

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

**In Re: Philadelphia Water Department** :  
**2022 Special Rate Proceeding** : **Advance Notice Filed January 21, 2022**

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**Motion to Remove  
for Cause the Acting  
Public Advocate**

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TO HEARING OFFICER MARLANE R. CHESTNUT:

Lance Haver, Pro Se, a Party to this proceeding hereby files this motion to remove Mr. Ballenger as the Public Advocate for Cause

Mr. Ballenger with the hubris that he has become well known for, is acting as if he was appointed to represent the public in this proceeding. He has not been appointed in any public process.

The Hearing Examiner has already ruled that this is a new proceeding: "If you wish to make a motion, you are certainly free to do so. But since these are separate filings, you need to indicate which one your motion is intended to . . . As I'm sure you are aware, only advance notices have been made; the final notices have yet to be filed. It is helpful (but not required) if you could provide any motion as a separate attachment to your email. Most importantly, please keep in mind that these proceedings are very limited in scope, and the issues will be construed narrowly". . . . From Hearing Examiner Chestnut in reply to Haver motion.

These are not a continuation of past rate cases, but new proceedings.

## Background

1. On January 20<sup>th</sup> 2014 The Mayor signed into a law a bill "Amending Chapter 13-100 of The Philadelphia Code, entitled "Water Rates," and amending Chapter 13-200 of The Philadelphia Code, entitled "Sewer Rates," by providing for an independent rate-making body and processes and procedures for fixing and regulating rates and charges, all under certain terms and conditions.
  - The Water Rate Board states it must: "Use open and transparent processes and procedures for public comment on proposed rates and charges.
  - Implement regulations for rate hearings and determination of rates and charges consistent with the Philadelphia Code.
  - Follow existing Water Department regulations regarding rate setting until new regulations are adopted.
  - Hold public hearings prior to fixing and regulating rates."
2. There is nothing on the Public Record and/or in the notes of the Philadelphia Water Rate Board on its web page appointing a Public Advocate in this proceeding.
3. Any appointment of a Public Advocate must follow the Water Rate Boards started procedures listed above.
4. The Philadelphia Water Rate Board must make any determination in an "open and transparent process and allow for the Public to comment".
5. This is more than a technical issue, but one that strikes to the very core of constitutional governance.
6. Mr. Ballenger, betrayed the Public Trust in the last proceeding, willfully and arrogantly acquiescing to the terms the Philadelphia Water Department demanded, without meeting with, seeking guidance or information from any elected official, neighborhood group or interested party.
7. Mr. Ballenger's hubris stands in opposition to the concept of checks and balances that form the basis of American Democracy.
8. By refusing to seek input before agreeing to the settlement, Mr. Ballenger set himself up above the public, deciding that he, and he alone knew, what the Public wanted without seeking any input.
9. The Result of Mr. Ballenger's hubris has been and will continue to be detrimental to Philadelphia Water Consumers
10. Mr. Ballenger agreement did not materially change the number of families enrolled in the "TAP" program
11. Mr. Ballenger's agreement did not leverage any dollars from any source, thus leading the Philadelphia Water Department to seek still another rate increase.
12. Mr. Ballenger's incompetency has allowed the Philadelphia Water Department to once again schedule shut offs
13. Mr. Ballenger's incompetency is allowing the Philadelphia Water Department to use its resources to raise rates, rather than to help consumers file for available grants, which would make the current rate increase smaller or not needed in its entirety.
14. Mr. Ballenger's refusal to follow the advice of his own experts, refusal to seek guidance and/or input from people affected by the rate increases proves that he is incapable of representing the Public Interest
15. Mr. Ballenger's on the record statement that he is no obligation to seek input from the

public shows that he believes he is not beholden to the core American Governmental belief that there is a need for checks and balances on all power.

16. For those reasons, Mr. Ballenger should be removed as the Public Advocate and if the Philadelphia Water Rate Board decides to appoint and/or hire a Public Advocate, it must follow its own guidelines and allow Public input into the appointment procedure.
17. Lord Acton's warning "Power tends to corrupt and absolute power corrupts absolutely" does not have a foot note saying except for Mr. Ballenger.

Take the Rag Away From Your Face,  
Now Is the Time For Your Tears

Lance Haver, Pro Se

Lance@LanceHaver.com

February 16<sup>th</sup>  
2022, 2022

## VERIFICATION

I, Lance Haver, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities)

Lance Haver

February 16th, 2022



