

SBG Management Services, Inc.

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October 6, 2014

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

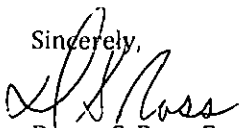
RE: SBG Management Services, Inc. (and related entities) v. PGW, Docket Nos. C-2012-2304167; C-2012-2304183; C-2012-2304215; C-2012-2304303; C-2012-2304324; C-2012-2308454; C-2012-2308462; C-2012-2308465; and C-2012-2334253

Dear Secretary Chiavetta:

On behalf of the Complainants in the above-referenced matters, enclosed for filing is the original **Motion To Compel Responses to Set II Discovery Requests** and original **"Notice to Plead" for the Motion for Compel**. Copies to be served in accordance with the attached Certificate of Service. This Motion is also being filed by First-Class, overnight mail, with the Commission today.

If you have questions or require additional information, please do not hesitate to contact me at 215-938-6665 or 484-888-9578 or as described in the contact information, below. Your assistance in this matter is greatly appreciated.

Sincerely,



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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Enclosure

cc: ALJ Eranda Vero (by overnight, First Class mail)
Laureto Farinas, Esquire, Philadelphia Gas Works (by overnight, First Class mail)
Phil Pulley, SBG Management Services, Inc. (by hand-delivery)
Kathy Treadwell, SBG Management Services, Inc. (by hand-delivery)

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Attorney for Complainants

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OCT 6 2014

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	: DOCKET NO. C-2012-2308462

<i>Complainant</i>	:
V.	:
PHILADELPHIA GAS WORKS	:
<i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./	:
FERN ROCK REALTY	: DOCKET NO. C-2012-2308465
<i>Complainant</i>	:
V.	:
PHILADELPHIA GAS WORKS	:
<i>Respondent</i>	:
	:
SBG MANAGEMENT SERVICES, INC./	:
COLONIAL GARDEN REALTY, LP	: DOCKET NO. C-2012-2334253
<i>Complainant</i>	:
V.	:
PHILADELPHIA GAS WORKS	:
<i>Respondent</i>	:

**COMPLAINANTS', SBG MANAGEMENT SERVICES, INC., 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 COMPEL PGW'S RESPONSES TO COMPLAINANTS' REQUESTS FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES ADDRESSED TO RESPONDENT PHILADELPHIA GAS WORKS, SET II, INTERROGATORIES NOS. 5, AND REQUEST FOR SANCTIONS ("MOTION")**

Pursuant to 52 Pa. Code Sections 5.342 and 5.321(c), Complainants, by their undersigned counsel, hereby respectfully request the Pennsylvania Public Utility Commission ("Commission") to compel Philadelphia Gas Works ("PGW" or "Respondent") to fully respond and to file complete answers to Complainants' Requests for Production of Documents and Interrogatories Addressed to Respondent PGW, Set II, Interrogatory No. 5 in accordance with the presiding officer's Orders dated April 9, 2014 and August 21, 2014.

I. SUMMARY

Respondent's response to the Subject Interrogatories are incomplete and non-responsive and violate applicable statutory law, including 52 Pa. Code Sections 5.342, as Respondent: (1) submitted incomplete supplemental responses that failed to supply all the requested information, including data regularly maintained in the course of doing business and easily accessible and

retrievable by PGW that would respond to the stated Interrogatory that included electronically held documents, calculations, memoranda, and other information as discussed below; (2) PGW submitted responses that claim to provide information on all the accounts but then failed to provide the *all such* information; and (3) submitted responses that refers to “previously provided” information [to Complainants from Respondent] without specifically identifying where and in what particular documents the discoverable information is set forth or by referring to responses previously answered to Set II, Interrogatories, which was also an incomplete response. On August 21, 2014, ALJ discussed at length in her order of the same that Complainants’ question:

5. 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 are utilized to manage Complainants’ Customer Accounts, SA accounts, former and current meters located at the Subject Properties limited to Disputed Transactions attached hereto as Exhibits “A-1” through “A-8”.

was unduly burdensome to produce and somewhat vague. In that order, the presiding officer denied Complainants’ Motion for Sanctions, however, in accordance with her previous order of April 9, 2014, Respondent, PGW was ordered and under a continuing duty to supply supplemental information related to Set II, No. 5, 11, 12, and 13 pertaining to discovery.

Respondent was not forthright in its response as to indicate that it had the means and access to provide the information requested. Instead they argued that it would be unduly burdensome and Complainants requests were vague.

On September 30, 2014, fifteen (15) days after the close of discovery, Respondent sent discovery verifications for supplemental responses in the form of documents, which showed examples of data collections screens, whereby information could be gleaned and retrieved

regarding premised based and customer based data , as part of their ongoing duty to supplement their responses to Set II, Nos. 11, 12, and 13. PGW provided information that shows that it may electronically retrieve account information related to a premise that receives PGW gas usage with information contained on data screens that provide pertinent customer information providing a specific location's complete history of gas accounts, including but not limited to; the Premise Based Tabs which provides information of all of the bills from the "Subject Properties" premises for all customers, including previous customers and Customer Based Tabs, which provides similar data and information for customer accounts. Despite having easily retrievable information at its' disposal, Respondent failed to provide Complainants' with such information in response to the discovery propounded. And furthermore, PGW did not disclose its' ability to provide such information until fifteen days (15) after discovery closed on September 15, 2014.

II. SPECIFIC GROUNDS TO COMPEL RESPONSES TO THE SUBJECT INTERROGATORIES

In support of this Motion, Complainants by and through their undersigned counsel, hereby move the Commission to enter an appropriate Order and Sanctions against Respondent, pursuant to 52 Pa. Code Section 5.342 and 5.371-5.372. In support of this Motion, Complainants aver as follows:

1. The above-referenced consolidated Complaints were commenced by filing Complaints and Amended Complaints. Respondents subsequently filed Answers and Amended Answers to the Amended Complaints.
2. Complainants, by its former counsel, Scott DeBroff, Esquire, served discovery requests upon counsel for Respondent.
3. On October 9, 2013, Complainants, by their current counsel, served a second set of discovery requests, Complainants' Requests for Production of Documents and Interrogatories

Addressed to Respondent PGW, Set II (collectively, "Interrogatories" or "Interrogatories Set II"), a copy of these Interrogatories, are attached as Exhibit "A", and incorporated herein by reference.

4. On December 9, 2013, ALJ Eranda Vero issued an "Order on the Joint Motion to Extend the Time to Conduct Discovery and to Continue the Scheduled Hearings" ("12/9/2013 Order") on page 4 (second full paragraph), that cited ALJ Vero's November 14, 2013 Order ("11/14/2013 Order") as follows:

"On November 14, 2013, I issued an Order granting, in part, and denying, in part, the Complainants' Motion to Compel.... Noting that the objections did not state with any degree of specificity where such information was provided to the Complainants, I instructed the Respondent to do so 'within fifteen (15) days of the date of this Order unless the parties agree upon a different due date.' See Order of Motion to Compel, Ordering Paragraphs 5, and 11. Based on the Respondent's claim that it had already provided to Complainants the information requested by the majority of their Set II-Discovery Requests, I deemed this amount of time sufficient **for the Respondent to direct the Complainants to the information it had provided during previous discovery, to supplement that information, and to answer the remainder of discovery requests propounded by the Complainants.**" (Emphasis added.)

5. Pennsylvania statutes define the manner and form of Answers to Interrogatories. Specifically, 52 Pa. Code Section 5.342 (a) (3) and (4) require:

" (a) Form. Answers to Interrogatories must:

3. Be submitted as an answer and may not be submitted as an exhibit or in another form.

4. Answer each interrogatory fully and completely unless an objection is made.
(See 52 Pa. Code Section 5.342)

6. On 4/9/2014 ALJ Vero, issued an order granting and denying, in whole or in part, Complainants' Second Amended Motion to Compel for Interrogatory Nos. 2,3, 5-31, 33-39, that granted on 4/9/2014: 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 22, 23, 24, 27, 29, 30, and 36; and denied on 4/9/2014: 14, 17, 18, 19, 20, 21, 26, 28, 31, 33, 34, 35, 37, 38, and 39.

7. Upon Motion for Reconsideration by Complainants, ALJ Vero issued an Order amending the 4/9/2014 Order to require supplemental responses from Respondent, including responses for Interrogatories 5, 11, 12, and 13 within forty-five (45) days from the day of the Order, April 9, 2014.

8. On August 21, 2014, ALJ Vero denied Complainants' Motion for Sanctions regarding Respondent's incomplete responses to interrogatories and requests for production to Set II Nos. 5, 11, 12, and 13.

9. Complainants file this Motion due to Respondent's failure to comply with applicable case and statutory law and Respondent's failure to provide the requisite full, complete and specific responses to the following Interrogatories Set II, Nos. 5, 11, 12, and 13 ("Subject Interrogatories").

10. Respondent knew it had the ability to easily access information in its possession, long before these proceedings started and the ability to forthrightly provide such information and share it with Complainants. Had they done so, PGW may have answered Complainants' questions regarding these matters and prevented this voluminous discovery process and litigation.

11. Respondent waited until discovery closed (September 15, 2014) before it provided verified responses to the interrogatories as stated (September 30, 2014), which *indicated that such embedded information exists and is accessible.*

12. Respondent still has not provided specific premise/customer based information as found in the Viewing and Navigating AIMS Data system and they have the easy ability to do so. Or if PGW has provided such information, they have only turned over select data and not all that is available, relevant and pertinent to these proceedings.

13. Respondent is deliberately being evasive and showing bad faith in these proceedings as it relates to veracity and conformity to discovery and these proceedings.

14. As stated below in this Motion, for the remainder of the Responses, Respondent failed to identify all such documents and/or failed to provide for inspection or to attach all documents as required by Set II, Interrogatories 5, 11, 12, and 13.

15. The Supplemental Responses provided and verified on September 30, 2014, show that PGW maintains information that is specific to the "Subject Properties" and Customer accounts, is easily retrievable and available, but does not provide the specific information as requested for these subject properties/premises or customer based accounts.

16. This Motion incorporates the contents and statements set forth in the Prehearing Conference Memorandum dated 7/10/2014 ("7/10/2014 Memo"), by reference as though set forth herein and thereto, in its entirety.

* * * * *

SUMMARY OF MOTION TO COMPEL:

In summary, based on a review of the applicable case and statutory law, Respondent must be compelled to fully, completely, and specifically answer the Subject Interrogatories.

Essentially, the Interrogatories are governed by 52 Pa. Code Section 5.321(c), which provides:

(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 ground for objection that the information sought will be inadmissible at hearing if the information sought is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code Section 5.321 (c).

52 Pa. Code Section 5.342 states the form and manner of Answers to Interrogatories:

- (a) **Form. Answers to Interrogatories must:**
- (1) Be in writing.
 - (2) Identify the name and position of the individual who provided the answer.
 - (3) Be submitted as an answer and may not be submitted as an exhibit or in another form.**
 - (4) Answer each interrogatory fully and completely unless an objection is made.**
 - (5) Restate the interrogatory which is being answered or be inserted in the spaces provided in the interrogatories.
 - (6) Be verified in accordance with Section 1.36 (relating to verification).

Here, Complainants served Interrogatories on Respondent. Respondent failed to fully comply with Section 5.342, and Respondent provided partial or no responsive information to Complainants, as discussed in detail in Paragraphs 1 through 16, above. Neither Section 5.342, nor any other section of the statute, supports these incomplete and inadequate discovery responses. As noted in prior pleadings, discovery is encouraged so that the parties may dispose of any or as many issues as possible, prior to trial or hearing. Through discovery, the parties may discover that certain issues are “resolvable” or not in dispute and avoid wasting precious judicial time and resources. Here, Respondent is acting in contradiction to the rules governing discovery.

Respondent must provide its discovery documents and responses in a proper manner. Here, Respondent refers to policies, procedures, practices, calculations of basic charges, outstanding balances, interest and penalties, the imposition of liens, applications of payments and even issues conclusions that Respondent satisfied the applicable laws and tariffs, while responding with exhibits or other forms of or statements documents that contain incomplete information and that fail to organize or state account information in a manner that fully and specifically answers or responds to the Interrogatories as required by Section 5.342. Respondent needs to answer the Interrogatories, specifically, fully and completely as required by law and we respectfully request that the Commission compel PGW to do so.

Pursuant to 52 Pa. Code Section 5.321(c):

“...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.”

Here, the Interrogatories seek information, including “books, documents, and other tangible things and the identity and location of persons having knowledge of a discoverable matter”, that are relevant to this proceeding and that are further defined as discoverable at Section 5.321(c), above. Respondent failed to fully provide and identify those letters, correspondence, records, emails, and other documents explaining the bills, charges, application of payments on the Customer Accounts, SAs, and Disputed Transactions, and documents containing or referring to the internal memoranda/documentation on Respondent’s practices, policies, and procedures underlying the calculation of the debt, imposition of liens (including gas usage period covered by the lien and date of filing/satisfying all liens, if applicable), application of payments, charges, LPC’s, and interest charges—and to provide this information on each Customer Account, SA, and Disputed Transaction that are part of this litigation. Without this detailed information, Respondent is withholding critical data that permits all parties and the Commission to confirm or defeat its claim of billing Complainants in accordance with the applicable statutes, tariffs, and laws. (In an effort to amicably resolve this matter, the need for this information was also discussed with counsel for PGW, who refused to provide it.)

Respondent also failed to show where and how the information was previously provided “during the hearings”; as previously done, Respondent simply refers to its Exhibits and its Statement of Accounts (the original and “updated” SOAs). The Exhibits are not organized in a manner to specifically correlate to each discovery request as required by 52 Pa. Code Sections 5.342 and 5.321. The Statement of Account, as stated repeatedly by PGW, does not provide

details on calculation of the debt and the application of the payments as discussed in greater detail above.

The importance of receiving this detailed, complete, specific, and full discovery response is best shown in the case of Campos v. PGW, where the Administrative Law Judge for the Commission stated that Linda Pereira, a senior customer review officer for PGW testified and noted:

“...the credit that the Complainant had established on his account was absorbed through the make-up bill and that the current undisputed charges after the issuance of the make-up bill have not been paid....PGW also assess a late payment fee...because Complainant had not paid undisputed charges for gas services rendered.” (See Campos, p. 28)”

Thereafter, the Commission, by its ALJ, held at page 28:

“I disagree with the account of billed charges by PGW toward Complainant’s account. The amount of \$2,028.80 is under dispute. PGW does not dispute that \$781.01 is credit accrued by the Complainant for early payments made. PGW cannot place the credit established by the Complainant toward the disputed amount owed. Rather, PGW must continue to place the credit toward undisputed amounts owed. (See Campos, at p. 30)...”

As shown in the Campos case, one can not assume that because PGW claims it is calculating the bills and payments in accordance with the statutes, rules, and tariffs, that a full examination of the critical underlying pieces of the bills and charges is a waste of time or unnecessarily burdensome. To the contrary, this Motion to Compel is needed to force a clear and readily understandable explanation for the bills, charges, and payments underlying this litigation and the related Customer Accounts, SAs, and Disputed Transaction.

The statutes governing billing by a utility in this Commonwealth are clear and provide substantial guidance to the parties, as set forth below:

52 Pa. Code Section 56.15 provides:

“§ 56.15. Billing information.

A bill rendered by a public utility for metered residential public utility service must state clearly the following information:

(4) The amount due for service rendered during the current billing period, specifying the charge for basic service, the energy or fuel adjustment charge, State tax adjustment surcharge if other than zero, State sales tax if applicable and other similar charges. The bills should also indicate that a State gross receipts tax is being charged and a reasonable estimate of the charge. A Class A utility shall include a statement of the dollar amount of total State taxes included in the current billing period charge. For the purpose of this paragraph, a Class A utility shall also include a Class A telephone utility as defined under § 63.31 (relating to classification of public utilities).

(7) The total amount of payments and other credits made to the account during the current billing period.

(8) The amount of late payment charges, designated as such, which have accrued to the account of the customer for failure to pay bills by the due date of the bill and which are authorized under §56.22 (relating to accrual of late payment charges).

(9) The total amount due.

(11) A statement directing the customer to “register any question or complaint about the bill prior to the due date,” with the address and telephone number where the customer may initiate the inquiry or complaint with the public utility.

(12) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill and an explanation, in plain language of the various charges, if applicable, is available for inspection in the local business office of the public utility and on the public utility’s web site.”

(14) Electric distribution utilities and natural gas distribution utilities shall incorporate the requirements in § § 54.4 and 62.74 (relating to bill format for residential and small business customers). (Emphasis added.)

Accordingly, the applicable laws and tariffs require that the utility provide specific information on its bills and billing statements. Arguably, despite the discovery requests and the above statutory provisions, PGW continues to refuse to provide details on the bills and payments, including a separate statement of the “accrued late payment charges” and an explanation on how to verify the accuracy of the bills, i.e., provide the details and accounting for the application of payments, including those involving disputed vs. undisputed debt, lien information, payment information, and LPC detailed information.

52 Pa. Code Section 56.21 provides:

“§ 56.21. Payment.

(2) *Date of payment by mail.* For a remittance by mail, one or more of the following applies:

- (i) Payment shall be deemed to have been made on the date of the postmark.
- (ii) The public utility may not impose a late payment charge unless payment is received more than 5 days after the due date.

(4) *Electronic transmission.* The effective date of a payment electronically transmitted to a public utility is the date of actual receipt of payment.

(6) *Multiple notifications.* When a public utility advises a customer of a balance owed by multiple notices or contacts which contain different due dates, the date on or before which payment is due shall be the latest due date contained in any of the notices.”

52 Pa. Code Section 56.22, provides:

“§ 56.22. Accrual of late payment charges.

a) Every public utility subject to this chapter is prohibited from levying or assessing a late charge or penalty on any overdue public utility bill, as defined in § 56.21 (relating to payment), in an amount which exceeds 1.5% interest per month on the overdue balance of the bill. These charges are to be calculated on the overdue portions of the bill only. The interest rate, when annualized, may not exceed 18% simple interest per annum.

(b) An additional charge or fixed fee designed to recover the cost of a subsequent rebilling may not be charged by a regulated public utility.

(c) Late payment charges may not be imposed on disputed estimated bills, unless the estimated bill was required because public utility personnel were willfully denied access to the affected premises to obtain an actual meter reading.”

In addition to the above, the Courts of this Commonwealth have limited how and when the 1.5% financing charge/rate may be imposed in the face of a judgment or lien. Despite PGW’s claims, if the rate of the finance charge must change to 6% from 18%, upon post-judgment, then the filing date of the judgment or lien is needed to calculate the post-judgment interest on the liened debt? Further, only PGW files the liens and knows the details of the debts and charges underlying these debts and charges. Some of the liens have no account numbers or information on the gas usage periods covered by the liens—all of this information is part of verifying the underlying debt. Since 42 Pa.C.S. § 8101 (relating to interest on judgments) limits post-judgment interest to 6% per year unless otherwise provided by another statute, it supersedes the regulation that provides for 18% financing charge or LPCs, per year on amounts owed to a public utility. Equitable Gas Co. v. Wade, 812 A.2d 715 (Pa. Super. 2002). We cannot assume, as PGW might, that it does not matter when the lien was filed on each and every Subject Property; this

information creates a 12% difference in the particular financing charged assessed and deemed due on the debt.

Further, statutes and the Commission have set requirements on providing information to customers on bills and charges. The Complainants seek information that will easily and readily explain how PGW created its bills and claims against Complainants. By providing the requested detailed information on the bills and payments for the Customer Accounts, as described herein and in Paragraphs 1 through 16 above, PGW will be complying with the discovery requests, as well as with the spirit and goals of the "plain language" guidelines set forth in 52 Pa. Code §69.251, that permit a customer to obtain billing information in a clear and easily and readily understood manner.

52 Pa. Code Sections 56.23 and 56.24 provide as follows:

"§ 56.23. Application of partial payments between public utility and other service.

Payments received by a public utility without written instructions that they be applied to merchandise, appliances, special services, meter testing fees or other nonbasic charges and which are insufficient to pay the balance due for the items plus amounts billed for basic utility service shall first be applied to the basic charges for residential public utility service.

And

§ 56.24. Application of partial payments among several bills for public utility service.

In the absence of written instructions, a disputed bill or a payment agreement, payments received by a public utility which are insufficient to pay a balance due both for prior service and for service billed during the current billing period shall first be applied to the balance due for prior service."

The Statement of Accounts clearly show partial payments or payments that do not pay the full balance on bills that include basic and non-basic charges and bills that are for prior service and service billed during the current period. Yet, the Statement of Accounts, do not designate how these partial payments are applied. Without this detailed information, the parties and the Commission cannot verify whether PGW has fully, completely, specifically, and properly

complied with the tariffs, statutes, rules, and laws governing good service and billing by a utility in this Commonwealth.

52 Pa. Code Section 56.151 provides:

"§ 56.151. General rule.

Upon initiation of a dispute covered by this section, the public utility shall:...

(2) Investigate the matter using methods reasonable under the circumstances, which may include telephone or personal conferences, or both, with the customer or occupant.

(3) Make a diligent attempt to negotiate a reasonable payment agreement if the customer or occupant is eligible for a payment agreement and claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment agreement include, but are not limited to:

- (i) The size of the unpaid balance.**
- (ii) The ability of the customer to pay.**
- (iii) The payment history of the customer.**
- (iv) The length of time over which the bill accumulated.**

(4) Provide the customer or occupant with the information necessary for an informed judgment, including, but not limited to, relevant portions of tariffs, statements of account and results of meter tests.

(5) Within 30 days of the initiation of the dispute, issue its report to the complaining party. The public utility shall inform the complaining party that the report is available upon request.

(i) If the complainant is not satisfied with the dispute resolution, the utility company report must be in writing and conform to § 56.152 (relating to contents of the public utility company report). Further, in these instances, the written report shall be sent to the complaining party if requested or if the public utility deems it necessary.

(ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written utility company report may be limited to the information in § 56.152(1), (2) and, when applicable, § 56.152(7)(ii) or (8)(ii).

(iii) The information and documents required under this subsection may be electronically provided to the complaining party as long as the complaining party has the ability to accept electronic documents and consents to receiving them electronically."

Clearly, the above shows that Section 56.151 provides the criteria for actions required by the utility in the face of a dispute with a customer. The information requested in the Interrogatories seek details on the training, practices, policies, and procedures used to resolve the disputes in the underlying litigation. The Interrogatories seek specific and detailed information which would permit an understanding and a determination of whether PGW satisfied the dictates of Section 56.151 and other statutes with respect to the disputes at the heart of this litigation.

PGW's refusal to specifically, fully, and completely provide this information is an attempt to frustrate the discovery process and to prevent a full and thorough hearing on the bills and PGW's actions in providing "good service" in these consolidated cases. Accordingly, Complainants respectfully request that the Commission compel Respondent to fully, completely, and specifically answer the Interrogatories.

III. CONCLUSION

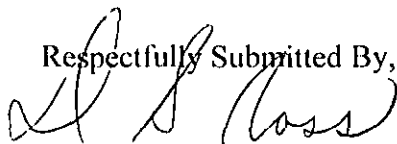
WHEREFORE, Complainants respectfully request Your Honor and the Commission:

- (1) Grant this Motion to Compel;
- (2) Compel PGW to answer Set II, Interrogatories Nos. 5, 11, 12 and 13 by providing all the Premised Based and Customer Based data/information for the "Subject Properties" named herein and Customer accounts for said "Subject Properties" as embedded in the Viewing and Navigating AIMS Data collection system used by PGW for historical electronic data on Complainants premises and accounts which are the subject of this litigation and produce full and complete answers and documents pertaining thereto within five (5) days of the date of the Commission's Order on the same; and
- (3) Grant any other relief deemed appropriate, including, but not limited to:
 - a. Striking all PGW bills, demands for payments, charges, late payment charges, interest charges, and other costs and charges for those Customer Accounts from PGW to Complainants (except for basic gas usage charges that are not in dispute) for those Customer Accounts, where PGW failed to fully, completely, and specifically provide and respond to any or all of the discovery requests, which are the subject of this Motion; and

- b. Barring the introduction, by PGW, of any evidence in the form of testimony, exhibits, examples or documentation, at the remaining hearings and in the pre-filed testimony presented by PGW, in contradiction of Complainants' case in chief or in PGW's defense, that requires the use of, relates to or refers to the documents, materials, and/or responses sought, but not provided by PGW in response to, Interrogatories Set II /Subject Interrogatories and
- c. Imposing, any and all other appropriate sanctions for failing to fully and completely answer the Subject Interrogatories.

Date: October 6, 2014

Respectfully Submitted By,



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Attorney ID. No. 59747

COMMONWEALTH OF PENNSYLVANIA BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:

Docket No. C-2012-2304167--SBG Management Services, Inc. (Elrae) 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 OF DISCOVERY UNDERTAKEN AND EFFORTS TO RESOLVE THE
DISCOVERY DISPUTES**

In accordance with the applicable regulations and statutes, I, Donna S. Ross, Esq., counsel for Complainants, hereby certify that in good faith, on an informal basis, and without the intervention of and prior to contacting the Commission or ALJ Vero for this Motion to Compel, as well as on a formal basis through written memoranda and a hearing before ALJ Vero, I attempted to resolve these discovery disputes amicably with counsel for Respondent, Laureto Farinas, Esq., in accordance with the applicable sections of Title 52 of the Pennsylvania Code.

Date: October 6, 2014

BY: 

DONNA S. ROSS, ESQUIRE

P.O. BOX 549

ABINGTON, PA 19001

Phone: 484-888-9578; Office: 215-938-6665

Electronic Mail Address: dsross@sbgmanagement.com; dsross90@gmail.com

Attorney I.D. No. 59747

ATTORNEY FOR COMPLAINANTS

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OCT 6 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Donna S. Ross
SBG Management Services, Inc.
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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	: DOCKET NO. C-2012-2308462

Complainant
V.
PHILADELPHIA GAS WORKS
Respondent

SBG MANAGEMENT SERVICES, INC./
FERN ROCK REALTY
Complainant

V.
PHILADELPHIA GAS WORKS
Respondent

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

V.
PHILADELPHIA GAS WORKS
Respondent

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DOCKET NO. C-2012-2308465
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DOCKET NO. C-2012-2334253
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--- NOTICE TO PLEAD ---

TO: PHILADELPHIA GAS WORKS, RESPONDENT:

Pursuant to 52 Pa. Code Section 5.371, you are hereby notified to file a written response to this Motion to Compel Respondent's Responses to Complainants' Set II Discovery Requests, which was served on this date, of the above-captioned matters, within five (5) days from service hereof or you may be deemed to be in default and relevant facts stated in these pleadings may be deemed admitted, the Pennsylvania Public Utility Commission ("Commission") may rule on this Motion without further input, and a judgment may be entered against you. All pleadings, such as an Answer to the enclosed Motion, must be filed with the Secretary of the Commission, with a copy served on the undersigned counsel for Complainants.

Date: October 6, 2014

Respectfully Submitted By,



Donna S. Ross
General Counsel
SBG Management Services, Inc.
P.O. Box 549
Abington, PA 19001
E: dsross@sbgmanagement.com; dsross90@gmail.com
T: 215-938-6665; M: 484-888-9578
Attorney ID. No. 59747

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:

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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

CERTIFICATE OF SERVICE

I hereby certify that on the date below, I have served the foregoing Complainants' **Motion To Compel Responses to Set II Discovery Requests** and original "Notice to Plead" for the Motion for Compel upon the Secretary for the Pennsylvania Public Utility by mailing, via First Class, overnight mail, as a hard-copy, and served a copy of the same upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54:

VIA First Class Mail, Overnight Mail only:

For the PA Public Utility Commission:

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

For Respondent:

Laureto Farinas, Esquire, Philadelphia Gas Works
Attorney for PGW and Respondents
800 W. Montgomery Avenue, 4th Floor, Philadelphia, PA 19122

VIA Personal Service (by Hand Delivery):

Phil Pulley and Kathy Treadwell, SBG Management Services, Inc.:
P.O. Box 549, Abington, PA 19001 or
1095 Rydal Road, Abington, PA 19001

Date: October 6, 2014

BY:


DONNA S. ROSS, ESQUIRE

P.O. BOX 549

ABINGTON, PA 19001

Phone: 484-888-9578; Office: 215-938-6665

Electronic Mail Address: dsross@sbgmanagement.com; dsross90@gmail.com

Attorney I.D. No. 59747

ATTORNEY FOR COMPLAINANTS

RECEIVED

OCT 6 2014

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

From Please print and press hard Sender's FedEx Account Number 2393-0508-3 Date 10/6/2014 Sender's Name Donna S Ross Company SBG MANAGEMENT Address 1095 RYDAL RD City RYDAL State PA ZIP 19046-1711

Your Internal Billing Reference Mr Laureto Enrinas Esq Phone 215 691-6950 Company PGW Address 800 W. Montgomery Ave 4th Floor Philadelphia PA 19122

To Recipient's Name Mr Laureto Enrinas Esq Phone 215 691-6950 Company PGW Address 800 W. Montgomery Ave 4th Floor Philadelphia PA 19122 0115759565

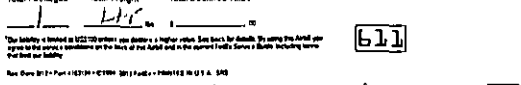


4 Express Package Service Packages up to 150 lbs. FedEx First Overnight, FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day AM, FedEx 2Day, FedEx Express Saver

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, Dangerous goods, Does this shipment contain dangerous goods?

7 Payment Bill to Sender, Recipient, Third Party, Credit Card, Cash/Check Total Packages Total Weight Total Declared Value



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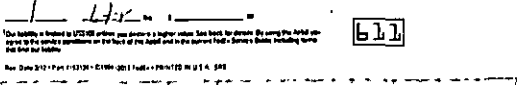


4 Express Package Service Packages up to 150 lbs. FedEx First Overnight, FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day AM, FedEx 2Day, FedEx Express Saver

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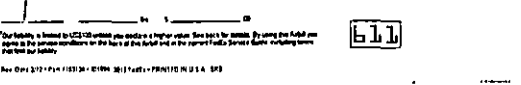


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6 Special Handling and Delivery Signature Options SATURDAY Delivery, No Signature Required, Direct Signature, Indirect Signature, Dangerous goods, Does this shipment contain dangerous goods?

7 Payment Bill to Sender, Recipient, Third Party, Credit Card, Cash/Check Total Packages Total Weight Total Declared Value



FILL AND RETURN THIS COPY BEFORE ATTACHING TO THE PACKAGE. NO POUCH NEEDED.

FedEx Package
Expressi **US Airbill**

FedEx Tracking Number **8063 1205 4642**

MURJ

Form ID No. **0215**

Receiver's Copy

1 From

Date 10/6/2014

Sender's Name Donna S. Ross Esq Phone 215 938-6665

Company SBG MANAGEMENT

Address 1095 RYDAL RD
Dept./Floor/Suite/Room

City RYDAL State PA ZIP 19046-1711

2 Your Internal Billing Reference

3 To

Recipient's Name SECRETARY
Mrs. Mary Chiavetta Esq Phone 717 772-7777

Company PAI-PUC

Address Commonwealth Keystone Bldg
We cannot deliver to P.O. boxes or P.O. ZIP codes
Dept./Floor/Suite/Room

Address 400 North Street
Use this line for the HOLD location address or for continuation of your shipping address

City Harrisburg State PA ZIP 17120

0115759565



8063 1205 4642

4 Express Package Service * To most locations
NOTE: Service order has changed. Please select carefully.

Package up to 150 lbs.
For packages over 70 lbs., use the FedEx Express Next Business Day or Next Business Day service.

Next Business Day

FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight
Next business morning. * Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight
Next business afternoon. * Saturday Delivery NOT available.

2 or 3 Business Days

FedEx 2Day A.M.
Second business morning. * Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon. * Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day. * Saturday Delivery NOT available.

5 Packaging * Declared value limit \$200

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?
One box must be checked.

No Yes As per attached Shipper's Declaration Yes Shipper's Declaration not required Dry Ice UN 1845 Cargo Aircraft Only

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section 1 will be billed Recipient Third Party Credit Card Cash/Check

Total Packages Total Weight lbs. Credit Card Auth

*Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

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