

PHILADELPHIA WATER, SEWER AND STORMWATER RATE BOARD

PROCEDURAL RULES FOR PWD RATE CASE 2016

MARCH 9, 2016

1. Participation in technical hearings

- a. Participation in the preparation for and conduct of the technical hearings will be limited to those who have properly indicated an intention to be active participants.
- b. The deadline for requests to be an active participant is 7 days after the publication of the correct form of notice. This deadline passed on March 3, 2016.
- c. All who seek to participate after the deadline will take the review where they find it.
- d. The active participant service list for this proceeding is attached.

2. Service/circulation of material

- a. To the extent possible, this will be a paperless proceeding. All discovery, discovery responses, objections, motions and other material produced and distributed in this review will be served by email.
- b. Exception to email service: If material is too voluminous to be readily circulated by email, the sender may provide a paper copy to the primary recipient(s), and notify any remaining active participants that the same is available. At the request of any active participant, a paper copy or CD with the material will be provided by the sender.
- c. Documents (other than participant's positions and briefs) will not be served directly on the Board members, but should be directed to the Hearing Officer and Board Counsel, who will forward material at the Board's direction.

3. Discovery

- a. Discovery requests shall be answered within 7 calendar days from receipt.
- b. Discovery issued later than noon on any day before a non-business day will be considered to have been issued at noon on the next business day.
- c. Objections to discovery are due within 3 business days of issuance of the discovery.
- d. Participants are strongly urged to attempt to come to agreement on discovery disputes.
- e. If participants resolve the discovery objections, one of the participants involved in the dispute will email the Hearing Officer to that effect.
- f. The Hearing Officer will remain available at all times to resolve discovery disputes.
- g. Where productive, upon request the Hearing Officer will resolve the dispute. The Hearing Officer may convene a teleconference of the participants having the dispute, to mediate the dispute or, failing that, to rule on the dispute.

4. Timing of service other than discovery

- a. Position papers and briefs will be considered timely filed if filed by 5 PM on the deadline for filing.
- b. Participants may seek extensions of time, but because of the tight schedule in this review, they must show compelling cause.
- c. Motions will be considered filed the following business day if filed after noon on a day before a non-business day.

5. Confidentiality

- a. Material designated confidential will be supplied only to the Hearing Officer, Board Counsel, Board Members and participants who have entered into a confidentiality agreement.
- b. Participants are encouraged to adopt the form of confidentiality agreement that the PA and PWD have already adopted and found suitable. A copy of that agreement may be obtained from the PWD or PA upon request.

- c. Participants may challenge the designation of material claimed to be confidential. If the challenger and the claimant do not come to an agreement, the Hearing Officer will resolve the dispute.

6. Web site posting

- a. All public hearings and technical hearings will be transcribed by a court reporter, and the transcripts will be posted on the Rate Board web site.
- b. All data requests, data responses, motions and any written communications by an active participant will be posted on the Rate Board web site.
- c. All written communications to the Hearing Officer or the Rate Board regarding comments on the proposed rate increase will be posted on the Rate Board web site.
- d. All written public comments, including by email or US mail, will be posted on the web site and are part of the record.
- e. The Hearing Officer will send each person who emailed a public comment an email acknowledging the receipt of the comment. This email need not be posted on the web site.

7. Public input

- a. The Board will conduct a total of at least four public hearings in venues around the city, and may schedule additional public hearings.
- b. The Board will accept comments from members of the public by mail and email.
- c. The Board does not have a Facebook, Twitter or other social media account.

8. Content/Format of position papers

- a. Position papers may include information from technical experts on relevant subjects in the proceeding.
- b. Position papers may be submitted as narratives or in the form of pre-filed direct testimony, but in either case must have page and line references.
- c. The Hearing Officer will determine whether, to what extent and how participants' experts may respond to position papers at a later point in the proceeding.
- d. Participants should not expect that there will be rounds of rebuttal, cross-answering, surrebuttal or other such forms of formal response.
- e. Motions to strike are discouraged, and must be supported by good cause.

9. Schedules.

- a. Attached is the schedule for the remainder of the review.
- b. The schedules may be adjusted upon good cause.

10. Miscellaneous

- a. If any active participant wishes to object to or seek an exception from any of these procedures, the participant may make an email request of the Hearing Officer, with service on all active participants.
- b. Any decision of the Hearing Officer may be appealed in writing to the Rate Board.