

**PHILADELPHIA WATER DEPARTMENT RESPONSES TO
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED BY MICHAEL SKIENDZIELEWSKI¹**

The Philadelphia Water Department (“Department” or “PWD”) responds to the following Interrogatories and Requests for Production of Documents propounded by Michael Skiendzielewski (“Requestor”) MS-I: 1-2. PWD requests that the Hearing Officer sustain the Department’s objections and strike or limit the discovery requests identified herein.²

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.

¹ By way of background, Mr. Skiendzielewski is a retired police officer who has been trying for years to get the Water Department to pay for a defective water or sewer lateral at his home (which apparently was improperly installed when his house was built over twenty years ago). It bears emphasis that the homeowner (rather than the City) is always responsible for service lateral repairs. The Department, however, does assist customers with HELP loans to help finance such repairs – up to \$12,000. Mr. Skiendzielewski secured such a HELP loan a few years ago. After receiving loan proceeds to effect a lateral repair (roughly \$12,000), he disputed his obligation to fully repay the loan. In this context, he filed a petition with the Tax Review Board (“TRB”) seeking a partial abatement in settlement of his obligation. The TRB rejected his petition as unsupported by substantial evidence on or about March 3, 2016. The TRB also granted a re-hearing whereupon it again rejected his petition on the same grounds (decision dated January 18, 2017). Mr. Skiendzielewski failed or refused to timely appeal the above TRB decisions to the Philadelphia County Court of Common Pleas within 30 days of the final administrative decision. This matter has therefore been fully litigated. The Department maintains, in addition to the above Objections, that Mr. Skiendzielewski is collaterally estopped from re-litigating this issue before the Water Rate Board. See attached TRB decision letters.

² 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).

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 Requestor or accessible to the Requestor or are a matter of public record.

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

MS-I-1. Please provide documents, evidence, reports, etc. relating to any and all payments made by PWD customers to replace short and/or long laterals and inlet pipes over the past 8 years.

Response: Objection. The Department objects to this interrogatory as overly broad and irrelevant to the instant rate proceeding which addresses prospective rate relief for the period FY 2019-2021. No nexus has been established between historic payments going back as far as 2010 and the current rate case. Moreover, PWD would have no knowledge of all payments made by its customers related to all sewer lateral repairs (many of which are private transactions not involving PWD). The Department further objects to the above interrogatory and request for production of documents to the extent same requests privileged information (involving the names, account numbers and personal data such as social security numbers of PWD customers and HELP loans extended to such customers) which would be contained in the documents requested. The Department finally objects to this interrogatory as unduly burdensome in requesting the compilation of documents, evidence reports, etc. over a period of eight years. The Department has extended approximately 7,000 HELP loans during this period. The interrogatory/request is particularly burdensome given the shortened period allotted to compile discovery responses in this proceeding.

MS-I-2. Please provide documents, evidence, reports, etc. relating to any cancellation and/or reduction of PWD HELP Loans offered to PWD customers over the past 8 years.

Response: Objection. The Department objects to this interrogatory as overly broad and irrelevant to the instant rate proceeding which addresses prospective rate relief for the period FY 2019-2021. No nexus has been established between any cancellation and/or reduction of HELP loans offered to PWD customers going back as far as 2010 and the current rate case. The Department further objects to the above interrogatory and request for production of documents to the extent same requests privileged information (involving the names, account numbers, settlement amounts and/or personal data such as social security numbers related to HELP loans extended to PWD customers) which would be contained in the documents requested. The Department finally objects to this interrogatory as unduly burdensome in requesting the compilation of documents, evidence reports, etc. over a period of eight years. The interrogatory/request is particularly burdensome given the shortened period allotted to compile discovery responses in this proceeding. Notwithstanding the above objection, the requested information may be requested through the Right to Know Law (65 P.S. 67.101, *et seq.*)