



February 21, 2023

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 to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents – Set IV Nos. 1 and 2

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 d/g/a Westover Companies*

DPZ/kmg
Enclosures

cc: Deputy Chief Administrative Law Judge Christopher P. Pell
Per Certificate of Service
Alexander Stefanelli, CFO, Westover Companies
Peter Quercetti, Vice President of Operations Management, 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	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of February, 2023 served the foregoing **Motion of Westover Property Management Company, L.P. d/b/a Westover Companies to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents – Set IV Nos. 1 and 2** 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

Kayla L. Rost, Esq.
Scott Granger, Esq.
Gina L. Miller, Esq.
Michael L. Swindler, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17120
karost@pa.gov
sgranger@pa.gov
ginmiller@pa.gov
mswindler@pa.gov



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

VERIFICATION

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

Date: February 21, 2023

Peter D. Quercetti

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

NOTICE TO PLEAD

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

File with:

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

With a copy to:

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



David P. Zambito, Esq. (I.D. No. 80017)
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: February 21, 2023

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**MOTION OF WESTOVER PROPERTY MANAGEMENT
COMPANY, L.P. D/B/A WESTOVER COMPANIES
TO DISMISS OBJECTIONS AND COMPEL
ANSWERS TO INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS – SET IV, NOS. 1 AND 2**

AND NOW COMES Westover Property Management Company, L.P. d/b/a Westover Companies (“Westover”) pursuant to 52 Pa. Code § 5.342(g), to file this Motion to Dismiss Objections and Compel Answers to Interrogatories and Requests for the Production of Documents (“Motion”). Westover respectfully requests that Deputy Chief Administrative Law Judge Christopher P. Pell overrule the objections and direct the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) to answer Westover’s Interrogatories and Requests for the Production of Documents - Set IV, Nos. 1 and 2.

In support whereof, Westover states as follows:

I. PROCEDURAL HISTORY

A. Westover’s Petition for Declaratory Order

1. On December 13, 2021, Westover filed a Petition for Declaratory Order (“Original Petition”) to resolve a case and controversy by declaring that the Gas and Hazardous Liquids

Pipelines Act, 58 P.S. § 801.101 *et seq.* (“Act 127”) does not apply to Westover’s apartment complexes. The Original Petition was docketed at P-2021-3030002.

2. On January 3, 2022, I&E filed an Answer in Opposition to Westover’s Petition.

3. On May 16, 2022, Westover filed an Amended Petition for Declaratory Order (“Amended Petition”), which provided additional facts concerning Westover’s gas facilities at its apartment complexes.

4. On June 6, 2022, I&E filed an Answer in Opposition to Westover’s Amended Petition.

B. I&E’s Complaint

5. On January 3, 2022, I&E filed a formal complaint (“Complaint”) against Westover, which was docketed at C-2022-3030251. The Secretary’s Bureau served the Complaint on Westover by email on January 5, 2022. The Complaint alleged that Westover’s gas systems at seventeen apartment complexes in Pennsylvania are subject to Act 127 but have not complied with that statute. Among other things, I&E seeks a civil penalty of \$200,000.

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

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

8. By Order entered on August 25, 2022, the Commission consolidated Westover’s Amended Petition with I&E’s Complaint and referred the matter to the Office of Administrative Law Judge (“OALJ”) for adjudication and the issuance of a recommended decision.

C. Westover’s Interrogatories Set IV

9. On January 30, 2023, Westover served its Interrogatories and Requests for Production of Documents – Set IV (“Set IV”) on I&E. A copy of this discovery is attached as **Exhibit 1**.

10. On February 9, 2023 I&E filed Objections (“the “Objections”) to Interrogatories No. 1 and 2 in Set IV. **Exhibit 2.**

11. In an effort to informally resolve I&E’s Objections, Westover’s counsel exchanged e-mails with I&E’s counsel on February 13, 2023. Efforts to resolve the parties’ discovery dispute proved unsuccessful.

II. LEGAL STANDARDS

12. 52 Pa. Code § 5.321(c) sets the standard for permissible discovery in Commission proceedings. That regulation states:

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

13. The Commission has consistently allowed participants wide latitude in discovery matters. *See, e.g., Pa. Pub. Util. Comm’n v. The Peoples Natural Gas Company*, 62 Pa. PUC 56 (Aug. 26, 1986); *Pa. Pub. Util. Comm’n v. Equitable Gas Company*, 61 Pa. PUC 468 (May 16, 1986).

14. The Commission’s regulations limit discovery, however. For example, 52 Pa. Code § 5.361 states:

- (a) Discovery or deposition is not permitted which:
 - (1) Is sought in bad faith.
 - (2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.

(3) Relates to matter which is privileged.

(4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

III. THE ALJ SHOULD OVERRULE I&E’S OBJECTIONS AND DIRECT I&E TO ANSWER INTERROGATORIES SET IV, NOS. 1-2

A. Background

15. Set IV, Interrogatories No. 1-2 arise out of I&E’s inspections of Westover’s Gladstone Towers apartment complex on January 19, 2023. I&E requested this inspection as a form of discovery in this proceeding.

16. The inspection was attended by Scott Orr, Terri Cooper-Smith and Kayla Rost, Esq. on behalf of I&E. The inspection was attended by Peter Quercetti and Jonathan Nase, Esq., on behalf of Westover.

17. The I&E representatives inspected the gas facilities of Westover and PECO Energy Company (“PECO”). At this apartment complex, gas is transferred from PECO to Westover at two meters located outside an apartment building. These meters measure the gas used at that building and at a second apartment building (the gas is piped through an underground line to the second apartment building).

18. A gas odor was detected near the meters and I&E personnel called PECO representatives to the scene. Westover called its contractors to the scene (*i.e.*, Miller Brothers and Heath Consultants).

19. After further investigation, two leaks were found in above-ground piping on Westover’s side of the meter within about four feet of the meter. A third leak was found on PECO’s relief valve, only feet away from the leaks on Westover’s piping. Gas service to building

occupants was turned off, repairs were made by PECO and Westover, and gas service to building occupants was restored.

B. I&E Should be Compelled to Answer Interrogatories 1-2

20. Interrogatory 1 requested copies of all documents in the possession of I&E regarding the gas leak at Gladstone Towers and the activities of PECO, Westover and Westover's contractors in response to the leak.

21. Interrogatory 2 requested that I&E identify and describe all communications between I&E personnel and PECO personnel regarding the gas leaks at Gladstone Towers and the activities of PECO, Westover and Westover's contractors in response to the leaks.

22. I&E objected to Interrogatories 1 and 2, but only to the extent that they concerned documentation and communications between I&E and PECO. **Exhibit 2**, pp. 2-3.

23. The ALJ should overrule I&E's objections to Interrogatories No. 1 and 2 for the following reasons:

a. I&E claims that the requests for documents I&E received from PECO, and communications between I&E and PECO, are not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. The ALJ should overrule this objection for the same reasons that the ALJ overruled similar objections in his January 18, 2023 *Interim Order Granting in Part and Denying in Part the Motion to Compel Filed by Westover Property Management Company, L.P.* (the "*Interim Order*") (concerning Westover's attempt to discover information concerning a prior inspection that also resulted in I&E calling the natural gas distribution company ("NGDC") to the scene). In the *Interim Order*, the ALJ found that reports filed by the NGDC regarding its activities at the site could contain information that supports or contradicts I&E's claim that Westover's gas facilities do not comply with applicable federal regulations. In the

instant case, considering the proximity of PECO's facilities to Westover's facilities, it is certainly possible that reports filed by PECO, or communications between I&E and PECO, contain observations or descriptions of Westover's facilities located above ground and in plain sight only a few feet from PECO's facilities. In addition, I&E here (unlike the *Interim Order*) does not allege that the NGDC failed to file reports with the Commission, nor does I&E allege that the NGDC did not communicate with I&E personnel.

b. I&E claims that any documents or communications relating to PECO's activities are protected from disclosure by the attorney-client and deliberative process privileges. Neither of those privileges apply to documents that PECO filed with the Commission, or comments that PECO personnel made to I&E personnel. NGDCs are regulated by the Commission; they are not clients of I&E and they are not part of I&E. I&E states "[a]ny documents which are not part of or relate to any I&E informal investigation will be provided," but I&E does not allege that it is conducting an informal investigation of PECO in connection with this incident. I&E should be directed to reply to the question fully and completely.

c. I&E argues that the requested documents contain confidential and proprietary information, the release of which could be used for criminal or terroristic purposes. The ALJ should reject this argument. Westover is not going to sabotage gas facilities located on Westover's property, several feet outside Westover's own apartment building. Documents filed with I&E by PECO, or communications by PECO personnel to I&E personnel, are not protected by 52 Pa. Code § 5.323(a) (regarding the discovery of representatives of a party other than the party's attorney) because PECO is not a representative of I&E. Finally, I&E lacks standing to assert that documents filed by PECO, or communications made by PECO personnel, contain information that is confidential or proprietary to PECO.

IV. CONCLUSION

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

- (1) grant the instant Motion;
- (2) direct I&E to fully and completely respond to Interrogatories and Requests for Production of Documents Set IV, Nos. 1 and 2.

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: February 21, 2023

Exhibit 1
Westover Interrogatories Set IV (Nos. 1-16)
to I&E
(Jan. 30, 2023)



January 30, 2023

VIA E-MAIL

David P. Zambito

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

Kayla Rost, Esq.
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 Nos. C-2022-3030251 and P-2021-3030002

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

Dear Prosecutor Rost:

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

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

Sincerely,

COZEN O'CONNOR

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

DPZ:kmg
Enclosures

cc: Per Certificate of Service
Rosemary Chiavetta (*Cover Letter and Certificate of Service only*)
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.	:	Docket Nos. C-2022-3030251 P-2021-3030002
	:	
Westover Property Management Company, L.P. d/b/a Westover Companies	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of January, 2023 served the foregoing **Interrogatories and Requests for the Production of Documents Propounded by Westover Property Management Company, L.P. d/b/a Westover Companies on the Bureau of Investigation and Enforcement – Set IV** 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

Kayla L. Rost, Esq.
Michael L. Swindler, Esq.
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street, 2nd Floor West
Harrisburg, PA 17120
karost@pa.gov
mswindler@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 : Docket Nos. C-2022-3030251
Investigation and Enforcement v. Westover Property : P-2021-3030002
Management Company, L.P. d/b/a Westover Companies :

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

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

INSTRUCTIONS

1. The “Bureau of Investigation and Enforcement,” the “Responding Party,” “you,” or “your” means the party to which these interrogatories and requests for production of documents are propounded and/or all agents, affiliates, employees, consultants, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. “Complaint” means the Formal Complaint filed by I&E against Westover on January 3, 2022 at Docket No. C-2022-3030251.
4. “Petition” means the Petition for Declaratory Order filed by Westover at Docket No. P-2021-3030002 (as amended).

5. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

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

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

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit

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

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

study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

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

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

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

12. “Federal pipeline safety laws” has the same meaning as set forth in 58 P.S. § 801.102 (“Definitions”).

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

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

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

16. In answering these interrogatories, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party's attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party's own knowledge. If any of the interrogatories cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party's inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party's answer is qualified in any particular, please set forth the details of such qualification.

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

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

19. If, in connection with an interrogatory, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the

so-called “attorneys’ work product doctrine,” or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

20. 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.

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

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

DOCKET NOS. C-2022-3030251 and P-2021-3030002

1. Please provide copies of all documents in the possession of I&E regarding the gas leak at Gladstone Towers on January 19 and 20, 2023 and the activities of PECO, Westover, and Westover's contractors in response to the leak.
2. Please identify and describe all communications between I&E personnel and PECO personnel regarding the gas leak at Gladstone Towers on January 19 and 20, 2023 and the activities of PECO, Westover, and Westover's contractors in response to the leak.
3. Please identify and describe all communications between I&E personnel and Westover personnel regarding the gas leak at Gladstone Towers on January 19 and 20, 2023 and the activities of PECO, Westover, and Westover's contractors in response to the leak.
4. Please identify and describe all communications between I&E personnel and personnel from Miller Brothers, or any other Westover contractor, regarding the gas leak at Gladstone Towers on January 19 and 20, 2023 and the activities of PECO, Westover, and Westover's contractors in response to the leak.
5. Please state when I&E personnel left the site of the gas leak at Gladstone Towers on January 19, 2023.
6. Please state when I&E personnel arrived at the site of the gas leak at Gladstone Towers on January 20, 2023.
7. Please state when I&E personnel left the site of the gas leak at Gladstone Towers on January 20, 2023.

8. Please identify the PUC Gas Safety Division representative who was on site at Gladstone Towers on January 20, 2023.
9. Did I&E personnel instruct personnel from Westover and/or its contractor to disassemble repair work that was completed at Gladstone Towers on January 20, 2023 prior to I&E's arrival on the scene? If so, please provide a citation to a statute, regulation or Commission order that I&E believes provides authority for this instruction.
10. Did I&E personnel instruct Westover and/or its contractor that an Operator Qualified individual must re-light pilot lights for gas stoves at Gladstone Towers on January 20, 2023? If so, please provide a citation to a statute, regulation or Commission order that I&E believes provides authority for this instruction.
11. Did I&E personnel inform Westover and/or its contractor that a representative of the Gas Safety Division must enter each apartment to witness the re-lighting of the gas stove pilot lights at Gladstone Towers on January 20, 2023? If so, please provide a citation to a statute, regulation or Commission order that I&E believes provides authority for this instruction.
12. Did I&E personnel instruct Westover and/or its contractor that gas service to apartments at Gladstone Towers could not be restored until two leak surveys had been performed within 24 hours after repairs were completed? If so, please provide a citation to a statute, regulation or Commission order that I&E believes provides authority for this instruction.
13. Did I&E personnel instruct Westover and/or its contractor that three leak surveys had to be performed during the week following the repairs at Gladstone Towers on January 20, 2023? If so, please provide a citation to a statute, regulation or Commission order that I&E believes provides authority for this instruction.

14. Please identify and describe all communications between I&E personnel and personnel from PECO or UGI in which I&E personnel advised the natural gas distribution companies not to assist Westover with repairs to Westover’s alleged “master meter systems.”

15. Please identify and describe all communications between I&E personnel and personnel from PECO or UGI in which I&E personnel advised the natural gas distribution companies not to take over Westover’s alleged “master meter systems.”

16. Please identify and describe all communications between I&E personnel and personnel from PECO or UGI in the last three years in which I&E personnel advised the natural gas distribution companies that apartment complex owners or operators are subject to PUC jurisdiction under Act 127.

Exhibit 2
I&E Objections to Westover Interrogatories -
Set IV
(Feb. 9, 2023)



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 9, 2023

Via Electronic Mail

David P. Zambito, Esq.
Jonathan P. Nase, Esq.
Cozen O'Connor
17 North Second Street, Suite 1410
Harrisburg, PA 17101
dzambito@cozen.com
jnase@cozen.com

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Westover Property Management Company, L.P.
d/b/a Westover Companies
Docket Nos. C-2022-3030251; P-2021-3030002
I&E Objections to Westover Interrogatories – Set IV

Dear Counsel:

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

Kayla L. Rost
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 322768
(717) 787-1888
karost@pa.gov

KLR/jfm
Enclosures

cc: Per Certificate of Service

Secretary Rosemary Chiavetta (*Cover Letter & Certificate of Service only - via e-file*)
Hon. Christopher P. Pell, OALJ-Philadelphia (*Cover Letter & Certificate of Service only - via email*)
Athena Delvillar, OALJ Legal Assistant (*Cover Letter & Certificate of Service only - via email*)
Michael L. Swindler, Deputy Chief Prosecutor (*via email*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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

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

1. Please provide copies of all documents in the possession of I&E regarding the gas leak at Gladstone Towers on January 19 and 20, 2023 and the activities of PECO, Westover, and Westover's contractors in response to the leak.

OBJECTION: I&E objects to this interrogatory because it exceeds the scope of permissible discovery in Commission proceedings. Section 5.321(c) of the Commission's regulations permits 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.

52 Pa. Code § 5.321(c)(emphasis added).

Any documentation received by I&E relating to PECO's activities at Gladstone Apartments on January 19, 2023 are not relevant to the pending proceeding nor would any documentation be reasonably calculated to lead to the discovery of admissible evidence. Rather, any documentation relating to PECO's activities would relate to PECO's compliance with the state and federal gas safety regulations, not Westover's.

Furthermore, any documentation relating to PECO's activities are protected from disclosure by the attorney-client and deliberative process privileges. I&E's investigative documents contain confidential and proprietary information, the release of which could be used for criminal or terroristic purposes.

Any document(s) which are not a part of or relate to any I&E informal investigation will be provided.

2. Please identify and describe all communications between I&E personnel and PECO personnel regarding the gas leak at Gladstone Towers on January 19 and 20, 2023 and the activities of PECO, Westover, and Westover's contractors in response to the leak.

OBJECTION: I&E objects to this interrogatory because it exceeds the scope of permissible discovery in Commission proceedings. Section 5.321(c) of the Commission's regulations permits 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.

52 Pa. Code § 5.321(c)(emphasis added).

Any communication between I&E and PECO relating to PECO's activities at Gladstone Apartments on January 19, 2023 are not relevant to the pending proceeding nor would any communication be reasonably calculated to lead to the discovery of admissible evidence. Rather, any communication relating to PECO's activities would relate to PECO's compliance with the state and federal gas safety regulations, not Westover's.

Furthermore, any communication relating to PECO's activities are protected from disclosure by the attorney-client and deliberative process privileges. I&E's investigative documents and communications contain confidential and proprietary information, the release of which could be used for criminal or terroristic purposes.

In accordance with Deputy Chief Administrative Law Judge Christopher Pell's January 18, 2023 Interim Order, I&E will provide a summary of general communications which are not privileged or protected due to any I&E informal investigation.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

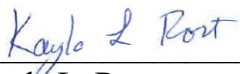
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket Nos. C-2022-3030251
	:	P-2021-3030002
Westover Property Management Company,	:	
L.P. d/b/a Westover Companies	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Objections of the Bureau of Investigation and Enforcement to the Interrogatories - Set IV of 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*



Kayla L. Rost
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 322768
(717) 787-1888
karost@pa.gov

Dated: February 9, 2023



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

Date Created	Filing Number
2/9/2023	2456552

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

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

Docket Number: C-2022-3030251

Case Description:

Transmission Date: 2/9/2023 3:05 PM

Filed On: 2/9/2023 3:05 PM

eFiling Confirmation Number: 2456552

File Name	Document Type	Upload Date
C-2022-3030251 (Westover Companies) I&E Objections to Westover Interrogatories - Set IV CL&COS.pdf	Certificate of Service	2/9/2023 3:04:42 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.