



Eckert Seamans Cherin & Mellott, LLC
213 Market Street
8th Floor
Harrisburg, PA 17101

TEL: 717 237 6000
FAX: 717 237 6019

Renardo L. Hicks
717.237.6081
rhicks@eckertseamans.com

June 5, 2025

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: PA Public Utility Commission, et al., v. Philadelphia Gas Works
2025 PGW Base Rate Case – Docket No. R-2025-3053112

Dear Secretary Homsher:

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

Sincerely,

Renardo L. Hicks

Renardo L. Hicks

RLH/jls
Enclosure

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

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of **PGW's Motion to Dismiss the Objections of Energy Justice Advocates and Compel Replies to PGW's 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

Carrie B. Wright, Esq.
Michael A. Podskoch, Jr., Esq.
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
carwright@pa.gov
mpodskoch@pa.gov

Steven C. Gray, Esq.
Rebecca Lyttle, Esq.
Office of Small Business Advocate
Forum Place, 1st Floor
555 Walnut Street
Harrisburg, PA 17101
sgray@pa.gov
relyttle@pa.gov

Harrison W. Breitman, Esq.
Ryan Morden, Esq.
Katherine Kennedy, Esq.
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
OCA25PGWBRC@paoca.org

Charis Mincavage, Esq.
Adeolu A. Bakare, Esq.
Rebecca Kimmel, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
cmincavage@mcneeslaw.com
abakare@mcneeslaw.com
rkimmel@mcneeslaw.com

Joline R. Price, Esquire
Daniela E. Rakhlina-Powsner, Esquire
Benjamin Clark, Esquire
Robert W. Ballenger, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
jprice@clsphila.org
drakhlinapowsner@clsphila.org
bclark@clsphila.org
rballenger@clsphila.org

Devin McDougall, Esq.
Mychal Ozaeta, Esq.
Rebecca Barger, Esq.
Hema Lochan, Esq.
Celine Busnelli
Clean Energy Program
Earthjustice
1617 John F. Kennedy Blvd., Suite 2020
Philadelphia, PA 19103
dmcDougall@earthjustice.org
mozaeta@earthjustice.org
rbarker@earthjustice.org
hlochan@earthjustice.org
cbusnelli@earthjustice.org

Date: June 5, 2025

/s/ Renardo L. Hicks _____
Renardo L. Hicks, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY
COMMISSION

V.

PHILADELPHIA GAS WORKS

:
:
:
:
:
:

R-2025-3053112

**PHILADELPHIA GAS WORKS’
MOTION TO DISMISS THE OBJECTIONS OF ENERGY JUSTICE ADVOCATES
AND TO COMPEL COMPLETE REPLIES TO PGW SET I INTERROGATORIES**

Pursuant to 52 Pa. Code §§ 5.321, 5.342, and 5.349, Philadelphia Gas Works (“PGW”) hereby respectfully requests that Administrative Law Judge Vero (“ALJ” or “Presiding Officer”) dismiss the objections to discovery by intervenors Energy Justice Advocates (“EJA”) and compel EJA to provide full and complete answers to PGW Set I Interrogatories Nos. I-10 and I-15 through I-18. PGW served Set I Interrogatories on EJA on May 22, 2025 (Exhibit 1), and EJA served Objections on PGW Set I Interrogatories Nos. I-8 through I-13, I-15 through I-20, and I-22 (Exhibit 2). Based upon discussions between counsel on June 5, 2025, PGW and EJA have agreed to reasonable compromises on all requests—except for PGW Set I Interrogatories Nos. I-10 and I-15 through I-18. Therefore, PGW now moves to compel EJA to provide full and complete answers to PGW Set I Interrogatories Nos. I-10 and I-15 through I-18.

This Motion accomplishes four (4) things: 1) discusses the content of the PGW-EJA Set I Interrogatories at issue; 2) discusses why EJA’s repetitive general objections are inadequate to prevent PGW’s relevant and timely discovery requests; 3) discusses why EJA’s primary objections to PGW’s Set I interrogatories to EJA are inadequate and should be overruled; and

4) discusses why EJA should be compelled to provide complete answers as an active party participating in this proceeding.¹

I. PGW-EJA SET I INTERROGATORIES

PGW submits that EJA's Objections are baseless, improper, and should be dismissed. PGW respectfully requests that the Commission issue an Order dismissing the objections of EJA and compelling EJA to completely answer each of the interrogatory questions in PGW-EJA Set I Nos. 1-10 and 1-15 through 18.

In support of this request, and as evidenced in Exhibit 1, the PGW-EJA Set I Interrogatories at issue seek to obtain discovery regarding the following matters, not privileged, which are relevant to the subject matter involved in this proceeding:

- The identity of "Members" of each organization which comprises EJA who live within PGW's service territory, who are customers of PGW, who will be directly impacted by the Commission's decision in this proceeding, as stated in paragraphs 7, 10, 13, 16, 19, 22 and 25 of EJA's Petition to Intervene in this proceeding. (PGW-EJA Set I-10)
- Production of written materials relating to the decision of EJA to participate in this proceeding. (PGW-EJA Set I-15 and I-16)
- Production of written materials provided or made available to Members for use in public hearings. (PGW-EJA Set I-17 and I-18)

II. PGW'S GENERAL RESPONSES TO EJA'S GENERAL FORM OBJECTIONS DEMONSTRATE WHY EJA'S OBJECTIONS MUST BE OVERRULED

EJA objects to each of the interrogatories referenced above for several reasons. As demonstrated below, PGW-EJA Set I interrogatories substantially request information regarding specific averments made by EJA in their Petition to Intervene in these proceedings, attached hereto as Exhibit 3. In response, EJA has responded with a laundry list of alleged grounds,

¹ As of the date of the filing of this Motion, PGW has received and provided responses to nine (9) sets of discovery propounded by EJA in this proceeding.

including, *inter alia*, allegations that PGW-EJA Set I interrogatories: 1) are not relevant and not reasonably likely to lead to admissible relevant evidence; 2) cause an unreasonable and undue burden on EJA and require an unreasonable investigation; 3) seek access to information protected by privilege (including but not limited to attorney-client privilege and work product privilege); and 4) allegedly violate EJA's reasonable expectation of privacy, or the First Amendment of the United States Constitution.²

PGW submits that the interrogatory questions in PGW-EJA Set I Nos. 10 and 15–18 are well within the scope of discovery in this proceeding, are relevant to the subject matter of this proceeding, and in no way infringe of the constitutional rights of EJA or its members. As set forth in more detail below, the Objections of EJA are improper and should, therefore, be dismissed.

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 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."³ 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."⁴ Information may be discoverable, even if it would be inadmissible at a hearing.⁵ "It is not ground for objection that the information sought will be inadmissible at hearing if the information sought

² See Exh. 2.

³ 52 Pa. Code § 5.321(c).

⁴ *Id.*

⁵ *Application of Nabil Nasr and Wael Hafez*, Docket No. A-2012-2295813, 2012 Pa. PUC LEXIS 1849 (Order issued Nov. 28, 2012) at 12.

appears reasonably calculated to lead to the discovery of admissible evidence.”⁶ The Commission has issued a number of decisions interpreting the scope of its discovery rules—including a decision of the presiding administrative law judge in a similar discovery dispute between PGW and POWER Interfaith in PGW’s 2023 rate proceeding⁷—and it has consistently allowed participants wide latitude in discovery matters.⁸ Based on the standards set forth above, EJA’s Objections to PGW’s Interrogatories should be overruled and EJA should be compelled to completely answer the questions propounded in PGW-EJA Set I Nos. 10 and 15–18 as part of the routine discovery process in this matter.

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

PGW notes that EJA represents in its Petition to Intervene,⁹ attached hereto as Exhibit 3, that it consists of seven (7) not-for-profit organizations, including: POWER Interfaith, Sierra Club, Physicians for Social Responsibility Pennsylvania, Clean Air Council, Vote Solar, PennEnvironment, and the Pennsylvania Public Interest Research Group (collectively, the “Energy Justice Advocates” or “EJA”).¹⁰

EJA specifically alleges in great detail that each Member non-profit organization of EJA has members who live within PGW’s service territory, are customers of PGW, and will be subject to the outcome of this proceeding.¹¹ EJA further alleged that EJA meets the requirements for participation in these proceedings, since EJA’s members would be directly

⁶ *Id.*

⁷ *See Pa. Pub. Util. Comm’n v. PGW*, Docket No. R-2023-3037933; ORDER GRANTING THE MOTION OF PHILADELPHIA GAS WORKS TO DISMISS OBJECTIONS OF POWER INTERFAITH AND COMPEL COMPLETE RESPONSES; July 3, 2023 (attached hereto as Exhibit 5).

⁸ *See Pa. Pub. Util. Comm’n v. Peoples Natural Gas Co.*, 62 Pa. P.U.C. 56, 1986 Pa. PUC LEXIS 79 (Aug. 26, 1986); *Pa. Pub. Util. Comm’n v. Equitable Gas Co.*, 61 Pa. P.U.C. 468, 1986 Pa. PUC LEXIS 110 (May 16, 1986).

⁹ Exh. 2 (Petition to Intervene of EJA, R-2025-3053112, Apr. 3, 2025).

¹⁰ *Id.* at p. 1.

¹¹ *Id.* at p. 2–5, ¶¶ 6–26.

affected by the proceeding, EJA's interests are not adequately represented by other parties, and EJA's participation in this proceeding would be in the public interest.¹² Importantly, PGW Interrogatories do not seek communications between EJA and its members that are protected by privilege or which advise members of the progress of these proceedings or positions asserted by EJA. PGW's Set I interrogatories examine EJA's claims and raise questions regarding the relevance, materiality, standing and credibility of EJA's averments in their Petition for Intervention, as well as its compliance with 52 Pa. Code §§ 5.72–5.75. As a result, EJA's Objections to PGW's Interrogatories should be dismissed and EJA should be compelled to answer the questions propounded as part of the discovery process in this matter.

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

EJA 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.¹³ PGW-EJA 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.

EJA specifically alleged that their interest “will be directly affected by the Proceeding, their interests are not adequately represented by existing parties in the Proceeding, and their participation in the Proceeding would be in the public interest.”¹⁴ PGW Interrogatories seek to

¹² *Id.* at p. 2, ¶ 5.

¹³ *Id.* at ¶¶ 7, 10, 13, 16, 19, 22, and 25.

¹⁴ *Id.* at p. 2, ¶ 5.

determine the facts and circumstances represented as “their interests” that are purportedly not being adequately represented by existing parties in the Proceeding.

EJA also alleges that “[o]n initial review, the Energy Justice Advocates are concerned that PGW’s filing may not result in just and reasonable rates.”¹⁵ PGW-EJA Set I Interrogatories seek to discover, among other things, the factual basis for that assertion. 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 “Doubling Down on Pennsylvania’s Fossil Fuel Extraction is a Direct Threat to Public Health: An Essay by Pamela Darville”¹⁶ attached hereto as Exhibit 4, is posted on the web site of POWER Interfaith, one of EJA’s member non-profit organizations, and asserts that the idea that “doubling down on Pennsylvania’s fossil fuel extraction will secure ‘energy dominance’ is not just myopic; it is a direct threat to public health, logical stability, and global climate progress.”¹⁷ A full copy of this essay, written by the Chairperson of the Climate Justice and Jobs Teams of POWER Interfaith—one of the EJA non-profit member organizations—is available on the website of the PA Environment Digest Blog.¹⁸ 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, explore the underlying facts and circumstances related to such policy statements posted on the EJA web site, and determine whether other EJA nonprofit members possess policies that raise similar questions

¹⁵ *Id.* at p. 6, ¶ 28.

¹⁶ *See* Exh. 4 (Pamela Darville, Doubling Down on PA’s Fossil Fuel Extraction is a Direct Threat to Public Health: An Essay by Pamela Darville - POWER Interfaith (Jun. 3, 2025), <https://powerinterfaith.org/2025/06/doubling-down-on-pas-fossil-fuel-extraction-is-a-direct-threat-to-public-health-and-ecological-stability/>).

¹⁷ *Id.*

¹⁸ Pamela Darville, Guest Essay: Doubling Down on Pennsylvania's Fossil Fuel Extraction Is A Direct Threat to Public Health and Ecological Stability, PA Environment Digest Blog (May 29, 2025), <https://paenvironmentdaily.blogspot.com/2025/05/guest-essay-doubling-down-on.html>.

regarding the safety and reliability of gas service. Consequently, EJA’s responses to the 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.

Section 5.321(c) contemplates and explicitly approves of the use of interrogatories relating to “any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense.”¹⁹ That same section also recognizes that certain information sought by an interrogatory may not be admissible in at a hearing.²⁰ However, the last sentence of subparagraph (c) of Section 5.321 explicitly provides that the inadmissibility of information at a hearing is not a ground for objection as long as the information sought by the interrogatory “appears reasonably calculated to lead to the discovery of admissible evidence.”²¹

PGW’s Set I Interrogatories probe issues relating to EJA’s status and authority to represent the interests of individuals and groups who would be affected by the proceedings and the sources and basis for arguments it presents and positions it takes in this proceeding. There is no colorable dispute that these requests fall well within the scope of discovery permitted under Section 5.321 and Commission rulings.

The rationale set forth above is applicable to all of the Set I Interrogatories in dispute, to the extent they relate to any aspect of EJA’s participation in the proceeding. Accordingly, EJA’s objections must be overruled.

¹⁹ 52 Pa. Code § 5.321(c).

²⁰ *Id.*

²¹ *Id.*

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

As set forth herein, PGW’s Specific Responses to objections demonstrates why all of EJA’s objections to PGW-EJA Set I must be overruled.

PGW-EJA Set I No. 10

EJA objects to PGW-EJA Set I No. 10, which seeks to discover information concerning EJA’s members who are customers of PGW and will be directly impacted by the Commission’s decision in this proceeding—primarily on the grounds of relevance—listing most of the possible objections permitted under 52 Pa. Code §§ 5.342 and 5.361.²² EJA objects to PGW-EJA Set I No. 10 as: a) not relevant nor reasonably likely to lead to admissible relevant evidence; b) causing unreasonable and undue burden on EJA; and c) requiring an unreasonable investigation; and d) any examination of the averments in their Petition to Intervene is waived since PGW did not oppose their standing to participate in this proceeding.²³

EJA should not be permitted to raise a general list of objections against interrogatories that are well within the scope of discovery in this proceeding and must be compelled to provide the requested information pursuant to established rules because: a) the scope of discovery is broad; b) EJA’s burden connected with responding to this request is unproven and not sufficient to prohibit discovery; and c) nowhere does EJA assert that it does not have the information or is unable to produce the information.

As discussed above, PGW Set I Interrogatories are designed to solicit information necessary to confirm the accuracy of facts and circumstances alleged by EJA to support its participation in the proceeding, including data and information on its member organizations and whether its members “would be directly affected by the proceeding” and “not adequately

²² Exh. 2 at pp. 4–5.

²³ *Id.*

represented by other parties.” PGW also contends that EJA’s responses to the interrogatories will enable PGW to assess and raise questions regarding “the relevance, materiality, standing, and credibility” of EJA’s averments as well as its compliance with 52 Pa. Code §§ 5.72–5.75. Further, PGW maintains that EJA’s allegation that this proceeding will impact its members and their gas bills, and the reliability, quality, and safety of their gas service, itself establishes the relevance of interrogatories.

Moreover, EJA’s argument regarding standing is misplaced. PGW’s Motion to Compel does not challenge EJA’s standing to participate in this proceeding. PGW’s Set I Interrogatories solicit information necessary to confirm the accuracy of facts and circumstances alleged by EJA to support its participation in this proceeding.

PGW-EJA Set I Nos. 15 through 16

EJA objects to PGW-EJA Set I Nos. 15 through 16, seeking to discover documents and information concerning EJA’s decision to participate in this proceeding, primarily on the grounds of relevance, attorney client privilege and work product privilege, annoyance, embarrassment and burden, and an alleged First Amendment right.²⁴

In response, PGW avers that EJA should be compelled to provide the requested information because: a) PGW’s request is well within the broad scope of discovery; b) EJA seeks to improperly impose a requirement to demonstrate evidentiary relevance before EJA responds to properly issued interrogatories well within the scope of discovery; c) EJA’s burden connected with responding to this request is unproven and not sufficient to prohibit discovery; d) EJA does not assert that it does not have the information or is unable to produce the information; and e) EJA does not provide a credible assessment of the alleged privilege (including providing a privilege

²⁴ Exh. 2 at pp. 6–8.

log) or burden of retrieving the information.

Further, EJA has not demonstrated how disclosure of information concerning EJA's decision to participate in this proceeding may have a chilling effect on the freedom of association or speech of any of EJA's members, and any First Amendment claim must be rejected. Here, EJA ignores the fact that discovery is necessary to develop the factual record necessary to support informed decision-making by the Commission. Moreover, the Commission's regulations and rulings specifically provide for "reasonable discovery" in rate cases, and Commission regulations properly limit the scope of discovery and provide protection from unreasonable, invasive requests and ensuring that the "matter which is privileged" is excluded from discovery.²⁵ As a result, EJA's attempts to wrap itself in the protection of the First Amendment is misplaced and should be rejected.

PGW-EJA Set I Nos. 17 through 18

EJA objects to PGW-EJA Set I Nos. 17 through 18, seeking discovery of documents and information made available to its members for use in public hearings on similar grounds as to its objection to PGW Set I Nos. 15 through 16, including relevance, attorney client privilege and work product privilege, annoyance, embarrassment, burden, and an alleged First Amendment right.²⁶

In response, PGW avers that EJA should be compelled to provide the requested information because: a) PGW's request is well within the broad scope of discovery; b) EJA improperly imposes a requirement to demonstrate evidentiary relevance before EJA responds to properly issued interrogatories well within the scope of discovery; c) EJA's burden connected with responding to this request is unproven and not sufficient to prohibit discovery; d) EJA does

²⁵ 52 Pa. Code § 5.321(c).

²⁶ Exh. 2 at pp. 9–10.

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

IV. CONCLUSION

WHEREFORE, pursuant to 52 Pa. Code §§ 5.321, 5.342, and 5.349 and for all the reasons set forth above, PGW respectfully requests that the Presiding Officer: (a) overrule the objections to discovery by EJA; (b) compel EJA to provide full and complete answers to Interrogatories PGW-EJA Set I Nos. 10 and 15 through 18 at a time established by the Commission; and (c) grant any other relief deemed appropriate under the circumstances.

Date: June 5, 2025

Respectfully submitted,

Renardo L. Hicks

Daniel Clearfield, Esq. Atty ID 26183
Renardo L. Hicks, Esq. Atty ID 40404
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Fl.
Harrisburg, PA 17101
717.237.6000
dclearfield@eckertseamans.com
rhicks@eckertseamans.com

EXHIBIT 1

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION :
 :
v. : Docket No. R-2025-3053112
 :
PHILADELPHIA GAS WORKS :

**PHILADELPHIA GAS WORKS’ INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS, SET I, ADDRESSED TO
THE ENERGY JUSTICE ADVOCATES**

Pursuant to 52 Pa. Code §§ 5.341, 5.342 and 5.349, Philadelphia Gas Works (“PGW”) hereby propounds the following interrogatories and requests for documents upon the Energy Justice Advocates (“EJA”), to be answered by those officers, employees, agents, or affiliated entities of EJA who may be cognizant of the requested information and who are authorized to answer on behalf of EJA. These interrogatories and requests for documents are propounded on a continuing basis so as to require you to submit supplemental answers and/or documents should additional information become known that would have been includable in your answers and document production had they been known or available or should information and/or documents supplied in the answers or production prove to be incorrect or incomplete. PGW reserves the right to propound additional interrogatories and to request additional documents as and if additional information is required. In accordance with 52 Pa. Code §§ 5.342(d) and 5.349(d), the interrogatories are to be answered in writing under oath and documents are to be furnished and served in-hand upon the undersigned within the time period prescribed by the Commission for this docket.

ADDITIONAL INSTRUCTIONS

1. Unless otherwise indicated, the time period for all requests is 2020 to the present.

2. If you object to any part of an interrogatory or request, answer all parts of such interrogatories or requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

3. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request for production or any part thereof, contained in a non-written communication, state the following with respect to the non-written communication:

- (i) the date thereof;
- (ii) the identity of each of the participants in the non-written communication;
- (iii) the identity of each person present during all or any part of the non-written communication;
- (iv) a description of the non-written communication which is sufficient to identify the particular communication without revealing the information for which a privilege or protection from non-disclosure is claimed;
- (v) the nature of your claim of non-discoverability (e.g., attorney-client privilege); and
- (vi) each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit PGW to make a full determination as to whether your claim is valid.

4. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request or any part thereof, contained in a document, set forth with respect to the document:

- (i) the date and number of pages;
- (ii) the identity of the author(s) or preparer(s);

- (iii) the identity of the addressee, if any;
- (iv) the title;
- (v) the type of tangible thing (e.g., letter, memorandum, telegram, chart, report, recording disc);
- (vi) the subject matter (without revealing the information as to which privilege or protection from non-disclosure is claimed);
- (vii) the identity of each person who has received the document or to whom knowledge of the contents of the document was communicated;
- (viii) the identity of the present custodian(s);
- (ix) the nature of your claim of non-discoverability (e.g., attorney-client privilege); and
- (x) each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit PGW to make a full determination as to whether your claim is valid.

5. If you claim any form of privilege or other protection from disclosure, otherwise than as set forth in Instructions 3 and 4, as a ground for not answering any interrogatory or request or any part thereof, set forth:

- (i) the nature of your claim as to non-discoverability; and
- (ii) each and every fact on which you rest your claim or privilege or other protection from disclosure, stating such facts with sufficient specificity to permit PGW to make a full determination as to whether your claim is valid.

6. If you know of any document, communication or information but cannot give the specific information or the full information called for by a particular interrogatory or request, state and give the best information you have on the subject and identify every person you believe to have the required information.

7. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; the masculine form of a pronoun shall be considered to include also within its meaning the feminine and neuter forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb. In each instance, the interrogatory or request shall be construed so as to require the most inclusive answer or production.

8. Please attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Label the written material with the number of the interrogatory to which it pertains.

9. On each Interrogatory response list the name and title of the person or persons who prepared the response or who is responsible for the information contained therein.

DEFINITIONS

As used in these Interrogatories and Requests for Production of Documents, the following terms have the meaning as set forth below:

1. The term “EJA” means, collectively, POWER Interfaith, Sierra Club, Physicians for Social Responsibility Pennsylvania, Clean Air Council, Vote Solar, PennEnvironment, the Pennsylvania Public Interest Research Group, and any affiliate or subsidiary unless the context indicates otherwise .

2. The term “you” means POWER Interfaith, Sierra Club, Physicians for Social Responsibility Pennsylvania, Clean Air Council, Vote Solar, PennEnvironment, the Pennsylvania Public Interest Research Group and any agent or representative of EJA and any affiliated entity, not including persons who have been identified in this proceeding as speaking on their own behalf and not in their representative capacity.

3. “List,” “describe,” “explain,” “specify” or “state” means to set forth fully, in detail, and unambiguously each and every fact of which EJA or its agents or representatives or affiliates have knowledge which is relevant to the answer called for by the interrogatory.

4. The terms “document” or “documents” as used herein has the same meaning and scope as in Rule 4009 of the Pennsylvania Rules of Civil Procedure and includes, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations, and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

- (a) are now or were formerly in your possession, custody, or control; or
- (b) are known or believed to be responsive to these interrogatories, regardless of who has or formerly had custody, possession, or control.

5. The term “date” means the exact day, month, and year, if ascertainable, or if

not, the best approximation thereof, including relationship to other events.

6. The term “person” or “persons” means and includes any individual, committee, task force, division, department, company, contractor, state, federal or local government agency, corporation, firm, association, partnership, joint venture or any other business or legal entity.

7. The terms “identify” and “identity” when used with reference to a natural person mean to state his or her 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.

8. The terms “identify” and “identity” when used with respect to any other entity mean to state its full name, the address of its principal place of business and the name of its chief executive officers.

9. The terms “identify” and “identity” with respect to a document mean to state the name or title of the document, the type of document (e.g., letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but is no longer in the possession of the EJA or subject to its control, state what disposition was made of it and explain the circumstances surrounding, and the authorization, for such disposition, and state the date or approximate date thereof.

10. The terms “identify” and “identity” with respect to any non-written communication mean to state the identity of the natural person(s) making and receiving the communication, their respective principals, or employers at the time of the communication, the date, manner and place of the communication, and the topic or subject matter of the

communication.

11. The term “oral communication” means any utterance heard, whether in person, by telephone, or otherwise.

12. The term “identify the sources” means to identify and specify all documents and non-written communications upon which you rely in support of the allegation, contention, conclusion, position or answer in question, to state the references drawn from each such source upon which you rely in support of such allegation, contention, conclusion, position or answer and to identify all individuals whom you know to be knowledgeable with respect to the subject matter of such allegation, contention, conclusion, position or answer. Where a source is a public record (e.g., a newspaper, trade journal, judicial or administrative opinion), a quotation and page reference of the material relied upon shall be supplied.

13. The term to “state the basis” for an allegation, contention, conclusion, position, or answer means (a) to identify and specify the sources therefore, and (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer, and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information, and/or belief that there are good grounds to support such allegation, contention, conclusion, or answer.

14. The terms “and” and “or” have both conjunctive and disjunctive meanings as necessary to bring within the scope of the interrogatories and request any information or documents that might otherwise be construed to be outside their scope; “all” and “any” mean both “each” and “every.”

15. The terms “relates to” or “relating to” mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.

16. The term “including” means “including but not limited to.”

**PGW INTERROGATORIES AND REQUESTS FOR DOCUMENTS
ADDRESSED TO EJA, SET I**

INTERROGATORIES

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.
2. State the correct legal name of each organization(s) which comprises EJA, whether their name is registered with any state or governmental organization, and the date and place of such registration.
3. State any other names which each organization which comprises EJA uses to identify itself, whether such names are registered with any state or governmental organization, and the date and place of such registration.
4. State the form of each organization which comprises EJA, the PA state entity number, initial filing date, status, entity type, state of formation and registered PA address for each member organization of EJA.
5. Identify in which state(s) of the United States or what foreign countries each organization which comprises EJA is registered or incorporated and where their principal place of business is located.
6. Is EJA 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.
7. State the chartered purpose, mission and primary objectives of each not-for-profit organization which comprises EJA.
8. Identify each organization which comprises EJA that has a “statutorily imposed obligation to provide representation” in this proceeding and state the precise statute that is the source of any such obligation.
9. Identify each organization which comprises EJA which “are self-created entities choosing to represent a delineated subgroup” and identify the specific subgroup which each organization represents in this proceeding.
10. Are there “Members” of each organization which comprises EJA who live within PGW’s service territory, who are customers of PGW, who will be directly impacted by the Commission’s decision in this proceeding? If so, please provide a) the number of members that satisfy these criteria; and b) the name, address, telephone number, email, and/or any other communication method of at least one such member.

**PGW INTERROGATORIES AND REQUESTS FOR DOCUMENTS
ADDRESSED TO EJA, SET I**

11. 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 11a 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.
12. Please provide a copy of the organizational chart of each non-profit organization which comprises EJA and explain the responsibilities of each person referenced thereon.
13. List all current directors, officers, and executive Committee members for the Pennsylvania portion of each non-profit organization which comprises EJA and for each state the following:
 - a. Present position and date(s) position has been held; and
 - b. All prior positions with such organization and date(s) held.
14. Identify the specific source(s) and amount of funding for each non-profit member of EJA in their most recent Annual Report and provide a copy of each organization's IRS form 1099 filings for 2023 and 2024. Provide the information for the Pennsylvania portion of the organization and, if that information is not available, provide whatever information is available.
15. Do any written memoranda, specifications, advertisements or other written materials of any kind or character relating to the decision of EJA to participate in this proceeding now exist?
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. Produce a copy of each document identified in this Answer.
17. Did any Member organization of EJA provide written documents, information, or materials to its Members, or make available to its Members, information, statements or materials, including emails, talking points or posters, for use at public hearings in these proceedings?
18. If the Answer to Interrogatory No. 17 is Yes:
 - a. List each written document, information or material, including emails, talking points or posters;
 - b. Identify each person who received each such document, information or material, including emails, talking points or posters; and,
 - c. Produce a copy of each document identified in this Answer.

**PGW INTERROGATORIES AND REQUESTS FOR DOCUMENTS
ADDRESSED TO EJA, SET I**

19. Does EJA or any of its member organizations 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 each organization;
 - d. Produce a copy of any such policy referenced in response to Question 19.

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

21. Identify and provide the following for each person that EJA intends to call as a witness in this proceeding:
 - a. Curriculum vitae, if not previously provided.
 - b. All cases, panel discussions, speaking engagements and presentations in which each witness has provided testimony or reports in the last three (3) years.
 - c. Copies of all testimony, workpapers, or reports each witness generated related to each and every matter identified in (b) above.

22. Is EJA or any of its member organizations a member of any local, state, or national organization or coalition that addresses environmental, climate, or sustainability related issues concerning the use of natural gas? If yes, please identify and for each organization or coalition identified, provide:
 - a. Any position papers, research, or policy suggestions that EJA received from each organization or coalition in the past two (2) years.

Respectfully submitted,

/s/ Renardo L. Hicks

Daniel Clearfield, Esq.
Renardo L. Hicks, Esq.
Bryce Beard, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
717.237.6000; 717.237.6019 (fax)
dclearfield@eckertseamans.com
rhicks@eckertseamans.com
bbeard@eckertseamans.com

Dated: May 22, 2025

Counsel for Philadelphia Gas Works

EXHIBIT 2

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et
al.

v.

Philadelphia Gas Works

Docket No. R-2025-3053112
Docket No. C-2025-3053827
Docket No. C-2025-3053978
Docket No. C-2024-3054216

**WRITTEN OBJECTIONS
OF THE ENERGY JUSTICE ADVOCATES
TO PGW'S SET I INTERROGATORIES
NOS. 8-13, 15-20, AND 22**

May 29, 2025

I. Background

POWER Interfaith, Sierra Club, Physicians for Social Responsibility Pennsylvania, Clean Air Council, Vote Solar, PennEnvironment, and the Pennsylvania Public Interest Research Group (collectively, the “Energy Justice Advocates” or “EJA”) respectfully submit these Written Objections to the Set I Interrogatories of Philadelphia Gas Works (“PGW”) Nos. 8–13, 15–20, and 22 (the “Contested Interrogatories,” attached hereto as Attachment A) in the above-captioned proceeding (“Proceeding”) of the Pennsylvania Public Utility Commission (“Commission”).

EJA spoke with PGW on May 27, 2025 to discuss EJA’s objections to PGW’s Set I Interrogatories. This discussion resulted in the resolution of EJA’s objection to PGW-I-14 as EJA and PGW were able to reach agreement on documents to be produced by EJA in response to that question.

EJA’s remaining objections to PGW’s Set I Interrogatories are discussed below and are grouped into three categories. The first category comprises interrogatories concerning EJA’s standing to intervene in this Proceeding. The second category comprises interrogatories concerning EJA’s internal documents and communications. The third category comprises miscellaneous irrelevant and unduly burdensome interrogatories.

Subject to and without waiver of these objections, EJA is willing to provide certain information in response to certain of the Contested Interrogatories. The details are discussed under the headings of the applicable questions.

II. The Contested Interrogatories

A. Interrogatories Concerning EJA’s Standing to Intervene

PGW-I-8

PGW-I-8	Identify each organization which comprises EJA that has a “statutorily imposed obligation to provide representation” in this proceeding and state the precise statute that is the source of any such obligation.
---------	--

EJA objects to answering this question on the grounds of relevance.¹ Although the source of the quoted language is not specified by PGW, it appears to be part of a Commission order that EJA quoted in its Petition to Intervene.² The quoted Commission order is one approving a settlement in a rate case, and the passage quoted by EJA in its Petition to Intervene reflects the Commission’s conclusion that it benefits from the participation of many different public interest organizations in rate case proceedings.

This question is not relevant, or reasonably calculated to lead to relevant admissible evidence, because EJA has already explained in detail its basis for standing to intervene in its Petition to Intervene.³ EJA’s Petition to Intervene contains, for each of the seven EJA organizations, detailed pleadings as to how they meet the requirements for intervention.⁴

Moreover, PGW has already acknowledged the sufficiency of the averments in EJA’s Petition to Intervene. In a letter filed on the docket for this proceeding on April 10, 2025, PGW stated that it would not be filing an answer in opposition to EJA’s Petition to Intervene and

¹ 52 Pa. Code § 5.321(c).

² EJA, Petition to Intervene, PA PUC Docket No. R-2025-3053112, at 5 (Apr. 3, 2025), quoting Opinion and Order, PA PUC Docket No. C-2021-3024200, at 37 (Oct. 28, 2021).

³ 52 Pa. Code § 5.361(c) (“If the information requested has been previously provided, the answering party shall specify the location of the information.”).

⁴ 52 Pa. Code §§ 5.72–3.

further stated that “PGW does not object to the eligibility of...Energy Justice Advocates to intervene under 52 Pa. Code § 5.72 based on the averments contained within their petitio[n].”⁵

This question is also not relevant, or reasonably calculated to lead to relevant admissible evidence, because EJA’s standing to intervene in this Proceeding is no longer a live legal issue. After PGW confirmed that it was not interested in filing an answer in opposition to EJA’s Petition to Intervene, Administrative Law Judge Eranda Vero (“Judge Vero”) determined that EJA does meet the legal standard for intervention and issued an order granting EJA’s Petition to Intervene on April 14, 2025.⁶

As the Commission’s regulations concerning petitions to intervene specify, a party that does not file an answer to a petition to intervene “may be deemed to have waived objection to the granting of the petition.”⁷ Since PGW previously had an opportunity to timely challenge EJA’s Petition to Intervene, but declined to do so, its objections to EJA’s intervention should be deemed waived.

PGW-I-9

PGW-I-9	Identify each organization which comprises EJA which “are self-created entities choosing to represent a delineated subgroup” and identify the specific subgroup which each organization represents in this proceeding.
---------	--

⁵ PGW, Letter to Judge Vero, PA PUC Docket No. R-2025-3053112 (Apr. 10, 2025).

⁶ Prehearing Order, PA PUC Docket R-2025-3053112, at 3 (Apr. 14, 2025) (“... the Petition to Intervene filed by POWER Interfaith, Sierra Club, Physicians for Social Responsibility Pennsylvania, Clean Air Council, Vote Solar, PennEnvironment, and the Pennsylvania Public Interest Research Group (collectively, the Energy Justice Advocates) on April 4, 2025, is granted.”).

⁷ 52 Pa. Code § 5.66(a).

EJA objects to answering this question on the grounds of relevance⁸ for the same reasons explained above in connection with PGW-I-8. EJA notes that the answer to this question has already been provided⁹ because EJA has provided averments explaining the basis of each EJA organization’s standing to intervene in its Petition to Intervene.¹⁰

PGW-I-10

PGW-I-10	Are there “Members” of each organization which comprises EJA who live within PGW’s service territory, who are customers of PGW, who will be directly impacted by the Commission’s decision in this proceeding? If so, please provide a) the number of members that satisfy these criteria; and b) the name, address, telephone number, email, and/or any other communication method of at least one such member.
----------	--

EJA objects to answering this question on the grounds of relevance,¹¹ for the same reasons explained above in connection with PGW-I-8. EJA notes that the answer to the first part of this question, concerning whether each EJA organization has a member that meets the specified criteria, has already been answered in EJA’s Petition to Intervene.¹²

EJA also further objects to the relevance of the question in PGW-I-10(a) regarding the number of members that satisfy the specified criteria. Under the applicable law, an organization may have associational standing if only one member meets the requirements of standing.¹³ As

⁸ 52 Pa. Code § 5.321(c).

⁹ 52 Pa. Code § 5.361(c).

¹⁰ EJA, Petition to Intervene, PA PUC Docket No. R-2025-3053112, (Apr. 3, 2025).

¹¹ 52 Pa. Code § 5.321(c).

¹² EJA, Petition to Intervene, PA PUC Docket No. R-2025-3053112, at 2–5 (Apr. 3, 2025); Prehearing Order, PA PUC Docket R-2025-3053112, at 3 (Apr. 14, 2025).

¹³ 52 Pa. Code § 1.8(a) definition of “intervenor”; *See also Energy Conservation Council of Pa. 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...Thus, as long as an organization ‘has at least one member who has or will suffer a direct, immediate, and

such, whether or not more than one member of an organization meets those requirements is irrelevant.

EJA also further objects to PGW-I-10(a) on the grounds of unreasonable burden and that it would require an unreasonable investigation.¹⁴ EJA’s constituent organizations do not maintain records of which of their members are PGW customers, and attempting to conduct a census of all members of all seven organizations that are PGW members would be an inordinate and disproportionate burden.

PGW-I-20

PGW-I-20	Please state what specific interest of EJA may be directly affected in this proceeding and which is not adequately represented by other participants.
----------	---

EJA objects to answering this question on the grounds of relevance,¹⁵ for the same reasons explained above in connection with PGW-I-8. EJA notes that the answer to this question has already been provided¹⁶ in EJA’s Petition to Intervene in the form of specific averments for each of EJA’s seven organizations.¹⁷ As discussed above, in a letter filed on the docket for this Proceeding on April 10, 2025, PGW stated that “PGW does not object to the eligibility of...Energy Justice Advocates to intervene under 52 Pa. Code § 5.72 based on the averments contained within their petiti[o]n.”¹⁸

substantial injury to an interest as a result of the challenged action [, i.e., is aggrieved, the organization] has standing.”) (internal citations omitted).

¹⁴ 52 Pa. Code § 5.361(a)(2); 52 Pa. Code § 5.361(a)(4).

¹⁵ 52 Pa. Code § 5.321(c).

¹⁶ 52 Pa. Code § 5.361(c).

¹⁷ EJA, Petition to Intervene, PA PUC Docket No. R-2025-3053112, (Apr. 3, 2025).

¹⁸ PGW, Letter to Judge Vero, PA PUC Docket No. R-2025-3053112 (Apr. 10, 2025).

B. Interrogatories Concerning EJA’s Internal Documents and Communications

PGW-I-15 and PGW-I-16¹⁹

PGW-I-15	Do any written memoranda, specifications, advertisements or other written materials of any kind or character relating to the decision of EJA to participate in this proceeding now exist? -
PGW-I-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. Produce a copy of each document identified in this Answer.

EJA objects to answering these questions on the grounds of relevance.²⁰ Information concerning EJA’s process for deciding to intervene in this Proceeding is not relevant to or reasonably calculated to lead to evidence relevant to the subject matter of this Proceeding. The subject matter of this Proceeding, as PGW has acknowledged, is “PGW’s proposed rate increase request.”²¹

No fact related to how any of EJA’s seven constituent organizations completed their decision process to intervene has any possible relevance to any claim or defense connected to PGW’s proposed rate increase request. As noted above, EJA has already proven that it meets the criteria for intervening and its intervention has already been approved by an order of Judge Vero.²²

¹⁹ Since these two questions are linked, they will be considered together.

²⁰ 52 Pa. Code § 5.321(c).

²¹ PGW’s Objections to EJA Interrogatory Set IX, No. 1, at 2 (May 8, 2025) (“PGW also objects to the production of a copy of its DIMP on the grounds that the DIMP is not relevant to the issue of PGW’s proposed rate increase request, which is the subject of this proceeding[.]”).

²² Prehearing Order, PA PUC Docket R-2025-3053112, at 3 (Apr. 14, 2025).

EJA also objects to answering these questions to the degree that they seek the production of documents protected by attorney-client privilege and attorney work product privilege. Since these questions ask about all documents that relate to each EJA organization's decision to intervene, this would include documents relating to the decision to intervene that are attorney-client privileged and attorney work product privileged.

EJA also objects to answering these questions on the grounds that they would cause an “unreasonable annoyance, embarrassment, oppression, [and] burden” that will harm the ability of EJA and other public interest organizations to participate in Commission proceedings.²³ With these questions, PGW has singled out EJA in an attempt to force the disclosure of highly sensitive internal documents relating to the decision process of EJA members regarding intervention. As noted above, this information has no evidentiary value in aiding the Commission in evaluating the merits of PGW's proposal, and the Commission has adjudicated many utility proposals in the past without needing such information. But if the public interest organizations comprising EJA are forced to turn over such highly sensitive internal documents as a condition for participating in Commission proceedings, this will cause significant harm to their ability to have free and open internal discussions and will have a chilling effect on the willingness of public interest organizations to participate in Commission proceedings in the future. Such a burden is unreasonable in light of the lack of any evidentiary need for this material.

EJA also objects to answering these questions to the extent that they seek the production of internal documents and communications for which compelled disclosure would violate the

²³ 52 Pa. Code § 5.361(a)(2).

First Amendment to the United States Constitution (“First Amendment”).²⁴ As the Supreme Court has recognized, the First Amendment’s protection of the right to free association operates as a limit on the state’s power to compel disclosures that would chill the exercise of that right to free association.²⁵

This First Amendment protection specifically includes internal documents and communications of organizations engaged in advocacy for their policy views,²⁶ and federal courts have specifically rejected discovery into internal documents and communications relating to the decision of an advocacy group to initiate litigation.²⁷ This is because the forced disclosure of such internal documents to their adversaries would impair the ability of members to exercise their First Amendment-protected rights to free association through free and candid communication and would deter others from joining in the exercise of those fundamental rights.²⁸

²⁴ U.S. Const. Amend. I.

²⁵ See, e.g., *Americans for Prosperity Found. v. Bonta*, 594 U.S. 595, 618–19 (2021), quoting *Nat'l Ass'n for Advancement of Colored People v. Button*, 371 U.S. 415, 433 (1963) (“When it comes to the freedom of association, the protections of the First Amendment are triggered not only by actual restrictions on an individual’s ability to join with others to further shared goals. The risk of a chilling effect on association is enough, ‘[b]ecause First Amendment freedoms need breathing space to survive.’”); *Nat'l Ass'n for Advancement of Colored People v. State of Ala. ex rel. Patterson*, 357 U.S. 449, 462 (1958) (“Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs.”).

²⁶ See, e.g., *Perry v. Schwarzenegger*, 591 F.3d 1126, 1142 (9th Cir. 2009) (rejecting discovery of advocates’ internal strategy communications and identifying “two ways in which compelled disclosure of internal campaign communications can deter protected activities—by chilling participation and by muting the internal exchange of ideas[.]”); *Fraternal Ord. of Police Pa. Lodge v. Twp. of Springfield*, 668 F. Supp. 3d 375, 387 (E.D. Pa.2023) (rejecting discovery of fraternal organization’s internal communications because “disclosure of members’ internal communications will discourage them from freely exchanging ideas with other members in the future, and thus, infringe up on those members’ associational rights.”).

²⁷ See, e.g., *Fraternal Ord. of Police Pa. Lodge v. Twp. of Springfield*, 668 F. Supp. 3d 375, 385, 399 (E.D. Pa. 2023) (specifically rejecting on First Amendment grounds discovery of internal communications of fraternal organization “referring to, relating to, or regarding the decision to commence a lawsuit[.]”).

²⁸ *Id.*

PGW-I-17 and PGW-I-18²⁹

PGW-I-17	Did any Member organization of EJA provide written documents, information, or materials to its Members, or make available to its Members, information, statements or materials, including emails, talking points or posters, for use at public hearings in these proceedings?
PGW-I-18	If the Answer to Interrogatory No. 17 is Yes: a. List each written document, information or material, including emails, talking points or posters; b. Identify each person who received each such document, information or material, including emails, talking points or posters; and, c. Produce a copy of each document identified in this Answer.

EJA objects to answering these questions on the grounds of relevance.³⁰ Information concerning how the seven organizations that make up EJA communicated with their members concerning the public input hearings in this Proceeding is not relevant to or reasonably calculated to lead to evidence relevant to the subject matter of this Proceeding, which is PGW’s proposed rate increase. No fact related to how any of EJA’s seven constituent organizations communicated with their members about the public input hearing has any possible relevance to any claim or defense connected to PGW’s proposed rate increase request.

EJA also objects to answering these questions on the grounds it would cause “unreasonable annoyance, embarrassment, oppression, burden [and] expense”³¹ and would require an “unreasonable investigation.”³² The question seeks the identification of every single person who received an email about the public input hearing from all of EJA’s seven nonprofit

²⁹ Since these two questions are linked, they will be considered together.

³⁰ 52 Pa. Code § 5.321(c).

³¹ 52 Pa. Code § 5.361(a)(2).

³² 52 Pa. Code § 5.361(a)(4).

members. Compiling all documents and emails relating to the public input hearings and then constructing an index of every single person who may have received any document or email about the public input hearings from an EJA organization would be a significant burden. It would also impose a disproportionate burden, given the lack of any evidentiary value relating to the subject matter of the Proceeding, PGW's request for a rate increase.

EJA also objects to answering these questions on the grounds that they would cause an "unreasonable annoyance, embarrassment, oppression, [and] burden" by harming the ability of EJA and other public interest organizations to participate in Commission proceedings.³³ For the same reasons discussed above in connection with PGW-I-15 and PGW-I-16, forcing the public interest organizations that make up EJA to disclose internal communications with their members regarding the public input hearings would cause harm to the ability of these organizations to have free and open internal communications, and would have a chilling effect on participation in Commission proceedings by public interest organizations. Given the lack of any evidentiary need for this material, this burden is unreasonable.

EJA also objects to answering these questions to the extent that they seek the production of internal documents and communications for which compelled disclosure would violate the First Amendment.³⁴ As discussed above, the First Amendment limits the compelled disclosure of internal documents by advocacy groups, including documents relating to campaign strategy, where such disclosure would impair the exercise of fundamental First Amendment rights to free expression and free association.³⁵ Compelled disclosure of internal documents and

³³ 52 Pa. Code § 5.361(a)(2).

³⁴ U.S. Const. Amend. I.

³⁵ See, e.g., *Perry v. Schwarzenegger*, 591 F.3d 1126, 1141 (9th Cir. 2009) (rejecting discovery of advocates' internal strategy communications and identifying "two ways in which compelled disclosure of internal campaign

communications relating to preparation for the public input hearings would infringe on such free association and free expression rights. Public input hearings represent a quintessential example of the exercise of basic rights of free expression and free association. The forced disclosure of documents and communications relating to preparation for the public input hearings to the very entity, PGW, that is seeking the rate increase at issue serves no public benefit and would inflict serious harm to the basic purpose of a public input hearing. Moreover, PGW's demand that EJA produce a list of all its organizations' members that received information about the public input hearings is tantamount to demanding that EJA organizations produce membership lists, a discovery demand which has specifically been rejected by the Supreme Court on First Amendment grounds.³⁶

communications can deter protected activities—by chilling participation and by muting the internal exchange of ideas.”); *Fraternal Ord. of Police Pa. Lodge v. Twp. of Springfield*, 668 F. Supp. 3d 375, 389 (specifically rejecting on First Amendment grounds discovery of internal communications of fraternal organization relating to strategy).

³⁶ See e.g., *Nat'l Ass'n for Advancement of Colored People v. State of Ala. ex rel. Patterson*, 357 U.S. 449, at 462-463, 466 (1958) (holding that an organization's membership list was immune from state scrutiny, because of “the likelihood of a substantial restraint upon the exercise by petitioner's members of their right to freedom of association...” which was “likely to affect adversely the ability of petitioner and its members to pursue their collective effort to foster beliefs which they admittedly have the right to advocate, in that it may induce members to withdraw from the Association and dissuade others from joining it because of fear of exposure of their beliefs shown through their associations and of the consequences of this exposure.”).

PGW-I-22

PGW-I-22	Is EJA or any of its member organizations a member of any local, state, or national organization or coalition that addresses environmental, climate, or sustainability related issues concerning the use of natural gas? If yes, please identify and for each organization or coalition identified, provide: a. Any position papers, research, or policy suggestions that EJA received from each organization or coalition in the past two (2) years.
----------	--

EJA objects to answering this question on the grounds of relevance.³⁷ “[P]osition papers, research, or policy suggestions” received by EJA members in connection with their participation in “any local, state, or national organization or coalition that addresses environmental, climate, or sustainability related issues concerning the use of natural gas” are not relevant to or reasonably calculated to lead to evidence relevant to the subject matter of this Proceeding, which is PGW’s proposed rate increase.

No fact related to organizations or coalitions EJA members participate in or information received by EJA members in connection with their participation in coalitions has any possible relevance to any claim or defense connected to PGW’s proposed rate increase request. EJA’s seven organizations, which include several national environmental organizations, may be active in high numbers of environmental coalitions in many different locations around the country at any given time. A very high proportion of environmental organizations or coalitions will likely address gas use in some fashion, because gas is one of the leading fossil fuels in use in the United States, so this criterion will do little to narrow down the list. Producing a list of all such organizations or coalitions in all locations that each EJA member participates in adds nothing of value to the record.

³⁷ 52 Pa. Code § 5.321(c).

Moreover, any given month, EJA members likely receive a wide variety of different position papers from organizations or coalitions, each of which may reach different conclusions or develop different policy recommendations. *Merely receiving* a research paper, position paper, or policy suggestion in no way means that an organization agrees with all or even any of the findings in that particular document.

The generalized mix of research papers, position papers, and policy suggestions that EJA's seven member organizations may have received from the many environmental organizations or coalitions they participate in over the past two years is simply not relevant for this Proceeding. What *are* relevant for this Proceeding are the views of EJA on PGW's specific proposals in this Proceeding. EJA's position on those proposals is described in detail, with extensive footnotes and exhibits, in EJA St. No. 1, the Direct Testimony of Dr. Dorie K. Seavey, and EJA St. No. 2, the Direct Testimony of Dr. Sol deLeon. In contrast, a "fishing expedition" through all policy suggestions, research papers, and position papers that were simply received over the past two years by all EJA members from all environmental organizations and coalitions addressing gas use that they participate in will not be additive to developing the record in any meaningful fashion.

EJA also objects to this question on the grounds that answering it would cause "unreasonable annoyance, embarrassment, oppression, burden [and] expense"³⁸ and require an "unreasonable investigation."³⁹ EJA members do not maintain lists of all "position papers, research, or policy suggestions" received from all environmental organizations or coalitions they participate in that address gas in any capacity. Compiling all such documents received over a

³⁸ 52 Pa. Code § 5.361(a)(2).

³⁹ 52 Pa. Code § 5.361(a)(4).

two-year period would require conducting extensive searches of high numbers of individuals' email inboxes and files. There are seven organizations in EJA, including multiple national organizations, and the total number of environmental organizations or coalitions that address gas in some fashion that EJA members are involved in may be quite high. The number of communications received from such organizations or coalitions over a two-year period is also likely extremely high. This burden is unreasonable in light of the lack of any evidentiary need for this material.

Additionally, for the same reasons discussed in detail above in connection with EJA's objections to PGW-I-17 and PGW-I-18, to the extent this question seeks the forced disclosure of any internal coalition communication on strategy, such as strategy regarding "policy suggestions," this would cause "unreasonable annoyance, embarrassment, oppression, [and] burden"⁴⁰ to the public interest organizations that make up EJA, harming their ability to have candid discussions and imposing a chilling effect on participation in Commission proceedings. Given the lack of any evidentiary need for this material, this burden is unreasonable.

EJA also objects to answering this question to the extent that it includes in its sweep a demand for the production of internal coalition documents and communications for which compelled disclosure would violate the First Amendment.⁴¹ As discussed in detail above, the First Amendment limits the compelled disclosure of internal documents concerning strategy by advocacy groups where such disclosure would impair the exercise of fundamental First Amendment rights to free expression and free association.⁴²

⁴⁰ 52 Pa. Code § 5.361(a)(2).

⁴¹ U.S. Const. Amend. I.

⁴² See, e.g., *Perry v. Schwarzenegger*, 591 F.3d 1126, 1141 (9th Cir. 2009) (rejecting discovery of advocates' internal strategy communications and identifying "two ways in which compelled disclosure of internal campaign

Subject to and without waiver of these objections:

EJA will produce readily accessible position papers, research papers, and policy papers its members have received from environmental organizations or coalitions addressing gas that they participate in.

communications can deter protected activities—by chilling participation and by muting the internal exchange of ideas.”); *Fraternal Ord. of Police Pa. Lodge v. Twp. of Springfield*, 668 F. Supp. 3d 375, 389 (specifically rejecting on First Amendment grounds discovery of internal communications of fraternal organization relating to strategy).

C. Miscellaneous Interrogatories

PGW-I-11

PGW-I-11	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 11a 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.
----------	---

EJA objects to answering this question on the grounds of relevance.⁴³ Information concerning every person spoken to by EJA in connection with answering PGW’s Set I interrogatories is not relevant to the subject matter of this Proceeding, which is PGW’s proposed rate increase. The question is also not reasonably calculated to lead to relevant admissible evidence.⁴⁴ PGW already has the ability to issue discovery questions seeking relevant information to EJA by serving its counsel of record, and does not need to know “the present location and address” of all EJA staff spoken to in the course of answering these interrogatories. Since this generalized inquiry has no discernible link to any specific claim or defense, it is a classic “fishing expedition” question and fails to meet the relevance criterion for interrogatories.

EJA also objects to answering this question on the grounds that answering it would cause “unreasonable annoyance, embarrassment, oppression, burden [and] expense”⁴⁵ and would

⁴³ 52 Pa. Code § 5.321(c).

⁴⁴ 52 Pa. Code § 5.361(c).

⁴⁵ 52 Pa. Code § 5.361(a)(2).

require an “unreasonable investigation.”⁴⁶ EJA comprises seven public interest organizations endeavoring to answer interrogatories on a tight turnaround. Identifying the witness(es) providing the answer for interrogatories has proven entirely sufficient for Commission proceedings on many previous occasions. Every other party in this Proceeding has found it satisfactory to know the identity of the witness providing the answer and has not demanded indices of every single person spoken to in connection with discovery requests. PGW has not demanded such indices from any other party than EJA in this Proceeding. Requiring EJA to compile an index of every single person in all seven organizations spoken to by anyone in connection with preparing answers to interrogatories would create a burden that is unreasonable, given the lack of any evidentiary need to do so.

Subject to and without waiver of these objections:

For each question answered, EJA will identify the name and job title for each witness providing an answer to that question.

⁴⁶ 52 Pa. Code § 5.361(a)(4).

PGW-I-12

PGW-I-12	Please provide a copy of the organizational chart of each non-profit organization which comprises EJA and explain the responsibilities of each person referenced thereon.
----------	---

EJA objects to answering this question on the grounds of relevance.⁴⁷ Information concerning the organizational charts of EJA’s constituent organizations and duties of all persons listed therein is not relevant to the subject matter of this Proceeding, which is PGW’s proposals in its filing. The question is also not reasonably calculated to lead to relevant admissible evidence. PGW already has the ability to issue discovery questions seeking relevant information to EJA by serving its counsel of record. Since this generalized inquiry has no discernible link to any specific claim or defense, it is a classic “fishing expedition” question and fails to meet the relevance criterion for interrogatories.

EJA also objects the portion of this question requesting a written explanation of the duties of every single person on every single organizational chart on the grounds that answering it would cause “unreasonable annoyance, embarrassment, oppression, burden [and] expense”⁴⁸ and would require an “unreasonable investigation.”⁴⁹ EJA is comprised of seven nonprofit organizations, some of which are national organizations, and some organizational charts may be extensive. Requiring EJA to compile written explanations of the duties of every single person listed on every organizational chart would be an inordinate burden. At the same time, it would produce no benefit to developing the record for the Commission concerning PGW’s proposals.

⁴⁷ 52 Pa. Code § 5.321(c).

⁴⁸ 52 Pa. Code § 5.361(a)(2).

⁴⁹ 52 Pa. Code § 5.361(a)(4).

Subject to and without waiver of these objections:

EJA will produce such organizational charts for its member organizations as are readily accessible.

PGW-I-13

PGW-I-13	List all current directors, officers, and executive Committee members for the Pennsylvania portion of each non-profit organization which comprises EJA and for each state the following: a. Present position and date(s) position has been held; and b. All prior positions with such organization and date(s) held.
----------	--

EJA objects to answering this question on the grounds of relevance.⁵⁰ Information concerning the boards of EJA’s constituent organizations, dates of service, and prior service is not relevant to the subject matter of this Proceeding, which is PGW’s proposals in its filing. The question is also not reasonably calculated to lead to relevant admissible evidence. PGW already has the ability to issue EJA discovery questions seeking relevant information by serving its counsel of record. Since this generalized inquiry has no discernible link to any specific claim or defense, it is a classic “fishing expedition” question and fails to meet the relevance criterion for interrogatories.

EJA also objects to this question on the grounds that answering it would cause “unreasonable annoyance, embarrassment, oppression, burden [and] expense”⁵¹ and would require an “unreasonable investigation.”⁵² Preparing a list of the names and dates of service for

⁵⁰ 52 Pa. Code § 5.321(c).

⁵¹ 52 Pa. Code § 5.361(a)(2).

⁵² 52 Pa. Code § 5.361(a)(4).

board members, officers, and executive committee members for seven organizations and then preparing a history of all prior positions held by each person would be an significant burden. In light of the lack of any evidentiary need to do so, this burden is unreasonable.

Subject to and without waiver of these objections:

EJA will produce a list of the board members for EJA member organizations to the extent such information is readily accessible.

PGW-I-19

PGW-I-19	<p>Does EJA or any of its member organizations have a policy regarding electricity generated by natural gas? If yes, please:</p> <ul style="list-style-type: none"> 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 each organization; d. Produce a copy of any such policy referenced in response to Question 19.
----------	---

EJA objects to answering this question on the grounds of relevance. Information EJA members may have concerning any policy on natural gas-fired electricity generation plants is not relevant to or reasonably calculated to lead to evidence relevant to the subject matter of this Proceeding. The subject matter of this Proceeding, as PGW has acknowledged, is “PGW’s proposed rate increase request.”⁵³ No fact related to any such policy relating to electricity generation by a gas-fired power plant has any possible relevance to any claim or defense

⁵³ PGW’s Objections to EJA Interrogatory Set IX, No. 1, at 2 (May 8, 2025) (“PGW also objects to the production of a copy of its DIMP on the grounds that the DIMP is not relevant to the issue of PGW’s proposed rate increase request, which is the subject of this proceeding[.]”).

connected to PGW’s proposed rate increase request. PGW is a gas utility, not an electric utility, and even if PGW were an electric utility, electric utilities in Pennsylvania are barred from owning electricity generation plants, whether they use natural gas or not.⁵⁴

EJA also objects to this question on the grounds that answering it would cause “unreasonable annoyance, embarrassment, oppression, burden [and] expense”⁵⁵ and would require an “unreasonable investigation.”⁵⁶ Compiling the name, address and position of individual(s) who developed any such policies for any of EJA’s seven organizations may involve historical investigation of many different records across years or decades and would be a significant burden. In light of the lack of any evidentiary need to do so, this burden is unreasonable.

Subject to and without waiver of these objections:

EJA will produce any policy documents concerning electricity generated from natural gas that are readily accessible.

III. Conclusion

For the reasons explained above, the Energy Justice Advocates respectfully object to the Contested Interrogatories. Should PGW wish to further discuss potential resolutions to these objections, the Energy Justice Advocates are available to do so.

⁵⁴ See 66 Pa.C.S § 2803.

⁵⁵ 52 Pa. Code § 5.361(a)(2).

⁵⁶ 52 Pa. Code § 5.361(a)(4).

Dated: May 29, 2025

Respectfully submitted,

/s/ Devin McDougall

PA Attorney ID No. 329855

Supervising Senior Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 2020

Philadelphia, PA 19103

dmcDougall@earthjustice.org

(917) 628-7411

Counsel for the Energy Justice Advocates

EXHIBIT 3

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et
al.

v.

Philadelphia Gas Works

Docket No. R-2025-3053112
Docket No. C-2025-3053827
Docket No. C-2025-3053978
Docket No. C-2025-3054216

PETITION TO INTERVENE OF THE ENERGY JUSTICE ADVOCATES

April 3, 2025

Pursuant to 52 Pa. Code §§ 5.72-5.75, POWER Interfaith, Sierra Club, Physicians for Social Responsibility Pennsylvania, Clean Air Council, Vote Solar, PennEnvironment, and the Pennsylvania Public Interest Research Group (collectively, the “Energy Justice Advocates”) hereby respectfully submit this Petition to Intervene in the above-captioned proceeding (the “Proceeding”) of the Pennsylvania Public Utility Commission (the “Commission”).

In support of this Petition to Intervene, the Energy Justice Advocates state as follows:

1. On February 27, 2025, Philadelphia Gas Works (“PGW”) filed with the Commission its proposed Supplement No. 176 to PGW’s Gas Service Tariff – Pa P.U.C. No. 2 (“Supplement No. 176”) and proposed Supplement No. 119 to PGW’s Supplier Tariff – Pa P.U.C. No. 1 (“Supplement No. 119”), collectively the “2025 Base Rate Case Filing” or “Filing.”

2. The 2025 Base Rate Case Filing is designed to increase PGW’s distribution base rates by approximately \$105 million per year, among other changes to PGW’s tariffs.

3. 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.”¹ A “person” includes a corporation and an association.²

4. 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

¹ 52 Pa. Code § 5.72(a).

² 52 Pa. Code § 1.8(a); *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...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.’”) (internal citation omitted).

by the action of the Commission in the proceeding”³ or “another interest of such nature that participation of the petitioner may be in the public interest.”⁴

5. The Energy Justice Advocates meet these requirements, since they will be directly affected by the Proceeding, their interests are not adequately represented by existing parties in the Proceeding, and their participation in the Proceeding would be in the public interest.

6. POWER is a not-for-profit network of faith communities in Pennsylvania that is committed to racial and economic justice on a livable planet.

7. 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.

8. POWER has an interest in ensuring that PGW’s rates are just and reasonable, including with respect to affordability and climate change. POWER’s interests in these areas would not be adequately represented by existing parties in this proceeding.

9. Sierra Club is a not-for-profit public interest advocacy organization that works to protect everyone’s right to a healthy world, including through practicing and promoting the responsible use of the earth’s ecosystems and resources.

10. Members of Sierra Club will be directly impacted by this proceeding and bound by the Commission’s action in it. Members of Sierra Club 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.

³ 52 Pa. Code § 5.72(a)(2).

⁴ 52 Pa. Code § 5.72(a)(3).

11. Sierra Club has an interest in ensuring that PGW's rates are just and reasonable, including with respect to affordability and climate change. Sierra Club's interests in these areas would not be adequately represented by existing parties in this proceeding.

12. Physicians for Social Responsibility Pennsylvania ("PSR PA") is a not-for-profit public interest advocacy organization that works to support safe and resilient communities for a healthy future by advocating for socially and environmentally just actions.

13. Members of PSR PA will be directly impacted by this proceeding and bound by the Commission's action in it. Members of PSR PA 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.

14. PSR PA has an interest in ensuring that PGW's rates are just and reasonable, including with respect to affordability and climate change. PSR PA's interests in these areas would not be adequately represented by existing parties in this proceeding.

15. Clean Air Council is a not-for-profit public interest advocacy organization that is dedicated to protecting everyone's right to a healthy environment, including everyone's right to breathe clean air.

16. Members of Clean Air Council will be directly impacted by this proceeding and bound by the Commission's action in it. Members of Clean Air Council 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.

17. Clean Air Council has an interest in ensuring that PGW's rates are just and reasonable, including with respect to affordability and climate change. Clean Air Council's

interests in these areas would not be adequately represented by existing parties in this proceeding.

18. Vote Solar is a not-for-profit public interest advocacy organization that works to achieve a 100% clean energy future that supports the needs, health, and well-being of everyone.

19. Members of Vote Solar will be directly impacted by this proceeding and bound by the Commission's action in it. Members of Vote Solar 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.

20. Vote Solar has an interest in ensuring that PGW's rates are just and reasonable, including with respect to affordability and climate change. Vote Solar's interests in these areas would not be adequately represented by existing parties in this proceeding.

21. PennEnvironment is a not-for-profit public interest advocacy organization that works for clean air, clean water, clean energy, wildlife and open spaces, and a livable climate.

22. Members of PennEnvironment will be directly impacted by this proceeding and bound by the Commission's action in it. Members of PennEnvironment 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.

23. PennEnvironment has an interest in ensuring that PGW's rates are just and reasonable, including with respect to affordability and climate change. PennEnvironment's interests in these areas would not be adequately represented by existing parties in this proceeding.

24. Pennsylvania Public Interest Research Group (“PennPIRG”) is a not-for-profit public interest advocacy organization that speaks out for the public and stands up to special interests on problems that affect the public’s health, safety, and wellbeing.

25. Members of PennPIRG will be directly impacted by this proceeding and bound by the Commission’s action in it. Members of PennPIRG 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.

26. PennPIRG has an interest in ensuring that PGW’s rates are just and reasonable, including with respect to affordability and climate change. PennPIRG’s interests in these areas would not be adequately represented by existing parties in this proceeding.

27. Additionally, it would serve the public interest for the Energy Justice Advocates to participate in this Proceeding. As the Commission has recognized, active participation by various subgroups of civil society aids the Commission in protecting the public’s welfare and advancing the public interest. As the Commission has noted, “In 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.”⁵

28. The Energy Justice Advocates are continuing to review PGW’s 2025 Base Rate Case Filing, and anticipate investigating its basis through discovery in order to formulate their

⁵ *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 v. UGI Utils., Inc. – Elec. Div.*, Docket Nos. C-2021-3024200 et al., 2021 WL 5051925, at *20–21 (Oct. 28, 2021 Pa. P.U.C.).

positions in this Proceeding. On initial review, the Energy Justice Advocates are concerned that PGW's Filing may not result in just and reasonable rates.

29. The Energy Justice Advocates are represented in this matter by:

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

30. The Energy Justice Advocates consent to receive electronic service of documents as provided in 52 Pa. Code § 1.54(b)(3). The Energy Justice Advocates respectfully request that the following individuals receive service of any documents served via electronic mail to the Energy Justice Advocates:

- a. Devin McDougall, Esq. dmcdougall@earthjustice.org
- b. Mychal Ozaeta, Esq. mozaeta@earthjustice.org
- c. Rebecca Barker, Esq. rbarker@earthjustice.org
- d. Hema Lochan, Esq. hlochan@earthjustice.org
- e. Celine Busnelli, Litigation Assistant cbusnelli@earthjustice.org

WHEREFORE, the Energy Justice Advocates respectfully request that the Commission grant this Petition to Intervene.

Dated: April 3, 2025

Respectfully submitted,

/s/ Devin McDougall

PA Attorney ID No. 329855

Supervising Senior Attorney

Earthjustice

1617 John F. Kennedy Blvd., Suite 2020

Philadelphia, PA 19103

dmcDougall@earthjustice.org

(917) 628-7411

Counsel for the Energy Justice Advocates

VERIFICATION

I hereby verify that the facts contained in the foregoing Petition to Intervene are true and accurate to the best of my knowledge, information, and belief, 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: April 3, 2025

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

Counsel for the Energy Justice Advocates

EXHIBIT 4



Doubling Down On PA's Fossil Fuel Extraction Is A Direct Threat To Public Health: An Essay By Pamela Darville

[HOME](#) / [ALL POSTS](#) / ... /

[DOUBLING DOWN ON PA'S FOSSIL FUEL EXTRACTION...](#)

 21 hours ago / [News](#) /  Share



Fossil fuel extraction has been a huge topic of discussion regarding the sanctity of our environment, especially within Pennsylvania.

While many lawmakers have looked to increase the amount of drilling that takes place, many point out how while profits may increase for big business, fossil fuels will cause irreparable harm to global climate progress. Our Climate Justice, and Jobs organizer, Pamela Darville penned an essay replying to the climate crisis in response to comments made by current legislators.

“Recent opinion pieces and public comments by Senator McCormick and other members of Congress pushing for expanded fossil fuel extraction in Pennsylvania represent ode to corporate greed, masquarading as energy policy. Their central premise- that doubling down on Pennsylvania’s fossil fuel extraction will secure “energy dominance” is not just myopic; it is a direct threat to public health, logical stability, and global climate progress.” -Pamela Darville

[For access to the full essay, click here!](#)



POWER Calls For Peace, Understanding, And Unity In Aftermath Of Embassy Shooting In Washington, D.C.-

🕒 May 23, 2025

You May Also Like



POWER Interfaith Congregations Unite To Oppose School Vouchers, Support HB2370

🕒 July 5, 2024



POWER Interfaith One Of 7 Grassroots Organizations Highlighted In Transformative Documentary

🕒 April 18, 2024

Recent Posts

Doubling Down On PA's Fossil Fuel Extraction Is A Direct Threat To Public Health: An Essay By Pamela Darville



POWER Calls For Peace, Understanding, And Unity In Aftermath Of Embassy Shooting In Washington, D.C.-



Faith Leaders Organize Across PA To Support Fair School Funding Amid National Attacks



EXHIBIT 5

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2023-3037933
Office of Consumer Advocate	:	C-2023-3038846
Office of Small Business Advocate	:	C-2023-3038885
Philadelphia Industrial And Commercial Gas	:	C-2023-3039059
User Group	:	
Grays Ferry Cogeneration Partnership and	:	C-2023-3038727
Vicinity Energy Philadelphia, Inc.	:	
James M. Williford	:	C-2023-3039130
	:	
v.	:	
	:	
Philadelphia Gas Works	:	
	:	
Grays Ferry Cogeneration Partnership and	:	
Vicinity Energy Philadelphia, Inc.	:	
	:	
v.	:	C-2021-3029259
	:	
Philadelphia Gas Works	:	

**ORDER GRANTING THE MOTION OF PHILADELPHIA GAS WORKS TO DISMISS
OBJECTIONS OF POWER INTERFAITH AND COMPEL COMPLETE RESPONSES**

Procedural Background

On February 27, 2023, Philadelphia Gas Works (PGW) filed proposed Supplement No. 105 to PGW Gas Supplier Tariff Pa. P.U.C. No. 1 and proposed Supplement No. 159 to PGW Gas Service Tariff Pa. P.U.C. No. 2 to become effective April 28, 2023. The filing contains proposed changes in rates, rules, and regulations calculated to produce \$85.8 million (10.3%) in additional annual revenues, an increase in residential customer's bills using 71 Mcf/year from \$125.38 to \$137.73/month (9.9%). Within the general rate increase filing, PGW filed a Petition for Waiver seeking waiver of the application of the statutory definition of

the fully projected future test year, so as to permit PGW to use a fully projected future test year beginning on September 1, 2023, in this proceeding.¹

By Order entered April 20, 2023, the proposed Tariffs were suspended by operation of law until November 28, 2023. The Commission ordered an investigation into the lawfulness, justness, and reasonableness of the rates, rules, and regulations contained in the proposed Tariffs. The Commission also ordered an investigation into the reasonableness of PGW's existing rates, rules, and regulations.

A Prehearing Notice was issued, and a Prehearing Conference Order was entered on April 20, 2023, scheduling a telephonic prehearing conference in this matter for Friday, April 28, 2023, at 1:30 P.M.

On April 25, 2023, Philadelphians Organized to Witness Empower and Rebuild (P.O.W.E.R.), Inc. (POWER) filed a Petition to Intervene in this proceeding (Petition to Intervene).

The prehearing conference was held as scheduled on April 28, 2023. On May 11, 2023, a Prehearing Order was issued memorializing certain procedural matters addressed at the prehearing conference. In addition to granting POWER's Petition for Intervention, the Prehearing Order established the litigation schedule for this proceeding agreed to by the parties. Of relevance here are the dates relating to direct, rebuttal and surrebuttal testimony and evidentiary hearings and oral rejoinder, the key dates for which are as follows:

Direct testimony of other parties	May 31, 2023
Rebuttal testimony	June 26, 2023
Surrebuttal testimony	July 7, 2023
Witness Cross-Examination Matrix	July 7, 2023
Evidentiary hearings and Oral Rejoinder	July 11-12, 2023 (telephonic)

¹ The Petition for Waiver is not separately docketed and shall be considered within the proceeding before the Office of Administrative Law Judge.

Paragraph 14 of the Prehearing Order provided that the parties “shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably [and if that] process fails, the parties have recourse to the Commission’s procedures for formal discovery, as herein modified.”²

On May 26, 2023, PGW served PGW-POWER-I-1-26 Set I Interrogatories on POWER in this proceeding (Set 1 Interrogatories).

On June 15, 2023, POWER filed a Motion for Extension (Motion for Extension) requesting an extension of the discovery deadlines, including deadlines relating to PGW’s Set I interrogatories for POWER. On June 15, 2023, PGW filed an Answer to the Motion for Extension agreeing to a further extension of discovery deadlines relating to PGW’s Set I interrogatories and requesting that certain limitations be imposed on the delivery of supplemental rebuttal testimony and supplemental surrebuttal testimony.

On June 20, 2023 an Order was issued granting the Motion for Extension, extending the discovery deadline for POWER to respond to PGW’s Set I interrogatories by 7 days to June 22, 2023, and imposing limitations on the timing of delivery of supplemental rebuttal testimony and supplemental surrebuttal testimony.

On June 22, 2023, POWER served Written Objections to the Set I Interrogatories (Written Objections). Also on June 22, 2023, POWER served partial responses to 16 of the 26 interrogatories included in PGW Set 1 (Partial Responses).

On June 26, 2023, PGW filed a Motion to Dismiss the objections of Power and Compel Complete Replies to PGW set I Interrogatories (Motion).

On June 29, 2023, Power filed an Answer to the Motion to Compel (Answer).

The Motion to Compel is ripe for disposition.

² Prehearing Order ¶ 14.

Disposition

PGW's Motion seeks to dismiss POWER's Objections and to compel POWER to provide full and complete answers to the Set 1 Interrogatories, arguing that POWER's Objections are "baseless and improper, and should be dismissed."³ PGW observes that Commission regulations "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."⁴ PGW also notes that Commission regulations permit discovery "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.'"⁵

In support of the Motion, PGW also points to Commission rulings involving the discovery rules, noting that; (1) information may be discoverable, even if it would be inadmissible at a hearing;⁶ and (2) it is insufficient to object to discovery based on the belief that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.⁷ Throughout the Motion, PGW highlights the "wide latitude" granted to parties engaged in discovery under the Commission's rules and regulations, and Commission decisions.⁸

In support of the Motion and its position that POWER's Objections should be dismissed and compelled to provide the requested information, PGW repeatedly and consistently asserts the following four-pronged rationale:

³ Motion Section I. at 2.

⁴ Motion Section II. A. at 4, citing 52 Pa. Code § 5.321(c).

⁵ *Id.*

⁶ Motion Section II. A. at 4, citing *Application of Nabil Nasr and Wael Hafez*, Docket No. A-2012- 2295813, 2012 Pa. PUC LEXIS 1849 (Order issued Nov. 28, 2012) at 12.

⁷ *Id.*

⁸ Motion Section II. A. at 4, citing *Application of Nabil Nasr and Wael Hafez*, Docket No. A-2012- 2295813, 2012 Pa. PUC LEXIS 1849 (Order issued Nov. 28, 2012) at 12.

(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.⁹

POWER also served Partial Responses to 16 of Set 1 interrogatories.¹⁰ POWER served Written Objections to the Set 1 Instructions and all 26 Set 1 interrogatories. POWER providing additional analysis and discussion of the objections raised in the Written Objections in its Answer.

In contrast to the Motion, which consistently and repeatedly presents the four arguments identified above as the basis for PGW's, POWER's Written Objections and Answer provide a question-by-question analysis and discussion of POWER's. POWER argues that the Set 1 Interrogatories are "plainly inappropriate on the basis of relevance, undue burden and [various] forms of privilege."¹¹ POWER also asserts that "certain of PGW's Set I interrogatories are so inappropriate and intrusive that they are appropriate to disallow on the basis that they infringe the First Amendment rights of POWER."¹²

The issues arising out of POWER's objections may be grouped into three categories: (a) issues arising out of the Instructions that accompanied the Set I Interrogatories (Set 1 Instructions); (b) issues involving POWER's participation in the proceeding; and (c) specific objections. The arguments presented by PGW and POWER as to each category are discussed in turn below.

⁹ Motion Section III. at 7.

¹⁰ POWER submitted its First Partial Responses on June 9, 2023 and its Second Partial Responses on June 22, 2023. Answer Section 1. B. at 4. All references to Partial Responses in this Order are to POWER's Second Partial Responses.

¹¹ Answer Section I. A. at 2.

¹² Answer Section I. A. at 1-4.

Issues Relating to Set I Instructions

POWER objects to the Set 1 Instructions on the grounds of lack of relevance, lack of reasonable calculation to lead to admissible relevant evidence, causing an unreasonable and undue burden, and requiring an unreasonable investigation.¹³ POWER explains its reasoning for this objection in the Answer, at least in part, averring that the use of the terms “identify” and “identity” in the Set 1 Interrogatories would require disclosure of an individual’s

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.¹⁴

POWER asserts that having “agreed to provide the name, job title, and business address of the person answering each interrogatory on behalf of POWER, PGW should be required to explain why the proffered information is insufficient and provide specific argument detailing why the requested information is relevant to the subject matter of this [proceeding].¹⁵

POWER’s arguments in support of its objections to the Set 1 Instructions are deeply flawed. First, POWER’s argument is circular. POWER appears to draw a distinction between an objection to the Set 1 Instructions and an objection to any of the 26 Set 1 Interrogatories; however, POWER does not articulate the logic or other basis for distinguishing between the two. For example, how is POWER’S “undue burden” objection to the Set 1 Instructions, in and of themselves, different from an POWER’S “undue burden” objection to interrogatories I-1, I-6, I-8 or I-9? The logic for the distinction is not apparent in the Written Objections or the Answer. For example, POWER does not indicate that the distinction was made in the instructions to avoid repeating the same objection as to multiple individual interrogatories. If there is no difference, what is the purpose or objective of the objection to the instruction?

¹³ Written Objections at 2. Neither POWER nor PGW supplied a copy of the Set 1 Instructions to the Presiding Officers.

¹⁴ Answer Section I. A. at 11.

¹⁵ *Id.* citing Partial Responses, at 2

POWER cites no authority to support its argument above that PGW must explain why POWER's Partial Responses are insufficient. As the proponent of the objection, POWER must demonstrate the defect in the interrogatory that renders it beyond the scope of permissible discovery. It cannot shift that burden to PGW, nor can it expect PGW or the Presiding Officers to hazard a guess as to POWER's intent.

In addition, the objection is defective from another perspective. As written by POWER, the qualifications to its objection to the Set 1 Instruction also require PGW or the Presiding Officers to hazard a guess as to what information POWER seeks to exclude from the scope of discovery. Here, I refer to the phrase "to the extent that" which appears twice in the objection. This phrase effectively circumscribes and limits the scope of the objection to data and information that: (1) exceed the requirements of Commission rule and regulations regarding interrogatories and the responses to same; and/or (2) is 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.¹⁶

As the proponent of the objection, POWER has the burden and responsibility to articulate the information it seeks to protect with the objection. Yet, nowhere does POWER identify, describe or explain the information it seeks to protect by the objection. By failing to do so, POWER fails to provide sufficient information on which the objection may be granted. Further, POWER cannot delegate or shift the responsibility for doing so to PGW or the Presiding Officers or expect either to guess at POWER's intent.

Another problem relating to POWER's objection to the Set 1 Instructions lies in POWER's effort to expand the scope of privilege in this proceeding to include what it terms "First Amendment privilege."¹⁷ POWER does so despite acknowledging that discovery is necessary "to develop the factual record necessary to support informed decision-making by the

¹⁶ *Id.*

¹⁷ Answer Section I. A. at 1-4.

Commission,”¹⁸ recognizing that Commission’s regulations and rulings provide for “reasonable discovery” in rate cases,¹⁹ and citing to Commission regulations limiting the scope of discovery and providing protection from unreasonable, invasive requests and ensuring that “matter which is privileged” is excluded from discovery.²⁰ Inexplicably, after devoting nearly three full pages to this effort,

POWER later backtracks and states that the Commission “need not reach the issue of First Amendment privilege”²¹ and that POWER’s objections to the Set 1 Instructions were made “to the extent that any additional reason may be needed” beyond those based on relevance, undue burden and other forms of privilege.”²² Given POWER’s willingness to side-step any objection based on First Amendment grounds and the other grounds for its objections noted in the Written Objections and the Answer, POWER’s objection base on First Amendment grounds will not be considered here or as to individual objections to specific interrogatories.

As the proponent of the objection, POWER has the burden and responsibility to articulate the information it seeks to protect with the objection. POWER fails to indicate with any detail what information it seeks to protect through its objection to the Set 1 Instructions. In addition, the objection to the Set 1 Instructions seems to rest on little more than POWER’s opinion and broadly worded generic statements. In addition, POWER acknowledges that its Written Objections detail and discuss on a question-by-question basis “all the applicable objections for each question.”²³

¹⁸ Answer Section I. A at 1, citing 6 Pa. C.S. §§ 1301, 2212.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Answer Section I. A. at 3-4.

²³ Answer Section I. B at 5.

In opposing POWER's objection to the Set 1 Interrogatories, PGW asserted its four-pronged rationale, summarized here:

(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.²⁴

In light of the above, POWER's objections to the Instructions, POWER's objections to the Set 1 Instructions, will be denied as to the Set 1 Interrogatories as a whole and as to each of the 24 interrogatories in which they were reiterated.²⁵

Issues Relating to POWER's Participation in the Proceeding

PGW contends that the Set 1 Interrogatories are designed to solicit information necessary to confirm the accuracy of facts and circumstances used by POWER to support its participation in the proceeding, including data and information on POWER's members and whether its members "would be directly affected by the proceeding" and "not adequately represented by other parties."²⁶ PGW also contends that POWER's responses to the interrogatories will enable PGW to assess 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."²⁷ Further, PGW argues that POWER's allegation that this proceeding

²⁴ Motion Section III. at 7. Rather than repeatedly reproducing these four paragraphs, they are referred to herein as the "Four Pronged Rationale" for the Motion.

²⁵ See Objections at 2-11, 14-48. In the two instances where the objection to the Set 1 Instructions was not raised i.e., Interrogatory # 7 (relating to tests or studies concerning electricity generated by natural gas) and #26 (relating to POWER's membership in local, state, or national organizations or coalitions), POWER provide no response based on other objections.

²⁶ Motion Section II. B. at 5.

²⁷ *Id.*

will impact its members and their gas bills, and the reliability, quality, and safety of their gas service, itself establishes the relevance of interrogatories.²⁸

In contrast, POWER contends that PGW’s Motion makes “a blanket claim that a purpose of the Set 1 [Interrogatories] is to test POWER’s standing.”²⁹ POWER also argues that “it is unclear what PGW means by its desire to investigate the ‘materiality,’ ‘relevance,’ and ‘credibility’ of POWER’s statements in its Petition to Intervene.”³⁰ POWER in addition, alleges that interrogatories on topics such as POWER’s donors, its case strategy discussions, its connections to and communications with any environmental coalitions among others “do not relate to any information that PGW needs to establish that it is providing safe and reliable gas service”³¹ POWER avers that because such inquiries do not relate in any way to the provision of gas service” they should be not be required to respond to interrogatories on such topics.

I perceive several errors in POWER’s argument. First, POWER’s argument regarding standing is misplaced. The Motion to Compel does not raise the issue of standing; therefore, the issue need not be addressed in this Order.

First and foremost, PGW’s Motion relates to POWER’s objections. The Motion does not raise any issue with respect to POWER’s standing. Therefore, any discussion of that topic is beyond the scope of the Motion and this Order.

Second, Section 5.321(c) contemplates and explicitly approves of the use of interrogatories relating to “any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense.”³² That same Section also recognizes that certain information sought by an interrogatory may not be admissible in at a

²⁸ Motion Section II. C. at 5.

²⁹ Answer Section I. C.at 5.

³⁰ Answer Section I. B.at 7.

³¹ Answer Section I. B.at 8.

³² 52 Pa. Code § 5.321(c).

hearing.³³ However, the last sentence of subparagraph (c) of Section 5.321 explicitly provides that the inadmissibility of information at a hearing is not a ground for objection as long as the information sought by the interrogatory “appears reasonably calculated to lead to the discovery of admissible evidence.”³⁴

The Set 1 Interrogatories probe issues relating to POWER’s status and authority to represent the interests of individuals and groups who would be affected by the proceedings and the sources and basis for arguments it presents and positions it takes in this proceeding. They fall well within the scope of discovery permitted under Section 5.321 and Commission rulings. The rationale set forth above is applicable to all Set 1 Interrogatories to the extent they relate to any aspect of POWER’s participation in the proceeding.

Specific Objections

POWER objected to the Set 1 Instructions and many of the Set 1 Interrogatories on multiple grounds, including relevance and/or information not reasonably calculated to lead to admissible evidence relevance, undue burden, undue investigation, vagueness of the interrogatory and/or assertion of privilege. These objections by POWER fall into the third category of “other arguments and issues” and will be addressed in turn.

Relevance and/or Information Not Reasonably Calculated to Lead to Admissible Evidence

POWER objects to Set 1 Interrogatories I-1, and I-6 through I-26 on grounds of relevance and and/or information not reasonably calculated to lead to admissible evidence. Interrogatory I-1 relates to individuals answering or providing information used to answer the Set 1 Interrogatories. In support of its objection, POWER asserts “the information sought by

³³ *Id.*

³⁴ *Id.*

these questions³⁵ is not itself relevant, because POWER's process for responding to interrogatories is not a material fact that must be resolved in the Commission's investigation in this proceeding.³⁶ POWER notes that when providing its Partial Response to Interrogatory I-1 it included the name and contact information for the person answering the question for POWER.³⁷ POWER argues that it is unclear why PGW would need the contact information or 'present location' of other individuals involved in developing POWER's responses to these interrogatories because PGW has "the full unabridged right to issue discovery to POWER in this Proceeding by serving its attorneys."³⁸

POWER also argues that "These questions are also not reasonably calculated to lead to admissible relevant evidence. To be reasonably calculated to lead to relevant evidence, there must be some articulation of a relevant evidentiary goal and of how the question will lead towards the production of that relevant evidence."³⁹ POWER agrees that disclosure of such information may be appropriate "where the subject of discovery is a Commission-regulated utility seeking approval for an application and the internal workings of the utility may be relevant to the proceeding."⁴⁰ However, POWER opines that posing such a question to an intervenor such as POWER is "excessive and disproportionate to the needs of [this] case."⁴¹

In response to these objections by POWER, PGW also asserted its four-pronged rationale, which states:

³⁵ Answer Section II. A. at 11. POWER asserted the same rationale for its objection to Set 1 Interrogatories I-1, I-8 and I-9. See Answer Section II. A. at 10-14.

³⁶ Answer Section II.A.at 11.

³⁷ *Id.*

³⁸ *Id.* at 12.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

(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.⁴²

In addition, PGW argued that by calling on PGW to articulate a “relevant evidentiary objective” POWER seeks to impose a hurdle for the proponent of interrogatories that is not found in the language of any of the Commission’s discovery regulations.⁴³

POWER cites no authority for the imposition of such a requirement.⁴⁴

The Commission’s discovery regulations establish the scope of discovery and place reasonable limits on discovery. These regulations also provide a mechanism for resolving disputes arising during discovery. Not only does POWER fail to cite any authority to support the imposition of a new hurdle for parties serving interrogatories, POWER’s argument runs counter to framework for discovery established in Commission regulations and repeatedly and consistently upheld by the Commission. The argument is without merit and will not prevail here. This rationale is equally applicable in all instances in which POWER’s objection to a Set 1 Interrogatories in which POWER calls on PGW to articulate a “relevant evidentiary objective” for an interrogatory.⁴⁵

⁴² Motion Section III. at 7. Rather than repeatedly reproducing these four paragraphs, they are referred to herein as the “Four Pronged Rationale” for the Motion.

⁴³ Motion Section III at 7.

⁴⁴ Answer Section II b. 10 – 14.

⁴⁵ This include Interrogatories I-6 through I-26.

Undue Burden / Undue Investigation

POWER asserts that responding to the Set 1 Instructions and Interrogatories I-1, I-6, I-8 and I-9, I-12 through I-16, I-19 through 22, and I-25 and I-26 place an undue burden on POWER and would require POWER to undertake an undue investigation.⁴⁶ In support of its objection, POWER states that it “is a small nonprofit with limited resources, and its ability to participate meaningfully in this Proceeding depends on its ability to focus its engagement on matters that are actually relevant and material to the Proceeding.”⁴⁷ POWER argues that it “can and should be freed from the burden of excessive and disproportionate discovery in order to focus on defending its actual claims in this Proceeding as reflected in its expert testimony.”⁴⁸ POWER alleges that PGW is attempting to impair POWER’s ability to defend its claims in this proceeding by forcing POWER to expend additional resources on responding to “inappropriate discovery requests” such as Interrogatories I-1, I-8 and I-9.⁴⁹

Here, again, PGW asserted its four-pronged rationale to oppose the objection, arguing that:

(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.⁵⁰

⁴⁶ POWER did not assert that responding would require it to undertake an undue investigation, only that it was unduly burdensome.

⁴⁷ Answer Section II. B. at 12.

⁴⁸ *Id.* at 14.

⁴⁹ *Id.* POWER did not make any allegation of bad faith against PGW in its Written Objections or its Partial Responses. The specter of the possibility of such an allegation first appears in the Answer.

⁵⁰ Motion Section III. at 7. Rather than repeatedly reproducing these four paragraphs, they are referred to herein as the “Four Pronged Rationale” for the Motion.

In the Motion, PGW observes that “nowhere does POWER assert that it does not have the information or is unable to produce the information [requested in I-1 through I-6].”⁵¹ PGW also argued that “POWER does not provide a credible assessment of the alleged privilege or burden of retrieving the information.”⁵²

POWER has produced no evidence of bad faith on the part of PGW. Likewise, other than its own opinion, POWER has not produced any evidence to support its claim that in serving the Set 1 Interrogatories or any interrogatory included therein, PGW endeavored to impair POWER’s ability to defend its claims in this proceeding. POWER’s participation in this proceeding is entirely voluntary. It sought and was granted permission to intervene in this proceeding.

When seeking approval to intervene in this proceeding, POWER represented that it “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.”⁵³ Based on this representation, it is reasonable to infer that POWER was fully aware of its resources and any constraints that might hinder or prevent its full participation in this proceeding when it filed the Petition to Intervene. The participation in this proceeding that POWER sought when filing the Petition to Intervene was granted. Since filing the Petition to Intervene, POWER has consistently been ready, willing and able to fully participate in this proceeding and nothing in the record would suggest otherwise.

The right to participate in this proceeding comes with the obligation to comply with the laws and regulations that govern its conduct. POWER cannot avoid those obligations based on a claim of undue burden supported by nothing more than its own opinion. Accordingly, POWER’s objection to the Set 1 Instructions and Interrogatories I-1, I-6, I-8 and I-9, I-12

⁵¹ Motion Section III at 8.

⁵² *Id.*

⁵³ *Id.* ¶ 9.

through I-16, I-19 through 22, and I-25 and I-26 on grounds that they place an undue burden on POWER and/or would require POWER to undertake an undue investigation will be denied.

Privilege and Confidential, Proprietary and/or Sensitive Information

POWER cited privilege in its objections to the Set 1 Instructions and Interrogatories I-1, I-6 through I-9, I-12 through I-19, I-21 and I-22, and I-25-26.⁵⁴ POWER's Written Objection to Interrogatory I-1 reads as follows:

POWER 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.⁵⁵

POWER repeated this same objection and reiterated its arguments pertaining to the First Amendment and/or relevance and undue burden with respect each of such Interrogatories.⁵⁶

PGW argues that the Set I Interrogatories seek to obtain discovery regarding matters "not privileged."⁵⁷ PGW also contends that "POWER does not provide a credible assessment of the alleged privilege or burden of retrieving the information."⁵⁸

⁵⁴ **Written Objections cite to be supplied** POWER's objections and arguments relating to infringement of First Amendment rights arising out of the Set I Interrogatories were discussed above under the heading *Issues Relating to Set I Interrogatory Instruction* and will not be repeated here.

⁵⁵ Written objections at 5.

⁵⁶ Answer at 10, 12, 13, 16, 17, 30, 32, 34, 42, 44 and 48. POWERs elaborated on its arguments pertaining to the First Amendment in some but not all of its objections to the specified interrogatories. Having reviewed and rejected POWER's First Amendment objections above, they will not be reiterated here.

⁵⁷ Motion Section I at 2-3.

⁵⁸ Id. at 7.

POWER is correct that generally, the scope of discovery is limited by privilege, including attorney-client privilege.⁵⁹ However, I agree with PGW's statement that POWER failed to provide a credible assessment of the alleged privilege or burden of retrieving the information. POWER's Answer filed in response to the Motion does not contain data or additional information that in any way clarifies the nature, source or focus of its objection to those interrogatories on the basis of privilege. Here, POWER repeated asserts an objection based on privilege, but it provides little more than its own opinion and vague general statements to support the objection.⁶⁰ In the absence of facts to supported by any evidence clarifies the nature, source or focus of its objection, the objections is too vague and lack sufficient detail to be sustained. To do rule otherwise on the facts presented here would all but nullify PGW's right to discovery in this matter. For these reasons, POWER's privilege objections to the Set I Interrogatories will be denied.

Confidential, Proprietary and/or Sensitive Information Confidential Turning

With the exception of interrogatories relating to POWER's formation, organizational status, list of officers and directors, and the percentage of officers and directors who reside in Philadelphia or are PGW customers, POWER raised the following objection to all Set 1 Interrogatories.⁶¹

POWER 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

⁵⁹ See Answer Section I. A. at 1, citing 52 Pa. Code § 5.361(a)(3) and 52 Pa. Code § 5.323(a).

⁶⁰ See Answer Section 1.A. at 1, citing 52 Pa. Code § 5.361(a)(3) and 52 Pa. Code § 5.323(a). For example, in Section II of the Answer, POWER discusses attorney-client privilege; however, it indicates no details that would demonstrate that counsel to POWER was present or participated in any of the discussions with respect to which the privilege asserted. Answer Section II. at 13. As indicated above, POWER states that the Commission "need not reach" POWER's First Amendment arguments; however, it repeatedly asserts various forms of First Amendment privilege and does so without providing any details as to nature or the scope of the information or activity it seeks to provide. See e.g., the discussion in Answer Section II. B., Section VII. B. and Section XI.

⁶¹ The topics were the subject of Interrogatories I-2 through I-4, I-10 and I-11, I-23 and I-24. See Written Objections at 6-8, 19-22, and 45-46.

work product privilege), confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy, or the First Amendment of the United States Constitution.⁶²

In addition to its argument that the Set 1 Interrogatories fall within the scope of discovery permitted under Commission regulations, as part of the Four Point Rationale, PGW averred that “nowhere does POWER assert that it does not have the information or is unable to produce the information [and] POWER does not provide a credible assessment of the alleged privilege or burden retrieving the information.”⁶³ In support of its request for information concerning financial sources and resources of POWER, PGW also observes that as a nonprofit organization, POWER is required to file annual financial reports with federal and state authorities.⁶⁴ In addition, PGW avers that it is entitled to examine POWER’s policies concerning PGW, their source and authors, the underlying facts and circumstances related to such policies, including but not limited to those published by POWER on its website.⁶⁵

POWER’s Answer does little to clarify the foundation or basis for its objections to the interrogatories on the grounds of confidentiality, status as proprietary or sensitive information, reasonable expectation of privacy. For example, with respect to financial information, POWER asserts:

The details of how POWER raises funds and from whom and the details of all the expenditures POWER makes all comprise highly sensitive business information. Since PGW has identified no relevance of this information to any claim in this case, it should not be allowed to compel production of such sensitive information.⁶⁶

⁶² Written Objections at 5.

⁶³ Motion Section II., Section III. at 7- 8, 10-14.

⁶⁴ Motion Section III. At 10.

⁶⁵ Motion Section III. At 12.

⁶⁶ Answer Section VI. A. at 23.

As to its unpublished policy-related communication with third parties, POWER asserts that it should be shielded from discovery by PGW “due to the sensitive nature of such communications and the reasonable expectation of privacy that others may have regarding such communications.”⁶⁷ These sweeping statements by POWER fail to provide sufficient detail to establish or identify the specific information or data it seeks to protect.

Here, too, POWER has failed to provide a credible assessment of the information it seeks to protect or the burden of retrieving the information. POWER’s Answer filed in response to the Motion does not contain data or additional information that in any way clarifies the nature, source or focus of its objection to those interrogatories based on a duty of confidentiality, the proprietary or sensitive status of the information, the basis for reasonable POWER’s expectation of privacy, or its authority to defend such an expectation of privacy on behalf of third parties. POWER repeatedly asserts an objection, but it provides little more than its own opinion and vague general statements to support the objection. In the absence of facts supported by any evidence that clarifies the nature, source or focus of its objection, the objections is too vague and lack sufficient detail to be sustained. To rule otherwise on the facts presented here would effectively nullify PGW’s right to discovery in this matter. For these reasons, POWER’s objections to the Set I Interrogatories based on a duty of confidentiality, the proprietary or sensitive status of the information, the basis for reasonable POWER’s expectation of privacy, or its authority to defend such an expectation of privacy on behalf of third parties will be denied.

Vagueness

POWER objected to several Set 1 Interrogatories on the ground that the interrogatory, or some portion thereof, is “vague” and “overbroad.”⁶⁸ In its objection to interrogatory I-1, Power argued that it is vague and overbroad “because when it asks for

⁶⁷ Answer Section XI at 34.

⁶⁸ The interrogatories include I-1, I-6, I-8 and I-9. See Written Objections at 5, 10, 15 and 17.

information on any person ‘providing any information used to answer,’ it does not specify providing to who or used by who.”⁶⁹

POWER also objected to interrogatory I-6, arguing that “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.”⁷⁰

POWER’s Answer expanded on the reasoning supporting the objection, stating PGW’s failure to clarify this term is inappropriate because the term has a wide range of potential meanings. It could sweep in all manner of affiliations and associations that POWER as an advocacy organization may have, including participation and membership in political, policy, and religious coalitions and caucuses.”⁷¹ Notwithstanding its multiple objections to the term “affiliate,” POWER confirmed that in the Written Objections it had provided “all of the requested corporate entity information regarding POWER itself and confirmed that no affiliate of POWER is involved in this Proceeding.”⁷²

POWER also raised vagueness in its objections to interrogatories I-8 (relating to PGW documents or records used to prepare answers to the Set 1 Interrogatories) and I-9 (relating to individuals who provided information to assist in answering the Set 1 Interrogatories). With respect to interrogatory I-8, POWER indicated that its objection was two-fold. First, because “when [the interrogatory] asks for information on any documents ‘used or referred to,’ it does

⁶⁹ Written Objections at 5.

⁷⁰ *Id.* at 10.

⁷¹ Answer Section III. B. at 15. In addition, POWER offered that its “perspective is that the requested corporate entity details relating to POWER, and any affiliates are not relevant, and the interrogatories are not reasonably calculated to lead to any relevant admissible evidence because this information is not a material fact for any issue in this Proceeding.” *Id.*

⁷² Partial Response, at 7.

not specify by who.”⁷³ Second, because the interrogatory “does not explain what is meant by the ‘originator’ of a document.”⁷⁴

With respect to interrogatory I-9, POWER indicated that it objected to the interrogatory because:

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.⁷⁵

The words vague and overbroad do not appear in the Motion. However, PGW again pointed to the Four Point Rationale to support of its argument that the Set I Interrogatories are “well within the scope of this proceeding and are relevant to the subject matter of this proceeding.”⁷⁶

POWER’s Answer explains the foundation for its objection to Interrogatory I-6.⁷⁷ In doing so, the Answer also reveals the prism through which POWER views the Set 1 Interrogatories, including Interrogatory I-8 and I-9. Where it finds vagueness or ambiguity, POWER does not resolve the ambiguity by reference to a widely-recognized and accepted standard and framing and tailoring its response accordingly.⁷⁸ Instead, POWER responds using

⁷³ Written Objections at 14.

⁷⁴ Id.

⁷⁵ Written Objections at 17.

⁷⁶ Motion Section II. (unnumbered paragraph) at 3.

⁷⁷ See Answer Section III. B. at 15.

⁷⁸ POWER also found ambiguity in the Set 1 Instructions which failed to define the term “affiliates.” and took a similar approach. Despite its uncertainty regarding the definition of “affiliate,” in the Answer, POWER stated that it “went to significant lengths to produce as much information as possible concerning *itself* and also confirmed that it has no affiliates involved in this Proceeding.” Answer Section II. A. at 11 (emphasis added). This too is an instance of POWER failing to identify and use a reasonable widely accepted standard and relied solely on its judgment.

its own judgment, without ever defining the term POWER itself found intolerably vague and offensive.⁷⁹ POWER pointedly notes that “in a spirit of cooperation “ it provided a partial response to the interrogatory which included all of the requested corporate entity information *regarding POWER itself and POWER had confirmed* that it had no affiliate of POWER is involved in the Proceeding.

Here too, PGW relied upon the Four Points Rationale to support the Motion.

Commission regulations expressly prohibit discovery which is sought in bad faith.⁸⁰ While a party may object to discovery made in bad faith, POWER made no such allegation as to any of the Set I interrogatories.

Having received the Set 1 Interrogatories, POWER is obligated to either make a suitable objection or provide an appropriate response. POWER’s objection that Interrogatories I-6, I-8 and I-9 are vague and overbroad, without evidence of a reasonable and accepted alternative standard other than POWER’s own judgment, the objection cannot be sustained, and POWER’s response cannot be found appropriate. The objection will be dismissed.

As noted above, the parties, including POWER agreed to a litigation schedule for this proceeding on May 11, 2023. PGW served the Set 1 Interrogatories on May, 26, 2023. The record in this matter indicates that PGW and POWER voluntarily suspended the litigation schedule to allow for settlement talks, with the deadlines temporarily suspended until June 15, 2023. Just prior to the June 15, 2023 expiration of the voluntary suspension, POWER filed a motion to extend the date for delivery of its responses to the Set Interrogatories. PGW agreed to the POWER’s extension request. The Order on POWER’s Motion for Extension issued June 20, 2023 gave POWER an additional week beyond the agreed litigation schedule i.e., until June 22, 2022 to serve its responses to the Set Interrogatories. The litigation schedule was otherwise

⁷⁹ Partial Responses, at 7.

⁸⁰ 52 Pa. Code § 5.361(a)(1).

