



PHILADELPHIA GAS WORKS

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October 6, 2014

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

Re: SBG Management Services, Inc v. PGW, Docket No. 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 Secretary Chiavetta:

Pursuant to 52 Pa. Code §5.350(d), the Philadelphia Gas Works (“PGW”) hereby files its Answer to the Complainant’s Motion in Limine.

If additional information is required, please do not hesitate to contact the undersigned. Thank you for your assistance in the matter.

Sincerely,

A handwritten signature in blue ink that reads "Danielle Leva".

Danielle Leva

Enclosure

CC:

Donna Ross, Esq. (FedEx and Email)
Mr. Philip Pulley (Email)
Ms. Kathy Treadwell (Email)
Administrative Law Judge Eranda Vero (Email)
Linda Pereira (PGW Mail)
Wendy Vacca (PGW Mail)

**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	:	
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SBG Management Services, Inc. / Oak Lane Realty Co., LP,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2308462
	:	
Philadelphia Gas Works,	:	
Respondent	:	
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SBG Management Services, Inc. / Fern Rock Realty,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2308465
	:	
Philadelphia Gas Works,	:	
Respondent	:	
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SBG Management Services, Inc. / Colonial Garden Realty, LP,	:	
Complainant	:	
v.	:	Docket No. C – 2012 – 2334253
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**Philadelphia Gas Works’
Response to the Complainants’ Motion In Limine**

Pursuant to 52 Pa. Code §5.350(d), the Philadelphia Gas Works (“PGW”) hereby answers the Complainants’ Motion in Limine (“Motion”).

Introduction

PGW answers the Complainants’ Motion in Limine to exclude any evidence offered by PGW at the hearing of these matters that were not timely disclosed in response to discovery requests. PGW respectfully requests that the Commission deny the Complainants’ motion. In support of its request PGW avers as follows:

I. Procedural History of Discovery

1. Admitted. By way of further answer, over the course of the discovery conducted in these matters, PGW's had not refused to provide information. PGW objected to requests, where it believed appropriate, and attempted to provide information in the most efficient way possible without waste of resources, which included the provision of some information prior to the due date and offering to have technical conferences to explain materials to educate the Complainants in hopes that further discovery would be unnecessary in a particular subject area.
2. Admitted.
3. Admitted.
4. Admitted. By way of further answer, PGW submitted the remaining supplemental information to the Complainants' discovery Set II, No. 38 on September 2, 2014. This was information concerning the periods of gas service for municipal liens and involved information relating mostly to accounts held by the Complainants' tenants
5. Admitted.
6. Admitted.
7. Admitted.

II. Response to Points of Authority

8. By e-mail dated September 30, 2014, PGW sent to the Complainants the identification of the preparers of various PGW responses to Set II (preparers of 4 original responses and 4 supplemental responses) and the identification of the preparers of PGW Responses to Set III (4 responses) for which the preparers (Pereira, Savage and Rizzo) were not included with the original submission. Also, on that date PGW submitted Verifications executed by Pereira as preparer of PGW's responses to Set II and separately Set III, each Verification enumerating specific responses. PGW apologized for its delay in submitting these as it was inadvertent and occurred while PGW was responding to the Complainants other filings. Finally, the brief delay in receipt of this information does not prejudice the Complainants' case.

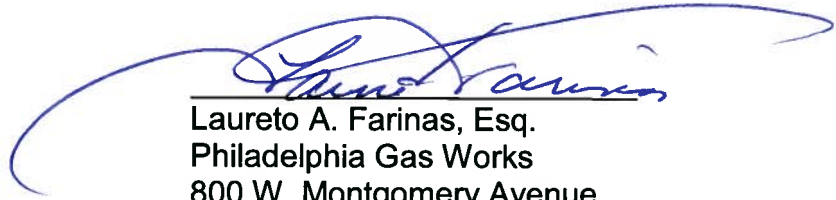
9. To the best of PGW's ability, PGW has provided all of the information and has complied with the discovery requests.
10. Admitted. PGW admits that one of the purposes of discovery rules is to prevent surprise and unfairness.
11. Admitted. PGW admits that an appropriate remedy based upon inadequate discovery responses may be to preclude testimony to avoid undue surprise.
12. Admitted.
13. Admitted.
14. Admitted. By way of further answer, as the purpose of discovery rules is to prevent surprise, unfairness and to allow a fair trial on the merits, the court should balance the substantive rights of the parties and the burdens to produce the voluminous amounts of information in discovery in its decision on the application of the discovery deadlines. The Complainants' case has not been prejudiced by the information provided in discovery after September 15, 2014.
15. To the best of PGW's ability, PGW has provided all of the information and has complied with the discovery requests, save those of the Complainants' discovery Set IV, the objections and related motion concerning which are pending.
16. As stated in Paragraph 8 above, the information provided on September 30, 2014 were verifications and identification of preparers of responses to discovery. The brief delay in receipt of this information does not prejudice the Complainants' case.
17. Admitted. PGW admits that the Complainants file the instant motion to comply with the October 6, 2014 deadline for all discovery motions, prehearing, motions and applications for subpoena.
18. Admitted.
19. The averments contained in Paragraph 19 are requests for relief to which no response is required. PGW therefore denies this averment.
20. The averments contained in Paragraph 20 are requests for relief to which no response is required. PGW therefore denies this averment.

III. Conclusion

For the reasons stated above including that the Complainants' preparation of its case in these matters is not prejudiced by the submission of the information (verifications) after September 15, 2014, the Commission should deny Complainants' request.

October 6, 2014

Respectfully submitted,



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT, 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:


Donna S. Ross, Esq.
General Counsel
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October 6, 2014


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