

**PHILADELPHIA WATER DEPARTMENT RESPONSE TO  
DISCOVERY PROPOUNDED BY MICHAEL SKIENDZIELEWSKI**

The Philadelphia Water Department (“Department” or “PWD”) responds to the following discovery requests propounded by Michael Skiendzielewski (“Requestor”) via email on May 3, 2018 and thereafter. See discussion *infra*. PWD requests that the Hearing Officer sustain the Department’s Objections and strike the discovery requests identified below.

**Discovery Request**

**MS-IV-1. During the public hearing held at 5<sup>th</sup> and Huntington, the Water Commissioner Debra McCarty stated that she had investigated claims that safety protocols were not followed during the sewer inlet lateral repairs at my residence in Philadelphia and “we (PWD) have investigated the claims and followed up and found no issue really.”**

**I am seeking as discovery, copies of any and all reports the Commissioner used to investigate the claims, any and all notes and reports Water Department staff created during the investigation and the names and positions of any and all Philadelphia Water Department employees and/or agents who conducted the investigation.**

**Response:** The Department objects to this request as sought in bad faith. The request is clearly the upshot of a long-standing private dispute concerning the Requestor’s property.<sup>1</sup> The Department further objects to the discovery request because 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 request is also unduly burdensome and meant to harass and annoy the Department.

**MS-IV-2. In September 2017, I was notified by PWD Deputy Commissioner of Operations that a work crew had “parged” the sewer inlet in the street in front of my residence. Specifically, the correspondence stated that parging was performed “to reduce the possibility of seepage into the inlet. This work does not mean that there was a defect with the inlet and it has no impact on the sewer lateral, it was just a precaution...”**

**I am seeking, through discovery, the PWD policy and procedure regarding the use of “parging” and under what circumstances, reasons and conditions warrant such construction steps to be taken. All copies of any and all reports the PWD generated prior to and subsequent to the use of “parging” at sewer inlets throughout the City. Also identify the PWD “parging” policy regarding follow-up, review, maintenance and tracking those incidents when parging was used according to the needs and reasons spelled out in PWD policy.**

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<sup>1</sup> Mr. Skiendzielewski’s electronic communications document that his real interest in this proceeding is personal and pecuniary. In short, he is seeking to recover damages from the City and is using the rate process as leverage to settle a long standing dispute. On April 27, 2018, he specifically indicates to the Hearing Officer that he was seeking a resolution of long standing PWD-related matters; and suggested that his involvement in future hearings might be tied to the outcome of negotiations with the Law Department.

**Response:** The Department objects to this discovery request as untimely filed.<sup>2</sup> The request is specifically dated May 4, 2018. Discovery in connection with the technical hearings ended on May 3, 2018. In addition, the Department objects to this request as sought in bad faith. The request is clearly the upshot of a long-standing private dispute concerning the Requestor's property. Finally, it has been brought to my attention that there is no "parging" policy at the Department.

WHEREFORE, the Department formally objects to the discovery request identified above and requests that its Objections be sustained and that it be relieved of the requirement of any further response.

Respectfully submitted,

/s/ Andre C. Dasent

Andre C. Dasent, Esquire  
Attorney for Philadelphia Water Department

Centre Square East  
1500 Market Street, 12<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19102

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<sup>2</sup> The Department requests that it be relieved of any obligation to answer any discovery requests filed by Mr. Skiendzielewski after May 3, 2018 (discovery cut-off date), including the instant request. PWD has informally made the same request via electronic mail to the Hearing Officer.