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September 13, 2016

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Centre Park Historic District v. UGI Utilities, Inc.
Docket No. C-2015-2516051**

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

Dear Secretary Chiavetta:

Enclosed for filing please find the Answer of UGI Utilities, Inc. to the Complainants' Motion to Compel Discovery Responses, in the above-referenced proceedings. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DR', is written over a horizontal line. Below the signature, the name 'Devin Ryan' is printed in a standard font.

Devin Ryan

DTR/jl
Enclosures

cc: Honorable Mary D. Long
Certificate of Service

CERTIFICATE OF SERVICE
(Docket Nos. C-2015-2516051 and C-2016-2530475)


I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL & FIRST CLASS MAIL

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Date: September 13, 2016


Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	
	:	
v.	:	Docket No. C-2015-2516051
	:	
UGI Utilities, Inc.	:	
	:	
City of Reading	:	
	:	
v.	:	Docket No. C-2016-2530475
	:	
UGI Utilities, Inc.	:	

**ANSWER OF UGI UTILITIES, INC.
TO THE COMPLAINANTS'
MOTION TO COMPEL DISCOVERY RESPONSES**

TO ADMINISTRATIVE LAW JUDGE MARY D. LONG:

Pursuant to 52 Pa. Code § 5.342(g)(1), UGI Utilities, Inc. (“UGI” or the “Company”) hereby files this Answer to Centre Park Historic District (“CPHD”) and the City of Reading’s (“City”) (collectively, “Complainants”) Motion to Compel Discovery Responses. In support of its Answer, UGI states as follows:

I. INTRODUCTION

1. On August 17, 2016, the Complainants served their first sets of Interrogatories and Requests for Production of Documents on UGI. True and correct copies of the Complainants’ discovery are attached as **Appendix A** and **Appendix B**, respectively.

2. On August 29, 2016, UGI served its Objections to the Complainants’ first sets of discovery. Specifically, UGI objected to Interrogatories 3, 5, 11, 12, 14, 16, 25, 26, 30, 34, and 36 and Requests for Production of Documents 3, 5, 7, 10, 11, 15, 17, 19, 21, 23, 29, 31, and 33.

True and correct copies of UGI's Objections are attached as **Appendix C** and **Appendix D**, respectively.

3. On August 31, 2016, counsel for UGI left a voicemail for the Complainants' counsel to discuss the outstanding discovery disputes and the possibility of entering into a stipulation intended to facilitate the resolution of the outstanding discovery disputes, as well as minimize the discovery needed and reduce the volume of data produced in response to discovery in this proceeding.

4. On September 2, 2016, Administrative Law Judge Mary D. Long (the "ALJ") issued the Fourth Prehearing Order, which suspended the litigation schedule.

5. On September 6, 2016, counsel for UGI again left a voicemail for the Complainants' counsel to discuss the status of UGI's responses to the Complainants' discovery.

6. To date, counsel for the Complainants has not returned these calls.

7. On September 8, 2016, the Complainants filed a Motion to Compel Discovery Responses. Although the litigation schedule has been suspended, the Complainants filed the Motion to preserve their rights.¹

8. Prior to filing the Motion, counsel for the Complainants did not contact UGI's counsel to discuss informally resolving the Company's objections to discovery, as required by the ALJ's Third Prehearing Order, which states in bold lettering: "**All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.**" Third Prehearing Order, Ordering Paragraph 1 (July 15, 2016) (emphasis in original).

¹ Likewise, UGI is filing this Answer to the Motion to Compel Discovery Responses to preserve its rights while the litigation schedule is suspended.

9. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. *Id.*

10. As noted by the Superior Court of Pennsylvania, “While discovery should be liberally allowed, ‘fishing expeditions’ are not to be countenanced under the guise of discovery.” *Land v. State Farm Mutual Ins. Co.*, 600 A.2d 605, 608 (Pa. Super. 1991) (emphasis added).

11. “[T]he standard for discovery is relevance, not curiosity.” *Pa. PUC v. Pennsylvania-American Water Co.*, Docket Nos. R-2011-2232243, *et al.*, at p. 22 (July 21, 2011) (Order on Motion to Compel).

12. For the reasons stated in more detail below, UGI respectfully requests that the ALJ grant the Company’s objections and deny the Complainants’ Motion to Compel.

II. THE COMPLAINANTS’ MOTION TO COMPEL RESPONSES TO INTERROGATORIES SHOULD BE DENIED

A. CITY INTERROGATORY 3

13. UGI incorporates Paragraphs 1 through 12 as if fully set forth herein.

14. City’s Set I of Interrogatories, Question 3 requests the following:

3. 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.

15. UGI objected to this interrogatory on the grounds that the scope of the request is overly broad and unduly burdensome.

16. As explained in the Company’s objection, the scope of this request is unclear and is not reasonably limited in scope. The issues raised in the City’s Complaint are wide-reaching

and, based on recent discussions with the Complainants' counsel, likely will involve thousands of meter locations throughout the City. Therefore, asking for "any and all individuals who have any knowledge of the facts and circumstances of the events referred to in the Formal Complaint" would include thousands of people, including UGI employees, UGI contractors and subcontractors, City employees and personnel, Commission employees and personnel, thousands of individual residents/customers within the City, and individuals that were witnesses and responders to the vehicle strikes referenced in the Formal Complaint.

17. Moreover, the City has yet to identify the exact meter locations at issue in this proceeding and how each of those meter locations violates the Commission's existing regulations, despite being asked to do so in discovery. To answer this interrogatory, UGI would have to guess which of the thousands of meter locations are at issue and compile a list of all persons with "any knowledge of the facts and circumstances" of those meter locations.

18. In addition, to the extent it was reasonably possible, it would be extremely burdensome for UGI to identify all of these individuals and provide for each person his or her "name, last known address, telephone number, place of employment, and/or professional background." As a result, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Thus, this interrogatory is overly broad and unduly burdensome.

19. Based on the foregoing, UGI respectfully requests that the ALJ grant the Company's objections to the City Interrogatory No. 3 and deny the Complainants' Motion to Compel.

B. CITY INTERROGATORY 5

20. UGI incorporates Paragraphs 1 through 19 as if fully set forth herein.

21. City's Set I of Interrogatories, Question 5 requests the following:

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.

22. UGI objected to this interrogatory on the grounds that it is overly broad and unduly burdensome.

23. The Company explained that it has had a substantial amount of meetings and conversations regarding the facts and events referred to in the Complaint and/or Answer. UGI has been performing the “betterment projects” in the City since September 2014. During that time, and in months leading up to the projects, the Company has engaged in conversations with numerous people, including the hundreds of customers whose meters were replaced or relocated, UGI employees, UGI contractors and subcontractors, City employees and personnel, Commission employees and personnel, and newspaper reporters.

24. It is unreasonable and would be extremely burdensome for UGI to “provide a detailed list and description” of every telephone call, in-person discussion, email, letter, etc. “including dates, times, locations, individuals present and/or participating” that relates to the facts in the City’s Complaint.

25. Furthermore, the City was a party to many of these “meetings, conversations, correspondence, telephone conversations, information conversations, investigations and/or negotiations,” and, therefore, already has knowledge of what transpired. Consequently, UGI

would have to incur unnecessary expenses to provide information that is already in the City's possession.²

26. For these reasons, UGI respectfully requests that the ALJ grant the Company's objections to City Interrogatory No. 5 and deny the Complainants' Motion to Compel.

C. CITY INTERROGATORIES 11 AND 12

27. UGI incorporates Paragraphs 1 through 26 as if fully set forth herein.

28. City's Set I of Interrogatories, Questions 11 and 12 request the following:

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.

29. UGI objected on the grounds that the discovery requests are unduly burdensome to the extent that the City is seeking information that is already in its possession.

² Moreover, the Company objected to the extent that the City seeks information about "negotiations" with customers who filed complaints with the Commission, because such information was generated in the context of settlement discussions and, therefore, is privileged and confidential. UGI acknowledges the Complainants' statement that such materials are excluded from this interrogatory. (Motion to Compel ¶ 14)

30. All of the permits and permit applications were submitted to the City and either approved or denied by the City. Therefore, the Company would have to incur unnecessary expenses to produce copies of all such permits and applications, identify the number of permits and applications, state the nature of each permit and application (which is already set forth on the application), the date that each permit was applied for and issued, whether the permit was granted or denied, and if denied, the date of the denial. Because this information is already in the City's possession, UGI submits that this discovery request is nothing more than an effort by the Complainants to harass UGI with unduly burdensome and unnecessary discovery requests.

31. In the Motion, the Complainants claim that the information they seek "is uniquely within the possession of UGI" because "only UGI has information relating to whether each permit was related to its betterment projects" (Motion to Compel ¶ 19) However, as the Company already explained, the nature of each permit and application is already set forth in the application. Indeed, the City attached several permits and permit applications to its Complaint and has provided copies of permits and permit applications in discovery that are "related to the betterment projects." More importantly, the City declared in its Complaint that it issued 423 permits to UGI from September 2014 to January 2016 and "confirmed that 398 involved the replacement of gas meters." (City Complaint ¶¶ 47-48) Therefore, the City has already conceded that this information is not uniquely in UGI's possession and that the Complainants can identify which permits and applications relate to UGI's betterment projects.

32. Moreover, the City's claim that some permits and applications would be in the name of the subcontractor mischaracterizes the interrogatories. (*See* Motion to Compel ¶ 20) The City has requested the "permit applications submitted by UGI to the City" and the "permits issued to UGI by the City," not UGI's subcontractors' permits and applications. To the extent

that the City wanted UGI to identify and provide those permits and applications, the City should have stated that in its discovery requests.

33. Based on the foregoing, UGI respectfully requests that the ALJ grant the Company's objections to City Interrogatories No. 11 and 12 and deny the Complainants' Motion to Compel.

D. CITY INTERROGATORY 14

34. UGI incorporates Paragraphs 1 through 33 as if fully set forth herein.

35. City's Set I of Interrogatories, Question 14 requests the following:

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.

36. UGI objected to this interrogatory on the grounds that it is overly broad and unduly burdensome.

37. As explained in its objection, the Company has met with a substantial number of individuals regarding the meter replacements and relocations in the City. These individuals include hundreds of customers whose meters were replaced or relocated, many other residents in the City, UGI employees, UGI contractors and subcontractors, Commission employees and personnel, and City employees and personnel. Under the City's discovery instructions, UGI is being asked to provide the following for each of those individuals: "full name, present home address, e-mail address, home and business telephone number, present business address, present position, business affiliation, job description and relationship to the Respondent, and his or her job position, business affiliation, job description, and relationship to the Respondent at the time of the events at issue in this complaint."

38. It would be take an immense amount of time and resources to compile a complete list identifying all such individuals and entities and the date of each meeting and providing all of the requested information. Moreover, as explained previously, the City has yet to identify the precise meter locations at issue, despite being asked to do so in discovery. However, the interrogatory seeks information about “all individuals and entities that UGI met with regarding gas meter replacements/relocations in the City,” not only the replacements/relocations that are at issue. Therefore, such a request is unduly burdensome and not reasonably calculated to lead to discovery of relevant and admissible information.

39. Further, many of these meetings were with City employees and representatives. UGI should not be compelled to provide information about meetings UGI had with City personnel, because such information is already in the City’s possession.

40. For these reasons, UGI respectfully requests that the ALJ grant its objections to City Interrogatory No. 14 and deny the Complainants’ Motion to Compel.

E. CITY INTERROGATORIES 16 AND 30

41. UGI incorporates Paragraphs 1 through 40 as if fully set forth herein.

42. City’s Set I of Interrogatories, Questions 16 and 30 request the following:

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.

43. UGI objected to these interrogatories on the grounds that they seek irrelevant information and are not reasonably calculated to lead to the discovery of admissible evidence, because they seek information related to City of Reading Ordinance 45-2015.

44. The City claims that its requests are relevant because “City of Reading Ordinance 45-2015 relates to the City’s Historic Districts and the City’s review process over activity in its Historic Districts.” (Motion to Compel ¶ 32) Contrary to the Complainants’ claims, this case is not about City of Reading Ordinance No. 45-2015 or the City’s historic district regulations. Rather, this case solely concerns UGI’s compliance with the Commission’s orders and regulations concerning meter locations.

45. Since nothing in the Public Utility Code or the Commission’s regulations requires UGI to comply with City of Reading Ordinance No. 45-2015, these discovery requests are completely irrelevant to the issues in this Commission complaint proceeding.

46. In addition, issues related to City of Reading Ordinance No. 45-2015 are the subject of a separate proceeding currently being litigated before the Commonwealth Court and are not subject to the City’s Complaint. *See UGI Utilities, Inc. v. City of Reading, et al.*, No. 499 M.D. 2015. The City should not be permitted to use this Commission complaint proceeding as a vehicle to obtain additional discovery for the case between UGI and the City before the Commonwealth Court, nor should the Company be exposed to the potential burden of responding to duplicative discovery in both proceedings.

47. Furthermore, the Company objected to Interrogatory No. 16 on the grounds that it is overly broad and unduly burdensome. It requests information about City officials and employees that UGI communicated with, the date of any such communications, and the nature of the communications is already within the City’s possession. Because the City was a party to all

such communications, all of this information is already in its possession. UGI should not be forced to spend any time or resources gathering and producing information about the numerous communications with the City when the City already possesses all of that information.

48. For these reasons, UGI submits that City Interrogatories Nos. 16 and 30 are not reasonably calculated to lead to the discovery of information relevant to this proceeding before the Commission. Therefore, UGI respectfully requests that the ALJ grant its objections to City Interrogatories Nos. 16 and 30 and deny the Complainants' Motion to Compel.

F. CITY INTERROGATORIES 25 AND 26

49. UGI incorporates Paragraphs 1 through 48 as if fully set forth herein.

50. City's Set I of Interrogatories, Questions 25 and 26 request the following:

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.

51. UGI objected to these interrogatories on the grounds that they are overly broad and unduly burdensome.

52. The City was a party to all of the numerous "interactions and/or communications" between UGI and the City. Therefore, the City already has all of the information about the persons involved in those communications, the date of any such communications, and the

substance of the communications is already within the City's possession. UGI should not be forced to spend any time or resources gathering and producing information about the numerous communications with the City when the City already possesses all of that information.

53. For these reasons, UGI respectfully requests that the ALJ grant its objections to City Interrogatories Nos. 25 and 26 and deny the Complainants' Motion to Compel.

G. CITY INTERROGATORY 34

54. UGI incorporates Paragraphs 1 through 53 as if fully set forth herein.

55. City's Set I of Interrogatories, Question 34 requests the following:

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.

56. UGI objected to this interrogatory to the extent that it sought drafts of the Company's meter and regulator placement guidelines.

57. Section 5.323(a) of the Commission's regulations provides:

With respect to the representative of a party other than the party's attorney, discovery may not include disclosure of his mental impressions, conclusions or opinions respecting the value or 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 are offered into evidence.

52 Pa. Code § 5.323(a) (emphasis added). UGI explained in its objection that it plans to offer its Meter and Regulator Placement Guidelines into evidence as an exhibit in this proceeding. Therefore, all drafts of the Meter and Regulator Placement Guidelines are not discoverable pursuant to 52 Pa. Code § 5.323(a).

58. The Complainants contend that Section 5.323(a) does not prevent the discovery of the draft guidelines because they “were not prepared for hearing in this matter, nor were they prepared for use as an exhibit.” (Motion to Compel ¶ 44) Their argument entirely relies on interpreting the regulation’s title rather than its express terms. The regulation explicitly states that draft exhibits are not discoverable, and it does not limit its application to materials developed specifically for the hearing. Indeed, it protects the discovery of draft testimony and exhibits that are not even offered into evidence. *See* 52 Pa. Code § 5.323(a). Therefore, because UGI plans to use its Meter and Regulator Placement Guidelines as an exhibit, Section 5.323(a) prohibits the discovery of any drafts of those guidelines.

59. Additionally, the Complainants fail to recognize that the Company revised its meter placement guidelines in an effort to resolve the concerns raised in the Complaints. Indeed, many of these drafts were prepared after CPHD and the City filed their Formal Complaints with full knowledge that the Company’s meter placement practices and guidelines would be at issue in this litigation. Under Section 5.323(a), all draft exhibits, testimony, or statements, as well as any mental impressions, conclusions or opinions expressed by UGI’s representatives regarding the value or merit of the City’s claims or UGI’s defense/strategy, are not discoverable. Therefore, these drafts are not discoverable in this proceeding.

60. Finally, the drafts of UGI’s Meter and Regulator Placement Guidelines sought in City Interrogatory No. 34 are not relevant to this proceeding and nothing more than a blind fishing expedition. The issue to be decided in this case is whether UGI practices in relocating its meters violate 52 Pa. Code § 59.18. What UGI did or did not contemplate in its draft Meter and Regulator Placement Guidelines is simply irrelevant to what the Company actually did under the final Meter and Regulator Placement Guidelines.

61. Based on the foregoing, UGI respectfully requests that the ALJ grant its objections to City Interrogatory No. 34 and deny the Complainants' Motion to Compel.

H. CITY INTERROGATORY 36

62. UGI incorporates Paragraphs 1 through 61 as if fully set forth herein.

63. City's Set I of Interrogatories, Question 36 requests the following:

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.

64. UGI objected to this "catch all" discovery request on the grounds that it is unduly burdensome, lacks any specificity as to the information or documents sought, and has no reasonable limitation in subject matter or time period.

65. As mentioned previously, the scope of the Complaints has expanded to potentially thousands of meters at issue. Consequently, the discovery request would require UGI to produce, among other things: (1) all maps of facilities in the City; (2) all customer service documents related to each metered account; (3) all emails and written correspondence related to each metered account; and (4) all Company records and documents related in any way to the meters at issue or UGI's compliance with the Commission's regulations and Public Utility Code. The scope of the interrogatory is so broad that if it were an acceptable discovery request, the Complainants could ask it alone and not need any other interrogatories. Further, as explained previously, the Complainants yet to identify the exact meter locations at issue in this proceeding, despite being asked to do so in discovery. As a result, the Complainants have failed to define the "subject matter of this lawsuit," and UGI should not have to guess what meter locations are at issue and provide all of this voluminous information for those meter locations. Thus, this

discovery request is overly broad, unduly burdensome, and nothing more than a blind fishing expedition intended to harass the Company.³

66. For these reasons, UGI respectfully requests that the ALJ grant its objections to City Interrogatory No. 36 and deny the Complainants' Motion to Compel.

III. THE COMPLAINANTS' MOTION TO COMPEL RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS SHOULD BE DENIED

A. CITY REQUEST FOR PRODUCTION OF DOCUMENTS 3

67. UGI incorporates Paragraphs 1 through 66 as if fully set forth herein.

68. City's Set I of Requests for Production of Documents No. 3 requests the following:

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.

69. UGI objected to this request on the grounds that it seeks confidential customer information and is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

70. In the Motion, the Complainants allege that UGI has failed to justify that the request is unduly burdensome. (Motion to Compel ¶ 57) The Complainants' argument completely ignores that the discovery request asks for "[a]ll documents of any kind or nature . . . relating to . . . [UGI's] customers within the City of Reading." As written, the request asks for "[a]ll documents" that would relate to all of UGI's nearly 20,000 customers in the City without any further in scope. Therefore, the discovery request encompasses an enormous amount of documents, including any customer service records, bills, maps of facilities, internal reports, etc.,

³ Moreover, UGI recognizes that the Complainants have acknowledged that the discovery request does not seek information regarding UGI's conclusions or opinions respecting the value or merit of a claim or defense and UGI's strategy and tactics, which are not discoverable pursuant to 52 Pa. Code § 5.323(a). (Motion to Compel ¶ 50)

that are in any way “related” to all of UGI’s customers in the City. Moreover, the request is not even limited to customers with exterior meters or had their meters replaced or relocated. In fact, as explained previously, the Complainants have yet to identify the precise meter locations at issue, even though they were asked to do so in discovery. UGI should not be forced to produce voluminous information for “all” customers in the City when the Complainants have failed to identify whether “all” meter locations in the City are at issue. Thus, it would be unduly burdensome for the Company to produce “[a]ll documents of any kind or nature” that relate to all of its customers in the City, and the discovery request amounts to nothing more than a blind fishing expedition by the Complainants.⁴

71. Based on the foregoing, UGI respectfully requests that the ALJ grant the Company’s objections to the City Request for Production of Documents No. 3 and deny the Complainants’ Motion to Compel.

B. CITY REQUESTS FOR PRODUCTION OF DOCUMENTS 5 AND 31

72. UGI incorporates Paragraphs 1 through 71 as if fully set forth herein.

73. City’s Set I of Requests for Production of Documents Nos. 5 and 31 request the following:

- 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.

74. UGI objected to these discovery requests to the extent that they sought drafts of the reports or guidelines, which are protected by 52 Pa. Code § 5.323(a).

⁴ Further, UGI explained in its objection that most of the information would be completely irrelevant, such as billing information, natural gas usage, personal contact information, etc. Moreover, the request would require UGI to produce confidential reports, analyses, and maps of facilities that are completely irrelevant to the proceeding. Notwithstanding, UGI acknowledges that the Complainants have stated that the discovery request does not seek “confidential information or information otherwise not discoverable pursuant to Chapter 5 of the PUC’s regulations.” (Motion to Compel ¶ 56)

75. In support of its objections to these requests, the Company incorporates Paragraphs 56 through 60, *supra*.

76. Based on the foregoing, UGI respectfully requests that the ALJ grant the Company's objections to the City Requests for Production of Documents Nos. 5 and 31 and deny the Complainants' Motion to Compel.

C. CITY REQUEST FOR PRODUCTION OF DOCUMENTS 7

77. UGI incorporates Paragraphs 1 through 76 as if fully set forth herein.

78. City's Set I of Requests for Production of Documents No. 7 requests the following:

7. 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.

79. UGI objected to this request to the extent that it seeks to discover the mental impressions of the Company's representatives or attorneys respecting the value or merit of UGI's claims or defenses or respecting strategy, tactics, or preliminary drafts of exhibits. As explained in the Company's objection, such information and materials are not discoverable pursuant to 52 Pa. Code § 5.323(a).

80. In its Motion, the Complainants acknowledge that they are not seeking any documents that are not discoverable under 52 Pa. Code § 5.323(a). (Motion to Compel ¶ 67)

81. With that clarification, UGI will respond to the discovery request, omitting any documents protected by 52 Pa. Code § 5.323(a).

D. CITY REQUESTS FOR PRODUCTION OF DOCUMENTS 10 AND 11

82. UGI incorporates Paragraphs 1 through 81 as if fully set forth herein.

83. City's Set I of Requests for Production of Documents Nos. 10 and 11 request the following:

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.

84. UGI objected to these discovery requests on the grounds that they are unduly burdensome to the extent that the City is seeking information that is already in its possession.

85. In support of its objections to these requests, the Company incorporates Paragraphs 29 through 32, *supra*.

86. By way of further response, even if UGI is compelled to identify the permits and permit applications, it would still be unduly burdensome for the Company to produce copies of all such permits and applications. As the Complainants acknowledge in their Motion, “the City has information regarding *all* permit applications by, and permits issued to, UGI.” (Motion to Compel ¶ 19)

87. For these reasons, UGI respectfully requests that the ALJ grant the Company’s objections to the City Requests for Production of Documents Nos. 10 and 11 and deny the Complainants’ Motion to Compel.

E. CITY REQUESTS FOR PRODUCTION OF DOCUMENTS 15, 19, 21, 23, 25, 26, AND 29

88. UGI incorporates Paragraphs 1 through 87 as if fully set forth herein.

89. City’s Set I of Requests for Production of Documents Nos. 15, 19, 21, 23, 25, 26, and 29 request the following:

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 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.

90. UGI objected to these discovery requests on the grounds that they seek irrelevant information and are not reasonably calculated to lead to the discovery of admissible evidence, because they concern City of Reading Ordinance No. 45-2015 and the City's historic district regulations.

91. In support of its objections to these requests, the Company incorporates Paragraphs 43 through 47, *supra*.

92. Based on the foregoing, UGI respectfully requests that the ALJ grant the Company's objections to the City Requests for Production of Documents Nos. 15, 19, 21, 23, 25, 26, and 29 and deny the Complainants' Motion to Compel.

F. CITY REQUEST FOR PRODUCTION OF DOCUMENTS 17

93. UGI incorporates Paragraphs 1 through 92 as if fully set forth herein.

94. City's Set I of Requests for Production of Documents No. 17 requests the following:

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.

95. UGI objected on grounds that this discovery request is overly broad and unduly burdensome.

96. Over the past two years, the Company has performed meter replacements and relocations for hundreds of customers in the City. During that time, UGI's employees have had a substantial amount of informal and formal communications with the City's residents and entities operating in the City about the "betterment projects." These communications include telephone calls, in-person discussions, emails, and written correspondence. Thus, it would be unduly

burdensome for the Company to have to provide all of the documents related to such communications.⁵

97. For these reasons, UGI respectfully requests that the ALJ grant the Company's objections to the City Request for Production of Documents No. 17 and deny the Complainants' Motion to Compel.

G. CITY REQUEST FOR PRODUCTION OF DOCUMENTS 33

98. UGI incorporates Paragraphs 1 through 97 as if fully set forth herein.

99. City's Set I of Requests for Production of Documents No. 33 requests the following:

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.

100. UGI objected to this "catch all" discovery request on the grounds that it is unduly burdensome, lacks any specificity as to the information or documents sought, and has no reasonable limitation in subject matter or time period.

101. As mentioned previously, the scope of the Complaints has expanded to potentially thousands of meters at issue, but the Complainants have yet to identify the exact meter locations at issue. Consequently, the discovery request would require UGI to produce every document in its possession that it believes is "relevant" to, among other things, the thousands of meters potentially at issue and the Company's meter placement decisions. However, UGI should not be forced to guess which meter locations are at issue and provide "any and all other documents" which it believes is relevant to those locations. Further, similar to Interrogatory No. 36, the

⁵ In addition, the Company objected to the extent that the City seeks information about negotiations with customers who filed complaints with the Commission, because such information is privileged and confidential. UGI acknowledges that the City has stated that it is not seeking documents that are privileged and confidential. (Motion to Compel ¶ 79)

scope of this discovery request is so broad that if it were acceptable, the Complainants would not need to propound any additional discovery requests after asking it.⁶


102. Based on the foregoing, UGI respectfully requests that the ALJ grant the Company's objections to the City Request for Production of Documents No. 33 and deny the Complainants' Motion to Compel.

⁶ In addition, UGI recognizes that the Complainants have acknowledged that the discovery request does not seek information regarding UGI's conclusions or opinions respecting the value or merit of a claim or defense and UGI's strategy and tactics, which are not discoverable pursuant to 52 Pa. Code § 5.323(a). (Motion to Compel ¶ 85)

III. CONCLUSION

For the reasons set forth above, UGI Utilities, Inc. respectfully requests that Administrative Law Judge Mary D. Long grant UGI's objections as set forth above and deny Centre Park Historic District and the City of Reading's Motion to Compel Discovery Responses.

Respectfully submitted,



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Dated: September 13, 2016

Attorneys for UGI Utilities, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	Docket Nos. C-2015-2516051
City of Reading	:	C-2016-2530475
	:	
v.	:	
	:	
UGI Utilities, Inc.	:	

VERIFICATION

I, Hans G. Bell, being Vice President – Engineering & Operations Support for UGI Utilities, Inc., hereby state that the information set forth above is true and correct to the best of my knowledge, information and belief, and that if asked orally at a hearing in this matter, my answers would be as set forth therein. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9-13-16

Hans G. Bell
Hans G. Bell

Appendix “A”

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Attorneys for City of Reading

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

City of Reading	:	
Complainant,	:	
	:	
vs.	:	
	:	Docket No. C-2016-2530475
UGI Utilities, Inc.	:	
Respondent.	:	

**COMPLAINANT CITY OF READING'S FIRST SET OF
INTERROGATORIES ADDRESSED TO RESPONDENT UGI**

Complainant City of Reading, by and through its attorneys, Eastburn and Gray, P.C., hereby requests that Respondent, UGI Utilities, Inc., answer the following Interrogatories within twenty (20) days in accordance with 52 Pa. Code §§ 5.341 and 5.342.

INSTRUCTIONS AND DEFINITIONS

1. Each interrogatory is to be answered separately; to the extent that a response to an interrogatory can be made by reference to another answer, such procedure is acceptable.

2. Each interrogatory is to be responded to in the space provided; to the extent that such space is insufficient, the response should be continued on a separate sheet of page, appropriately numbered.

3. "Petitioner" and "Respondent" refers to the persons or entities set forth in the caption hereof, their officers, directors, agents, servants, employees, and representatives, unless otherwise specified in a given interrogatory.

3. "City" means the City of Reading, the named petitioner in this matter.

4. "UGI" means UGI Utilities, Inc., respondent in this matter.

5. "PUC" means the Public Utility Commission.

6. "Meter and Regulator Placement Guidelines" means Section 35.10.10 of the UGI Gas Operations Manual, titled "Meter and Regulator Location and Installation."

7. "Person" refers to any natural person, corporation, association, firm, partnership, trust or other business or legal entity.

8. "Document" is defined as any writing or record of any type or description, including but not limited to agreements, correspondence, letters, e-mails, telegrams, inter-office communications, memoranda, reports, records, instructions, notes, notebooks, scrapbooks, diaries, minutes, minutes of meetings, photographs, photocopies, charts, graphs, descriptions, invoices, purchase orders, bills of lading, checks, checkbook ledgers, bank statements and other bank records, records of brokerage houses, financial records, books, ledgers, journals, books of original entry, recordings, publications, transcript or telephone conversations, and any retrievable data (whether encoded, taped or coded electronically, electromagnetically, or otherwise), in the possession, custody or control of the answering party, its agents, servants, employees, attorneys, accountants, physicians, or other representatives, or known to it, wherever located, however

produced, whether an original or copy (including but not limited to, carbon, handwritten, typewritten, microfilm, photostatic, xerographic copies) and including any non-identical copy (whether different from the original because of any alterations, notes, comments or otherwise), together with any attachments thereto or enclosure therewith.

9. "Identify", when used in reference to a person, entity or "individual" requires Respondent to set forth his, her, or its full name, present home address, e-mail address, home and business telephone number, present business address, present position, business affiliation, job description and relationship to the Respondent, and his or her job position, business affiliation, job description, and relationship to the Respondent at the time of the events at issue in this complaint. "Identify" when used in reference to a document, requires Respondent to set forth, as to such document, its description (e.g., letter, memorandum, report, invoice, etc.); its title and date, and the number of pages thereof; its subject matter; its author's identity; its addressees' identity; the identity of each person who received copies; and its present location and its custodian's identity.

10. These interrogatories are continuing and any information which you obtain subsequent to the filing of your answers and which is responsive to any of the following interrogatories is to be supplied by way of supplemental answers thereto.

11. All requests are governed by the regulations of the Pennsylvania Utilities Commission set forth in Chapter 5, *Formal Proceedings*, Section 5.1 *et seq.* 52 Pa. Code § 5.1 *et seq.* and requests which reference "all documents," all electronic data," "all correspondence," or similar terms should be understood to exclude material not discoverable as a result of protections afforded by these regulations. There is therefore 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.

INTERROGATORIES

1. Identify the individual(s) answering these Interrogatories or responsible for supplying the answers to these Interrogatories, providing the said individual(s)' full name and address, telephone number, relation to the parties in this matter, and for each person, identify, by number, the answer, answers or parts of answers provided by such persons.

2. State whether the individual(s) identified in the answer to Interrogatory No. 1 is (are) supplying information on the basis of personal knowledge or on the basis of a search of Respondent's records. If the answer is both, identify the Interrogatories which have been answered pursuant to the personal knowledge of said individual(s).

3. 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.

4. Have you or anyone on your behalf conducted any investigations related to the Formal Complaint, and/or Respondent's Answer, or that otherwise relate to the subject matter of this litigation? If so, please identify (a) the person who conducted the investigation(s); (b) the date of the investigation(s); and (c) whether any notes, reports, or other documents were prepared during or as a result of the investigation(s) and identify the person in possession thereof.

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.

6. Identify each and every person from whom written statements have been obtained on your behalf, either before or after the commencement of this litigation, concerning the subject matter of this action, including the date and subject of the written statement, the identity of the person who took the statement, whether the statement was signed, and the last known custodian of the statement.

7. Identify the name, home and business address, background and qualifications of any and all persons who, in anticipation and/or preparation of litigation, is expected to be called at the hearing as fact witnesses.

8. With regard to each individual identified in response to the previous interrogatory, provide the following information:

- a. The subject matter of the testimony;
- b. The date on which the individual obtained the information that forms the basis of the individual's testimony; and
- c. The source of the information relied upon or referenced by the witness.

9. Identify the name, home and business address, background and qualifications of any and all persons who, in anticipation and/or preparation of litigation, is expected to be called at the hearing as expert witnesses.

10. With regard to each individual identified in response to the previous interrogatory, provide the following information:

- a. The subject matter of the expert testimony;
- b. The information that forms the basis of their expert testimony; and
- c. The date on which the individual obtained the information that forms the basis of their expert testimony.
- d. Please provide a copy of the expert witness's current curriculum vitae.

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.

13. Identify the total number of citations and/or violation notices 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 citations/notices were issued to UGI, the nature of such citations/notices, and the monetary fine associated with the same.

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.

15. Identify all City officials/employees UGI communicated with 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, 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.

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.

17. Identify all City officials/employees UGI communicated with regarding the location of locally designated historic districts within the City and the identification of properties within such historic districts, 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.

18. Identify by name and address all 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, and state specifically the date such complaints/communications occurred, and how UGI responded to such complaints/communications. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the same.

19. Identify by address every property where a gas meter has been replaced and/or relocated within 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 work occurred, and whether the gas meter was relocated from a location inside a building to a location outside a building. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the same.

20. With respect to each meter and property identified in Interrogatory No. 19 that has been replaced or relocated within a historic district of the City—whether federally or locally designated—identify the procedure, and all steps in the procedure, utilized by UGI to determine whether the meter must, pursuant to Section 59.18 of the PUC’s regulations, be installed on the interior of a building, including, but not limited to, identification of :

- a. the person(s) involved in each step of the procedure;
- b. the date of occurrence of each step of the procedure; and
- c. the materials considered at each step of the procedure.

Please also consider this a request to produce any of the materials identified in subsection “c”, as well as any other documents, notes, requests from customers or neighbors, memoranda, technical drawings, policies, surveys, correspondence, etc. related to the information sought in this request.

21. Of the applications and property identified in Interrogatory 12 and Interrogatory 19, as to each and every permit application for replacement of a meter in an historic district located in the City, please describe each factor, fact, condition, property feature, owner input or other element to which UGI gave consideration in determining the possible interior placement of any meter proposed to be relocated within such historic district.

22. Identify by address every property within the historic district on which a replaced/relocated gas meter pursuant to the “betterment project” was replaced with an interior meter.

23. Of the applications and property identified in Interrogatory 12 and Interrogatory 19, as to each and every permit application for replacement of a meter in the City, please describe each factor, fact, condition, property feature, owner input or other element to which UGI gave consideration in determining that the placement of relocated meters was safe, protected from hazardous conditions, and did not pose a risk of harm to person or property.

24. Identify by address every property within the historic district on which a replaced/relocated gas meter pursuant to the “betterment project” was replaced with an exterior gas meter.

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.

27. Describe in detail any communications you have had with the PUC in connection with amended Section 59.18 of the PUC's regulations and specifically its requirement to replace all existing facilities by September 13, 2034, 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.

28. Describe in detail any communications you have had with the PUC in connection with amended Section 59.18 of the PUC's regulations and specifically the regulations contained in Section 59.18 related to interior placement of meters in historic districts, 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.

29. Describe in detail any interactions and/or communications you have had with the PUC 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.

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. Identify all internal policies/guidelines for the location/relocation of gas meters that have been in effect since UGI began the “betterment projects” to comply with amended Section 59.18 of the PUC’s regulations, and state specifically the date such policy/guidelines were adopted or abandoned. Please also consider this a request to produce such policies/guidelines and any documents, notes, memoranda, correspondence, writings, etc. related to the same.

32. Describe in detail 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 in historic districts, and the PUC's requirement to replace all existing facilities by September 13, 2034, 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.

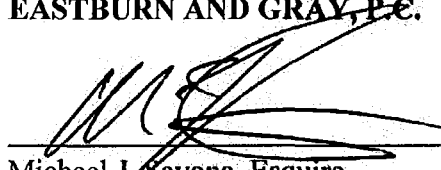
33. Describe in detail all internal communications within UGI, not protected by privilege, related to UGI's relocation of gas meters in the City's historic districts. Please also consider this a request to produce any documents, notes, memoranda, correspondence, writings, etc. related to the same.

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.

35. Identify all individuals who you do not intend to call as witnesses at trial, but who you believe have relevant factual information related to this litigation.

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.

EASTBURN AND GRAY, P.C.



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Attorneys for Defendant City of Lancaster

Dated: APRIL 16, 2016

Appendix “B”

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Attorneys for City of Reading

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

City of Reading		:	
	Complainant,	:	
		:	
vs.		:	
		:	Docket No. C-2016-2530475
UGI Utilities, Inc.		:	
	Respondent.	:	

**COMPLAINANT’S, CITY OF READING, FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS ADDRESSED TO RESPONDENT UGI**

Complainant City of Reading, by and through its attorneys, Eastburn and Gray, P.C., hereby requests that Respondent, UGI Utilities, Inc., answer the following Requests for Production of Documents within twenty (20) days in accordance with 52 Pa. Code § 5.349.

INSTRUCTIONS AND DEFINITIONS

1. Each request to produce is to be answered separately; to the extent that a response to a request to produce can be made by reference to another answer, such procedure is acceptable.

2. "Petitioner" and "Respondent" refer to the persons or entities set forth in the caption hereof, their officers, directors, agents, servants, employees, and representatives, including the Respondent's attorneys, consultants, sureties, indemnitors, insurers, or agents, pursuant to Pa. R.C.P. 4003.3.

3. "City" refers to the City of Reading, the Complainant in this matter.

4. "UGI" refers to UGI Utilities, Inc., the Respondent in this matter.

5. "PUC" refers to the Public Utility Commission.

6. "Meter and Regulator Placement Guidelines" means Section 35.10.10 of the UGI Gas Operations Manual, titled "Meter and Regulator Location and Installation."

7. "Person" refers to any natural person, corporation, association, firm, partnership, trust or other business or legal entity.

8. "Document" is defined as any writing or record or any type or description, including but not limited to agreements, correspondence, letters, e-mails, telegrams, inter-office communications, memoranda, reports, records, instructions, notes, notebooks, scrapbooks, diaries, minutes, minutes of meetings, photographs, photocopies, charts, graphs, descriptions, invoices, purchase orders, bills of lading, checks, checkbook ledgers, bank statements and other bank records, records of brokerage houses, financial records, books, ledgers, journals, books of original entry, recordings, publications, transcript or telephone conversations, and any retrievable data (whether encoded, taped or coded electronically, electromagnetically, or otherwise), in the possession, custody or control of the answering party, its agents, servants, employees, attorneys, accountants, physicians, or other representatives, or known to it, wherever located, however produced, whether an original or copy (including but not limited to, carbon, handwritten, typewritten, microfilm, photostatic, xerographic copies) and including any non-identical copy

(whether different from the original because of any alterations, notes, comments or otherwise), together with any attachments thereto or enclosure therewith.

9. These requests to produce are continuing and any information which you obtain subsequent to the filing of your answers and which is responsive to any of the following interrogatories is to be supplied by way of supplemental answers thereto.

10. All requests are governed by the regulations of the Pennsylvania Utilities Commission set forth in Chapter 5, *Formal Proceedings*, Section 5.1 *et seq.* 52 Pa. Code § 5.1 *et seq.* and requests which reference “all documents,” all electronic data,” “all correspondence,” or similar terms should be understood to exclude material not discoverable as a result of protections afforded by these regulations. There is therefore 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.

DOCUMENTS REQUESTED

1. All documents of any kind or nature that relate to any communication between Respondent and the PUC regarding the subject matter of the Formal Complaint.

2. All documents of any kind or nature that relate to any communication between Respondent and Petitioner City regarding the subject matter of the Formal Complaint.

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.

4. All documents that Plaintiff intends to mark as an exhibit at the hearing, enter into evidence, or otherwise reference at the hearing.

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

6. All statements by parties, all witnesses and any other persons, in regard to this complaint, including, but not limited to, written statements, transcripts, oral interviews or summaries of interviews.

7. 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.

8. All notes, memorandum, reports, or other documents related to any meetings, conversations, correspondence, telephone conversations informal conversations, investigations and/or negotiations related to the facts and circumstances of the events referred to in the Formal Complaint and/or Answer.

9. All written statements that have been obtained on UGI's behalf, either before or after the commencement of this litigation concerning the subject matter of this action.

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.

12. All citations and/or violation notices 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.

13. All documents, notes, memoranda, correspondence, writings, etc. related to all meetings between UGI and individuals and/or entities regarding gas meter replacements and/or relocations in the City.

14. All documents, notes, memoranda, correspondence, writings, etc. related to communications with City officials and/or employees 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.

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.

16. All documents, notes, memoranda, correspondence, writings, etc. related to communications with City officials and/or employees regarding the location of locally designated historic districts within the City and the identification of properties within such historic districts.

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.

18. All documents, notes, memoranda, correspondence, writings, etc. related to communications with PUC officials and/or employees regarding the “betterment projects” UGI alleges it has performed, is performing, or intends to perform in the City to comply with amended Section 59.18 of the PUC’s regulations.

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.

20. All documents, notes, memoranda, correspondence, writings, etc. related to communications with PUC officials and/or employees regarding the relocation of gas meters within the City's historic districts, including, but not limited to, whether UGI is required to consider inside meter placement in the City's historic districts.

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 45-2015.

22. All documents, notes, memoranda, correspondence, writings, etc. related to communications with City officials and/or employees regarding the relocation of gas meters within the City's historic districts, including, but not limited to, whether UGI is required to consider inside meter placement in the City's historic districts.

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

24. All internal policies/guidelines for the location/relocation of gas meters that have been in effect since UGI began the "betterment projects" to comply with amended Section 59.18 of the PUC's regulations.

25. All internal polices/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.

27. All materials considered by UGI in determining whether a meter located in a historic district, whether federally or locally designated, must be located on the interior of the building pursuant to section 59.18 of the PUC's regulations, including but not limited to all notes, requests from customers or neighbors, memoranda, technical drawings, policies, surveys, correspondence, and internal policies.

28. All materials considered by UGI in determining whether a meter being relocated is being located to a location that is safe, protected from hazardous conditions, and does not pose the risk of harm to person or property.

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.

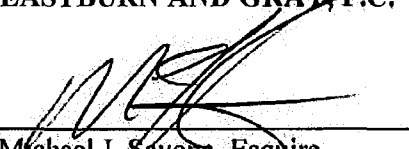
30. All documents, notes, memoranda, correspondence, writings, etc. reflecting UGI's intent to install and/or relocate gas meters on the exterior of properties in the City's historic districts.

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

32. Any and all documents of any kind or nature not otherwise produced in response to the above requests that are identified in your answers to Petitioner City's Interrogatories.

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.

EASTBURN AND GRAY, P.C.



Michael J. Savona, Esquire
Michael E. Peters, Esquire
Zachary A. Sivertsen, Esquire
Attorneys for Defendant City of Reading

Dated: 8/16/2016

Appendix “C”



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File #: 165082

August 29, 2016

Michael J. Savona, Esquire
Michael E. Peters, Esquire
Zachary A. Sivertsen, Esquire
Eastburn and Gray, P.C.
PO Box 1389
Doylestown, PA 18901

**Re: Centre Park Historic District v. UGI Utilities, Inc.
Docket No. C-2015-2516051**

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

Dear Counsel:

Enclosed please find the Objections of UGI Utilities, Inc. to the First Set of Interrogatories of the City of Reading in the above-referenced proceedings. Copies will be provided as indicated on the Certificate of Service.

Sincerely,



Devin Ryan

DTR/jl
Enclosures

cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)
Honorable Mary D. Long (*Letter & Certificate of Service Only*)
Certificate of Service

CERTIFICATE OF SERVICE
(Docket Nos. C-2015-2516051 and C-2016-2530475)


I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL & FIRST CLASS MAIL

Michael J. Savona, Esquire
Michael E. Peters, Esquire
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Bureau of Investigation & Enforcement
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Harrisburg, PA 17105-3265

Date: August 29, 2016


Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	
	:	
v.	:	Docket No. C-2015-2516051
	:	
UGI Utilities, Inc.	:	
	:	
City of Reading	:	
	:	
v.	:	Docket No. C-2016-2530475
	:	
UGI Utilities, Inc.	:	

**OBJECTIONS OF UGI UTILITIES, INC. TO THE FIRST SET OF
INTERROGATORIES OF THE CITY OF READING**

Pursuant to 52 Pa. Code § 5.342(c), UGI Utilities, Inc. (“UGI” or the “Company”), by and through its attorneys, hereby serves these objections to the first set of interrogatories served by the City of Reading (“City”) on August 17, 2016 via email. As explained below, UGI objects to several of these discovery requests because they seek privileged information and materials and are overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

In support, UGI states as follows:

I. OBJECTIONS TO CITY’S FIRST SET OF INTERROGATORIES

A. OBJECTION TO CITY INTERROGATORY 3

11. City’s Set I of Interrogatories, Question 3 requests the following:

3. 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.

12. UGI objects to this interrogatory on the grounds that the scope of the request is overly broad and unduly burdensome. The scope of this request is unclear and is not reasonably limited in scope. For example, the request would encompass identifying non-UGI employees, such as Pennsylvania Public Utility Commission (“Commission”) personnel, individual residents/customers within the City, and individuals that were witnesses or first responders to the vehicle strikes referenced in the Formal Complaint. Therefore, this interrogatory is overly broad and unduly burdensome.

B. OBJECTION TO CITY INTERROGATORY 5

13. City’s Set I of Interrogatories, Question 5 requests the following:

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.

14. UGI objects on grounds this interrogatory is overly broad and unduly burdensome. The Company has had a substantial amount of meetings and conversations regarding the facts and events referred to in the Complaint and/or Answer, many of which the City was party to and already has knowledge of what transpired. As a result, Company would have to incur unnecessary expenses to respond to this request.

15. Moreover, the Company objects to the extent that the City seeks information about negotiations with customers who filed complaints with the Commission. Such information is privileged and confidential.

C. OBJECTION TO CITY INTERROGATORIES 11 AND 12

16. City's Set I of Interrogatories, Questions 11 and 12 request the following:

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.

17. UGI objects on the grounds that the discovery requests are unduly burdensome to the extent that the City is seeking information that is already in its possession. All of the permits and permit applications were submitted to the City and either approved or denied by the City. Therefore, the Company would have to incur unnecessary expenses to produce copies of all such permits and applications, identify the number of permits and applications, state the nature of each permit and application (which is already set forth on the application), the date that each permit was applied for and issued, whether the permit was granted or denied, and if denied, the date of the denial. All of this information is already in the City's possession. Thus, these discovery requests are unduly burdensome.

D. OBJECTION TO CITY INTERROGATORY 14

18. City's Set I of Interrogatories, Question 14 requests the following:

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.

19. UGI objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. The Company has met with a substantial amount of individuals regarding the meter replacements and relocations in the City, including residents, UGI's customers, Commission employees, and City employees. To compile a complete list identifying all such individuals and entities and the date of each meeting, would be take an immense amount of time and resources.

20. Further, to the extent that the City is seeking information about meetings UGI had with City personnel, the City was a party to all such meetings.

E. OBJECTION TO CITY INTERROGATORIES 16 AND 30

21. City's Set I of Interrogatories, Questions 16 and 30 request the following:

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.

22. UGI objects to these discovery requests on the grounds that they seek irrelevant information and are not reasonably calculated to lead to the discovery of admissible evidence. This case is not about City of Reading Ordinance No. 45-2015 or the City's historic district regulations. Rather, it concerns UGI's compliance with the Commission's orders and regulations. Indeed, issues related to that ordinance are the subject of a separate proceeding currently being litigated in Commonwealth Court and are not subject to the City's Complaint. See *UGI Utilities, Inc. v. City of Reading, et al.*, No. 499 M.D. 2015.

23. In addition, the Company objects to Interrogatory 16 on the grounds that it is overly broad and unduly burdensome. The City is requesting information about communications to which it was a party. Therefore, information about whom UGI communicated with, the date of any such communications, and the nature of the communications is already within the City's possession. As a result, Company would have to incur unnecessary expenses to respond.

F. OBJECTION TO CITY INTERROGATORIES 25 AND 26

24. City's Set I of Interrogatories, Questions 25 and 26 request the following:

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.

25. UGI objects to these discovery requests on the grounds that they are overly broad and unduly burdensome. The City is requesting information about communications to which it was a party. Therefore, information about whom UGI communicated with, the date of the communications, and the nature or substance of the communications is already within the City's possession. Therefore, the Company would have to incur unnecessary expenses to respond to these discovery requests.

G. OBJECTION TO CITY INTERROGATORY 34

26. City's Set I of Interrogatories, Question 34 requests the following:

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.

27. Section 5.323(a) of the Commission's regulations provides:

With respect to the representative of a party other than the party's attorney, discovery may not include disclosure of his mental impressions, conclusions or opinions respecting the value or 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 are offered into evidence.

52 Pa. Code § 5.323(a) (emphasis added).

28. At this time, UGI plans to offer its Meter and Regulator Placement Guidelines into evidence as an exhibit in this proceeding. Therefore, all drafts of the Meter and Regulator Placement Guidelines are not discoverable pursuant to 52 Pa. Code § 5.323(a).

29. Because discovery is on-going and UGI is still waiting for completed discovery responses from the City, UGI has not confirmed the witnesses or exhibits it intends to offer into

evidence. In any event, all draft exhibits, testimony, or statements, as well as any mental impressions, conclusions or opinions expressed by UGI's representatives regarding the value or merit of the City's claims or UGI's defense/strategy, are are not discoverable pursuant to 52 Pa. Code § 5.323(a).

H. OBJECTION TO CITY INTERROGATORY 36

30. City's Set I of Interrogatories, Question 36 requests the following:

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.

31. This unduly broad "catch all" discovery request is unduly burdensome, lacks any specificity as to the information or documents sought, and has no reasonable limitation in subject matter or time period.

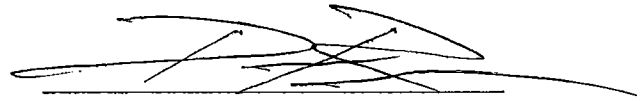
32. Moreover, this unduly broad "catch all" discovery request seeks information regarding UGI's conclusions or opinions respecting the value or merit of a claim or defense and UGI's strategy and tactics, which are not discoverable pursuant to 52 Pa. Code § 5.323(a).

III. CONCLUSION

WHEREFORE, UGI Utilities, Inc. objects to certain of the City of Reading's First Set of Interrogatories. Moreover, UGI Utilities, 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.

Respectfully submitted,

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Danielle Jouenne (ID # 306829)
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Date: August 29, 2016

Attorneys for UGI Utilities, Inc.

Appendix “D”



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August 29, 2016

Michael J. Savona, Esquire
Michael E. Peters, Esquire
Zachary A. Sivertsen, Esquire
Eastburn and Gray, P.C.
PO Box 1389
Doylestown, PA 18901

Re: Centre Park Historic District v. UGI Utilities, Inc.
Docket No. C-2015-2516051

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

Dear Counsel:

Enclosed please find the Objections of UGI Utilities, Inc. to the First Set of Requests for Production of Documents of the City of Reading in the above-referenced proceedings. Copies will be provided as indicated on the Certificate of Service.

Sincerely,

Devin Ryan

DTR/jl
Enclosures

cc: Rosemary Chiavetta, Secretary (*Letter & Certificate of Service Only*)
Honorable Mary D. Long (*Letter & Certificate of Service Only*)
Certificate of Service

CERTIFICATE OF SERVICE
(Docket Nos. C-2015-2516051 and C-2016-2530475)

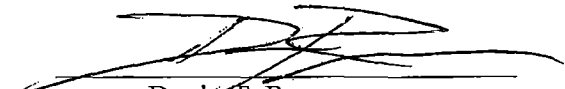
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL & FIRST CLASS MAIL

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Harrisburg, PA 17105-3265

Date: August 29, 2016


Devin T. Ryan

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Centre Park Historic District	:	
	:	
v.	:	Docket No. C-2015-2516051
	:	
UGI Utilities, Inc.	:	
	:	
City of Reading	:	
	:	
v.	:	Docket No. C-2016-2530475
	:	
UGI Utilities, Inc.	:	

**OBJECTIONS OF UGI UTILITIES, INC. TO THE FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS OF THE CITY OF READING**

Pursuant to 52 Pa. Code §§ 5.342(c) and 5.349(d), UGI Utilities, Inc. (“UGI” or the “Company”), by and through its attorneys, hereby serves these objections to the first set of requests for production of documents served by the City of Reading (“City”) on August 17, 2016 via email. As explained below, UGI objects to several of these discovery requests because they seek privileged information and materials and are overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

In support, UGI states as follows:

I. OBJECTIONS TO CITY’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

A. OBJECTION TO REQUEST FOR PRODUCTION OF DOCUMENTS 3

1. City’s Set I of Requests for Production of Documents No. 3 requests the following:

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.

2. UGI objects to this request on the grounds that seeks confidential customer information and is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

3. The request would encompass customer information and data that is wholly unrelated to this proceeding, such as billing information, natural gas usage, personal contact information, etc.

4. Moreover, the request would require UGI to produce confidential reports, analyses, and maps of facilities that are completely irrelevant to the proceeding.

B. OBJECTION TO CITY REQUESTS FOR PRODUCTION OF DOCUMENTS 5 AND 31

5. City's Set I of Requests for Production of Documents Nos. 5 and 31 request the following:

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.

6. Section 5.323(a) of the Commission's regulations provides:

With respect to the representative of a party other than the party's attorney, discovery may not include disclosure of his mental impressions, conclusions or opinions respecting the value or 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 are offered into evidence.

52 Pa. Code § 5.323(a) (emphasis added).

7. At this time, UGI plans to offer its Meter and Regulator Placement Guidelines into evidence as an exhibit in this proceeding. Therefore, all drafts of the Meter and Regulator Placement Guidelines are not discoverable pursuant to 52 Pa. Code § 5.323(a).

8. Because discovery is on-going and UGI is still waiting for completed discovery responses from the City, UGI has not confirmed the witnesses or exhibits it intends to offer into evidence. In any event, all draft exhibits, testimony, or statements, as well as any mental impressions, conclusions or opinions expressed by UGI's representatives regarding the value or merit of the City's claims or UGI's defense/strategy, are not discoverable pursuant to 52 Pa. Code § 5.323(a).

C. OBJECTION TO REQUEST FOR PRODUCTION OF DOCUMENTS 7

9. City's Set I of Requests for Production of Documents No. 7 requests the following:

7. 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.

10. UGI objects to this request to the extent that it seeks to discover the mental impressions of the Company's representatives or attorneys respecting the value or merit of UGI's claims or defenses or respecting strategy, tactics, or preliminary drafts of exhibits. Such information and materials are not discoverable pursuant to 52 Pa. Code § 5.323(a).

D. OBJECTION TO CITY REQUESTS FOR PRODUCTION OF DOCUMENTS 10 AND 11

11. City's Set I of Requests for Production of Documents Nos. 10 and 11 request the following:

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.

12. UGI objects on the grounds that the discovery requests are unduly burdensome to the extent that the City is seeking information that is already in its possession. All of the permits and permit applications were submitted to the City and either approved or denied by the City. Therefore, the Company would have to incur unnecessary expenses to produce copies of all such permits and applications, because all of those documents are already in the City’s possession. Thus, these discovery requests are unduly burdensome.

E. OBJECTION TO CITY REQUESTS FOR PRODUCTION OF DOCUMENTS 15, 19, 21, 23, AND 29

13. City’s Set I of Requests for Production of Documents Nos. 15, 19, 21, 23, 25, 26, and 29 request the following:

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 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.

14. UGI objects to these discovery requests on the grounds that they seek irrelevant information and are not reasonably calculated to lead to the discovery of admissible evidence. This case is not about City of Reading Ordinance No. 45-2015 or the City's historic district regulations. Rather, it concerns UGI's compliance with the Commission's orders and regulations. Indeed, issues related to that ordinance are the subject of a separate proceeding currently being litigated in Commonwealth Court and are not subject to the City's Complaint. *See UGI Utilities, Inc. v. City of Reading, et al.*, No. 499 M.D. 2015.

15. In addition, the Company objects to Requests for Production of Documents Nos. 15 and 23 on the grounds that they are overly broad and unduly burdensome. The City is requesting information about communications to which it was a party. Therefore, many of these

documents may already be in the City's possession. As a result, Company would have to incur unnecessary expenses to respond to these discovery requests.

F. OBJECTION TO REQUEST FOR PRODUCTION OF DOCUMENTS 17

16. City's Set I of Requests for Production of Documents No. 17 requests the following:

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.

17. UGI objects on grounds that this interrogatory is overly broad and unduly burdensome. Over the course of its meter relocation and placement activities in the City, UGI representatives have had a substantial amount of informal and formal communications with the City's residents and entities operating in the City. Due to the volume of the requested information, it would be unduly burdensome for the Company to have to provide all of the documents related to such communications.

18. In addition, the Company objects to the extent that the City seeks information about negotiations with customers who filed complaints with the Commission. Such information is privileged and confidential.

G. OBJECTION TO CITY REQUEST FOR PRODUCTION OF DOCUMENTS 33

19. City's Set I of Requests for Production of Documents No. 33 requests the following:

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.

20. This unduly broad “catch all” discovery request is unduly burdensome, lacks any specificity as to the information or documents sought, and has no reasonable limitation in subject matter or time period.

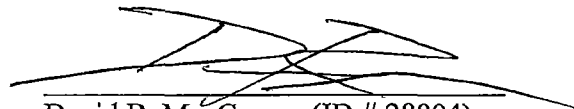
21. Moreover, this unduly broad “catch all” discovery request seeks information regarding UGI’s conclusions or opinions respecting the value or merit of a claim or defense and UGI’s strategy and tactics, which are not discoverable pursuant to 52 Pa. Code § 5.323(a).

II. CONCLUSION

WHEREFORE, UGI Utilities, Inc. objects to certain of the City of Reading’s First Set of Requests for Production of Documents. Moreover, UGI Utilities, 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.

Respectfully submitted,

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