

Philadelphia Water Department Rate Board Hearing
March 1, 2016

CITY OF PHILADELPHIA
PHILADELPHIA WATER DEPARTMENT PRESENTATION
RATE BOARD HEARING
Tuesday, March 1, 2016
MINUTES of FORMAL HEARING

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LOCATION: Central Library
1901 Vine Street, Room 108
Philadelphia, Pennsylvania

REPORTED BY: ANGELA M. KING, RPR
Registered Professional Reporter

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HELD BEFORE:

NANCY BROCKWAY - HEARING OFFICER
BERNARD BRUNWASSER - CHAIR
SONNY POPOWSKY, BOARD MEMBER
MICHAEL CHAPMAN, BOARD MEMBER

ALSO PRESENT:

PHILADELPHIA WATER DEPARTMENT MEMBERS
COMMUNITY LEGAL SERVICES MEMBERS

1 if you don't want to have a comment but you have
2 a question, she is here to answer. The other
3 thing is that you can see there are a large
4 number of people from the Water Department who
5 are here to help work out any individual issues
6 that you might have. And so, I'm sure you can
7 find one of them to help you with that.

8 Without further ado, I want to introduce
9 Joanne Dahme -- I always forget her last name --
10 of the Water Department.

11 MS. DAHME: Good morning, everybody.
12 What I will be presenting is sort of just very
13 quick overview about what the Water Department
14 does, why the need for a rate increase and what
15 the driving factors are for the rate increase.

16 I think as Nancy mentioned, we do have a
17 new rate process. In 2012 the voters in the City
18 of Philadelphia approved the creation of
19 Philadelphia Water, Sewer and Stormwater Rate
20 Board. It changed the process for us. So that
21 in the past, there's a Hearing Officer and a
22 Water Commissioner who made the determination
23 about our rates. Today we have a Hearing Board
24 who takes testimony, who takes a look at the

1 financial and technical information the Water
2 Department provides to justify our request for a
3 rate increase. This information goes before the
4 Hearing Board.

5 Public process is very important. It's
6 important for the public to be here today to
7 provide comments, understand what this is all
8 about. There will be a firm timeline on the
9 decision process for that. For the public, most
10 importantly, that you are engaged and involved.

11 It's great to see people here today this
12 morning who will participate in this public
13 process. If people cannot attend hearings, they
14 can mail letters regarding the concerns and
15 questions to the Hearing Board. They also can
16 participate in technical hearings. There's a
17 variety of ways the public should become engaged
18 in what we are doing.

19 We have lots of information on our
20 website. There is also information regarding
21 lots of the testimony, technical information on
22 the Rate Board website.

23 Just very generally, what the Water
24 Department does, we are a water -- wastewater,

1 stormwater utility. We start at the very
2 beginning. We pull our drinking water from the
3 Delaware and Schuylkill Rivers. We pump that
4 through a series of pipes to one of our three
5 water treatment plants where we clean and make
6 that drinking water top quality, safe to drink
7 that is then delivered to customers home, to
8 businesses. Once that water is used, it goes
9 down the drains, goes through our sewer system,
10 goes to one of our three wastewater treatment
11 facilities where the water is cleaned and
12 provided back to the river in a quality that is
13 better than when we took it from the river.

14 We also have to replace/rehab. So, we
15 have a large infrastructure. We have six
16 facilities, six main facilities, three water
17 treatment plants, three wastewater treatment
18 plants, over 6,000 miles of infrastructure,
19 pumping stations, valves, hydrants, all kinds of
20 infrastructure that goes along to support and
21 make sure that system is operating and being
22 maintained to the best of its ability.

23 That system is aging. That needs to be
24 replaced. We also have to maintain and operate

1 those systems on a regular basis.

2 So why do we need increased rates? I am
3 sorry, I'm on the wrong one. Going to switch
4 this very quickly because I have an older
5 version, and I don't want to put you through the
6 older version. I was asked to make this more up
7 to date version. I will -- I have it on my
8 laptop but I cannot see it. I apologize for
9 this.

10 - - -

11 (Time taken to put up correct slides.)

12 - - -

13 Sorry about that. This is important
14 thing we have here.

15 So why do we need rate increase?
16 Essentially, we have five major driving factors
17 to that. I think everyone is aware we are an
18 older city. And like all aging cities, we have
19 aging infrastructure. We have a goal to replace
20 more infrastructure on a daily basis essentially
21 because we want to make sure our systems are
22 reliable. We have 6,000 miles of water main and
23 sewer. Average age about 70 years old. We know
24 the life of the systems are not forever. It's

1 very important to step up the replacement rate of
2 that.

3 We also have to increase our investment
4 in our facilities. We have, as we mentioned, six
5 major facilities. Some of them over 70, some
6 over a hundred years old. Again, we want to make
7 sure they're up to date and provide top quality
8 service. We have a number of regulations. I
9 will go to another slide that details a little
10 bit more about what the regulations are.

11 We have seen a change in use in water
12 use, reduce consumption. There are three major
13 factors in that area. We have lot of passing in
14 our water system. We provide drinking water to
15 many -- over half a million or monthly two
16 million city residents, businesses of our
17 customers, we also have wholesale customers. And
18 recently, lost a wholesale customer which is
19 where we provide drinking water to an authority
20 or other municipality.

21 We see more bottled water use. People
22 are using more and more bottled waters. There is
23 a reduction in sort of usage capacity in
24 properties. Also conservation. We have more

1 efficient appliances, so less water is used when
2 you run a dishwasher. The conservation devices
3 in shower heads, that type of thing. We see
4 water usage going down. We need to maintain that
5 infrastructure, so the cost remains here in the
6 operations and maintenance.

7 Customer assistance programs. I have
8 another slide that goes into a little bit more
9 detail about that. And then general inflation.
10 So just like your own home and your own
11 relationships, inflation rates, go up with new
12 products you need to purchase new services and
13 utilities. We see the same things when we
14 purchases chemicals, when we purchase power and
15 services in order to make sure we were operating
16 and maintaining really well. We see those costs
17 rising on a daily basis.

18 The most important thing, which we
19 really see as one of our driving factors is the
20 aging infrastructure. And we mention we have
21 lots of infrastructure that we need to maintain.
22 When you see in the news or read in the American
23 Association of Civil Engineering and others, the
24 EPA and others give water utilities or

1 infrastructure costs across the country a D
2 rating, which means it's aging, needs to replace
3 and needs to be upgraded. Our last fiscal year
4 we had about 900 water main breaks in that one
5 period of time. Not to say that we are not
6 maintaining and operating our system well. When
7 you have aging system, those breaks will happen
8 more frequently. It's very important that the
9 replacements made as quickly and as cost
10 effectively as we can.

11 We are looking to ramp up that program.
12 Currently, about 22 miles of main a year. We are
13 looking to increase to 28 miles per year. That
14 cost about \$1.5 million a month. It's an
15 expensive proposition. Disruptive and expensive
16 and something we do need to do in order to make
17 sure that we continue to provide a good service
18 and top quality water.

19 The environmental rate regulations are
20 probably our number two factor. It's on both
21 fronts. Under the Safe Drinking Water Act, we
22 have to ensure that the water we pull from the
23 Schuylkill and Delaware River is treated well.
24 Again, safe, clean, top quality. The Safe

1 Drinking Water Act requires us to monitor over
2 100 contaminants that we made find in our natural
3 water supplies, our rivers. We have to remove
4 those. We have to monitor for those. We have to
5 treat them. There is always new regulations on
6 the horizon.

7 Under the Clean Water Act, we have --
8 the biggest one is our Big City Green Waters
9 Program where we have a requirement to
10 essentially stop sewage from going into our
11 waterways. Everyone understands you don't want
12 sewage in the waterways. Because we have older
13 system that was designed to overflow, when it
14 fills up with stormwater, that sewage will also
15 get into our waterways.

16 Basically, that Green Clean Plant Water
17 Program has a number of components. It's
18 upgrading our treatment facilities. It's lining
19 the sewer that runs along our streams and
20 waterways. It's reducing, eliminating to the
21 best of our ability, those combined sewer
22 overflows. And we are using what we are calling
23 Green Sewer Infrastructure to replace or to
24 supplement our existing capacity in that system.

1 A \$2.4 billion program over the next 25 years.
2 Very expensive. We are not the only city in the
3 country that is dealing with this. Every city
4 that has combined sewer system has to meet the
5 regulations.

6 (PowerPoint screen shuts off.)

7 I lost the screen. This is not my day.
8 I'm getting real close to the finish line.

9 Customer Assistance Programs. We
10 recognize that, you know, water service is
11 certainly something that is needed by everybody.
12 It's top quality. We have many programs to
13 support customers who struggle to pay on a
14 monthly basis. We have programs for senior
15 citizens. We provide discounts to nonprofits.
16 We have assistance programs for homeowners who
17 have a leaking water main or a leaking water
18 service or leaking valve. Altogether, we have
19 about \$24 million a year for these customer
20 assistance programs to provide a variety of
21 services and needs to customers who need it.
22 We also have been working with CLS,
23 Councilwoman Sanchez, on a new program or
24 affordable rates program which will be developing

1 over the next two years. This is a more
2 proactive program in the sense that customers do
3 not need to be delinquent to take advantage of
4 the program that will assist them. It's a
5 program that looks to see what the customer's
6 income is and provide discounted rates to the
7 customer. That is something we will be
8 developing over the next two years, but certainly
9 impact rates moving forward.

10 Essentially, how the water rate impacts
11 your water bill. We are talking about a increase
12 in FY17 and FY18. Those two years in total
13 increase is about 11.7 percent.

14 In the first year, that increase is a
15 6.2 percent increase which begins July or, I
16 should say, August 1 of 2016. That 6.2 percent
17 increase will be an increase of \$4.20 on the
18 average monthly customer's bill. And that's a
19 customer who is a residential customer who uses
20 600 cubic feet per month.

21 On that second year, which would be
22 July 1 of 2017, the increase will be a 5.5
23 percent increase. That amount to the customer's
24 bill will be an additional \$3.90. Altogether,

1 you see about an \$8 increase over the two-year
2 period as a result of the proposed rate increase
3 that we are proposing today. Again, this is a
4 proposed rate increase.

5 For seniors, eligible senior citizens
6 receive a 25 percent discount on their bills.
7 They will see the same rate increase, but the
8 proportion of that increase will be 25 percent
9 less on their monthly bill. When we look at how
10 we compare regionally at other water utilities
11 and other water authorities, we are somewhat in
12 the middle of the pack.

13 As I mentioned, everyone is dealing with
14 regulatory requirements for safe drinking, aging
15 infrastructure. We all are really seeing the
16 same challenges financially. But despite that,
17 we are in the middle of the pack when we look at
18 our sewer rates on the lower end. Nationally, we
19 are leaning towards the lower of the pack
20 nationally. We have cities like Portland,
21 Seattle, San Francisco, DC. Everyone is
22 struggling with the need to make sure we provide
23 safe drinking water, replace our aging
24 infrastructure, cleaning up our rivers and

1 streams. So, we are all dealing with the same
2 regulatory requirements and all seeing rates
3 going up.

4 What will the typical customer pay?
5 When you receive that monthly bill, it's divided
6 into four parts. About \$25 of that is based on
7 your water usage and your water service. It's
8 the cost of getting that water out of the river,
9 treated, delivered to your property so that's
10 it's still top quality and safe.

11 About \$19 of that is sewer usage and
12 sewer service, taking that wastewater away from
13 your property, getting into our wastewater
14 treatment plant, make sure it's treated and
15 cleaned.

16 About \$14 in stormwater. We also
17 restore and management authority. We aim to
18 minimize flooding, make sure that we stop sewage
19 and overflows from going into our rivers. You
20 are paying for the system or, I should say, the
21 programs that support that and also protect your
22 property and city streets from flooding.

23 And there is a service charge about \$13
24 for the fee for collecting, billing and the

1 metering.

2 So all together when we look at the end
3 of the day, every customer is paying about \$2.40
4 per day for about 150 gallons of water. When we
5 look at that, we hope that people see that as a
6 really good value. When you go to the Dunkin
7 Donuts, you pay maybe \$2 for a large cup of
8 coffee. When you think about 150 gallons on a
9 normal day, you are paying \$2.40 for water
10 treatment, sewage treatment, stormwater
11 management. So that is it.

12 I'm sorry about the loss of the
13 projector. Thank you, everybody.

14 HEARING OFFICER BROCKWAY: Thank you,
15 Joanne. Before we turn to the public advocate,
16 let me mention that we've been joined by Mike
17 Chapman who is another Board Member with
18 expertise in stormwater.

19 So without further ado, Rob. This is
20 Rob Ballenger who is with Public Advocates work
21 on behalf of the public about the rate hike.

22 MR. BALLENGER: Yes. Thank you,
23 everyone. My name is Robert Ballenger. Good
24 morning. Thank you for being here today to

1 discuss your concerns on this very important
2 issue of the rate increase that's been posed by
3 the Water Department.

4 I'm an attorney with Community Legal
5 Services. And Community Legal Services has been
6 appointed to serve as the public advocate, that
7 means we represent approximately half a million
8 residential and small user customers whose
9 interests are directly affected by this rate
10 increase which is why it's so important that we
11 hear from as many members of the public as we can
12 in this process so that we are sure that we know
13 what concerns you most. I can tell you about
14 what concerns me, but that's probably far less
15 important than what concerns you.

16 We have been doing this work as public
17 advocate for approximately 30 years. And this
18 time around, we have a new process in front of
19 us. We have a new Board, three of the members
20 are sitting here with us today. And they're
21 going to be the ones deciding whether and if so
22 how much water rates go up for the coming two
23 fiscal years. This case is not about one single
24 increase in rates. This is a request for two

1 increases in rates. And over time, as Joanne
2 indicated, that will translate into roughly \$8 a
3 month. That's 12 percent increase. And I
4 certainly don't expect that I will have
5 12 percent more disposable income over the next
6 two years. I think that's probably true of a lot
7 of people who are going to be affected by this
8 rate increase.

9 In our view as public advocate, our goal
10 is to try to determine and present to the Board
11 what we think is just and reasonable. And that's
12 the federal constitutionally based standard for
13 rate making. What is just and reasonable for the
14 utility to recover to provide the service, and
15 what is just and reasonable for you the customers
16 to pay for that service. And that's really the
17 core of what we're after in this rate case is
18 figuring out after we cut through 5,000 page rate
19 filing and all of the very technical details that
20 accompany it, what does that translate into for
21 you the customers.

22 As public advocate, we have a team of
23 experts who have decades and decades of
24 experience in doing just that work. They are the

1 ones who are going to help us look at all of that
2 financial data and determine, what are the
3 reasonable assumptions. Let's be clear, what is
4 at issue here are a series of assumptions that
5 the Water Department expects to have to fulfil.
6 It wants to set rates based on what it thinks it
7 will have to pay over the coming two years. For
8 us, that presents another issue. And that's an
9 issue of reliability and measurability.

10 Do we know over the next two years
11 exactly what the costs are for the Department,
12 and what they will need to charge you, the
13 customers, in order to cover those costs?
14 Obviously, we can't know within any level of
15 mathematical precision. But what we do can do is
16 we can learn from the past and we can apply what
17 we have learned when we set rates in the future.

18 In the past, we have seen that a lot of
19 those types of estimates and projections don't
20 necessarily come true. We saw in 2012 that the
21 Water Department said at the end of 2015 it would
22 have just under \$75 million in its Rate
23 Stabilization Fund. But instead at the end of
24 2015, there were \$206 million in its Rate

1 Stabilization Fund. We are off by a factor of
2 three. We need to think about exactly how we
3 determine what are the reasonable costs that
4 should be passed through to you the customer in
5 rates. And that's the job that our experts are
6 going to try to help us fulfil and present the
7 best case that we can to the Board for why your
8 rates should not unnecessarily be increased.

9 As Joanne mentioned, one of the things
10 that we have to figure out in the coming two
11 years is how do we really implement a meaningful
12 low income program in the City of Philadelphia.
13 For those most vulnerable citizens who face
14 difficulties affording the most basic and life
15 essential services. It's really to them that a
16 rate increase presents the most risk.

17 There are many people in that category
18 in the City of Philadelphia. We have a very
19 challenged population on an income basis. And we
20 need to be thinking about how we ensure -- and I
21 see a lot of signs in the audience today -- how
22 we ensure that we're not placing people at
23 unnecessary risk. Because I think that's
24 something that we just generally can't accept in

1 2016 in the City of Philadelphia. We need to
2 make these vital services available to all on the
3 basis of what is affordable to those households.

4 So as we look to what we're doing in
5 this rate case, obviously, there's a lot of
6 technical aspects to it. There are some real
7 common sense aspects to it, too. I'm here to
8 answer any questions you may have of me. I am
9 joined by a couple of my colleagues in the
10 audience today who can also weigh in. We have
11 some flyers in the back of the room that has our
12 contact information.

13 This is one of a series of hearings that
14 City Council has mandated in order for the voice
15 of the public to be heard in this process. There
16 are other ways that you can interact with the
17 City of Philadelphia about this water rate
18 increase, this proposed water rate increase. We
19 would encourage you all to make use of those
20 avenues and make sure that your voices are heard.
21 Without hearing from you, we can assume what
22 matters the most is the amount of money that you
23 have to pay for your water. But there may be
24 other issues. There may be other issues that you

1 have with the Water Department that we should
2 hear about.

3 Are you getting the kind of service that
4 you think you're paying for? Do you have other
5 concerns? We read a lot about concerns about the
6 potential for lead in our water. And I am sure
7 that the Water Department can talk more about
8 those concerns than I can. But again, this is a
9 forum for you to raise your concerns and for them
10 to be heard. I encourage everyone to participate
11 and avail yourselves of all the opportunities you
12 have to make your voices heard in this process.

13 Thank you very much.

14 HEARING OFFICER BROCKWAY: Thank you,
15 Mr. Ballenger. Now we turn to the core part of
16 our proceedings today which is hearing from the
17 public, your concerns or your suggestions about
18 the proposed rate hike. I should let you know
19 that we have a court reporter here so that we can
20 take down what people are saying verbally and
21 refer back to it as the Board looks at the
22 proposal.

23 So, there are some chairs up here and
24 more chairs to be had. I have a list here of

1 people who have indicated that they would like to
2 speak. As we go through the list, if you would
3 come up and -- we have some more. If you would
4 come up and give your name, I presume you are all
5 Water Department customers so -- unless you're
6 not.

7 Okay. So, the first person that we have
8 is Mr. Lance Haver.

9 MR. HAVER: I'm from the City Council
10 President's office. I defer to let the public
11 speak first and put my name at the end of the
12 list. I do want to be heard. The people that
13 came out to be heard not on the payroll should go
14 before me.

15 HEARING OFFICER BROCKWAY: Great. Now
16 we indicate the -- my lack of knowledge about who
17 is on the Council and who are their aides. I did
18 mean to ask if there were any appointed or
19 elected officials that wanted to come forth?

20 (No response.)

21 MR. HAVER: Again, I serve in Council
22 President's office. I do want to testify, but I
23 would like for people to go before.

24 HEARING OFFICER BROCKWAY: Yes, I

1 understand.

2 The next person I have is Cassandra
3 Fitzgerald-Black.

4 MS. FITZGERALD-BLACK: Good morning. My
5 name is Cassandra Fitzgerald-Black. I'm a
6 certified legal intern with Drexel's Community
7 Lawyering Clinic which provides free legal
8 services to the residents of West Philadelphia.
9 I'm here today to talk to you about the startling
10 trend amongst our clients, the lack of running
11 water in their homes.

12 The Community Lawyering Clinic has
13 encountered clients who have gone for years
14 purchasing jugs of water in order to satisfy
15 their basic human needs for water. Although some
16 City Council members and the former Water
17 Commissioner recognize the right to water as a
18 basic human right, those who have tried to
19 navigate or negotiate with the Water Department
20 or the Water Revenue Bureau have been turned away
21 sometimes purely due to bureaucratic hurdles.

22 The Community Lawyering Clinic is
23 concerned that this issue is not limited to a few
24 isolated cases. Statistics provided by the Water

1 Department through this rate making process have
2 indicated that residential water accounts have
3 declined by 31,472 in the last five years. At
4 the same time, according to census data,
5 Philadelphia's population has grown 34,000
6 people.

7 Over the course of this rate making
8 proceeding, the Water Department needs to provide
9 answers and evidence for this dramatic drop. A
10 justification is needed for why the Water
11 Departments needs to raise its rates when it
12 instead could be expanding its customer base by
13 accepting more customers under the same standards
14 put in place by PGW and PECO and by eliminating
15 inconsistent practices within their Department
16 and customer services.

17 Unfortunately, due to the shame of
18 living without running water in their homes and
19 the fear of possible consequences that might
20 colleague will address after I finish speaking,
21 many of our clients are unable to be here today.
22 They asked me to share their stories in hopes
23 that the Water Department will change its
24 policies and practices so that Philadelphians can

1 have access to sufficient, safe and affordable
2 water. Which is fundamental to the health and
3 livelihood of a community.

4 Ms. W is 61-year-old woman that lives in
5 a property in the promise zone. It was deeded --
6 the property was deeded to her by her father
7 before he moved to a retirement community. She
8 moved into the property in 2001 after falling on
9 hard times and losing her job. She discovered
10 that someone had removed the property's water
11 meter and there was an outstanding bill of nearly
12 \$4,000.

13 She attempted to enter into a payment
14 agreement to make the payments more reasonable,
15 but the Water Department denied her request.
16 Ms. W could not afford the meter installation
17 fee. And so, she has now been without water for
18 over five years. The Water Department never
19 provided her with a written decision or notified
20 her of her right to appeal. To meet her basic
21 water need, she regularly hauls jugs of water
22 home.

23 The Water Department still continues to
24 charge Ms. W for stormwater fees. Ms. W has now

1 paid over half her delinquent bills and continues
2 to pay a hundred dollars monthly to the Water
3 Department despite not having running water in
4 her home. Another client that has experienced
5 this struggle is Jay.

6 Jay is a 62-year-old African-American
7 with disabilities who has lived in West
8 Philadelphia his entire life. He has been
9 without running water now for over six years.
10 Nearly every week, he goes to the grocery store
11 and buys as many two-and-a-half gallon bottles of
12 water he can carry back to his home. He worries
13 that one day he will not be able to physically
14 haul the water home.

15 Jay has lived in his home since 1999
16 when an elderly neighbor and close family friend
17 was put into a nursing home. After she left,
18 people began to ransack the house and stealing
19 all that remained. Her only living brother told
20 Jay that he could move into the property. Jay
21 has lived there ever since, but has never
22 acquired title to the property.

23 Jay's hard times started when he fell
24 behind on his bills in 2009. He was able to get

1 payment plans for his outstanding gas, electric
2 and tax bills. But the Water Department refused,
3 telling him that he could not pay the bill
4 because he was not the owner of the property. He
5 never received written notice of this denial, nor
6 any options for appealing it. Jay has not had
7 running water since 2009. The Water Department
8 has continued to charge him for stormwater
9 services. If these charges continue to mount,
10 Jay could be at risk of foreclosure and losing
11 his home.

12 Statistics provided by the Water
13 Department indicate that these stories may not be
14 isolated events. Over the past five years, the
15 Water Department lost 31,472 residential
16 customers. That is 31,472 households, not
17 individuals. So, the number of affected people
18 is actually much higher. The declining rate of
19 residential customers may be in part explained by
20 high shut-off rates.

21 In the last physical year alone, the
22 Water Department shut off 31,049 households.
23 According to the Water Department, the average
24 cost to turn off a customer is \$50. This means

1 the City spent over \$1,470,151 turning off water.

2 This water rate making hearing presents
3 Philadelphia with a unique moment in time where
4 the City in partnership with the Water Department
5 could begin to solve the problems with access to
6 water, and ensure that Philadelphians' basic
7 human right to water is protected. My colleague
8 Sam is now going to discuss some reasons the
9 Community Lawyering Clinic believes that
10 residential numbers are declining and some
11 solutions to that problem.

12 MR. SCAVUZZO: If I may continue, I'm
13 the next on the list.

14 HEARING OFFICER BROCKWAY: Yes. Could
15 you turn the podium a little bit so we can hear.
16 Thank you. We are listening carefully, but --

17 MR. SCAVUZZO: I understand. My name is
18 Sam Scavuzzo. I'm also a 3L at Drexel. I'm a
19 Water Department customer, live in East Falls
20 right below the Queen Lane Reservoir. I want to
21 talk about some of the reasons we believe the
22 customer base has declined and the collateral
23 consequences that exist when people live without
24 running water. I will also propose some

1 suggestions that we have come up with to possibly
2 alleviate some of those problems.

3 So our interviews with low income
4 citizens in West Philadelphia and other areas
5 across the City lead us to conclude there are
6 three main causes for them not living without
7 water. First are these title issues that Cassie
8 was talking about; second are infrastructure
9 problems within their home; and third is
10 affordability.

11 First, as Cassie talked about, many low
12 income Philadelphians live without proper title
13 to their homes. They live a little more
14 informally than the systems we have in place.
15 According to Philadelphia VIP, there are 14,000
16 people with these tangled title issues. These
17 title issues make it difficult and sometimes
18 impossible for people who want to be paying
19 customers to become one because the Water
20 Department has imposed very high burdens to prove
21 residency.

22 The Water Department requires a deed, a
23 lease, will or letters of administration to
24 become a customer. The bar is much lower at

1 other agencies which accept combination of bank
2 statements, driver's licenses, other utility
3 bills or a tax agreement with the City of
4 Philadelphia. So if a customer -- for a citizen
5 of Philadelphia dealing with lots of problem at
6 once. They might have a title issue. They might
7 have gas service. They might have electric
8 service. They might be in a payment agreement
9 with the City to pay that delinquent property,
10 but they won't have running water. And until
11 they resolve that title issue, which can take
12 more than a year with the help of legal services
13 which again they would have to afford to pay for
14 one or to qualify for free legal services, the
15 Water Department won't negotiate with them.

16 We propose the Water Department align
17 its policies with the City, with the same Revenue
18 Department, PECO, PGW to accept just different
19 forms of identification so people who are willing
20 to pay have the ability to do so.

21 Turning to infrastructure. Cassie
22 talked about Ms W. who has the water meter
23 problem. PWD will not activate service unless
24 both the water meter and internal pipes work.

1 For low income customer on a very fixed income,
2 the up front cost of purchasing a new meter or
3 fixing pipes imposes very great financial burden
4 at one time even though they might be able to pay
5 their monthly bill. As we saw in Ms. W's case,
6 she continues to pay the Water Department for
7 stormwater costs but she doesn't have running
8 water. She's paying the Water Department, but
9 she's not getting water.

10 We suggest the City create a grant
11 program or installation plans for someone to pay
12 for that infrastructure cost or provide some sort
13 of way they can get that meter, those pipes
14 installed and get the water that they are paying
15 for.

16 And last we turn to affordability. As
17 Mr. Ballenger and Ms. Dahme talked about, the
18 City has passed by ordinance a new affordability
19 plan. Our concern is that we want that plan to
20 be one where new regulations are passed, to
21 affect the most people possible and to allow
22 people to get this assistance.

23 So we learned from our interactions with
24 Philadelphians, many people know when a moment

1 happens, all your finances can go out the window.
2 Like a medical event. If someone gets sick --
3 and we have come across these people, they --
4 everything becomes very complicated. Their
5 loans, their student debt, losing a job, their
6 medical bills, their mortgage, their rent, their
7 bills. These events make it paramount for
8 affordable water to exist.

9 Prior to the enactment of the new
10 ordinance, the Affordability Program in
11 Philadelphia, the Water Department only had about
12 10,000 customers in the WRAP Assistance Program
13 as compared to 61,000 for PGW. Part of the
14 reason for this disparity is the high denial rate
15 of the WRAP applications. PWD in its disclosure
16 have indicated between 40 and 45 percent of
17 people are denied for WRAP applications.

18 City of Philadelphia has made great
19 strides with the new ordinance, but the new
20 ordinance has a tiered approach to water
21 affordability with those in the lower income
22 tiers getting eligible for greater discounts or
23 bills. The law also provides that customers who
24 are enrolled in WRAP will not be required to pay

1 pre-WRAP arrears to maintain services. However,
2 the effectiveness of the new bill rests with the
3 implementation of it by the City according to the
4 affordability targets established by the Water
5 Rate Board. We implore the City to implement an
6 effective low income program targeting monthly
7 bill payments, amounts that are actually
8 affordable. According to international
9 standards, in order to assure that access to
10 water -- to safe water is given and recognizes
11 the human right that it is.

12 When you lose access to human right of
13 water, it causes several consequences in your
14 life that you might not think of at first blush.
15 Individuals and families whose water is shut off
16 will face disastrous consequences that effects
17 the most important part of human existence:
18 Their family, their housing and their health.

19 The Water Department policies and
20 practices risk tearing families apart. In the
21 past, the Department of Human Services has
22 removed children from parents who do not have
23 running water in their homes out of concern for
24 the child's health and well being. When the

1 Water Department refuses to provide water service
2 to a person who has a title issue, they also
3 might be denying them custody of their children.

4 Being deprived of water also affects
5 housing. Many leases similarly require running
6 water. By living without water, tenants could
7 face eviction. And the real choice of paying
8 their rent over paying their water leaves them
9 homeless regardless let alone the risk of
10 foreclosure that someone might have if they fall
11 delinquent.

12 Finally, living without water
13 deteriorates the quality of life of a person's
14 health, especially due to the affects on hygiene
15 and hydration. And they also cause residences to
16 experience shame and anxiety. Our clients feel
17 embarrassed that in 2016 they are living in a
18 major city in the United States of America
19 without running water, despite the fact that that
20 problem that they are facing is not their own.
21 Many people are experiencing the same problem.

22 I appreciate the opportunity to speak
23 today. And I believe next on our list we have
24 speaking is Dr. Mariana Chilton who is a

1 professor at the School of Health of Drexel and
2 also a Director, Center for Hunger-Free
3 Communities. Thank you.

4 HEARING OFFICER BROCKWAY: Thank you.

5 Dr. Chilton.

6 DR. CHILTON: Thank you very much for
7 the opportunity to testify at this public
8 hearing. My name is Dr. Mariana Chilton. I'm a
9 professor at the Dornsife School of Public Health
10 at Drexel University. And I direct the Center
11 for Hunger-Free Communities where I seek
12 solutions to poverty that are based on empirical
13 evidence and on human experience. I'm here to
14 talk to you about how the proposed water rate
15 hike may negatively effect the health and well
16 being of young children.

17 For the past 15 years, I have been
18 carrying out research among Philadelphia's
19 poorest families to track and understand (begins
20 crying) -- I'm sorry -- to track and understand
21 how hunger and housing hardship affect the health
22 and well being of young children. With our
23 ongoing research study, Children's HealthWatch,
24 we interview families with young children in the

1 emergency room at St. Christopher's Hospital for
2 Children. I have carried out several qualitative
3 studies in Philadelphia where I have been in
4 families' homes documenting how they experience
5 hunger and adversity. One of these studies.
6 Witnesses To Hunger, is still ongoing. And I
7 have another study where we work with families to
8 help them build assets to get out of poverty.

9 In all of these studies over the past 15
10 years, we have met families that have lived or
11 are currently living without running water. Why
12 and how does this happen? Because they cannot
13 afford to pay their bills or they can't afford to
14 turn on the water when they move into a new
15 place, or in some cases because the pipes to
16 their home are so corroded and old that they
17 can't afford the necessary life saving repair.

18 This was case for one of the members of
19 Witnesses to Hunger. Raw sewage was coming up
20 through her basement floor. She didn't have the
21 \$2,000 to fix that. But according to the Water
22 Department, she was on her own to make repairs
23 because the pipes leading to her house were her
24 responsibility. At the time, she was living in

1 her house without running water with her six year
2 old and her two year old. I include the photo of
3 her kitchen for the record.

4 She was lucky enough to have a friend
5 across the street that would let her and her
6 children use the toilet, wash their hands and get
7 a pot of water to cook Oodles of Noodles on the
8 hot plate in her living room. This was not
9 enough to keep her kids healthy. She told me,
10 Mariana, we practically live at St. Christopher's
11 Hospital emergency room because of my kids'
12 rashes, colds and infections. I know it's
13 because I don't have running water. She is
14 right.

15 Scientific empirical evidence shows that
16 families that do not have running water are at
17 much higher risk of getting infections and of
18 being sick. This is especially problematic when
19 it comes to poor nutrition. Doctors call this
20 the infection malnutrition cycle. When children
21 are malnourished, they are less likely to be able
22 to fight off infection. When they get an
23 infection, their nutrition gets worse because
24 they don't eat as well. This leads to more

1 malnutrition and thus to another infection, and
2 around and around it goes.

3 Sending kids into and out of the
4 hospital emergency rooms. It's like a massive
5 merry-go-round amongst Philadelphia's families
6 with young kids. Around and around among the
7 homes they can't afford to fix into the hospital
8 that treats their systems only to be discharged
9 back again to homes without running water and
10 without enough money for food.

11 Aren't we tired of this?

12 What's on the power -- where is one of
13 the power sources of this insane cycle? The
14 inability of the Water Department to assist low
15 income families in an effective way.

16 Ignoring tangled title problems and deep
17 family poverty, the Water Department insists on
18 payment processes that keep people trapped in the
19 cycle of poor health. Our City systems don't
20 work together. The grease that keeps the
21 merry-go-round going without interruption is
22 fear. Fear from families who worry that they
23 reveal they can't afford to pay the bill or worse
24 that their water is shut off, that that other

1 City system DHS will take their kids away.

2 The Water Department bares some
3 responsibility here. We must build in better
4 protection for our City's children. Our research
5 shows that 25 percent of low income families with
6 young children be interviewed in West
7 Philadelphia have received water shut-off notices
8 in the past year. Over the last 11 years at St.
9 Christopher's Hospital emergency room, almost 60
10 percent of the families that we interviewed had
11 at least one hardship that included food
12 insecurity, housing insecurity and lack of
13 ability to pay utility bills including water.

14 We know this hardship causes more
15 infections and hospitalizations and negatively
16 affects a child's development, their schooling,
17 and later their ability to succeed in the work
18 place. Philadelphia's kids are at great risk. I
19 implore you to carry out the health impact
20 assessment of this rate hike. The Water
21 Department should be able to proceed with a rate
22 hike only after they can publicly demonstrate
23 that the City has built in effective protections
24 for Philadelphia's poorest children.

1 Thank you.

2 HEARING OFFICER BROCKWAY: Thank you,
3 Dr. Chilton.

4 At this point, I should mention -- I
5 didn't mention before -- that if there is anyone
6 who wishes to address the Board but not give
7 their entire name, feel free to do that, but give
8 your name to the court reporter later. And then
9 also we can accept written comments and emails.

10 The next person I have is Roxane
11 Crowley.

12 MS. CROWLEY: Good morning. Thank you
13 for having me here today and giving me the
14 opportunity to testify. My name is Roxane
15 Crowley. I am a supervising attorney at
16 Philadelphia VIP. And I am here today on behalf
17 of our low income clients to express our grave
18 concerns on the rate increases.

19 At Philadelphia VIP, we are the hub of
20 pro bono. We work with our legal service
21 partners Community Legal Services, Philadelphia
22 Legal Assistance. Are cases are referred to us
23 and all of them go out to members of the private
24 bar who provide free legal services. At VIP we

1 house the largest Tangled Title Program in
2 Philadelphia. As a staff attorney, my job is
3 providing technical support to our clients and to
4 our volunteer attorneys who are handling our
5 tangled title cases.

6 So what is tangled title? We have heard
7 a lot about these heir properties,
8 multi-generational homes. We have granddaughter
9 living in a house by the title is still in
10 grandma's name. We see tangled title in other
11 ways; incomplete lease purchase agreement, buyer
12 has paid off the house, seller still hasn't
13 transferred title. Deed fraud has been rampant
14 in Philadelphia. Someone gets title to their
15 property stolen from them. Clients also have
16 claims to adverse possession.

17 All of these clients with title issues
18 have insurmountable obstacles to obtain running
19 water in their home if service is terminated. In
20 2007, so almost ten years ago, Philadelphia VIP
21 partnered with the cartographic modeling lab at
22 the University of Pennsylvania. And they did a
23 study to try to determine -- and I apologize for
24 being so frank -- but how many homes in

1 Philadelphia were owned by dead people. That
2 number was 14,000. And that was, again, almost
3 ten years ago. And that's just the homes owned
4 by dead people. We still have folks dealing with
5 conveyances, adverse possessions, incomplete
6 lease purchase. We know, we are certain that the
7 number is significantly higher than that.

8 Most recently members of the
9 Philadelphia Council or City Council of
10 Philadelphia have voted the concept that nearly
11 40 percent of Philadelphia homes are
12 multi-generational or heir properties. Again,
13 all of these folks experience obstacles to
14 becoming water customers and obtaining running
15 water in the home if the service is terminated.

16 These clients with tangled title issues,
17 we call them equitable owners to the property
18 because they have a right to the house but just
19 don't have their name on the deed or the means to
20 get it resolved legally unless connected with
21 legal services. When these clients come to VIP
22 for help through Community Legal Services, their
23 cases are referred to private attorneys. I can
24 promise you I can't count the number of times I

1 had one of our private attorneys call me and say,
2 do you know Mrs. X's water is off? That she's
3 been living for ten years without water? And I
4 have to sigh and say, yes, we know. We're
5 working on it. We are trying to get her service
6 started again.

7 Let me tell you about what it takes for
8 Community Legal Services, staff attorneys at
9 Philadelphia VIP and our private attorneys to try
10 to get one of these equitable owners a water
11 account. This is a snapshot of what typically
12 happens.

13 Title is in dead grandma's name. They
14 been paying grandma's water bill, the bill that's
15 still in her name, for X amount of years. There
16 is a financial hardship. The family can't
17 continue paying the bill. Service is terminated.
18 Once service is terminated, the heir goes to the
19 Water Department to try to start an account.
20 They are told that they have to make a large
21 installment payment on the back bill that is
22 still in grandma's name.

23 That's insurmountable. Low income folks
24 cannot afford to pay that. Then they are still

1 left without water. For those clients who have
2 the wherewithal to figure out how to go to Legal
3 Services through intake at Community Legal
4 Services and then have their case referred to
5 VIP, we then have the ability to work with that
6 client as a team of attorneys to develop a method
7 of coming up with an assessment of their claim to
8 title and submitting letters to the Water Revenue
9 Bureau from the Water Department to try to get
10 that client recognized as a customer.

11 Even after the work of a team of
12 attorneys, we still cannot guarantee that that
13 client is going to become a customer in obtaining
14 running water into their home. It's insane.

15 What's even more unbelievable is that
16 there's going to be a rate increase. And the
17 Water Revenue Bureau, the Water Rate Board and
18 the Water Department have not explored all of
19 their options to seek sources of income. We have
20 many thousands of people in Philadelphia who are
21 equitable owners of their properties with tangled
22 titles. And they are living without water
23 service. And they are willing to pay so they can
24 afford to have water.

1 We ask that you give them accounts and
2 let them pay. I was very upset to learn that in
3 the recent legislation that created the
4 income-based water payment plans, the LIWRAP
5 Bill. That equitable owners were not recognized
6 under those provisions. Yet again, they were
7 prevented from being given access to -- to having
8 a water account, to have running water in their
9 homes.

10 On behalf of our low-income clients,
11 those that we serve, the volunteer attorneys we
12 are trying to work with at legal services, we ask
13 that you deeply consider and give our clients
14 accounts to running water. And thank you for
15 giving me the opportunity to testify today.

16 AUDIENCE MEMBER: May I inquire a point
17 of information?

18 HEARING OFFICER BROCKWAY: Are you on
19 the list, sir?

20 AUDIENCE MEMBER: I am. But I thought
21 we were here to talk about a rate increase. And
22 so far we have spent 45 minutes talking about an
23 admirable cause, which I appreciate. We have not
24 yet addressed the issue at hand.

1 HEARING OFFICER BROCKWAY: I am going to
2 have to interrupt you, sir. That would be an
3 appropriate comment when your time comes to
4 comment.

5 AUDIENCE MEMBER: I guess I will wait
6 through it. I will hope those on the list have
7 the courtesy to get to the point of the matter.

8 Thank you, everyone.

9 HEARING OFFICER BROCKWAY: Okay.

10 I have a Mr. Art Wendler.

11 MR. WENDLER: Good morning, ladies and
12 gentlemen. My name is Arthur Wendler. I've been
13 a Philadelphia resident for 17 years. I'm a
14 water rate customer because my rent goes up based
15 on my utility costs. I am here to speak out
16 against the proposed water rate hikes in order to
17 add my voice to the others.

18 And it's come to my attention that on
19 average the City has raised the rates every year
20 for at least -- for at least the last five years.
21 This is a conflict with providing an adequate and
22 reliable water supply for all households. It
23 seems that the Water Department is proposing
24 raising rates to please bond holders while

1 citizens are sinking into poverty.

2 It is not an assumption that one can
3 only be \$500 away from poverty. I was with a
4 company for over ten years, and it dissolved
5 without real notice. And it left ten others and
6 me not only in an emotional depression but in an
7 economic one, as well. From my standpoint, it is
8 a strong indication that this is effecting all
9 walks of life including professionals and the
10 overall majority of workers as well.

11 I've been a graphic designer for 30
12 years. And I have not seen the economic
13 prosperity that the mainstream media speaks of.
14 In the field I'm in, it's hard to find a job
15 where the majority of the opportunities have
16 become part time or contractual with no benefits.
17 Someone in this situation is always looking for
18 the next opportunity or contract in order to pay
19 the bills.

20 Currently, I'm resorting to applying for
21 low wage retail position which in many cases are
22 part time and have no benefits. Meanwhile, I am
23 doing my best to budget my income and expenses in
24 order to pay my rent and my bills. I don't think

1 it's fair that the Water Department gets to pass
2 on their debt to the rate payers with proposed
3 increased rates while more and more people are
4 being forced into filing for bankruptcy in order
5 to keep their utilities or their creditors from
6 charging more interest.

7 Since I've become a volunteer at the
8 Eastern Service Workers Association and donate my
9 design skills, I've met other people who are in
10 the same situation that I am including the
11 testimony that was presented here today. It has
12 helped me come to grips with my own current
13 situation. And the fact that we have to raise
14 awareness together to say no to the proposed
15 policies such as this City proposing raising
16 their water rates because it is forcing more
17 people into poverty which inevitably affects the
18 City as a whole.

19 This creates an unstable consumer base
20 forcing more businesses to either relocate or
21 dissolve resulting in more Philadelphians ending
22 up out of work hurting the city in the end
23 because of loss of taxpayers dollars.

24 Thank you.

1 HEARING OFFICER BROCKWAY: Thank you,
2 Mr. Wendler.

3 The next person I have on the list is an
4 Alice Grey. Ms. Grey is indicating that she does
5 not want to speak, but she has chart.

6 Let's see. All right. Next I have
7 Jeremy Meglen. Did I get your name right?

8 MR. MEGLEN: Yeah. Thank you.

9 Hello, my name is Jeremy Meglen. I'm
10 here on behalf of Easton Service Workers
11 Association. I'm a freshman at Temple
12 University. And I would like to take this time
13 to voice some of my grievances and concerns
14 regarding the potential rate increase with the
15 City's water.

16 As a student, I have a decent
17 understanding of debt. While I am blessed enough
18 to have parents to help finance my education,
19 some of my friends are not so lucky. Even as a
20 freshman, I have friends that are needed to take
21 out loans in order to pay for their college
22 tuition, their rent and various other
23 experiences. My friends will most likely have to
24 pay off these loans until they are well into

1 their 30s. It is with my understanding that the
2 Water Department is also in debt. In fact,
3 millions of dollars in debt. What I would like
4 to know is why students are forced to live in
5 debt, yet the City is willing to help major
6 corporations get out of debt at the expense of
7 its citizens. As a current student and possible
8 future resident of Philadelphia, I find this
9 proposed rate increase to be a bit concerning.

10 College, as you probably know, is fairly
11 expensive. Even though I am only a freshmen in
12 my second semester of college, I already know of
13 a few students that will not be attending Temple
14 next year due to financial reasons. How do you
15 expect college graduates to live in a city if
16 something as necessary as water is too expensive.

17 I hope after hearing me and the other
18 speakers of Eastern Service Workers Association,
19 you will consider denying this rate increase of
20 water. Thank you.

21 HEARING OFFICER BROCKWAY: Thank you,
22 Mr. Meglen.

23 (Applause.)

24 The next person I have listed is a

1 Mr. James Giblin.

2 MR. GIBLIN: Thank you for permitting me
3 to speak at this hearing. In an effort for full
4 disclosure, I am a retired member of the
5 Philadelphia Fire Department. I also for the
6 past 25 years have been managing condos and coop
7 properties in the City. I have a different take
8 than most of what I heard here today.

9 The first is, I represent a large
10 portion of people who live in condominiums and
11 coops in the City. I also feel I represent the
12 Philadelphia Fire Department, so I want to thank
13 the Water Department for all the good work that
14 they did and I experienced in both of my careers.

15 (Applause)

16 MR. GIBLIN: Thank you. But I want to
17 put a different question out there. And my
18 question has to do with the budgeting.

19 In managing properties, we all have
20 budgets that we have to adhere to like any
21 utility or big company. And subsequently, we
22 have to budget for unexpected expenses. For
23 example, have a reserve.

24 Now I manage the Kennedy House not far

1 from here. And we have an operating budget of
2 approximately \$6 million a year, but we also have
3 a capital budget that's approximately \$3 million
4 a year. And what's that for? That's for
5 unexpected expenses. We have infrastructure just
6 like the utility has an infrastructure. And we
7 have issues that come up all the time that we
8 have to fund.

9 We do not special assess. That's the
10 one other option that's available for companies
11 or other properties. But we have to pay for
12 those infrastructure improvements. Knowing that
13 the infrastructure of the Water Department on
14 average was 70 years of age, in reality I think
15 it's twice that.

16 Subsequently, I had a 16-inch
17 transmission pipe right behind my building that
18 collapsed a year ago. And the Water Department
19 had to come out and fix that transmission line,
20 which I believe was serving the new Comcast Tower
21 that's adjacent to my building. If you're not
22 budgeting a portion of the income that is
23 received to reserves for future replacement, and
24 it's well known the City of Philadelphia being an

1 older eastern city, we have very aging
2 infrastructure that's going to need to be
3 replaced constantly. And Ms. Dahme had
4 originally said approximately 6,000 miles of pipe
5 need to be replaced. And the average is 22 miles
6 of pipe per year. That means in 272 years, we
7 may get to the end of that 6,000 miles of pipe.
8 I don't think that's a realistic plan.

9 So my question to the Water Rate Bureau
10 is what kind of reserves are in place for future
11 infrastructure improvements to maintain this
12 water supply that's so important for every single
13 individual?

14 Thank you.

15 HEARING OFFICER BROCKWAY: Thank you,
16 Mr. Giblin.

17 We have Raymond Diebel.

18 MR. DIEBEL: If I may, thank you for
19 having me. And also, I want to reiterate Jim's
20 commendation to the Water Department. I think
21 it's great to have running water. And I do feel
22 for everybody who came up here and used this
23 opportunity to talk about the plight of the
24 ill-advantaged.

1 HEARING OFFICER BROCKWAY: Just --

2 MR. DIEBEL: I would like to get my
3 point --

4 HEARING OFFICER BROCKWAY: I understand
5 that. We are not the Water Department.

6 MR. DIEBEL: You're the hearing bureau.
7 I understand.

8 HEARING OFFICER BROCKWAY: Okay. Got
9 it.

10 MR. DIEBEL: You're their
11 representative.

12 I think what Jim had said is very
13 important. That we need to be planning for the
14 infrastructural improvements over time. And like
15 Jim said, I do wonder what the Water Department's
16 plan is to fund that process. And I would like
17 it to be passed along to whoever the financiers
18 are. We are talking about hitting these people
19 over the head with a sudden increase of 11.7
20 percent, I think you said, would be over the
21 course of two years.

22 Why are we not doing it over time 2
23 percent, 2 percent, 2 percent and compounding
24 that interest over time so that these people can

1 bear it and that the infrastructural replacements
2 can take place. Because I assure you, if you get
3 that extra 11.7 percent over two years, we are
4 not going to fix the infrastructure over two
5 years. It's going to be a time consuming
6 process. And like Jim said, it's 222 years?
7 Let's do it each year and the people can bear it.
8 And it just makes more sense.

9 That's all I have to say. Thank you.

10 (Applause)

11 HEARING OFFICER BROCKWAY: Thank you,
12 Mr. Diebel. There was a question in there which
13 perhaps the Water Department would like to
14 respond to. If you can state your name.

15 MS. LaBUDA: Good morning. My name is
16 Melissa LaBuda. There were two questions. And I
17 can't read my sheet with my glasses, they are
18 coming off.

19 There are two questions on reserve. I
20 will take the first one. How are we paying for
21 our infrastructure. Unfortunately, we borrow for
22 most of our infrastructure. It's -- we hope to
23 pay for 80 percent of our infrastructure with
24 debt and 20 percent with pay-as-you-go capital,

1 but we haven't met that metric in a long time.
2 We are more like 95 percent borrowed, 5 percent
3 capital.

4 When it comes to the reserves that have
5 been talked about both by Community Legal
6 Services and different parties speaking today, is
7 the fact that we didn't have a rate increase in
8 FY16. It was a 0 percent, so we didn't have five
9 years of rate increases. We had no rate increase
10 in '16. And the way we are bridging our
11 structural deficit in '16, we are borrowing from
12 our reserves and we are projecting a \$36 million
13 withdrawal.

14 To the best of our ability, we are
15 mitigating the '17 and '18 rate increase by
16 taking money again from our reserves. So, we do
17 have reserves. We've been obviously punished in
18 some ways for having reserves. It's those
19 reserves that covered the 0 percent rate increase
20 in '16 and mitigated the increase in '17 and '18.

21 Thank you.

22 HEARING OFFICER BROCKWAY: Thank you.

23 I'm not sure whether or not the
24 gentleman got all his questions answered, but I

1 would -- if he would like, I would recommend that
2 he go up and talk to the representatives of the
3 Water Department.

4 Is there anybody who didn't sign up who
5 would like to talk?

6 MR. TERHUNE: I thought I signed up. I
7 don't know if I'm there.

8 HEARING OFFICER BROCKWAY: What's your
9 name?

10 MR. TERHUNE: Terhune, T-e-r-h-u-n-e.

11 HEARING OFFICER BROCKWAY: I don't have
12 you.

13 MR. TERHUNE: I signed a piece of paper
14 with all that.

15 MR. HAVER: If there's nobody else, I
16 would appreciate the opportunity.

17 HEARING OFFICER BROCKWAY: Sure.
18 Terhune?

19 MR. TERHUNE: Yes, T-e-r-h-u-n-e.

20 HEARING OFFICER BROCKWAY: Okay.

21 Mr. Terhune.

22 MR. TERHUNE: My name is Andrew Terhune.

23 I'm going to focus on something a little bit
24 different, the cost side of this.

1 Starting back, oh, gosh, twenty years
2 ago, I brought to the Water Department's
3 attention through my City Councilperson who is
4 then President of City Council, the fact they
5 were wasting an awful lot of funds by including
6 one of these in all of my bills (holds up
7 envelope) even though I was paying these
8 electronically even back twenty years ago. They
9 had the electronic check program from the banks.
10 And despite the pleas of the President of City
11 Council, the Water Department is still -- here we
12 are twenty years later, they still include
13 envelopes to people who are not going to need
14 them.

15 If one is concerned about the
16 environment, that's one thing. Plus, I imagine
17 these aren't free.

18 The second thing is this. I'm not
19 talking about what's inside of it or what the
20 amount is, but this is the only one I get. I
21 don't get one of these from the electric company.
22 I don't get one of these from my cable company.
23 I don't get one of these from my phone company.
24 I don't get them from my bank anymore. Like

1 many, many people, I have gone electronic with
2 this stuff. I'm looking, this is \$0.39. You
3 look at this over the course of the year, this is
4 almost \$5 a year just in postage. That's one
5 month's of increase they are talking about, not
6 to mention the cost of the paper, somebody has to
7 put it altogether, everything else.

8 This is something that's absolutely
9 utterly wasted. Nobody else does it. Everybody
10 else who sends bills gives people the ability to
11 go electronic. This has been something that's
12 been brought to their attention by me and the
13 City Council President at least twenty years ago.
14 Nothing has happened.

15 My question to the Water Department
16 would be, why not?

17 That's it.

18 HEARING OFFICER BROCKWAY: Sounds like
19 we had a direct question to the Water Department.

20 MR. TERHUNE: We did.

21 MS. McCARTY: Still morning. Good
22 morning. My name is Debra McCarty. I am the
23 Commissioner of the Water Department. And I feel
24 your pain, sir. I, too, pay my bills through the

1 electronic payment and get a bill every month
2 from the Water Department; although, I do
3 actually like looking at it. I wouldn't mind not
4 getting the envelope.

5 That is a -- not making excuse, that's a
6 mailroom issue. What I can tell you, though, is
7 that we are working on that. It is in the queue
8 of things we need to do to try to get our
9 customers electronic payments. And we do
10 recognize that it can save some money. I still
11 do get a PGW bill. I'm guessing you do, as well.
12 In fact, I get an electric bill even though I pay
13 online even though it's automatically withdrawn
14 from my account.

15 MR. TERHUNE: You can tell them to shut
16 that off if you want.

17 MS. McCARTY: Oh, really. Thank you.

18 HEARING OFFICER BROCKWAY: I'm sorry.
19 We can't have over-talk.

20 MR. TERHUNE: Sorry.

21 MS. McCARTY: So the envelopes and the
22 electronic bills, I guess, I think that answered
23 your question. Maybe not satisfactorily, but
24 that is where we are with that. It truly is in

1 the queue. It's more complicated than it might
2 seem, unfortunately.

3 HEARING OFFICER BROCKWAY: The last
4 person on the list that I have is a Mr. Lance
5 Haver.

6 MR. HAVER: Thank you very much.

7 I appreciate everyone who came here to
8 testify. I know you had to take time out. It
9 was really very valuable to listen to what you
10 all had to say, even the people I don't always
11 agree with.

12 My name is Lance Haver. I'm the
13 Director of Civic Engagement for Philadelphia
14 City Council. I have read the notes of testimony
15 of the initial rate hearing and spoken with
16 Philadelphians concerning the requested water
17 rate hike. I will make a few recommendations and
18 then ask a few questions.

19 And Madam Hearing Examiner, I don't want
20 to take up everyone's time. I don't expect them
21 to be answered today.

22 HEARING OFFICER BROCKWAY: Okay. Thank
23 you.

24 MR. HAVER: I would ask the answers to

1 be read into the record for later use. Thank
2 you.

3 Mr. Dasent, is that a problem?

4 MR. DASENT: Not at all.

5 MR. HAVER: Thank you. As the Hearing
6 Examiner reviews the testimony, I recommend that
7 she weighs the possibility of calculating cost
8 savings, efficiencies and improved services into
9 the rate. It's not sufficient to review what the
10 Water Department has done and set rates on that
11 basis alone. If that were the only basis, there
12 would be no incentive for the Water Department to
13 strive for improvements.

14 As the gentleman who talked about
15 different ways of billing shows, we should make
16 assumptions that there are ways we can keep costs
17 down. And that should be built into the rate
18 case.

19 On the other hand, if during the rate
20 case the Hearing Examiner has become convinced by
21 the record that there are things the Water
22 Department should do to save rate payers money,
23 those things should be calculated into the new
24 rates. Not a single penny more than what is

1 needed for an efficient, well run Water
2 Department should be included in the rates.

3 I recommend that the issues of bond
4 coverage, how leveraged the Water Department is
5 and value of increasing the rate of the water
6 bond all be viewed as to how well the plan serves
7 the interest of the rate payer. Raising rates to
8 increase bond ratings that will save less than
9 what it costs to raise the bond ratings are not
10 in the public interest. Similarly, increasing
11 the bond coverage ratio to get a higher bond
12 rating or pay down the existing debt should be
13 valued on how it affects rate payers.

14 It makes little sense to charge everyone
15 \$5 a month more to save \$3. All service issues
16 directly affect rates and should be reviewed as
17 part of the rate increase. Bad customer service
18 leads to higher collection costs and cannot be
19 ignored in the rate case. The number of customer
20 service workers and rate payers should be
21 benchmarked against other utilities. And the
22 Hearing Examiner should make recommendations on
23 the service issues as they directly correlate to
24 revenue collection.

1 I believe a comparison to the water
2 rates as we heard earlier today from the
3 surrounding utility should be placed on the
4 record so the public may compare the rates of
5 public and stockholder-owned water utility and
6 see which one offers the best opportunities for
7 consumers.

8 As I said earlier, I would like to have
9 the answers to these questions placed on the
10 record for future review. If the Water
11 Commissioner wants to answer, that's fine, but I
12 don't expect it today.

13 How many times in the past ten years did
14 the Water Department fail to draw down the Rate
15 Stabilization Fund, the amount projected in the
16 City's Five Year Plan?

17 Where are the funds in the rate
18 stabilization held? In a bank? If so, which
19 bank? Who makes the decision where the fund is
20 held?

21 Where are the funds in the rate
22 stabilization held? Is it in a bank? If so,
23 which bank?

24 Who makes the decision where the fund is

1 held, and does that person receive a fee?

2 It's my understanding that there's
3 currently \$200 million in surplus in that Rate
4 Stabilization Fund. I am asking directly where
5 is the actual money?

6 Does PGW have a Rate Stabilization Fund?
7 If so, how large is it? How many other water
8 utilities in the Commonwealth have Rate
9 Stabilization Funds? How large are they, and how
10 often do utilities which have rate stabilization
11 fund fail to meet the annual projections of the
12 amount in the fund?

13 Does the Water Department have the right
14 to take in more water than it's currently using
15 through the Delaware and Schuylkill Rivers? If
16 so, how does the Water Department use that
17 resource as an economic development tool?

18 Does the Water Department use its
19 purchasing power to help the City of
20 Philadelphia? How much of what the Water
21 Departments buys is from a source inside of the
22 City of Philadelphia?

23 How does the Water Department attempt to
24 buy from local businesses? If the Water

1 Department uses its purchasing power to support
2 Philadelphia businesses -- I'm sorry. If the
3 Water Department used its purchasing power to
4 support Philadelphia businesses, would the
5 businesses lead to higher revenues for the
6 Philadelphia Water Department as they hired more
7 workers and establish bigger forces in the city?

8 How does the Philadelphia Water Revenue
9 collection rate compare to the collection rate of
10 Philadelphia Gas Works? Does it make sense for
11 the Water Department to work with the
12 Philadelphia Gas Works to develop its new meter
13 reading devises? Is there any reason that there
14 cannot be combined service?

15 How soon can the Water Department expand
16 its loan program to help families that want to
17 replace the lead-in lead pipe that brings water
18 into their home? Can the Water Department
19 examine the process of lining pipes and
20 encapsulating the lead as a lower cost option
21 than replacing all of the houses, homes pipes?

22 If energy prices are one of the drivers
23 of this rate increase, why hasn't the Water
24 Department reviewing lucid pipes or other

1 technologies that can generate electricity and
2 water and heat from its water mains? If the
3 Portland, Oregon water utility can install such
4 devices, why can't the Philadelphia Water
5 Department do so, as well, and eliminate at least
6 part of the rate increase?

7 Is it permissible for a member of the
8 Water Rate Board to offer testimony it's
9 receiving and then sit in judgement of the
10 proposed rate increase?

11 On February 22, 2016, Mr. Brunwasser
12 provided testimony. The testimony appears on
13 page 187 on notes of testimony. Mr. Brunwasser
14 provided testimony to support how the Water
15 Department uses different bonds.

16 How can Mr. Brunwasser remain objective
17 about his own testimony? Is there any
18 adjudicatory proceeding in the Commonwealth of
19 Pennsylvania that allows for a finder of facts to
20 first advocate this issue?

21 And finally, where does the Water
22 Department project consumers will find the money
23 needed to pay their rate increase that it's
24 proposing? The proposed rate increase is

1 projected to be 12 percent. Does the Water
2 Department project Philadelphians will see a 12
3 percent increase in pay, social security or some
4 other form of income? If not, where does the
5 Water Department project the money will come from
6 to pay the higher bills? And will the transfer
7 of funds from where they are currently being
8 spent to the Water Department hurt Philadelphia's
9 economy?

10 I do thank you for the time to testify.
11 I would like the testimony quotes from page 187
12 where Mr. Brunwasser is testifying and also the
13 notes of the Portland Water Utilities, new
14 generation for water use pipes to be submitted.

15 Thank you very much.

16 (Applause)

17 MR. CHAPMAN: Where is the information
18 from Portland?

19 HEARING OFFICER BROCKWAY: Is it in
20 this?

21 MR. HAVER: I only brought one of those.

22 HEARING OFFICER BROCKWAY: We're not
23 going to have the Water Department answer these
24 questions today. My understanding is that having

1 a written answer and putting it in the record
2 will be responsive. And I am sure that the Water
3 Department has no objection to treating all these
4 questions as data requests. And they will
5 provide responses. And those will be put in the
6 record. I see their attorney and their
7 commissioner nodding yes.

8 With respect to the Chairman of the
9 Board, this is not a matter that I as a Hearing
10 Officer can address. I think it's for
11 Mr. Brunwasser to address. And he's not required
12 to do it right this minute.

13 That gives me an opportunity to say that
14 I as the Hearing Officer do not make the
15 recommendation. I do set up the -- I do a report
16 of everything that's been said by anybody in the
17 record, but I don't advise the Board how they
18 should vote. I am their staff.

19 Sir, did you want to speak?

20 MR. CAMPBELL: Good morning, everyone.
21 My name is Carlo Campbell. I'm here of the
22 Eastern Service Workers. And I'm speaking on
23 behalf of Ms. Elizabeth Signil who couldn't be
24 here today.

1 (Reads) My name is Elizabeth Signil.
2 I'm a Water Department customer who has lived on
3 the 2300 block of Dickinson Street for 51 years.
4 I worked as a teacher in Philadelphia for four
5 decades. Most recently at Lincoln University
6 before retiring in 1997. I am here today as a
7 member and a representative of the Philadelphia
8 Workers Benefit Counsel, a delicate body
9 representing low income workers in Philadelphia.

10 I'm also here as a rate payer and a
11 concerned citizen. I've spoken before
12 representatives of the public utility commission
13 on the issue of PGW's and PECO's past proposed
14 rate hikes. Today, I'm here to speak about the
15 Water Department's proposed rate hikes. I have
16 spoken on behalf of myself and many other people
17 about how to solve the problems with out of
18 control utility rates and the huge number of
19 people who are in debt.

20 But no one from the PUC have ever
21 answered these proposals. We do know that
22 according to analysis, the number of Pennsylvania
23 households that have had their service terminated
24 by the state's regulated gas and electric rose

1 from an annual average of 81,999 in the 1990s to
2 312,000 in 2014. Nearly four times higher. But
3 more than 18 years, I and fellow members of the
4 Philadelphia Workers Benefit Council have spoken
5 at public input hearings before the Public
6 Utility Commission, the Philadelphia Gas
7 Commission when that was a regulatory body and
8 explaining that electricity and gas are a basic
9 service.

10 It is a necessity for human life and
11 industry. We all need to stay warm in the
12 winter, and we all need the ability to have air
13 circulating in our homes in the summer with fans
14 and/or air conditioners particularly during heat
15 waves.

16 Water is also a basic service. We all
17 need to be able to wash ourselves, keep our homes
18 sanitary and have access to drinking water and
19 water to cook with. Thousands of businesses need
20 water service to run their service.

21 I know that the Water Department has not
22 requested a rate hike since 2012. The Water
23 Department states that the rate hike is needed in
24 order to maintain an infrastructure and other

1 such expenses. They state that they are a public
2 utility, not privately owned. But the reality
3 is, they are indebted to bond holders just like
4 the gas company. The problem is that taxpayers
5 don't get to pass on their debt to anyone when we
6 end up getting our water shut off because we are
7 charged interest and penalties. And we don't
8 have anyone to pass that on to.

9 These rate increases are on top of
10 higher taxes and rents as well as increased food
11 prices. The Public Utility Commission already
12 approved rate increases for PECO this past year.
13 They are considering raising the PGW's gas cost
14 rate from 2016. And now the Rate Board is
15 considering the Water Department proposal for
16 12 percent rate increase.

17 Now the Pennsylvania Public Utility
18 Commission is considering rate change policies
19 such as decoupling that allow utility companies
20 to charge more when taxpayers use less.
21 40 percent of working Philadelphians have incomes
22 below the poverty level. The taxes and rents
23 have more than tripled since 2006, while the
24 incomes have stayed the same. A lot of service

1 workers have to work two or three jobs just to
2 keep their heads above the water where they can.

3 On a practical and financial level, it's
4 a losing plan to continue to increase your
5 utility rates. Anyone who has taken even a
6 middle school finance course that when you keep
7 raising the price, you are charging customers who
8 are already in debt from the last rate increase
9 while businesses close down, jobs leave and
10 you're on the road to economic disaster.
11 Financial lives are being destroyed because of
12 yet another utility rate hike more and more
13 people can never pay, and a debt they can never
14 recover from. Meanwhile we, the working poor,
15 are paying for your lack of sensible action on
16 this issue with lives as well as dollars.

17 My own real income has gone down. I'm
18 struggling month to month to pay my bills on a
19 limited income. My mortgage payments have gone
20 up. My medical bills have increased, and my
21 utility bills continue to take more and more of
22 my social security income. Some months I have to
23 choose whether or not I am going to buy my
24 medication or pay my water bill.

1 As a representative of the Workers
2 Benefit Council, I am asking the Water Rate Board
3 to reject the proposed 12 percent proposed water
4 rate increase that the Philadelphia Water
5 Department is requesting. (Completes reading.)

6 Thank you.

7 HEARING OFFICER BROCKWAY: Looks as if
8 the Commissioner of the Water Department wants to
9 say something.

10 MS. MCCARTY: I just wanted to point out
11 that the gentleman speaking for -- I can't
12 remember her last name. I'm sorry.

13 MR. CAMPBELL: Ms. Signil.

14 MS. MCCARTY: Thank you.

15 As you mentioned, the PGW and PECO rates
16 are going up. And one of the drivers for our
17 rate increase is the utilities. We pay for
18 utilities, as well. So you know, that is one of
19 the reasons in addition to the infrastructure and
20 some of the other things.

21 But I also wanted to note that we are
22 very sympathetic to the issues that folks have
23 brought up today. One of the reasons we have
24 offered up the Affordability Program, we do

1 believe actually that it will help many of the
2 issues and concerns folks have raised.

3 And regarding the tangled deeds, please
4 know that folks that are in properties with the
5 tangled deed, there are options. That while that
6 issue gets worked out. There are tenants -- you
7 can be a tenant with ownership rights, or you can
8 be a tenant without ownership rights.

9 And so, Water Revenue -- if there is
10 anyone here today that has an issue, we do have
11 Ms. Watson from Water Revenue in the back. She's
12 happy to work with anyone that has an issue
13 regarding that and any other water bill issues or
14 things like that. We also have other folks here.
15 And some of us will stick around if there are
16 other issues.

17 Thank you.

18 HEARING OFFICER BROCKWAY: Are there any
19 other members of the public who would like to
20 speak?

21 We have a lady about halfway back on the
22 aisle.

23 MS. FOSTER: I haven't done this in a
24 long time. Good morning, everyone. My name is

1 Angela Foster. I am a proud parent of a special
2 needs child. I'm also a survivor of eleven
3 neural surgeries. It's just my son and myself,
4 and I'm struggling on Social Security, SSDI. So
5 if anybody knows about that, it's not much money.

6 I wholeheartedly agree with you, sir, on
7 what you were stating. I am most definitely
8 struggling because I don't receive child support,
9 so it's extremely, extremely hard. I know
10 between -- among all the utilities, it's pretty
11 much political.

12 It's -- excuse me. My train of thought
13 is not that great.

14 HEARING OFFICER BROCKWAY: Take your
15 time.

16 MS. FOSTER: I just had neurosurgery two
17 years ago, so it's really difficult trying to
18 make ends meet with my son. And with the School
19 District being the way it is, it's very, very
20 difficult combatting School District and then
21 combatting utility bills trying to make an
22 agreement with them concerning my utilities,
23 trying to make an agreement with my mortgage
24 company who is trying to foreclose my home.

1 So, it's a struggle. I mean, between
2 all three utilities keep raising their fares and
3 just trying to make ends meet, trying to put food
4 on the table for my son, trying to keep a roof
5 over his head. And it's just me on SSDI. You
6 know, it's virtually impossible. Excuse me
7 (tears up). I don't know how I'm going to make
8 it. I really don't.

9 Right now I'm on my way -- after this
10 meeting, I have to meet my son's lawyer to fight
11 the School District because they are trying to --
12 they trying to kick him out of this private
13 school that I fought for him to be in because
14 they weren't doing what they were supposed to do
15 concerning him. And I have a child that has four
16 neurologic disorders: Autism, global delay,
17 global developmental delay. He's visually
18 impaired. And he has a neurologic disorder
19 called neuropraxia.

20 So with that and then my neurological
21 disorder, it's extremely, extremely hard
22 gentleman and lady -- ma'am, it's -- you have no
23 idea. I sacrifice. I do whatever I have to do
24 to make a way for my son and myself. I have a

1 older son. He's 25, but he lives in Washington,
2 DC. He's making a way for himself, you know.
3 He's worried about me because of all my
4 surgeries. I have a man-made device in my head,
5 so you know, it could be another one in a month
6 or in two weeks. But by the grace of God, I'm
7 still here.

8 On behalf of the special needs' children
9 in this city and families, and let me just say
10 because I used to work for a corporation called
11 Elwyn, and there are over 10,000 kids in Philly,
12 10,000 of special needs children of various
13 degrees. Okay. So you just -- and then with
14 families. And most of these families have
15 multiple special needs children, you know. And
16 then some of the parents like myself are special
17 needs as well, so we're struggling. I am just
18 speaking on behalf of special needs' families
19 because that's all I can relate to because I grew
20 up from the time I was 8 years old to today age
21 49. I'm 49 years old with a 8-year-old child
22 barely making it, you know.

23 And it's beyond difficult. It really is
24 for all the utilities for PGW, water, PECO. I am

1 begging them to lower their rates, to help the
2 families, not just special needs, but every
3 family in Philadelphia because it's really,
4 really difficult to make ends meet on a daily
5 basis. It's beyond difficult. You know, I don't
6 want to lose my home, but I do what I got to do
7 to make ends meet, you know, and take care of my
8 son, you know, because that's the fight in me.

9 I struggled all these years. For 40
10 years I've been dealing with this neurologic
11 disorder. With the grace of God, I'm still here.
12 And it's my spirit that has gotten me through
13 this. And it's my spirit that's being passed
14 down to my son.

15 I don't have any written -- I'm just
16 going from the heart here. I'm just very
17 concerned about the parents in Philly. And like
18 I said, particularly in special needs' families
19 who are going through so much mentally,
20 emotionally, physically. I can't tell you how
21 difficult it is trying to make sure that our
22 children gets a proper education, roof over they
23 head, food on the table, you know. And we trying
24 to work with all the utilities as best as

1 possible.

2 We trying to do things on a monthly
3 basis. And if you're on social security, you get
4 paid on the third of each month, so all your
5 income is in the beginning -- you -- all your
6 income is distributed in the beginning of the
7 month. So, that means three more weeks that you
8 have to make ends meet and struggle until the
9 following month, you know, which is extremely
10 difficult. And you have to continually
11 sacrifice. I mean, it's beyond difficult.

12 I can't even tell you, but God got me
13 this far. And I know He will continue to watch
14 over me and my children. So, thank you. I
15 appreciate your time listening to me.

16 Thank you.

17 HEARING OFFICER BROCKWAY: Thank you
18 very much. Well, this has been an extremely
19 informative session for the Board. And we
20 appreciate your patience and your attention, and
21 we appreciate your comments.

22 Again, you can provide the Board written
23 comments. You can email the Board. I don't
24 think we receive texts, but you can email the

1 Board. And the Board will be considering the
2 proposal and having further technical hearings
3 with the economists and so forth. We will be
4 making its decision in June.

5 And I thank you very much.

6 (Hearing adjourned at 11:35 a.m.)

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C E R T I F I C A T I O N

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

ANGELA M. KING, RPR
Court Reporter - Notary Public

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