



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

April 21, 2022

Via Electronic Filing

Rosemary Chiavetta, Secretary
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
I&E Motion to Dismiss Objections and Compel Answers

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Motion of the Bureau of Investigation and Enforcement to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents with regard to the above-referenced proceeding.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephanie M. Wimer'.

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

Enclosures

cc: Per Certificate of Service
Michael L. Swindler, I&E Deputy Chief Prosecutor (*via email*)
Kayla L. Rost, I&E Prosecutor (*via email*)

**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	:	

NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents. You are hereby notified to file a written Answer within five (5) days of service of the Motion, pursuant to 52 Pa. Code § 5.342(g)(1). The Answer must be filed with a copy electronically served on the undersigned I&E prosecutor.

Pursuant to Waiver of Regulations Regarding Service Requirements, Docket No. M-2021-3028321 (Order entered March 10, 2022), parties are encouraged to open and use an e-filing account through the Commission’s website at www.puc.com or, to ensure timely arrival, submit the filing by overnight delivery to: Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, Pennsylvania 17120. Emailed or faxed submissions are not acceptable. If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the Commission’s Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the Commission’s file. Filers should contact the Secretary’s Bureau in advance to set up a Share Point File before submitting the filing.



Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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400 North Street
Harrisburg, PA 17120
(717) 772-8839
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Dated: April 21, 2022

**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	:	

**MOTION OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT
TO DISMISS OBJECTIONS AND
COMPEL ANSWERS TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to 52 Pa. Code § 5.342(g), the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by and through its prosecuting attorneys, files this Motion to Dismiss the Objections of Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) and Compel Westover to provide full and complete responses to the Interrogatories and Requests for Production of Documents – Set I, propounded by I&E on March 30, 2022. I&E respectfully requests that the presiding Administrative Law Judge (“ALJ”) grant this Motion because I&E’s discovery of the requested information is crucial in supporting the claims set forth in I&E’s Complaint. In support thereof, I&E avers as follows:

I. INTRODUCTION

1. On January 3, 2022, I&E filed a Formal Complaint (“Complaint”) against Westover alleging violations of the Gas and Hazardous Liquids Pipelines Act, 58 P.S. §§ 801.101 *et seq.* (“Act 127”), and Part 192 of the Federal pipeline safety regulations, 49 CFR §§ 192.1-192.1015.

2. In its Complaint, I&E alleges that, after a preliminary review conducted by the I&E Safety Division’s Pipeline Section, Westover owns and/or maintains approximately thirty-four (34) apartment complexes in Pennsylvania.¹

3. I&E further alleges that, at approximately seventeen (17) of these apartment complex locations, Westover operates a master meter system where it purchases metered gas from a natural gas distribution company (“NGDC”) for resale to its tenants through a gas distribution pipeline system that is owned and maintained by Westover.²

4. In its Complaint, I&E also alleges that it believes that Westover operates master meter systems at eight (8) commercial locations in Pennsylvania, but that these commercial locations were not named in the Complaint because the I&E Safety Division was unable to complete inspections at these sites.³

5. Also in its Complaint, I&E detailed I&E’s extensive efforts to inspect Westover’s master meter systems and obtain Westover’s compliance with Act 127 prior to engaging in litigation.⁴ I&E alleges that its pre-complaint investigation was hampered by Westover’s refusal to acknowledge the Commission’s jurisdiction as it relates to its master meter systems.

¹ I&E Complaint at ¶ 24.

² I&E Complaint at ¶ 24-25.

³ I&E Complaint at 3, FN 1.

⁴ I&E Complaint at ¶¶ 27, 32-29.

6. In its Complaint, I&E cites to the definition of “Master Meter System,” which is set forth in the Federal pipeline safety regulations as:

. . . a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, **or apartment complex**, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents.

49 CFR § 191.3 (emphasis added).⁵

7. I&E further avers in its Complaint that Westover’s operation of such master meter systems renders it to be a “pipeline operator” as that term is defined under Act 127 in that it “owns or operates equipment or facilities in this Commonwealth for the transportation of gas . . . by pipeline or pipeline facility regulated under Federal pipeline safety laws.” 58 P.S. § 801.102.⁶

8. Consequently, I&E asserts that Westover is subject to the Commission’s jurisdiction for pipeline safety purposes.⁷

9. In terms of violations, I&E alleges, in pertinent part, that Westover failed to demonstrate compliance with the following Sections of Part 192 of the Federal pipeline safety regulations in its operation of master meter systems: 49 CFR § 192.603(a)-(b) (related to General provisions); 49 CFR § 192.605(a)-(e) (related to Procedural manual for operations, maintenance, and emergencies); 49 CFR § 192.615(a)-(c) (related to Emergency plans); 49 CFR § 192.625(f)(1)-(2) (related to Odorization of gas); 49 CFR § 192.805(a)-(i)

⁵ I&E Complaint at ¶ 14.

⁶ I&E Complaint at ¶ 8.

⁷ I&E Complaint at ¶ 18.

(related to Qualification program); 49 CFR § 192.809(a)-(e) (related to General, pertaining to requirements for a qualification program); and 49 CFR § 192.807(a)-(b) (related to Recordkeeping, pertaining to operator qualification).⁸

10. I&E also alleges that Westover prohibited the I&E Safety Division from completing inspections of Westover's records, procedures, and facilities and, therefore, the I&E Safety Division has been unable to verify that Westover complies with many other sections of Part 192 of the Federal pipeline safety regulations, including 49 CFR § 192.53 (related to General – Materials), 49 CFR § 192.55 (related to Steel pipe), 49 CFR § 192.59 (related to Plastic pipe), 49 CFR § 192.145 (related to Valves), 49 CFR § 192.363 (related to Service lines: Valve requirements); 49 CFR § 192.365 (related to Service lines: Location of Valves), 49 CFR § 192.371 (related to Service lines: Steel); 49 CFR § 192.375 (related to Service lines: Plastic); 49 CFR § 192.385 (related to Manual service line shut-off valve installation); 49 CFR Subpart I (related to Requirements for Corrosion Control); 49 CFR § 192.503 (related to General requirements for testing pipelines), 49 CFR § 192.509 (related to Test requirements for pipelines to operate below 100 pounds per square inch (“p.s.i.”) (689 kilopascal (“kPa”)) gage), 49 CFR § 192.511 (related to Test requirements for service lines), 49 CFR § 192.513 (related to Test requirements for plastic pipelines), 49 CFR § 192.517 (related to Records for tests), 49 CFR § 192.703 (related to General – Maintenance), 49 CFR § 192.721 (related to Distribution systems: Patrolling), 49 CFR § 192.723 (related to Distribution systems: Leakage surveys), 49 CFR § 192.727 (related to Abandonment or deactivation of facilities) and 49 CFR § 192.747 (related to Valve maintenance: Distribution systems).⁹

⁸ I&E Complaint at ¶ 45(c)-(h).

⁹ I&E Complaint at ¶ 45(i).

11. On January 25, 2022, Westover filed an Answer and New Matter where Westover **admits** purchasing gas from natural gas distribution companies (“NGDC”), transporting the gas, and selling it to tenants residing in its apartment complexes.¹⁰ Westover further avers that it operates forty-eight (48) residential apartment complexes in Pennsylvania,¹¹ and not thirty-four (34) as alleged by I&E.

12. Westover claims, however, that its master meter systems are not subject to the Federal pipeline safety regulations because they do not affect interstate or foreign commerce¹² – a meritless legal argument that undoubtedly fails upon examination of the legislative history of the longstanding Pipeline Safety Act, 49 U.S.C. §§ 60101-60143, the Pennsylvania General Assembly’s adoption of Federal pipeline safety laws and regulations through Act 127, 58 P.S. § 801.302, the plain reading of the definition of “Master Meter System” at 49 CFR § 191.3, and applicable case law.

13. On March 30, 2022, pursuant to 52 Pa. Code § 5.341, I&E propounded its Interrogatories and Requests for Production of Documents – Set I (“Set I Interrogatories”) upon Westover. A copy of I&E’s Set I Interrogatories is appended hereto as Attachment 1.

14. In its Set I Interrogatories, I&E sought to discover the identity of and information about master meter systems operated by Westover in Pennsylvania in light of Westover’s refusal to allow the I&E Safety Division to complete its investigation and Westover’s revelation in its Answer to I&E’s Complaint that it operates fourteen (14) additional apartment complexes than what was discovered by I&E during its inspections.

¹⁰ Westover Answer and New Matter at ¶ 7.

¹¹ Westover Answer and New Matter at ¶ 24.

¹² *Id.*

15. On April 7 and 8, 2022, I&E and Westover attempted to resolve their discovery dispute without success.

16. On April 11, 2022, Westover served its Objections to certain discovery requests in I&E's Set I Interrogatories. A copy of Westover's Objections is appended hereto as Attachment 2.

17. On April 21, 2022, I&E filed the instant Motion seeking to dismiss Westover's Objections and compel responses to I&E's Set I Interrogatories.

II. THE PRESIDING ALJ SHOULD DISMISS THE OBJECTIONS AND DIRECT WESTOVER TO PROVIDE FULL AND COMPLETE RESPONSES TO I&E'S SET I INTERROGATORIES

A. I&E's Set I Interrogatories are Relevant to the Pending Action and Relate to I&E's Allegations

18. Pursuant to Section 5.321(c), "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." 52 Pa. Code § 5.321(c).

19. Generally speaking, the Commission applies a standard of relevance in discovery matters that is less restrictive than that required by parties to present information into the evidentiary record. "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." 52 Pa. Code § 5.321(c).

20. Relevant evidence is “that which, tends to establish some fact material to the case, or which tends to make a fact at issue more or less probable.” *Commonwealth v. Scott*, 389 A.2d 79, 82 (Pa. 1978). In order to determine relevance, it must first be determined if the inference sought to be raised by the evidence bears upon the issue in the case, and second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Commonwealth v. Stewart*, 336 A.2d 282, 284 (Pa. 1975).

21. The party objecting to discovery has the burden to establish that the requested information is not relevant or discoverable. *Koken v. One Beacon Insurance Co.*, 911 A.2d 1021 (Pa. Cmwlth. 2006). Any doubts regarding relevancy should be resolved in favor of discovery.

22. Relevancy depends upon the nature and the facts of the individual case, and any doubts are to be resolved in favor of relevancy. *Koken*, 911 A.2d at 1025. The party seeking discovery need not justify complete relevance in advance. *Id.* Furthermore, the objector to a discovery request must demonstrate non-discoverability. *Id.*

23. The Commission has held that, “[t]he touchstone as to a discoverable matter under the Commission’s Regulations is that it be relevant to the subject matter involved in the pending action, or reasonably calculated to lead to the discovery of admissible evidence, and not privileged.” *Rahn et al. v. Pennsylvania-American Water Co.*, Docket No. C-20054919 (June 6, 2006 Order Granting Motion To Compel); *see also, J3 Energy Group, Inc. v. West Penn Power Company and UGI Development Company, Indispensable Party*, 2014 Pa. PUC LEXIS 406 (Pa. PUC 2014), Docket No. C-2011-2219920 Order Denying Motion to Compel at *7 (August 21, 2014) (finding that “The material sought to be discovered need not be admissible. Rather, it must be reasonably expected to lead to the discovery of admissible evidence.”)

24. The Commission has stated that the relevancy test should be liberally applied when considering discovery requests. *Pa. Pub. Util. Comm'n v. Equitable Gas Co.*, 61 Pa. P.U.C. 468, 477 (May 16, 1986).

25. Pursuant to Act 127, the Commission has the authority to supervise and regulate pipeline operators within this Commonwealth consistent with Federal pipeline safety laws. 58 P.S. § 801.501(a). Specifically, the Commission not only has the right, but the obligation “[t]o investigate a service, act, practice, policy or omission by a pipeline operator to determine compliance with this act” and “[t]o investigate a pipeline transportation facility to determine if it is hazardous to life or property.” 58 P.S. § 801.501(a)(1)-(2). The Commission delegated the authority to investigate and enforce compliance with pipeline safety to I&E. 66 Pa.C.S. § 308.2(a)(11); *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (August 11, 2011).

26. Westover objected to I&E’s Set I Interrogatories, Nos. 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, either wholly or partially, on the grounds that the Interrogatories exceed the scope of permissible discovery and are not relevant to the claims in I&E’s Complaint.

27. A leak on a Westover master meter system at the Jamestown Village Apartments, which led to an outage of natural gas service, alerted I&E to the existence of Westover’s pipeline facilities.¹³ As I&E alleged in its Complaint, despite the issuance of two non-compliance letters, the I&E Safety Division was unable to schedule or conduct follow-up inspections related to inspecting Westover’s records and pipeline facilities until I&E

¹³ I&E Complaint at ¶¶ 28-29.

Enforcement sent a warning letter addressed to Westover on June 2, 2021.¹⁴ Westover's cooperation with the I&E Safety Division endured only a few short months, between June and November 2021, and, consequently, I&E has been unable to discover complete information to ascertain Westover's compliance with Act 127 and determine whether its pipeline facilities are hazardous to the lives and property of its tenants.

28. Accordingly, I&E propounded I&E's Set I Interrogatories, which were designed so that I&E may discover the identity of Westover's master meter systems in Pennsylvania, the type of pipeline facilities that Westover operates, the manner in which tenants purchase the natural gas, the duration in which Westover has operated master meter systems, the occurrence of natural gas leaks on Westover's pipeline facilities, and Westover's compliance with specific sections of Part 192 of the Federal pipeline safety regulations, 49 CFR §§ 192.1-192.1015. Knowing the specific pipeline configuration of each of Westover's master meter systems is especially crucial as each system must be evaluated on a case-by-case basis to determine whether it is jurisdictional.

29. Responses to each of the requests in I&E's Set I Interrogatories are essential for I&E to support its claim that Westover is operating as an unregulated natural gas master meter system and to enforce compliance with the Federal pipeline safety regulations, as adopted by Act 127. Contrary to Westover's assertion, I&E's claims are not limited to the legal question of Commission jurisdiction over Westover's facilities.¹⁵ Rather, the allegations set forth in I&E's Complaint raised factual issues related to Westover's

¹⁴ I&E Complaint at ¶¶ 32-35.

¹⁵ See, for example, Westover Objection No. 19. Not to be confused with I&E's pending Complaint, Westover separately filed a *Petition of Westover Property Management Company, L.P. d/b/a Westover Companies for a Declaratory Order Regarding the Applicability of the Gas and Hazardous Liquids Pipelines Act*, Docket No. P-2021-3030002, which solely focuses on the legal question of Commission jurisdiction over Westover for pipeline safety purposes.

compliance with specific Federal pipeline safety regulations as it relates to Westover's pipeline facilities and records.

30. Moreover, I&E's Set I Interrogatories, Nos. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 also seek to discover information about apartment complexes named in I&E's Complaint and discussed in Paragraphs 7(B) and 7(C) of Westover's Answer to I&E's Complaint. Obtaining information related to specific apartment complexes averred in I&E's Complaint and discussed by Westover is certainly relevant and discoverable.

31. Therefore, the information sought here is relevant and discoverable under the Commission's regulations, and is required to be provided to I&E pursuant to applicable discovery rules.

B. I&E's Set I Interrogatories are Reasonable and Sought in Good Faith

32. The Commission's regulations place limitations on the scope of discovery. Discovery is not permitted that: (1) is sought in bad faith; (2) would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party; and (4) would require the making of an unreasonable investigation by a party or witness. 52 Pa. Code § 3.61(a)(1), (2), and (4).

33. Westover objected to I&E's Set I Interrogatories, Nos. 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, either wholly or partially, on the grounds that the Interrogatories exceed the limitations of the scope of discovery set forth in 52 Pa. Code § 3.61(a)(1), (2), and (4).

34. I&E's Set I Interrogatories were narrowly tailored to discover information about specific aspects of Westover's master meter systems, information which I&E was

precluded from discovering due to Westover's non-cooperative stance during the I&E Safety Division's investigation. Indeed, there is not a single Interrogatory that does not relate to a non-pipeline safety matter.

35. Generally, records maintained by pipeline operators describe the details sought in I&E's Set I Interrogatories. If those records are not in Westover's possession or Westover does not otherwise know the responses to I&E's Set I Interrogatories after conducting a reasonable investigation, then indicating that Westover is without knowledge to answer the discovery requests is an acceptable response. I&E is not demanding that Westover conduct an unreasonable investigation by uncovering pipe that is buried behind walls or beneath floors. I&E is also not demanding that Westover contact prior owners of the master meter systems to gather information responsive to I&E's Set I Interrogatories. Indeed, the Instructions to I&E's Set I Interrogatories provide, in part, as follows:

5. In answering these Interrogatories and Requests for Production of Documents, utilize all information and documents that are available, including information in the possession of any agents, employees or attorneys, or information that is otherwise in Westover's custody and control.

6. If after exercising due diligence to secure the information requested by any one of the following Interrogatories or Requests for Production of Documents Westover cannot answer or provide the information requested, so state and answer to the extent possible specifying Westover's inability to answer the remainder, providing whatever information or knowledge Westover has concerning the unanswered portion and detailing what attempts the Authority made to secure the unknown information.

36. In response to Westover's Objections that complain about I&E seeking information from February 20, 2012 to the present time, I&E is entitled to know whether Westover complied with Act 127 since the time that Act 127 became effective. Importantly, I&E is not seeking a civil penalty for Westover's alleged failure to comply with Act 127

more than three (3) years ago as such action would exceed the statute of limitations at 66 Pa.C.S. § 3314(a) as it applies to civil penalties under 66 Pa.C.S. § 3301(c).¹⁶ However, there is no limitation in Act 127 for the duration in time in which I&E may seek the filing of an Act 127 registration form or a related Act 127 assessment fee. The filing of a form and payment of a registration fee is not a civil penalty or forfeiture, especially when Westover was most likely obligated to file registration forms and pay Act 127 assessments on an annual basis since Act 127 became effective. Additionally, Westover has not identified a statute of limitations that applies to the non-civil penalty provisions of Act 127.

37. Therefore, Westover has not demonstrated that I&E's Interrogatories – Set I exceed the limitations regarding the scope of discovery set forth in 52 Pa. Code § 3.61(a)(1), (2), and (4).

¹⁶ I&E Complaint at ¶ 45(a)-(b). Additionally, Section 3314(a) of the Public Utility Code provides as follows:

(a) General rule.--No action for the recovery of any penalties or forfeitures incurred **under the provisions of this part**, and no prosecutions on account of any matter or thing **mentioned in this part**, shall be maintained unless brought within three years from the date at which the liability therefor arose, except as otherwise provided in this part.

66 Pa.C.S. § 3314(a) (emphasis added).

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the presiding Administrative Law Judge grant the instant Motion, dismiss Westover's Objections, and direct Westover to provide full and complete responses to I&E's Set I Interrogatories.

Respectfully submitted,



Stephanie M. Wimer
Senior Prosecutor
PA Attorney ID No. 207522

Kayla L. Rost
Prosecutor
PA Attorney ID No. 322768

Michael L. Swindler
Deputy Chief Prosecutor
PA Attorney ID No. 43319

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Harrisburg, PA 17120
(717) 772-8839
stwimer@pa.gov

Date: April 21, 2022

I&E

Attachment 1



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

March 30, 2022

Via Electronic Mail

David P. Zambito, Esq.
Jonathan P. Nase, Esq.
Cozen O'Connor
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Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Westover Property Management Company, L.P.
d/b/a Westover Companies
Docket No. C-2022-3030251
I&E Interrogatories and Requests for Production of Documents – Set I

Dear Counsel:

Enclosed are the Bureau of Investigation and Enforcement's ("I&E") **Interrogatories and Requests for Production of Documents – Set I** in the above-referenced matter.

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

Sincerely,

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

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO
WESTOVER PROPERTY MANAGEMENT COMPANY, L.P.
d/b/a WESTOVER COMPANIES
SET I**

Pursuant to 52 Pa. Code §§ 5.341, 5.342 and 5.349, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), through its prosecuting attorneys, hereby propounds the following Interrogatories and Requests for Production of Documents – Set I upon Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) to be answered by those employees or agents of Westover as may be cognizant of the requested information and who are authorized to answer on behalf of Westover. I&E reserves the right to propound additional Interrogatories and to request additional documents as and if additional information is required.

In accordance with 52 Pa. Code §§ 5.342(d) and 5.349(d), the Interrogatories and Requests are to be answered in writing and be verified, and are to be furnished and served upon the undersigned within twenty (20) days.

INSTRUCTIONS

1. These Interrogatories and Requests for Production of Documents shall be construed as a continuing request. Westover is obliged to change, supplement, and correct all answers to these Interrogatories and Requests for Production of Documents to conform to available information, including such information as first becomes available to Westover after the answers hereto are filed and/or submitted.
2. Restate the Interrogatory or Request for Production of Documents immediately preceding each response and begin each response on a new page.
3. Identify the name, title, and business address of each person(s) providing each response.
4. Provide the date on which the response was created.
5. In answering these Interrogatories and Requests for Production of Documents, utilize all information and documents that are available, including information in the possession of any agents, employees or attorneys, or information that is otherwise in Westover's custody and control.
6. If after exercising due diligence to secure the information requested by any one of the following Interrogatories or Requests for Production of Documents Westover cannot answer or provide the information requested, so state and answer to the extent possible specifying Westover's inability to answer the remainder, providing whatever information or knowledge Westover has concerning the unanswered portion and detailing what attempts the Authority made to secure the unknown information.

7. The term “Westover” as used herein includes Westover Property Management Company, L.P. d/b/a Westover Companies, its attorneys, agents, employees, contractors, affiliates, or other representatives.
8. Provide verification by the responsible witness that all facts contained in the response are true and correct to the best of the witness’s knowledge, information and belief.
9. If Westover claims any information requested herein is protected pursuant to 52 Pa. Code § 5.323 or pursuant to any other rule of discovery, provide a general description of the information sought to be protected and the exact nature of the protection claimed so as to allow the Bureau of Investigation and Enforcement to make a full determination as to whether Westover’s claim is valid.
10. 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.
11. If Westover objects to providing any document requested on any ground, state the basis of the objection.
12. If Westover objects to part of an interrogatory and refuses to answer that part, state Westover’s objection and answer the remaining portion of that interrogatory. If Westover objects to the scope or time period of an interrogatory and refuses to answer for that scope or time period, state Westover’s objection and answer the interrogatory for the scope or time period that Westover believes is appropriate.

13. In each instance, the interrogatory or request shall be construed so as to require the most inclusive answer or production.
14. Attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Label the written material with the number of the interrogatory to which it pertains.
15. The singular of any word used herein shall be deemed to include the plural of such word, and the plural shall include the singular.
16. In answering these Interrogatories and Requests for Production of Documents, assume that all words used have their ordinary meanings in normal English usage, except as provided below or where context requires other interpretation.

DEFINITIONS

1. “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.
2. “Date” means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.
3. “Distribution of gas” or “distributes gas” means moves, transports, or provides natural gas to tenants or customers using pipeline facilities operated by Westover.
4. “Document” means all writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including, without limitation, correspondence, memoranda, emails, notes, diaries, statistics, letters, telegrams, minutes, contracts,

reports, summaries, pamphlets, books, inter-office and intra-office communications, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, fax, work sheets, all drafts, alterations, modifications, changes and amendments of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, records), and any electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, records, and computer memories) now in the possession, custody or control of Westover, its agents, employees, attorneys, and all other persons acting on their behalf.

5. “End cap” means a dead end stop at the end of a pipeline.
6. “Natural gas distribution company” means a natural gas public utility or other outside source providing natural gas to Westover.
7. “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.
8. “Pipeline facilities” means all parts of physical facilities through which gas moves, including, but not limited to, pipe, valves, other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, fabricated assemblies, and any other components for use in pipeline.
9. “Shell testing” means the testing of the outer body of a valve housing, independent of the internal working parts.

10. “Squeeze off” means shutting down the flow of gas without turning a valve.
11. “Tenants” means persons occupying property rented from Westover.
12. “Westover” shall refer to Westover Property Management Company, L.P. d/b/a Westover Companies and all other names under which Westover does business or trades in Pennsylvania, any subsidiaries, affiliates, former or current agents, former or current employees, former or current representatives, former or current attorneys, and all other persons acting on their behalf either previously or presently.

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

SET I

1. Identify all witnesses that Westover intends to call in this proceeding.
2. Provide copies of all documents that Westover intends to introduce as evidence in this proceeding.
3. In reference to Paragraph 7(B) of Westover’s January 25, 2022 Answer to I&E’s Complaint:
 - a. Identify the names of the nine (9) cases where the natural gas distribution company delivers gas to meters on the building and Westover distributes gas within the building;
 - b. For each of the cases identified above, describe the type of pipeline facilities that Westover operates in its distribution of gas to tenants; and
 - c. For each of the cases identified above, describe the precise configuration of Westover’s pipeline facilities, starting with a description of where and how they connect to the natural gas distribution company meter and where and how they distribute gas to the tenants.
4. In reference to Paragraph 7(C) of Westover’s January 25, 2022 Answer to I&E’s Complaint:
 - a. Identify the names of the eight (8) cases where the natural gas distribution company delivers gas to a meter for the apartment complex;

- b. For each of the cases identified above, describe the type of pipeline facilities that Westover operates in its distribution of gas to tenants; and
 - c. For each of the cases identified above, describe the precise configuration of Westover's pipeline facilities, starting with a description of where and how they connect to the natural gas distribution company meter and where and how they distribute gas to the tenants.
5. From January 1, 2021 to the present time, provide copies of any and all sample lease agreements, contracts, and/or other communications describing the terms and conditions of Westover's distribution of gas to tenants at the following apartment complexes:
 - a. Valley Stream Apartments
 - b. Paoli Place Apartments and Townhomes
 - c. Norritown East Apartments
 - d. Black Hawk Apartments
 - e. Country Manor Apartments
 - f. Hillcrest Apartments
 - g. Willow Run Apartments
 - h. Oak Forest Apartments
 - i. Mill Creek Village Apartments II
 - j. Mill Creek Village Apartments II
6. Other than the cases referenced in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint, indicate the names of each apartment complex in Pennsylvania where Westover purchases metered gas from a natural gas distribution company and distributes gas to Westover's tenants who either purchase the gas directly through a meter or by other means such as rents.
7. For each of the apartment complexes identified in response to I&E Set I, No. 6, describe the type of pipeline facilities that Westover operates in its distribution of gas to tenants.

8. For each of the apartment complexes identified in response to I&E Set I, No. 6, describe the precise configuration of Westover's pipeline facilities, starting with a description of where and how they connect to the natural gas distribution company meter and where and how they distribute gas to tenants.
9. For each of the apartment complexes identified in response to I&E Set I, No. 6, provide copies of any and all sample lease agreements, contracts, and/or other communications from January 1, 2021 to the present time describing the terms and conditions of Westover's distribution of gas to tenants.
10. Indicate whether Westover distributes gas in Pennsylvania to tenants other than those residing in apartments or apartment complexes, where Westover tenants purchase gas from Westover either directly through a meter or by other means, such as by rents. If answered affirmatively, identify the name and address of each location.
11. For each location identified in response to I&E Set I, No. 10, describe the type of pipeline facilities that Westover operates in its distribution of gas to tenants.
12. For each location identified in response to I&E Set I, No. 10, describe the precise configuration of Westover's pipeline facilities, starting with a description of where and how they connect to the natural gas distribution company meter and where and how they distribute gas to the tenants.
13. For each location identified in response to I&E Set I, No. 10, provide copies of any and all sample lease agreements, contracts, and/or other communications from January 1, 2021 to the present time describing the terms and conditions of Westover's distribution of gas to tenants.
14. Indicate whether any person other than an employee of the Bureau of Investigation and Enforcement advised or informed Westover that it operates master meter systems that are subject to pipeline safety regulation. If answered affirmatively, provide the name, title, and contact information of each person, and approximate date of advisement.
15. In reference to Paragraph 7(A) of Westover's January 25, 2022 Answer to I&E's Complaint, indicate whether the referenced natural gas distribution company has always delivered gas to the Willow Run Apartments, with such residents being billed directly by the natural gas distribution company. If not, provide the date when the referenced natural gas distribution company began delivering and directly billing residents of the Willow Run Apartments for natural gas.

16. From February 20, 2012 to the present time, indicate whether Westover became aware of or reported any suspected natural gas leaks at the apartment complexes referenced in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and at the non-residential locations identified in response to I&E Set I, No. 10, above. If answered affirmatively, provide the following information for each natural gas leak:
 - a. The date that Westover became aware of or reported the leak;
 - b. The location of the leak;
 - c. Whether Westover reported the leak to a natural gas distribution company;
 - d. The name of the natural gas distribution company where Westover reported the leak;
 - e. The cause of the leak;
 - f. A description of the repairs made; and
 - g. Whether an outage of natural gas service occurred resulting from the leak.
17. From February 20, 2012 to the present time, provide a copy of any and all reports prepared by consultants retained by Westover concerning Westover's pipeline facilities at the apartment complexes referenced in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint, and in response to I&E Set I, No. 6, above, and at the non-residential locations identified in response to I&E Set I, No. 10, above.
18. Provide any and all maps and/or other records in Westover's possession depicting pipeline facilities at the apartment complexes referenced in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint, the locations identified in response to I&E Set I, No. 6, above, the non-residential locations identified in response to I&E Set I, No. 10, above, and at the following locations:
 - 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
19. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for the non-residential locations identified in response to I&E Set I, No. 10, above, provide the following information concerning Westover's pipeline facilities:
- a. The type of material of the pipe, *i.e.*, plastic or steel;
 - b. The date of manufacture;
 - c. The date of installation;
 - d. The length of pipeline segments that transport gas from the natural gas distribution company meter to the tenant;
 - e. For steel pipeline facilities, the type of weld joints and methods of welding;
 - f. The outer diameter of all piping;
 - g. The wall thickness of any steel piping; and
 - h. The standard dimensional ratio of any plastic piping.

20. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint, and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, provide any and all records to demonstrate that Westover's pipeline facilities were installed free of defects.
21. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, list the locations of all squeeze offs and the dates when squeeze offs were performed.
22. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, list the location of all end caps and specify the type of each end cap.
23. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, provide the following information related to valves:
 - a. The location of each valve;
 - b. The make and model of each valve;
 - c. The maximum service pressure of each valve;
 - d. The size of a key for each valve;
 - e. Records, including dates, to demonstrate the last three (3) inspection cycles of all valves;
 - f. Pressure test records of shell testing of each valve;
 - g. Records to illustrate pressure testing after the installation of each valve; and
 - h. Records of each valve's operation after the final pressure test.
24. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, identify the location of all steel service lines operating at less than 100 pounds per square inch ("p.s.i.").

25. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, identify the location of all plastic service lines installed below ground level. For each plastic service line installed below ground level, indicate:
 - a. the location of all service risers;
 - b. the length of all risers; and
 - c. the material type for each riser.

26. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, identify:
 - a. the locations of all excess flow valves;
 - b. the make and model of each excess flow valve;
 - c. the date of installation of each excess flow valve; and
 - d. the manufacturers' written specifications for testing each type of valve.

27. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above provide:
 - a. the locations of all manual service line shut-off valves;
 - b. the date of installation of each manual service line shut-off valve;
 - c. the make and model of each manual service line shut-off valve;
 - d. they type of connection of each manual service line shut-off valve to the main line piping;
 - e. the scheduled maintenance of each manual service line shut-off valve as set forth in the valve manufacturer's specification; and
 - f. maintenance records for each manual service line shut-off valve for the last three (3) cycles.

28. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above provide the following information related to corrosion control:
- a. all documents demonstrating corrosion control maintenance for the last five (5) years;
 - b. the location of all anodes;
 - c. whether any master meter system is subject to interference currents;
 - d. whether each master meter system is rectified;
 - e. whether each master meter system has any foreign bonds;
 - f. all documents illustrating external corrosion control examinations of buried pipelines for the last five (5) years; and
 - g. all records of atmospheric corrosion control monitoring and maintenance conducted for the last three (3) cycles.
29. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide test records for all pressure tests conducted on Westover's pipeline facilities for the past five (5) years and indicate:
- a. the test pressure;
 - b. the duration of the test;
 - c. the name of the person who conducted the test;
 - d. the test medium used;
 - e. all pressure charts and tables;
 - f. documents showing elevation variations; and
 - g. an identification of any leaks or failures discovered.

30. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, identify all repairs made over the past five (5) years. For each repair, identify:
- a. what was replaced, repaired, or removed from service;
 - b. the date of each repair;
 - c. the method of each repair;
 - d. the person who completed the repair;
 - e. the procedure used to make the repair;
 - f. the reason for the repair; and
 - g. the location and description of any leaks discovered.
31. If any of the repairs provided in response to I&E Set I, No. 30 resulted in pipe replacement, identify and provide:
- a. the material of the new pipe;
 - b. the length of the new pipe;
 - c. the types of coupling methods used;
 - d. all lists of equipment used to install the new pipe;
 - e. whether pressure tests were performed on the new pipe; and
 - f. if pressure tests were performed on the new pipe, indicate the duration and type of medium of the pressure tests and provide all pressure test reports.
32. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide all patrolling records for any patrols conducted on each master meter system for the last three (3) cycles.

33. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide all records of any leak surveys conducted for the last three (3) cycles for each master meter systems.
34. For each leak survey provided in response to I&E Set I, No. 33, above, indicate the type of equipment used.
35. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide all records for any abandoned or deactivated pipeline facilities for each master meter system.
36. For each instance of abandonment or deactivation provided in response to I&E Set I, No. 35, above, indicate:
 - a. how each line was purged;
 - b. how Westover complied with the requirements set forth in 49 CFR § 192.727; and
 - c. all records related to each instance of abandonment and deactivation.
37. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide all records related to emergency valve maintenance and emergency valve inspections for the past three (3) cycles.
38. For each instance of emergency valve maintenance or emergency valve inspection provided in response to I&E Set I, No. 37, above, indicate:
 - a. the date of the maintenance or inspection; and
 - b. the valve identification number.
39. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide the following information related to operator qualification:
 - a. all lists of covered tasks;

- b. all operator qualification records for Westover employees or Westover contractors who perform a covered task;
- c. the dates in which each Westover employee or Westover contractor was qualified to perform the covered task; and
- d. all lists of abnormal operating conditions for each covered task.

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

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	2376824

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: 3/30/2022 4:05 PM

Filed On: 3/30/2022 4:05 PM

eFiling Confirmation Number: 2376824

File Name	Document Type	Upload Date
C-2022-3030251 (Westover Companies) I&E Interrogatories - Set I CL&COS FINAL.pdf	Certificate of Service	3/30/2022 4:05:16 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.

I&E

Attachment 2



April 11, 2022

VIA E-MAIL

David P. Zambito

Direct Phone 717-703-5892

Direct Fax 215-989-4216

dzambito@cozen.com

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

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

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

Dear Senior Prosecutor Wimer:

Enclosed please find the above-referenced Objections of Westover Property Management Company, L.P. d/b/a Westover Companies. 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

A handwritten signature in blue ink, appearing to read "David P. Zambito", written over a faint circular stamp.

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

DPZ:kmg
Enclosures

cc: Rosemary Chiavetta, Secretary (*Cover Letter and Certificate of Service Only*)
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

:
:
:
:
:
:
:

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

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

6. Other than the cases referenced in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint, indicate the names of each apartment complex in Pennsylvania where Westover purchases metered gas from a natural gas distribution company and distributes gas to Westover's tenants who either purchase the gas directly through a meter or by other means such as rents.

Objection:

Westover objects to this interrogatory because it exceeds the scope of permissible discovery in Commission proceedings. 52 Pa. Code § 5.321(c) allows a party to

... 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 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.

In this case, I&E has filed a complaint alleging that Westover operates a master meter system (as defined in the federal pipeline safety laws) at seventeen apartment complexes in Pennsylvania. This interrogatory, however, seeks information pertaining to *other* apartment complexes that were not named in the Complaint. The information sought by this interrogatory is not relevant to I&E's claims in the Complaint, nor is it reasonably calculated to lead to the discovery of admissible evidence regarding those claims.

This interrogatory is a fishing expedition seeking information so I&E can amend the Complaint to include additional apartment complexes. Westover respectfully submits that it is inappropriate for I&E to file a complaint alleging one violation and then conduct discovery seeking information relating to an unrelated potential violation.

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

7. For each of the apartment complexes identified in response to I&E Set I, No. 6, describe the type of pipeline facilities that Westover operates in its distribution of gas to tenants.

Objection:

Westover objects to this interrogatory on the same grounds stated in its Objection to I&E's Interrogatory Set I., No. 6. This interrogatory exceeds the scope of permissible discovery in Commission proceedings. 52 Pa. Code § 5.321(c) allows a party to

... 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 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.

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**WESTOVER’S OBJECTIONS TO I&E’S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I**

8. For each of the apartment complexes identified in response to I&E Set I, No. 6, describe the precise configuration of Westover’s pipeline facilities, starting with a description of where and how they connect to the natural gas distribution company meter and where and how they distribute gas to tenants.

Objection:

Westover objects to this interrogatory on the same grounds stated in its Objection to I&E’s Interrogatory Set I., No. 6. This interrogatory exceeds the scope of permissible discovery in Commission proceedings. 52 Pa. Code § 5.321(c) allows a party to

... 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 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.

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**WESTOVER’S OBJECTIONS TO I&E’S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

SET I

9. For each of the apartment complexes identified in response to I&E Set I, No. 6, provide copies of any and all sample lease agreements, contracts, and/or other communications from January 1, 2021 to the present time describing the terms and conditions of Westover’s distribution of gas to tenants.

Objection:

Westover objects to this interrogatory on the same grounds stated in its Objection to I&E’s Interrogatory Set I., No. 6. This interrogatory exceeds the scope of permissible discovery in Commission proceedings. 52 Pa. Code § 5.321(c) allows a party to

... 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 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.

In this case, I&E has filed a complaint alleging that Westover operates a master meter system (as defined in the federal pipeline safety laws) at seventeen apartment complexes in Pennsylvania. This interrogatory, however, seeks information pertaining to *other* apartment complexes that were not named in the Complaint. The information sought by this interrogatory is not relevant to I&E’s claims in the Complaint, nor is it reasonably calculated to lead to the discovery of admissible evidence regarding those claims.

This interrogatory is a fishing expedition seeking information so I&E can amend the Complaint to include additional apartment complexes. Westover respectfully submits that it is inappropriate for I&E to file a complaint alleging one violation and then conduct discovery seeking information relating to an unrelated potential violation.

WESTOVER'S OBJECTIONS TO I&E'S
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10. Indicate whether Westover distributes gas in Pennsylvania to tenants other than those residing in apartments or complexes, where Westover tenants purchase gas from Westover either directly through or by other means, such as by rents. If answered affirmatively, identify the name and address of each location.

Objection:

Westover objects to this interrogatory because it exceeds the scope of permissible discovery in Commission proceedings. 52 Pa. Code § 5.321(c) allows a party to

... 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 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.

In this case, I&E has filed a complaint alleging that Westover operates a master meter system (as defined in the federal pipeline safety laws) at seventeen apartment complexes in Pennsylvania. This interrogatory, however, seeks information pertaining to commercial properties – none of which were named in the Complaint. The information sought by this interrogatory is not relevant to I&E's claims in the Complaint, nor is it reasonably calculated to lead to the discovery of admissible evidence regarding those claims.

This interrogatory is a fishing expedition seeking information so I&E can amend the Complaint to include additional properties. Westover respectfully submits that it is inappropriate for I&E to file a complaint alleging one violation and then conduct discovery seeking information relating to an unrelated potential violation.

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11. For each location identified in response to I&E Set I, No. 10, describe the type of pipeline facilities that Westover operates in its distribution of gas to tenants.

Objection:

Westover objects to this interrogatory on the same grounds stated in its Objection to I&E’s Interrogatory Set I., No. 10. This interrogatory exceeds the scope of permissible discovery in Commission proceedings. 52 Pa. Code § 5.321(c) allows a party to

... 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 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.

In this case, I&E has filed a complaint alleging that Westover operates a master meter system (as defined in the federal pipeline safety laws) at seventeen apartment complexes in Pennsylvania. This interrogatory, however, seeks information pertaining to commercial properties – none of which were named in the Complaint. The information sought by this interrogatory is not relevant to I&E’s claims in the Complaint, nor is it reasonably calculated to lead to the discovery of admissible evidence regarding those claims.

This interrogatory is a fishing expedition seeking information so I&E can amend the Complaint to include additional properties. Westover respectfully submits that it is inappropriate for I&E to file a complaint alleging one violation and then conduct discovery seeking information relating to an unrelated potential violation.

**WESTOVER’S OBJECTIONS TO I&E’S
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12. For each location identified in response to I&E Set I, No. 10, describe the precise configuration of Westover’s pipeline facilities, starting with a description of where and how they connect to the natural gas distribution company meter and where and how they distribute gas to the tenants.

Objection:

Westover objects to this interrogatory on the same grounds stated in its Objection to I&E’s Interrogatory Set I, No. 10. This interrogatory exceeds the scope of permissible discovery in Commission proceedings. 52 Pa. Code § 5.321(c) allows a party to

... 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 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.

In this case, I&E has filed a complaint alleging that Westover operates a master meter system (as defined in the federal pipeline safety laws) at seventeen apartment complexes in Pennsylvania. This interrogatory, however, seeks information pertaining to commercial properties – none of which were named in the Complaint. The information sought by this interrogatory is not relevant to I&E’s claims in the Complaint, nor is it reasonably calculated to lead to the discovery of admissible evidence regarding those claims.

This interrogatory is a fishing expedition seeking information so I&E can amend the Complaint to include additional properties. Westover respectfully submits that it is inappropriate for I&E to file a complaint alleging one violation and then conduct discovery seeking information relating to an unrelated potential violation.

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13. For each location identified in response to I&E Set I, No. 10, provide copies of any and all sample lease agreements, contracts, and/or other communications from January 1, 2021 to the present time describing the terms and conditions of Westover’s distribution of gas to tenants.

Objection:

Westover objects to this interrogatory on the same grounds stated in its Objection to I&E’s Interrogatory Set I., No. 10. This interrogatory exceeds the scope of permissible discovery in Commission proceedings. 52 Pa. Code § 5.321(c) allows a party to

... 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 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.

In this case, I&E has filed a complaint alleging that Westover operates a master meter system (as defined in the federal pipeline safety laws) at seventeen apartment complexes in Pennsylvania. This interrogatory, however, seeks information pertaining to commercial properties – none of which were named in the Complaint. The information sought by this interrogatory is not relevant to I&E’s claims in the Complaint, nor is it reasonably calculated to lead to the discovery of admissible evidence regarding those claims.

This interrogatory is a fishing expedition seeking information so I&E can amend the Complaint to include additional properties. Westover respectfully submits that it is inappropriate for I&E to file a complaint alleging one violation and then conduct discovery seeking information relating to an unrelated potential violation.

WESTOVER'S OBJECTIONS TO I&E'S
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16. From February 20, 2012 to the present time, indicate whether Westover became aware of or reported any suspected natural gas leaks at the apartment complexes referenced in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and at the non-residential locations identified in response to I&E Set I, No. 10, above. If answered affirmatively, provide the following information for each natural gas leak:
- a. The date that Westover became aware of or reported the leak;
 - b. The location of the leak;
 - c. Whether Westover reported the leak to a natural gas distribution company;
 - d. The name of the natural gas distribution company where Westover reported the leak;
 - e. The cause of the leak;
 - f. A description of the repairs made; and
 - g. Whether an outage of natural gas service occurred resulting from the leak.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory to the extent it requests information for a ten-year period. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party. By requesting information for a ten-year period, this interrogatory is unreasonably burdensome, and requires Westover to make an unreasonable investigation.

The Pennsylvania Public Utility Code, 66 Pa. C.S. § 3314, prohibits prosecutions for violations occurring more than three years before a complaint is filed. I&E's Complaint was filed on January 3, 2022. Under these circumstances, this Interrogatory is unreasonable in requesting records for the last ten years.

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17. From February 20, 2012 to the present time, provide a copy of any and all reports prepared by consultants retained by Westover concerning Westover's pipeline facilities at the apartment complexes referenced in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint, and in response to I&E Set I, No. 6, above, and at the non-residential locations identified in response to I&E Set I, No. 10, above.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory to the extent it requests information for a ten-year period. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party. By requesting information for a ten-year period, this interrogatory is unreasonably burdensome, and requires Westover to make an unreasonable investigation.

The Pennsylvania Public Utility Code, 66 Pa. C.S. § 3314, prohibits prosecutions for violations occurring more than three years before a complaint is filed. I&E's Complaint was filed on January 3, 2022. Under these circumstances, this Interrogatory is unreasonable in requesting records for the last ten years.

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SET I

18. Provide any and all maps and/or other records in Westover's possession depicting pipeline facilities at the apartment complexes referenced in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint, the locations identified in response to I&E Set I, No. 6, above, the non-residential locations identified in response to I&E Set I, No. 10, above, and at the following locations:
- 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:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

WESTOVER'S OBJECTIONS TO I&E'S
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19. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for the non-residential locations identified in response to I&E Set I, No. 10, above, provide the following information concerning Westover's pipeline facilities:
- a. The type of material of the pipe, *i.e.*, plastic or steel;
 - b. The date of manufacture;
 - c. The date of installation;
 - d. The length of pipeline segments that transport gas from the natural gas distribution company meter to the tenant;
 - e. For steel pipeline facilities, the type of weld joints and methods of welding;
 - f. The outer diameter of all piping;
 - g. The wall thickness of any steel piping; and
 - h. The standard dimensional ratio of any plastic piping.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

Westover further objects to this interrogatory because it appears to request information regarding Westover's compliance with federal regulations applicable to master meter systems. Westover does not operate any master meter systems, as defined in the federal pipeline safety laws, and is not required to comply with the federal regulations that apply to master meter systems.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory seeks very detailed information about the pipeline facilities at each of Westover's apartment complexes, including: the date the pipes were manufactured, the date they were installed, the outer diameter of all piping, and the type of weld joints and methods of welding. Answering this interrogatory would require Westover to undertake an unreasonable investigation, especially considering that some of Westover's pipelines are inside the walls and floors of buildings and some of Westover's pipelines are underground.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

**WESTOVER'S OBJECTIONS TO I&E'S
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20. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint, and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, provide any and all records to demonstrate that Westover's pipeline facilities were installed free of defects.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

Westover further objects to this interrogatory because it appears to request information regarding Westover's compliance with federal regulations applicable to master meter systems. Westover does not operate any master meter systems, as defined in the federal pipeline safety laws, and is not required to comply with the federal regulations that apply to master meter systems.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

Westover did not construct the gas systems at any of its facilities; it acquired the facilities when it acquired the properties. Westover conducted due diligence on each gas system at the time it was acquired, and has operated and maintained each gas system since it was acquired (in some cases, Westover has operated and maintained the gas systems for many years). Under these circumstances, it is unreasonable to ask Westover to search for the prior owners' documents regarding the original construction of the facilities.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover’s facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

**WESTOVER'S OBJECTIONS TO I&E'S
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21. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, list the locations of all squeeze offs and the dates when squeeze offs were performed.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to identify the locations of all squeeze offs at all of its apartment complexes, and the dates that squeeze-offs were performed. This interrogatory is unlimited as to time, and therefore requests information pertaining to squeeze offs performed by prior owners of the complexes. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

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22. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, list the location of all end caps and specify the type of each end cap.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to identify the location and type of each and every end cap at all of Westover's apartment complexes. Answering this interrogatory would require Westover to undertake an unreasonable investigation, especially considering that some of Westover's facilities are inside the walls and floors of buildings and other facilities are underground.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

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23. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, provide the following information related to valves:
- a. The location of each valve;
 - b. The make and model of each valve;
 - c. The maximum service pressure of each valve;
 - d. The size of a key for each valve;
 - e. Records, including dates, to demonstrate the last three (3) inspection cycles of all valves;
 - f. Pressure test records of shell testing of each valve;
 - g. Records to illustrate pressure testing after the installation of each valve; and
 - h. Records of each valve's operation after the final pressure test.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide very detailed information regarding its pipeline facilities at each of Westover's apartment complexes. This information includes: the location, make and model of each valve; the size of a key for each valve; and various records concerning each valve. Answering this interrogatory would require Westover to undertake an unreasonable investigation, especially considering that some of Westover's facilities are inside the walls and floors of buildings and other facilities are underground.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

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24. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover’s Answer to I&E’s Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, identify the location of all steel service lines operating at less than 100 pounds per square inch (“p.s.i.”).

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide specific information about its pipeline facilities at each of Westover’s apartment complexes. Answering this interrogatory would require Westover to undertake an unreasonable investigation, especially considering that some of Westover’s facilities are inside the walls and floors of buildings and other facilities are underground.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission’s jurisdiction over Westover’s facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover’s facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

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25. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover’s Answer to I&E’s Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, identify the location of all plastic service lines installed below ground level. For each plastic service line installed below ground level, indicate:
- a. the location of all service risers;
 - b. the length of all risers; and
 - c. the material type for each riser.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide very specific information about its pipeline facilities at each of Westover’s apartment complexes: location, length and material type for each riser at each apartment complex. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission’s jurisdiction over Westover’s facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover’s facilities – information that has little to no relevance to

this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

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26. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above, identify:
- a. the locations of all excess flow valves;
 - b. the make and model of each excess flow valve;
 - c. the date of installation of each excess flow valve; and
 - d. the manufacturers' written specifications for testing each type of valve.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide very specific information about its pipeline facilities at each of Westover's apartment complexes, including the make and model of each excess flow valve, the date each excess flow valve was installed, and the manufacturer's written specifications for testing each type of valve. Answering this interrogatory would require Westover to undertake an unreasonable investigation. This is particularly true, considering that the interrogatory is unlimited as to time but Westover purchased many of its complexes years after they were constructed.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover’s facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

27. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above provide:
- a. the locations of all manual service line shut-off valves;
 - b. the date of installation of each manual service line shut-off valve;
 - c. the make and model of each manual service line shut-off valve;
 - d. the type of connection of each manual service line shut-off valve to the main line piping;
 - e. the scheduled maintenance of each manual service line shut-off valve as set forth in the valve manufacturer's specification; and
 - f. maintenance records for each manual service line shut-off valve for the last three (3) cycles.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide very specific information about its pipeline facilities at each of Westover's apartment complexes, including the make and model of each manual service line shut-off valve, the type of connection of each manual service line shut-off valve to the main line piping; and the date of installation of each manual line shut-off valve. Answering this interrogatory would require Westover to undertake an unreasonable investigation. This is particularly true, considering that the interrogatory is unlimited as to time but Westover purchased many of its complexes years after they were constructed.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

28. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, above provide the following information related to corrosion control:
- a. all documents demonstrating corrosion control maintenance for the last five (5) years;
 - b. the location of all anodes;
 - c. whether any master meter system is subject to interference currents;
 - d. whether each master meter system is rectified;
 - e. whether each master meter system has any foreign bonds;
 - f. all documents illustrating external corrosion control examinations of buried pipelines for the last five (5) years; and
 - g. all records of atmospheric corrosion control monitoring and maintenance conducted for the last three (3) cycles.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

Westover further objects to this interrogatory because it appears to request information regarding Westover's compliance with federal regulations applicable to master meter systems. Westover does not operate any master meter systems, as defined in the federal pipeline safety laws, and is not required to comply with the federal regulations that apply to master meter systems.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or

expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide very specific information about its pipeline facilities at each of Westover's apartment complexes, including the make and model of each manual service line shut-off valve, the type of connection of each manual service line shut-off valve to the main line piping; and the date of installation of each manual line shut-off valve. Answering this interrogatory would require Westover to undertake an unreasonable investigation. This is particularly true, considering that the interrogatory is unlimited as to time but Westover purchased many of its complexes years after they were constructed.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

29. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide test records for all pressure tests conducted on Westover's pipeline facilities for the past five (5) years and indicate:
- a. the test pressure;
 - b. the duration of the test;
 - c. the name of the person who conducted the test;
 - d. the test medium used;
 - e. all pressure charts and tables;
 - f. documents showing elevation variations; and
 - g. an identification of any leaks or failures discovered.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide very specific information about pressure tests of its pipeline facilities at each of Westover's apartment complexes. For each test during the last five years, I&E requests the name of the person who conducted the test, the test medium used, the duration of the test and the test pressure. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this

case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

**WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I**

30. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, identify all repairs made over the past five (5) years. For each repair, identify:
- a. what was replaced, repaired, or removed from service;
 - b. the date of each repair;
 - c. the method of each repair;
 - d. the person who completed the repair;
 - e. the procedure used to make the repair;
 - f. the reason for the repair; and
 - g. the location and description of any leaks discovered.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I, No. 6, and the commercial properties described in Interrogatory Set I, No. 10, Westover objects for the reasons stated in response to those interrogatories.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to list each and every repair (no matter how small) made during the last 5 years at each of its apartment complexes. For each repair, Westover is to describe the repair, specify the date of the repair, identify the person who made the repair and the "procedure" used to make the repair, as well as additional information. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover’s facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

31. If any of the repairs provided in response to I&E Set I, No. 30 resulted in pipe replacement, identify and provide:
- a. the material of the new pipe;
 - b. the length of the new pipe;
 - c. the types of coupling methods used;
 - d. all lists of equipment used to install the new pipe;
 - e. whether pressure tests were performed on the new pipe; and
 - f. if pressure tests were performed on the new pipe, indicate the duration and type of medium of the pressure tests and provide all pressure test reports.

Objection:

Westover objects to this interrogatory for all of the reasons set forth in Westover's objection to Interrogatory Set I, No. 30.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide very specific information about pipe replacements at each of its apartment complexes during the last five years, including the material and length of each pipe replacement and the types of coupling methods used for each pipe replacement. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Finally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very

detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

**WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I**

32. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide all patrolling records for any patrols conducted on each master meter system for the last three (3) cycles.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

Westover further objects to this interrogatory because it appears to request information regarding Westover's compliance with federal regulations applicable to master meter systems. Westover does not operate any master meter systems, as defined in the federal pipeline safety laws, and is not required to comply with the federal regulations that apply to master meter systems.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide all records concerning patrols during three cycles at each of its apartment complexes. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Additionally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive

in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

**WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I**

33. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide all records of any leak surveys conducted for the last three (3) cycles for each master meter systems.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

Westover further objects to this interrogatory because it appears to request information regarding Westover's compliance with federal regulations applicable to master meter systems. Westover does not operate any master meter systems, as defined in the federal pipeline safety laws, and is not required to comply with the federal regulations that apply to master meter systems.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

Interrogatory No. 33 asks Westover to provide all records of every leak survey conducted at each of its apartment complexes during the last three cycles. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Additionally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive

in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

34. For each leak survey provided in response to I&E Set I, No. 33, above, indicate the type of equipment used.

Objection:

Westover objects to this interrogatory for the same reasons set forth in its Objection to Interrogatory 33.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. Interrogatory No. 34 asks Westover to identify the type of leak equipment used for every leak survey conducted at each of its apartment complexes during the last three cycles. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

35. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide all records for any abandoned or deactivated pipeline facilities for each master meter system.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

Westover further objects to this interrogatory because it appears to request information regarding Westover's compliance with federal regulations applicable to master meter systems. Westover does not operate any master meter systems, as defined in the federal pipeline safety laws, and is not required to comply with the federal regulations that apply to master meter systems.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide all records concerning any pipelines that have ever been abandoned or deactivated at any of the apartment complexes currently operated by Westover. Answering this interrogatory would require Westover to undertake an unreasonable investigation, especially considering that Westover purchased many of its complexes years after they were constructed.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Additionally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260

interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

36. For each instance of abandonment or deactivation provided in response to I&E Set I, No. 35, above, indicate:
- a. how each line was purged;
 - b. how Westover complied with the requirements set forth in 49 CFR § 192.727; and
 - c. all records related to each instance of abandonment and deactivation.

Objection:

Westover objects to this interrogatory for the same reasons set forth in its Objection to Interrogatory 35. Without limiting the foregoing, Westover reiterates that it does not operate any "master meter systems," as defined in the federal pipeline safety laws, and therefore is not required to comply with 49 CFR § 192.727.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to describe how each line was purged, and to turn over all records relating to each instance of abandonment and deactivation, regardless of when the pipe was deactivated or abandoned. Answering this interrogatory would require Westover to undertake an unreasonable investigation, especially considering that Westover purchased many of its complexes years after they were constructed.

**WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I**

37. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide all records related to emergency valve maintenance and emergency valve inspections for the past three (3) cycles.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

Westover further objects to this interrogatory because it appears to request information regarding Westover's compliance with federal regulations applicable to master meter systems. Westover does not operate any master meter systems, as defined in the federal pipeline safety laws, and is not required to comply with the federal regulations that apply to master meter systems.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide all records concerning emergency valve maintenance and inspections at any of the apartment complexes currently operated by Westover during any of the last three cycles. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Additionally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information

that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

38. For each instance of emergency valve maintenance or emergency valve inspection provided in response to I&E Set I, No. 37, above, indicate:
- a. the date of the maintenance or inspection; and
 - b. the valve identification number.

Objection:

Westover objects to this interrogatory for the same reasons as set forth in response to Interrogatory No. 37.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide very specific factual information about the emergency valve inspection or maintenance that Westover performed at any of the apartment complexes currently operated by Westover during any of the last three cycles. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

WESTOVER'S OBJECTIONS TO I&E'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
SET I

39. For each of the apartment complexes identified in Paragraph 7(B) and 7(C) of Westover's Answer to I&E's Complaint and in response to I&E Set I, No. 6, above, and for each of the non-residential locations identified in response to I&E Set I, No. 10, provide the following information related to operator qualification:
- a. all lists of covered tasks;
 - b. all operator qualification records for Westover employees or Westover contractors who perform a covered task;
 - c. the dates in which each Westover employee or Westover contractor was qualified to perform the covered task; and
 - d. all lists of abnormal operating conditions for each covered task.

Objection:

To the extent this interrogatory requests information pertaining to the apartment complexes described in Interrogatory Set I., No. 6, and the commercial properties described in Interrogatory Set I., No. 10, Westover objects for the reasons stated in response to those interrogatories.

Westover further objects to this interrogatory because it appears to request information regarding Westover's compliance with federal regulations applicable to master meter systems. Westover does not operate any master meter systems, as defined in the federal pipeline safety laws, and is not required to comply with the federal regulations that apply to master meter systems.

In addition, Westover objects to this interrogatory because it is unreasonably burdensome and requires an unreasonable investigation. 52 Pa. Code § 5.361(a)(2) prohibits discovery that would cause unreasonable annoyance, embarrassment, oppression, burden or expense to a party. 52 Pa. Code § 5.361(a)(4) prohibits discovery that would require the making of an unreasonable investigation by a party.

This interrogatory asks Westover to provide very specific information, including operator qualification records, the dates on which operators became qualified, and a list of all covered tasks at each of the apartment complexes currently operated by Westover. Answering this interrogatory would require Westover to undertake an unreasonable investigation.

In addition, Westover objects to this interrogatory as exceeding the scope of permissible discovery in Commission proceedings. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The primary issue in this case is the legal question of the Commission's jurisdiction over Westover's facilities. None of the requested information would be admissible because it is not relevant to this question.

Additionally, Westover submits that this interrogatory should not be considered in a vacuum; it should be considered in the context of the other interrogatories in Set I. Interrogatories 19-39, and all their subparts (a total of 74 questions, most of which must be answered separately for each of 17 apartment complexes – effectively, almost 1,260 interrogatories), ask for very detailed information about Westover's facilities – information that has little to no relevance to this proceeding. Together, these interrogatories are oppressive in violation of 52 Pa. Code § 5.361(a)(3), and demonstrate bad faith in violation of 52 Pa. Code § 5.361(a)(1).



Objections signed by: _____

**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: April 21, 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

**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 document 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:¹

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Dated: April 21, 2022

¹ See *Waiver of Regulations Regarding Service Requirements*, Docket No. M-2021-3028321 (Order entered March 10, 2022) (permitting electronic service by Commission staff on parties).