

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

In the Matter of the Philadelphia Water	:	
Department's Proposed Changes in Water, Sewer	:	For: Fiscal Years 2022-2023
and Storm Water Rates and Related Charges	:	
	:	

ORDER: HAVER MOTION TO COMPEL

On May 3, 2021, intervenor Haver filed a Motion to Compel, requesting that the Public Advocate be directed “to put on the record the name, email address, physical address, and phone number of every civic group, community group, labor union, elected official and individual it contacted regarding the proposed water rate increase” so that “concerned members of the Public can contact them and tell them of the settlement that the Public Advocate secretly negotiated.”

On May 4, 2021, the Public Advocate filed an Answer in which it specifically denied the material allegations of the Motion and requested that it be denied as untimely and improper. It further explained that “Mr. Haver’s assertion mischaracterizes the process by which rate case settlements are routinely negotiated in Pennsylvania. In Pennsylvania, statutorily appointed advocates routinely represent the interests of customer classes and enter into settlement agreements informed by both public input and testimony of expert witnesses. Mr.Haver’s characterization of the settlement negotiations in this proceeding as being “in secret” appears intended to mislead members of the public.” As a “courtesy,” however the Public Advocate attached to its Answer an “outreach list it compiled of direct contacts made in advance of the public input hearings, noting that it “has not tracked the names, emails, and phone numbers of any individuals contacted via this outreach (conducted by multiple CLS attorneys) and it would be unreasonably burdensome and potentially violative of confidentiality obligations to require the Public Advocate to undertake additional efforts and expense to assemble such information.”

This Motion has been rendered moot by the outreach list provided. As an individual, Mr. Haver is free to contact whomever he wishes; he cannot, however, use other parties’ resources to do so. In addition, I note that the Settlement Term Sheet has been posted on

the Rate Board's website at a separate tab entitled "Settlement" ([Settlement-Term-Sheet.pdf \(phila.gov\)](#)), on PWD's website along with a "plain English Summary" (<https://www.phila.gov/water/wu/ratesregulationsresp/Pages/Rates.aspx>) and on the Public Advocate's website and social media accounts (<https://clsphila.org/utilities/2021-water-rate-proposal/>). The proposal to reduce the rate request also was discussed at a public hearing of the Philadelphia City Council, as reported in the Philadelphia Inquirer on May 3, 2021 ([Philadelphia scales back requested water rate increase, to 10.2% \(inquirer.com\)](#)). While settlement discussions, properly, are confidential to encourage a full and open exchange of proposals and negotiation, to refer to the terms of this settlement as "secret" is improper and incorrect.

The Motion to Compel is DENIED.

Marlane R. Chestnut
Hearing Officer

May 5, 2021