

BEFORE THE

PHILADELPHIA WATER, SEWER AND STORM WATER RATE BOARD

PHILADELPHIA WATER)

FY 2017-2018 RATES

DEPARTMENT)

MAIN BRIEF OF THE TENANT UNION REPRESENTATIVE NETWORK

MAY 2, 2016

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SUMMARY OF ARGUMENT

- I. PWD has not justified the proposed rate increase and support for the reasons set forth by the Public Advocate.
- II. A rate increase is not appropriate where PWD has not taken affirmative steps to collect revenues from tenant consumers as is evidenced by the following:
 - A. PWD’s notice to tenants pursuant to the Utility Services Tenant Rights Act (USTRA), P.L. 1255, No. 299, is inadequate;
 - B. PWD makes it difficult for tenants without written leases to apply for service; and
 - C. PWD cannot maximize its income because it does not track USTRA revenues.

BACKGROUND

TURN is a 23 year old nonprofit specialty housing counseling agency which provides services to and advocates for thousands of low-income tenants each year in the City of Philadelphia through its housing counseling and rental subsidy programs. TURN’s mission is to advance and defend the rights and interests of tenants and homeless people. Its goal is to guarantee to all Philadelphians equal access to safe, decent, accessible, and affordable housing.

The Tenant Union Representative (TURN) supports the position of the Public Advocate that the Board should deny the rate increase requested by the Philadelphia Water Department (PWD) for the reasons set forth in the Public Advocate's Main Brief. TURN hereby incorporates by reference the Introduction and Procedural History, Applicable Standards, Arguments and Conclusions set forth therein.

In addition, TURN submits that the proposed rate increase should be denied because of PWD failure to take reasonable steps to collect revenues from tenant consumers which would significantly increase the revenues available to PWD while providing much needed services to consumers.

ARGUMENT

PWD'S NOTICE REGARDING USTRA INADEQUATE. PWD's notice to consumers is unclear. (See Philadelphia Department of Revenue Water Shutoff Notice. PWD response to TURN 1-8, RCB Notice 3). It sets forth the requirements of the Utility Services Tenant Rights Act, however, the print is so small that it is difficult to read and it fails to make clear in bold print that it is directed towards tenants. It is also unclear when the request for USTRA relief has to be made.

PWD MAKES IT DIFFICULT TO APPLY FOR USTRA RELIEF. PWD requires tenants who do have verbal leases to provide 6 months of rent receipts to establish their tenancy. That means that a tenant who has resided in a property for only 5 months would not be eligible. There is no such limitation in the statute.

PWD according to its notice, also requires two utility bills to establish a tenancy. Low-income tenants in multi-unit buildings are excluded by such a provision. Such buildings do not typically

have separate metered utilities and many such consumers do not have cable services. (See Kearney(Carney). Transcript February 22,2016 pages 163-171.)

PWD DOES NOT TRACK USTRA REVENUES. The fact that PWD does not track USTRA services or revenues make is impossible for the department to maximize its returns pursuant to the USTRA program. PWD has no way of knowing information that would obviously be helpful for increasing USTRA revenues such as the income levels of person impacted by the program, whether changes in the notice would increase revenues or whether the rejection of tenant applications for USTRA relief are rising or are excessive. (See PWD Response to TURN Set1Final.)

CONCLUSION.

By providing failing to track USTRA relief, making it difficult for tenants to apply and providing them with confusing and inadequate notice, PWD is losing revenues. While it is impossible to calculate the amount of such loses because of PWD poor tracking methods, it is clear that collecting revenue for water services provided would increase PWD income and make any increases less necessary.

WHEREFORE, TURN respectfully requests that the Philadelphia Water Rate Board

- (1) Deny the rate increase request proposed by the Philadelphia Water Department; or
- (2) Grant alternative relief consistent with the foregoing.

Respectfully submitted,

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