



November 14, 2022

**VIA E-FILING**

**David P. Zambito**

Direct Phone 717-703-5892

Direct Fax 215-989-4216

dzambito@cozen.com

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.; Docket Nos. C-2022-3030251 and P-2021-3030002**

**Motion of Westover Property Management Company, L.P. d/b/a Westover Companies for an Extension of Time to Answer Some of the Interrogatories Propounded by the Bureau of Investigation and Enforcement, Set I**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("Commission") is the above-referenced Motion.

Copies have been served as shown on the enclosed certificate of service.

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

Sincerely,

COZEN O'CONNOR

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

DPZ/kmg

Enclosures

cc: Deputy Chief Administrative Law Judge Christopher P. Pell  
Per Certificate of Service  
Peter Quercetti  
Alexander Stefanelli

**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 Nos. C-2022-3030251  
P-2021-3030002

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 14<sup>th</sup> day of November, 2022 served the foregoing **Motion of Westover Property Management Company, L.P. d/b/a Westover Companies for an Extension of Time to Answer Some of the Interrogatories Propounded by the Bureau of Investigation and Enforcement, Set I**, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**VIA E-MAIL AND FIRST CLASS MAIL**

Stephanie M. Wimer, Esq.  
Kayla L. Rost, Esq.  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
Harrisburg, PA 17120  
stwimer@pa.gov  
karost@pa.gov



---

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
	:	Docket Nos. C-2022-3030251
v.	:	P-2021-3030002
	:	
Westover Property Management Company, L.P. d/b/a Westover Companies	:	

**NOTICE TO PLEAD**

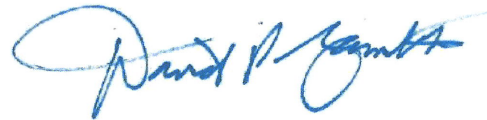
Pursuant to 52 Pa. Code § 5.103(b), you are hereby notified that, unless otherwise ordered by the Pennsylvania Public Utility Commission, you have twenty (20) days from the service of the enclosed Motion of Westover Property Management Company, L.P. d/b/a Westover Companies for an Extension of Time to Answer Some of the Interrogatories Propounded by the Bureau of Investigation and Enforcement, Set I (“Motion”) to file an Answer to the Motion. Your failure to answer will allow the Commission to rule on the Motion without a response from you, thereby requiring no other proof. All pleadings, such as an Answer, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on counsel for Westover, and where applicable the Administrative Law Judge presiding over the case.

**File with:**

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

**With a copy to:**

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



---

David P. Zambito, Esq. (I.D. No. 80017)  
Jonathan P. Nase, Esq. (I.D. No. 44003)  
Cozen O’Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101  
Tel: (717) 703-5892  
Fax: (215) 989-4216  
Email: dzambito@cozen.com  
E-mail: jnase@cozen.com

Dated: November 14, 2022

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

**VERIFICATION**

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

Date: November 14, 2022

Peter D. Quessetti

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket Nos. C-2022-3030251 P-2021-3030002
	:	
Westover Property Management Company, L.P. d/b/a Westover Companies	:	

---

**MOTION OF WESTOVER PROPERTY MANAGEMENT COMPANY, L.P.  
D/B/A WESTOVER COMPANIES FOR AN EXTENSION OF TIME TO ANSWER  
SOME OF THE INTERROGATORIES PROPOUNDED BY THE BUREAU OF  
INVESTIGATION AND ENFORCEMENT, SET I**

---

AND NOW COMES Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) pursuant to 52 Pa. Code §§ 1.15(a) and 5.103, to request additional time to answer some of the Interrogatories Propounded by the Bureau of Investigation and Enforcement, Set I (“Set I”), as directed by the Interim Order Addressing Motions to Compel Filed by Westover Property Management Company, L.P. and the Bureau of Investigation and Enforcement (the “Discovery Order”).<sup>1</sup> Specifically, Westover will serve answers to some of the Interrogatories on November 14, 2022. Westover requests an additional twenty days to answer the remaining Interrogatories.

In support whereof, Westover avers as follows:

**I. Pertinent Procedural History**

1. The Bureau of Investigation and Enforcement (“I&E”) served Set I on Westover on March 30, 2022.

---

<sup>1</sup> The interrogatories that Westover was ordered to answer will be referred to herein as the “Interrogatories.”

2. Westover served I&E with Objections to some of the interrogatories in Set I on April 11, 2022.

3. I&E filed a Motion to Compel on April 21, 2022.

4. Westover filed an Answer opposing the Motion to Compel on April 26, 2022.

5. On October 25, 2022, Deputy Chief Administrative Law Judge Christopher P. Pell (the "ALJ") granted I&E's Motion to Compel, in part, and denied it in part. The Discovery Order directed Westover to answer the Interrogatories within twenty days (*i.e.*, by November 14, 2022).

6. On the morning of Thursday, November 10, 2022, counsel for Westover contacted counsel for I&E to request an extension of time to answer the Interrogatories. Specifically, counsel for Westover proposed that Westover serve I&E with the interrogatory answers that Westover had as of Monday, November 14, 2022 and every Monday thereafter, until all Interrogatories were answered. All Interrogatories would be answered within an additional twenty days (*i.e.*, by Monday, December 5, 2022).

7. By e-mail of 4:47 p.m., counsel for I&E advised Westover that she opposed any extension of time to answer any of the Interrogatories. By that time, the offices of the Pennsylvania Public Utility Commission (the "Commission") were closed. The Commission's offices were also closed on Friday, November 11, 2022, in observance of Veterans Day.

8. This Motion is being filed on the next business day following I&E's refusal to grant any extension of the deadline for answering the Interrogatories.

9. Westover has been working on answering the Interrogatories. By 4:30 p.m. on Monday, November 14, 2022, Westover will serve I&E with answers to some of the Interrogatories. At this time, Westover continues to work on the Interrogatories, so it is unknown how many Interrogatories will remain unanswered by 4:30 p.m. on November 14, 2022.

10. By this Motion, Westover seeks an additional twenty days to submit answers to any remaining Interrogatories.

## **II. Legal Standards**

11. 52 Pa. Code § 1.15(a)(1) provides:

Except as otherwise provided by statute, whenever under this title or by order of the Commission, or notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission, the presiding officer or other authorized person, for good cause be extended upon motion made before expiration of the period originally prescribed or as previously extended. Upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act.

12. Since this Motion is being filed before the expiration of the period prescribed by the ALJ for answering the Interrogatories, the applicable legal standard is good cause for the extension.

## **III. Westover has Good Cause for the Requested Extension**

13. The ALJ's Order required Westover to answer thirty-two separate interrogatories, many with several subparts. The Interrogatories requested detailed facts, such as:

- For each natural gas leak that Westover suspected or reported since the Complaint was filed, indicate the date Westover became aware of the leak, the location of the leak, whether Westover reported the leak to the gas utility, the cause of the leak, the repairs made, and whether a gas outage resulted from the leak (Interrogatory 16);
- For each pertinent apartment complex, indicate the type of material used to make the pipe, the date of manufacture of the pipe, the date of installation of the pipe, the length of pipeline segments, the type of weld joints and methods of welding used for steel pipes, the outer diameter of all pipes, the wall thickness of any steel pipes, and the standard dimensional ratio of any plastic pipes (Interrogatory 19).
- For each pertinent apartment complex, indicate the location of every valve, the make and model of every valve, the size of a key for every valve, all pressure test records for each valve, all records to illustrate pressure testing after the

installation of each valve, and all records of each valve's operation after the final pressure test. (Interrogatory No. 23)

14. Westover needed to answer many of the Interrogatories separately for eighteen different apartment complexes (the seventeen mentioned in I&E's Complaint and one additional apartment complex mentioned in Westover's Answer and New Matter). This means that Westover needed to answer about 592 questions (32 interrogatories for each of 18 complexes = 592 interrogatories). This number, however, significantly understates the number of questions that Westover needed to answer. This calculation does not count subparts to questions. In addition, some Interrogatories needed to be answered for every valve at each of the eighteen apartment complexes, every segment of pipe at each of the eighteen apartment complexes, every suspected gas leak at each of the eighteen apartment complexes, etc.

15. Excluding weekends and holidays, Westover had only thirteen days to answer the Interrogatories.

16. Westover reasonably did not begin to answer the Interrogatories until the ALJ overruled Westover's objections to them (in part).

17. Westover has good cause for requesting an extension due to the large number of very detailed Interrogatories that Westover had to answer in a few business days.

18. Despite making a good faith effort, Westover was unable to answer all the Interrogatories by the deadline of 4:30 p.m. on November 14, 2022.

19. The ALJ permitted Westover to answer interrogatories by saying that, after a reasonable investigation, Westover determined that information was not available. Discovery Order p. 22. Completing a reasonable investigation to answer any interrogatory takes time. Westover, however, needed to complete hundreds of reasonable investigations to answer all of the Interrogatories.



20. Westover is making a good faith effort to complete and serve answers to as many Interrogatories as possible by 4:30 p.m. on November 14, 2022.

21. I&E will not be harmed by a slight delay in receiving answers to the remaining Interrogatories. Direct Testimony is not due until February 22, 2023. I&E will have answers to all Interrogatories more than two months before that date.

#### **IV. Request for Relief**

WHEREFORE, for the foregoing reasons, Westover respectfully requests that the ALJ grant an extension of twenty days for Westover to answer the remaining Interrogatories.

Respectfully submitted,



---

David P. Zambito, Esq. (I.D. No. 80017)  
Jonathan P. Nase, Esq. (I.D. No. 44003)  
Cozen O'Connor  
17 North Second Street, Suite 1410  
Harrisburg, PA 17101  
Tel: (717) 703-5892  
Fax: (215) 989-4216  
Email: dzambito@cozen.com  
E-mail: jnase@cozen.com

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

Date: November 14, 2022