



SBG Management Services, Inc.

P.O. Box 549 Abington, PA 19001

Phone 215.938.6665

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September 8, 2014

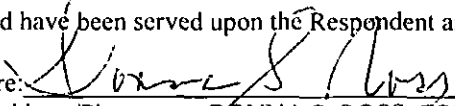
The Honorable Rosemary Chiavetta
Secretary of the Commission
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Complainants Motion To Compel Responses to Set IV - Interrogatories and Request for Production of Documents

In the Matters of: SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304183; SBG Management Services, Inc./Fairmount Realty, v. Philadelphia Gas Works, Docket No. C-2012-2304215 ; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304324; SBG Management Services, Inc./Elrae Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304167 ; SBG Management Services, Inc./Marshall Square Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304303; SBG Management Services, Inc./Marchwood Realty v. Philadelphia Gas Works, Docket No. C-2012-2308454; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308460; SBG Management Services, Inc./Oak Lane Realty Co., LP v. Philadelphia Gas Works, Docket No. C-2012-2308462; SBG Management Services, Inc./Fern Rock Realty v. Philadelphia Gas Works, Docket No. C-2012-2308465; and SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308469

Dear Madam Secretary Chiavetta:

Kindly accept for filing Complainant's Motion to Compel Responses to Complainants Set IV Interrogatories and Request for Production of Documents and Certificate of Service thereof in the above-referenced matters. Copies are attached hereto in each of the matters listed above to be filed with the Commission, The Honorable ALJ Eranda Vero and have been served upon the Respondent and all active parties on today's date via U.S. Mail/overnight mail.

Signature: 

Name/Address/Phone:

DONNA S. ROSS, ESQUIRE
COUNSEL FOR SBG MANAGEMENT SERVICES, INC.
Mailing Address: P.O. BOX 549
ABINGTON, PA 19001
Street Address: 1095 Rydal Road
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Email: dsross@sbgmanagement.com; dsross90@gmail.com
Pennsylvania Attorney I.D. No. 59747

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



P.O. Box 549 Abington, PA 19001
Phone 215.938.6665 Fax 215.938.7613

September 8, 2014

The Honorable ALJ Eranda Vero
Pennsylvania Public Utility Commission, Suite 4063,
801 Market Street, Philadelphia, PA 19107

For Pennsylvania Public Utility Commission
Via U.S. Mail First Class/overnight mail

RE: Complainants Motion To Compel Responses to Set IV -Interrogatories and Request for Production of Documents

In the Matters of: SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304183; SBG Management Services, Inc./Fairmount Realty, v. Philadelphia Gas Works, Docket No. C-2012-2304215 ; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304324; SBG Management Services, Inc./Elrae Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304167 ; SBG Management Services, Inc./Marshall Square Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304303; SBG Management Services, Inc./Marchwood Realty v. Philadelphia Gas Works, Docket No. C-2012-2308454; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308460; SBG Management Services, Inc./Oak Lane Realty Co., LP v. Philadelphia Gas Works, Docket No. C-2012-2308462; SBG Management Services, Inc./Fern Rock Realty v. Philadelphia Gas Works, Docket No. C-2012-2308465; and SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308469

Dear Judge Vero:

Enclosed please find my Enclosed please find Complainants' Motion to Compel Responses to Set IV - Interrogatories and Request for Production of Documents. Copies have been served upon the Commission and to opposing counsel and all relevant parties with Certificate of Service thereof in the above-referenced matters attached. As I am new to the case, I would welcome an opportunity to speak with you and Mr. Farinas in detail to see if there is any way that we may work towards resolving this matter without further litigation. I look forward to hearing from you and if you have any questions for me, please feel free to contact me on 484-888-9578.

Signature:

Name/Address/Phone:

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September 8, 2014

Mr. Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue, 4th Floor
Philadelphia, PA 19122

For Respondent PGW
Via U.S. Mail First Class/overnight mail

Re: Complainants Motion To Compel Responses to Set IV -Interrogatories and Request for Production of Documents

In the Matters of: SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304183; SBG Management Services, Inc./Fairmount Realty, v. Philadelphia Gas Works, Docket No. C-2012-2304215 ; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304324; SBG Management Services, Inc./Elrae Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304167 ; SBG Management Services, Inc./Marshall Square Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304303; SBG Management Services, Inc./Marchwood Realty v. Philadelphia Gas Works, Docket No. C-2012-2308454; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308460; SBG Management Services, Inc./Oak Lane Realty Co., LP v. Philadelphia Gas Works, Docket No. C-2012-2308462; SBG Management Services, Inc./Fern Rock Realty v. Philadelphia Gas Works, Docket No. C-2012-2308465; and SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308469

Dear Mr. Farinas:

Enclosed please find Complainants' Motion to Compel Responses to Set IV - Interrogatories and Request for Production of Documents. Copies have been served upon the Commission and the Honorable ALJ Eranda Vero, with Certificate of Service thereof in the above-referenced matters attached. As I am new to the case, I would welcome an opportunity to speak with you in detail to see if there is any way that we may work towards resolving this matter without further litigation. I look forward to hearing from you and if you have any questions for me, please feel free to contact me on 484-888-9578.

Signature: 

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Pennsylvania Attorney I.D. No. 59747

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SBG MANAGEMENT SERVICES, INC./ COLONIAL GARDEN REALTY, LP <i>Complainant</i>	: DOCKET NO. C-2012-2304183
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ FAIRMOUNT REALTY <i>Complainant</i>	: DOCKET NO. C-2012-2304215
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ SIMON GARDENS REALTY, LP <i>Complainant</i>	: DOCKET NO. C-2012-2304324
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ ELRAE GARDEN REALTY, LP <i>Complainant</i>	: DOCKET NO. C-2012-2304167
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ MARSHALL SQUARE REALTY, LP <i>Complainant</i>	: DOCKET NO. C-2012-2304303
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ MARCHWOOD REALTY <i>Complainant</i>	: DOCKET NO. C-2012-2308454
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ OAK LANE REALTY CO., LP <i>Complainant</i>	: DOCKET NO. C-2012-2308462
V.	:
PHILADELPHIA GAS WORKS <i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./ FERN ROCK REALTY	: DOCKET NO. C-2012-2308465

Donna S. Ross, Esquire
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Pennsylvania Attorney ID. NO. 59747

Attorney for Complainants

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SBG MANAGEMENT SERVICES, INC./ COLONIAL GARDEN REALTY, LP <i>Complainant</i>	:	DOCKET NO. C-2012-2304183
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ FAIRMOUNT REALTY <i>Complainant</i>	:	DOCKET NO. C-2012-2304215
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ SIMON GARDENS REALTY, LP <i>Complainant</i>	:	DOCKET NO. C-2012-2304324
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ ELRAE GARDEN REALTY, LP <i>Complainant</i>	:	DOCKET NO. C-2012-2304167
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ MARSHALL SQUARE REALTY, LP <i>Complainant</i>	:	DOCKET NO. C-2012-2304303
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	
SBG MANAGEMENT SERVICES, INC./ MARCHWOOD REALTY <i>Complainant</i>	:	DOCKET NO. C-2012-2308454
V.	:	
PHILADELPHIA GAS WORKS <i>Respondent</i>	:	

SBG MANAGEMENT SERVICES, INC./
OAK LANE REALTY CO., LP
Complainant

V.
PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2308462

SBG MANAGEMENT SERVICES, INC./
FERN ROCK REALTY
Complainant

V.
PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2308463

SBG MANAGEMENT SERVICES, INC./
COLONIAL GARDEN REALTY, LP
Complainant

V.
PHILADELPHIA GAS WORKS
Respondent

: DOCKET NO. C-2012-2334253

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**COMPLAINANTS', SBG MANAGEMENT SERVICES, INC., et al COLONIAL GARDEN REALTY CO. (I and II), FAIRMOUNT REALTY CO., SIMON GARDENS, ELRAE GARDEN REALTY, MARCHWOOD REALTY, FERNROCK REALTY, OAK LANE REALTY CO., L.P., AND MARSHALL SQUARE REALTY ("COMPLAINANTS"),
MOTION TO DISMISS PGW'S OBJECTIONS AND COMPEL RESPONSES TO COMPLAINANTS' REQUESTS FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES ADDRESSED TO RESPONDENT PHILADELPHIA GAS WORKS, SET IV**

Pursuant to 52 Pa. Code Sections 5.321, 5.341 and 5.342, Complainants, by their undersigned counsel, hereby move to dismiss the Objections (individually, "Objection" or collectively, "Objections") of Philadelphia Gas Works ("PGW" or "Respondent"), which are attached hereto as Exhibit "A", and to compel PGW to answer Complainants' Requests for Production of Documents and Interrogatories Addressed to Respondent PGW, Set IV (individually, "Interrogatory" or collectively, "Interrogatories" or "Interrogatories, Set IV") as propounded by Complainants to Respondent, in this matter, and as attached hereto as Exhibit "B". In support of Complainants' motion we aver as follows:

I. SUMMARY

Respondent's response to the Subject Interrogatories and Request for Production of Documents are incomplete and non-responsive and violate applicable statutory law, including 52 Pa. Code Sections 5.341 and 5.342, as Respondent: (1) Respondent's objection to Set IV. Additional Instructions Nos. 16 through 19, is to an instruction. Respondent does not object with specificity to the specific interrogatory or request for production, but to an instruction which claims of privilege, which they assert without specificity as to how the instruction is privileged and/or the information requested in the interrogatory is privileged. Their claim is that providing the information is overly burdensome and irrelevant. (2) Respondent has a duty to specifically provide information detailing the nature of the privilege and to answer/respond to the information that is not sufficient to claim privilege. (3) Respondent objects to Set IV. Additional Instructions No. 23 on the basis that PGW is not subject to the discovery rules of

Pa.R.C.P. 4009.1 and does not have to supply information that conforms to the e-discovery rules. Pursuant to 52 Pa. Code Sections 5.321, 5.341 and 5.342 which are read in accordance with and conform to discovery rules codified at Pa.R.C.P. Rule 4003.1 through 4003.6, Respondent is bound by the discovery rules and must comply accordingly. (4) Respondent objects to Interrogatories propounded in Complainants' Set IV, Nos. 4 through 10 on the basis that Complainants are allegedly seeking to expand the scope of the proceeding by seeking information on tenant accounts which are not part of this proceeding. However, it has been argued that where tenant accounts have been erroneously applied to the billing charges and attributable to liens placed on Complainants' properties, these tenant accounts are relevant to the overall validity of the charges imposed by PGW on SBG accounts. (5) Respondent has demonstrated the relevancy of this information by providing documents and responses that confirm the comingling of tenant accounts and Complainants' accounts. (6) Respondent also objects to Complainants' Set IV, Nos. 4 through 10 interrogatories and requests for production asserting that the Commission does not have jurisdiction over whether the tenant debts have an effect on the municipal liens issues. However, it has been determined that the Commission may make a determination on the underlying calculations as to accuracy of the amount of the liens imposed and adjust accordingly based upon the evidence presented. Where tenant debt is erroneously placed upon Complainants' accounts and liens ensue as a result, the Commission may review and make a determination. (7) Furthermore, Respondent PGW, has made the assertion before a tribunal that confirms the assertion that this Commission has the jurisdiction and technical skills to determine the accuracy and calculation of the liens placed against Complainants' properties.

To this end, Complainants' are respectfully requesting that Respondent's objections be overruled and that they be ordered and compelled to answer the propounded discovery fully, completely and produced in a timely manner. Furthermore, if Respondent's fail to adhere to the order of this Commission, Complainants ask Respondents to be subjected to sanctions in a manner that is just and equitable pursuant to 52 Pa.Code §5.372.

I. Pennsylvania Rules of Discovery Are Applicable To These Proceedings Promulgated By 52 Pa.Code§ §5.321 through 5.373, Pa,R.C.P. Rule 4003.3, 4003.1 through 4003.6 and 4009.1(a) and (b).

1. The above-captioned matters are currently proceedings before this Commission the scope of which is defined as follows:

52 Pa. Code § 5.321.Scope.(a) Applicability. This subchapter applies to a proceeding in which:

- (1) A complaint, protest or other adverse pleading has been filed.
 - (2) The Commission institutes an investigation.
 - (3) The Commission institutes an on-the-record proceeding.
- (b) Discretion. The presiding officer may vary provisions of this subchapter as justice requires.
- (c) Scope. Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is

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

(d) Exceptions. This subchapter does not apply to discovery sought of Commissioners or Commission staff serving in an advisory or adjudicatory capacity.

(e) Commission staff. This subchapter applies equally to Commission staff serving in a prosecutory or party capacity in proceedings before the Commission, with no exceptions other than as specifically set forth in this chapter.

(f) Purpose and methods. A party may obtain discovery for the purpose of preparation of pleadings, or for preparation or trial of a case, or for use at a proceeding initiated by petition or motion, or for any combination of these purposes, by one or more of the following methods:

(1) Deposition upon oral examination or written questions.

(2) Written interrogatories to a party.

(5) On the record data requests in rate cases.

(g) Supersession. Subsections (a)—(c) supersede 1 Pa. Code § 35.145 (relating to depositions).

2. The manner and rules of discovery in these proceedings are further promulgated in subsequent sections found at 52 Pa. Code § 5.322 through 5.373. Respondent's limited reading of 52 Pa. Code § 5.321 as the basis of their objections is misplaced.

3. Respondent fails to clearly state their objection in the form required under the discovery rules governing this proceeding found at 52 Pa. Code § 5.342(c)(1), (2), (4), and (5) and reads in pertinent part:

Objections. An objection must: (1) Restate the interrogatory or part thereof deemed objectionable and the specific ground for the objection. (2) Include a description of the facts and circumstances purporting to justify the objection....(4) Not be valid if based solely on the claim that an answer will involve an opinion or contention that is related to a fact or the application of law to fact. (5) Not excuse the answering party from answering the remaining interrogatories or subparts of interrogatories to which no objection is stated.

4. Respondent's objection to Set IV. Additional Instructions Nos. 16 through 19, is to an instruction. Respondent does not object with specificity to the specific interrogatory or request for production, but to an instruction which claims of privilege, with the reason provided that to provide such information would be unreasonably burdensome, oppressive and unnecessary and seeks information that is beyond the matters at issue. Respondent's Objection to Additional Instructions Nos. 16 through 19 found in Complainants' Interrogatories & Request for Production of Documents Set IV is specious and dubious, and contradicts the discovery rules codified

at Pa. R.C.P. 4003.1, 4003.3, and 4003.4. Respondent has a duty to specifically provide information detailing the nature of the privilege and to answer and respond to the information that is not sufficient to claim privilege.

5. Respondent objects to Set IV, Additional Instructions No. 23 on the basis that PGW is not subject to the discovery rules of Pa.R.C.P. 4009.1 and does not have to supply information that conforms to the e-discovery rules. 52 Pa. Code § 5.323(a) states that the scope of discovery trial preparation material generally conforms to the scope of the Pennsylvania discovery rules found at Pa.R.C.P. 4003.3 (*See 52 Pa. Code § 5.323(a) - (b)(2)*). With reference to Pa.R.C.P. 4003, Pa.R.C.P. Rule 4009.1(a) states in part as follows:

- (a) Any party may serve a request upon a party pursuant to Rules 4009.11 and 4009.12 or a subpoenato produce and to inspect, copy, ... any tangible things or electronically stored information, which constitute or contain matters within the scope of Rules 4003.1 through 4003.6, inclusive and which are in the possession, custody or control of the party or person upon whom the request is served, ... and may do so one or more times.
- (b) A party requesting electronically stored information may specify the format in which it is to be produced . . .

“On June 6, 2012, the Pennsylvania Supreme Court announced the adoption of new procedural rules to regulate the e-discovery process. *Order No. 564 (Pa. 2012)*. The new rules, effective August 1, 2012, provide that discovery of electronically stored information (“ESI”) should be guided by principles of proportionality and facilitated through cooperation among parties. The Order amends Rule 4009.1 of the Pennsylvania Code to include ESI as a distinct category of discoverable information, and provides guidance about its production: A party requesting electronically stored information may specify the format in which it is to be produced and a responding party or person not a party may object. If no format is specified by the requesting party, electronically stored information may be produced in the form in which it is ordinarily maintained or in a reasonably usable form. *17 Pa. Code § 4009.1(b)(2012)*. [T]he new rules and comments emphasize the need for proportionality in the name of “just, speedy and inexpensive” resolutions at trial. Thus, in evaluating ESI requests, courts are instructed to focus their analyses on (1) the nature and scope of the litigation, (2) the relevance of the ESI and its importance to successful adjudication, (3) the cost and time burdens associated with producing the ESI, and (4) the relative “ease of producing” the ESI and whether some adequate substitute would be sufficient, among other factors. *CPRC Explanatory Comment § B.*”

In these modern times, it is a given, that large businesses like Respondent PGW, will manage and store their collective data electronically, much of which can easily be retrieved with the push of a button. Courts have recognized these general business practices when considering the ease of retrieving and providing information in the context of litigation. “Ignoring the capabilities which ESI allows the parties to search for and produce factual information in a case of this nature is like pretending businesses still communicate by smoke signals.” See *In Re DOMESTIC DRYWALL ANTITRUST LITI-GATION*, 2014 WL 1909260 (E.D.Pa.).

Respondent has already supplied Complainants with information that it maintains in an electronic format and has produced evidence that shows that in the regular course of business routinely stores, retrieves, files and conducts electronic formatting of its data and information processes routinely and daily. Respondent’s objection to Set IV, Additional Instructions No. 23 is without merit and contrary to law.

II. Respondent's Have No Legitimate Basis To Object To Issues Related To Certain Tenant Accounts.

6. Respondent objects to Interrogatories propounded in Complainants' Set IV, Nos. 4 through 10 on the basis that Complainants are seeking to expand the scope of the proceeding by seeking information on tenant accounts which are not part of this proceeding. However, it has been argued that where tenant accounts have been erroneously applied to the billing charges and attributable to liens placed on Complainants' properties, these tenant accounts are relevant to the overall validity of the charges imposed by PGW on SBG accounts.

7. In Respondent's Preliminary Objections and Motion to Strike, signed on June 18, 2012, paragraph 8, PGW affirms that PGW has not transferred the amounts that are associated with the accounts of tenants to any accounts where the Complainants are the customer of record. Subsequent information obtained through discovery contradicts this assertion. It is only through the discovery process that Complainants have been able to secure the information that corroborates its initial allegations. Therefore, Respondent's objection is specious and has no basis because the information is relevant and germane to the issues before this tribunal.

8. By example, at hearing, Respondent stated that some of the debts underlying the liens were allegedly created by or on tenant accounts or were "placeholder accounts". These admissions are statements made by the Respondent in its pleadings, discovery responses, and documents. (See PGW Response to SBG Set III Interrogatory No. 19 attached hereto as Exhibit "C"). Where Respondent admits by testimony or documentation that tenant accounts have been commingled with Complainants' accounts in any fashion, Respondent, essentially, "opened the door" to the relevancy of the tenant accounts by admission. It is disingenuous for PGW to object to Complainants' Set IV, Nos. 4 through 10 interrogatories and requests for production when again Respondent admits in its letter to ALJ Vero dated August 8, 2014 that there are in fact tenant accounts attached and accruing on Complainants' SBG meters and accounts. (See letter attached hereto as Exhibit "D").

9. Just as Complainants were entrusted by Respondent to treat tenant names and information in an appropriate manner on those pleadings/responses, so Complainants should be able to receive the additional, requested tenant information. The confidentiality and other issues raised by Respondent, accordingly, should fail here, as well.

10. Respondent also objects to Complainants' Set IV, Nos. 4 through 10 interrogatories and requests for production because the Commission does not have jurisdiction over whether the tenant debts have an effect on the municipal liens issues. However, it has been determined that the Commission may make a determination on the underlying calculations as to accuracy of the amount of the liens imposed and adjust accordingly based upon the evidence presented. Where tenant debt is erroneously placed upon Complainants accounts and liens ensue as a result, the Commission may review and make a determination.

III. Respondent Provided Testimony To the Court of Common Pleas that the PUC Commission has Jurisdiction over Calculating the Debts underlying Municipal Liens.

11. Respondent PGW, has made the assertion that this Commission has the jurisdiction and technical skills to determine the accuracy and calculation of the liens placed against Complainants' properties. These assertions were made in open court before the Honorable Ellen Ceisler, in the Court of Common Pleas, Philadelphia County, in two cases, on 3/25/2014, where PGW sought to withdraw Petitions for Authorizations for Sheriff's Sales of properties

owned by Oak Lane Court Realty and Fern Rock Realty, (two of the Complainants, here) who opposed the Petitions to Withdraw. During the hearing, the Complainants stated that PGW and its attorneys have argued before the PUC that the PUC does not have jurisdiction over matters involving the PGW municipal liens. Thereafter, PGW attorney, Gerald Clark, made the following statement to Judge Ceisler, (in response), as set forth in the Transcript of the Hearing, held on 3/25/2014, which is attached hereto as Exhibit "E".

(Excerpt from Transcript of 3/25/2014 Hearing, pages 12 – 16.)

"MR. CLARK: We filed a Petition for Authorization to put these two parcels up for sale which would be a sheriff's sale. If we withdraw the petition, there is nothing in front of the Court or an order saying it's authorized to put up for sale for the sheriff's sale. If there's no proceeding, it doesn't go to sheriff's sale. Now, these liens will still be there. Once the PUC—

"THE COURT: And you still have their form (sic) to determine whether PGW has properly calculated?

"MR. CLARK: It's a different form (sic). To be honest—

"THE COURT: And what their decision is will help you determine whether it's a proper lien—

"MR. CLARK: If they came and said the bill should be zero, we won't be back here.

***"THE COURT: Right.
(See TR. page 13, Lines 4-25).***

"MR. CLARK: If they say instead of 100,000, it should be 50,000, we'll be back here on a Petition to Sell for the unpaid balance. The PUC – and I don't mean to put words into Judge Fox's or anyone's mouth, but they actually have the expertise and this is what they do, and it was determined with the attorneys that were involved at that time—myself, I'm the only one still here—that it's better to let the PUC – it's their jurisdiction with their expertise to do the billing dispute and determine whether the bill should be this or something else. Once that was determined, we come back here and then we ask for the order – and Judge Fox said she would not relitigate it, the accuracy of the bills. We also said we'll take whatever the PUC says. We're not going to ask that they relitigate either, but Judge Fox said that once the PUC says the bills are accurate – (Tr. page 14, lines 1-22)

"THE COURT: So you're not moving on these properties?

***"MR. CLARK: I can't. I really can't.
(See TR. page 14, Lines 1-25).***

"THE COURT: The Petition to Withdraw on both matters regarding City of Philadelphia versus Fern Rock Realty and Oak Lane Court Realty is granted without prejudice.

"MS. THORTON BOONE: For the first time, our part—the customers are hearing that PGW will allow the PUC to recalculate the bill and then abide by that in terms of looking at the amount of the underlying liens. Can that be a part of your [The Court's] motion?

"THE COURT: Is that what you just said?

"MR. CLARK: Your Honor, I'm telling you that from a practical matter that's what they do. The appellate process would be to the Commonwealth Court.

*“THE COURT: The order is on the record now.
(See TR. page 16, Lines 1-24).*

12. Accordingly, by Respondent PGW counsel’s own statement, PGW is admitting that the debts underlying the municipal liens are within the jurisdiction of the PUC to consider and that the Court of Common Pleas should abstain from acting until the PUC makes a determination on the validity and accuracy of the debts underlying the liens.

13. Based on the foregoing, Complainants and the PUC must obtain, review, and consider the tenant debt underlying the municipal liens to reach a determination on whether the debt sought by PGW from the Complainants was properly calculated and billed.

14. Furthermore, based on Mr. Clark’s and PGW’s 3/25/2014 statements, PGW can no longer “claim” that the PUC does not have jurisdiction to consider “any issue” related to tenant debt or a municipal lien because the Court of Common Pleas has exclusive jurisdiction over municipal lien issues. While the Complaints were amended to address the Landlord’s debts, the final debt on the Customer Accounts underlying the Disputed Transactions are related to and impacted by the municipal liens and tenant-accounts/tenant debts. Complainants seek the tenant-account information and municipal lien information solely to arrive at a good and accurate balance due, which cannot be otherwise obtained.

IV. Conclusion

Respondent’s objections should be over-ruled and they should be ordered and compelled to reply to Complainants’ discovery requests. Respondent’s response to the Subject Interrogatories and Request for Production of Documents are incomplete and non-responsive and violate applicable statutory law, including 52 Pa. Code Sections 5.341 and 5.342, as Respondent: (1) Respondent’s objection to Set IV. Additional Instructions Nos. 16 through 19, is to an instruction, which is an insufficient basis to object. Respondent does not object with specificity to the specific interrogatory or request for production. The claims of privilege are misplaced and without specificity and in no way show how the instruction pertaining to privilege is overly burdensome and irrelevant. (2) Respondent has a duty to specifically provide information detailing the nature of the privilege and to answer and respond to the information that is not sufficient to claim privilege. (3) Respondent objects to Set IV. Additional Instructions No. 23 on the basis that PGW is not subject to the discovery rules of Pa.R.C.P. 4009.1 and does not have to supply information that conforms to the e-discovery rules. Pursuant to 52 Pa. Code Sections 5.321, 5.341 and 5.342 which are read in accordance with and conform to discovery rules codified at Pa.R.C.P. Rule 4003.1 through 4003.6, Respondents are bound by the discovery rules and must comply accordingly. (4) Respondent objects to Interrogatories propounded in Complainants’ Set IV, Nos. 4 through 10 on the basis that Complainants are allegedly seeking to expand the scope of the proceeding by seeking information on tenant accounts which are not part of this proceeding. However, where tenant accounts have been erroneously applied to the billing charges and attributable to liens placed on Complainants’ properties, these tenant accounts are relevant to the overall validity of the charges imposed by PGW on SBG accounts. (5) Respondents have demonstrated the relevancy of this information by providing documents and responses that confirm the comingling of tenant accounts and Complainants’ accounts. PGW has put the tenant accounts into play and at issue by their own admissions, which makes them relevant and

germane to these proceedings. (6) Respondent also objects to Complainants' Set IV, Nos. 4 through 10 interrogatories and requests for production asserting that the Commission does not have jurisdiction over whether the tenant debts have an effect on the municipal liens issues. However, it has been determined that the Commission may make a determination on the underlying calculations as to accuracy of the amount of the liens imposed and adjust accordingly based upon the evidence presented. Where tenant debt is erroneously placed upon Complainants' accounts and liens ensue as a result, the Commission may review and make a determination. Moreover, Respondent, PGW, asserted before a tribunal and confirmed their assertion that this Commission has the jurisdiction and technical skills to determine the accuracy and calculation of the liens placed against Complainants' properties. Respondent's objections are without merit, misstate the law and are leading to unnecessary delay in obtaining discoverable information relevant to these proceedings.

This Commission has imposed a deadline of September 15, 2014 for all discovery to be complete. That deadline is looming and the information Complainant is requesting is reasonable, relevant and easily retrievable by Respondent.

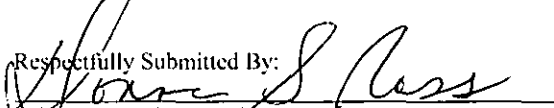
Consequently, Complainants' are respectfully requesting that Respondent PGW's objections be overruled and that they be ordered and compelled to answer the propounded discovery fully, completely and produced in a timely manner. Furthermore, if Respondent fails to adhere to the order of this Commission, Complainants respectfully request Respondents to be subjected to sanctions in a manner that is just and equitable.

WHEREFORE, for the reasons set forth above and upon consideration of the rules promulgated at 52 Pa.Code §§ 5.321 through 5.373, Pa.R.C.P. Rule 4003.3, 4003.1 through 4003.6 and 4009.1(a) and (b) related to discovery in matters before this Commission which has the authority to make a determination on Complainants' Motion, Complainant's respectfully requests that their Motion be granted and that Respondent's objections be overruled and that Respondent be compelled to answer fully and completely and produce documents as requested and subjected to the imposition of any and all sanctions that this Commission deems appropriate pursuant to 52 Pa.Code §5.372 and grant any other just and equitable relief as this Commission determines.

Date:

9/8/2014

Respectfully Submitted By:


DONNA S. ROSS, ESQ.
COUNSEL FOR COMPLAINANTS
SBG MANAGEMENT SERVICES, Inc.
P.O. Box 549
Abington, PA 19001
Phone: 484-888-9578
Office: 215-938-6665; Facsimile: 215-938-7613
Email: dsross90@gmail.com; dsross@sbgmanagement.com
Pennsylvania Attorney ID. No. 59747

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:

Docket No. C-2012-2304167--SBG Management Services, Inc. (Elrac) v. Philadelphia Gas Works
Docket No. C-2012-2304183--SBG Management Services, Inc. v. Philadelphia Gas Works
Docket No. C-2012-2304215--SBG Management Services, Inc. v. Philadelphia Gas Works
Docket No. C-2012-2304303--SBG Management Services, Inc. (v. Philadelphia Gas Works
Docket No. C-2012-2304324--SBG Management Services, Inc. v. Philadelphia Gas Works
Docket No. C-2012-2308454--SBG Management Services, Inc. v. Philadelphia Gas Works
Docket No. C-2012-2308462--SBG Management Services, Inc. v. Philadelphia Gas Works
Docket No. C-2012-2308465--SBG Management Services, Inc. v. Philadelphia Gas Works
Docket No. C-2012-2334253--SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works

CERTIFICATION OF COUNSEL EFFORTS TO RESOLVE THE DISCOVERY DISPUTES

In accordance with the Pa.R.C.P. 239.3(c) I certify that regarding the motion filed herein, I, Donna S. Ross, Esq., that in good faith that I conferred with counsel for Respondents to resolve the issues pertaining to discovery without court intervention prior to filing this instrument, and we were unable to resolve our differences on these issues.

Therefore, Complainants are filing this Motion to Compel for Respondent's failure to provide the requested documents and information.

Date: 9/8/2014

BY: Donna S. Ross

DONNA S. ROSS, ESQUIRE
COUNSEL FOR SBG MANAGEMENT SERVICES, INC.
Mailing Address: P.O. BOX 549
ABINGTON, PA 19001
Street Address: 1095 Rydal Road
Rydal, PA 19046
Phone: 484-888-9578
Office: 215-938-6665; Telefacsimile Number: 215-938-7613
Email: dsross@sbgmanagement.com; dsross90@gmail.com
Pennsylvania Attorney I.D. No. 59747

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Verification

I, Donna S. Ross, hereby declare that I am counsel for Complainants' SBG Management Services, Inc. Et al. I am authorized to make this verification on its behalf. The statements made herein are true and correct. This verification is made subject to the penalties of 18 Pa.C.S.A. §4904, concerning false statements to authorities.

Date: 9/8/2014

BY: Donna S. Ross
Donna S. Ross, Esquire

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SEP 08 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Laureto A. Farías, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinas@pgworks.com

August 29, 2014

Administrative Law Judge Eranda Vero
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Suite 4063
801 Market Street
Philadelphia, PA 19107

RE: SBG v. Philadelphia Gas Works, (Various Dockets)

Dear Judge Vero:

Please find enclosed, PGW's Objections to the Complainants' Discovery Request: Interrogatories and Requests for Production of Documents, Set IV.

If you need additional information about this matter, please contact me at my direct-dial number above. Thank you.

Sincerely,



Laureto Farinas

cc: Service List
Linda Pereira

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Exhibit "A"

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SBG Management Services, Inc. / :
Colonial Garden Realty, LP, :
Complainant :
v. : **Docket No. C – 2012 – 2304183**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Fairmount Realty, :
Complainant :
v. : **Docket No. C – 2012 – 2304215**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Simon Gardens Realty, LP, :
Complainant :
v. : **Docket No. C – 2012 – 2304324**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
EIRae Garden Realty, LP, :
Complainant :
v. : **Docket No. C – 2012 – 2304167**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Marshall Square Realty, LP, :
Complainant :
v. : **Docket No. C – 2012 – 2304303**
: :
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Marchwood Realty, :
Complainant :
v. : **Docket No. C – 2012 – 2308454**
:
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Oak Lane Realty Co., LP, :
Complainant :
v. : **Docket No. C – 2012 – 2308462**
:
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Fern Rock Realty, :
Complainant :
v. : **Docket No. C – 2012 – 2308465**
:
Philadelphia Gas Works, :
Respondent :

SBG Management Services, Inc. / :
Colonial Garden Realty, LP, :
Complainant :
v. : **Docket No. C – 2012 – 2334253**
:
Philadelphia Gas Works, :
Respondent :

Philadelphia Gas Works'
Objections to the Complainants' Discovery Requests:
Interrogatories and Requests for Production of Documents, Set IV

Pursuant to 52 Pa. Code §§1.12 and 5.342(d)(1), the Philadelphia Gas Works ("PGW") hereby objects timely to the following Interrogatories and Requests for Production of Documents ("Discovery") Set IV of the Complainants, addressed to PGW, that the Complainants, through their counsel have propounded upon PGW in the above captioned matter by letter dated August 19, 2014, a copy of which is attached hereto as Appendix "A," and is incorporated by reference as if fully set forth.

PGW's Objections

Set IV, Additional Instructions Nos. 16 through 19.

PGW objects to the Discovery Set IV: Additional Instructions Nos. 16 through 19 that require PGW to provide a summary log of confidential documents and non-written communications that may be associated with the claim of "privilege" with respect to any document requested in the remainder of the Discovery Set IV. This requirement of preparing such a summary is unreasonably burdensome, oppressive and unnecessary in light of the subject material sought in the Discovery Set IV as Set IV seeks information that is beyond the matters at issue in these proceeding.

Set IV, Additional Instructions No. 23

PGW objects to the Discovery Set IV: Additional Instructions No. 23, which seeks to apply the Pennsylvania Rules of Civil Procedure, Rule 4009.1 ("Rule 4009.1") to this proceeding. Rule 4009.1 allows the requesting party to specify the format in which electronically stored information is to be produced. The Commission's Procedural Rules at 52 Pa. Code §3.21 et seq. govern the discovery in this proceeding. The Commission's rules contain no such requirement. As with other responses submitted by PGW, the variation in format in which information can be produced is limited without additional manual sorting on the part of PGW. PGW is not bound to provide discovery responses that comply with Rule 4009.1.

Set IV, Nos. 4 through 10

PGW objects to Set IV, Nos. 4 through 10, which seek information regarding "Tenant Customer Accounts" as defined in Discovery Set IV, Definitions: No. 7. These are not part of the dispute in these matters. The Complainants seek to expand the scope the proceeding by obtaining additional information on the accounts held by the Complainants' tenants. From the commencement of these matters, the disputed issues were confined only to those accounts in which the Complainants were Customers of Record, not the Complainants' tenants.

Through its amendments to the Complaints in these matters, the Complainants specifically pled the disputed transactions, although numerous, were confined to those transactions/bills contained in the Complainants' "Exhibits A-1 through A-8." These were modified statements of account containing a letter code indicating the nature of the dispute on each transaction on each account. These are the Complainants' designation of the disputes in these matters. As such, they define its scope. These were the subject of extensive discovery concerning financial records of these accounts along with any internal records, meter information, notes and "contacts." With the Discovery Set IV, the Complainants now attempt to expand the scope of these proceedings by making inquiry into activity on its tenants' accounts which are not part of these matters. The information sought by Discovery Set IV is irrelevant to, and beyond the scope of these proceedings. The Complainants should not be permitted to further expand the disputed matters with this new discovery request.

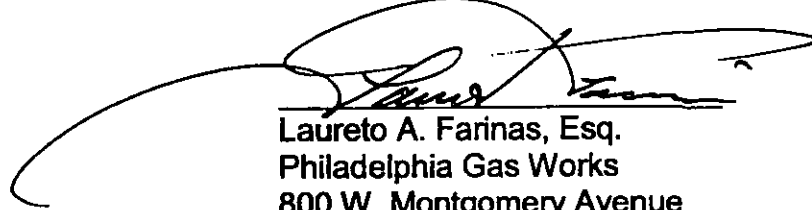
The nexus between the information sought in the Discovery Set IV and the Complainants' desire for it seems only to take issue with the application of Municipal Liens filed by the City of Philadelphia on behalf of PGW on any unpaid debt on the Tenant Customer Accounts under the Municipal Lien Act codified as the Municipal Claim and Tax Lien Law Act 153 of 1923, P.L. 207; 53 P.S. 7101. The Commission has long held that such matters are beyond the Commission jurisdiction and as such the discovery of the information sought in Set IV is beyond the scope of these matters.

Further, although the Complainants can be deemed to know the identity of their tenants and the period of tenancy, the Discovery Set IV seeks the personal account information, number of payment agreements, the application of government energy grants for low income households and other such information to which the Complainants are not entitled to review as they are the private information of those customers. If, hypothetically, the Complainants could somehow show relevance of the records sought by Set IV to the scope of the instant matters, such records could be the subject of an application for subpoena submitted to the Commission as governed by the Commission's Rules of Procedure at 52 Pa. Code §5.421 – Subpoenas.

WHEREFORE, for the reasons stated above, PGW respectfully requests that the Commission issue an order sustaining PGW's objections to the Complainants' Discovery Set IV.

August 29, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laureto A. Farinas', is written over a horizontal line. The signature is stylized with a large, sweeping flourish that extends to the left and loops back under the line.

Laureto A. Farinas, Esq.
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Francine Thornton Boone, Esquire
SBG Property Management Services, Inc.
702 N. Marshall Street
Philadelphia, PA 19123
(215) 260 - 4562
Fax: (215) 938 - 7613
Email: Booneft@aol.com
Attorney I.D. No. 45118

Attorney for Complainants

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SBG MANAGEMENT SERVICES, INC./
COLONIAL GARDEN REALTY, LP : DOCKET NO. C-2012-2304183
Complainant

V. :

PHILADELPHIA GAS WORKS :
Respondent

SBG MANAGEMENT SERVICES, INC./
FAIRMOUNT REALTY : DOCKET NO. C-2012-2304215
Complainant

V. :

PHILADELPHIA GAS WORKS :
Respondent

SBG MANAGEMENT SERVICES, INC./
SIMON GARDENS REALTY, LP : DOCKET NO. C-2012-2304324
Complainant

V. :

PHILADELPHIA GAS WORKS :
Respondent

SBG MANAGEMENT SERVICES, INC./
ELRAE GARDEN REALTY, LP : DOCKET NO. C-2012-2304167
Complainant

V. :

PHILADELPHIA GAS WORKS :
Respondent

SBG MANAGEMENT SERVICES, INC./
MARSHALL SQUARE REALTY, LP : DOCKET NO. C-2012-2304303
Complainant

V. :

PHILADELPHIA GAS WORKS :
Respondent

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Exhibit "B"

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

SBG MANAGEMENT SERVICES, INC./
MARCHWOOD REALTY : DOCKET NO. C-2012-2308454
Complainant

V. :

PHILADELPHIA GAS WORKS :
Respondent

SBG MANAGEMENT SERVICES, INC./
OAK LANE REALTY CO., LP : DOCKET NO. C-2012-2308462
Complainant

V. :

PHILADELPHIA GAS WORKS :
Respondent

SBG MANAGEMENT SERVICES, INC./
FERN ROCK REALTY : DOCKET NO. C-2012-2308465
Complainant

V. :

PHILADELPHIA GAS WORKS :
Respondent

SBG MANAGEMENT SERVICES, INC./
COLONIAL GARDEN REALTY, LP : DOCKET NO. C-2012-2334253
Complainant

V. :

PHILADELPHIA GAS WORKS :
Respondent

TO: RESPONDENTS
PHILADELPHIA GAS WORKS (PGW)
% MR. LAURETO FARINAS, ESQ.
SENIOR ATTORNEY, PGW
800 W. Montgomery Avenue, 4th Floor
Philadelphia, PA 19122

**COMPLAINANTS', SBG MANAGEMENT SERVICES, INC., COLONIAL GARDEN REALTY
CO. (I), COLONIAL GARDEN REALTY CO. (II), FAIRMOUNT REALTY CO., SIMON
GARDENS, ELRAE GARDEN REALTY, MARCHWOOD REALTY, FERNRICK REALTY, OAK
LANE REALTY CO., L.P., AND MARSHALL SQUARE REALTY,
REQUESTS FOR PRODUCTION OF DOCUMENTS AND
INTERROGATORIES ADDRESSED TO RESPONDENT PHILADELPHIA GAS WORKS, SET IV,
FOR CERTAIN TENANT ACCOUNTS FOR COMPLAINANTS, FAIRMOUNT REALTY CO.
AND ELRAE GARDEN REALTY ("T-COMPLAINANTS" OR "FR-ER")**

investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Respondent, their counsel, or other representatives at the time of service of the Answers.

Additional Instructions

1. Any references to "Respondent", "Respondents", "Respondent's" or "Respondent(s)" shall be treated as referring to Philadelphia Gas Works ("PGW") as named within this lawsuit, individually and collectively, as may be appropriate.

2. This request applies to all documents in Respondent's possession, custody or control or in the possession, custody or control of persons acting or purporting to act on your behalf, including, but not limited to, your present and former managers, officers, directors, agents, servants, contractors, employees, accountants, attorneys, investigators, indemnitors, insurers, consultants and sureties.

3. If any objection is made to any of the following interrogatories or discovery requests, the Respondent shall make any such objection and state the relevant legal basis for such objection. If any objection is made based upon a claim of privilege as to any response, Respondent shall state the legal basis for the privilege Respondent is invoking and provide a detailed privilege log to support the invocation of such privilege.

4. Each and every interrogatory and discovery request herein is deemed continuing in nature pursuant to the Pennsylvania Rules of Civil Procedure and Pennsylvania Public Utility Commission ("Commission"), and Respondents are obligated to reasonably amend and provide any updated information that renders the responses to one or more of these interrogatories and discovery requests, incomplete or inaccurate, and serve those amended responses upon the undersigned T-Complainants' counsel.

5. T-Complainants at its/their expense requests that the documents be produced and made available for this inspection at T-Complainants' office of counsel located at 1095 Rydal Rd., Suite 325, Jenkintown, PA 19046, or at such office of the Respondent as may be the location of any of the

documents requested, during normal business hours, and with the least possible disruption to the ordinary course of Respondent's duties and responsibilities.

6. T-Complainants further requests that this inspection be permitted by Respondents immediately after Respondents' response to this request has been filed, and that T-Complainants' attorney be permitted to remove from Respondent's custody such documents as they may desire to copy, on the understanding that T-Complainants' attorneys will be responsible for such documents so long as they are in their possession, that copying will be done at T-Complainants' expense, and that the documents will be promptly returned after copying has been completed.

7. These interrogatories and discovery requests are intended to cover all documents in Respondent's possession, or subject to their custody and control, regardless of location. If there are no such documents, please so state. If there are such documents, please list and mark appended documents responsive to each request.

8. Each interrogatory propounded herein should be answered upon Respondent's entire knowledge from all sources and all information in Respondent's possession or otherwise available to Respondent, including information from Respondent's officers, employees, agents, representatives or consultants and information which is known by each of them. An incomplete or evasive answer is deemed a failure to answer.

9. If any answer is qualified, Respondent shall state specifically the terms of each qualification and the reasons for it. If an interrogatory cannot be answered in full, state the part which can be answered and answer the same in full to the extent possible; state further and specifically the reason(s) why the remainder cannot be answered.

10. If any interrogatory may be answered fully by a document, the document may be attached in lieu of an answer if the document is marked to refer to the Interrogatory to which it responds.

11. For purpose of these requests, a statement is: (a) a written statement signed or otherwise adopted or approved by the person making it, or (b) stenographic, mechanical, electrical, or other recording,

or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

12. Fully describe any documents, which are being withheld from production and the reasons why any such documents have been withheld.

13. Submit an affidavit from the responding party stating that there has been full compliance with this request.

14. Unless otherwise indicated, the time period for all requests is from the initiation of gas service for each T-Complainant at each Subject Property (as defined below), to the present.

15. 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.

16. 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 T-Complainants to make a full determination as to whether your claim is valid.

17. If you claim any kind 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 T-Complainants to make a full determination as to whether your claim is valid.

18. If you claim any form of privilege or other protection from disclosure, 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 T-Complainants to make a full determination as to whether your claim is valid.

19. 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, so state and give the

best information you have on the subject and identify every person you believe to have the required information.

20. 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.

21. 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.

22. 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.

23. PURSUANT TO THE E-DISCOVERY REQUIREMENTS OF THE PENNSYLVANIA RULES OF CIVIL PROCEDURE 4009.1, T-COMPLAINANT SPECIFICALLY DEMANDS HEREIN THAT ALL DISCOVERY DOCUMENTS THAT CAN BE PRODUCED IN READABLE AND FULLY SEARCHABLE ELECTRONIC FORMAT BE PRODUCED IN THAT FORMAT. "PRINT SCREENS," PRINTOUTS, OR OTHER MANUALLY PRODUCED COPIES OF ELECTRONIC DATA ARE UNACCEPTABLE.

J.

Definitions

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

1. The terms "Complainant" or "Complainants" means Colonial Garden Realty Co. (I) ("Colonial I), Colonial Garden Realty Co. (II) ("Colonial II") (the two Colonial cases, hereafter collectively referred to as, "Colonial"), SBG Management Services, Inc. ("SBG"), Fairmount Realty Co. ("Fairmount"), Simon Gardens ("Simon"), Elrae Garden Realty ("Elrae"), Marchwood Realty ("Marchwood"), Fernrock

Realty ("Fernrock"), Oak Lane Realty Co., L.P. ("Oak Lane"), and Marshall Square Realty ("Marshall"), and any affiliate or related entity, unless the context indicates otherwise (hereafter, individually "Complainant" and all collectively, "Complainants"). Further the term, "**T-Complainant(s)**" shall mean Fairmount Realty Co. ("**Fairmount**") and Elrae Garden Realty ("**Elrae**") (individually and collectively).

2. The term "**Respondent**" or "**You**" means the Respondent, Philadelphia Gas Works, PGW, and its agents, representatives, employees, contractors, officers, directors, related parties, and/or counsel of PGW, in interest.

3. The term "**Account Charge**" shall mean any and all additions or charges to a Tenant Customer Account, including but not limited to gas usage, taxes, Late Payment Charges, finance charges, adjustments, taxes, and any subsequently added or changed SAs.

4. The term "**All Account Charges**" shall mean a continuous record of all financial activity, beginning with the Account Opening Date and the starting balance of \$0.00, and continues to state, on a monthly basis, any and all Account Charges to a Tenant Customer Account.

5. The term "**Account Opening Date**" shall mean the date of the inception or creation of each or a particular Tenant Customer Account with a starting balance of \$0.00.

6. "**Address**" means the present or last known street name and number, city or town, state and zip code.

7. "**Tenant Customer Account(s)**" as used herein shall mean and include all Tenant Customer Account, tenant accounts, customer accounts, placeholder accounts, "SA" accounts or "SA" metered accounts and numbers, former and current meters and meter numbers for which a tenant (or placeholder for a placeholder account, if no such tenant identified) was held legally responsible for payment of bills for natural gas service by Respondent, at the Subject Property and/or Subject Properties, as defined herein, (and excluding all property owner/landlord accounts) and that now Respondent holds or has subsequently held a T-Complainant (Fairmount and/or Elrae) legally responsible for payment of such bills and/or issued a lien against or on any Subject Property for an unpaid (in full or in part) past due amount on said Tenant Customer Account in connection with natural gas service by the Respondents, at

the Subject Property and/or Subject Properties as defined herein, and shall mean and include all the “Tenant Customer Accounts” related to the “Tenant Disputed Transactions, as defined herein, and as set forth as highlighted transactions on corresponding Exhibits “T-A-1” (hereafter the exhibit is identified as, “Exhibit ‘T-A-1’”), and involving such subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts, interest charges imposed or whether the proper party has been properly charged for service.

8. **“Tenant Disputed Transactions”** or **“Tenant Disputed Transaction”** shall refer to any and all transactions, charges, bills, and/or applications of payments that are the subject of a dispute or in dispute (including those matters in dispute as the term “Dispute” is defined in accordance with 52 Pa. Code §56.2 as “A grievance of an applicant, customer or occupant about a public utility’s application of a provision covered by this chapter [Chapter 52], including, but not limited to, subjects such as a credit determination, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If, at the conclusion of an initial contact or, when applicable, a follow-up response, the applicant, customer or occupant indicates satisfaction, with the resulting resolution or explanation of the subject of the grievance, the contact will not be considered a dispute”), questions, complaints, and/or inquiries regarding Tenant Customer Accounts and include those transactions identified on PGW’s Statement of Account and which are now identified by number as Tenant Disputed Transactions or a Tenant Disputed Transaction for each Subject Property in Exhibits “T-A-1” for T-Complainants, Fairmount and Elrae.

9. **“Documents”**: As used in these interrogatories and discovery requests, the term **“document”** or **“documents”**, has the same meaning and scope as in Rule 4009 of the Pennsylvania Rules of Civil Procedure and includes without limitation, and means every writing or recorded material of every type and description, of any kind, that is in the possession, control or custody of Respondent, which Respondent has knowledge, whether originals, copies or facsimiles. Such writings or recordings include, but are not limited to, collection notes, “Customer Contact Screens or Account Contact Screens and notes regarding the same, “Customer Contact Screens or Account Contact Screens” records, electronic computer

collection records, printouts of collection records, sample collection letters, Metro-data tapes, diskettes, computer hard drives, tape backups, Zip-type disks, magnetic media of any kind, CD-ROM, DVD, correspondence, memoranda, stenographic notes, handwritten notes, contracts, documents, rough drafts, inter-office memoranda, memoranda for the files, letters, research materials, logs, diaries, forms, bank statements, tax returns, card files, books of account, journals, ledgers, customer statement of account records, policies and procedures manuals, accounting system meta data, invoices, diagrams, minutes, manuals, studies, publications, pamphlets, pictures, films, voice recordings, reports, public utility reports, test results, technical reports, test records data, meter records, capping meters, meter prover tests, installation test reports, surveys, minutes, statistical compilations, data processing cards, computer records, tapes, print-outs, agreements, communications, state and federal governmental hearings, reports, correspondence, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, graphs, notebooks, note charts, charts, plans, drawings, sketches, maps, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, video tape, motion picture film, digital photographs, brochures, advertisements, circular, press releases, drafts, any marginal comments appearing on any document, all other writings, books of all nature and kind whether handwritten, typed, printed, mimeographed, photocopied or otherwise reproduced, all tape recordings (whether for computer, audio, or visual replay) and all other written, printed, and recorded matter or tangible things upon which words, phrases, symbols or information of any kind are recorded, encrypted or otherwise stored.

10. A request to “**identify**” a document is a request to state the following, as applicable:
 - a. The date of the document;
 - b. The type of document;
 - c. The names and present addresses of the person or persons who prepared the document and of the signers and addressors of the document;
 - d. The name of the employer or principal whom the signers, addressors and preparers were representing;

- e. The present location of the document;
- f. The name and current business and home addresses of the present custodian of the original document, and any copies of it;
- g. A summary of the contents of the document; and
- h. If the original document is no longer in Respondent's possession or was destroyed, state the actual or approximate date of such disposition and reason for or circumstances surrounding as well as the authorization for such disposition;
- i. With respect to any non-written communication or "oral communication", the term "identify" or "identity" shall 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, and the topic or subject matter of the communication.

11. The term "**including**" means "including, but not limited to."

12. "**Lien**" or "**Liens**" means for each and every lien filed, at any time, by PGW or on behalf of PGW, with the Philadelphia Court of Common Pleas and/or the Philadelphia Municipal Court, whether active, inactive, vacated, satisfied, dismissed, pending, open or otherwise, in any form or manner, that is related to any Subject Property and/or Tenant Customer Account(s) (individually, "Lien" and collectively, "Liens"). [with the Philadelphia Court of Common Pleas and/or the Philadelphia Municipal Court, whether active, inactive, vacated, satisfied, dismissed, pending, open or otherwise, in any form or manner, that is related to any Subject Property and/or Tenant Customer Accounts (collectively, the "Liens" and individually, the "Lien"),]

13. "**Lien Date**" shall mean the date that PGW filed the Lien.

14. "**Lien Account(s)**" shall mean the particular as well as the originating Tenant Customer Account(s) and respective account numbers, placeholder account number, SA account(s) and account numbers, and former and current meter numbers related to or underlying each Lien.

15. **“List”, “describe”, “explain”, “specify”, or “state”** means to set forth fully, in detail, and unambiguously each and every fact of which Respondent has knowledge, which is relevant to the answer called for by the interrogatory.

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

17. **“Person” or “persons”** means a natural person, firm, proprietorship, association, corporation or any other type of organization or entity.

18. As used herein, **“relative to,” “relating to,” “relates to” or “relevant to”** shall mean directly or indirectly mentioning or describing, pertaining to, being connected with, or reflecting upon a stated subject matter.

19. 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, position or answer.

20. **“Subject Property” or “Subject Properties”** as used herein shall mean and be defined as the properties owned and/or operated by the T-Complainants in these consolidated matters for which Respondents provide or have provided natural gas service, and as named herein, and as located at the addresses set forth herein: (1) Fairmount Realty Co. (“Fairmount” or “T-Complainant”), Complainant, Docket No. C-2012-2304215, is the owner of the property located at 650 Fairmount Avenue, Philadelphia, PA 19123 and 700 North Marshall Street, Philadelphia, PA 19123, and (2) Elrae Garden Realty (“Elrae” or “T-Complainant”), Complainant, Docket No. C-2012-2304167, is the owner of the property located at 3608 - 3610 Spring Garden Street and 4012 - 4028 Baring Street, Philadelphia, PA 19104, (hereafter, individually referred to as, “Subject Property” or collectively referred to as “Subject Properties”).

21. In construing these requests, the plural shall include the singular, the singular shall include the plural, and a masculine, feminine or neuter pronoun shall not exclude the other genders.

**REQUESTS FOR PRODUCTION OF DOCUMENTS AND
INTERROGATORIES, SET IV**

1. For each individual person, officer, employee, agent, or other entity answering or providing any information used by Respondent to answer any Interrogatory, state the following:

- a. First, last, and middle legal name;
- b. Job title or capacity;
- c. Business address and telephone number; and
- d. Home address and telephone number (only for former and non-current PGW employees).

2. Identify each document used, relied on, referred to or consulted by Respondent in the preparation of and in the response(s) or the Answers to these Interrogatories and Discovery Requests made within this entire document.

3. For each document identified in accordance with Interrogatory #2 and these Interrogatories ##3 through 10, and in Respondent's possession, or subject to their custody and control, regardless of location exists, Respondents shall produce or make available for inspection and photocopying by T-Complainants the document identified in response to the propounded Interrogatory.

4. Identify and describe with particularity any and all documents, of any kind, that are in the possession, control or custody of Respondent, or of which Respondent has knowledge, whether originals, copies or facsimiles, regardless of their location, which contain information or data on the "Tenant Customer Accounts" and on the "Tenant Disputed Transactions", as both are defined herein and above.

5. For each document identified in accordance with Interrogatory #4 and each of these Interrogatories, and in Respondent's possession, or subject to their custody and control, regardless of location exists, Respondents shall produce or make available for inspection and photocopying by T-Complainants, the document identified in response to the propounded Interrogatory.

A
Handwritten notes and arrows on the right side of the page, including a large arrow pointing downwards and some illegible scribbles.

6. For each Tenant Customer Account related to a "Tenant Disputed Transaction", as defined above, provide the following information as based on the books and records of PGW:

a. State the date when each Tenant Customer Account, SA, placeholder, and/or Meter account for or related to the Tenant Disputed Transaction was opened or listed in the books and records of PGW.

b. Identify each charge and payment and state the date of each such charge and payment on each individual Tenant Customer Account, for gas usage or any related gas usage service charges, and identify each individual account number, placeholder account number, SA number and meter number underlying or related to each Tenant Customer Account.

c. For each document identified in accordance with this Interrogatory #6 and in Respondent's possession, or subject to their custody and control, regardless of where the location exists, Respondent shall produce or a provide a copy as set forth in Interrogatories #2 and #3.

7. Any "Low-Income Home Energy Assistance Program" (or also known as "LIHEAP") grants (as LIHEAP may also be defined by the Pennsylvania Department of Public Welfare at Energy Policy Act of 2005), or any other similar State or Federal Grants applied to each and every Tenant Customer Account for each Tenant Disputed Transaction, set forth on Exhibit T-A-1, from the initiation of the gas service in the name of each Complaint at each Subject Property to date.

8. For each and every Tenant Customer Account set forth on Exhibit "T-A-1", provide the following information:

a. State each and every payment extension PGW granted to any and all parties on a Tenant Customer Account and/or any and all Tenant Disputed Transaction(s) ("Extension"), and state the terms of the Extension, including the names of the parties, the date of the extension, and the terms of the extension;

b. State each and every compromise, hardship, accommodation, or other provision granted or provided by PGW on each and every Tenant Customer Account, as identified on Exhibits "T-A-1" ("Accommodation"), and state the terms of the same, including the date, the parties, and period and amount of the Accommodation; and

c. State each and every payment arrangement or agreement made on the Tenant Customer Account by PGW.

9. State the docket number and case name of each and every PUC complaint filed on the Tenant Customer Account, as identified on Exhibits "T-A-1", and state the outcome of each such PUC complaint (if applicable), including the terms of any settlement or any Court Order or Commission Order, if any.

10. For each and every Lien, as defined herein, filed on or against a Tenant Customer Account, as defined herein, state and identify said Lien and provide the following information:

- a. The docket number of the court order providing notice of the Lien and the Lien Date, as defined herein; and whether each such Lien was generated "automatically" or "manually" by PGW;
- b. Identify and state each Lien Account and each corresponding or related or underlying Lien;
- c. State the period of gas usage and the billing period(s), covered by or related to each Lien;
- d. For each month that a Tenant Customer Account and its related Lien Account is billed or assessed charges from PGW, for that period beginning on the Lien Date and ending on August 1, 2014, and continuing for each month thereafter until the date of the adjudication of the Complaints, for each Lien and each Lien Account, state the amount (in dollars and cents) of the Principal due, for each and every month, at any time for that period beginning on the Lien Date and each month thereafter until the Lien was paid off or satisfied or if the Lien was not paid off or satisfied, the amount of the Principal (in dollars and cents) PGW treated or charged as due each month thereafter until August 1, 2014 and continuing, thereafter, as set forth above.

VERIFICATION

I verify and affirm that the statements made in this foregoing document are true and correct. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Respondent/PGW

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT, PHILADELPHIA GAS WORKS' OBJECTION TO THE COMPLAINANTS' INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, Set IV, UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §§1.54 and 5.342(c) (RELATING TO SERVICE BY A PARTICIPANT).

Service List

For Complainants:

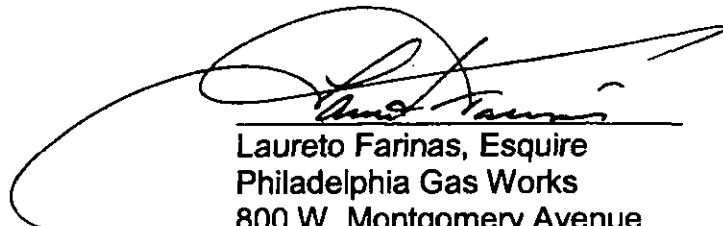
Francine Thornton Boone, Esq.
SBG Management Services, Inc.
702 N. Marshall Street
Philadelphia, PA 19123

& by e-mail: fboone@sbgmanagement.com

Mr. Philip Pulley
Ms. Kathy Treadwell
SBG Management Services, Inc.
P.O. Box 459
Abington, PA 19001

& by e-mail: phil@sbgmanagement.com
ktreadwell@sbgmanagement.com

August 29, 2014



Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

RECEIVED

SEP 08 2014

APPENDIX A

SBG Management Services, Inc.

P.O. Box 549 ♦ Abington, PA 19001

☎ Phone 215.938.6665 Fax 215.938.7613

VIA FIRST CLASS U.S. MAIL/OVERNIGHT MAIL

August 19, 2014

Laureto Farinas, Esquire
Senior Attorney, Philadelphia Gas Works
800 Montgomery Avenue, 4th Floor
Philadelphia, PA 19122

Re: SBG, et al. v. Philadelphia Gas Works (PGW):
Docket Nos. C-2012-2304183, C-2012-2304215; C-2012-2304324;
C-2012-2304167; C-2012-2304303; C-2012-2308454; C-2012-2308462; C-2012-2308465;
and C-2012-2334253.

Dear Mr. Farinas:

Enclosed please find the Complainants' Requests for Production of Documents and Interrogatories, Set IV and Complainants' Certificate of Service for the same that are being served upon the Respondents in the above-referenced matters, as of today's date.

In accordance with the applicable rules, including 52 Pa. Code Sections 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 twenty (20) days after service of these Interrogatories and Requests for Production of Documents, which is the time period prescribed by the applicable statute, for the above-referenced dockets.

If you have any questions or concerns, please contact me on 215-260-4562 or via email at fboone@sbgmanagement.com. Thank you in advance for your time and consideration.

Sincerely yours,


Francine Thornton Boone, Esquire
Counsel for Complainants

cc: Rosemary Chiavetti, Secretary, Pennsylvania Public Utility Commission (with attachments)
ALJ Eranda Vero, Pennsylvania Public Utility Commission (with attachments)
Phil Pulley (for Complainants)
Kathy Treadwell (for Complainants)

SBG Management Services, Inc.

P.O. Box 549 ♦ Abington, PA 19001

☎ Phone 215.938.6665 Fax 215.938.7613

VIA FIRST CLASS MAIL/OVERNIGHT MAIL

August 19, 2013

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

ALJ Eranda Vero
Pennsylvania Public Utility Commission
Suite 4063
801 Market Street
Philadelphia, PA 19107

Re: SBG, et al. v. Philadelphia Gas Works (PGW):
Docket Nos. C-2012-2304183, C-2012-2304215; C-2012-2304324;
C-2012-2304167; C-2012-2304303; C-2012-2308454; C-2012-2308462;
C-2012-2308465; and C-2012-2334253.

Dear Ms. Chiavetta and ALJ Vero:

Enclosed for filing with the Commission is a Certificate of Service for Complainants' Requests for Production of Documents and Interrogatories, Set IV, and a copy of Complainants' Requests for Production of Documents and Interrogatories, Set IV, that have been served upon the Respondent and all active parties, in the above-referenced matters, as of today's date.

If you have any questions or concerns, please contact me on 215-260-4562 or via email at fb Boone@sbgmanagement.com. Thank you in advance for your time and consideration.

Sincerely yours,



Francine Thornton Boone, Esquire
Counsel for Complainants

cc: Laureto Farinas, Senior Attorney, Philadelphia Gas Works
Phil Pulley (for Complainants)
Kathy Treadwell (for Complainants)

Francine Thornton Boone, Esquire
SBG Property Management Services, Inc.
P.O. Box 549
Abington, PA 19001
(215) 260 - 4562
fax: (215) 938 - 7613
email: fboone@sbgmanagement.com
Attorney I.D. No. 45118

Attorney for Complainants

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SBG Management Services, Inc. et al. :
Complainants :
V. : DOCKET NOs. C-2012-2304183,
: C-2012-2304215; C-2012-2304324;
: C-2012-2304167; C-2012-2304303;
: C-2012-2308454; C-2012-2308462;
: C-2012-2308465; AND C-2012-2334253
: :
Philadelphia Gas Works :
Respondent :

CERTIFICATE OF SERVICE

I, FRANCINE THORNTON BOONE, ESQUIRE, do hereby certify and affirm that I have served the foregoing Complainants' Requests for Production of Documents and Interrogatories Addressed to Respondent Philadelphia Gas Works, Set IV, in the above-referenced matter, via First Class, U.S. mail and/or by hand-delivery on this day to all the parties as listed below, in accordance with the requirements of 52 Pa. Code Section 1.54 and the PA Public Utility Commission Orders:

ALJ Eranda Vero
Pennsylvania Public Utility Commission
Suite 4063
801 Market Street
Philadelphia, PA 19107

For Pennsylvania Public Utility Commission

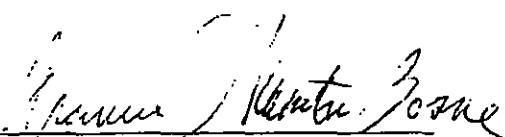
Philadelphia Gas Works (PGW)
% Mr. Laureto Farinas, Esquire
Senior Counsel
800 W. Montgomery Avenue, 4th Floor
Philadelphia, PA 19122

For Respondent (First Class U.S. Mail/overnight Mail)

Mr. Phil Pulley and Ms. Kathy Treadwell
SBG Management Services, Inc.
P.O. Box 459, Abington, PA 19001

For Complainants (by hand)

Date: August 19, 2014

BY: 
Francine Thornton Boone, Esquire
(Attorney I.D. No. 45118)
Attorney for Complainant
SBG Management Services, Inc., et al
702 N. Marshall Street
Philadelphia, PA 19123
T: (215) 260-4562

FedEx Package Express US Airbill 8063 1205 3896

1 From Please print and print here. Date 8/19/14 Sender's FedEx Account Number 2393-0908-3 Recipient's Name Francine Boone, Esq. Phone 215 938-6665 Company SBO MANAGEMENT Address 1095 RYDAL RD City RYDAL State PA Zip 19046-1711

2 Your Internal Billing Reference

3 To Recipient's Name Rosmary Chivetta Phone Recipient's Company PA PUC Address 400 North Street Harrisburg PA 17120 0115799563



0215

4 Express Package Service. Packaging up to 150 lbs. FedEx First Overnight, FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day AM, FedEx 2Day, FedEx Express Saver.

5 Packaging. FedEx Envelope, FedEx Pak, FedEx Box, FedEx Tube, Other.

6 Special Handling and Delivery Signature Options. SATURDAY Delivery, No Signature Required, Direct Signature, Indirect Signature.

7 Payment. Recipient, Third Party, Credit Card, Cash/Check.

Total Package 1, Total Weight 10.0, Total Declared Value \$111.

fedex.com 1.800.Go.FeDEX 1.800.463.3339

00004

00100

FedEx Package Express US Airbill 8063 1205 3900

1 From Please print and print here. Date 8/19/14 Sender's FedEx Account Number 2393-0908-3 Recipient's Name Francine Boone Esq. Phone 215 938-6665 Company SBO MANAGEMENT Address 1095 RYDAL RD City RYDAL State PA Zip 19046-1711

2 Your Internal Billing Reference

3 To Recipient's Name Judge Franda Vero Phone Recipient's Company PA PUC Address Suite 4063 801 Market Street Philadelphia PA 19107 0115799565



0215

4 Express Package Service. Packaging up to 150 lbs. FedEx First Overnight, FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day AM, FedEx 2Day, FedEx Express Saver.

5 Packaging. FedEx Envelope, FedEx Pak, FedEx Box, FedEx Tube, Other.

6 Special Handling and Delivery Signature Options. SATURDAY Delivery, No Signature Required, Direct Signature, Indirect Signature.

7 Payment. Recipient, Third Party, Credit Card, Cash/Check.

Total Package 1, Total Weight 10.0, Total Declared Value \$111.

fedex.com 1.800.Go.FeDEX 1.800.463.3339

00005

00100

FedEx Package Express US Airbill 8063 1205 3911

1 From Please print and print here. Date 8/19/14 Sender's FedEx Account Number 2393-0908-3 Recipient's Name Francine Boone, Esq. Phone 215 938-6665 Company SBO MANAGEMENT Address 1095 RYDAL RD City RYDAL State PA Zip 19046-1711

2 Your Internal Billing Reference

3 To Recipient's Name Laureto Forinas Phone Recipient's Company Philadelphia Gas Works Address 800 W Montgomery Ave 4th Floor Philadelphia PA 19122 0115799565



0215

4 Express Package Service. Packaging up to 150 lbs. FedEx First Overnight, FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day AM, FedEx 2Day, FedEx Express Saver.

5 Packaging. FedEx Envelope, FedEx Pak, FedEx Box, FedEx Tube, Other.

6 Special Handling and Delivery Signature Options. SATURDAY Delivery, No Signature Required, Direct Signature, Indirect Signature.

7 Payment. Recipient, Third Party, Credit Card, Cash/Check.

fedex.com 1.800.Go.FeDEX 1.800.463.3339

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PHILADELPHIA THE CITY OF PHILADELPHIA THE FEDERAL GOVERNMENT

SBG Management Services, Inc. v. Philadelphia Gas Works
Docket Nos. C-2012-2304215, C-2012-2304167,
C-2012-2304303, C-2012-2304183, C-2012-2304324,
C-2012-2334253, C-2012-2308454, C-2012-2308462, C-2012-2308465
Requests for Production of Documents And Interrogatories of
SBG Management Services, Inc. and Related Entities (together, "SBG")
Set III

19. State those circumstances that must exist for PGW to determine and categorize a "past due debt" as a "place holder" on a Customer Account. Further, state the regulatory or statutory source for the term and use of the term, "place holder."

RESPONSE:

"Past due debt" is any balance owed to PGW for which the due date as designated on the PGW bill has passed.

A "place holder" account is a term referring to an account that is set up to track gas usage at a service address for which there is no Customer of Record associated with the address or the particular meter registering gas use. Although internal to PGW, the term is associated with the regulatory concept of "User Without Contract" (UWAC). Once the UWAC is identified the billing for gas service in the billed usage in the place holder account is transferred to the account of the identified user.

This Response was prepared by Linda Pereira, Senior Customer Review Officer – PGW.

Exhibit "C"



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Laureto A. Fariñas, Senior Attorney
Legal Department
Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinas@pgworks.com

August 8, 2014

Administrative Law Judge Eranda Vero
Pennsylvania Public utility Commission
801 Market Street
Suite 4063
Philadelphia, PA 19107

Re: SBG Management Services, Inc v. PGW, Docket No. C – 2012 – 2304215, C – 2012 – 2304167, C – 2012 – 2304303, C – 2012 – 2304183, C – 2012 – 2304324, C – 2012 – 2334253, C – 2012 – 2308454, C – 2012 – 2308462, and C – 2012 – 2308465

Dear Judge Vero:

The following is an explanation of the "missing" information that appears on the attached chart that was appended to the Complainants' motion for sanctions. PGW has investigated the information.

Elrae

Account No. 405781694 and Account No. 294731407- There is no meter number because the meters were removed from the property.
Account No. 227745786- Meter No is 2079838 as shown on the Statement of Account that was provided in the original response.
Account No. 608367105- Meter No 2094589 is the correct meter number.

Fairmount

Account No. 025088422- Meter No 1357183 previously missed, is attached hereto.
Account No. 156030558- Meter 1748378 previously missed, is attached hereto.
Account No. 215659749- Meter 1806207 previously missed, is attached hereto.
Account No. 736586029- Meters 2070952, 2070956, 2071092, 1838549, 1730429, 1496711, 1890661, 1856088, 2072635, 2072693, 2074244, 2070963, 1835412, 2070715, 2070954, 1872160, 1599078, 2084073, 1552602, 2070714, 2071091, 2071111, 2070709, 2071110, 1594913, and 1372832- Not provided because these accounts are in the name of individual customers. Attached hereto is Meter Maintenance Information for the Meters listed, showing the address for each meter.
Account No. 719354604- Meter 2035385 previously missed and is attached hereto.



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Account No. 719354604-Meter 2027209, 1989388, 1989360- No SA numbers were provided on the Meter Documents in response to No. 25. The Meter data is accurate.

Marchwood

Account No. 5128000237- Meter Nos. 1970015 and 2024115 information previously missed and is attached hereto.

Simon

Account No. 539547187- Meter No. 2035836 information was previously provided.

Also, enclosed is the updated Lien information with the "service dates" for each lien, (6 pages). Due to a miscommunication while counsel for PGW was on vacation only the listing for Fern Rock was update. With is listing all are update, save several liens for the 606 N. Marshall Street. I am informed that PGW records are inconclusive. Further investigation of records continues.

Finally, enclosed are the verifications for Bernard Cummings and Bernard Breslin; Tiffany Higgins, and Tyra Jackson. Not included is the verification for Diane Rizzo, who was on vacation. This will be provided early next week.

If you would like to discuss this matter further, please contact me at my direct-dial number above. Thank you.

Sincerely,



Laureto Farinas, Esq.

Enclosures

CC: Francine Thornton Boone, Esq. (FedEx)
Mr. Philip Pulley
Ms. Kathy Treadwell
Linda Pereira



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

Re: SBG Management Services, Inc v. PGW, Docket No. C – 2012 – 2304215, C – 2012 – 2304167, C – 2012 – 2304303, C – 2012 – 2304183, C – 2012 – 2304324, C – 2012 – 2334253, C – 2012 – 2308454, C – 2012 – 2308462, and C – 2012 – 2308465

CERTIFICATE OF SERVICE


I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF PHILADELPHIA GAS WORKS' RESPONSE TO THE INTERROGATIVES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, NO. 41 UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE §1.54 (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Complainant:

Francine Thornton Boone, Esq.
Mr. Philip Pulley
Ms. Kathy Treadwell
SBG Management Services, Inc.
702 N. Marshall Street
Philadelphia, PA 19123

August 8, 2013



Laureto Farinas, Esquire
Attorney I.D. 50415
Philadelphia Gas Works
800 W. Montgomery Avenue
Philadelphia, PA 19122
(215) 684-6982

PGW Interrogatories Set II - #5 & 26 Missing Meter info

Property	Account #	SA #	Missing Meter #/Review Comments:			
Elrae	405781694	5794296888	unknown- PGW confirm meter #			
	294731407	8852051418	unknown- PGW confirm meter #			
	227745786	1453977841	unknown- PGW confirm meter #			
	608367105	9709629993 3022438905	2094589- meter # given does not match our records.			
Fairmount	025088422	4797733461	1357183- no meter maintenance info provided.			
	156030558	9834719279	1748378 missing meter info			
	215659749	8938394971	1806207- missing meter info			
	736586029	Various SA's	2070952	1856088	2070954	2071091
			2070956	2072635	1872160	2071111
			2071092	2072693	1599078	2070709
			1838549	2074244	2084073	2071110
			1730429	2070963	1552602	1594913
			1496711	1835412	2070714	1372832
			1890661	2070715		
Fern Rock	719354604	5109682157	Missing meter query info for Meter #2035385			
	719354604	5597548861	SA # on meter info did not match meter info- please confirm if the meter data is accurate. Meter #2027209			
	253720512	9935030987	SA # on meter info did not match meter info- please confirm if the meter data is accurate. Meter #1989388			
	023444792	6679618097	SA # on meter info did not match meter info- please confirm if the meter data is accurate. Meter #1989360			
Marchwood	5128000237	6430067219 6676751050	1970015 (Missing Meter Query) 2024115 (Missing Meter Query)			
Simon	539547187	4395848077	2035836 (Missing Meter Query)			

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IN THE COURT OF THE COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COUNTY

CITY OF PHILADELPHIA,
PHILADELPHIA GAS WORKS

vs.

FEBRUARY TERM, 2012
NO.: 30419

OAK LANE COURT REALTY CO., L.P.

CITY OF PHILADELPHIA,
PHILADELPHIA GAS WORKS

vs

JULY TERM, 2010
NO.: 31206

FERN ROCK REALTY CO., L.P.

MOTION

MARCH 25, 2014

COURTROOM 232, CITY HALL
PHILADELPHIA, PENNSYLVANIA

BEFORE: THE HONORABLE ELLEN CEISLER, J.

Exhibit "E"

1 APPEARANCES:

2 FOR THE PLAINTIFF(S):

3 LEGAL DEPARTMENT, PHILADELPHIA GAS WORKS
4 800 West Montgomery Avenue,
Philadelphia, Pa 19122
5 BY: GERALD CLARK, ESQUIRE
Representing: Philadelphia Gas Works
215-684-6642

6
7 FOR THE DEFENDANT(S):

8 FRIEDMAN, SCHUMAN
9 101 Greenwood Avenue
Fifth Floor, Jenkintown, Pa 19046
10 BY: MICHAEL YANOFF, ESQUIRE
Representing: Oak Lane and Fern Rock
11 215-635-7200

12 SBG MANAGEMENT SERVICES, INC.
13 P.O. BOX 549
Abington, Pa 19001
14 BY: FRANCINE THORTON BOONE, ESQUIRE
IN-HOUSE COUNSEL
15 Representing: Oak Lane and Fern Rock
215-938-6665

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2 THE COURT CRIER: Good morning, Your
3 Honor.

4 Number 1 and Number 2, City of
5 Philadelphia versus Fern Rock and Oak Lane.

6 All parties, please.

7 For the record, please state your name.

8 MR. CLARK: Gerald Clark on behalf of the
9 City of Philadelphia. I represent in both
10 matters.

11 MR. YANOFF: Michael Yanoff for Fern Rock
12 and Oak Lane, Your Honor.

13 MS. THORTON BOONE: Good morning.

14 Francine Thorton Boone, general counsel,
15 SBG Management Services. I'm in-house counsel
16 for the parties.

17 THE COURT: Well, every matter that is
18 over 30 to 60 days old I have to give an
19 explanation to my Administrative Judge, and
20 I'm tired of doing it for this case. It's
21 been over a year.

22 I don't understand why it can't be
23 withdrawn, allow the PUC to do its assessment
24 hearing.

25 This petition from the PGW is stale at

1 this point. It's going to have to be refiled.

2 So I ask why this keeps happening over
3 and over again.

4 There was some letter that indicated this
5 might impact the Fern Rock and Oak Lane before
6 the PUC if it was withdrawn while the matter
7 is pending, and I need to know why.

8 MR. YANOFF: Your Honor, with the Court's
9 permission, Ms. Boone is more familiar with
10 the PUC matter and I ask that you allow her to
11 offer an explanation.

12 THE COURT: Yes.

13 MS. THORTON BOONE: Good morning, Your
14 Honor.

15 As in-house counsel, I have served as
16 counsel before the Pennsylvania Public Utility
17 Commission on nine complaints. The nine
18 complaints were filed by eight property
19 owners. The property owners are also
20 represented in the sheriff's sale matters.

21 THE COURT: You're talking about these
22 cases here today?

23 MS. THORTON BOONE: Yes.

24 THE COURT: I'm only dealing with Fern
25 Rock and Oak Lane.

1 MS. THORTON BOONE: I'm sorry.

2 Fern Rock and Oak Lane are among the
3 parties.

4 THE COURT: I don't know anything about
5 this. This keeps coming in and getting
6 continued.

7 So your client is contesting every bill
8 for every property?

9 MS. THORTON BOONE: Not every property,
10 but for the properties that are involved.

11 THE COURT: How many properties does he
12 own, and how many properties is he contesting?

13 MS. THORTON BOONE: Well, SBG Management
14 is actually the property management firm, and
15 it actually manages the property for several
16 limited partnerships. So Oak Lane is a
17 limited partnership. Fern Rock is a limited
18 partnership, and they have PGW bills that go
19 back several years, some extending beyond
20 2004, where the property owner went to PGW and
21 repeatedly asked them to explain the
22 calculation of the bill, to explain how
23 payments were applied.

24 THE COURT: How does withdrawing this
25 petition hurt your client's position before

1 the PUC?

2 MS. THORTON BOONE: That's a great
3 question, Your Honor.

4 THE COURT: Answer it.

5 MS. THORTON BOONE: What's going on is
6 that the matter before the PUC challenges how
7 the bills are calculated.

8 What we found is that PGW will put a lien
9 onto a property and say that the bill hasn't
10 been paid, even while the matter is still
11 under dispute in terms of how the bills are
12 calculated.

13 Once a municipal lien is filed, you now
14 have the strong power of a sheriff's sale
15 hanging over the customer's head, and the
16 customer is essentially told either pay the
17 amount that we believe is due or your property
18 will be sheriff's sale.

19 The Court of Common Pleas to date has not
20 taken onerous for seeing if the underlying
21 bill was properly calculated --

22 THE COURT: Have you taken the --

23 MS. THORTON BOONE: Well, the Court of
24 Common Pleas has not decided whether the
25 underlying bill for the municipal lien was

1 properly calculated.

2 THE COURT: Wait a second.

3 That would be my job, right?

4 I can't do it until -- I keep being told
5 it's before the PUC.

6 MS. THORTON BOONE: Exactly.

7 THE COURT: I would have had this trial
8 the first week that it was given to me.

9 So why am I not doing it then?

10 I'm being told by you to wait for the
11 PUC.

12 MS. THORTON BOONE: Right.

13 Because there is a dispute as to who has
14 the authority.

15 PGW believes -- and there is some case
16 law that the PUC must determine how these
17 bills are calculated.

18 So what we've have done in the PUC is
19 we've been very been aggressive. I would like
20 to state that on the record.

21 We've asked for how the bills are
22 calculated. We've done it informally.

23 I have now filed a second Motion to
24 Compel which is pending before the ALJ.

25 THE COURT: What's the --

1 MS. THORTON BOONE: Administrative Law
2 Judge.

3 What PGW has done is simply given a
4 statement --

5 THE COURT: Slow down. I'm writing this
6 all down.

7 PGW has simply given you what?

8 MS. THORTON BOONE: It's called a
9 Statement of Accounts. It basically --

10 THE COURT: The one I pay every month
11 without question?

12 The one that most citizens pay every
13 month without question?

14 MS. THORTON BOONE: This is a little more
15 detailed. I can show you an example of it if
16 you'd like to see it.

17 THE COURT: No.

18 I just want to know that the prejudice
19 is.

20 I don't want to have to write a report on
21 this to my Administrative Judge every month.

22 MS. THORTON BOONE: When we were before
23 the Commission in hearings between August 26th
24 and August 30th of 2014, the PGW attorney,
25 Laureto Farinas, said that the matters

1 involving liens could not be looked at by the
2 PUC; that the PUC once a lien is filed, the
3 PUC couldn't --

4 THE COURT: If you withdraw this, it's
5 not an issue, right?

6 Is that what you're saying, if it's
7 withdrawn at this point?

8 MR. CLARK: I'll give the explanation
9 from our side.

10 THE COURT: Let her finish.

11 This is the first time I'm hearing the
12 jurisdiction issue. On one's ever raised that
13 to me before.

14 MS. THORTON BOONE: Part of the problem
15 is that there's this kind of self-created hole
16 where once it's a municipal lien, the Court of
17 Common Pleas, according to PGW, can't look at
18 how it's calculated.

19 But then when you have -- once a lien is
20 filed, the PUC says, well, we can't get rid of
21 a lien. We can only look at how bills are
22 calculated.

23 So at this point I think the Commission
24 is ready to look at how bills are calculated,
25 even if a lien is on the property.

1 We're concerned that if this matter is
2 dismissed, instead of allowing the PUC to go
3 through its process and determine whether the
4 liens were proper -- whether the debts were
5 properly calculated that the liens won't go
6 away. They will just sit there. And then
7 sheriff's sales can go on later on and that it
8 becomes disconnected between how the PUC says
9 that the bill should be calculated and what
10 actually happens with the liens.

11 For example, one of the issues is that we
12 asked PGW to say the date of the liens. We've
13 asked them to say what period of time is
14 covered by the liens.

15 Do you know that a tax claim will say the
16 period of time covered by the tax lien, the
17 amount involved. The PGW --

18 THE COURT: You're just saying a lot of
19 words and not telling me in two sentences,
20 just two sentences, what will the harm be
21 before the PUC if these petitions are
22 temporarily withdrawn.

23 MS. THORTON BOONE: We believe that the
24 PGW is acting in bad faith and by withdrawing
25 them that the Court of Common Pleas will not

1 be able in an expeditious manner to see that
2 these liens should never been filed and that
3 the underlying amounts are incorrect.

4 THE COURT: And the PUC is determining
5 what now?

6 Just in two sentences.

7 MS. THORTON BOONE: We're asking the PUC
8 to look at whether the bills were calculated
9 properly. And if not, to recalculate them.

10 THE COURT: So you're asking me and the
11 PUC to do the same thing?

12 MS. THORTON BOONE: No.

13 We're asking that no property goes to
14 sheriff's sale. We don't want a sheriff's
15 sale to go forward on liens that don't
16 represent the right amount --

17 THE COURT: If they withdraw this
18 petition, there won't be a sheriff's sale.
19 That's the whole thing. There will not be a
20 sheriff's sale. There's not going to be any
21 movement. It's just sitting out there.
22 They're not moving on any of this.

23 So that's not -- you don't have to worry
24 about that.

25 If the petition is withdrawn, then it's

1 over.

2 MS. THORTON BOONE: What about the bad
3 faith part of it?

4 THE COURT: Well, I'm not getting into
5 all of that right now. I just don't know
6 enough.

7 So, Counsel --

8 MR. CLARK: This started in May of 2012.

9 THE COURT: Can you just address what
10 your concerns are?

11 MR. CLARK: I really -- it's a
12 misstatement of the law.

13 Under my understanding, the Public
14 Utility Commission has the exclusive
15 jurisdiction to determine billing disputes.
16 That's really what this is. It's a billing
17 dispute.

18 When we filed these two -- and there are
19 a bunch of other ones that Mr. Pulley owns in
20 front of PUC.

21 Well, we filed -- when Judge Fox had
22 them, what we said is that it's a billing
23 dispute. We thought the PUC would move a
24 little more expeditiously. It started with
25 the hearing scheduled for August of '12.

1 THE COURT: Can you tell me what would
2 happen if you withdrew this petition as to how
3 would it not --

4 MR. CLARK: We filed a Petition for
5 Authorization to put these two parcels up for
6 sale which would be a sheriff's sale.

7 If we withdraw the petition, there is
8 nothing in front of the Court or an order
9 saying it's authorized to put up for sale for
10 the sheriff's sale.

11 If there's no proceeding, it doesn't go
12 to sheriff's sale.

13 Now, these liens will still be there.

14 Once the PUC --

15 THE COURT: And you still have their form
16 to determine whether PGW has properly
17 calculated?

18 MR. CLARK: It's in a different form.

19 To be quite honest --

20 THE COURT: And what their decision is
21 will help you determine whether it's a proper
22 lien --

23 MR. CLARK: If they came and said the
24 bill should be zero, we won't be back here.

25 THE COURT: Right.

1 MR. CLARK: If they say instead of
2 100,000, it should be 50,000, we'll be back
3 here on a Petition to Sell for the unpaid
4 balance.

5 The PUC -- and I don't mean to put words
6 into Judge Fox's or anyone's mouth, but they
7 actually have the expertise and this is what
8 they do, and it was determined with the
9 attorneys that were involved at that time --
10 myself, I'm the only one still here -- that
11 it's better to let the PUC -- it's their
12 jurisdiction with their expertise to do the
13 billing dispute and determine whether the bill
14 should be this or something else.

15 Once that was determined, we come back
16 here and then we ask for the order -- and
17 Judge Fox said she would not relitigate it,
18 the accuracy of the bills. We also said we'll
19 take whatever the PUC says. We're not going
20 to ask that they be relitigated either, but
21 Judge Fox said that once the PUC says the
22 bills are accurate --

23 THE COURT: So you're not moving on these
24 properties?

25 MR. CLARK: I can't. I really can't.

1 THE COURT: Now I'm done.

2 Do you have a motion at this point?

3 MS. THORTON BOONE: Your Honor, with all
4 due respect, his counterpart before the --

5 THE COURT: You're going to move in the
6 PUC and determine what your rights are,
7 determine whether the billing is proper, the
8 City is not moving on this.

9 Do you have a motion?

10 MS. THORTON BOONE: Your Honor, his
11 counterpart said the exact opposite before the
12 PUC at the hearing. He said that the --

13 THE COURT: I'm done.

14 The PUC still has jurisdiction?

15 MR. CLARK: Absolutely.

16 THE COURT: So do you have a motion?

17 MR. CLARK: My motion would be to have
18 permission to withdraw the petition filed in
19 Fern Rock which is Godfrey Avenue --

20 THE COURT: Without prejudice?

21 MR. CLARK: -- without prejudice. We'll
22 go Fern Rock and Oak Lane.

23 THE COURT: Petition to Withdraw is
24 granted, withdrawn without prejudice.

25 MS. THORTON BOONE: Your Honor --

1 THE COURT: The Petition to Withdraw on
2 both matters regarding City of Philadelphia
3 versus Fern Rock Realty and Oak Lane Court
4 Realty is granted without prejudice.

5 MS. THORTON BOONE: Your Honor, may I ask
6 one amendment to that motion?

7 THE COURT: Sure.

8 MS. THORTON BOONE: For the first time,
9 our part -- the customers are hearing that PGW
10 will allow the PUC to recalculate the bill and
11 then we'll abide by that in terms of looking
12 at the amount of the underlying liens. Can
13 that be a part of your motion?

14 THE COURT: Is that what you just said?

15 MR. CLARK: Your Honor, I'm telling you
16 that from a practical matter that's what they
17 do.

18 The appellate process would be to the
19 Commonwealth Court.

20 THE COURT: The order is on the record
21 now.

22 MS. THORTON BOONE: Thank you.

23 (Thereupon, the proceedings were
24 concluded.)

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CERTIFICATE

I HEREBY CERTIFY THAT THE PROCEEDINGS AND EVIDENCE ARE CONTAINED FULLY AND ACCURATELY IN THE NOTES TAKEN BY ME ON THE TRIAL OF THE ABOVE CAUSE, AND THIS COPY IS A CORRECT TRANSCRIPT OF THE SAME.



RENEE FAZIO

OFFICIAL COURT REPORTER

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SBG Management Services, Inc.

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Fax 215.938.7613

September 8, 2014

The Honorable ALJ Eranda Vero
Pennsylvania Public Utility Commission, Suite 4063,
801 Market Street, Philadelphia, PA 19107

For Pennsylvania Public Utility Commission
Via U.S. Mail First Class/overnight mail

In the Matters of: SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304183; SBG Management Services, Inc./Fairmount Realty, v. Philadelphia Gas Works, Docket No. C-2012-2304215 ; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304324; SBG Management Services, Inc./Elrae Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304167 ; SBG Management Services, Inc./Marshall Square Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304303; SBG Management Services, Inc./Marchwood Realty v. Philadelphia Gas Works, Docket No. C-2012-2308454; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308460; SBG Management Services, Inc./Oak Lane Realty Co., LP v. Philadelphia Gas Works, Docket No. C-2012-2308462; SBG Management Services, Inc./Fern Rock Realty v. Philadelphia Gas Works, Docket No. C-2012-2308465; and SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308469

RE: Outstanding Matters in Discovery

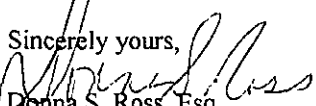
Dear Judge Vero:

My name is Donna S. Ross, Esq. and I have entered my appearance as counsel for the Complainants in the above-referenced matters. As I am new to the case, I would like to clarify the status of outstanding discovery issues and dates scheduled for pre-trial matters and hearings that have been established pursuant to your order entered on August 21, 2014. It is my understanding that you currently have certain motions under advisement for which we are awaiting a ruling, and additional motions which have recently been filed with the Commission and are pending before you, all of which may impact the discovery schedule.

To the extent that there is a deadline of September 15, 2014 imposed for completion of discovery and there are still outstanding matters of discovery due on September 15, 2014, along with pending determinations from the court, I would request that we confer via a conference call to clarify and/or modify the discovery schedule until all discovery is complete and motions have been decided. I believe this would be beneficial to all parties and would not impose an unnecessary delay on further hearings on these matters.

I can be reached on 484-888-9578 or at my office 215-938-6665, ext. 2019, if you think it prudent to discuss this matter in more detail with me and opposing counsel. I thank you in advance for your time and consideration given to this matter.

Sincerely yours,


Donna S. Ross, Esq.

Counsel for Complainants

Cc: Mr. Laureto Farinas, Esq.
Secretary Madam Rosemary Chiavetta

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC
UTILITY COMMISSION

In the Matter of:

Re: Motion to Compel

In the Matters of: SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304183; SBG Management Services, Inc./Fairmount Realty, v. Philadelphia Gas Works, Docket No. C-2012-2304215 ; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304324; SBG Management Services, Inc./Elrae Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304167 ; SBG Management Services, Inc./Marshall Square Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2304303; SBG Management Services, Inc./Marchwood Realty v. Philadelphia Gas Works, Docket No. C-2012-2308454; SBG Management Services, Inc./Simon Gardens Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308460; SBG Management Services, Inc./Oak Lane Realty Co., LP v. Philadelphia Gas Works, Docket No. C-2012-2308462; SBG Management Services, Inc./Fern Rock Realty v. Philadelphia Gas Works, Docket No. C-2012-2308465; and SBG Management Services, Inc./Colonial Garden Realty, LP v. Philadelphia Gas Works, Docket No. C-2012-2308469

Certificate of Service

I hereby certify that as of today's date, I have served the foregoing instrument in the above referenced matters, upon the parties set forth below, via First Class, U.S. mail/overnight delivery and/or by hand delivery to all parties as listed below, in accordance with the requirements of 52 Pa.Code Section 1.54 and the PA Public Utility Commission Orders.

The Honorable ALJ Eranda Vero
Pennsylvania Public Utility Commission, Suite 4063,
801 Market Street, Philadelphia, PA 19107

For Pennsylvania Public Utility Commission
Via U.S. Mail First Class/overnight mail

Mr. Laureto Farinas, Esquire
Philadelphia Gas Works
800 W. Montgomery Avenue, 4th Floor
Philadelphia, PA 19122

For Respondent PGW
Via U.S. Mail First Class/overnight mail

Mr. Phil Pulley and Ms. Kathy Treadwell
SBG Management Services, Inc.
P.O. Box 459, Abington, PA 19001

For Complainants
Via Hand Delivery

The Honorable Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265, Harrisburg, PA 17105-3265

For Pennsylvania Public Utility Commission
Via U.S. Mail First Class/overnight mail

Date: 9/8/2014

By: Donna S. Ross

DONNA S. ROSS, ESQUIRE
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Email: dsross@sbgmanagement.com; dsross90@gmail.com
Pennsylvania Attorney ID. No. 59747

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PA PUBLIC UTILITY COMMISSION
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MANAGEMENT
RYDAL RD

SHIP DATE: 06SEP14
ACTWT: 0.8 LB
CAD: /POS1501
DIMS: 0x0x0 IN
BILL SENDER

AL PA 190461711
TED STATES US

ROSEMARY CHIARETTI
PA PUC
400 NORTH ST
COMMONWEALTH KEYSTONE BLDG
HARRISBURG PA 17120

(717) 772-7777
REF: DEPT:

FedEx Express

CMPC

1 From

Date 9/10/14

Sender's Name DONNA ROSS, Esq

Company SBG MANAGEMENT

Address 1095 RYDAL RD

City RYDAL

State PA ZIP 19046-1711

2 Your Internal Billing Reference

3 To

Recipient's Name Mrs. Rosemary Chiaretti - Secretary
Phone 717 772-7777

Company PA - PUC

Address Commonwealth Keystone Bldg

Address 400 North Street

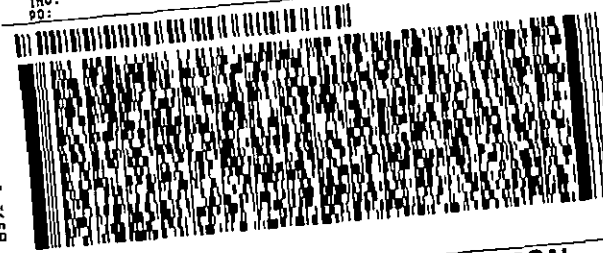
City Harrisburg

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5 Package

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6 Special

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Dangerous goods (incl. fuel) or placed in a FedEx Express

7 Payment

Sender's Account No. in Section

Total Packages 1

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