmental Privilege and Attorney Work Product

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November 15, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Conference Call	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 15, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Conference Call	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 18, 2021	Word Document	Stephanie Wimer, I&E Senior Prosecutor	N/A	Summary and Impressions of Legal Research concerning Act 127	Attorney Work Product and Deliberative Process/Governmental Privilege
November 19, 2021	Email; Draft I&E Letter	Stephanie Wimer, I&E Senior Prosecutor	Alicia Claypool, Legal Assistant	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
November 19, 2021	Draft I&E Letter	Stephanie Wimer, I&E Senior Prosecutor	N/A	Draft I&E Letter to Westover	Attorney Work Product and Deliberative Process/Governmental Privilege

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November 19, 2021	Email; Westover Response Letter re: I&E Investigation; Draft I&E Letter to Westover	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
November 19, 2021	Email; I&E Letter to Westover	Alicia Claypool, Legal Assistant	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to I&E Letter to Westover	Deliberative Process/Governmental Privilege and Attorney Work Product
November 19, 2021	Email; I&E Letter to Westover	Stephanie Wimer, I&E Senior Prosecutor	Alicia Claypool, Legal Assistant	Correspondence Related to I&E Letter to Westover	Deliberative Process/Governmental Privilege and Attorney Work Product
November 19, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to I&E Letter to Westover	Deliberative Process/Governmental Privilege and Attorney Work Product
November 19, 2021	Email; I&E Letter to Westover	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to I&E Letter to Westover	Deliberative Process/Governmental Privilege and Attorney Work Product
November 22, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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November 22, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	2 Emails	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Coordinating a Meeting	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney Work Product
November 23, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product

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November 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	6 Emails; Documents Related to Westover's Responses to I&E's Data Request – Set I	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Westover's Responses to I&E's Data Request – Set I	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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November 23, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Scott Orr, Fixed Utility Valuation Engineer and Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
November 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege



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November 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
November 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer and Kayla Rost, I&E Prosecutor	Correspondence Related to Investigation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 1, 2021	Word Document	Stephanie Wimer, I&E Senior Prosecutor	N/A	Summary and Impressions of Westover Responses to I&E Data Requests – Set I	Attorney Work Product and Deliberative Process/Governmental Privilege
December 1, 2021	Word Document	Kayla Rost, I&E Prosecutor	N/A	Notes, Summary, and Impressions of Internal Conference Call with I&E Safety Division	Attorney Work Product and Deliberative Process/Governmental Privilege

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 Privilege Log

December 13, 2021	Email; Westover Petition for Declaratory Order	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor and Kayla Rost, I&E Prosecutor, and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
December 13, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor and Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product

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December 14, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Answer	Deliberative Process/Governmental Privilege and Attorney Work Product
December 14, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Answer	Deliberative Process/Governmental Privilege and Attorney Work Product
December 14, 2021	Email; Draft Answer	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Answer	Deliberative Process/Governmental Privilege and Attorney Work Product
December 14, 2021	Email	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Scheduling Conference Call	Deliberative Process/Governmental Privilege and Attorney Work Product
December 14, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor and Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product and Attorney-Client Privilege

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d/b/a Westover Companies  
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December 14, 2021	Email	Robert Horensky	Michael Swindler, I&E Deputy Chief Prosecutor and Kayla Rost, I&E Prosecutor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer and Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 14, 2021	2 Emails	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product
December 14, 2021	Teams Meeting Invitation	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Scheduling Meeting	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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December 14, 2021	2 Emails	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Westover's Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 14, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Westover Letter to I&E	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 14, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Coordinating a Meeting	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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December 14, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Coordinating a Meeting	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 14, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Coordinating a Meeting	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 15, 2021	Email	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Coordinating a Meeting	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 17, 2021	Word Document	Kayla Rost, I&E Prosecutor	N/A	Notes, Summary, and Impressions of Internal Conference Call with I&E Safety Division	Deliberative Process/Governmental Privilege and Attorney Work Product

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December 17, 2021	Email; Draft Factual Summary	Stephanie Wimer, I&E Senior Prosecutor	Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product and Attorney-Client Privilege
December 20, 2021	Email: Draft I&E Answer in Opposition	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product
December 20, 2021	Email: Documents Related to Draft I&E Answer in Opposition	Stephanie Wimer, I&E Senior Prosecutor	Joanna McElroy, Legal Assistant and Alicia Claypool, Legal Assistant	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product
December 20, 2021	Email; Draft Answer in Opposition and Accompanying Documents	Stephanie Wimer, I&E Senior Prosecutor	Joanna McElroy, Legal Assistant and Alicia Claypool, Legal Assistant	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product

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I&E Supplemental Response to Westover – Set I, No. 24  
Privilege Log

December 21, 2021	Email; Draft Answer in Opposition to Westover’s Petition for Declaratory Order and Accompanying Exhibits	Stephanie Wimer, I&E Senior Prosecutor	Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE, and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product and Attorney-Client Privilege
December 21, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product
December 21, 2021	Email: Draft I&E Answer in Opposition	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product
December 23, 2021	Email; Documents Related to Draft I&E Answer in Opposition; Westover’s Petition for Declaratory Order	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product



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December 23, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege
December 23, 2021	Email	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Stephanie Wimer, I&E Senior Prosecutor and Scott Orr, Fixed Utility Valuation Engineer and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product

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Bureau of Investigation and Enforcement v.  
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December 23, 2021	Email; Investigation Findings Summary	Robert Horensky, Fixed Utility Valuation Engineer Supervisor	Stephanie Wimer, I&E Senior Prosecutor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 23, 2021	Email; Draft Answer in Opposition to Westover’s Petition for Declaratory Order	Stephanie Wimer, I&E Senior Prosecutor	Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
December 23, 2021	Email; Draft I&E Answer in Opposition	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product
December 23, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Answer to Westover Petition for Declaratory Order	Deliberative Process/Governmental Privilege and Attorney Work Product

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December 28, 2021	Email; Draft Formal Complaint	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney Work Product and Attorney-Client Privilege
December 28, 2021	Email; List of Westover Properties; Draft Formal Complaint	Scott Orr, Fixed Utility Valuation Engineer	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege
December 28, 2021	Email; List of Westover Properties	Scott Orr, Fixed Utility Valuation Engineer	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Inspection	Deliberative Process/Governmental Privilege
December 28, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor and Kayla Rost, I&E Prosecutor	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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December 28, 2021	Email; Draft Formal Complaint	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
December 28, 2021	Email; Draft Formal Complaint	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege and Attorney Work Product
December 28, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Kayla Rost, I&E Prosecutor and Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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d/b/a Westover Companies  
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December 28, 2021	Email; Draft Formal Complaint	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney Work Product and Attorney-Client Privilege
December 29, 2021	Email; Draft Formal Complaint and Exhibits	Stephanie Wimer, I&E Senior Prosecutor	Joanna McElroy, Legal Assistant and Alicia Claypool, Legal Assistant	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney Work Product
December 29, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney Work Product
December 29, 2021	Email	Scott Orr, Fixed Utility Valuation Engineer	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney Work Product and Attorney-Client Privilege

Pennsylvania Public Utility Commission,  
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 Westover Property Management Company, L.P.  
 d/b/a Westover Companies  
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December 29, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 29, 2021	Email; Draft Formal Complaint and Exhibits	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney Work Product
December 29, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney Work Product
December 29, 2021	Email; Draft Formal Complaint	Kayla Rost, I&E Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney Work Product
December 29, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege

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December 29, 2021	Email	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE	Stephanie Wimer, I&E Senior Prosecutor and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 29, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney-Client Privilege
December 29, 2021	Email; Draft Formal Complaint	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product
December 29, 2021	Email; Draft Formal Complaint	Stephanie Wimer, I&E Senior Prosecutor	Kayla Rost, I&E Prosecutor and Robert Horensky, Fixed Utility Valuation Engineer Supervisor and Terri Cooper Smith, Fixed Utility Valuation Engineer Supervisor SE and Scott Orr, Fixed Utility Valuation Engineer	Correspondence Related to Complaint Preparation	Deliberative Process/Governmental Privilege and Attorney Work Product and Attorney-Client Privilege

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December 29, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Joanna McElroy, Legal Assistant	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product
December 29, 2021	Email; Draft Formal Complaint	Joanna McElroy, Legal Assistant	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product
December 29, 2021	Email; Draft Formal Complaint	Stephanie Wimer, I&E Senior Prosecutor	Joanna McElroy, Legal Assistant and Alicia Claypool, Legal Assistant	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product
December 30, 2021	Email	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product
December 30, 2021	Email; Draft Formal Complaint	Stephanie Wimer, I&E Senior Prosecutor	Michael Swindler, I&E Deputy Chief Prosecutor	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product
December 30, 2021	Email; Draft Formal Complaint	Michael Swindler, I&E Deputy Chief Prosecutor	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product



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December 30, 2021	Email	Stephanie Wimer, I&E Senior Prosecutor	Alicia Claypool, Legal Assistant	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product
December 30, 2021	Email; Draft Formal Complaint	Alicia Claypool, Legal Assistant	Stephanie Wimer, I&E Senior Prosecutor	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product
December 30, 2021	Email; Draft Formal Complaint	Stephanie Wimer, I&E Senior Prosecutor	Alicia Claypool, Legal Assistant and Joanna McElroy, Legal Assistant	Correspondence Related to Complaint	Deliberative Process/Governmental Privilege and Attorney Work Product
Undated	Notes – 4 Word Documents and 2 Excel Spreadsheets	Scott Orr, Fixed Utility Valuation Engineer	N/A	Notes Related to Westover Locations in Pennsylvania	Deliberative Process/Governmental Privilege
Undated	Notes – 1 Word Document	Scott Orr, Fixed Utility Valuation Engineer	N/A	Summary of Findings Related to Inspections	Deliberative Process/Governmental Privilege
Undated	Notes – 2 Word Documents	Scott Orr, Fixed Utility Valuation Engineer	N/A	Factual Background and Summary of Inspections	Deliberative Process/Governmental Privilege

**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 **Additional Supplemental Answers of the Bureau of Investigation and Enforcement to the Interrogatories of Westover Property Management Company, L.P. d/b/a Westover Companies – Set I** 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.  
Jonathan P. Nase, Esq.  
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*Counsel for Westover Property  
Management Company, L.P.  
d/b/a Westover Companies*



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Stephanie M. Wimer  
Senior Prosecutor  
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(717) 772-8839  
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Dated: March 30, 2022



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

Date Created	Filing Number
3/30/2022	2376812

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**Docket Number:** C-2022-3030251

**Case Description:**

**Transmission Date:** 3/30/2022 3:38 PM

**Filed On:** 3/30/2022 3:38 PM

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C-2022-3030251 (Westover Companies) I&E Additional Supplemental Answers CL&COS.pdf	Certificate of Service	3/30/2022 3:38:21 PM

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