

**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**

Motion to Remove Fraudulent Exhibits From The Record; Notify the disciplinary Board of the Pennsylvania Supreme Court of the Attorney(s) Responsible for Moving the Fraudulent Exhibit into the Record and Notify the City of Philadelphia's District Attorney and Pennsylvania's Attorney General of the Entry of Fraudulent Exhibits into the Record

And now comes Lance Haver, intervenor requesting an order from the Hearing Examiner To remove the Fraudulent Exhibit from the Record, striking all testimony that references the fraudulent document and sanctioning those who introduced and used the fraudulent document to advance its position

Background:

1. Lance Haver is a Pro Se intervenor in the Philadelphia Water Department's (PWD) proposed rate increase.
2. Since the PWD filed its requested rate increase, the American Recovery Plan Act (Act) has been passed and signed into law by President Biden
3. Included in the Act is money allocated to the City of Philadelphia, in the approximate amount of 1.4 billion dollars
4. Included in the Act are additional funds to help low- and moderate-income citizens pay utility bills
5. PWD's requested rate increase does not project receiving any amount from the Act, despite what the ACT states
6. Haver filed a petition with the Hearing Examiner seeking a continuance until the amounts allocated could be determined, arguing the law requires public hearings on actual, not imaginary amounts
7. The Hearing Examiner allowed PWD to enter into the record a document containing knowingly fraudulent statements.

8. PWD's lead counsel knew and knows that the document, a letter from Rob Debow, contains a fraudulent statement
9. The fraudulent statement, claiming that the City of Philadelphia has already decided how to allocate the money to be received from the Act, is false on its face as City Council has yet to pass a budget that may or may not allocate funds to the Water Department; that the Mayor has yet to sign a budget that may or may not contain additional funds for the Water Department and PWD counsel(s) know that the Mayor does not and cannot unilaterally make decisions regarding the City Budget.
10. There is no dispute, that as of today, no person can know how much money will be allocated by the City of Philadelphia to the Water Department to alleviate the need for a rate increase.
11. There is no dispute that Council holds hearings on the Mayor's proposed budget; that counsel then makes the changes it believes to be in the public interest and then the Mayor either signs or vetoes the budget as passed by City Council
12. There is no dispute that the amount of money allocated to PWD from the American Recovery Plan Act will have a material impact on the how much, if any, additional revues are required by PWD.
13. There is no dispute that in a timely fashion, on March 15th of 2021 intervenor Haver filed a motion with the PWD Hearing Examiner asking for a postponement of the current PWD rate case.
14. There is no dispute that the Hearing Examiner found **"Mr. Haver is correct that this may be a significant factor in evaluating the need for any rate relief from PWD's customers."**
15. There is no dispute that the Hearing Examiner decided to hold the motion "in abeyance" (see PWD 2021 record)
16. There is no dispute that Mr. Rob Debow, the City of Philadelphia's Director of Finance has confirmed that the amount of the request rate increase may dramatically change as the American Recovery Plan Act is implemented writing **" As we are developing the FY22-FY26 Five Year Plan, we are considering how to allocate the funds available under the ARP. . .**
17. There is no dispute that Mr. Debow sent a letter, before the budget was passed by City Council and signed by the Mayor of Philadelphia making a unilateral claim that no money from the recovery act would be allocated for the Water Department

18. There is no dispute that neither Mr. Debow nor the Mayor can unilaterally decide the City's budget.
19. There is no dispute that PWD's Counsels know process by which the City's budget is arrived at.
20. There is no dispute that PWD's knew the document was misleading, not accurate and in toto fraudulent
21. There is no dispute that PWD's counsel moved the fraudulent exhibit into the record
22. There is no dispute that PWD's counsel use the fraudulent document to argue against a procedural motion and a procedural appeal
23. Therefore, Movant requests the Hearing Examiner to strike the exhibit and all arguments using the exhibit from the record; and, report the attorney (s) responsible for entering the fraudulent document into the record and/or using the fraudulent exhibit in any and all argument to the Disciplinary Committee of the Pennsylvania Bar.

I hereby certify that I have served to all parties a copy of this appeal via email.

Lance Haver

May 9th 2021