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July 10, 2015

***VIA ELECTRONIC FILING
AND FIRST CLASS MAIL***

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor (filing room)
Harrisburg, PA 17120

RE: Pennsylvania Public Utility Commission v. Columbia Gas of Pennsylvania, Inc.;
Docket No.: R-2015-2468056; **THE PENNSYLVANIA STATE
UNIVERSITY'S MOTION TO DISMISS OBJECTIONS AND COMPEL
RESPONSES TO DISCOVERY PROPOUNDED ON COLUMBIA GAS OF
PENNSYLVANIA, INC. SET II – Nos. 4, 5, 6, 13, 14, 15 and 16 (PUBLIC
VERSION)**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is The Pennsylvania State University's Motion to Dismiss Objections and Compel Responses to Discovery Propounded on Columbia Gas of Pennsylvania, Inc. Set II – Nos. 4, 5, 6, 13, 14, 15 and 16 (**Public Version**) in the above-captioned matter. The highly confidential proprietary version has only been served on the presiding Administrative Law Judge and counsel for Columbia Gas. If any party would like to receive the highly confidential proprietary version, please contact the undersigned counsel for PSU and indicate that you wish to receive a copy and indicate that you have signed the Protective Order.

Copies have been served in accordance with the attached Certificate of Service.

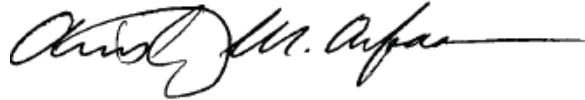
If you have any questions regarding this filing, please do not hesitate to contact me.

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
July 10, 2015
Page 2

If you have any questions concerning these documents, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris M. Arfaa", with a long horizontal flourish extending to the right.

Thomas J. Sniscak
Christopher M. Arfaa
William E. Lehman

*Counsel for
The Pennsylvania State University*

TJS/CMA/das
Enclosures

cc: Honorable Mary D. Long

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, *et al.*

v.

Columbia Gas of Pennsylvania, Inc.

Docket No. R-2015-2468056

Docket No. C-2015-2473682

Docket No. C-2015-2477816

Docket No. C-2015-2477120

Docket No. C-2015-2476623

NOTICE TO PLEAD

TO COLUMBIA GAS OF PENNSYLVANIA, INC.:

PLEASE TAKE NOTICE THAT YOU HAVE THREE (3) CALENDAR DAYS FROM THE DATE OF SERVICE OF THE ATTACHED MOTION WITHIN WHICH TO FILE AN ANSWER OR OTHER RESPONSE TO THE MOTION. FAILURE TO FILE A RESPONSIVE PLEADING WITHIN THE TIME ALLOWED MAY RESULT IN A RULING ON THE MOTION ADVERSE TO YOUR INTERESTS.

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Counsel for The Pennsylvania State University

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
v.	:	Docket No. R-2015-2468056
Columbia Gas of Pennsylvania, Inc.	:	
-----	:	
Office of Consumer Advocate	:	
v.	:	Docket No. C-2015-2473682
Columbia Gas of Pennsylvania, Inc.	:	
-----	:	
Office of Small Business Advocate	:	
v.	:	Docket No. C-2015-2477816
Columbia Gas of Pennsylvania, Inc.	:	
-----	:	
Columbia Industrial Intervenors	:	
v.	:	Docket No. C-2015-2477120
Columbia Gas of Pennsylvania, Inc.	:	
-----	:	
Pennsylvania State University	:	
v.	:	Docket No. C-2015-2476623
Columbia Gas of Pennsylvania, Inc.	:	

**MOTION OF THE PENNSYLVANIA STATE UNIVERSITY
TO DISMISS OBJECTIONS AND COMPEL RESPONSES TO DISCOVERY
PROPOUNDED ON COLUMBIA GAS OF PENNSYLVANIA, INC. –
SET II -- Nos. 4, 5, 6, 13, 14, 15 AND 16**

PUBLIC VERSION

The Pennsylvania State University (“PSU”), by and through its attorneys, Hawke McKeon & Sniscak LLP, and pursuant to 52 Pa. Code §§ 5.342(g) and 5.350(e), hereby files this Motion to Dismiss Objections and Compel Responses to Discovery Propounded on Columbia Gas Of Pennsylvania, Inc. (“CPA” or the Company) – Set II – Nos. 4, 5, 6, 13, 14, 15 and 16. In support thereof, PSU states as follows:

I. BACKGROUND

On March 19, 2015, CPA filed Supplement No. 226 to Tariff Gas Pa. P.U.C. No. 9 to become effective May 18, 2015, containing proposed changes in rates, rules, and regulations calculated to produce \$46.2 million (8.63%) in additional annual revenues. On April 9, 2015, the Commission issued an Order suspending CPA’s filing until December 18, 2015, unless permitted by Commission Order to become effective at an earlier date. On April 10, 2015, PSU filed a Complaint against the rate filing which was docketed at C-2015-2476623.

The State College area is presently served by CPA via three (3) Points of Delivery (“PODs”) owned by CPA: the Snowshoe/Columbia Gas Transmission (“CPG”) POD; the Dominion Transmission (“DTI”) POD at Pleasant Gap; and the Texas Eastern Transmission (“TETCO”) POD.

Subsequent to the Company’s rate filing on March 19, 2015 and PSU’s Complaint filing on April 10, 2015, CPA issued a letter dated May 5, 2015, notifying PSU that effective July 1, 2016, CPA would be permanently removing the distribution line from the Snowshoe/CPG POD from service because certain parts of the line need replacement. Prior to notifying PSU and other customers of its intention to remove the Snowshoe line, CPA bought up capacity on transmission to the DTI Pod. **[BEGIN HIGHLY CONFIDENTIAL]** [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] **[END HIGHLY CONFIDENTIAL]** CPA's actions present new rate base, O&M, service and reliability and other rate case issues. Pursuant to Section 523 of the Public Utility Code, 66 Pa.C.S. Section 523, the Commission in a rate case may make adjustments to a utility's return if service is unreasonable.

PSU was prepared to issue formal discovery on the subject on May 19, 2015, but at CPA's request, the parties agreed to have discussions regarding these issues. On May 28, 2015, the informal discussion did not (from PSU's perspective) result in either any sufficiently detailed information being provided promptly or any resolution of the issue. Consequently, on June 3, 2015, PSU filed its Set I discovery on CPA. A number of these requests concerned the issues raised by CPA's decision to remove the Snowshoe/CPG POD from service after buying up transportation service to the DTI POD. CPA did not object to any of the requests, and its responses to PSU's Set I were therefore due by June 15, 2015. CPA did not provide full and complete responses until July 6, 2015, after PSU had filed a motion for discovery sanctions.

On July 1, 2015, PSU served Set II of its discovery requests on CPA. A number of these requests also related the issues raised by CPA's decision to remove the Snowshoe/CPG POD from service after buying up transportation service to the DTI POD. (A copy of PSU Set II is attached hereto as Exhibit A.)

On or about the close of business on Thursday, July 2, 2015, counsel for CPA left voice mail and email messages to counsel for PSU relating CPA's potential objections to PSU Set II -- Nos. 4, 5, 6, 13, 14, 15 and 16. On Monday, July 6, 2015, counsel for PSU contacted counsel for

CPA to discuss and attempt to resolve the objections. In order to permit the parties time to confer, counsel agreed to extend the due date for written objections to July 7, 2015.

The negotiations were unsuccessful, and on July 7, 2015, CPA filed its objections to PSU Set II -- Nos. 4, 5, 6, 13, 14, 15 and 16, asserting that they are “overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.” (Objections p.3.) . (A copy of CPA’s objections is attached hereto as Exhibit B.)

CPA cites nothing beyond hypothetical generalities in support of its objections of overbreadth or undue burden. Such boilerplate is insufficient because the mere existence of some annoyance, embarrassment, oppression, burden or expense is not sufficient to limit or prohibit discovery.¹ The burden rests on the objecting party to show that the requested discovery will be unreasonably burdensome.² Having failed to state with requisite specificity and factual explanation as to how this request is burdensome, CPA’s objection on those grounds is ineffective.³ Since the deadline for submitting objections is past, CPA cannot cure this defect by adding facts in its Answer to this Motion.

CPA’s fundamental, underlying objection is that the subject of PSU’s discovery requests – CPA’s “decision to remove parts of the Snowshoe Lateral and the Company’s recent procurement of capacity from ... DTI ... exceeds the scope of the instant rate proceeding.” (Objections p.3.) Therefore, CPA argues, PSU must file a complaint opposing removal of the Snowshoe Lateral in order to obtain the requested discovery (thus conveniently shifting the burden of proof from CPA to PSU). CPA’s argument is specious, and its attempt to shield its troubling actions concerning the Snowshoe Lateral and the market for capacity in the State

¹ *Webber v. Campbell Soup Company*, 41 Pa. D&C.3d 229 1985 WL 5888 (C.C.P. 1985).

² *Id.*

³ *See Hilton v. Willought*, 13 Pa. D&C.3d 587, 1980 WL 892 (C.C.P. 1980).

College area should be rejected. CPA's action also ignores Section 523 of the Public Utility Code which states:

§ 523. Performance factor consideration.

(a) Considerations.--The commission shall consider, in addition to all other relevant evidence of record, the efficiency, effectiveness and adequacy of service of each utility when determining just and reasonable rates under this title. On the basis of the commission's consideration of such evidence, it shall give effect to this section by making such adjustments to specific components of the utility's claimed cost of service as it may determine to be proper and appropriate. Any adjustment made under this section shall be made on the basis of specific findings upon evidence of record, which findings shall be set forth explicitly, together with their underlying rationale, in the final order of the commission.

(b) Fixed utilities.--As part of its duties pursuant to subsection (a), the commission shall set forth criteria by which it will evaluate future fixed utility performance and in assessing the performance of a fixed utility pursuant to subsection (a), the commission shall consider specifically the following:

* * *

(7) Any other relevant and material evidence of efficiency, effectiveness and adequacy of service.

66 Pa. C.S. § 523(a), (b)(7).

The Commission's regulations permit the discovery of "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." 52 Pa. Code §5.321(c). This standard of relevance is broader and less restrictive than that required for admission of evidence at hearing. *Id.* ("It is not ground 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.") As explained below, each of the discovery requests at issue easily meets this permissive standard because they seek information relating to the just and

reasonableness of CPA's proposed rates—specifically, to whether an adjustment pursuant to Section 523 is necessary so that the rates are not unjust and unreasonable absent two adjustments:

... [A] reduction in rate base due to (a) the Snowshoe Lateral being taken out of service, (b) or for any claim for rate base or associated expenses for CPA replacing that lateral or (c) a reduction of operating and maintenance expenses associated with that line or replacement.

... [A] reduction of the overall rate of return based on Columbia favoring customers that obtain gas from Columbia over those customers that choose to transport gas provided by gas marketers, and for its apparent action or inaction in allowing the Snowshoe Lateral from Columbia Transmission, one of the three that feed the State College area, degrade to a point where Columbia now, as it announced by letter issued May 5, 2015, intends to permanently remove it from service.⁴

CPA has the burden of proving that its proposed rates are just and reasonable in this proceeding. Its actions and inactions concerning the removal of the Snowshoe Lateral and cornering of the market for DTI transmission to the State College area are clearly relevant to that issue. As a customer whose rates and service are directly affected by those actions and inactions, PSU is entitled to the discovery at issue.

II. CPA'S OBJECTIONS SHOULD BE DISMISSED AND CPA SHOULD BE COMPELLED TO SUBMIT FULL AND COMPLETE RESPONSES TO PSU'S DISCOVERY

A. PSU Set II, Numbers 4 and 5.

PSU II-4 and PSU II-5 request the following discovery:

4. Produce all internal analyses, correspondence, emails, and any other communication regarding the capacity that Columbia holds at the CPG point of delivery at Snowshoe.

⁴ PSU Statement No. 1 (Crist Direct) at 4.

5. Produce all external communications regarding the capacity that Columbia holds at the CPG point of delivery at Snowshoe.

CPA objects to these requests purportedly on the boilerplate grounds that they are “overbroad, unduly burdensome and irrelevant.” (Objections p.4.) They then propose extremely narrow revisions to the requests that would limit them to the “effect Columbia’s decision to remove from service part of the Snowshoe Lateral will have on capacity...” (*Id.*) CPA’s objections are ill-founded, and their proposed rewrite of PSU’s requests is unacceptable.

First, CPA cites nothing beyond hypothetical generalities to establish overbreadth or undue burden. As explained above, such boilerplate is insufficient because the mere existence of some annoyance, embarrassment, oppression, burden or expense is not sufficient to limit or prohibit discovery.⁵ The burden rests on the objecting party to show that the requested discovery will be unreasonably burdensome.⁶ Having failed to state with requisite specificity and factual explanation as to how this request is burdensome, CPA’s objection on those grounds is ineffective.⁷ Since the deadline for submitting objections is past, CPA cannot cure this defect by adding facts in its Answer to this Motion.

Second, the subject of the requests clearly falls within the scope of permissible discovery. As noted above, the Commission’s regulations permit the discovery of “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.... It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of

⁵ *Webber v. Campbell Soup Company*, 41 Pa. D&C.3d 229, 1985 WL 5888 (C.C.P. 1985).

⁶ *Id.*

⁷ *See Hilton v. Willought*, 13 Pa. D&C.3d 587, 1980 WL 892 (C.C.P. 1980).

admissible evidence.” 52 Pa. Code §5.321(c). Request numbers 4 and 5 as written are reasonably calculated to lead to the discovery of admissible evidence relating to PSU’s positions, quoted above, regarding the reasonableness of CPA’s rate base and rate of return. The requested communications are likely to reveal, among other things, the degree to which the Company and its customers viewed both the necessity and the quality of the Company’s service at the Snowshoe POD before the Company decided to take it and the Snowshoe Lateral out of service and corner the market on transmission to the DTI POD. CPA’s proposed revised requests would expressly exclude such communications. Obviously, to judge CPA’s dubious actions it is entirely legitimate to conduct discovery to see what CPA is walking away from or no longer using and how that relates to customer requirements including PSU’s.

CPA’s objections should be dismissed and CPA should be ordered to provide full and complete responses to this request. Alternatively, CPA should be compelled to provide documents created during the past ten (10) years, the same period that CPA has used in its requests for certain documents from PSU:

4. Produce all internal analyses, correspondence, emails, and any other communication during the past ten years regarding the capacity that Columbia holds at the CPG point of delivery at Snowshoe.

B. A. PSU Set II, Number 6.

PSU II-6 requests the following discovery:

6. Identify all Columbia personnel by name and job title that have been or will be involved in any aspect of receiving system supply gas from DTI or TETCO, and explain what each person’s role was, is or will be.

CPA again objects to PSU’s request on the boilerplate grounds that they are overbroad, unduly burdensome and irrelevant. (Objections p.5.) They then propose to limit the request to

CPA personnel that “have been involved in the procurement of additional capacity from DTI or TETCO in the State College market for the past three years.” (*Id.* at 6.) Again, CPA’s objections are ill-founded, and their proposed rewrite of PSU’s request is unacceptable.

CPA’s boilerplate objections of overbreadth and undue burden are insufficient for the reasons stated above. As stated, the mere existence of some annoyance, embarrassment, oppression, burden or expense is not sufficient to limit or prohibit discovery,⁸ and the burden rests on the objecting party to show that the requested discovery will be unreasonably burdensome.⁹ Having failed to state with requisite specificity and factual explanation as to how this request is burdensome, CPA’s objection on those grounds is again ineffective.¹⁰ Since the deadline for submitting objections is past, CPA cannot cure this defect by adding facts in its Answer to this Motion.

CPA’s relevance objection also fails. The subject of the requests clearly falls within the scope of permissible discovery. As noted above, the Commission’s regulations permit the discovery of “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.... It is not ground 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.” 52 Pa. Code §5.321(c). Clearly, those CPA employees involved in bringing system supply to the State College area via DTI and TETCO may reasonably be expected to have information regarding CPA’s past, current and planned practices that is relevant to CPA’s manipulation of capacity.

⁸ *Webber v. Campbell Soup Company*, 41 Pa. D&C.3d 229 1985 WL 5888 (C.C.P. 1985).

⁹ *Id.*

¹⁰ *See Hilton v. Willought*, 13 Pa. D&C.3d 587, 1980 WL 892 (C.C.P. 1980).

CPA's proposed modification of the discovery request is unduly narrow and, if adopted, would deprive PSU of legitimate, relevant discovery. First, PSU request should not be so limited to the past, as CPA attempts to do, but rather it should be required to identify who will be involved under the new scheme CPA undertook to increase use at DTI and TETCO for distribution and transportation of natural gas to customers. Second, how CPA is acting here for State College versus how it interacts with DTI and TETCO goes to whether there is discrimination or differing treatment at the State College region PODs versus others. Third, identification of these past and future individuals may cause or lead to the discovery of admissible evidence.

CPA's objections should be dismissed, and CPA should be compelled to provide the requested information. Alternatively, CPA should be compelled to provide the requested information during the past ten (10) years, the same period that CPA has used in its requests for certain documents from PSU:

6. Identify all Columbia personnel by name and job title that **during the past ten years** have been **involved** or will be involved in any aspect of receiving system supply gas from DTI or TETCO, and explain what each person's role was, is or will be.

C. PSU Set II, Numbers 13 and 14.

PSU II-13 and PSU-14 request the following discovery:

13. Produce all communications to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia's Snowshoe Lateral and decision to permanently remove it or parts of it from service.
14. Produce all communications to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia's acquisition of additional or new capacity from Dominion Transmission.

CPA objects to these requests on the ground that they would require discovery of privileged attorney-client communications but states that CPA would be willing to submit a “privileged log” identifying such privileged communications. (Objections at 7.) This is what PSU has suggested informally and is acceptable to PSU.

CPA also objects to request numbers 13 and 14 on the usual boilerplate grounds of overbreadth, undue burden and irrelevance. Once again, CPA’s objections are ill-founded, and their proposed rewrite of PSU’s requests is unacceptable.

Again, CPA’s boilerplate objections of overbreadth and undue burden are insufficient because the mere existence of some annoyance, embarrassment, oppression, burden or expense is not sufficient to limit or prohibit discovery.¹¹ The burden rests on CPA to show that the requested discovery will be unreasonably burdensome.¹² Having failed to do so, CPA’s objection on those grounds is again ineffective.¹³ Since the deadline for submitting objections is past, CPA cannot cure this defect by adding facts in its Answer to this Motion.

CPA’s relevance objection also fails because the subject of the requests clearly falls within the scope of permissible discovery. As noted above, the Commission’s regulations permit the discovery of “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.... It is not ground 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.” 52 Pa. Code §5.321(c).

¹¹ *Webber v. Campbell Soup Company*, 41 Pa. D&C.3d 229 1985 WL 5888 (C.C.P. 1985).

¹² *Id.*

¹³ *See Hilton v. Willought*, 13 Pa. D&C.3d 587, 1980 WL 892 (C.C.P. 1980).

Request numbers 13 and 14 of PSU Set II are a result of the surprising paucity of documents and communications produced by CPA in initial discovery relating to removal of the Snowshoe Lateral and preemptive buy-up of capacity from DTI in response to previous discovery requests. PSU is seeking discovery of communications that would shed light on the reason so few documents and communications were produced, in two ways. First, the response will establish the extent to which CPA has promulgated document retention/destruction policies and whether the volume of produced documents is consistent with those policies. Second, the response will produce any special instructions regarding the retention or destruction of documents relevant to PSU's claims in this matter.

As for CPA's complaint that the requests are "unduly burdensome," CPA's vague generalities are insufficient to excuse a company from providing discovery in a rate proceeding, and CPA's objection on these grounds should be dismissed. Alternatively, CPA should be compelled to provide the requested communications during the past ten (10) years, the same period that CPA has used in its requests for certain documents from PSU, and the privilege log language should be added: :

13. Produce all communications **during the past ten years** to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia's Snowshoe Lateral and decision to permanently remove it or parts of it from service. **If any document responsive to this request is withheld based on any claim of privilege or protection from discovery of any kind, with respect to each such document, set forth the following information: (i) the date of the document; (ii) its authors; (iii) all recipients of the document; (iv) the present location and custodian of the document; and (v) the basis of the claim of privilege or protection from discovery.**

14. Produce all communications during the past ten years to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia's acquisition of additional or new capacity from Dominion Transmission. If any document responsive to this request is withheld based on any claim of privilege or protection from discovery of any kind, with respect to each such document, set forth the following information: (i) the date of the document; (ii) its authors; (iii) all recipients of the document; (iv) the present location and custodian of the document; and (v) the basis of the claim of privilege or protection from discovery.

D. PSU Set II, Numbers 15 and 16.

PSU II-15 and PSU-16 request the following discovery:

15. Identify all documents, records and communications that were destroyed including the identity and name of who authorized such action, the date of the action, the type or nature of each documents, records and communications.
16. Identify each hard drive, server or other device, electronic storage, cloud storage, or other service, and telecommunications carrier Internet service provider or other service provider that may have a copy of the information contained in the destroyed documents, records and communications identified in response to the preceding request.

CPA objects to these requests on grounds of overbreadth and undue burden. These objections lack substance and are ineffective for the reasons stated above. Furthermore, these are standard and generally accepted discovery questions used in litigation involving records and communications requests. However, PSU is willing to clarify the nature of the materials requested and to limit these requests to documents destroyed during the past ten (10) years, the same period that CPA has used in its requests for certain documents from PSU:

15. Identify all documents, records and communications pertaining to (a) Columbia's Snowshoe Lateral and decision to permanently remove it or parts of it from service or (b) Columbia's acquisition of additional or

new capacity from Dominion Transmission that were destroyed during the past ten years including the identity and name of who authorized such action, the date of the action, the type or nature of each documents, records and communications.

16. Identify each hard drive, server or other device, electronic storage, cloud storage, or other service, and telecommunications carrier Internet service provider or other service provider that may have a copy of the information contained in the destroyed documents, records and communications identified in response to the preceding request.

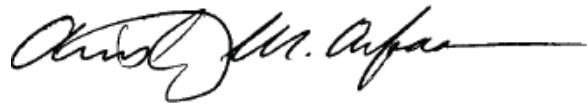
III. REQUEST FOR RELIEF

PSU requests that the Presiding Officer enter an Order:

1. Dismissing CPA's objections to PSU's Set II discovery requests;
2. Compelling CPA immediately to provide full and complete answers to PSU discovery requests Set II -- Nos. 4, 5, 6, 13, 14, 15 and 16; or, in the alternative, compelling CPA to provide full and complete answers to the modified requests set forth above; and

3. Granting such further relief as may be just and reasonable, including but not limited to sanctioning CPA for failure to answer such as preventing it from entering existing and future testimony on the subject.

Respectfully submitted,



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Counsel for The Pennsylvania State University

DATED: July 10, 2015

EXHIBIT A

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
v.	:	Docket No. R-2015-2468056
Columbia Gas of Pennsylvania, Inc.	:	
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Office of Consumer Advocate	:	
v.	:	Docket No. C-2015-2473682
Columbia Gas of Pennsylvania, Inc.	:	
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Office of Small Business Advocate	:	
v.	:	Docket No. C-2015-2477816
Columbia Gas of Pennsylvania, Inc.	:	
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Columbia Industrial Intervenors	:	
v.	:	Docket No. C-2015-2477120
Columbia Gas of Pennsylvania, Inc.	:	
-----	:	
Pennsylvania State University	:	
v.	:	Docket No. C-2015-2476623
Columbia Gas of Pennsylvania, Inc.	:	

**THE PENNSYLVANIA STATE UNIVERSITY’S INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS (SET II)
TO COLUMBIA GAS OF PENNSYLVANIA, INC.**

TO: Columbia Gas of Pennsylvania, Inc.

The Pennsylvania State University, by and through its counsel in this matter, Hawke McKeon & Sniscak LLP and pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) Regulations at 52 Pa. Code §§5.341 and 5.349 *et. seq.*, hereby propounds the following Interrogatories and Requests for Production of Documents (Set II) upon Columbia Gas

of Pennsylvania, Inc. ("Columbia Gas") and those individuals authorized to answer on Columbia Gas' behalf. Said answers are due within ten (10) days from the date of service.

Respectfully submitted,



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Counsel for The Pennsylvania State University

DATED: July 1, 2015

Instructions and Definitions

1. The term “document” means any written, printed, typed, or other graphic matter of any kind or nature, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found in the original, and includes, but is not limited to:
 - (a) all contracts, agreements, representations, warranties, certificates, opinions;
 - (b) all letters or other forms of correspondence or communication, including envelopes, notes, telegrams, cables, telex messages, messages (including reports, notes, notations, and memoranda of or relating to telephone conversations or conferences);
 - (c) all memoranda, reports, test results, financial statements or reports, notes, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, government records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical records, compilations;
 - (d) all desk calendars, appointment books, diaries;
 - (e) all books, articles, press releases, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, manuals;
 - (f) all minutes or transcripts of all meetings; and/or
 - (g) all photographs, microfilms, phonographs, tapes or other records, punch cards, magnetic tapes, print-outs, and other data compilations from which information can be obtained.
2. The term “communication” means not only oral communications but also any “documents” (as such term is defined in Paragraph 1 above), whether or not such document or the information contained therein was transmitted by its author to any other person.
3. When used in reference to a natural person, the terms “identify,” “identity,” or “identification” mean to provide the following information:
 - (a) the person’s full name;
 - (b) the person’s present or last-known business and residential addresses;
 - (c) the person’s present or last-known business affiliation; and
 - (d) the person’s present or last-known employment position (including job title and a description of job responsibilities).

4. When used with reference to any entity other than a natural person, the terms “identify,” “identity,” or “identification” mean to provide the following information:
 - (a) its full name;
 - (b) the address of its principal place of business;
 - (c) in the case of a corporation, the names of its directors and principal officers; and
 - (d) in the case of an entity other than a corporation, the identities of its partners or principals or all individuals who acted or authorized another to act on its behalf in connection with the matters referred to.

5. When used in reference to a document, the terms “identify,” “identity,” or “identification” mean to provide the following information:
 - (a) the nature of the document (e.g., letter, contract, memorandum) and any other information (i.e., its title, index, or file number) which would facilitate in the identification thereof;
 - (b) its date of preparation;
 - (c) its present location and the identity of its present custodian, or if its present location and custodian are not known, a description of its last known disposition;
 - (d) its subject matter and substance or, in lieu thereof, attach a legible copy of the document to the answers of those interrogatories;
 - (e) the identity of each person who performed any function or had any role in connection therewith (i.e., author, contributor of information, recipient, etc.) or who has any knowledge; and
 - (f) if the document has been destroyed or is otherwise no longer in existence or cannot be found, the reason why such document no longer exists, the identity of the people responsible for the document no longer being in existence and of its last custodian.

6. When used in connection with an oral communication, the terms “identify,” “identity,” and “identification” mean to provide the following information:
 - (a) the general nature (i.e., conference, telephone communication, etc.);
 - (b) the time and place of its occurrence;
 - (c) its subject matter and substance;
 - (d) the identity of each person who performed any function or had any role in connection therewith or who has any knowledge thereof, together with a description of each such person’s function, role, or knowledge; and
 - (e) the identity of each document which refers thereto or which was used, referred to, or prepared in the course or as a result thereof.

7. The terms “describe” and “description” mean:
 - (a) provide a descriptive statement or account thereof, including but not limited to the general nature of the subject and its time or location;
 - (b) identify each person who has any knowledge thereof;
 - (c) identify each document which refers thereto, or which was used, referred to, or prepared in the course of, or as a result thereof, and
 - (d) identify each oral communication which refers thereto, or which occurred in the course of or as a result thereof.
8. The term “basis” means set forth each item of information upon which the allegation, contention, claim, or demand referred to in the interrogatory is based.
9. The terms “relates to” or “thereto” or “relating to” means used or occurring or referred to in the preparation therefore, or in the course thereof, or as a consequence thereof, or referring thereto.
10. Answer by Reference to Documents: If any interrogatory is answered by reference to a document or group of documents, with respect to each such interrogatory answer, identify the specific document or documents containing the requested information.
11. The term “person” means all natural persons, corporations, partnerships, or other business associations, public authorities, municipal corporations, state governments, local governments, all governmental bodies, and all other legal entities.
12. Inability to Answer: If any interrogatory cannot be answered after the Company has conducted a reasonable investigation, state:
 - (a) the answer to the extent possible;
 - (b) what information cannot be provided; and
 - (c) what efforts were made to obtain the unknown information.

**INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

SET II

1. For each city gate (point of delivery) used to provide gas delivery or supply to customers located in Centre County during the past five years:
 - a. Identify the city gate by name and location;
 - b. Provide the monthly throughput volumes for the city gate, broken down between system supply gas and customer-owned gas, for the past five years;
 - c. Provide both the contracted capacity and the capacity actually used for each interstate pipeline transporting gas to the city gate for the past five years;
 - d. Provide the costs of the pipeline capacity used to transport gas to the city gate for the past five years; and
 - e. Produce all pipeline contracts for capacity to transport gas to the city gate for the past five years.
2. Identify all Columbia personnel by name and job title who were involved in the discontinuance of receiving gas for system supply at the Columbia Pipeline Group (CPG) point of delivery at Snowshoe, and explain what each person's role was with respect to the discontinuance.
3. Describe all uses other than receiving gas for system supply that Columbia has identified for the capacity that Columbia holds at the CPG point of delivery at Snowshoe.
4. Produce all internal analyses, correspondence, emails, and any other communication regarding the capacity that Columbia holds at the CPG point of delivery at Snowshoe.
5. Produce all external communications regarding the capacity that Columbia holds at the CPG point of delivery at Snowshoe.
6. Identify all Columbia personnel by name and job title that have been or will be involved in any aspect of receiving system supply gas from DTI or TETCO, and explain what each person's role was, is or will be.
7. Regarding the Snowshoe Lateral, provide the amount claimed for rate base and depreciation for the Snowshoe line D-10018, the Snowshoe POD and any other facilities that no longer will be used, and all associated O&M.
8. State whether Columbia claimed in its 2015 rate filing any revenue requirement to replace, maintain, or upgrade the Snowshoe Lateral, including but not limited to the POD, and, if so, provide a breakdown of such requirement by amount and account,

identify each item, and indicate and identify what amounts were for rate base, O&M, depreciation or any other revenue requirement for the Snowshoe Lateral.

9. Regarding the Snowshoe Lateral, describe what claim if any has been made or will be made in the future for early retirement of any such facilities.
10. Regarding the Snowshoe Lateral, for each part of the Snowshoe line D-10018 and associated facilities that will remain in service:
 - a. Describe the part, including its function, location and length;
 - b. State the number, rate schedule and gas volumes of the customers that will continue to be served by that part, and state the costs (including item and amount) that will be incurred by Columbia to serve such remaining customers.
11. Describe by amount and account all costs that will be incurred by Columbia to increase its distribution of gas from the Dominion Transmission line.
12. Describe and explain Columbia's retention and preservation policy for records and communications (including electronic).
13. Produce all communications to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia's Snowshoe Lateral and decision to permanently remove it or parts of it from service.
14. Produce all communications to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia's acquisition of additional or new capacity from Dominion Transmission.
15. Identify all documents, records and communications that were destroyed including the identity and name of who authorized such action, the date of the action, the type or nature of each documents, records and communications.
16. Identify each hard drive, server or other device, electronic storage, cloud storage, or other service, and telecommunications carrier Internet service provider or other service provider that may have a copy of the information contained in the destroyed documents, records and communications identified in response to the preceding request.
17. Provide the collection amounts of imbalance charges collected annually from Choice suppliers for the past three years.
18. Provide the forecast amount of imbalance charges collected from Choice suppliers used in the FPTY.
19. Provide the amount of gas and cost of that gas that Columbia provided to address imbalances of Choice suppliers, by year, for the past three years.

20. Provide the collection amounts of imbalance charges collected annually from non-Choice transportation customers for the past three years.
21. Provide the forecast amount of imbalance charges collected from non-Choice transportation customers used in the FFTY.
22. Provide the amount of gas and cost of that gas that Columbia provided to address imbalances of non-Choice transportation customers, by year, for the past three years.
23. Provide the forecast amount of gas and cost of that gas Columbia included in the FFTY to make up for imbalances for Choice suppliers.
24. Provide the forecast amount of gas and cost of that gas Columbia included in the FFTY to make up for imbalances for non-Choice transportation customers.
25. With respect to PSU 1-001(f) Attachment A, which was served on PSU with Columbia's revised response to PSU 1-001, provide an expanded version of the Attachment with the exact location of each closed or shut POD listed.

EXHIBIT B

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
	:	
v.	:	Docket No. R-2015- 2468056
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**OBJECTIONS OF COLUMBIA GAS OF PENNSYLVANIA, INC.
TO CERTAIN INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED BY
THE PENNSYLVANIA STATE UNIVERSITY (SET II)**

Columbia Gas of Pennsylvania, Inc. (“Columbia” or the “Company”) hereby files these Objections to certain Interrogatories and Requests for Production of Documents Propounded by The Pennsylvania State University (“PSU) Set II, pursuant to 52 Pa. Code § 5.342. Columbia and PSU held an informal discussion on July 6, 2015, in an attempt to resolve Columbia’s objections. PSU also agreed to extend the date for serving written objections to July 7, 2015. However, the informal discussion between Columbia and PSU failed to resolve Columbia’s objections to certain discovery requests in PSU Set II. Therefore, Columbia must file these objections to preserve its rights. As explained below, Columbia objects to certain discovery requests set forth in PSU Set II because they are overbroad, unduly burdensome, irrelevant to the issues raised in the above-captioned matter, and not reasonably calculated to lead to the discovery of admissible evidence in the above-captioned matter. In support thereof, Columbia states as follows:

I. INTRODUCTION

On June 3, 2015, PSU served its first set of discovery on Columbia (“PSU Set I”). PSU Set I contained a series of questions and requests pertaining to, among other things, information and communications concerning the Snowshoe Lateral and the capacity available for purchase in the State College market.

From June 15, 2015, to June 29, 2015, Columbia provided thousands of pages of documents in response to PSU Set I.

On July 1, 2015, PSU served Set II of its interrogatories and requests for production of documents on Columbia. Similar to PSU Set I, PSU Set II contains several questions and requests regarding the Snowshoe Lateral and the capacity in the State College market.

PSU Set II reveals PSU’s continued desire for a substantial, expansive amount of information that is outside the scope of this base rate proceeding. Even after Columbia provided voluminous responses to PSU’s first set of discovery, PSU has again propounded certain interrogatories seeking a broad range of information. At a time when Columbia’s witnesses are reviewing the direct testimony of other parties’ and preparing their rebuttal testimony, the Company’s witnesses are being asked to search through a substantial number of additional records in an effort to identify material to respond to PSU Set II within a 10-day timeframe. Nevertheless, Columbia has concluded that it can respond in a timely manner to most requests in PSU Set II. However, several of PSU’s discovery requests do not directly pertain to the issues it has raised in its direct testimony and are impractical given the narrow time constraints of a base rate proceeding.

PSU made the decision to raise its concerns regarding the Snowshoe Lateral in the context of this base rate proceeding rather than through a separate complaint. Given that a base rate case must be litigated within an extremely narrow timeframe, it is critically important that discovery be very focused. In light of the enormous scope of information that PSU has requested, as well as the compressed timeframes in a base rate proceeding, it is evident that the scope of PSU's desired investigation of the Company's decision to remove parts of the Snowshoe Lateral and the Company's recent procurement of capacity from Dominion Transmission, Inc. ("DTI") exceeds the scope of the instant base rate proceeding. While Columbia continues to question the scope and relevancy of certain of PSU's discovery, if PSU believes it needs broad discovery to investigate and present its concerns, then it should file a separate complaint to oppose removal of any portion of the Snowshoe Lateral.¹

Notwithstanding, as explained below, Columbia objects to certain discovery requests set forth in PSU Set II because they are overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

II. SPECIFIC OBJECTIONS

A. PSU Set II, Numbers 4 and 5

PSU Set II, Numbers 4 and 5 provide as follows:

¹ PSU appears to recognize that the scope of its desired examination does not fit within the nine-month timeframe of a base rate proceeding, as it proposes that the Commission institute a separate investigation of the Snowshoe Lateral replacement. However, there are due process issues associated with the Commission directing that an investigation be opened. *See Lyness v. Commonwealth*, 605 A.2d 1204 (Pa. 1992). This can be resolved by PSU filing its own complaint, and severing the Snowshoe Lateral issues from this proceeding. *See Pa. PUC v. Duquesne Light Co.*, Docket Nos. R-2013-2372129, *et al.*, at pp. 26-30 (Order Entered Apr. 23, 2014). However, PSU should not engage in piecemeal litigation.

4. Provide all internal analyses, correspondence, emails, and any other communication regarding the capacity that Columbia holds at the CPG point of delivery at Snowshoe.
5. Produce all external communications regarding the capacity that Columbia holds at the CPG point of delivery at Snowshoe.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). PSU Set II, Numbers 4 and 5 are overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

The scope of PSU Set II, Numbers 4 and 5 is entirely overbroad, unduly burdensome, and irrelevant. There is no limit as to timeframe or subject matter besides that it concerns capacity held at Snowshoe. These discovery requests would require Columbia to search all of its records regarding the capacity available at Snowshoe for as far back as the Company can. Therefore, as written, the requests would require Columbia to research and produce communications that in any way touch upon capacity that can be used at Snowshoe. Thus, it is evident that these discovery requests are overbroad, irrelevant, and impractical, particularly within the strict time limits of a base rate proceeding. Columbia would agree to respond to questions that are narrowed in focus as follows:

4. Produce all internal analyses, correspondence, emails and any other communication regarding the effect Columbia's decision to remove from service part of the Snowshoe Lateral will have on capacity which Columbia holds at the CPG point of delivery at Snowshoe.
5. Produce all external communications regarding the effect Columbia's decision to remove from service part of the

Snowshoe Lateral will have on capacity which Columbia holds at the CPG point of delivery at Snowshoe.

Based on the foregoing, Columbia objects to PSU Set II, Numbers 4 and 5, which are overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

B. PSU Set II, Number 6

PSU Set II, Number 6 provides as follows:

6. Identify all Columbia personnel by name and job title that have been or will be involved in any aspect of receiving system supply gas from DTI or TETCO, and explain what each person's role was, is or will be.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). PSU Set II, Number 6 is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

PSU Set II, Number 6 is overbroad, irrelevant, and unduly burdensome. PSU requests information about any personnel that “have been or will be involved in any aspect of receiving system supply gas from DTI or TETCO.” PSU’s interrogatory could pertain to a broad range of Columbia’s employees. This could include large numbers of operations employees who maintain facilities, operate SCADA systems, oversee scheduling and billing, or handle other matters that could be captured by the extremely broad term “any aspect.” Compiling such a list of current and past personnel and describing each person’s role regarding the receiving of system supply gas from DTI or TETCO would be an impractical and burdensome task. Columbia would have to determine for each of its over 600 employees whether he or she has ever had anything to

do with any aspect of system supply gas from the identified pipelines and whether the employee might do so in the future. The request also seeks the names of all identified employees. There is no relevant reason for such a request. Thus, PSU Set II, Number 6 is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Columbia would be willing to agree to respond to a question narrowed as follows:

6. Identify all Columbia personnel by name and job title that have been involved in the procurement of additional capacity from DTI or TETCO in the State College market for the past three years, and explain what each person's role was.

Based on the foregoing, Columbia objects to PSU Set II, Number 6, which is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

C. PSU Set II, Numbers 13 and 14

PSU Set II, Numbers 13 and 14 provide as follows:

13. Produce all communications to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia's Snowshoe Lateral and decision to permanently remove it or parts of it from service.

14. Produce all communications to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia's acquisition of additional or new capacity from Dominion Transmission.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c).

Columbia objects to PSU Set II, Numbers 13 and 14 to the extent that they seek any privileged communications. However, Columbia would be willing to provide a privileged log of such privileged communications.

Further, PSU Set II, Number 13 is overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. First, Columbia objects to PSU Set II, Number 13 to the extent the questions seeks communications pertaining generally to the Snowshoe Lateral because those communications are irrelevant. PSU has raised issues regarding the decision to remove parts of the Snowshoe Lateral from service. Therefore, any of the requested communications pertaining in general to the Snowshoe Lateral are not relevant to this proceeding. Moreover, there is no limit as to timeframe or subject matter besides that the communications concern record retention and preservation of documents pertaining to the Snowshoe Lateral. A request that Columbia research all communications going back over 50 years to determine if there were any communications regarding the retention and preservation of materials “pertaining to Columbia’s Snowshoe Lateral” is overly burdensome, particularly within the 10-day timeframe for responses to discovery. However, Columbia would be willing to agree to the following question:

13. Produce all non-privileged communications to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia’s decision to permanently remove Columbia’s Snowshoe Lateral or parts of it from service.

Likewise, PSU Set II, Number 14 is overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. PSU’s interrogatory is not limited to the issues it has raised in this proceeding regarding

Columbia's recent procurement of capacity from DTI. Instead, PSU Set II, Number 14 has no limit as to time, purpose, or geographic location of the acquisition of additional or new capacity from DTI. Therefore, it could be interpreted to include capacity acquired from DTI at any time in the past. Thus, similar to PSU Set II, Number 13, a request that Columbia research all communications going back many years to determine if there were any communications regarding the retention and preservation of materials pertaining to the acquisition of additional or new capacity from DTI is overly burdensome, particularly given the 10-day timeframe for responses to discovery. Consequently, PSU Set II, Number 14 is overbroad and irrelevant. Nonetheless, Columbia would be willing to agree to the following question:

14. Produce all non-privileged communications to Columbia personnel, agents, contractors or consultants regarding the retention and preservation of documents, records and communications pertaining to Columbia's recent acquisition of capacity from Dominion Transmission at the Pleasant Gap Point of Delivery.

Based on the foregoing, Columbia objects to PSU Set II, Numbers 13 and 14 to the extent that they seek privileged communications and because they are overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence, unless modified as detailed above.

D. PSU Set II, Numbers 15 and 16

PSU Set II, Numbers 15 and 16 provide as follows:

15. Identify all documents, records and communications that were destroyed including the identity and name of who authorized such action, the date of the action, the type or nature of each documents, records and communications.

16. Identify each hard drive, server or other device, electronic storage, cloud storage, or other service, and telecommunications carrier Internet service provider or

other service provider that may have a copy of the information contained in the destroyed documents, records and communications identified in response to the preceding request.

Pursuant to Section 5.321(c), a party may obtain discovery of any matter not privileged that is relevant to a pending proceeding and that is reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). PSU Set II, Numbers 15 and 16 are overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

PSU Set II, Numbers 15 and 16 are overbroad and unduly burdensome. No limit exists as to timeframe or subject matter. Accordingly, these interrogatories would require Columbia to gather the requested information on any documents that the Company had destroyed at any time in its history that pertained in any way to Columbia's Snowshoe Lateral or pertained to any past acquisitions of additional or new capacity from Dominion Transmission. Such a request would be unduly burdensome within the ten day discovery, as it would require Columbia to determine whether documents may have been destroyed long ago that in any way reference "Snowshoe Lateral" or "DTI capacity acquisitions," and is not reasonably calculated to lead to the discovery of admissible evidence. Columbia has a robust document retention policy and understands its duties to retain and provide material related to its recent decision to remove a part of that Lateral from service. Therefore, Columbia would be willing to provide a response to PSU Set II, Numbers 15 and 16 if PSU Set II, Number 15 were limited to documents pertaining to: (1) the decision to permanently remove Columbia's Snowshoe Lateral or parts of it from service; and (2) the recent capacity acquisition from DTI.

Based on the foregoing, Columbia objects to PSU Set II, Numbers 15 and 16, which are overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to admissible evidence, unless modified as explained above.

III. CONCLUSION

WHEREFORE, Columbia Gas of Pennsylvania, Inc. specifically objects to PSU Set II, Numbers 4-6 and 13-16 because they are overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery admissible evidence. Columbia Gas of Pennsylvania, Inc. reserves the right to object to future interrogatories, requests for admissions, and requests for production of documents including any instructions and definitions contained therein.

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CERTIFICATE OF SERVICE

Docket Nos. R-2015-2468056, C-2015-2473682,
C-2015-2477816; C-2015-2477120 and C-2015-2476623

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in the manner indicated below, and in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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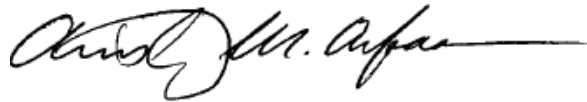
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