

**PHILADELPHIA WATER DEPARTMENT RESPONSES TO
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED BY THE PUBLIC ADVOCATE**

The Philadelphia Water Department (“Department” or “PWD”) responds to the following Interrogatories and Requests for Production of Documents (Set I) propounded by the Public Advocate PA-I: 1-8, 11-14, 17-20. PWD requests that the Hearing Officer sustain the Department’s objections and strike or limit the discovery requests identified herein.¹

General Objections

1. The Department objects to each interrogatory and request to the extent that it seeks information that is not relevant to the proposed changes in PWD rates and charges as set forth in the rate filing, and as such, is not reasonably calculated to lead to the discovery of admissible evidence for purposes of rate setting.

2. By answering any part of the interrogatories and requests and/or by providing any part of the requested information, PWD does not concede the relevance, materiality or admissibility of any of the information sought therein for use as evidence in any hearing. PWD expressly reserves the right to object to further discovery on the subject matter and claims in any of these interrogatories and requests.

3. The Department objects to each interrogatory and request insofar as it seeks production or disclosure of documents or information subject to any applicable privilege (including government decision-making and deliberations; attorney-client privilege; and attorney work product), rule, doctrine or immunity whether created by statute or common law.

4. The Department objects to each interrogatory and request to the extent that it seeks confidential, privileged, proprietary or other privileged information.

5. The Department objects to each interrogatory and request identified herein to the extent that they seek information that is not relevant and not material to the subject matter and claims of this proceeding, and as such, are not reasonably calculated to lead to the discovery of admissible evidence.

6. The Department objects to each interrogatory and request to the extent it is duplicative and cumulative.

7. The Department objects to each interrogatory and request to the extent that it seeks sensitive and private information, the disclosure of which would violate federal, state or local law and/or the privacy rights of persons not parties to this action.

8. The Department objects to each interrogatory and request to the extent it seeks information not in PWD’s possession, custody and control, and to the extent it seeks documents which are already in the possession of the Public Advocate or accessible to the Advocate or are a matter of public record.

¹ Consistent with Rate Board Regulation II(7)(b)(1), the Hearing Officer may limit discovery (i) as to subject matter that is privileged; (ii) to the extent that the information request is unreasonably burdensome (e.g., because of time, extent or expense related to producing the information requested) and/or (iii) to the extent the request is otherwise objectionable. The Hearing Officer shall also not be bound by the formal rules of procedure, but shall generally employ procedural standards analogous to those utilized in utility ratemaking proceedings at the Pennsylvania Public Utility Commission. See, Rate Board Regulation II(7)(b)(5).

9. The applicable general objections, as stated above (“General Objections”), are incorporated into each of the specific objections and responses that follow. Stating a specific objection or response shall not be construed as a waiver of these General Objections.

RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

Relevance/Information Independently Accessible

PA-I-1. Please provide a description of all services performed by the City Treasurer’s Office regarding PWD operating funds or accounts.

Response: Objection. The Department objects to the above interrogatory to the extent that it seeks information that is not relevant to the proposed changes in PWD rates and charges as set forth in the rate filing, and as such, is not reasonably calculated to lead to the discovery of admissible evidence for purposes of rate setting. The Department also objects to the above interrogatory to the extent it is duplicative or cumulative with other requests (e.g., PA-I-2 through PA-I-8). PWD further objects to the above interrogatory to the extent that it requires PWD to produce information or documents that are a matter of public record or are otherwise as accessible to the Public Advocate. Please note that the documents referenced below have already been provided in an attempt to provide relevant information related to the interrogatory/request. See, PWD Official Statement at pages 19, IV-3, IV-75-76 and IV-83, which generally describe the cash management and debt management services provided by the City Treasurer’s Office (PWD Exhibit 5). See also, General Objections 1, 6 and 8.

PA-I-2. Please provide a description of all services performed by the City Treasurer’s Office regarding PWD capital funds or accounts.

Response: Objection. The response to PA-I-1 is incorporated herein by reference.

PA-I-3. Please provide a description of all services performed by the City Treasurer’s Office regarding PWD debt service funds or accounts.

Response: Objection. The response to PA-I-1 is incorporated herein by reference.

PA-I-4. Please provide a description of all services performed by the City Treasurer’s Office regarding PWD debt service reserve funds or accounts.

Response: Objection. The response to PA-I-1 is incorporated herein by reference.

PA-I-5. Please provide a description of all services performed by the City Treasurer’s Office regarding the Water Fund.

Response: Objection. The response to PA-I-1 is incorporated herein by reference.

PA-I-6. Please provide a description of all services performed by the City Treasurer’s Office regarding water and wastewater revenue bonds.

Response: Objection. The response to PA-I-1 is incorporated herein by reference.

PA-I-7. Please provide a description of all services performed by the City Treasurer's Office regarding PWD debt other than water and wastewater revenue bonds.

Response: Objection. The response to PA-I-1 is incorporated herein by reference.

PA-I-8. Please provide a description of all services provided by the City Treasurer's Office regarding the Water Department's annual budget.

Response: Objection. The response to PA-I-1 is incorporated herein by reference.

Relevance

PA-I-11. Please confirm that the Water Department's Deputy Commissioner in charge of finance serves as a member of the City of Philadelphia's Investment Committee.

Response. Objection. The Department objects to this interrogatory as irrelevant to the rate proceeding. No nexus has been established connecting service on the above Investment Committee with proposed changes in PWD rates and charges. PWD believes that this interrogatory, as written, is irrelevant to rate setting. See also, General Objections 1 and 5.

PA-I-12. Please confirm that the City Treasurer serves as a member of the City of Philadelphia's Investment Committee.

Response: Objection. The Department objects to this interrogatory as irrelevant to the rate proceeding. No nexus has been established connecting service on the above Investment Committee with proposed changes in PWD rates and charges. PWD believes that this interrogatory, as written, is irrelevant to rate setting. See also, General Objections 1 and 5.

Relevance/Deliberative Process/Unduly Burdensome

PA-I-13. For each meeting of the Investment Committee held in FY 2017, please provide:

- a. A copy of the agenda.
- b. A copy of the meeting minutes.
- c. A copy of all documents relevant to the operating, capital, debt service, and debt service reserve accounts of the Water Department that were distributed to Investment Committee members.

Response: Objection. The Department objects to this interrogatory as irrelevant to the rate proceeding. No nexus has been established connecting service on the above Investment Committee with proposed changes in PWD rates and charges. The Department believes that this interrogatory, as written, is irrelevant to rate setting. The Department further objects to this interrogatory as unduly burdensome in requesting the compilation of meeting minutes over an annual period (FY 2017) together with numerous other requested documents. The interrogatory/request is particularly burdensome given the limited period allotted to compile discovery responses in this proceeding. PWD finally objects to the above interrogatory and request for production of documents to the extent same requests privileged information (government decision-making and deliberations) which would be contained in Investment Committee meeting minutes. See also, General Objections 1 and 3.

PA-I-14. For each meeting of the Investment Committee held in FY 2018 to date, please provide:

- a. A copy of the agenda.
- b. A copy of the meeting minutes.
- c. A copy of all documents relevant to the operating, capital, debt service, and debt service reserve accounts of the Water Department that were distributed to Investment Committee members.

Response: Objection. The Department objects to this interrogatory as irrelevant to the rate proceeding. No nexus has been established connecting service on the above Investment Committee with proposed changes in PWD rates and charges. The Department believes that this interrogatory, as written, is irrelevant to rate setting. The Department further objects to this interrogatory as unduly burdensome in requesting the compilation of meeting minutes over an annual period (FY 2018) together with numerous other requested documents. The interrogatory/request is particularly burdensome given the limited period allotted to compile discovery responses in this proceeding. PWD finally objects to the above interrogatory and request for production of documents to the extent same requests privileged information (government decision-making and deliberations) which would be contained in Investment Committee meeting minutes. See also, General Objections 1 and 3.

PA-I-17. Please provide copies of all correspondence (written, electronic or otherwise) between the Philadelphia Water Department and the City Treasurer from September 14, 2017 through present, regarding:

- a. PWD revenue bonds.
- b. PWD indebtedness other than revenue bonds.
- c. PWD revenues.
- d. PWD financial performance.

Response: The Department objects to this interrogatory as overly broad and unduly burdensome in requesting all correspondence (presumably emails, memoranda and other correspondence) related to the above subject matter. The interrogatory/request is particularly burdensome given the limited period allotted to compile discovery responses in this proceeding. PWD further objects to the above interrogatory and request for production of documents to the extent that same request privileged information (government decision-making and deliberations) which would be contained in the requested correspondence. See also, General Objection 3.

PA-I-18. Please provide a copy of all correspondence (written, electronic or otherwise) between the Water Department and the City Treasurer's Office regarding 2017 proposed legislation amending PWD's general bond ordinance, currently designated City Council Bill No. 171110.

Response: The Department objects to this interrogatory and request to the extent same seek privileged information (government decision-making and deliberations) contained in the requested correspondence (written, electronic or otherwise). The Department further objects to this interrogatory as overly broad and unduly burdensome in requesting all correspondence (presumably emails, memoranda and other correspondence) related to City Council Bill No. 171110 over an undefined period of time. The

interrogatory/request is particularly burdensome given the limited period allotted to compile discovery responses in this proceeding. See also, General Objection 3.

PA-I-19. Please provide a copy of all correspondence (written, electronic or otherwise) between the Water Department and the City Treasurer's Office regarding the 2016 rate proceeding.

Response: The Department objects to this interrogatory and request as wholly irrelevant to the instant rate proceeding. The Department further objects to this interrogatory as overly broad and unduly burdensome in requesting all correspondence (presumably emails, memoranda and other correspondence) related to the 2016 rate proceeding over an undefined period. The interrogatory/request is particularly burdensome given the limited period allotted to compile discovery responses in this proceeding. PWD also objects to the above interrogatory and request for production of documents to the extent that same request privileged information (government decision-making and deliberations) which would be contained in the requested correspondence. See also, General Objections 1, 3 and 5.

PA-I-20. Please provide a copy of all correspondence (written, electronic or otherwise) between the Water Department and the City Treasurer's Office regarding PWD's proposed rate increase for FY 2019-2021.

Response: The Department objects to this interrogatory as overly broad and unduly burdensome in requesting all correspondence (presumably emails, memoranda and other correspondence) related to the proposed rate proceeding over an undefined period. The interrogatory/request is particularly burdensome given the limited period allotted to compile discovery responses in this proceeding. PWD also objects to the above interrogatory and request for production of documents to the extent that same request privileged information (government decision-making and deliberations) which would be contained in the requested correspondence. See also, General Objection 3.

All responses provided by Debra McCarty