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District, Inc. and City of Reading*

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CENTRE PARK HISTORIC DISTRICT, :  
INC. :  
 :  
vs. : Docket No. C-2015-2516051  
 :  
UGI UTILITIES, INC. :

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CITY OF READING, :  
 :  
v. : Docket No. C-2016-2530475  
 :  
UGI UTILITIES, INC. :

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**COMPLAINANTS', CENTRE PARK HISTORIC DISTRICT, INC. AND CITY OF  
READING, MOTION TO COMPEL DISCOVERY RESPONSES**

**BEFORE ADMINISTRATIVE LAW JUDGE MARY D. LONG:**

Pursuant to 52 Pa.Code § 5.342(g), Centre Park Historic District, Inc. (“CPHD”) and the City of Reading (“City”) (collectively referred to as “Movants”), by and through their attorneys, Eastburn and Gray, P.C. and Michael J. Savona, Esquire, Michael E. Peters, Esquire, and

Zachary A. Sivertsen, Esquire, hereby file the following Motion to Compel the discovery responses of UGI Utilities, Inc. (“UGI”), and in support thereof aver as follows:

**I. BACKGROUND**

1. On August 17, 2016, Movants served their first set of Requests for Production of Documents and Interrogatories on UGI. True and correct copies of the discovery requests are attached hereto as Exhibit “A” (Interrogatories) and Exhibit “B” (Requests for Production”).

2. On August 29, 2016, UGI served Objections to Movants’ Requests for Production of Documents and Interrogatories.

3. UGI specifically objected to Movants’ Requests for Production of Documents Nos. 3, 5, 7, 10, 11, 15, 17, 19, 21, 23, 29 31 and 33. UGI objected to Movants’ Interrogatories Nos. 3, 5, 11, 12, 14, 16, 25, 26, 30, 34, and 36.

4. While the litigation schedule in this matter has been suspended pending adjudication of a Petition for Interlocutory Review filed by UGI on September 1, 2016, Complainants file this Motion to Compel to preserve their position pending resolution of the Petition.

5. The scope of discovery in proceedings before the Public Utility Commission is broad, permitting a party to 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 appears reasonably calculated to lead to the discovery of admissible evidence.

52 Pa.Code § 5.321(c).

6. Complainants' discovery requests included an instruction that the requests "should be understood to exclude material not discoverable as a result of the protections afforded by [the Chapter 5 PUC Regulations]." The discovery requests further provided that "[t]here is neither need nor basis for objecting to any such requests on the grounds that it is overbroad or not discoverable as a result of these regulations." [Movants' Interrogatories, Instruction No. 11; Movants' Requests for Production of Documents, Instruction No. 10.]

## **II. MOTION TO COMPEL RESPONSES TO INTERROGATORIES**

### **A. Interrogatory No. 3**

7. Movants incorporate paragraphs 1 through 6, *supra* as if fully set forth.

8. Interrogatory No. 3 sought:

Identify any and all individuals who have any knowledge of the facts and circumstances of the events referred to in the Formal Complaint, and/or Respondent UGI's Answer, or that otherwise have relevant information related to this litigation. For each individual listed, please provide their name, last known address, telephone number, place of employment, and/or professional background.

9. Interrogatory No. 3 requests information directly related to the Formal Complaint in this matter, and directly within the scope of 52 Pa.Code § 5.321(c). UGI's bald assertion that the request would cause an undue burden, without more, does not justify UGI's refusal to respond to Interrogatory No. 3.

10. UGI has no basis for withholding documents responsive to Interrogatory No. 3, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Interrogatory No. 3.

B. **Interrogatory No. 5**

11. Movants incorporate paragraphs 1 through 10, *supra*, as if fully set forth.

12. Interrogatory No. 5 sought:

5. Please provide a detailed list and description of the substance of any meetings, conversations, correspondence, telephone conversations, informal conversations, investigations and/or negotiations including dates, times, locations, individuals present and/or participating related to the facts and circumstances of the events referred to in the Formal Complaint and/or Answer. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the same.

13. Interrogatory No. 5 requests information directly related to the Formal Complaint in this matter, and directly within the scope of 52 Pa.Code § 5.321(c). UGI's bald assertion that the request would cause unnecessary expense, without more, does not justify UGI's refusal to respond to Interrogatory No. 5.

14. UGI's assertion that Interrogatory No. 5 seeks privileged and confidential information is incorrect. Privileged and confidential information was specifically excluded from Movants' Interrogatories pursuant to Instruction No. 11 contained therein.

15. UGI has no basis for withholding documents responsive to Interrogatory No. 5, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Interrogatory No. 5.

C. **Interrogatory Nos. 11 and 12**

16. Movants incorporate paragraphs 1 through 15, *supra*, as if fully set forth.

17. Interrogatory Nos. 11 and 12 sought:

11. Identify the total number of permit applications submitted by UGI to the City related to the “betterment projects” UGI alleges it has performed, is performing, or intends to perform to comply with amended Section 59.18 of the PUC’s regulations, and state specifically the nature of each permit application, the date such permits were applied for, whether such applications were granted or denied, and, if denied, the date of such denial. Please also consider this a request to produce all such applications and any documents, notes, memoranda, correspondence, writings, etc. related to the same.

12. Identify the total number of permits issued to UGI by the City related to the “betterment projects” UGI alleges it has performed, is performing, or intends to perform to comply with amended Section 59.18 of the PUC’s regulations, and state specifically the date such permits were applied for, the date such permits were issued, and the nature of each permit. Please also consider this a request to produce all such permits and any documents, notes, memoranda, correspondence, writings, etc. related to the same. Please also consider this a request to produce such citations/notices and any documents, notes, memoranda, correspondence, writings, etc. related to the same.

18. In its Answer, UGI asserts that it is performing “betterment projects in the City of Reading to comply with the amended Section 59.18.” [Answer of UGI, p. 3.]

19. Information regarding permit applications and issued permits relating to these betterment projects is uniquely within the possession of UGI. While the City has information regarding *all* permit applications by, and permits issued to, UGI, only UGI has information relating to whether each permit was related to its betterment projects or, *e.g.*, other routine maintenance, emergencies, or new service installs.

20. Furthermore, to the extent UGI has subcontracted work relating to the betterment projects, the permit applications and/or permits issued would be in the name of the subcontractor, and not UGI. Again, information relating to the subcontractors utilized by UGI in its betterment project is uniquely within the possession of UGI.

21. UGI has no basis to withhold information responsive to Interrogatories Nos. 11 and 12, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Interrogatory Nos. 11 and 12.

D. **Interrogatory No. 14**

22. Movants incorporate paragraphs 1 through 21, *supra*, as if fully set forth.

23. Interrogatory No. 14 sought:

14. Identify all individuals and entities that UGI met with regarding gas meter replacements/relocations in the City, and state specifically the date of each such meeting and the individuals that attended. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the same.

24. In its Objection to Interrogatory No. 14, UGI acknowledges that it has met with a “substantial amount of individuals” regarding the information sought in Interrogatory No. 14, “including residents, UGI’s customers, Commission employees, and City employees.” [UGI’s Objections to Interrogatories, ¶ 19.]

25. This information is discoverable pursuant to 52 Pa.Code 5.321(c), which permits discovery regarding the “identity and location of persons having knowledge of a discoverable matter”.

26. Persons that UGI has met with regarding its meter replacements/relocations within the City, which form the basis of Movants' Complaint, are persons with knowledge of discoverable material.

27. UGI's assertion that identifying the alleged "substantial amount of individuals" is unduly burdensome, without more, does not justify UGI's refusal to respond to Interrogatory No. 14. In fact, to the extent UGI was having a "substantial amount" of meetings regarding meter relocations and replacements in the City, the City has the right, under the PUC's discovery rules, to know the identity of those individuals involved in the meetings.

28. UGI has no basis for withholding information responsive to Interrogatory No. 14, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Interrogatory No. 14.

E. **Interrogatory No. 16 and 30**

29. Movants incorporate paragraphs 1 through 28, *supra*, as if fully set forth.

30. Interrogatory Nos. 16 and 30 sought:

16. Identify all City officials/employees UGI communicated with regarding City of Reading Ordinance No. 45-2015, and state specifically the date such communications occurred, and the nature of such communications. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the same.

30. Describe in detail any communications you have had with the PUC in connection with Reading Ordinance 45-2015, including whether UGI is required to comply with Reading Ordinance 45-2015, and UGI's efforts to comply with Reading Ordinance 45-2015. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the same.

31. The City's historic districts are directly at issue in this matter, which will involve, *inter alia*, a determination by the Administrative Law Judge regarding whether UGI has complied with Section 59.18 of the PUC's regulations, containing specific regulations for the installation of meters in locally or nationally designated historic districts.

32. City of Reading Ordinance No. 45-2015 relates to the City's Historic Districts and the City's review process over activity in its Historic Districts. UGI's communications regarding City of Reading Ordinance No. 45-2015, including its intent to attempt to comply with Ordinance No. 45-2015, or outright ignore Ordinance No. 45-2015, including any responses or direction from the PUC regarding the same, constitute discoverable material in this matter.

33. Furthermore, UGI's bare assertion that it will incur unnecessary expense in responding, without more, is insufficient to justify UGI's refusal to respond to Interrogatory No.

24. UGI does not allege that communications between it and the City or the PUC are voluminous or would otherwise require an unreasonable investigation.

34. UGI has no basis for withholding information responsive to Interrogatory Nos. 16 and 30, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Interrogatory Nos. 16 and 30.

F. **Interrogatory Nos. 25 and 26**

35. Movants incorporate paragraphs 1 through 34, *supra*, as if fully set forth.

36. Interrogatory Nos. 25 and 26 sought:

25. Describe in detail any interactions and/or communications you have had with Complainant City in connection with the facts and circumstances of the events described in the Formal Complaint, and/or UGI's Answer, including, but not limited to, identification of the persons involved



in such communications, the date of such communications, and the substance of such communications. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the same.

26. Describe in detail any interactions and/or communications you have had with Complainant City in connection with UGI's analysis of whether gas meters in historic districts must be located on the interior of buildings in order to comply with Section 59.18 of the PUC's regulations. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the same.

37. UGI's only objection to Interrogatory Nos. 25 and 26 is that the requests are overly broad and unduly burdensome. UGI does not assert that its interactions or communications with the City were numerous, or that compiling the information sought would be unreasonable. Without more, UGI is without justification to withhold the information sought in Interrogatory Nos. 25 and 26.

38. UGI has no basis for withholding information responsive to Interrogatory Nos. 25 and 26, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Interrogatory Nos. 25 and 26.

G. **Interrogatory No. 34**

39. Movants incorporate paragraphs 1 through 38, *supra*, as if fully set forth.

40. Interrogatory No. 34 sought:

34. Describe in detail the procedure UGI followed in formulating, drafting, and adopting the Meter and Regulator Placement Guidelines, including, but not limited to, identifying all individuals who participated in the drafting and editing of the guidelines, and the information used to produce the guidelines. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the

same, including, but not limited to, the final adopted version of the Meter and Regulator Placement Guidelines and all drafts.

41. In objecting to Interrogatory No. 34, UGI relies on 52 Pa.Code § 5.323(a), which (with respect to a representative of a party other than the party's attorney) prohibits discovery of:

...disclosure of his mental impressions, conclusions or opinions respecting the value or a merit of a claim or defense, or respecting strategy, tactics or preliminary or draft versions of written testimony or exhibits, whether or not final versions of the testimony or exhibits will be offered into evidence.

52 Pa.Code § 5.323(a)

42. UGI asserts that Section 5.323(a) prohibits the taking of discovery on UGI's Meter and Regulator Replacement Guidelines, and specifically drafts of those Guidelines.

43. Section 5.323, titled *Hearing preparation material*, prohibits only draft versions of written testimony or exhibits, *prepared for the hearing*.

44. UGI's Meter and Regulator Placement Guidelines, as amended during these proceedings, are currently in effect. The Guidelines were not prepared for the hearing in this matter, nor were they prepared for use as an exhibit. Instead, UGI has amended the Meter and Regulator Placement Guidelines it utilizes throughout the Commonwealth.

45. UGI's reliance on Section 5.323(a) in refusing to produce drafts of the Guidelines is specious at best, and wholly without merit.

46. UGI has no basis for withholding information responsive to Interrogatory No. 34, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Interrogatory No. 34.

H. **Interrogatory No. 36**

47. Movants incorporate paragraphs 1 through 46, *supra*, as if fully set forth.

48. Interrogatory No. 36 sought:

36. Identify, if not identified in response to prior interrogatories, each and every document, photograph, motion picture, video recording, map, plan, diagram or model in your possession relating to the subject matter of this lawsuit including but not limited to the claims and defenses as set forth in the Formal Complaint, and/or UGI's Answer, and please consider this a request to produce the same.

49. Interrogatory No. 36 is directly within the scope of Section 5.321(c) of the PUC Regulations.

50. UGI's objection to Interrogatory No. 36 on the basis that it seeks discovery prohibited by Section 5.323(a), and specifically discovery regarding UGI's conclusions or opinions regarding the value or merit of this matter, ignores the limiting instruction contained in Movants' Interrogatories at Instruction No. 11. Movants' Interrogatories specifically excluded information not discoverable under Chapter 5 of the PUC's Regulations.

51. UGI's objection based on the bald allegation that Interrogatory No. 36 is unduly burdensome is, without more, insufficient to justify UGI's refusal to respond.

52. UGI has no basis for withholding information responsive to Interrogatory No. 36, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Interrogatory No. 36.

**III. MOTION TO COMPEL RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

**A. REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3**

53. Movants incorporate paragraphs 1 through 52, *supra*, as if fully set forth.

54. Request for Production of Documents No. 3 sought:

3. All documents of any kind or nature, including, but not limited to, customer lists, spreadsheets, analyses, maps or reports identifying, or otherwise relating to, Plaintiff's customers within the City of Reading.

55. UGI objects to Request for Production of Documents No. 3 on the basis that it seeks confidential information and/or information unrelated to this matter.

56. UGI's objections ignore Instruction No. 10 of UGI's Requests for Production of Documents, which excluded from the requests confidential information or information otherwise not discoverable pursuant to Chapter 5 of the PUC's Regulations.

57. UGI's bare assertion that responding to the request will be unduly burdensome, without more, is insufficient to justify its refusal to respond to Request for Production of Documents No. 3.

58. UGI has no basis for withholding documents responsive to Request for Production of Documents No. 3, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Request for Production of Documents No. 3.

**B. REQUEST FOR PRODUCTION OF DOCUMENTS NOS. 5 AND 31**

59. Movants incorporate paragraphs 1 through 58, *supra*, as if fully set forth.

60. Request for Production of Documents Nos. 5 and 13 sought:

5. All reports, including drafts, of all expert witnesses who will testify on behalf of Respondent at trial.

31. The final adopted Meter and Regulator Placement Guidelines and all drafts created prior to adoption.

61. UGI's Objection relates exclusively to its Meter and Regulator Placement Guidelines, and specifically producing drafts of same.

62. In support of its Motion to Compel Request for Production of Documents Nos. 5 and 31, the City incorporates paragraphs 41 through 46, *supra*.

63. UGI has no basis for withholding documents responsive to Request for Production of Documents Nos. 5 and 31, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Request for Production of Documents Nos. 5 and 31.

C. **REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7**

64. Movants incorporate paragraphs 1 through 63, *supra*, as if fully set forth.

65. Request for Production of Documents No. 7 sought:

All notes, reports, or other documents that were prepared during, or as a result of, any investigation conducted in relation to the Formal Complaint and/or Answer.

66. UGI objects to Request for Production of Documents No. 7 to the extent it seeks information not discoverable pursuant to 52 Pa.Code § 5.323(a).

67. Request for production of Documents No. 7 does not seek information not discoverable pursuant to 52 Pa.Code § 5.323(a). Instruction No. 10 specifically excludes documents not discoverable by 52 Pa.Code § 5.323(a).

68. UGI has no basis for withholding documents responsive to Request for Production of Documents No. 7, and should be compelled to respond.

WHEREFORE, Movants respectfully requests that the Administrative Law Judge compel UGI to respond to Request for Production of Documents No. 7.

D. **REQUESTS FOR PRODUCTION OF DOCUMENTS NOS. 10 AND 11**

69. Movants incorporate paragraphs 1 through 68, *supra*, as if fully set forth.

70. Requests for Production of Documents Nos. 10 and 11 sought:

10. All permit applications submitted by UGI to the City related to the "betterment projects" UGI alleges it has performed, is performing, or intends to perform to comply with amended Section 59.18 of the PUC's regulations, and any documents, notes, memoranda, correspondence, writings, etc. related to the same.

11. All permits issued to UGI by the City related to the "betterment projects" UGI alleges it has performed, is performing, or intends to perform to comply with amended Section 59.18 of the PUC's regulations, and any documents, notes, memoranda, correspondence, writings, etc. related to the same.

71. In support of its Motion to Compel Requests for Production of Documents Nos. 10 and 11, Movants incorporate paragraphs 18 through 20, *supra*.

72. UGI has no basis for withholding documents responsive to Requests for Production of Documents Nos. 10 and 11, and should be compelled to respond.

WHEREFORE, Movants respectfully requests that the Administrative Law Judge compel UGI to respond to Request for Production of Documents Nos. 10 and 11.

E. **REQUEST FOR PRODUCTION OF DOCUMENTS NOS. 15, 19, 21, 23, 25, 26, AND 29**

73. Movants incorporate paragraphs 1 through 72, *supra*, as if fully set forth.

74. Request for Production of Documents Nos. 15, 19, 21, 23, 25, 26, and 29 sought:

15. All documents, notes, memoranda, correspondence, writings, etc. related to communications with City officials and/or employees regarding City of Reading Ordinance No. 45-2015.

19. All documents, notes, memoranda, correspondence, writings, etc. related to communications with PUC officials and/or employees regarding City of Reading Ordinance No. 45-2015.

21. All documents, notes, memoranda, correspondence, writings, etc. related to communications with PUC officials and/or employees regarding whether UGI is required to comply with the City's historic district regulations, including Reading Ordinance No. 45-2015.

23. All documents, notes, memoranda, correspondence, writings, etc. related to communications with City officials and/or employees regarding whether UGI is required to comply with the City's historic district regulations including Reading Ordinance 45-2015.

25. All internal policies/guidelines for the location/relocation of gas meters in the City's historic districts, including, but not limited to, policies/guidelines requiring consideration of the effect of exterior location of gas meters in the City's historic districts, the consideration of interior meter placements in the City's historic districts, or compliance with the City's historic district regulations, including Reading Ordinance No. 45-2015.

26. All internal communications within UGI, not protected by privilege, related to the location/relocation of gas meters in the City's historic districts, including, but not limited to, policies/guidelines requiring consideration of the effect of exterior location of gas meters in the City's historic districts, the consideration of interior meter placements in the City's historic districts, or compliance with the City's historic district regulations, including Reading Ordinance No. 45-2015.

29. All internal communications within UGI, not protected by privilege, related to amended Section 59.18 of the PUC's regulations, the relocation of gas meters from inside

locations to outside locations, the relocation of gas meters within the City, the enactment of City of Reading Ordinance No. 45-2015, and the PUC's requirement to replace all existing facilities by September 13, 2034.

75. In support of its Motion to Compel Requests for Production of Documents Nos. 15, 19, 21, 23, 25, 26 and 29, Movants incorporate paragraphs 31 through 33, *supra*.

76. UGI has no basis for withholding documents responsive to Requests for Production of Documents Nos. 15, 19, 21, 23, 25, 26 and 29, and should be compelled to respond.

WHEREFORE, the City respectfully requests that the Administrative Law Judge compel UGI to respond to Request for Production of Documents Nos. 15, 19, 21, 23, 25, 26 and 29.

F. **REQUEST FOR PRODUCTION OF DOCUMENTS NO. 17**

77. Movants incorporate paragraphs 1 through 76, *supra*, as if fully set forth.

78. Request for Production of Documents No. 17 sought:

17. All documents, notes, memoranda, correspondence, writings, etc. related to communications with City residents or entities operating within the City that have complained to or communicated with UGI regarding the "betterment projects" UGI alleges it has performed, is performing, or intends to perform to comply with amended Section 59.18 of the PUC's regulations.

79. UGI's objections on the basis of confidentiality and/or privilege are, as explained throughout this Motion to Compel, meritless in light of Instruction No. 10.

80. UGI's remaining objection to Request for Production of Document No. 17 is limited to arguing that the Request is unduly burdensome, without substantiating the claim. UGI's bald assertion, without more, does not justify its refusal to respond to Request for Production of Documents No. 17.



81. The documents sought in Request for Production of Documents No. 17 fall directly within the scope of 52 Pa.Code 5.321(c).

82. UGI has no basis for withholding documents responsive to Request for Production of Documents No. 17, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Request for Production of Documents No. 17.

G. **REQUEST FOR PRODUCTION OF DOCUMENTS NO. 33**

83. Movants incorporate paragraphs 1 through 82, *supra*, as if fully set forth.

84. Request for Production of Documents No. 33 sought:

33. Provide any and all other documents not subject to one of the above requests which is in your possession and which you contend is "relevant to the subject matter involved in the pending action" as that phrase is used in 52 Pa. Code § 5.321.

85. UGI's objection to Request for Production of Documents No. 33 on the basis that it seeks documents not discoverable pursuant to 52 Pa.Code § 5.323(a) is addressed by Instruction No. 10 of the Requests.

86. UGI's remaining objection to Request for Production of Document No. 33 is limited to arguing that the Request is unduly burdensome, without substantiating the claim. UGI's bald assertion, without more, does not justify its refusal to respond to Request for Production of Documents No. 33.

87. The documents sought in Request for Production of Documents No. 33 fall directly within the scope of 52 Pa.Code 5.321(c).

88. UGI has no basis for withholding documents responsive to Request for Production of Documents No. 33, and should be compelled to respond.

WHEREFORE, Movants respectfully request that the Administrative Law Judge compel UGI to respond to Request for Production of Documents No. 33.

**EASTBURN AND GRAY, P.C.**

/s/ Michael E. Peters

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Dated: September 8, 2016

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 Historic District, Inc.*

**BEFORE THE  
 PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CENTRE PARK HISTORIC DISTRICT, INC. :  
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 UGI UTILITIES, INC. :

City of Reading, :  
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 v. : Docket No. C-2016-2530475  
 :  
 UGI Utilities, Inc. :

**CERTIFICATE OF SERVICE**

It is hereby certified that on September 8, 2016, Michael E. Peters, Esquire served, by electronic mail a true and correct copy of the foregoing Motion to Compel on the following:

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EASTBURN AND GRAY, P.C.

/s/ Michael E. Peters

By:

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