

**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**

**RESPONSE TO PWD'S OBJECTIONS TO
LANCE HAVER DISCOVERY REQUESTS
&
REQUESTS FOR PRODUCTION OF DOCUMENTS**

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Response to First Grouping of Objections.

1. It is difficult to respond to these set of objections. PWD has sought similar answers from Mr. Haver in its requested discovery and is now claiming there is no nexus. If that were really the case, that PWD does not believe expert's prior testimony and statement are not relevant, then it would not seek such information from Mr. Haver.
2. The importance of discovering the underlying beliefs, definitions and opinions of an expert is well established. How would it be possible to weigh the opinion of an expert without knowing the experts underlying assumptions, positions and biases. For example, B&V experts may say that if its recommendations are followed, it will balance the interests of the PWD and rate payers. No one can know what this means, unless B&V clearly divulges and explains the basis of there definition of the interests of the water department. The information sought will help develop a fuller record where undefined words and terms become defined by the experts who use the terms.

Response to Second Objection

3. Yes, the discovery request should have been clearer. Intervenor Haver seeks the testimony of PWD's experts. Answer as to the importance are the same as the response to the First Grouping and incorporated here.

Response to the 3rd Grouping.

4. While PWD does not define LH-B- 2-6, 20 as a grouping, it appears that PWD raises the same objection to all discovery requests. For the purposes of responding Intervenor Haver interprets these to be group and responds as such.
5. The weight of the expert testimony must be determined by the point of view being espoused. If an expert has an ongoing relationship with another client, is attempting to do work for another client and that client has businesses relationship with the company the expert is testifying on behalf of, the evaluation of the expert testimony must include those influences. If an expert works for a company doing businesses with PWD and then testifies about rates that may have a material effect on the expert's other client, that should be divulged. It is germane to the weight of the testimony proffered.

Response to 4th Grouping.

6. While PWD does not define LH-B- 7-9, as a grouping, it appears that PWD raises the same objection to all discovery requests. For the purposes of responding Intervenor Haver interprets these to be group and responds as such.
7. Responses to PWD objections 1- 7 are incorporated here by reference. The response is materially the same. All expert testimony must be weight and the in deciding how to weighed the testimony, the hearing examiner and Water Rate Board must weigh if the expert has dual allegiances, preconized ideas, and what those ideas are, of what defines a well-run, efficient utility and who the expert believes a utility should serve, the rate payers or the bond holders/stockholders or some combination of the two. Certainly, if an expert believes a stockholder owned utility is inherently better, more efficient than a municipal utility, that must be consider in weighing the testimony provided