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June 26, 2023

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: PA Public Utility Commission, et al., v. Philadelphia Gas Works
2023 PGW Base Rate Case Filing – Docket No. R-2023-3037933

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Philadelphia Gas Works' ("PGW") Motion to Dismiss Objections of POWER Interfaith and Compel Complete Responses to PGW's Set I Interrogatories to POWER Interfaith, with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely

Sarah C. Stoner
Sarah C. Stoner

SCS/jls

Enclosure

cc: Hon. Eranda Vero w/enc.
Hon. Arlene Ashton w/enc.
Cert. of Service w/enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PA Public Utility Commission, et al	:	
v.	:	
	:	Docket No. R-2023-3037933
Philadelphia Gas Works	:	
	:	

**PHILADELPHIA GAS WORKS
MOTION TO DISMISS THE OBJECTIONS OF POWER INTERFAITH
AND COMPEL COMPLETE REPLIES TO PGW POWER SET I INTERROGATORIES**

Pursuant to 52 Pa. Code §§ 5.321, 5.342, and 5.349 the Philadelphia Gas Works (“PGW”) hereby respectfully requests that Administrative Law Judges Arlene Ashton and Eranda Vero (“ALJs” or “Presiding Officers”) dismiss the objections to discovery by POWER Interfaith (“POWER”) and compel POWER to provide full and complete answers to Interrogatories PGW-POWER-I-1 through 1-26. PGW served Set I Interrogatories on POWER on May 26, 2023. POWER served Objections on June 22, 2023, with the PGW’s interrogatories reprinted and POWER’s Objections to the instructions and each of twenty-six (26) Interrogatories propounded in PGW’s Set I¹, attached hereto as Exhibit 1. POWER also served Partial Responses to sixteen (16) interrogatories in PGW Set I,² attached hereto as Exhibit 2.

This Motion does three (3) things: 1) Discusses the content of PGW POWER Set I Interrogatories at issue; 2) Discusses why POWER’s repetitive general objections are inadequate to prevent PGW’s relevant and timely discovery requests; and 3) Discusses why POWER’s primary objections to each of 26 interrogatories in PGW POWER Set I should be found to be

¹ Exhibit 1, PGW Set I Interrogatories with POWER Objections, Docket No. R-2023-3037933, June 22, 2023. Also, pursuant to 52 Pa. Code § 5.342 (c)(2) a party must restate the interrogatory or part thereof deemed objectionable and the specific ground for the objection.

² Exhibit 2, POWER Partial Response to PGW Set I Interrogatories, Docket No. R-2023-3037933, June 22, 2023.

inadequate, should be overruled and why POWER should be compelled to provide complete answers as an active party in this proceeding.

I. PGW POWER SET I INTERROGATORIES

PGW submits that POWER's Objections are baseless and improper, and should be dismissed. PGW respectfully requests that the Commission issue an Order dismissing the objections and compelling POWER to completely answer each of the interrogatory questions in PGW POWER Set I and produce any documents requested in discovery. In support of its request PGW sets forth the following.

As evidenced in Exhibit 1, PGW POWER Set I Interrogatories seek to obtain discovery regarding the following matters, not privileged, which are relevant to the subject matter involved in this proceeding:

- The identity of its members, their relationship to PGW and the legal status of POWER as an entity (PGW-POWER Set I-1 through I-5);
- POWER's affiliation or relationship with other organizations (PGW-POWER Set I-6);
- Any tests, reports, studies or documents relied upon or generated by POWER and persons known to POWER who participated in their creation (PGW-POWER Set I-7 through I-9);
- Essential employees, board members and leadership of POWER who might participate in the development of policy (PGW-POWER Set I-10 and I-11) and (PGW-POWER Set I-23 and I-24);
- Information concerning financial sources and resources of POWER (PGW-POWER Set I-12 through I-14) and (PGW-POWER Set I-19);
- Written materials³ related to POWER's policies and public statements concerning electricity and natural gas and its participation in this proceeding (PGW-POWER Set I-15 through I-17);

³ Pursuant to 52 Pa. Code § 5.349 for documents, entry for inspection and other purposes.

- Information concerning specific issues that POWER may pursue in this proceeding, including environmental justice and related matters. (PGW POWER Set I-20 through I-22);
- The identity, background and substance of testimony of witnesses POWER intends to call in this proceeding. (PGW-POWER Set I-25); and,
- Membership of POWER in any local, state, or national organization or coalition that addresses environmental, climate, or sustainability related issues. (PGW-POWER Set I-26).

II. PGW’S GENERAL RESPONSES TO POWER’S GENERAL FORM OBJECTIONS DEMONSTRATE WHY POWER’S OBJECTIONS MUST BE OVERRULED

POWER objects to the Instructions and to each interrogatory in PGW POWER Set I with a laundry list of alleged grounds, including, inter alia, allegations that PGW POWER Set I interrogatories: exceed the requirements of Commission rules and regulations; are not relevant and not reasonably likely to lead to admissible relevant evidence; cause an unreasonable and undue burden on POWER, requiring an unreasonable investigation; seek access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege); seek confidential or proprietary information; and allegedly violate POWER’s reasonable expectation of privacy, or the First Amendment of the United States Constitution.⁴

PGW submits that the objected-to Instructions and interrogatories are well within the scope of this proceeding and are relevant to the subject matter of this proceeding. As set forth in more detail below, the Objections of POWER are misplaced and should, therefore, be overruled.

A. Standard for Review

The Commission’s rules and regulations allow wide latitude to parties engaged in discovery. Section 5.321(c) of the Commission's Rules of Administrative Practice and Procedure

⁴ See, Exhibit 1.

specifically provide that "a participant may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action."⁵ Discovery is permitted regardless of whether the information sought "relates to the claim or defense of the party seeking discovery or to the claim or defense of another party or participant."⁶ Information may be discoverable, even if it would be inadmissible at a hearing.⁷ "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."⁸ The Commission has issued a number of decisions interpreting the scope of its discovery rules, and it has consistently allowed participants wide latitude in discovery matters.⁹ Based on the standards set forth above, POWER's Objections to PGW's Interrogatories should be overruled and POWER should be compelled to completely answer the questions propounded in PGW POWER Set I as part of the routine discovery process in this matter.

B. PGW- POWER Set I Interrogatories Raise Reasonable Issues of Relevance, Materiality, Standing and Credibility

PGW notes that POWER alleged in its Petition to Intervene¹⁰ attached hereto as Exhibit 3, that it is a Philadelphia-based network of faith communities committed to racial and economic justice on a livable planet, which includes over 50 active congregations, representing more than 30,000 diverse Philadelphians.¹¹ POWER specifically alleged that Members of POWER live within PGW's service territory, are customers of PGW, and will be subject to the outcome of this

⁵ 52 Pa. Code § 5.321(c).

⁶ *Id.*

⁷ *Application of Nabil Nasr and Wael Hafez*, Docket No. A-2012- 2295813, 2012 Pa. PUC LEXIS 1849 (Order issued Nov. 28, 2012) at 12.

⁸ *Id.*

⁹ See, *Pa. P.U.C. v. The Peoples Natural Gas Company*, 62 Pa. P.U.C. 56, 1986 Pa. PUC LEXIS 79 (August 26, 1986); *Pa. P.U.C. v. Equitable Gas Company*, 61 Pa. P.U.C. 468, 1986 Pa. PUC LEXIS 110 (May 16, 1986).

¹⁰ Exhibit 3, Petition to Intervene of POWER Interfaith, Docket No. R-2023-3037933, April 23, 2023.

¹¹ *Id.* at 2.

proceeding.¹² POWER further alleged that POWER meets the requirements for participation in these proceedings, since POWER's members would be directly affected by the proceeding, POWER's interests are not adequately represented by other parties, and POWER's participation in this proceeding would be in the public interest.¹³ PGW's Set I interrogatories examine these claims and raise questions regarding the relevance, materiality, standing and credibility of POWER's averments as well as its compliance with 52 Pa. Code §§ 5.72-5.75. As a result, POWER's Objections to PGW's Interrogatories should be dismissed and POWER should be compelled to answer the questions propounded as part of the discovery process in this matter.

C. PGW's POWER Set I Interrogatories Are Relevant to the Core Issue of Safe and Reasonable Service

POWER alleges that its members will be affected by the results of this proceeding, including through impacts to their gas bills and the reliability, quality, and safety of their gas service.¹⁴ PGW POWER Set I interrogatories go directly to the main issue in this case, namely, whether PGW is abiding by the statutory requirement in Section 1501 of the Public Utility Code to provide safe and reasonable service. PGW's interrogatories are reasonably calculated to lead to the discovery of admissible, relevant evidence regarding safe and reasonable service.

POWER specifically alleged that its membership "includes low-income households that have experienced energy insecurity and have struggled to keep up with their PGW bills."¹⁵ PGW Interrogatories seek to identify such members and determine the facts and circumstances represented as "energy insecurity."

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 2, para. 6.

¹⁵ *Id.*

POWER also alleges that it is “committed to advancing a just, transparent, and affordable energy system.”¹⁶ PGW POWER Set I Interrogatories seek to discover, among other things, the identity of these members and the facts related to their commitment to advancing a just, transparent and affordable energy system. These questions are exceedingly relevant to the issue of whether PGW is abiding by the statutory requirement in Section 1501 of the Public Utility Code to provide safe and reasonable service.

PGW also notes that a document titled “POWER Climate Justice & Jobs Platform,”¹⁷ attached hereto as Exhibit 4, is posted on POWER’s web site at the online address listed in footnote No. 17 below, and includes a section titled “Transforming PGW.”¹⁸ This POWER report alleges that: “It is essential that PGW move away from ‘dirty energy’ and into affordable renewable energy with good jobs and improved health and safety and that PGW should be required to produce business plans, budgets and incentives that match the City’s goal for phasing out the use of fossil fuels (by 2050 at the latest).”¹⁹ Regardless of the accuracy, authenticity or admissibility of Exhibit 4 or the statements contained therein, PGW is entitled to examine the source and authors of such assertions and the underlying facts and circumstances related to such policy statements posted on the POWER web site and elsewhere in its possession. As a result, POWER’s responses to PGW Set I interrogatories are, again, exceedingly relevant to the core issue of whether PGW is abiding by the statutory requirement in Section 1501 of the Public Utility Code to provide safe and reasonable service.

PGW’s General Responses demonstrate why POWER’s objections must be overruled.

¹⁶ *Id.* at 2, para. 7.

¹⁷ See Exhibit 4, [POWER 2023 Climate Justice Platform for Philadelphia \(Updated\) \(powerinterfaith.org\)](https://powerinterfaith.org)

¹⁸ *Id.* at 4.

¹⁹ *Id.*

III. PGW’S SPECIFIC RESPONSES TO POWER’S SPECIFIC OBJECTIONS DEMONSTRATE WHY POWER’S OBJECTIONS MUST BE OVERRULED

PGW-POWER Set I-1 through I-5

POWER objects to PGW-POWER Set I-1 through I-5, which seek to discover information concerning the identity of its members, their relationship to PGW and the legal status of POWER as an entity, primarily with a laundry list of most of the possible objections permitted under 52 Pa. Code § 5.342. POWER objects to PGW’s Instructions as: not relevant nor reasonably likely to lead to admissible relevant evidence; causing unreasonable and undue burden on POWER; requiring an unreasonable investigation; seeking access to information protected by privilege; and seeking confidential or proprietary information.²⁰

In response PGW avers that POWER should not be permitted to throw up a general list of objections against the wall to see if anything sticks and must be compelled to provide the requested information pursuant to established rules because: (a) the scope of discovery is broad; (b) the need to perform a special study alone is not sufficient to prohibit discovery; (c) nowhere does POWER assert that it does not have the information or is unable to produce the information; and (d) POWER does not provide a credible assessment of the alleged privilege or burden of retrieving the information.

PGW-POWER Set I-6

POWER objects to PGW-POWER Set I-6, seeking to discover information concerning POWER’s affiliation or relationship with other organizations²¹ primarily with the same “laundry list” of grounds offered for its refusal to fully respond to interrogatories PGW-POWER Sets I-1 through I-5, including not relevant nor reasonably likely to lead to admissible relevant evidence;

²⁰ Exhibit 1 at pp. 4 to 9.

²¹ *Id.* at pp. 10 to 11.

they cause an unreasonable and undue burden on POWER, requiring an unreasonable investigation; they seek access to information protected by privilege and they seek confidential or proprietary information.²²

In response, PGW avers that POWER should be compelled to provide the requested information because: (a) the scope of discovery is broad; (b) the need to perform a special study alone is not sufficient to prohibit discovery; (c) nowhere does POWER assert that it does not have the information or is unable to produce the information; and (d) POWER does not provide a credible assessment of the alleged privilege or burden of retrieving the information.

PGW-POWER Sets I-7 through I-9

POWER objects to PGW-POWER Sets I-7 through I-9, seeking discovery of any tests, reports, studies or documents relied upon or generated by POWER and persons known to POWER who participated in their creation, primarily on the grounds that they are irrelevant and not reasonably calculated to lead to the production of admissible evidence. Further, POWER seems to indicate for the first time in its written Objection that PGW must indicate a “relevant evidentiary objective ... and a reasonable basis for calculating that the question will advance that objective”²³

In response PGW avers that POWER should be compelled to provide the requested information because: (a) the PGW’s request is well within the broad scope of discovery; (b) POWER improperly imposes a requirement to demonstrate evidentiary relevance before POWER responds to properly issued interrogatories well within the scope of discovery; (c) the need to perform a special study alone is simply not sufficient to prohibit discovery; (d) POWER

²² *Id.*

²³ *Id.* at 12-18.

does not assert that it does not have the information or is unable to produce the information; and (d) POWER does not provide a credible assessment of the alleged privilege or burden of retrieving the information.

PGW POWER Set I-10 through I-11 and PGW-POWER Set I-23 through I-24

POWER objects to PGW-POWER Sets I-10 through I-11 and I-23 through I-24, all of which seek discovery of essential employees, board members and leadership of POWER who might participate in the development of policy, primarily on the grounds that these requests are irrelevant and not reasonably calculated to lead to the production of admissible evidence, POWER again improperly imposes its own requirement that PGW must indicate a “relevant evidentiary objective ... and a reasonable basis for calculating that the question will advance that objective”²⁴

In response PGW avers that POWER should be compelled to provide the requested information because: (a) the PGW’s requests are well within the broad scope of discovery; (b) POWER’s pre-response requirement to demonstrate relevance before POWER responds is improper; (c) the need to perform a special study alone is simply not sufficient to prohibit discovery; (d) POWER does not assert that it does not have the information or is unable to produce the information; and (e) POWER does not provide a credible assessment of the alleged privilege or burden of retrieving the information.

PGW-POWER Set I-12 through I-14 and PGW-POWER-I-19

POWER objects to PGW-POWER Set I-12 through I-14 and PGW-POWER I-19, which seek discovery of information concerning financial sources and resources of POWER²⁵ primarily

²⁴ *Id.* at pp. 19-21 and 45-46.

²⁵ *Id.* at pp. 23-28 and 37-38.

on the grounds that the information requested is not relevant nor reasonably likely to lead to admissible relevant evidence; they cause an unreasonable and undue burden on POWER, requiring an unreasonable investigation; they seek access to information protected by privilege and they seek confidential or proprietary information and compelling internal financial and donor information will have a chilling effect on the exercise of the First Amendment rights and freedoms of POWER, its members, and its donors, and serve to chill and deter donations, associative rights and freedoms, and future participation by community organizations in Commission proceedings.²⁶

In response, PGW avers that POWER should be compelled to provide the requested information because: (a) the scope of discovery is broad; (b) the need to perform a special study alone is not sufficient to prohibit discovery; (c) nowhere does POWER assert that it does not have the information or is unable to produce the information; (d) POWER does not provide a credible assessment of the alleged privilege or burden retrieving the information, and (e) POWER's alleged First Amendment claim is misplaced for this alleged non-profit organization which is generally required to file annual financial reports to the Internal Revenue Service²⁷ (Form 990) and the PA Department of State (BCO-10), both of which are public.²⁸

PGW-POWER Set I-15 through I-17

POWER objects to PGW-POWER Set I-15 through I-17, which seek discovery of written materials related to POWER's policies and public statements concerning electricity and natural

²⁶ *Id.*

²⁷ A tax-exempt organization must file an annual information return or notice with the IRS, unless an exception applies. Annual information returns include Form 990, Form 990-EZ and Form 990-PF. Form 990-N (e-Postcard)

²⁸ The PA Solicitation of Funds for Charitable Purposes Act, 10 P. S. § 162.1 et seq., requires organizations soliciting charitable contributions from Pennsylvania residents to register with the Bureau of Corporations by filing a BCO-10 (PDF) Charitable Organization Registration Statement unless they are excluded or exempted from the Act.

gas and its participation in this proceeding, primarily on the grounds that the information requested is not relevant nor reasonably likely to lead to admissible relevant evidence; they cause an unreasonable and undue burden on POWER, requiring an unreasonable investigation; they seek access to information protected by privilege and they seek confidential or proprietary information.²⁹

In response, PGW avers that POWER should be compelled to provide the requested information because: (a) the scope of discovery is broad; (b) the need to perform a special study alone is not sufficient to prohibit discovery; (c) nowhere does POWER assert that it does not have the information or is unable to produce the information; (d) POWER does not provide a credible assessment of the alleged privilege or burden retrieving the information, and (e) as discussed in Section II B above, POWER’s public web posting of its “POWER Climate Justice & Jobs Platform,”³⁰ which includes information on “Transforming PGW” entitles PGW to examine that document, its source and authors, the underlying facts and circumstances related to such policy statements posted by POWER on its web site and other policies concerning PGW in POWER’s possession.

PGW-POWER Set I-20 through I-22

POWER objects to PGW-POWER Set I-20 through I-22, which seek discovery of information regarding specific issues that POWER may pursue in this proceeding, including environmental justice and related matters primarily on the grounds that the information requested is not relevant nor reasonably likely to lead to admissible relevant evidence; the information requested may cause an unreasonable and undue burden on POWER, requiring an unreasonable

²⁹ Exhibit 1 at pp. 29-34.

³⁰ Exhibit 4 at p. 4, [POWER 2023 Climate Justice Platform for Philadelphia \(Updated\) \(powerinterfaith.org\)](https://powerinterfaith.org)

investigation; the requested information is protected by privilege and may also be confidential or proprietary information.³¹

In response, PGW avers that POWER should be compelled to provide the requested information because: (a) the scope of discovery is broad; (b) the need to perform a special study alone is not sufficient to prohibit discovery; (c) POWER does not assert that it does not have the information or is unable to produce the information; (d) POWER does not provide a credible assessment of any alleged privilege or burden retrieving the information, and (e) as discussed in Section II B above, POWER’s public web posting of its “POWER Climate Justice & Jobs Platform,”³² which includes information on “Transforming PGW” and including a discussion of a “goal for phasing out the use of fossil fuels by 2050 at the latest”³³ entitles PGW to examine that document, its source and authors, the underlying facts and circumstances related to such policy statements posted by POWER on its web site and other policies concerning PGW in POWER’s possession.

PGW-POWER Set I-25

POWER partially objects to PGW-POWER Set I-25 which seeks discovery of the identity, background and substance of testimony of witnesses POWER intends to call in this proceeding, primarily on the nonsensical grounds that their testimony is not relevant because it has not yet been entered into evidence in this proceeding, is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding

³¹ Exhibit 1 at pp. 39-44.

³² Exhibit 4 at p. 4, [POWER 2023 Climate Justice Platform for Philadelphia \(Updated\) \(powerinterfaith.org\)](https://powerinterfaith.org)

³³ *Id.*

and PGW has not explained what relevant admissible evidence PGW expects that the information sought by this question will lead to.³⁴

In response PGW avers that POWER should be compelled to provide the requested information because: (a) PGW's requests are well within the broad scope of discovery; (b) POWER's pre-response requirement to demonstrate relevance before POWER responds is improper; (c) the need to perform a special study alone is simply not sufficient to prohibit discovery; (d) POWER does not assert that it does not have the information or is unable to produce the information; and (e) POWER does not provide a credible assessment of the alleged privilege or burden of retrieving the information.

PGW-POWER Set I-26

POWER partially objects to PGW-POWER Set I-25 which seeks discovery of memberships of POWER in any local, state, or national organization or coalition that addresses environmental, climate, or sustainability related issues again primarily on the grounds that the information requested is not relevant nor reasonably likely to lead to admissible relevant evidence; it causes an unreasonable and undue burden on POWER, requiring an unreasonable investigation; it seeks access to information protected by privilege and they seek confidential or proprietary information and compelling such information will have a chilling effect on the exercise of the First Amendment rights and freedoms of POWER.³⁵

In response, PGW avers that POWER should be compelled to provide the requested information because: (a) the scope of discovery is broad; (b) the need to perform a special

³⁴ Exhibit 1 at pp. 47-48.

³⁵ *Id.* at pp. 49-50.

study alone is not sufficient to prohibit discovery; (c) nowhere does POWER assert that it does not have the information or is unable to produce the information; (d) POWER does not provide a credible assessment of the alleged privilege or burden retrieving the information, and (e) POWER's alleged First Amendment claim is misplaced. Moreover, no Party may attempt to shield data about their make-up and membership on the ground that their members would prefer not to be publicly associated with that Party. If POWER membership and or leadership wishes to remain anonymous they can remove themselves from this public proceeding.

PGW's Specific Responses to POWER's scatter-gun list of objections demonstrates why all of POWER's objections to PGW POWER Set I must be overruled.

IV. CONCLUSION

WHEREFORE, pursuant to 52 Pa. Code §§ 5.321, 5.342, and 5.349 and for all the reasons set forth above, the Philadelphia Gas Works respectfully requests that the Presiding Officer (a) overrule the objections to discovery by POWER and (b) compel POWER to provide full and complete answers to Interrogatories PGW-POWER Set I-1 through I-26 at a time established by the Commission; and (c) grant any other relief deemed appropriate under the circumstances.

Respectfully submitted,

/s/ Sarah C. Stoner

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EXHIBIT 1



June 22, 2023

VIA ELECTRONIC MAIL

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Norman Kennard, Esquire
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Re: *Pa. PUC v. Philadelphia Gas Works*, Docket No. R-2023-3037933

Counsel,

Please find enclosed the Written Objections of POWER Interfaith to PGW's Set I Interrogatories in the above-referenced Proceeding. Should you have any questions or if you would like to discuss, please do not hesitate to contact me. Thank you.

Sincerely,

/s/ Devin McDougall
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cc:
Parties of Record
PA PUC Secretary's Bureau (Cover Letter and Certificate of Service only)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et
al.

Docket No. R-2023-3037933

v.

Philadelphia Gas Works

**WRITTEN OBJECTIONS OF POWER INTERFAITH
TO PGW'S SET I INTERROGATORIES**

Pursuant to 52 Pa. Code § 5.342(c), POWER Interfaith (“POWER”) hereby respectfully objects to Set I of the Interrogatories served by Philadelphia Gas Works (“PGW”) in the above-captioned proceeding (“Proceeding”) of the Pennsylvania Public Utility Commission (“Commission”).

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objections to Instructions to Interrogatories

Objections

POWER Interfaith objects to the Instructions to the Interrogatories to the extent that they exceed the requirements of Commission rule and regulations regarding interrogatories and the responses to same on the grounds of lack of relevance and lack of reasonable calculation to lead to admissible relevant evidence, causing an unreasonable and undue burden, requiring an unreasonable investigation, and to the extent that they seek access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER Interfaith objects to the Instruction to define the terms “identify” and “identity” to require submission of “full name, present or last known address, present or last known telephone number, present or last known place of employment, position or business affiliation, his or her position or business affiliation at the time in question, and a general description of the business in which he or she is engaged.” (Definitions # 7). POWER Interfaith objects on the grounds of lack of relevance and lack of reasonable calculation to lead to admissible relevant evidence, causing an unreasonable and undue burden, requiring an unreasonable investigation, and to the extent that they seek access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary information, reasonable expectation of privacy, or the First Amendment of the United States Constitution. Subject to and without waiver of this objection, POWER Interfaith is willing

to provide certain identifying information as appropriate, as reflected in its responses to the Interrogatories served alongside these Objections.

POWER Interfaith objects to the Instructions to respond to each question with regard to both POWER and any POWER affiliate entities. (Definitions #1, #2, and #3). POWER Interfaith object on the grounds of lack of relevance and lack of reasonable calculation to lead to admissible relevant evidence, causing an unreasonable and undue burden, requiring an unreasonable investigation, and to the extent that they seek access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-1

Question

1. State the name(s), business address(es) and job title(s) or capacity(ies) of the officer(s), employee(s) or agent(s) answering or providing any information used to answer each Interrogatory.

Objections

Subject to and without waiver of the objections articulated herein, POWER is willing to provide the requested information for any officer, employee or agent answering each interrogatory and has done so in the responses served alongside these Written Objections.

POWER objects to the portion of this question that requires POWER to state the name, business address, and job title of any officer, employee, or agent of POWER that “provid[es] any information used to answer each Interrogatory.”

POWER objects to this portion of the question on the grounds of relevance. First, the name and contact information of POWER officers, employees or agents who provide information used to answer each interrogatory is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission’s investigation of PGW’s pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that

objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER also objects to this portion of the question on the grounds that it is vague and overbroad. This portion of the question is vague and overbroad because when it asks for information on any person “providing any information used to answer,” it does not specify providing to who or used by who.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling substantial internal communications information, including cataloging every POWER officer, employee or agent who provides any information to anyone that is used to answer any interrogatory. This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER’s objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-2

Question

2. State the correct legal name of your organization, whether your name is registered with any state or official, and the date and place of such registration.

Objections

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-3

Question

3. State any other names which your organization uses to identify itself, whether such names are registered with any official, and the date and place of such registration.

Objections

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-4

Question

4. State the form of your organization, the date and place the organization was organized and registered and/or licensed to do business in Pennsylvania.

Objections

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of this objection, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-5

Question

5. Identify in which state(s) of the United States or what foreign countries POWER is registered or incorporated and where its principal place of business is located.

Objections

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of this objection, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-6

Question

6. Is POWER affiliated with any other organization (e.g., common ownership, overlapping offices or managers or common facilities or employees)? If so, describe the affiliation and identify the participants.

Objections

POWER objects to this question on the grounds of relevance. First, information about any POWER affiliate and any participants is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER also objects to this question on the grounds that it is vague and overbroad. The term "affiliate" is not defined (illustrative examples are provided but no definition), and the vagueness of the instruction to "describe the affiliation" and the lack of definition of what it means to "participate" in an "affiliation" is also vague and overbroad.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question would require gathering information on any affiliate, regardless of their involvement in this Proceeding. Additionally, because PGW has incorporated into its Instructions for these Interrogatories a requirement to answer every question on behalf of POWER and any affiliated entities, including affiliates in the scope of this question set would require compiling information for all questions in this set both for POWER Interfaith itself and for any POWER affiliates. Such an investigation would be an unreasonable burden on POWER, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER also objects on the basis that compelling the provision of information on any affiliations and any person who participates in any affiliation will have a chilling effect on the associational rights and freedoms of POWER's members, infringing POWER's and its members' rights under the First Amendment to the U.S. Constitution, and serve to chill and deter future participation by community organizations in Commission proceedings.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-7

Question

7. Have you ever performed, participated in, or financed any tests or studies concerning electricity generated by natural gas?

- a. If yes, please state:
- b. The subject matter, title, date and names of the persons who conducted such tests and/or authored such study;
- c. The reason for the test or study;
- d. The date the test or study was completed;
- e. If the results were disseminated, where and to whom and if published, the name and identity of the publication.
- f. The results of any such test or study, and the data and assumptions relied on;
- g. If in writing, identify it by date, title, identification number, present location and custodian and attach a copy.

Objections

POWER objects to this question on the grounds of relevance. First, information regarding any involvement in tests or studies concerning electricity generated by natural gas is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant

admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-8

Question

8. Have any documents or records of PGW been used or referred to, in connection with the preparation of or answers to these Interrogatories? If so, for each document or record referred to, state the following:

- a. The number of the question and its subpart;
- b. The identity and title of the document;
- c. The name and location of the file in which the document was found;
- d. The name and location of the file in which the document is presently located;
- e. The originator of the document.

Objections

POWER objects to this question on the grounds of relevance. First, information concerning the use of documents or records of PGW to prepare answers to these Interrogatories is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a

question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER also objects to this question on the grounds that it is vague and overbroad. This portion of the question is vague and overbroad because when it asks for information on any documents “used or referred to,” it does not specify by who. It also does not explain what is meant by the “originator” of a document.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling substantial information, including correlating any PGW documents consulted with responses to any Interrogatory. This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER’s objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-9

Question

9. State the names of each person who was spoken to or who provided information to assist in answering these Interrogatories and for each person state the following:

- a. The number of each question and its subpart for which such personnel provide information;
- b. For each question identified in 9a. above, state the name, title and position description of the personnel supplying information;
- c. The present location and address of the personnel supplying information;
- d. The contents of the information provided.

Objections

POWER objects to this question on the grounds of relevance. First, information concerning the people spoken to or who provided information to assist with answers to these Interrogatories is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a

question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER also objects to this question on the grounds that it is vague and overbroad. When the question requests the names of each person “who was spoken to” it does not specify spoken to by who and when the question requests the names of each person “who provided information” it does not specify who was being given information. It refers to the “present location” and “address” for individuals but does not explain the difference, or whether a business address or residential address is sought.

Additionally, this question would require POWER to (1) track and record the contents of every conversation had by any person with any other person in connection with answering these interrogatories, and (2) correlate every piece of this information about every person, every conversation, and the contents of every conversation to the subpart of the interrogatory at issue. This would inflict an undue and unreasonable burden on POWER, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER also objects on the basis that compelling identification of any person that provides any information to anyone used to answer any of these interrogatories and the compelling the disclosure of “the contents of the information provided” will have a chilling effect on participation in internal strategy discussions relating to this case, infringing POWER’s and its members’ rights and freedoms under the First Amendment to the U.S. Constitution.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-10

Question

10. Please provide a copy of POWER's organizational chart and explain the responsibilities of each person referenced thereon.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, POWER's internal personnel information is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide a response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-11

Question

11. List all current directors, officers and executive Committee members of POWER and for each state the following:

- a. Present position and date(s) position has been held; and
- b. All prior positions with POWER and date(s) held.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, POWER's board personnel information is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-12

Question

12. On the Profit and Loss Statement contained in the 2021 Annual Report of POWER Interfaith at Line 3100 it states that POWER received \$2,047,281.47 in “Grants”:

- a. Please identify the specific source(s) and amount of each grant, the purpose for which it was granted and the specific purpose for which each grant was actually used.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, the requested information concerning POWER’s donors and expenditures is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission’s investigation of PGW’s pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling substantial internal financial information and information about donors.

This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER also objects on the basis that compelling the internal financial and donor information will have a chilling effect on the exercise of the First Amendment rights and freedoms of POWER, its members, and its donors, and serve to chill and deter donations, associative rights and freedoms, and future participation by community organizations in Commission proceedings.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-13

Question

13. On the Profit and Loss Statement contained in the 2021 Annual Report of POWER Interfaith at Line 3420 it states that POWER received \$35,093.87 from “Sustainers,” please identify each “Sustainer” the amount each contributed to 2021 revenues of POWER, and the purpose for which funds were given to POWER.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, the requested information concerning POWER’s donors and expenditures is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission’s investigation of PGW’s pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling substantial internal financial information and information about donors.

This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER also objects on the basis that compelling the internal financial and donor information will have a chilling effect on the exercise of the First Amendment rights and freedoms of POWER, its members, and its donors, and serve to chill and deter donations, associative rights and freedoms, and future participation by community organizations in Commission proceedings.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-14

Question

14. On the Profit and Loss Statement contained in the 2021 Annual Report of POWER Interfaith at Line 3440 it states that POWER received \$22,500.00 in the category of “Sponsorship/Individual Gift”, please identify the source of each sponsorship and individual gift included in that total, the amount of each sponsorship or gift and the and the purpose for which it was given to POWER.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, the requested information concerning POWER’s donors and expenditures is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission’s investigation of PGW’s pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling substantial internal financial information and information about donors.

This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER also objects on the basis that compelling the internal financial and donor information will have a chilling effect on the exercise of the First Amendment rights and freedoms of POWER, its members, and its donors, and serve to chill and deter donations, associative rights and freedoms, and future participation by community organizations in Commission proceedings.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-15

Question

15. Do any written memoranda, specifications, advertisements or other written materials of any kind or character relating to the decision of POWER to participate in this proceeding now exist?

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, written material concerning the decision of POWER Interfaith to participate in this Proceeding is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling "any written materials of any kind or character." This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER also objects on the basis that compelling disclosure of “any written materials of any kind or character” relating to POWER’s decision to participate in this Proceeding will have a chilling effect on participation in internal strategy discussions relating to this case, infringing POWER’s and its members’ rights and freedoms under the First Amendment to the U.S. Constitution.

POWER’s objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-16

Question

16. If the Answer to Interrogatory No. 15 is Yes:

- a. List each written material or document;
- b. List who presently has possession of each document;
- c. List where it is located; and,
- d. Please attach a copy of each document set forth in Answer 16.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, any written material concerning the decision of POWER Interfaith to participate in this Proceeding is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling “any written materials of any kind or character.” This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER also objects on the basis that compelling disclosure of “any written materials of any kind or character” relating to POWER’s decision to participate in this Proceeding will have a chilling effect on participation in internal strategy discussions relating to this case, infringing POWER’s and its members’ rights and freedoms under the First Amendment to the U.S. Constitution.

POWER’s objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-17

Question

17. Does POWER have a policy regarding electricity generated by natural gas? If yes, please:

- a. State when it was developed and describe that policy in detail;
- b. Provide the name, address and position of the individual(s) who developed it.
- c. When was this policy adopted by POWER's Board of Directors;
- d. Please attach a copy of any such policy referenced in response to Question 17.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, any POWER policy regarding electricity generated by natural gas is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and

work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-18

Question

18. Please state what specific interest of POWER may be directly affected in this proceeding and which is not adequately represented by other participants.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, POWER has provided this information in its Petition to Intervene, which has been granted, and any information beyond that is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-19

Question

19. Identify any and all direct funders of POWER's PGW Just Transition campaign since January 1, 2022. State with specific identifiers and the purposes of all funds collected for and used by the PGW Just Transition campaign since January 1, 2022.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, the requested information concerning POWER's donors and expenditures is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling substantial internal financial information and information about donors. This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER also objects on the basis that compelling the internal financial and donor information will have a chilling effect on the exercise of the First Amendment rights and freedoms of POWER, its members, and its donors, and serve to chill and deter donations, associative rights and freedoms, and future participation by community organizations in Commission proceedings.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-20

Question

20. Do you agree that POWER's Climate Justice Platform calls for ensuring that all residents can heat their homes at affordable rates? If Yes:

- a. Define "affordable."
- b. Provide the financial analysis you have performed that shows your Climate Justice initiatives will keep rates affordable.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, any information concerning POWER's Climate Justice Platform is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling substantial information about matters outside the scope of this

Proceeding. This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-21

Question

21. Has POWER ever called for a ban on the use of natural gas? If Yes, please provide your analysis that shows:

- a. What alternative generation is readily available today to meet Pennsylvania's electricity demands;
- b. Whether a ban on the use of natural gas would reduce or increase emissions as a result of alternative generation; and
- c. What impact the ban would have on keeping PGW's customer rates affordable.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, any information concerning POWER's positions on a gas ban is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires

gathering and compiling substantial information about matters outside the scope of this Proceeding. This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-22

Question

22. Has POWER ever cited air quality and environmental justice as a reason to oppose efficient onsite use of natural gas? If Yes, confirm:

- a. Whether burning natural gas for electricity generation is a favored policy by POWER?
- b. What are the demographics of the neighborhoods and communities where those natural gas burning electric generation plants are located?
- c. Provide any analysis POWER has done regarding protecting neighborhoods and communities where natural gas burning electric generation plants are located.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, any information concerning POWER's positions on air quality and environmental justice from the onsite use of natural gas is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling substantial information about matters outside the scope of this Proceeding. This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-23

Question

23. How many and what percentage of your board members are Philadelphia residents?

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, POWER's board personnel information is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-24

Question

24. How many and what percentage of your board members are PGW customers?

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, POWER's board personnel information is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Subject to and without waiver of these objections, POWER is willing to provide information in response to this question, which it has served alongside these Written Objections.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-25

Question

25. Identify and provide the following for each person that POWER intends to call as a witness in this proceeding, including but not limited to Mark Kleinginna, Ben Havumaki, and Dori Seavey, PhD:

- a. Curriculum vitae.
- b. Identify all cases where the witness has provided testimony in the last three (3) years.
- c. Produce all copies of testimony, workpapers, or reports each witness generated related to each and every case identified in (b) above.

Objections

POWER Interfaith has provided all of the information requested by parts (a) and (b) of this question. POWER Interfaith has provided all of the information requested by part (c) except for workpapers.

POWER Interfaith objects to this question on the grounds of relevance. First, the workpapers associated with prior testimony of POWER's experts are not themselves evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for

calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling workpaper for a substantial number of prior testimonies of its experts. This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER's objections to the Instructions to the Interrogatories, as they apply to this question, are incorporated here by reference.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Objection to Interrogatory: PGW-POWER-I-26

Question

26. Is POWER a member of any local, state, or national organization or coalition that addresses environmental, climate, or sustainability related issues? If yes, please identify and for each organization or coalition identified, provide:

- a. Any position papers, research, or policy suggestions that POWER received from each organization or coalition in the past two (2) years.

Objections

POWER Interfaith objects to this question on the grounds of relevance. First, the requested information about POWER Interfaith's coalition and organization memberships and communications associated with them is not itself evidence that is relevant to the subject matter of this Proceeding, which is the Commission's investigation of PGW's pending application for a general rate increase. Second, this information is also not reasonably calculated to lead to the production of admissible evidence relevant to the subject matter of this Proceeding. PGW has not explained (a) what relevant admissible evidence it expects that the information sought by this question will lead to, or (b) the basis on which this question is reasonably calculated to lead to such relevant admissible evidence. In the absence of any articulation of a relevant evidentiary objective for a question and a reasonable basis for calculating that the question will advance that objective, a question cannot be considered reasonably calculated to lead to the production of admissible evidence.

POWER also objects to this the question on the grounds that it is vague and overbroad. It does not specify what it means to "address" an issue, and it does not explain what is meant by "policy suggestions" or what is included in the scope of "research."

POWER Interfaith also objects to this question on the grounds that it will impose an unreasonable and undue burden and require an unreasonable investigation. This question requires gathering and compiling voluminous associational and communications information. This would be an unreasonable and undue burden on POWER Interfaith, which is a small community-based interfaith nonprofit that has many demands on its staff.

POWER Interfaith also objects to this question to the extent that it seeks access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.

POWER also objects on the basis that compelling identification of POWER's associations with any environmental, climate or sustainability coalitions or organizations and disclosure of any position papers, research or policy suggestions associated with them will have a chilling effect on associational rights and freedoms and discussions relating to policy and advocacy, infringing POWER's, its members', and any fellow coalition and organization members' rights and freedoms under the First Amendment to the U.S. Constitution.

Dated: June 22, 2023

Respectfully submitted,

/s/ Devin McDougall

PA Attorney ID No. 329855

Senior Attorney

Earthjustice

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of this electronically-filed document upon the parties, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

<p>Lauren E. Guerra, Esq. Mackenzie C. Battle, Esq. Darryl A. Lawrence, Esq. David Evrard, Esq. Office of Consumer Advocate Forum Place, 5th Floor 555 Walnut Street Harrisburg, PA 17101-1923 dlawrence@paoca.org devrard@paoca.org lguerra@paoca.org MBattle@paoca.org</p> <p><i>Representing the Office of Consumer Advocate</i></p>	<p>Dennis A. Whitaker, Esq. Kevin J. McKeon, Esq. Todd S. Stewart, Esq. Hawke McKeon & Sniscak LLP 100 N 10th Street Harrisburg, PA 17101 dawhitaker@hmslegal.com kjmckeon@hmslegal.com tsstewart@hmslegal.com</p> <p><i>Representing Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc.</i></p>
<p>Sharon E. Webb, Esq. Nakea S. Hurdle, Esq. Nazaarah Sabree, Esq. Office of Small Business Advocate Forum Place, 1st Floor 555 Walnut Street Harrisburg, PA 17101 swebb@pa.gov nhurdle@pa.gov ra-sba@pa.gov</p> <p><i>Representing the Office of Small Business Advocate</i></p>	<p>Craig W. Berry, Esq. Philadelphia Gas Works 800 W. Montgomery Avenue Philadelphia, PA 19122 craig.berry@pgworks.com</p> <p><i>Representing Philadelphia Gas Works</i></p>
<p>Gina Miller, Esq. Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 ginmiller@pa.gov</p>	<p>Daniel Clearfield, Esquire Norman Kennard, Esquire Sarah Stoner, Esquire Eckert Seamans Cherin & Mellott, LLC 213 Market Street, 8th Floor Harrisburg, PA 17101 dclearfield@eckertseamans.com nkennard@eckertseamans.com sstoner@eckertseamans.com</p>

<i>Representing BIE</i>	<i>Representing Philadelphia Gas Works</i>
Charis Mincavage, Esq. Mcnees Wallace & Nurick 100 Pine Street PO Box 1166 Harrisburg, PA 17108 cmincavage@mwn.com	John Sweet, Esq. Elizabeth R. Marx, Esq. Ria Pereira, Esq. Lauren Berman, Esq. PA Utility Law Project 118 Locust Street Harrisburg, PA 17101 jsweet@pautilitylawproject.org emarx@pautilitylawproject.org rpereira@pautilitylawproject.org pulp@palegalaid.net
<i>Representing Philadelphia Industrial and Commercial Gas Users Group (PICGUG)</i>	<i>Representing CAUSE-PA</i>

Dated: June 22, 2023

/s/ Devin McDougall

PA Attorney ID No. 329855

Senior Attorney

Earthjustice

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Philadelphia, PA 19103

(917) 628-7411

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EXHIBIT 2



June 22, 2023

VIA ELECTRONIC MAIL

Daniel Clearfield, Esquire
Norman Kennard, Esquire
Sarah Stoner, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
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Re: *Pa. PUC v. Philadelphia Gas Works*, Docket No. R-2023-3037933

Counsel,

Please find enclosed Second Partial Responses of POWER Interfaith to PGW's Set I Interrogatories, including responses to PGW-POWER-I-1, PGW-POWER-I-2, PGW-POWER-I-3, PGW-POWER-I-4, PGW-POWER-I-5, PGW-POWER-I-6, PGW-POWER-I-7, PGW-POWER-I-10, PGW-POWER-I-11, PGW-POWER-I-17, PGW-POWER-I-18, PGW-POWER-I-20, PGW-POWER-I-21, PGW-POWER-I-22, PGW-POWER-I-23, and PGW-POWER-I-24. Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

/s/ Devin McDougall

PA Attorney ID No. 329855

Senior Attorney

Earthjustice

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cc:

Parties of Record

PA PUC Secretary's Bureau (Cover Letter and Certificate of Service only)

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-1

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

1. State the name(s), business address(es) and job title(s) or capacity(ies) of the officer(s), employee(s) or agent(s) answering or providing any information used to answer each Interrogatory.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. POWER Interfaith will state the name, business address, and job title or capacity of the officer, employee, or agent answering each question.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-2

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

2. State the correct legal name of your organization, whether your name is registered with any state or official, and the date and place of such registration.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. POWER Interfaith's formal legal name is Philadelphians Organized to Witness Empower and Rebuild (P.O.W.E.R.), Inc. This name was registered with the Commonwealth of Pennsylvania's Department of State in Harrisburg, Pennsylvania on September 22, 2010.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-3

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

3. State any other names which your organization uses to identify itself, whether such names are registered with any official, and the date and place of such registration.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. POWER Interfaith uses the name POWER Interfaith or POWER for short. POWER Interfaith is in the process of amending its formal legal name to be POWER Interfaith with the Commonwealth of Pennsylvania's Department of State.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-4

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

4. State the form of your organization, the date and place the organization was organized and registered and/or licensed to do business in Pennsylvania.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. POWER Interfaith is a Domestic Nonprofit Corporation incorporated and registered under the laws of the Commonwealth of Pennsylvania on September 22, 2010 by the Commonwealth of Pennsylvania's Department of State in Harrisburg, Pennsylvania. POWER Interfaith was registered as a 501(c)(3) nonprofit with the Internal Revenue Service effective September 22, 2010.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-5

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

5. Identify in which state(s) of the United States or what foreign countries POWER is registered or incorporated and where its principal place of business is located.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. POWER Interfaith is a Domestic Nonprofit Corporation incorporated and registered under the laws of the Commonwealth of Pennsylvania on September 22, 2010 by the Commonwealth of Pennsylvania's Department of State in Harrisburg, Pennsylvania. POWER Interfaith's principal place of business is at 1429 N. 11th St., Philadelphia, PA 19122.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-6

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

6. Is POWER affiliated with any other organization (e.g., common ownership, overlapping offices or managers or common facilities or employees)? If so, describe the affiliation and identify the participants.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. POWER Interfaith is not affiliated with any party in this Proceeding. POWER Interfaith is affiliated with POWER Action Fund, a 501(c)(4) nonprofit that is not a party to this Proceeding.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-7

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

7. Have you ever performed, participated in, or financed any tests or studies concerning electricity generated by natural gas?

- a. If yes, please state:
- b. The subject matter, title, date and names of the persons who conducted such tests and/or authored such study;
- c. The reason for the test or study;
- d. The date the test or study was completed;
- e. If the results were disseminated, where and to whom and if published, the name and identity of the publication.
- f. The results of any such test or study, and the data and assumptions relied on;
- g. If in writing, identify it by date, title, identification number, present location and custodian and attach a copy.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. On May 31, 2023, POWER Interfaith served three pieces of expert testimony in this Proceeding: (1) the Direct Testimony of Mark Kleinginna, addressing (a) capital and operational cost savings from non-pipeline alternatives and (b) lobbying expenditures; (2) the Direct

Testimony of Dorie Seavey, PhD, addressing (a) pipeline cost accounting best practices and (b) Low-Income Usage Reduction Program expenditures; and (3) the Direct Testimony of Ben Havumaki, addressing the residential fixed charge.

POWER Interfaith respectfully refers PGW to these three pieces of expert testimony, which contain extensive supporting analysis and citations, for a complete statement of the claims, recommendations, conclusions, and the bases for those conclusions asserted by its expert witnesses with regard to PGW's application for a general rate increase in this Proceeding.

POWER Interfaith additionally responds that it has not performed, participated in, or financed any such tests or studies.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-10

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

10. Please provide a copy of POWER's organizational chart and explain the responsibilities of each person referenced thereon.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. POWER does not maintain a graphical organizational chart. Please see the attached table of POWER's personnel and their responsibilities.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-11

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

11. List all current directors, officers and executive Committee members of POWER and for each state the following:

- a. Present position and date(s) position has been held; and
- b. All prior positions with POWER and date(s) held.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. Please see the below table:

	Director Name	Officer Role?	Member of Executive Committee?	On Board Since 2020?	Prior Positions Held Since 2020
1	Rev. Michael Caine	Co-Chair	Yes	Yes	None
2	Imam Abdul-Halim Hassan	Co-Chair	Yes	Yes	None
3	Frances Upshaw	Treasurer	Yes	Yes	None
4	Lori Hershey			Yes	None
5	Rev. David Tatgenhorst			Yes	None
6	Irv Ackelsberg			Yes	None
7	Marlene Armato			Yes	None
8	Maria Beatty			Yes	None
9	Ahmet Tekelioglu			Yes	None
10	Bill Bloom			Joined 2023	None
11	Keitha Wiggins-Kennedy	Secretary	Yes	Joined 2023	None
12	Bishop Dwayne Royster		Yes	Yes	Also serving as Executive

					Director since 2020
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Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-17

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

17. Does POWER have a policy regarding electricity generated by natural gas? If yes, please:
- a. State when it was developed and describe that policy in detail;
 - b. Provide the name, address and position of the individual(s) who developed it.
 - c. When was this policy adopted by POWER's Board of Directors;
 - d. Please attach a copy of any such policy referenced in response to Question 17.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. On May 31, 2023, POWER Interfaith served three pieces of expert testimony in this Proceeding: (1) the Direct Testimony of Mark Kleinginna, addressing (a) capital and operational cost savings from non-pipeline alternatives and (b) lobbying expenditures; (2) the Direct Testimony of Dorie Seavey, PhD, addressing (a) pipeline cost accounting best practices and (b) Low-Income Usage Reduction Program expenditures; and (3) the Direct Testimony of Ben Havumaki, addressing the residential fixed charge.

POWER Interfaith respectfully refers PGW to these three pieces of expert testimony, which contain extensive supporting analysis and citations, for a complete statement of its expert

witnesses' recommendations, conclusions, and the bases for those conclusions with regard to PGW's application for a general rate increase in this Proceeding.

POWER Interfaith additionally responds that it does not have such a policy, but that POWER Interfaith is guided in evaluating policy choices by the four values of affordability, renewability, fair labor, and health and safety.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-18

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

18. Please state what specific interest of POWER may be directly affected in this proceeding and which is not adequately represented by other participants.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. On April 24, 2023, POWER Interfaith filed and served its Petition to Intervene in this Proceeding, which expressly addresses this question. POWER Interfaith respectfully refers PGW to its Petition to Intervene.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-20

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

20. Do you agree that POWER's Climate Justice Platform calls for ensuring that all residents can heat their homes at affordable rates? If Yes:

- a. Define "affordable."
- b. Provide the financial analysis you have performed that shows your Climate Justice initiatives will keep rates affordable.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. On May 31, 2023, POWER Interfaith served three pieces of expert testimony in this Proceeding: (1) the Direct Testimony of Mark Kleinginna, addressing (a) capital and operational cost savings from non-pipeline alternatives and (b) lobbying expenditures; (2) the Direct Testimony of Dorie Seavey, PhD, addressing (a) pipeline cost accounting best practices and (b) Low-Income Usage Reduction Program expenditures; and (3) the Direct Testimony of Ben Havumaki, addressing the residential fixed charge.

POWER Interfaith respectfully refers PGW to these three pieces of expert testimony, which contain extensive supporting analysis and citations, for a complete statement of the

claims, recommendations, conclusions, and the bases for those conclusions asserted by its expert witnesses with regard to PGW's application for a general rate increase in this Proceeding.

POWER Interfaith additionally responds that it is impossible to define affordability in the abstract and without context. In the context of this Proceeding, POWER has relied on its expert witnesses to recommend focused technical measures in their testimony to advance the affordability of gas service, defined as reducing the amount customers pay for gas service. As noted above, these expert testimonies contain extensive quantitative and financial analysis to support their recommendations.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-21

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

21. Has POWER ever called for a ban on the use of natural gas? If Yes, please provide your analysis that shows:

- a. What alternative generation is readily available today to meet Pennsylvania's electricity demands;
- b. Whether a ban on the use of natural gas would reduce or increase emissions as a result of alternative generation; and
- c. What impact the ban would have on keeping PGW's customer rates affordable.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. On May 31, 2023, POWER Interfaith served three pieces of expert testimony in this Proceeding: (1) the Direct Testimony of Mark Kleinginna, addressing (a) capital and operational cost savings from non-pipeline alternatives and (b) lobbying expenditures; (2) the Direct Testimony of Dorie Seavey, PhD, addressing (a) pipeline cost accounting best practices and (b) Low-Income Usage Reduction Program expenditures; and (3) the Direct Testimony of Ben Havumaki, addressing the residential fixed charge.

POWER Interfaith respectfully refers PGW to these three pieces of expert testimony, which contain extensive supporting analysis and citations, for a complete statement of the

claims, recommendations, conclusions, and the bases for those conclusions asserted by its expert witnesses with regard to PGW's application for a general rate increase in this Proceeding.

POWER Interfaith additionally responds that it has supported potential Philadelphia City Council legislation to limit gas connections in new construction buildings in Philadelphia. POWER Interfaith has not performed analysis regarding what effects such potential legislation, if ever drafted, passed, and implemented, would have on alternative generation, emissions, or PGW's rates, because such analysis would depend on the details of any such legislation and its implementation.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-22

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

22. Has POWER ever cited air quality and environmental justice as a reason to oppose efficient onsite use of natural gas? If Yes, confirm:

- a. Whether burning natural gas for electricity generation is a favored policy by POWER?
- b. What are the demographics of the neighborhoods and communities where those natural gas burning electric generation plants are located?
- c. Provide any analysis POWER has done regarding protecting neighborhoods and communities where natural gas burning electric generation plants are located.

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. On May 31, 2023, POWER Interfaith served three pieces of expert testimony in this Proceeding: (1) the Direct Testimony of Mark Kleinginna, addressing (a) capital and operational cost savings from non-pipeline alternatives and (b) lobbying expenditures; (2) the Direct Testimony of Dorie Seavey, PhD, addressing (a) pipeline cost accounting best practices and (b) Low-Income Usage Reduction Program expenditures; and (3) the Direct Testimony of Ben Havumaki, addressing the residential fixed charge.

POWER Interfaith respectfully refers PGW to these three pieces of expert testimony, which contain extensive supporting analysis and citations, for a complete statement of the

claims, recommendations, conclusions, and the bases for those conclusions asserted by its expert witnesses with regard to PGW's application for a general rate increase in this Proceeding.

POWER Interfaith additionally responds that it has cited the indoor air quality impacts of methane combustion and methane leaks as one of the disadvantages of gas use in buildings. POWER Interfaith further responds that it is impossible to evaluate policy options regarding electricity generation sources in isolation but that POWER Interfaith is guided by the four values of affordability, renewability, fair labor, and health and safety; that it does not know where the specific natural gas burning electric generation plants the question refers to are located; and that it has not done such analysis.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-23

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

23. How many and what percentage of your board members are Philadelphia residents?

Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. Five of POWER Interfaith's board members are Philadelphia residents, which is 42% of the board.

Pa. PUC v. Philadelphia Gas Works

Docket No. R-2023-3037933

Partial Response to Discovery Request: PGW-POWER-I-24

Response Provided By: Rabbi Julie Greenberg, POWER Interfaith, Climate Justice and Jobs
Director, 1429 N. 11th St., Philadelphia, PA 19122.

Date of Response: 06/22/2023

Question

24. How many and what percentage of your board members are PGW customers?

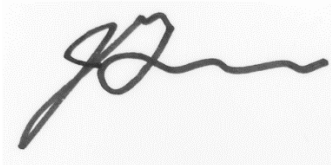
Answer

Subject to and without waiver of its Written Objections, POWER Interfaith responds as follows. Five of POWER Interfaith's board members are PGW customers, which is 42% of the board.

VERIFICATION

I hereby verify that my above statements are true and accurate to the best of my knowledge and that I am duly authorized to make this verification, and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: June 22, 2023

A handwritten signature in black ink, appearing to be 'Julie Greenberg', written in a cursive style. The signature is contained within a light gray rectangular box.

Rabbi Julie Greenberg

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of this electronically-filed document upon the parties, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

<p>Lauren E. Guerra, Esq. Mackenzie C. Battle, Esq. Darryl A. Lawrence, Esq. David Evrard, Esq. Office of Consumer Advocate Forum Place, 5th Floor 555 Walnut Street Harrisburg, PA 17101-1923 dlawrence@paoca.org devrard@paoca.org lguerra@paoca.org MBattle@paoca.org</p> <p><i>Representing the Office of Consumer Advocate</i></p>	<p>Dennis A. Whitaker, Esq. Kevin J. McKeon, Esq. Todd S. Stewart, Esq. Hawke McKeon & Sniscak LLP 100 N 10th Street Harrisburg, PA 17101 dawhitaker@hmslegal.com kjmckeon@hmslegal.com tsstewart@hmslegal.com</p> <p><i>Representing Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc.</i></p>
<p>Sharon E. Webb, Esq. Nakea S. Hurdle, Esq. Nazaarah Sabree, Esq. Office of Small Business Advocate Forum Place, 1st Floor 555 Walnut Street Harrisburg, PA 17101 swebb@pa.gov nhurdle@pa.gov ra-sba@pa.gov</p> <p><i>Representing the Office of Small Business Advocate</i></p>	<p>Craig W. Berry, Esq. Philadelphia Gas Works 800 W. Montgomery Avenue Philadelphia, PA 19122 craig.berry@pgworks.com</p> <p><i>Representing Philadelphia Gas Works</i></p>
<p>Gina Miller, Esq. Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 ginmiller@pa.gov</p>	<p>Daniel Clearfield, Esquire Norman Kennard, Esquire Sarah Stoner, Esquire Eckert Seamans Cherin & Mellott, LLC 213 Market Street, 8th Floor Harrisburg, PA 17101 dclearfield@eckertseamans.com nkennard@eckertseamans.com sstoner@eckertseamans.com</p>

<i>Representing BIE</i>	<i>Representing Philadelphia Gas Works</i>
Charis Mincavage, Esq. Mcnees Wallace & Nurick 100 Pine Street PO Box 1166 Harrisburg, PA 17108 cmincavage@mwn.com	John Sweet, Esq. Elizabeth R. Marx, Esq. Ria Pereira, Esq. Lauren Berman, Esq. PA Utility Law Project 118 Locust Street Harrisburg, PA 17101 jsweet@pautilitylawproject.org emarx@pautilitylawproject.org rpereira@pautilitylawproject.org pulp@palegalaid.net
<i>Representing Philadelphia Industrial and Commercial Gas Users Group (PICGUG)</i>	<i>Representing CAUSE-PA</i>

Dated: June 22, 2023

/s/ Devin McDougall
PA Attorney ID No. 329855
Senior Attorney
Earthjustice
1617 John F. Kennedy Blvd., Suite 2020
Philadelphia, PA 19103
(917) 628-7411
dmcdougall@earthjustice.org

EXHIBIT 3



April 24, 2023

VIA E-FILING

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

Re: *Pa. PUC v. Philadelphia Gas Works*, Docket No. R-2023-3037933

Dear Secretary Chiavetta,

Please find enclosed the Petition to Intervene of POWER Interfaith. As indicated on the attached Certificate of Service, service on the parties was accomplished by email only. Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

/s/ Devin McDougall

PA Attorney ID No. 329855

Senior Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 2020

Philadelphia, PA 19103

dmcdougall@earthjustice.org

(917) 628-7411

cc:
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et
al.

Docket No. R-2023-3037933

v.

Philadelphia Gas Works

PETITION TO INTERVENE OF POWER INTERFAITH

April 24, 2023

Pursuant to 52 Pa. Code §§ 5.72-5.75, POWER Interfaith (“POWER”) hereby files this Petition to Intervene (“Petition”) in the above-captioned proceeding (the “Proceeding”) of the Pennsylvania Public Utility Commission (the “Commission”) concerning the request for a general rate increase filed by Philadelphia Gas Works (“PGW”).

In support of this Petition, POWER states as follows:

1. On February 27, 2023, PGW submitted a rate filing, proposed Supplement No. 159 to its Gas Service Tariff No. 2, and proposed Supplement No. 105 to its Supplier Tariff No. 1. PGW is seeking approval of “new rates that would increase annual revenues for its gas distribution service by \$85.8 million, or by 10.3%.”¹ PGW is proposing to increase the fixed monthly residential charge from \$14.90 to \$19.55, a 31% increase.²
2. The Commission’s regulations provide that “[a] petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.”³ A “person” includes a corporation and an association.⁴
3. Such an interest may be “[a]n interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding”⁵ or “[a]n interest of such nature that participation of the petitioner may be in the public interest.”⁶

¹ PGW 2023 Base Rate Filing, Volume 1, Part 1 of 3, Statement of Reasons at 1 (Feb. 27, 2023).

² PGW 2023 Base Rate Filing, Volume II, Statement No. 6 at 8, Table 2.

³ 52 Pa. Code § 5.72(a).

⁴ 52 Pa. Code § 1.8; *See also Energy Conservation Council of Pennsylvania v. Pub. Util. Comm’n*, 995 A.2d 465, 476 (Pa. Commw. Ct. 2010) (“An association may have standing as a representative of its members. *Tripps Park v. Pennsylvania Public Utility Commission*, 52 Pa.Cmwlth. 317, 415 A.2d 967, 970 (1980). Thus, as long as an organization ‘has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action[, i.e., is aggrieved, the organization] has standing.’”).

⁵ 52 Pa. Code § 5.72(a)(2).

⁶ 52 Pa. Code § 5.72(a)(3).

4. POWER meets these requirements, since POWER's members would be directly affected by the proceeding, POWER's interests are not adequately represented by other parties, and POWER's participation in the proceeding would be in the public interest.

5. POWER is a Philadelphia-based network of faith communities committed to racial and economic justice on a livable planet. POWER includes over 50 active congregations, representing more than 30,000 diverse Philadelphians.

6. Members of POWER will be directly impacted by this proceeding and bound by the Commission's action in it. Members of POWER live within PGW's service territory, are customers of PGW, and will be subject to the outcome of this proceeding, including through impacts to their gas bills and the reliability, quality, and safety of their gas service. POWER's membership includes low-income households that have experienced energy insecurity and have struggled to keep up with their PGW bills.

7. POWER's members are people of faith committed to the work of bringing about justice here and now. POWER is committed to advancing a just, transparent, and affordable energy system; ensuring that PGW is using best technical and engineering practices to control costs, avoid rate increases, and protect energy affordability in the long-term; ensuring that any rate increase by PGW is no larger than necessary and is equitably distributed among customer classes; and supporting its members' understanding of and engagement with the public utility regulation process that directly affects their pocketbooks. POWER's interests in these areas would not be adequately advanced by other parties in this proceeding.

8. Additionally, it would serve the public interest for a network of faith communities like POWER to participate in this proceeding because as the Commission has recognized, active participation by diverse subgroups aids the Commission in advancing the public interest. As the

Commission has noted, “[i]n the context of a general rate increase case such as this one, the Commission is aided by the active participation of entities representing various subgroups of the entire public. A number of these active participants have a statutorily imposed obligation to provide this representation, while others are self-created entities choosing to represent a delineated subgroup. Taken as a whole, these active participants cover the entire spectrum of the public whose welfare is to be protected.”⁷

9. POWER is well-positioned to participate in this proceeding because it has previously intervened in and participated as an active party in the Philadelphia Gas Commission’s proceedings to review PGW’s proposed FY 2023 Capital Budget, FY 2023 Operating Budget, and FY 2024 Capital Budget.

10. POWER is represented in this matter by:

Devin McDougall, Esq.
PA Attorney ID No. 329855
Senior Attorney
Clean Energy Program
Earthjustice
1617 John F. Kennedy Blvd., Suite 2020
Philadelphia, PA 19103
(917) 628-7411
dmcDougall@earthjustice.org

11. Counsel for POWER consents to the service of documents by electronic mail to dmcDougall@earthjustice.org, as provided in 52 Pa. Code § 1.54(b)(3).

⁷ *Pennsylvania Pub. Util. Comm'n Off. of Consumer Advoc. Off. of Small Bus. Advoc. Jennifer Mattingly Brandi Brace Kim Kotyk Barbara Brennan Lindsey Yeider Wosik Roger & Maria Hogue Lisa Infantino Mark Lazo Bridgett Brosius*, No. C-2021-3024200, 2021 WL 5051925, at *20–21 (Oct. 28, 2021).

WHEREFORE, POWER respectfully requests that the Commission grant this Petition to Intervene.

Dated: April 24, 2023

Respectfully submitted,

/s/ Devin McDougall
PA Attorney ID No. 329855
Senior Attorney
Earthjustice
1617 John F. Kennedy Blvd., Suite 2020
Philadelphia, PA 19103
dmcDougall@earthjustice.org
(917) 628-7411

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of this electronically-filed document upon the parties, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

<p>Lauren E. Guerra, Esq. Mackenzie C. Battle, Esq. Darryl A. Lawrence, Esq. David Evrard, Esq. Office of Consumer Advocate Forum Place, 5th Floor 555 Walnut Street Harrisburg, PA 17101-1923 dlawrence@paoca.org devrard@paoca.org lguerra@paoca.org MBattle@paoca.org</p> <p><i>Representing the Office of Consumer Advocate</i></p>	<p>Dennis A. Whitaker, Esq. Kevin J. McKeon, Esq. Todd S. Stewart, Esq. Hawke McKeon & Sniscak LLP 100 N 10th Street Harrisburg, PA 17101 dawhitaker@hmslegal.com kjmckeon@hmslegal.com tsstewart@hmslegal.com</p> <p><i>Representing Grays Ferry Cogeneration Partnership and Vicinity Energy Philadelphia, Inc.</i></p>
<p>Sharon E. Webb, Esq. Nakea S. Hurdle, Esq. Nazaarah Sabree, Esq. Office of Small Business Advocate Forum Place, 1st Floor 555 Walnut Street Harrisburg, PA 17101 swebb@pa.gov nhurdle@pa.gov ra-sba@pa.gov</p> <p><i>Representing the Office of Small Business Advocate</i></p>	<p>Craig W. Berry, Esq. Philadelphia Gas Works 800 W. Montgomery Avenue Philadelphia, PA 19122 craig.berry@pgworks.com</p> <p><i>Representing Philadelphia Gas Works</i></p>
<p>Gina Miller, Esq. Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120 ginmiller@pa.gov</p> <p><i>Representing BIE</i></p>	<p>Dan Clearfield, Esq. Sarah C. Stoner, Esq. Eckert Seamans 213 Market St., 8th Floor Harrisburg, PA 17110 dclearfield@eckertseamans.com sstoner@eckertseamans.com</p> <p><i>Representing Philadelphia Gas Works</i></p>

<p>Charis Mincavage, Esq. Mcnees Wallace & Nurick 100 Pine Street PO Box 1166 Harrisburg, PA 17108 cmincavage@mwn.com</p> <p><i>Representing Philadelphia Industrial and Commercial Gas Users Group (PICGUG)</i></p>	<p>John Sweet, Esq. Elizabeth R. Marx, Esq. Ria Pereira, Esq. Lauren Berman, Esq. PA Utility Law Project 118 Locust Street Harrisburg, PA 17101 jsweet@pautilitylawproject.org emarx@pautilitylawproject.org rpereira@pautilitylawproject.org pulp@palegalaid.net</p> <p><i>Representing CAUSE-PA</i></p>
<p>Judge Arlene Ashton Pennsylvania Public Utility Commission 400 North Street, Filing Room Harrisburg, PA 17120 aashton@pa.gov</p>	<p>Judge Eranda Vero Pennsylvania Public Utility Commission 400 North Street, Filing Room Harrisburg, PA 17120 evero@pa.gov</p>
<p>Representative Rick Krajewski Pennsylvania House 109B East Wing P.O. Box 202188 Harrisburg, PA 17120 repkrajewski@pahouse.net</p>	

Dated: April 24, 2023

/s/ Devin McDougall
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EXHIBIT 4



900 S Arlington Ave Harrisburg, PA 17109
717-695-3688 * info@poweractionfund.org

POWER Climate Justice & Jobs Platform 2023 / Philadelphia

SHORT VERSION

We all depend on a healthy environment. However, we suffer from unhealthy, unsafe conditions in our homes, schools, and streets. These conditions contribute to gun violence as well as directly hurting residents' health. POWER joins allies across the city in calling for policies and investments to clean up our streets, prevent dumping, green vacant lots, plant trees, and remove toxins from our homes and schools.

On a global level, the climate crisis has brought intense storms, floods, and heatwaves. Philadelphians as well as people everywhere face the threat of catastrophic climate change in the coming years unless we act with urgency. We therefore call for a rapid shift from fossil fuels to clean energy.

Three changes are especially crucial:

- Require PGW budgets to match our city's goal for shifting from fossil fuels to clean energy, while ensuring that all residents can heat their homes at affordable rates.
- Ban the use of gas in new buildings while requiring large building owners to slash pollution.
- Expand funding for the Philadelphia Energy Authority's "Built to Last" program and other initiatives that provide home repairs, weatherization, fossil free heating/cooling systems, and solar panels for low- and moderate-income residents.

MEDIUM VERSION

We all depend on a healthy environment. But Philadelphians are suffering from major hazards, including toxins in our homes and schools, unsafe streets, and more. These conditions contribute to gun violence as well as directly hurting residents' health; they cause the greatest harm to black and brown working class communities. Big polluters profit from poisoning our communities, while decades of disinvestment have led to crumbling infrastructure and buildings. Environmental harms contribute substantially to gun violence as well as hurting residents' health directly. POWER joins allies across the city in calling for policies and investments to clean up our streets, prevent dumping, green vacant lots, plant trees, and remove toxins from our homes and schools.

On a global level, the climate crisis has brought intense storms, floods, and heatwaves. Philadelphians as well as people everywhere face the threat of catastrophic climate change in the coming years unless we act with urgency. We therefore call for a rapid shift from fossil fuels to clean energy.

To stop the pollution that is heating up our planet and fueling the climate crisis, we must transform Philadelphia's utilities, buildings, transportation system, and waste system, within the next 20 years. A Philly Green New Deal would improve public health, reduce energy bills, make our homes safer and more comfortable, and create thousands of good jobs while rapidly replacing fossil fuels with clean energy. The enactment of a Philly Green New Deal must begin now.

Three changes are especially crucial:

- Through appointments and legislation, the next mayor and city council must require PGW budgets to match our city's goal for shifting from fossil fuels to clean energy, while ensuring that all residents can heat their homes at affordable rates.
- Philadelphia officials must follow the lead of other cities by banning the use of gas in new buildings while requiring large building owners to slash pollution dramatically.
- We call for expanded funding for the Philadelphia Energy Authority's "Built to Last" program and other initiatives that provide home repairs, weatherization, fossil free heating/cooling systems, and solar panels for low- and moderate-income residents.

LONG VERSION

Introduction

We all depend on a healthy environment. But Philadelphians are suffering from major hazards, including toxins in our homes and schools, unsafe streets, and more. These conditions contribute to gun violence as well as hurting residents' health directly, and they cause the greatest harm to black and brown working class communities. Big polluters profit from poisoning our communities, while decades of disinvestment have led to crumbling infrastructure and buildings. Environmental harms contribute substantially to gun violence as well as hurting residents' health directly. POWER joins allies across the city in calling for policies and investments to clean up our streets, prevent dumping, green vacant lots, plant trees, and remove toxins from our homes and schools.

On a global level, the climate crisis has brought intense storms, floods, and heatwaves. Philadelphians as well as people everywhere face the threat of catastrophic climate change in the coming years unless we act with urgency. We therefore call for a rapid shift from fossil fuels to clean energy.

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- Philadelphia officials must follow the lead of other cities by banning the use of gas in new buildings while requiring large building owners to slash pollution dramatically.
- We call for expanded funding for the Philadelphia Energy Authority's "Built to Last" program and other initiatives that provide home repairs, weatherization, fossil free heating/cooling systems, and solar panels for low- and moderate-income residents.

The next Mayor and City Council must:

1. Commit to democratic, transparent planning for our energy system & buildings.
2. Establish rules that require local institutions to shift from fossil fuels to clean energy; and
3. Step up public investment, prioritizing the needs of communities of color—particularly those who are suffering the most from unlivable conditions.

Other major cities are far ahead of Philadelphia in these areas. The next mayor must appoint officials who will deliver high quality services, and lead the transition to one hundred percent renewable energy jobs, in transparent and accountable ways.

We ask all candidates to commit to policies formulated by POWER's Climate Justice & Jobs Team, which focus on transforming Philadelphia Gas Works and transitioning buildings across our city to use affordable, renewable energy. In addition, we urge candidates to commit to policies that our key allies are demanding.

Transforming PGW

PGW is the largest municipally-owned gas utility in the nation and an enormous pillar of Philadelphia's energy system. It is essential that PGW move rapidly away from "dirty energy" and into affordable, renewable energy with good jobs and improved health and safety.

Over the past four years, organizations across Philadelphia have [pressed for the City](#) to begin changing PGW into a utility that provides both heating and cooling¹ without the use of fossil fuels, while creating union jobs. They have also pressed for PGW to operate in a more transparent and accountable manner. During that time, there has been minimal progress. PGW executives have aggressively sought to [increase the sale of gas](#), moved to [reduce public oversight and participation](#), and even [participated in writing a state preemption bill](#) that would limit the ability of our City government to enact needed policies.

We call on the Mayor and City Council to lead the transformation that we need.

For Mayoral Candidates:

- **Appointments** – The Mayor will appoint Philadelphia Facilities Management Corporation (PFMC) board members and Gas Commissioners who commit to ensuring that PGW's business plans, budgets, and incentives match the City's climate goals. That requires rapidly phasing out the use of natural gas to heat buildings and transforming PGW into a utility that provides both affordable heating and cooling without the use of fossil fuels.
- **Legislation** – The Mayor will sign legislation that achieves the goals listed below.

For City Council Candidates:

- City Council Members will take the lead in enacting legislation that:
 - Requires PGW to produce business plans, budgets and incentives that match the City's goal for phasing out the use of fossil fuels (by 2050 at the latest), with clear 5-year incremental goals, while guaranteeing affordable energy to all residents.
 - Requires the Philadelphia Gas Commission to evaluate PGW's compliance with the City's climate goals as well as the goal of guaranteeing affordable energy to all Philadelphians as part of the annual review process for PGW budgets and to share this benchmark reporting with the public. The legislation should also increase the budget for the Gas Commission in order to ensure that the Commission has sufficient staffing and resources to carry out this important task effectively.
 - Requires the Gas Commission to conduct budget review proceedings that allow grassroots organizations to ask questions of PGW executives through a formal discovery process and to cross-examine PGW witnesses who testify at hearings.
 - Requires PGW executives to provide transparency about PGW's lobbying and other advocacy activities, and prohibits payments to fossil fuel trade associations.
 - Requires the Philadelphia Facilities Management Corporation (PFMC) to hold public meetings and publish meeting transcripts.

¹ As summer heatwaves grow more intense, the need for all Philadelphians to have affordable cooling in their homes is growing more urgent. PGW has the potential to supply both heating and cooling using electric heat pumps and thermal network systems.

- City Council Members will enact policies to protect everyone's right to affordable energy. POWER joins environmental justice partners across the city to call for:
 - Directing PGW to reduce barriers to Philadelphians accessing PGW's Customer Responsibility Program.
 - Requiring PGW to create and fund a plan to reduce shutoffs year-over-year and require PGW to be transparent about the number of shutoffs carried out.
 - Ending PGW's Weather Normalization Adjustment Program which requires customers to pay for gas they have not used.
- City Council Members will enact policies to preserve and create union jobs, as well as protecting pensions and benefits, through the energy transition.

Transforming Our Buildings

Cities like NYC, Washington, Boston, and Los Angeles are implementing strong policies to advance a rapid and just shift from fossil fuels to clean energy in buildings. They are [banning the use of gas in new buildings](#) and [requiring large building owners to dramatically cut emissions](#). Just as importantly, they are developing plans for [large-scale investment in home repairs](#) and [clean energy retrofits for low-income residents](#), as well as installing [efficient, all-electric, fossil-free HVAC systems in public schools](#). Philadelphia must follow suit.

We call on City Council and Mayoral candidates to commit to the following goals:

- 1. Enact requirements for developers & building owners that match Philly's climate goals:**
 - a. Pass legislation that prohibits the installation of gas appliances in new buildings, with few exceptions (following the lead of cities like [NYC](#), [DC](#), and Los Angeles).
 - b. Prohibit installation of gas-powered furnaces, boilers, or water heaters in publicly owned buildings ([as in Washington, DC](#)).
 - c. Require deep cuts in greenhouse gas emissions from large buildings across the city, as in NYC and [Boston](#), with interim goals over the next 2 decades that line up with Philadelphia's climate goals.
- 2. Democratic planning: With full participation from communities and unions, develop a master plan for retrofitting all buildings across the City in order to:**
 - a. Phase out the use of fossil fuels.
 - b. Improve public health.
 - c. Ensure affordability.
 - d. Create good union jobs, prioritizing workers currently employed in the fossil fuel industry and people who have been denied access to living wage employment as a result of racial and gender discrimination and/or mass incarceration.

To ensure this process advances equity goals, we also need a new cabinet-level position to coordinate and oversee equitable decarbonization planning, investments, and regulations.
- 3. Invest now in transforming our homes and hold landlords accountable**
 - a. Expand funding for the Philadelphia Energy Authority's "Built to Last" program and related programs to provide home repairs, weatherization, fossil-free heating & cooling, induction stoves, and solar panels for low and moderate income Philadelphians, along with green workforce development.
 - i. Allocate additional funds from the city budget.
 - ii. Ensure Philly takes full advantage of the federal Inflation Reduction Act.
 - iii. Work with allies to secure additional funds from state & federal government.
 - b. Ensure that grants provided to landlords for repairing and retrofitting their properties are matched with strict tenant protection requirements that ensure tenants are not subject to large rent increases or non-renewal of their leases.
 - c. Increase funding for L&I so that the agency proactively inspects all rental properties on a regular basis and enforces the city's housing code effectively. In addition, provide funding for repair programs and emergency housing programs to protect

tenant safety and prevent displacement caused by landlord negligence. Develop these policies in consultation with [Renters United Philadelphia](#).

4. Safe, Healthy, Fossil-Free Schools

- a. City Council and the Mayor will earmark School District funding to immediately clean up toxic schools & ensure that all schools become healthy, safe, and fossil free.
- b. The Mayor will appoint School Board members who will ensure that the District creates and implements a transformative program to repair and upgrade school buildings with effective fossil-free HVAC systems. The School Board members must commit to meeting ASHRAE's forthcoming indoor air quality standards for classrooms. Philly Democratic Socialists of America's "Safe Air for Every School" program is a good interim pathway to achieving this goal.

Additional Priorities

We also call on City Council and Mayoral candidates to commit to the following goals:

1. Join POWER in pressing the PA Public Utility Commission to require PECO to expand its purchases of electricity from renewable sources as part of its next Default Service Plan.
2. Expand funding for the City's Office of Sustainability. See: [Will the next Mayor prioritize or destabilize Philly's sustainability goals? – Green Philly \(thegreencities.com\)](#)
3. Fund the [place-based environmental justice initiatives](#) promoted by the 57 Blocks coalition, with the goal of improving conditions and preventing gun violence in communities that have been hit hardest by violence.
4. Hold Hilco accountable for negotiating a Community Benefits Agreement and executing a plan for green development on the PES Refinery site.
5. Enact the [Waste Free Philly agenda](#) to ensure efficient and reliable waste collection, recycling, litter prevention and enforcement programs in its role to support and expand the circular economy. We must also end dumping and littering by 2028 to restore a quality of life for all Philadelphians that contributes to a safe, clean and thriving ecosystem.
6. Ban incineration of Philadelphia's solid waste in the City of Chester or any other location.
7. Commit to the [Better Mobility Platform](#), in order to improve and expand public transit, improve conditions for cyclists and pedestrians and make our streets safer for all.
8. Fund and implement the [Philly Tree Plan](#).
9. Fund and implement the Philadelphia Public Financial Authority that City Council authorized in 2022, following the lead of the [Philadelphia Public Banking Coalition](#). The next Mayor should appoint board members who are ready to guide the PPFA in providing low-cost financing for renewable energy projects and green, affordable housing initiatives.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of **PGW's Motion to Dismiss the Objections of POWER Interfaith and Compel Complete Replies to PGW POWER Set I Interrogatories** upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email and/or First Class Mail

Allison C. Kaster, Esq.
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
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akaster@pa.gov

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