

**BEFORE THE
PHILADELPHIA WATER, SEWER, AND STORM WATER RATE BOARD**

In the Matter of the Philadelphia Water Department's Proposed Change in Water, Wastewater, and Stormwater Rates and Related Charges : Fiscal Years 2022 – 2023 Rates and Charges to Become Effective September 1, 2021 and September 1, 2022

**LANCE HAVER DIRECT TESTIMONY
ON PROPOSED RATES AND CHARGES
PROJECTED TO BECOME EFFECTIVE
SEPTEMBER 1ST, 2021
March 21, 2021**

Overview

If the Water Department does not withdraw this filing and refile when the actual numbers are known and/or the Hearing Examiner does not continue the proceeding until the numbers are known these proceedings will fail to meet the statutory requirements for a hearing.

In 550 A.2d 274 (Pa.Cmwlt. 1988) 121 Pa.Cmwlt. 139 which the Pennsylvania Supreme Court refused to hear, the Court wrote “ ***We conclude that because the rate of the tax was in fact the only aspect of the transfer tax to be amended, and because council never disclosed that indispensable element of the bill before or during the public hearings, council therefore did not provide a complete or meaningful bill to be considered at a public hearing . . .*”**

Background

- 1. My name is Lance Haver. I reside at 735 S 12th St Philadelphia, PA 19147. I am a PWD consumer.**
- 2. I have a Bachelors of Science from Hampshire College and completed post graduate training in Consumer Advocacy earning two post graduate certificates from the CEPA Foundation**
- 3. I have served an apprenticeship with Consumer Advocate Max Weiner, been the Executive Director of a Consumer Advocacy organization, the founder and managing partner of a network of worker owned businesses, the Consumer Advocate for the City of Philadelphia, the policy director for the Save our Safety Net Coalition, an on air "Trouble Shooter" for WPVI TV and currently serve as the Consumer Reporter for the interactive news service "Hall Monitor".**
- 4. I have been qualified as an expert on how utility rates affect consumers in Pennsylvania State Courts and in Untied States Federal Courts**
- 5. I have testified before the Pennsylvania Public Utility Commission, the Public Service Commissions of Delaware, New Jersey, Ohio and Texas.**
- 6. I have testified before the Philadelphia Gas Commission and before the various incarnations of the Philadelphia Water Rate Board.**
- 7. I have worked for Environmental Scientist, the Late Dr. Barry Commoner and for Consumer Advocate Ralph Nader**
- 8. I have been the party in various matters before the Pennsylvania Public Utility Commission and in Pennsylvania and Federal Courts**
- 9. I have never testified on behalf of or been paid to testify by a utility. I am not receiving any compensation for this testimony.**
- 10. I have reviewed PWD's filing in this rate case.**
- 11. I have listened to and reviewed, when possible, the Public Testimony in this rate case.**

Analysis

12. In my expert opinion, the PWD and the Hearing Examiner have failed to hold public hearings. While there can be no argument that something has been happening, because the actual numbers of the rate increase are not stated, no real hearings are being held and no meaningful testimony can be offered.
13. Both Counsel for the Water Department and the Hearing Examiner have entered into the record that the PWD will be seeking funds from the American Rescue Plan Act, but as of the filing and as of this date, March 21, 2021 the amount that the PWD will receive is unknown and that the requested rate hike will change as soon as those numbers are known.
14. Holding hearings when the actual rates are unknown at the time of the hearing(s) has been found to not meet the legal requirements of a Public Hearing **550 A.2d 274 (Pa.Cmwlt. 1988) 121 Pa.Cmwlt. 139** which the Pennsylvania Supreme Court refused to hear, the Court wrote “ ***We conclude that because the rate of the tax was in fact the only aspect of the transfer tax to be amended, and because council never disclosed that indispensable element of the bill before or during the public hearings, council therefore did not provide a complete or meaningful bill to be considered at a public hearing . . .***”
15. Therefore for legal purposes, these are not public hearings.
16. As Public Hearings are statutorily required before any rate increase, of any size, can be implemented, no rate increase can be granted as a result of these hearings.
17. **PWD’s belief that we are “all on the same side” does not absolve it from the legal requirements of holding public hearings on proposed rate increases.**
18. No other legally permissible testimony can be proffered at this time.

