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February 25, 2010

**Via Hand Delivery**

James McNulty, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: PA Public Utility Commission v. Philadelphia Gas Works  
Docket Nos. R-2009-2139884 and P-2009-2097639

Dear Secretary McNulty:

On behalf of Philadelphia Gas Works ("PGW") enclosed for filing please find an original and three copies of its Objections to Philadelphia Housing Authority's Interrogatories Nos. I-1 and I-10 with regard to the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours

Carl Shultz

CS/lww

Enclosure

cc: Cert. of Service w/enc.

SECRETARY'S BUREAU  
PA PUC

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
 : Docket No. R-2009-2139884  
 v. :  
 :  
 Philadelphia Gas Works :  
 :  
 Philadelphia Gas Works' Revised Petition :  
 for Approval of Energy Conservation and : Docket No. P-2009-2097639  
 Demand Side Management Plan :

**PHILADELPHIA GAS WORKS' OBJECTION TO  
PHILADELPHIA HOUSING AUTHORITY'S  
INTERROGATORIES NOS. I-1 AND I-10**

Philadelphia Gas Works ("PGW") hereby objects to the Philadelphia Housing Authority's ("PHA"), Interrogatories Set I, Nos. 1 and 10. (PGW has previously orally communicated its intention to object to these Interrogatories).

**PHA I-1:**

PHA-I-1 states as follows:

Please provide all documents explaining the origin and continuation of the current tariff structure involving rates to PHA and its residents, including, but not limited to determinations as to what billing rates and structure, will be used for Residential and Commercial GS rate, the PHA rate and the Municipal MS Rate, including, but not limited to:

- (a.) a list of all customers that receive the Municipal MS Rate and the basis of the determination of eligibility for that rate class.
- (b.) a list of all customers that are billed at the PHA rate and the basis of the determination of eligibility for that rate class.
- (c.) a list of all customers receiving the Municipal MS Rate at locations in which any portion of billing location use is residential.

**OBJECTION:**

PGW objects to parts (a) – (c) of PHA-I-1 on the following grounds:

(a) PHA-I-1(a) – (c) requests information which is confidential and privileged. Individual customer information is prohibited from release to a third party without the prior consent of the customer. 52 Pa. Code § 62.78. This is consistent with the protections afforded to customers under Pennsylvania’s Right to Know Law (or Open Records Law), 65 P.S. §§ 67.101 *et seq.*<sup>1</sup> Additionally, it is PGW’s internal policy to prohibit disclosure of customer account records in order to protect the Company’s customers.<sup>2</sup>

(b) PHA-I-1(a) – (c) seeks information which is neither relevant to any issue in this proceeding (or is likely to arise in the proceeding) and is not reasonably calculated to lead to the discovery of admissible information.

Notwithstanding the foregoing, it should be noted that, PGW is currently working cooperatively with PHA to discuss an alternative response to PHA I-1(b).

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<sup>1</sup> See PGW’s Open Records Policy, which is available at: <https://www.pgworks.com/index.aspx?NID=332>

<sup>2</sup> *Id.* See also PGW’s Human Resources Department Personnel Policy And Procedures – Unauthorized Disclosure Of Company Information – Number #003-15, which states in part: “The policy of the Philadelphia Gas Works is to prohibit the unauthorized access, modification, misuse, disclosure, or destruction of confidential company records and corporate information. The Company will take measures to protect all information to assure security, reliability, integrity, and authorized availability of information. ... The purpose of this policy is to protect the Company, the employees, and the customers of the Philadelphia Gas Works from the willful unauthorized access, disclosure or dissemination of the information which includes, but is not limited to, personnel data, financial statements, customer account records, operational procedures, legal matters, descriptions of systems and applications, and other information, the disclosure of which may have an adverse effect upon PGW, its customers, and/or employees.”

**PHA I-10:**

PHA I-10 states as follows:

Please identify all PHA residents identified in the above Interrogatory and note which residents participate in the Low-Income Customer Responsibility Plan and the Low-Income Home Energy Assistance Program.

**OBJECTION:**

PGW objects to PHA-I-10 on the following grounds:

- (a) The interrogatory requests information which is confidential and privileged.

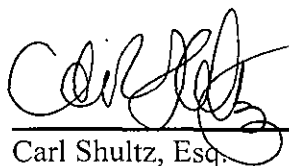
PGW hereby incorporates by reference the discussion set forth in its Part (a) of its objection to PHA-I-1(a) – (c), above.

(b) The interrogatory requests information which is neither relevant to any issue in the proceeding (or which is likely to arise in the proceeding) and is not reasonably calculated to lead to the discovery of admissible information.

(c) The interrogatory would require PGW to conduct a burdensome and expensive special study.

(d) The interrogatory is unclear and confusing. PHA-I-10 refers to the prior PHA interrogatory. The preceding Interrogatory (PHA-I-9) requests "reasons for not applying the MS rate to PHA." It is, therefore, not clear which "above Interrogatory" is being referenced.

Respectfully submitted,



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Dated: February 25, 2010

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of PGW's Objections to Philadelphia Housing Authority Interrogatories, Set I upon the participants listed below in accordance with the requirements of § 1.54 (relating to service by a participant).

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Carl Shultz, Esq.

Dated: February 25, 2010