PHILADELPHIA WATER DEPARTMENT
WATER, SEWER AND STORM WATER RATE BOARD TAP-R
PUBLIC AND TECHNICAL HEARING
RATE PERIOD: FY 2022 AND 2023

Thursday, March 31, 2022
Philadelphia, Pennsylvania

TIME: 10:00 a.m.
LOCATION: Virtually
HELD BEFORE: MARLENE R. CHESTNUT
Hearing Officer
(Public Hearing commenced at 10:00 a.m.)

HEARING OFFICER CHESTNUT: This is the Public Hearing that's been scheduled in connection with the TAP-R Reconciliation Filing made by the Philadelphia Water Department.

This is an annual reconciliation of projected versus actual experience only directed to the TAP-R Rate rider and its revenues. I am Hearing Officer Marlene R. Chestnut who's been retained by the Rate Board to conduct this hearing and this proceeding. The Rate Board is an independent body established to set rates and charges for water and sewer service.

As you may be aware, there is a court reporter who is taking down what people are -- being said and will produce a written record of this hearing. So please, be sure to speak slowly and clearly. It's, also, being recorded. And I'm not sure if the recording is posted at that Rate Board's website, but the transcript
certainly will be.

MR. LIANG: The recordings have been posted.

HEARING OFFICER CHESTNUT: Okay.

Great. Thanks, Steven.

As I said, this is not a general rate increase. It's only directed to the TAP-R Reconciliation. It's a formula that's applied to see -- see what costs and how the experience has been in the past year in order to set rates for the coming year. To act -- I will introduce the representatives of the active parties and let them explain their positions briefly.

As to the Philadelphia Water Department, Mr. Dasent, did you want to say something?

MR. DASENT: Yeah. Andre Dasent for the Department. Also, with me today is Carl Shultz and Ji Jun. Missy LaBuda should join us during the course of the day. And Glen Abrams will give a statement describing our position in the TAP-R proceeding if necessary because of public
participants.

HEARING OFFICER CHESTNUT: Okay.

Mr. Abrams?

MR. ABRAMS: Thank you. Just a moment. Sorry about that.

Well, thank you, Judge Chestnut, and good morning, everyone. My name is Glen Abrams. And I'm speaking on behalf of the Philadelphia Water Department in this proceeding. We first want to thank you all for joining the hearing this morning to share your views about the proposed TAP Rate Rider or TAP-R. Annual -- this is an annual adjustment that the Water Department has filed with the Philadelphia Water, Sewer and Storm Water Rate Board.

The TAP-R adjustment is proposed in connection with the administration of the Tiered Assistance Program, or TAP. TAP allows low income customers to pay a bill based upon their income. It will go up or down based on their water usage. TAP customers' bills are fixed as a percentage of their income.
The TAP Rate Rider is a rate making tool that allows PWD to recover the cost of providing discounts under the TAP program. The cost of TAP recovered via the TAP Rate Rider may change over time due to multiple factors, including the number of TAP participants, water usage, changes in PWD rates among other reasons.

PWD proposes adjustments to the TAP Rate Rider annually to account for changes in projected TAP costs as well as any over or under recovery of costs via the TAP-R rates. Based upon the most recent reconciliation results, the Water Department proposes to adjust TAP-R rates effective September 1, 2022. If approved by the Rate Board, the water TAP-R rates will increase $0.54 per thousand cubic feet of water used; and the sewer TAP-R rate will increase $0.14 per thousand cubic feet.

If this requested adjustment is approved, a typical residential customer using 500 cubic feet of water per month
would see their combined bill increase by approximately $0.70 monthly or, roughly, 1 percent above existing rates due to TAP-R beginning on September 1, 2022.

If you would like more information regarding the TAP-R Rider, the associated rates and the bill impacts, a summary of the proposed annual adjustment is posted at the Rate Board website. We would like all customers to be aware that if you are experiencing financial hardship, please, reach out to us to see if you may be eligible for TAP, the senior discount or other programs that are available to assist households with payment difficulties.

These programs are accessible through the City of Philadelphia's website at philadelphia.gov/waterbillhelp or by calling 215-685-6300, Monday through Friday between 8:00 a.m. and 5:00 p.m.

Now the purpose of today's session is to hear from you, our customers. We appreciate you taking the time to share your views with us today, and we look
forward to hearing from you.

Thank you.

HEARING OFFICER CHESTNUT:

Mr. Abrams -- did you have anything further, Mr. Dasent?

MR. DASENT: Nothing further.

Thank you.

HEARING OFFICER CHESTNUT: Then I would like to introduce the representative of the Public Advocate. Mr. Ballenger, you can explain what you do and what the position that you're taking.

MR. BALLenger: Thank you, Madam Hearing Officer. My name is Robert Ballenger. I'm an attorney at Community Legal Services. And CLS has been appointed to serve as the public advocate in these proceedings. I'm joined by my colleague Kinteshia Scott. And we have our witness on for later, Mr. Lafayette Morgan, Jr., for the technical hearings on this matter.

So in general, this proceeding involves what's called a reconciliation of the costs of very important program, the
Tiered Assistance Program. And what happens is annually, we look at how much the program cost in the past and we project how much the program may cost in the future. And we adjust the rates up or down. And that's happened now for three years or so.

And there have been minor adjustments up and down to make sure the Water Department has adequate funding through the rates to support the needs of all the low income customers who are enrolled in that program. We've constantly strived to increase access to the program. We continue to work on increasing access to the program. However, there are some obstacles. There are some structural barriers that need to be resolved in order for all Philadelphians to have true access to affordable water service in Philadelphia.

In this particular reconciliation proceeding, the Water Department has projected that it will dramatically
increase the number of Tiered Assistance Program participants over a short period of time. While that would be fantastic for those participants, our real objective here is to figure out what's likely to occur in the future and what the basis for the correct cost of this program should be since these are all, you know, projections of future enrollment.

So, we do believe there will be more customers enrolled in the Tiered Assistance Program in the future. But we're not quite sure that we believe the Water Department has estimated that correctly. And so, our testimony which has been filed in this case projects a more modest growth over a short period of time. But nonetheless, you know, submits that because there is additional federal assistance for low income customers, that maybe we'll be able to identify more customers who have been enrolled in TAP in the near future. And certainly, my hope that we do so since water is a vital
necessity of life. And being able to afford water is, of course, crucial to maintaining that service.

So, we are here today to hear from members of the public about what you think about the future of the TAP program, about its costs and about the Department position. And if you have any response to our position, we would love to hear that, as well. Thank you for joining us.

Judge, that's all I've got.

HEARING OFFICER CHESTNUT: Thank you, Mr. Ballenger.

In addition to these two parties, who are the active parties who've given testimony, other participants include the Philadelphia Large Users Group; the Philadelphia Water Revenue Board, which does the billing and collection activities for the Water Department; and two individuals, Lance Haver and Michael Skiendzielewski.

Now, we have adopted a schedule. And as you can see, today is the hearing.
And after the hearing, I will let the parties discuss settlement. And if they don't settle, they can file briefs. And I will issue a report, probably looking at early May for my report, so that the Rate Board can deliberate and address this in early June.

Now with respect to today's public hearing, if you have a billing or an individual problem, please, indicate that. We can direct you directly to work directly with the company to resolve that in a breakout room. But if you do have a comment -- and the comments have to be really addressed to the issue here, which is the TAP-R reconciliation. This is not a general rate increase. But if you do have a comment about the TAP-R rates or the program, obviously, we would be very interested in hearing that.

Now, nobody actually signed up to testify today except for Mr. Haver, who is also a participant and, also, I assume, will be participating in the technical
hearing.

So, Mr. Haver, did you want to make a statement? Or do you want to wait and let people from the public talk?

MR. HAVER: I wish to make a public statement.

HEARING OFFICER CHESTNUT: Sure.

MR. HAVER: My name is Lance Haver. I pay a water bill. I am not now or have I ever been an employee of the Philadelphia Water Department or any of its contractors. I have no direct financial interest in any company that does business with the Philadelphia Water Department. Although, it is possible that my pension fund has an investment of which I am not aware.

The lack of public participation should be one more indication of the failure of the Public Advocate. The Public Advocate has, once again, failed to engage the public to use these proceedings to be heard. I realize that pointing out the ethical lapses in conflict of interest of the Hearing Examiner and the person acting
as the Public Advocate will not increase the likelihood that either will protect the public interest. But there will come a time when a moral and ethical people will be given control of our Water Department, so I want to make the points going forward as a guiding light.

Neither the Public Advocate nor the person acting as the public -- the Hearing Examiner nor the person acting as the Public Advocate has placed on the record today their financial disclosure form. The Public Advocate, as an inducement program to the last two rate hikes, had given to his law firm with the approval of this Hearing Examiner, a no-bid contract. And while the managing partners of his law firm have financial interest in companies that do business with the Philadelphia Water Department that directly impact rates, the person acting as the Public Advocate and his law firm have failed to enter into the record today or in any other public proceedings conflict of interest.
statements. And the Hearing Examiner has failed to request them.

The time will come when we will no longer accept such unethical and immoral actions. Until then, I have no illusions that the Public Advocate nor the Hearing Examiner will use the record I am establishing today to improve the lives of Philadelphians. The so-called TAP losses must not raise rates on rate payers. Even if you believe -- and I do not and will explain later in my testimony -- that allowing low-income families to pay what they can so that they may keep their water on in their home, loses money. The burden of any loss should not be placed on other rate payers.

The proposals being advanced by the Public Advocate does just that. He is arguing that we should place an additional charge on Philadelphia Water rate payers a sales tax, whether it's $0.70 a month or $0.65 a month, he is advocating a sales tax on a basic necessity of life to cover the
cost of the poverty program, the TAP.

Imagine if the Public Advocate were honest and he were to honestly say, for the good of the Water Department, its contractors and bond holders, we must tax water consumers to pay for poverty program. It is doubtful that there would be any support for that position. So instead, Mr. Ballenger, to hide his intention to tax water consumers to pay for a low-income program, misdirects the public and allows this process to be called an annual adjustment.

Our society must help low-income people and should pay for that help, if need be, with their unjust taxes, not with a sales tax on a basic necessity as Mr. Ballenger and the Water Department are proposing. If the Hearing Leader was a fair and judicious adjudicator, she would force the Public Advocate in hearing -- and Water Department to state on the record that what they are proposing is another term for a sales tax on water to pay for a
low-income plan. But, of course, she will not. She has already shown how compromised she is.

As for the TAP program creating a loss, it's highly doubtful. The failure of the Public Advocate to place on the record the actual cost of a gallon of water, the incremental cost of reading an additional meter, the incremental cost of one additional bills make it impossible to know if any loss is created by selling water for a price that low-income families can afford.

To make it easier to understand, how much money does the department store lose when it sells something on sale? How much money does a cell phone company lose when it sells a phone below the advertised price? Does a homeowner lose money if she sells her home below the asking price? Of course not.

A principled Public Advocate would use cost accounting to attack the Water Department's claim that it loses money by
allowing low-income people to pay what they can. After all, if low-income families are not allowed to pay what they can, the Water Department loses money trying to collect what it cannot, then loses -- then the Water Department loses more money when it turns the water off. And then, the City loses money when it has to bear the financial burden of homelessness and the uncollected real estate taxes on vacant buildings.

But we don't have a principled Public Advocate. We have someone who accepted a no-bid contract for his law firm as an inducement for agreeing to two rate hikes. A Public Advocate who refuses to object to the Water Department keeping its $150 million surplus in a bank that has no retail branches in the City, that is the client of two of his law firms executive committee. Instead of placing the money in a local credit union that would keep the money circulating in Philadelphia, the Public Advocate remains silent as the Water
Department gives financial increases and support to his executive board of his law firm.

A Public Advocate who refuses to publicly support a public bank that would save Water Department rate payers millions, but hurt the bank's management -- but hurt his management team at his law firm, shows how little he cares about the rate payers. I do realize that the more I point out the immorality of the hearing Examiner and the Public Advocate, the less likely they are to listen to my points. But the truth is, they are so compromised and so unwilling to listen, as proved by the Public Advocate refusing to have an advisory committee to help inform his positions, that there is no way to reach them.

Consider this. The foundation of American democracy are checks and balances. The Public Advocate has purposely shut out from any checks and balances. He has said he doesn't have to meet with the public to form his positions. He has said, he does
not need advisory committee. He and he alone believes that he can decide what's in the public interest.

The Public Advocate, with very minor changes, and the Hearing Examiner will agree to grant the Water Department the equivalent of sales tax to cover the costs of the low-income plan. And they will, also, agree for another rate increase.

The hearing will not be covered by the media because the Public Advocate has allowed the Water Department to hide what it's doing. With newspapers laying off reporters, it is unlikely an investigative reporter will expose the failure of the Hearing Examiner and Public Advocate to enter into the record financial disclosure forms and conflict of interest statements.

I recognize that I am unlikely to stop the immorality of placing the sales tax on water. But I cannot allow this aberrant behavior to go unchallenged, even if all my challenge does is leave a trail
for those who come next.

That concludes my public testimony.

HEARING OFFICER CHESTNUT: Thank you. Did you want to respond, Mr. Dasent or Mr. Ballenger? Or would you rather wait till the actual hearing and respond there?

MR. DASENT: I would prefer to wait for the Water Department till the actual hearing.

HEARING OFFICER CHESTNUT:

Mr. Ballenger?

MR. BALLENGER: Just very briefly. And just to note out -- not that, again, the personal attacks on me and Community Legal Services are really inappropriate here. They've, also, been raised multiple times and rejected multiple times because, in fact, we serve as a consultant pursuant to a contract that was bid in public and entered into in public and extended for purposes of this proceeding.

But I am not going to respond to the personal allegations here. But I do want to just respond briefly regarding what
the TAP-R is. And I think it's important that we really ground our discussion in facts.

So in the State of Pennsylvania, across the State of Pennsylvania, there are utility or customer assistance programs called CAPS. Every regulated gas and util -- gas and electric utility has one. And the costs of assisting low-income customers with their bills in CAP programs statewide is recovered through what's called the Universal Service Fund Charge. It's a volumetric charge that provides the utility with the funding to discount low-income customers bills.

It's not a tax. And in fact, for it to be a tax would violate the state's Uniformity Clause. So, it can't be a tax. It's a surcharge. And we constructed the Tiered Assistance Program Rate Recovery mechanism, which we initially proposed in 2016 when the TAP was first approved and, subsequently, implemented in 2018 because, in fact, the first year that the TAP
program was launched, the Water Department received $16 million in base rates to fund a low-income program that provided $4 million in discounts.

TAP-R was a solution to including the cost of this vital program and base rates. TAP-R ensures that customers don't have to pay more than this program costs to deliver affordable bills. It's not a tax. It cannot be considered a tax. It is a rate for the provision of water and storm water and sewer service under the tariff of the Philadelphia Water Department.

So, we are here to talk about how much that particular cost will be in the future and how it should be recovered through the TAP-R, which was something that, in fact, the Water Department and the Public Advocate both supported because it's consistent with these types of programs statewide.

So, that's the reality of the situation. That's what we are here to talk about. And I look forward to the technical
hearing when we can discuss it more fully and more accurately.

HEARING OFFICER CHESTNUT: Okay.

Thank you.

Now, is there any member of the public who would like to make a statement? If you can, raise your hand and Steven will unmute you.

No? Okay.

Mr. Skiendzielewski, did you want to say something?

Steven, can you unmute him?

MR. LIANG: It seems he muted himself. I'm asking him to unmute, but --

MR. SKIENDZIELEWSKI: Oh, unmute.

Okay. We okay now?

MR. LIANG: Yes. We can hear you, Mr. Skiendzielewski.

MR. SKIENDZIELEWSKI: What is the status of the financial disclosure for Board Members and those --

HEARING OFFICER CHESTNUT: I'm not going to address that here. You have raised that, and it will be responded to.
But this is not the appropriate forum for that.

MR. SKIENDZIELEWSKI: Well --

HEARING OFFICER CHESTNUT: If you have a question about the TAP filing, please, raise it.

MR. SKIENDZIELEWSKI: Well, I've always had questions about financial and conflict of interests and recusals. And regardless of what the particular issue is now at hand, those concerns go to the heart of integrity, ethics, propriety and professionalism.

You can choose to ignore it, Ms. Chestnut, Mr. Popowsky and everybody else. But the fact of the matter is, if a foundation is unstable, impure, compromised, then all this discussion is likewise compromised. So --

HEARING OFFICER CHESTNUT:

Mr. Skiendzielewski, your issue --

MR. SKIENDZIELEWSKI: Can I finish?

HEARING OFFICER CHESTNUT: Your issue has been addressed many times. Many
times. And your refusal to accept that
doesn't --

MR. SKIENDZIELEWSKI: What did you
say?

HEARING OFFICER CHESTNUT: -- mean
that they're valid, okay.

MR. SKIENDZIELEWSKI: I didn't hear
what you said.

HEARING OFFICER CHESTNUT: Anything
further?

MR. HAVER: Why isn't he allowed to
give public testimony?

HEARING OFFICER CHESTNUT: Relevant
to the issue here, certainly.

MR. HAVER: Well, let him finish.
Let's see if there's any relevancy. If you
decide it's not relevant, you can strike it
later.

MR. LIANG: He said he was
finished, Mr. Haver.

HEARING OFFICER CHESTNUT: He's
finished.

MR. LIANG: He stated that he was
finished.
HEARING OFFICER CHESTNUT: Uh-huh. Okay.

MR. HAVER: I'm sorry. I didn't hear -- for the record, who is it that said Mr. Skiendzielewski is finished?

MR. LIANG: Mr. Skiendzielewski said he was finished.

HEARING OFFICER CHESTNUT: He's left.

MR. HAVER: That's Mr -- that's Mr. Liang who is making that ruling; is that right?

HEARING OFFICER CHESTNUT: Nobody is making any ruling.

MR. LIANG: I was just quoting Mr. Skiendzielewski. He said: I'm finished. I'm done.

HEARING OFFICER CHESTNUT: Okay. Is there anybody else, then, who has a comment about the filing?

(No response.)

HEARING OFFICER CHESTNUT: All right. Then why don't we take a ten-minute break. And then when we resume, we will go
to the technical hearing. Thank you very much.

(Public Hearing adjourned at 10:26 a.m.)

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(Technical Hearing commenced at 10:40 a.m.)

HEARING OFFICER CHESTNUT: I'd like to get started then. This is hearing scheduled with respect to the TAP-R filing, Reconciliation filing.

For the record, let me state that I am Hearing Officer Marlene R. Chestnut. I'd like the parties and participants to identify for the record -- themselves for the record, starting with you, Mr. Dasent.

MR. DASENT: Yes. Good morning, again, Judge Chestnut. Andre Dasent for the Philadelphia Water Department. With me today is Carl Shultz. And on the line, I believe, is Ji Jun our general counsel has joined us. And I notice Melissa LaBuda, our CFO, has been on the line from time to time. And she's sort of checking in during the course of the morning.

Our witnesses today are from Black
and Veatch -- Brian Merritt and Dave Jagt -- are on the line. And from Raftelis, the second in line for cross this morning, Jon Davis, Henrietta Locklear and Brittany Baporis.

HEARING OFFICER CHESTNUT: Thank you. Mr. Ballenger?

MR. BALLenger: Good morning, Judge. Robert Ballenger, Community Legal Services for the Public Advocate. And joined by Kinteshia Scott, also Community Legal Services. And our witness, Lafayette K. Morgan, Jr. is also with us today.

Thank you.

HEARING OFFICER CHESTNUT: Thank you.

Mr. Haver, do you want to identify yourself for the record, please?

MR. HAVER: Lance Haver.

HEARING OFFICER CHESTNUT: Okay. Are there any preliminary matters?

MR. DASENT: Just some housekeeping.

We did circulate, Judge Chestnut, a
cross-examination matrix, which gives you an idea if you sort of just read down the matrix, the order that we propose to go. And in fact, I see for Black and Veatch, which is our first panel, that we do have some cross from Mr. Haver.

We would proceed then to Raftelis and then Mr. Morgan.

MR. BALLENGER: Just one other preliminary, I believe we do have counsel for the Large Users Group. I don't know if they also need to or intend to cross-examine witnesses today.

MR. DASENT: They indicated they did not. And it's reflected in the matrix.

MR. BALLENGER: Sorry. I haven't looked at that.

HEARING OFFICER CHESTNUT: Charis, did you want to identify yourself for the record, or -- or not?

MS. MINCAVAGE: Yes. I'm happy to do so, Your Honor.

Good morning. This is Charis Mincavage. I'm with the law firm of
McNees, Wallace and Nurick. And I'm here representing this morning the Philadelphia Large Users Group or PLUG.

And Mr. Dasent is correct. At this time, we have not indicated any cross from any of the witnesses. Certainly, if something were to come out at cross via witness, we would reserve the right to perform any follow up.

HEARING OFFICER CHESTNUT: Okay. Thank you.

MS. MINCAVAGE: Thank you.

HEARING OFFICER CHESTNUT:

Mr. Dasent?

MR. DASENT: Yeah. We, also, probably should agree to authentication of testimony by stipulation. We, usually, do that as opposed to going through individually for each witness, you know, their testimony is true and correct, et cetera. And if that's agreeable to counsel, that's how we will proceed this morning.

HEARING OFFICER CHESTNUT: Any
objection?

MR. BALLenger: None, thank you.

HEARING OFFICER CHESTNUT: Okay.

MR. DASENT: I might, also, mention that our various exhibits proffered by the Water Department for the TAP-R filing are posted with the formal notice; the B&V schedules or Black and Veatch, lay out the calculations and methodology. The RFC schedules, which also provides various reports and assumptions, including the TAP enrollment assumptions for the next rate year.

We, also, have PWD Exhibit 1A and 1B, which shows the proposed rates and charges plain and black lined. And our Rebuttal Statement, which is offered by RC or Raftelis Financial Consultants. And that's PWD Rebuttal Statement 1. And all of those are part of the record. And we hope and ask that they be included in the record at the conclusion of this case.

You will note this morning the major area of dispute, Your Honor, will be
the determination of the average monthly TAP participation level at the end of the next rate year. We are at one end of -- I call it -- a zone of reasonableness at 28,731. Mr. Morgan is at 23,075. But within that range, we are saying basically at the end of the next rate year, that we will be at some higher level. And we are starting at participation levels currently at 17,148. So, we are debating that very narrow issue.

And that's all I have.

HEARING OFFICER CHESTNUT:

Mr. Ballenger?

I'm sorry. I guess at this point, there really isn't anything for you to say.

MR. BALLINGER: No. Thank you, Judge.

HEARING OFFICER CHESTNUT:

Mr. Dasent, did you want to present your --

MR. DASENT: Yes. We, at this time, proffer Black and Veatch as a panel. It will be Brian Merritt and Dave Jagt.
And they are avail --

HEARING OFFICER CHESTNUT: And,

Mr. Ballenger, you indicated that you had no cross for them; is that correct?

MR. BALLenger: That's correct, Your Honor.

HEARING OFFICER CHESTNUT: Now,
Mr. Haver, you said you do have cross for this panel?

MR. HAVER: Correct.

HEARING OFFICER CHESTNUT: Okay.

Go ahead.

MR. HAVER: How many residential water accounts does the Water Department have?

MR. DASENT: We might be able to give you an order of magnitude.

Brian, can you speak to that?

HEARING OFFICER CHESTNUT: Let me just clarify. Do you mean at the current time?

MR. HAVER: At the current time, how many accounts does the Philadelphia Water Department have? Residential
MR. JAGT: 420,000 approximately, subject to check.

MR. HAVER: What is the percentage of Philadelphians living at or below the poverty level?

MR. MERRITT: The statistics that I have seen from the Pew Charitable Trust, this would be, I believe, from 2019 subject to check, is around 23 percent.

MR. HAVER: Would you accept the Pew Study says 25.7 percent?

MR. MERRITT: I've seen ranges between 26 and 23, so subject to check, sounds reasonable.

MR. HAVER: How many -- how many individuals does that mean are living at or below the poverty level in Philadelphia? Would you accept, subject to check, it's 374,000? I am sure both of you have calculators on your phone. If you want to take your phones out and do the numbers, feel free.

MR. DASENT: We can stipulate to
that number order of magnitude, Mr. Haver.

MR. HAVER: How many families would that be? Again, feel free to use your phone calculators. It's obvious you're not familiar with these numbers, so feel free to just generate them now on your phones.

MR. DASENT: Are you assuming a family of four?

HEARING OFFICER CHESTNUT: If you want to list numbers, that's fine.

MR. HAVER: I was assuming that your technical experts would know what the average family in Philadelphia is, but perhaps they don't. Maybe I made an erroneous assumption about how much or how little they knew.

Let me back up. What is the average size of the Philadelphia family? Do you not know?

MR. DASENT: They're a mix of family sizes, Mr --

MR. HAVER: Mr. Dasent, I'm asking directly of your witnesses.

HEARING OFFICER CHESTNUT: I don't
see how it's even relevant. But if you are able to answer it, answer it. If you are not, then just say that you don't have that information.

MR. JAGT: Offhand, we don't have that information right available to us. As a rate consultant for the overall rates, we're not -- you know, Raftelis may be a better reference for the TAP-R and the low-income program and the customer base for TAP-R.

MR. HAVER: Well, I have a number of questions before I get to the TAP-R figures. Trying to draw from the demographics. I am assuming at this point, you won't know the answers. But I'm still going to ask on the record.

How many Philadelphians live at 150 percent of poverty or below?

MR. DASENT: Mr. Haver, we can answer that question. I just don't know that this is the witness.

MR. HAVER: Okay. Who would be the appropriate witness to ask that of?
MR. DASENT: I believe if we look to Raftelis, we can get, you know, an order of magnitude because we have more information tied to the TAP program and the various tiered assistance that we offer. So, would give you a greater insight.

MR. HAVER: But my questions revolving around what percentage of the families, of the overall families are enrolled in TAP are all, you're saying, for different one of your witnesses; is that correct?

MR. DASENT: That's correct.

MR. HAVER: Okay.

MR. DASENT: Raftelis is in the room, so we will be able to answer it shortly.

MR. HAVER: Okay. Thank you. I will skip the next section of questions and save them for your next expert.

To these experts, have you reviewed PGW's filing with the Pennsylvania Public Utility Commission on universal service?

MR. MERRITT: Which filings?
MR. HAVER: The most recent filing.

MR. MERRITT: We are familiar with it. I don't know that I've -- I have all -- I don't know that I have the most recent one.

MR. HAVER: Okay. Would you know how many families are enrolled in PGW's CRP program?

MR. DASENT: How many accounts or households?

MR. HAVER: Either one.

MR. DASENT: Raftelis know this absolutely. It's order of magnitude, 62,000. Order of magnitude.

MR. HAVER: Mr. Dasent -- Mr. Dasent, part of what I am trying to explore is how much or how little your technical experts know.

MR. JAGT: Chair, this is --

HEARING OFFICER CHESTNUT: Why don't you ask your questions to the scope of their assignment, Mr. Haver? They are not here to talk about the design of the TAP program. Aren't they talking about the
rates and the calculation of the rates?

MR. DASENT: That's correct.

HEARING OFFICER CHESTNUT: Maybe I'm wrong on that, Mr. Dasent, but that's the way -- the scope of their testimony. And that's what you should be --

MR. HAVER: If Your Honor is not going to let me ask my questions, then, Your Honor, will not let me ask my questions. And she will prove the point I made in my opening. I ask my questions --

HEARING OFFICER CHESTNUT: You can ask any relevant --

MR. HAVER: I am a legal party.

HEARING OFFICER CHESTNUT: You can ask --

MR. HAVER: I have a right to ask my questions without your intervention.

HEARING OFFICER CHESTNUT: You can ask any relevant question.

MR. HAVER: And if you want to after I ask my question --

HEARING OFFICER CHESTNUT: If you ask questions that are not relevant --
MR. HAVER: -- if you want to rule me out of order, of course you can. But your aiding Mr. Dasent is inappropriate and just another --

HEARING OFFICER CHESTNUT: I'm not aiding Mr. Dasent. Stop making accusations, Mr. Haver.

MR. HAVER: Why? Why shouldn't I tell the truth?

HEARING OFFICER CHESTNUT: It's not the truth.

MR. HAVER: Then stop helping Mr. Dasent.

HEARING OFFICER CHESTNUT: Mr. Haver --

MR. HAVER: Don't be prejudiced.

HEARING OFFICER CHESTNUT: -- ask questions --

MR. HAVER: You are supposed to be an adjudicator, not the aider of Mr. Dasent.

HEARING OFFICER CHESTNUT: Come on. Mr. Haver, either ask questions directed to their testimony or move on.
MR. HAVER: I am asking questions. You are interfering with my cross-examination on purpose with prejudice.

HEARING OFFICER CHESTNUT: Oh, for goodness sake.

MR. HAVER: You are aiding Mr. Dasent on purpose and with prejudice. Shame on you.

HEARING OFFICER CHESTNUT: Shame on you, Mr. Haver.

MR. HAVER: Going back to my questions --

MR. DASENT: I think we can answer your questions. It's just the question of which witness you need to ask. And we will help you with that.

MR. HAVER: Okay.

Can you explain to me the difference between a surcharge and a tax?

MR. MERRITT: Surcharge -- specifically, the TAP-R surcharge is related to the recovery of discounts provided to the customer enrolled in the
TAP program. And recovery volumetric charge that's included in the overall quantity charges for water and sewer service for Philadelphia Water Department retail customers.

MR. HAVER: Would you -- in your expert opinion, would it be good public policy to surcharge a gallon of milk to pay for the SNAP program?

MR. MERRITT: The -- I'm sorry. Which program?

MR. HAVER: SNAP. Perhaps you're not familiar with SNAP.

MR. MERRITT: We're providing testimony on the documentation we submitted in support of this filing before --

MR. HAVER: I understand. I'm asking in your expert -- do you not know what SNAP is?

MR. DASENT: You're talking about food stamps, I assume --

MR. HAVER: Again, Mr. Dasent, please, don't help your witnesses. Let them answer they don't know it. It exposes
how little or how much they know. You are basing your arguments on their expertise. And I have every right to examine how great or how little their expertise is.

If they don't know what SNAP is, they can go on the record and say, I don't know what SNAP is.

HEARING OFFICER CHESTNUT: I'm going to start not allowing you to ask questions that are irrelevant. Now, I let you have a lot of latitude here.

MR. HAVER: I don't believe so, Your Honor. I believe you are prejudiced --

HEARING OFFICER CHESTNUT: You can disagree. That's fine.

MR. HAVER: -- and you are stopping me from putting on my case.

HEARING OFFICER CHESTNUT: Why don't you move on.

MR. HAVER: Do you support -- SNAP is the old food stamp program.

In your expert opinions, is it good public policy to surcharge for a gallon of
milk to help low-income people pay for groceries?

MR. DASENT: Please, note our objection. Please, note our objection. This is completely irrelevant to this proceeding.

HEARING OFFICER CHESTNUT:
Sustained.

MR. HAVER: What are the incremental costs of one -- what is the actual cost of one gallon of water separating out the cost of water, the commodity, from the cost of delivering it from the cost of billing and metering?

MR. JAGT: The cost of service analysis that we used as recognized in the 2021 rate case settlement is the base-extra capacity method. It's the industry accepted methodology for water rate cost allocation.

We do not use the incremental methodology that you are referencing. So, we did not development the incremental cost as you are identifying.
Incremental cost method is another form of subsidization that is not reflected in the current approach.

MR. HAVER: Again, under your calculations and your expert opinion, what is the actual cost of one gallon of water, the commodity, separated out from the delivery, the meter reading and the billing and the service?

MR. JAGT: Today's testimony is regarding the TAP-R, and we can discuss that. I can pull up the information from the 2021 rate settlement and provide that information in a follow up. But the relative testimony for today, that is not, you know, within the scope of the testimony that we provided for TAP-R.

MR. HAVER: How then, in your expert opinion, do you calculate the loss if you don't know the commodity cost?

MR. DASENT: Objection.

We just indicated that it was irrelevant to that particular analysis. But to ask the direct question, how did you
calculate the revenue loss, is another issue.

HEARING OFFICER CHESTNUT: Yes.
Go ahead, Mr. Haver.

MR. HAVER: I've asked my question. I'm waiting for an answer.

HEARING OFFICER CHESTNUT: The objection was sustained.

MR. HAVER: We'll see how prejudiced you are, and if you are not going to allow know me to make my point.

Go ahead, Judge Chestnut. Prove how much you want the next Hearing Examiner position by helping Mr. Dasent out again prove it.

MR. DASENT: Note our continuing objection.

MR. HAVER: You must be desperate for funds.

HEARING OFFICER CHESTNUT: Yes. I'm desperate, yes.

MR. HAVER: By the way, where is your financial disclosure form? I couldn't find it either.
MR. DASENT: Objection. Again, we are going way beyond the scope of the proceeding. And we are getting into ad hominem attacks.

HEARING OFFICER CHESTNUT: Yes.

MR. HAVER: Asking for financial disclosure form --

HEARING OFFICER CHESTNUT: You want to know the cost of a gallon of water. And that's not relevant to this. And then, I think you were trying to ask how to calculate the revenue associated with the TAP program, aren't you? Is that what you --

MR. DASENT: The revenue loss.

MR. HAVER: I am asking what I am asking. And I am waiting for an answer.

HEARING OFFICER CHESTNUT: Well, clarify what you're asking. Go back and let me know what it is you're asking.

MR. HAVER: If you don't have a figure for the commodity of a gallon of water, how do you calculate the loss from the discounted rate?
MR. JAGT: Again, we are supporting the testimony we submitted. And that question is not part of our testimony. We can provide the overall credits. I can explain how the credits are identified.

I mean, the credits that you are referencing are the difference in cost per gallon. We do, do a comparison of what the TAP customers are paying based on their income relative to the amount that they're billed under their current rate structure. And that difference is recovered through TAP-R the, credits that are applied to the bills.

So -- and those are all based on existing rate structure relative to the --

MR. HAVER: And I -- and you've made that point repeatedly. And I am asking once again, if you don't know how much the commodity --

MR. JAGT: I know, sir. I should look at the documentation. Again, we were prepared to discuss the TAP-R testimony which didn't -- you know, does not present
the unit cost behind that information. I can get the unit costs and provide it in a response. I just --

MR. HAVER: Thank you.

MR. JAGT: -- don't have it right now.

MR. HAVER: I appreciate you getting that. I'm going to assume you have the same answer for me, but I will ask the questions.

What's the incremental cost of reading one additional meter through the Water Department's automated meter reading? Is that something --

MR. DASENT: Objection. Objection: Irrelevant to this proceeding.

MR. HAVER: It's not irrelevant. The only way to calculate the loss is to know what the actual cost are for incremental people.

HEARING OFFICER CHESTNUT: No.

MR. DASENT: Why don't you ask him how to calculate the loss, sir?

HEARING OFFICER CHESTNUT: Ask him
to calculate it. Yeah.

MR. HAVEN: He said how he calculated it. I'm asking him to calculate it in a different way.

He said, he looked at what the current rates are and what the discount was for what people on TAP were paying. I am asking what the actual cost is of adding an additional customer? And what the actual cost is of a gallon of water? And what the actual cost is for adding one person for a bill?

Those are different questions.

MR. DASENT: And we are suggesting to you, based upon our analysis, it's irrelevant to this particular proceeding, but we will provide information that Mr. Jagt has indicated he will try to get for you. But it's not relevant to his particular calculation of loss revenues associated with TAP. He can tell you how he did it. And then, you can make your own judgment or, in the normal circumstance, present your own witness.
MR. HAVER: I object to Mr. Dasent testifying.

HEARING OFFICER CHESTNUT: He's not testifying.

MR. HAVER: It's not appropriate. He certainly is.

HEARING OFFICER CHESTNUT: Listen, Ms. King -- Mr. Haver --

MR. HAVER: Putting on the record his opinion --

HEARING OFFICER CHESTNUT: Stop. Stop.

MR. HAVER: He's testifying.

HEARING OFFICER CHESTNUT: Stop. MR. HAVER: Go ahead and let him do it. Again, prove my point, Your Honor. Prove my point. Let him testify all he wants.

HEARING OFFICER CHESTNUT: The attorneys do not testify. Their statements have no probative weight. We've been through this. Attorneys do not testify.

MR. HAVER: You allow them to repeatedly.
HEARING OFFICER CHESTNUT: He is not testifying.

MR. HAVER: You can shout all you want and you can laugh all you want, but it doesn't change the facts that you are prejudiced and your rulings are prejudicial. And you are getting in the way of justice for poor and working people.

HEARING OFFICER CHESTNUT: Of course. Okay. Listen, I don't know how much you have. But if there's anything relevant, why don't you present it.

MR. HAVER: I am presenting it.

HEARING OFFICER CHESTNUT: It's already been explained to you --

MR. HAVER: You are getting in the way of me --

HEARING OFFICER CHESTNUT: The scope --

MR. HAVER: -- making my case.

HEARING OFFICER CHESTNUT: -- of the testimony.

MR. HAVER: You are doing the Water Department's job by stopping me from
probing and getting my facts on the record.

How much --

HEARING OFFICER CHESTNUT: I don't have an obligation for you -- to put your case on for you.

MR. HAVER: They have an obligation to answer the questions under cross-examination.

HEARING OFFICER CHESTNUT: They have an obligation to answer questions --

MR. HAVER: How I choose to make --

HEARING OFFICER CHESTNUT: -- directed to the testimony.

MR. HAVER: -- my case is my right, my legal right to make my case in the way I want.

HEARING OFFICER CHESTNUT: Right.

But you can't --

MR. HAVER: You have no right to interfere with it.

HEARING OFFICER CHESTNUT: You cannot use other people's experts to put on your case.

MR. HAVER: Of course I can. Of
course that's legal. You can cross-examine other people's witnesses to make your facts known. That's exactly what's done, and you know it. And you are trying to stop me.

HEARING OFFICER CHESTNUT:

Mr. Haver, you know, at some point, you're going to have to move on. You are just --

MR. HAVER: I'm trying to move on. You are not letting me ask my questions.

HEARING OFFICER CHESTNUT: I am trying to answer your questions, but you're not --

MR. HAVER: I have a list of questions I am trying to ask to, one, probe their expertise; two, probe their knowledge; three, to probe their numbers; and four, to probe alternative theories. You are interfering with each and every one of those levels on purpose. You are doing it on purpose, which is amazing.

You are not a stupid person. You are --

MR. DASENT: Ask your question.
Ask your next question.

HEARING OFFICER CHESTNUT: Please.

MR. HAVER: Why are you allowed to talk until you're finished, but I am not allowed to talk until I'm finished? Why do we have two sets of standards, Mr. Dasent?

MR. DASENT: I don't think we have two sets of standards. I just need a relevant question, and we will answer it.

MR. HAVER: Let me finish my statement.

HEARING OFFICER CHESTNUT: Okay.

MR. DASENT: What's your question?

HEARING OFFICER CHESTNUT: Ask your question. And you know what witnesses, if it's not within the scope of your testimony, I don't even need a ruling on that. Then don't answer it, okay? Say it's not within the scope of your testimony.

MR. HAVER: How much does it cost the Water Department to terminate someone's service?

MR. DASENT: Is that in the scope
of your testimony?

MR. MERRITT: That's not within the scope of our testimony.

MR. DASENT: Thank you.

HEARING OFFICER CHESTNUT: Move on.

MR. HAVER: How much does it cost the Philadelphia Water Department to attempt a collection on a bill that has not been paid in three months?

MR. MERRITT: That's not within the scope of our testimony.

MR. HAVER: How much does it cost the Philadelphia Water Department to turn somebody back on?

MR. MERRITT: That's not within the scope of our testimony.

MR. HAVER: How much does it cost the City of Philadelphia to care for a family whose water has been turned off?

MR. MERRITT: That's not within the scope of our testimony.

MR. HAVER: If a TAP customer pays for all of the commodity charges plus something, does that person -- does that
account help other rate payers or harm other rate payers?

MR. MERRITT: Can you restate the question?

MR. HAVER: Yes. If a TAP customer covers the cost of the commodity water and adds something to the infrastructure cost, does that customer help lessen the burden on other rate payers? Or does that customer increase the burden on other rate payers?

MR. JAGT: What is the basis for your commodity?

I mean, it's subject to the relativity of the commodity rate you are assuming. Because obviously, right now their -- TAP customers do not pay the full amount. They're paying a lower amount based on their income. And that's why we are, you know, identifying the level of credits that are added to them and recovering it through TAP-R.

MR. HAVER: So, I don't know how to pronounce your name. I will do my best.
Mr. Jag-it?

MR. JAGT: It's "yacht" like the boat.

MR. HAVER: Mr. Jagt. I'm not asking right now specific. I'm asking in your expert opinion. If a customer, a TAP customer covers the commodity charge plus something, does that -- letting them pay that, does that help the rest of the rate base? Or does that help create a deficit for the rest of the rate base?

HEARING OFFICER CHESTNUT: Going to disallow that. This is not a proceeding to talk about the implementation or design of a TAP-R program. This is a recon -- that's done in the general rate case.

MR. HAVER: No. You're --

HEARING OFFICER CHESTNUT: That's is a reco --

MR. HAVER: Another example --

HEARING OFFICER CHESTNUT: Don't interrupt me again.

MR. HAVER: If you want to --

HEARING OFFICER CHESTNUT: Don't
interrupt me again.

MR. HAVER: -- it's a deficit --

HEARING OFFICER CHESTNUT: Angela cannot --

MR. HAVER: -- that forces you the surcharge from Mr. Ballenger's agreement.

It's a surcharge on the rate payers. I have every right to find out whether the experts are saying that it does create a deficit for the other rate payers. That is absolutely relevant.

HEARING OFFICER CHESTNUT: That is not correct.

MR. HAVER: It's absolutely appropriate.

HEARING OFFICER CHESTNUT: That is not correct. This is not a proceeding to discuss whether the TAP program should be implemented or how to implement it. This is a reconciliation proceeding.

MR. HAVER: Right. And to find out --

HEARING OFFICER CHESTNUT: To look at the numbers.
MR. HAVER: To find out what the deficit is.

HEARING OFFICER CHESTNUT: And you are talking about program design. And that is not a relevant issue.

MR. HAVER: I am not. I am asking a specific question about whether allowing someone to pay for the commodity plus a penny creates a deficit to the whole or creates an advantage to the whole.

HEARING OFFICER CHESTNUT: You don't have to answer those kinds of questions. Go ahead.

MR. HAVER: I will reserve the rest of my questions for the other witnesses.

HEARING OFFICER CHESTNUT: Okay. Does anybody have any -- does anybody else have questions for this panel?

MR. LIANG: I don't have questions. But the court reporter wanted me to say that, she's having difficulty following when multiple speak -- multiple people speak at once. So if we can keep the record more organized, I guess.
HEARING OFFICER CHESTNUT: Yes.
Thank you. And that's directed to you, Mr. Haver.

MR. HAVER: That's funny. I'd like to direct it to you.

HEARING OFFICER CHESTNUT: Do you have any redirect, Mr. Dasent?

MR. HAVER: That's funny. I thought it was directed to you for interrupting me.

HEARING OFFICER CHESTNUT: Mr. Dasent, do you have anything further?

MR. DASENT: We have nothing further.

HEARING OFFICER CHESTNUT: For redirect?

MR. DASENT: Thank you. Nothing further.

HEARING OFFICER CHESTNUT: Thank you, Mr. Jagt, Mr. Merritt. You are excused.

Did you want to present your second panel, Mr --
MR. DASENT: Yes. Thank you, Your Honor. Our second witness panel is from Raftelis Financial Consultants -- Jon Davis, Henrietta Locklear and Brittany Baporis. I believe they are in the room.

HEARING OFFICER CHESTNUT: Okay.

MR. DASENT: The witnesses are available for cross.

HEARING OFFICER CHESTNUT:

Mr. Ballenger, did you -- you indicated no cross for them. Is that still the case?

MR. BALLenger: No. I, actually, indicated extensive cross for them. I think there's a typo that's says moderate.


MR. BALLenger: Thank you, Judge. And just want to acknowledge distributing in advance of the hearing our hearing exhibit, which I've asked be entered into the record and marked as Public Advocate Hearing-1.
HEARING OFFICER CHESTNUT: Okay.

So marked.

MR. BALLENGER: Thank you.

And I'm just going to speak to the panel and hope that one of you chime up, please. I know you co-sponsored your testimony multiple times here. So, I don't -- I don't mind if one of you takes the lead and others contribute as you see fit just so long as we move through this. And I will try to move through this as quickly as possible.

If I can start just by directing you to Schedule RFC-1 in your direct testimony in the paragraph that begins with the heading Projection. And I just want to make sure I understand the basis for your projections.

In that paragraph you explain that the automatic --

HEARING OFFICER CHESTNUT: Sorry.

Mr. Ballenger, what was that reference?

MR. BALLENGER: It's Schedule RFC-1, which is attached to the formal
notice as part of the direct testimony.

HEARING OFFICER CHESTNUT: Okay.

MR. DASENT: I'm trying to get there. Give me one second.

MR. BALLenger: No problem. And this is more overview. I expect the witnesses can probably answer it without having to review too carefully.

MR. DASENT: Okay.

MR. BALLenger: The question is, whether I understand correctly that your projections are based on auto-enrollment on a reciprocal basis with LIHWAP, Low Income Home Water Assistance Program, eligibility determinations; isn't that correct?

MR. DAVIS: I'm sorry. Yes, that is correct.

MR. BALLenger: Okay. And turning to the very next page, this page is -- (audio fades out.)

HEARING OFFICER CHESTNUT: I'm sorry. Mr. Ballenger, I can't hear you there.

MR. BALLenger: Sorry. I just want
to acknowledge that each page is numbered on the bottom left, but the cover page is not. So if you are looking at the numbering in your pdf, you are -- you will need to go one page further than what I say.

On the first page of Hearing Exhibit 1 is response to PA Tab No. 4. Can I assume you prepared that response or can answer some questions about it?

MS. LOCKLEAR: I'm sorry, Rob. I got a little confused about whether you are talking -- what document you were talking about. Could you say that again, please?

MR. BALLENGER: Yes. In the hearing exhibit, I -- for your courtesy here, I just included some of the data responses I would like to discuss. And the parts is in PA Tab 4. And the question is whether you can answer some questions about that particular response.

MR. DAVIS: That was a response by the City. But I believe we can potentially shed some light on it.
MR. BALLENGER: Thank you. And if not, we can find another way.

In that response, it states that you're working on an algorithm for a pilot program to enable rapid enrollment of LIHWAP recipients into TAP.

Is there a difference between rapid enrollment and automatic enrollment? And if so, can you please explain it?

MR. DAVIS: I think as we're using the term here and, as yet, these -- all these things have not been totally finalized, I think we are using them more or less synonymously.

MR. BALLENGER: Is it envisioned that LIHWAP recipients enroll in TAP, through whatever the process becomes, whether it's called rapid or automatic enrollment, they would to have to indicate their agreement with program terms at some point?

MR. DAVIS: Henrietta, I'm not sure the determination has been made on that at the city level. Can -- do we -- are we
able to speak to that?

   MS. LOCKLEAR: It's likely. But I
don't think totally finalized. That would
be the case.

   MR. BALLenger: I ask because there
are obligations of TAP recipients that are
acknowledge in the ordinary course of
application.

         For example, that they would accept
and reasonably maintain any
pre-conservation assistance provided to
them. And without having some sort of
acknowledgment, it seems to me that someone
automatically enrolled wouldn't have that
obligation.

         Wouldn't you agree?

   MR. DAVIS: Pending the definition
of automatically, which is not yet
determined.

   MR. BALLenger: Okay. In the
response here in PA Tab 4, it also states
the project team believes the majority of
LIHWAP recipients would be eligible to
enroll in TAP because the two programs
common residency and income requirements. Do you see that language here?

MR. DAVIS: Yes.

MR. BALLenger: I want to focus a little bit on that. Do you agree --

HEARING OFFICER CHESTNUT:

Mr. Davis, I have been told there's a lot of ambient noise coming from you.

MR. DAVIS: Apologies. There is a thunderstorm going on in my background. And I'm not able to cancel all that noise out.

HEARING OFFICER CHESTNUT: Okay. That's --

MR. BALLenger: Understandable. Do you agree that the receipt of LIHWAP is not based solely on residency and income eligibility determinations.

MR. DAVIS: This -- I think the statement was based on the common level of percentage of federal poverty level and being an account holder within the system.

MR. BALLenger: Isn't it true that LIHWAP recipients don't have to be account holders?
holders?

MR. DAVIS: Account holders in which program?

MR. BALLenger: In either program. LIHWAP recipient doesn't have to be a customer of the Water Department; isn't that correct.

MR. DAVIS: I believe that is the publicity they are putting out, yes.

MR. BALLenger: Isn't it also true that to receive LIHWAP, someone must have either a past due balance or a threatened or actual shut off of water service?

MR. DAVIS: That is our understanding generally, yes.

MR. BALLenger: So likewise, with regard to the Tiered Assistance Program, would you agree that simply having a low income and residing in the City of Philadelphia is not sufficient to enroll in TAP?

MR. DAVIS: There are other qualification criteria.

MR. BALLenger: Okay. So just to
clarify, to be enrolled in TAP, you also have to be a customer of the Water Department, correct?

MR. DAVIS: That is true, yes.

MR. BALLENGER: Okay. And if we turn to page 2 of the hearing exhibit, you also stated that your projections assume that any LIHWAP recipient is eligible for TAP, and can become a customer, right?

MR. DAVIS: Yes.

MR. BALLENGER: And just going back a page to page 1, isn't it also true that the city's acknowledged that some LIHWAP recipients may already participate in assistance programs such as TAP?

MR. DAVIS: That is possible, yes.

MR. BALLENGER: It's possible. Isn't it also true?

MR. DAVIS: It is possible that they participate in assistance program.

MR. BALLENGER: Okay. Can I direct you then to page 4 of the hearing exhibit, which is the response to PA Tab 16. And I believe you will see that data response
that, in fact, multiple LIHWAP recipients have already been identified as participating in a Tiered Assistance Program, Senior Citizens Assistance Program, so on and so forth?

MR. DAVIS: Yes.

MR. BALLenger: Okay. I would just like to make sure that we're clear.

So it's true, then, that some LIHWAP recipients will, in fact, already participate in these programs, correct?

MR. DAVIS: Some, yes.


And as of February 25, 2022, this is in your response to PA Tab 17 -- and that's included on page 3 of the hearing exhibit -- you indicated that 460 grantees have received LIHWAP so far, correct?

MR. DAVIS: Yes.

MR. BALLenger: And some subset of that 460 approvals, you're not able to report how many of them are or are not customers of the Water Department; isn't that right?
MR. DAVIS: Henrietta, have we been able to confirm numbers for any of that?

MS. LOCKLEAR: As of the 2/25 reporting, we didn't have that information, Rob.

MR. BALLenger: Thank you. Because it says the reporting is under development. So the question was how many -- we are trying to figure out here, how many people get LIHWAP really have a pathway to TAP. That's sort of the gist of things. Help to know how many customers.

MS. LOCKLEAR: Understood.

MR. BALLenger: So turning to your rebuttal testimony on page 6, lines 4 to 10. I noticed here the -- you sort of quantity the 77 percent of LIHWAP recipients were not enrolled in TAP. But based on the information you've provided, can you conclude that all 77 percent or even some specific number of those customers can enroll in TAP?

MR. DAVIS: I apologize I keep getting muted and trying to unmute.
Yes. It is possible that some percentage of this 77 percent would not be immediately eligible to enroll in TAP for various reasons.

MR. BALLenger: And you can't identify with certainty here today what percentage that would be?

MR. DAVIS: That -- that analysis is under development.

MR. BALLenger: Okay. Can I just take that as confirmation then, as we sit here today, Mr. Davis, that you can't tell me how much of those 77 percent of customers can enroll in TAP?

MR. DAVIS: Well, I think there's the distinction between those that can immediately enroll in TAP and those that could potentially enroll in TAP given their ability to address certain other criteria.

MR. BALLenger: Can you identify what percent could be automatically enrolled or rapidly enrolled under the program?

MR. DAVIS: Again, I don't think
we've defined the -- what exactly rapidly enrolled or automatically enrolled might be.

    MR. BALLenger: And just to be clear, regardless of definition, can you identify what percentage, how much of the 77 percent are currently customers with the Water Department?

    MR. DAVIS: Not sure we have any information on that. Henrietta, correct me if I'm wrong.

    MS. LOCKLEAR: We are working on better defining that, Rob.

    MR. BALLenger: Appreciate that. And I know this is all moving very quickly. I'm just trying to make sure that the record is clear.

    MS. LOCKLEAR: Indeed.

    MR. BALLenger: So if we could, please, turn to page 5 of the hearing exhibit. And this is a pdf of the website for the City of Philadelphia that applies to tenants who want to become a water customer. And I have taken the liberty of
highlighting some relevant sections throughout this exhibit so that we can get through it.

Isn't it true that it says here on the website that to become a customer, a tenant needs -- a tenant customer needs written consent from the owner?

MR. DAVIS: It does say that, yes.

MR. BALLenger: Okay. Turning a couple more pages down to page 7, want to verify this is the current application for service for tenants in the City of Philadelphia; is that correct?

MR. DASENT: If you know.

MR. BALLenger: Subject to check?

MR. DAVIS: Subject to check.

MR. BALLenger: And if you turn to the following page under the heading Tenant Requirements, which is attached to the application, isn't it also true that this states that a customer needs written consent to become -- a tenant needs written consent from the owner to become a customer?
MR. DAVIS: That is what it says, yes.

MR. BALLenger: And again, you've confirmed and I've included the relevant response to PA Tab 18, that to become -- to be automatically enrolled, someone must be a customer of the Water Department, correct?

MR. DAVIS: Again, I don't think we've defined what automatically enrolled means. To be enrolled, they -- they would need that. Yes.

MR. BALLenger: So the question was in PA Tab 18: Please confirm that auto enrollment in TAP, the LIHWAP recipient be contingent upon the recipient being the Water Department's main customer.

And you responded: This is confirmed.

Correct?

MR. DAVIS: Yes, that is correct.

MR. BALLenger: And on the following page of the exhibit is the response to PA Tab 19. I just want to
confirm, that this, also, reflects that there is no changes that are proposed to the Water Department's customer service regulation regarding customer status. And that's -- you, again, responded that there are no such changes; is that correct.

MR. DAVIS: The city responded to that. And again, I'm not exactly sure the date of that response. But I believe that to have been true at the time.

MR. BALLenger: Thank you, Mr. Davis. I'd forgotten that was responded to by the city. I will change the responsibility to that question.

I would like to just talk a little bit about those relevant regulations. And so, I've include Chapter 1 of the Water Department's customer service regulation starting at page 11 of the exhibit. And again, I've -- to make things a little easier, I highlighted some sections.

I would like you to take a look at 100.2(a2) of the regulations, which begins on page 12 and extends to page 13 of the
hearing exhibit. I would like you to take a moment and review that. And please, let me know when you are done.

MR. DAVIS: (Reviews.)
Okay.

MR. BALLenger: Can you, please, identify where in the regulation you just reviewed it requires a tenant to provide written consent from the property owner?

MR. DASEnt: I should note at this point, that these witnesses may not be the experts for sort of the legal background or knowledge of where to find in regulations various -- various requirements.

However, if they are generally familiar and can answer at the high level that they are acquainted with the regulation, I won't object.

MR. DAVIS: I'm, certainly, not an expert in -- in the regulations, Mr. Ballenger.

MR. BALLenger: But do you see in the section that you just read, which states that a tenant or occupant who wishes
to be a customer, must submit. And then, there's a list of things there, correct? You see that?

MR. DASENT: I think the regulation speaks for itself, yes.

MR. BALLenger: And would you, also, agree that nowhere in that regulation does it require written consent of the -- (audio fades out.)

MR. DASENT: Written consent of the -- it dropped off. I didn't hear the last part.

MR. BALLenger: Nowhere in the language that you reviewed, does it require written consent of the owner.

Isn't that correct?

MR. DASENT: Oh. You mean, it's like they opt out or something? Tell me what you mean by that.

HEARING OFFICER CHESTNUT: Okay. Mr. Dasent, I think the question is pretty clear. And think they are able to answer it.

MR. DASENT: Okay.
HEARING OFFICER CHESTNUT: It's a yes/no looking at these regs.

MR. DAVIS: I am not seeing that in here.

MR. BALLENGER: And we will continue onto pages 14 and 15 of the exhibit. There is a section I have highlighted here titled Notice To Owner. And that carries over to page 15.

I would like you to, again, review that language. And please, let me know when you are finished reviewing it.

MR. DAVIS: Are you referring to parts one, two and three?

MR. BALLENGER: No. Just part one and two, the green highlighted if you are looking at the same section.

MR. DAVIS: Okay.

MR. BALLENGER: Okay. Just like to ask you to confirm again, in what you just read, there is no requirement that an owner provide written consent to a tenant's application; isn't that correct?

MR. DASENT: Please, note my
continuing concern that we -- this
particular witness may not no elsewhere in
the regs where certain requirements may be
stated. They are not experts or provided
for that purpose. But at a high level --

HEARING OFFICER CHESTNUT: I think
the question is sufficiently narrow. I
think he can answer it. We understand that
there may be other regulations that are
addressed to that, which you can bring up
on your -- on your recross, or on your
redirect. Excuse me.

MR. DASENT: Yeah.

MR. DAVIS: Can you repeat the
question, please?

MR. BALLenger: Just like you to
confirm that nowhere in the language you
just reviewed is the owner's written
consent required for the tenant to become a
customer.

MR. DAVIS: I did not see that it
is required.

MR. BALLenger: And instead,
wouldn't you agree that the language you
just reviewed requires the city to notify
an owner when a tenant applies for service.
And then, provides that the owner is deemed
to consent if it doesn't respond?

MR. DAVIS: I believe the -- this
is probably not a very good line of
questioning for me, Mr. Ballenger. I would
defer to someone who is more familiar with
city regulations.

MR. BALLenger: Okay. I will just
state that in paragraph two, the last --
the middle sentence states: The notice
shall afford the owner 20 days from the
date of the notice in which to provide the
Water Revenue Bureau with any comments
regarding the applicant's eligibility to
indicate any objection.

Right?

MR. DAVIS: I see that, yes.

MR. BALLenger: Okay. And then the
following paragraph, which is highlighted
in orange, doesn't it say that: The owner
shall be deemed to have no objection to the
provision of utility service?
MR. DAVIS: I see that wording, yes.

MR. BALLenger: Okay. Thank you.

If we could go back up one page to page 14 of the hearing exhibit. And there is language highlighted at the very top, Subsection F. And this is one of the provisions under the preceding section that says: An owner/tenant occupant is qualified to become a customer unless -- and then, I would like to ask you to read the highlighted language in orange there, please.

MR. DAVIS: The tenant is applying for utility service at a service location for which no valid residential rental property license exists.

MR. BALLenger: So based on the discussion we have had so far, if the tenant applies for service and provides consent, written consent from the owner, isn't it true that that tenant cannot get service in their name if the property is not a licensed rental?
MR. DAVIS: I would defer to someone who has more expertise in regulations.

MR. BALLenger: Okay. But based on what you just read, is that a reasonable interpretation?

MR. DASENT: If you know.

MR. DAVIS: I'm not really qualified to make that interpretation of the regulations.

MR. BALLenger: Okay. That's fair. Let's turn to page 40 of the exhibit, please.

MR. DASENT: Which page? I'm sorry, Rob.

MR. BALLenger: It's page numbered 40. Are you familiar with a 2018 Pew Study?

HEARING OFFICER CHESTNUT: Can you hold on a second. I'm still scrolling.

MR. BALLenger: Sorry, Judge. So quick with my mouse.

MR. DAVIS: Is this the one titled Housing?
MR. BALLenger: Yes. Thank you, Mr. Davis. Are you familiar with the 2018 Pew Study entitled Philadelphia's Poor, Experiences From Below the Poverty Line?

MR. DAVIS: I have at some point read it. But I'm not -- depending on the depth that we are going to here.

MR. BALLenger: Okay. Just like you to -- I wasn't able to highlight on this page. I apologize. But if you look at the last paragraph, it begins: The landlords in Philadelphia.

In the middle sentence, starts with "based on data for the Department", doesn't it state there that an estimated 28 percent of rental units in high poverty neighborhoods were unlicensed in 2018?

MR. DAVIS: It does state that, yes.

MR. BALLenger: And that -- that represents a larger share than in non-poor neighborhoods, correct?

MR. DAVIS: It does state that, yes.
MR. BALLENGER: Do you have any basis for disagreeing with that statement?

MR. DAVIS: I don't know that much about the rental market in Philadelphia.

MR. BALLENGER: Fair enough. If you go to the next page of the exhibit, and this is the response to PA Tab 24. And just looking at the numbers, this is a breakdown of TAP participants based on customer type.

And looking at these numbers, I did a little math. And subject to check, doesn't this show approximately 84 percent of TAP participants are property owners?

MR. DAVIS: Subject to check, yes.

MR. BALLENGER: I'm going to ask you to reach back a little bit in your memory to help. I've added a page, the next page. And this is a page from Roger Colton's testimony in the 2021 rate proceeding. And just like to direct you to the last sentence here.

Here in the last sentence, Mr. Colton stated that 66 percent of
Philadelphians with income at or below the federal poverty level are tenants.

As we sit here today, do you have any reason to question that statement?

MR. DASENT: We'd object to that. We have no ability to cross Mr. Colton and probe, you know, the source of this particular data. I just don't know --

HEARING OFFICER CHESTNUT: I don't think that's what the question is. He's asking if it's reasonable --

MR. DASENT: Okay.

HEARING OFFICER CHESTNUT: -- based on your experience.

Aren't you, Mr. Ballenger?

MR. BALLenger: Yes.

MR. DAVIS: I can't speak to whether it's reasonable or not.

MR. BALLenger: Have you examined any census figures or demographic figures in connection with your testimony today?

MR. DAVIS: We have, over the course of our work with the city on this program.
MR. BALLENGER: Do you know what percentage of Philadelphians living below the poverty line live in rental housing?

MR. DAVIS: Not offhand, no.

MR. BALLENGER: Would you agree that would be in the American Community Survey?

MR. DAVIS: Umm?

MR. BALLENGER: Or the American Housing Survey perhaps?

MR. DAVIS: I'm not sure that I know exactly where that would be. But I can't say that it's specifically in there.

MR. BALLENGER: Would you accept the general proposition that the majority of low-income Philadelphians live in rental housing?

MR. DAVIS: Subject to check.

MR. BALLENGER: I want to go back to your direct. And specifically, Schedule RFC-4. And start at page 1. Let know me when you are there, please.

MR. DAVIS: Okay.

MR. BALLENGER: And in the first
paragraph -- according to my notes in the first paragraph, the date for your estimate is PGW's G experience with LIHEAP; is that correct?

    MR. DAVIS: I'm sorry. I'm not in the right place.

    MR. BALLINGER: I'm on Schedule RFC-1.

    MR. DASENT: I'm trying to get there also, Rob. Just, please, be patient.

    MR. BALLINGER: All right.

    MR. DASENT: Got to scroll a ways back.

    MR. BALLINGER: I'm sorry. My citation was wrong. I'm on RFC-4. Sorry.

    MR. DASENT: Okay. Which page of that particular exhibit?


    MR. DASENT: That's on 101 if you are scrolling back from the Rate Board's website.

    MR. DAVIS: You said page 2 of RFC-4?
MR. BALLENGER: Yes.

MR. DAVIS: Okay.

MR. BALLENGER: So, the first paragraph on this page, just in broad terms, you are explaining that the basis for your estimate is PGW's experience with the LIHEAP program; isn't that correct.

MR. DAVIS: That was -- yes. That was true of our basis of this exhibit, correct.

MR. BALLENGER: And you state there that PGW received roughly 26,000 LIHEAP grants in Fiscal Year 2021; is that correct?

MR. DAVIS: That is correct.

MR. BALLENGER: That statement based upon your personal knowledge?

MR. DAVIS: That was based on publicly available information.

MR. BALLENGER: Can you identify that information?

MR. DAVIS: We can get you that citation. I don't have it handy.

MR. BALLENGER: Okay. So
Mr. Morgan, in his testimony, points out that LIHEAP consists of three separate -- tax grant, the crisis grant and the weatherization assistance program. In your rebuttal on page 5, lines one through six -- I will give you a second.

MR. DAVIS: Okay.

MR. BALLENGER: Your rebuttal statement appears to express that it doesn't matter if LIHEAP is composed of three different types of grants, only overall income and eligibility should be considered.

Is that your testimony?

MR. DAVIS: With respect to the development of a pool of applicants from that group.

MR. BALLENGER: And do you agree that if LIHEAP was composed of only a crisis component, that PGW would have received far fewer grants?

MR. DAVIS: I don't know. I would assume so since that's a component of the grants they received.
MR. BALLENGER: And also, in Mr. Morgan's testimony at -- I believe it's Appendix B, he provided the assistance summary for 2020 through 2021?

MR. DAVIS: Is that by county?

MR. BALLENGER: It is, yes. If you look at County 51 on page 119.

MR. DAVIS: Yes.

MR. BALLENGER: Isn't it true that PGW received just over -- I'm sorry. Let me restate.

Isn't it true that DHS reported issuing just over 80,000 or -- I'm sorry. Just under 9,000, I apologize. Just under 9,000 crisis grants for natural gas service?

MR. DAVIS: I do not have that page in front of me. But subject to check --

MR. DASENT: Are we distinguishing crisis from other grants, Rob?

MR. BALLENGER: Yes. I'm saying that I think what we've already talked about is that LIHWAP requires past due bills or a threat of shut off. Mr. Morgan
testified that's more close to LIHEAP crisis. And I'm asking whether, in fact, the LIHEAP crisis numbers that are reported, show that the natural gas -- the number of natural gas grants is, actually, much lower in Fiscal '20 to '21 -- or sorry, program Year '20 to '21.

I'm asking the witness to confirm, subject to check, that approximately 9,000 crisis grants were issued over that period of time for natural gas in Philadelphia.

MR. DAVIS: And that's --

MS. LOCKLEAR: I'm sorry. I was just going to ask you to specify where on the page that is? It's on the right-hand side on --

MR. BALLenger: The right-hand side.

MS. LOCKLEAR: For payments sent?

MR. BALLenger: Payments sent.

Across from natural gas it reports 8,871 payments were sent under the Crisis Program in the County of Philadelphia from September 2020 through September 2021.
MR. DASENT: And you're saying that's is subject to check.

MR. BALLenger: Subject to check that if -- what we are talking about here is whether the crisis component would result in far fewer grants than the cash component? That is sort of the overall gist of this.

MR. DAVIS: Subject to check.

MR. BALLenger: And to your knowledge, does the 26,000 number of grants that you report, does it reflect cash grants, crisis grants, one or the other, or all grants?

MR. DAVIS: At the time, I believe that that would have probably been all grants.

MR. BALLenger: Okay. Now you, also, state that about half of PGW's CRP customers receive grants. And that's Schedule RFC-4, as well, correct?

MR. DAVIS: That was the math of the 26,000 as a percentage of the 52,000 that we have enrolled in CRP.
MR. BALLENGER: And again, that's not based on your personal knowledge. That's based on information you received from someone else?

MR. DAVIS: Correct.

MR. BALLENGER: Or some reports?

MR. DAVIS: Yes.

MR. BALLENGER: And so again, on that page you indicate 52,000 -- I think it's page one of RFC-4. 52,000 active -- you use CRP, but I think you mean CRP participants; is that correct?

MR. DAVIS: That is correct, yes.

MR. BALLENGER: So when you refer to the number of grants being 26,000 and reflecting half of the CRP population, isn't what you really mean to say that roughly half of CRP customers received some form of LIHEAP assistance?

MR. DAVIS: Based on those numbers, yes.

MR. BALLENGER: Okay. So would you agree, that some of those customers could have received multiple LIHEAP grants?
MR. DAVIS: I'm not aware of the individual customers and what they received.

MR. DASENT: If, Your Honor, please, let me just interrupt one second. Rob, if you -- I'm having a connectivity issue. And I'm sort of barely hearing you. So if we can take a brief break, it would help me so that I can, you know, get my audio back. Because you're very faint. And I have feeling that's because, you know, my cellular use or something is -- I'm using up a lot of power.

HEARING OFFICER CHESTNUT: Is that okay with you if we take, I don't know, like a two-minute break, Mr. Ballenger?

MR. BALLenger: That's fine. Are you having any trouble hearing me, Judge?

HEARING OFFICER CHESTNUT: I'm having trouble hearing you, too.

MR. BALLenger: Okay. It may be my microphone. I will try and make some adjustments over the next two minutes, as
well.

MR. DASENT: If we could stop a few minutes, that would be very helpful. Thank you.

(Off the record at 11:47 a.m.)

- - -

(Back on the record at 11:57 a.m.)

HEARING OFFICER CHESTNUT: Back on the record.

Rob, could you key us in?

MR. BALLenger: Sure. We were speaking about the 26,000 LIHEAP recipients of PGW. And I wanted to pivot just a little bit and just ask whether in preparing your direct or your rebuttal testimony, whether you reviewed the Department of Human Services LIHEAP State Plan?

MR. DAVIS: I -- I have not reviewed that.

MR. BALLenger: Okay. Is that -- is that safe to say for the panel, then, that review of the State Plan was not part of preparation for your testimony?
MR. DASENT: And the State Plan that you're referring to, does it include by the county-by-county summary that is attached to Lafayette's testimony?

MR. BALLENGER: No. Every year the Department of Human Services publishes what's called the LIHEAP State Plan, which explains the entire LIHEAP program and how it works statewide. Coincidentally, I've include it starting at page 43 of the hearing exhibit just in case.

MR. DASENT: We see that.

MR. BALLENGER: And I would like to talk about a few aspects of it just so we can all have a shared understanding of LIHEAP.

So first of all, are you aware that Pennsylvania runs LIHEAP as a winter program?

MR. DAVIS: What is saying it's seasonal -- yes.

MR. BALLENGER: If you turn to page 47 of the hearing exhibit, I believe you will find confirmation that the program
opens in November and closes in April; is that correct?

MR. DAVIS: I see that, yes.

MR. BALLenger: Okay. And are you familiar with the provisions of the plan requiring a household to be --

HEARING OFFICER CHESTNUT: (Dog barks.) Sorry.

MR. BALLenger: The Judge's dogs have something to say.

HEARING OFFICER CHESTNUT: Going to mute myself for a minute here.

MR. BALLenger: I don't think they like this line of questioning.

MR. DASENT: Yeah. I don't either.

MR. BALLenger: Okay. Are you familiar with the provisions of the plan governing the household's responsibility for heat? And if not, I would ask you to scroll to page 69 of the exhibit.

MR. DAVIS: I'm there.

MR. BALLenger: Okay. And in the definition of household, it indicates that a customer can either be responsible for
paying heat directly or indirectly; isn't that true?

MR. DAVIS: I see that, yes.

MR. BALLenger: Okay. And so based on that definition, if a customer is responsible for heat indirectly, if you scroll to page 78 of the hearing exhibit, you'd see that customers can receive direct payments of LIHEAP cash amounts if they are not directly responsible to the utility. Do you see that under Section 601.44?

MR. DAVIS: I do.

MR. BALLenger: Okay. And if a customer receives payment directly, would you agree that PGW would have no knowledge of that payment?

MR. DAVIS: I don't see how they could.

MR. BALLenger: Stands to reason, doesn't it?

Are you familiar with the fact that a LIHEAP recipient can direct cash or crisis benefits to a primary fuel type or a
secondary fuel type? And that both of those provisions appear in the green highlighted sections on page 77 and page 80, which I apologize. It's not green. It's yellow on page 80.

MR. DAVIS: I see that in 601.44 Subsection B, yes.

MR. BALLenger: Okay. And then again, on page 80 of the exhibit under Section 601.61, will you see it again; is that correct?

MR. DASENT: Asked and answered at this point.

HEARING OFFICER CHESTNUT: He can affirm it.

MR. DASENT: Okay.

MR. DAVIS: I see that, yes. Primary or secondary.

MR. BALLenger: Are you familiar with the supplemental cash payments that LIHEAP recipients can receive?

MR. DAVIS: I'm sure you can direct me to something in the reg on that.

MR. BALLenger: Yes. Page 77
highlighted in green.

MR. DAVIS: I see that.

MR. BALLenger: Okay. So having reviewed some of the State Plan provisions, would you agree that LIHEAP recipients can receive multiple grants based on availability of funding and the program parameters?

MR. DAVIS: Yes.

MR. BALLenger: And you would, also agree that some of those payments may go directly to the customer and not to the utility, correct?

MR. DAVIS: Yes.

MR. BALLenger: Did you look into whether DHS ran a supplemental program in the summer of 2021?

MR. DAVIS: No.

MR. BALLenger: Would you be surprised to know that they ran a robust supplemental program in the context of the COVID-19 pandemic?

MR. DAVIS: I would neither be surprised nor unsurprised.
MR. BALLenger: Okay. I could share a link to a training on it offline if you would like to take a look.

So going to page 5 of your testimony -- I'm sorry, it's your rebuttal testimony. You state that based on the materials -- I'm sorry. I will wait till you're there.

HEARING OFFICER CHESTNUT: I'm sorry. Was that page 5 of the rebuttal?


HEARING OFFICER CHESTNUT: Okay.

MR. BALLenger: In the middle of the page, states that based on materials Mr. Morgan provided with his testimony, states 49,019 applicants in Philadelphia received natural gas energy assistance between September 2020 and September 2021. Do you see that statement?

MR. DAVIS: Yes.

MR. BALLenger: Okay. And that's a reference to Appendix B of Mr. Morgan's -- attached to Mr. Morgan's testimony?
MR. DAVIS: I believe so, yes.

MR. BALLenger: Can I ask you to turn to that specific page of Appendix B, which I believe is page 51. Getting it up myself. Yes, page 51 of 136 of Appendix B.

HEARING OFFICER CHESTNUT: It's Mr. Morgan's testimony?

MR. BALLenger: Yes.

MR. DAVIS: That would be page 92 of 177 of the pdf.

MR. BALLenger: Yes. At the top it says: Energy assistant summary, county 51. Cash demographic report.

Correct?

MR. DAVIS: Yes.

MR. BALLenger: Okay. And the columns on the right side of the page are preceded by a statement in bold that says: Payment sent.

Do you see that?

MR. DAVIS: Yes.

MR. BALLenger: And next to natural gas, it quantifies a number of the payments as 45,019.
Do you see that?

MR. DAVIS: Yes.

MR. BALLenger: And that's the source of the statement in your rebuttal attributed to Mr. Morgan, correct?

MR. DAVIS: That's the source of us saying that there is a large pool of potential applicants that could be enrolled in the TAP program, yes.

MR. BALLenger: Okay. And we've talked about the State Plan providing for multiple types of cash grants, not all of which go directly to PGW. Agree?

MR. DAVIS: Yes.

MR. BALLenger: So what I just want to confirm is that the number of payments sent, does not correspond on a one-to-one basis with the number of PGW customers whose accounts received cash assistance. Do you agree with that statement?

MR. DAVIS: Yes. That is not our contention.

MR. BALLenger: Okay. So just sort
of having some -- a lot of different payments made, you assume that means that there are a lot of recipients; is that correct?

MR. DAVIS: I would assume based on this, that there are a lot of people who applied for payments that might also be eligible for TAP that we knew based on this are income eligible.

MR. BALLINGER: Okay.

MR. DAVIS: And live in the County of Philadelphia, which is served by both PGW and PWD.

MR. BALLINGER: And that to the best of your information, based on information you received from PGW, 26,000 of PGW's customers received some form of LIHEAP assistance, correct?

MR. DAVIS: I don't know about the timing of those two numbers. But those are the two numbers, yes.

MR. BALLINGER: Okay. Turning back to your rebuttal on page 5, and I'm looking for the specific language. Again at the
top, Q&A 10, your testimony states that it doesn't matter whether the program is three different components because, quote, all LIHEAP enrollees regardless of grant type are income eligible for TAP and could be considered for the pool of potential applicants.

Do you see that language?

MR. DAVIS: Yes.

MR. BALLenger: Okay. Now I'm reminded when we began this discussion, you made it clear that PWD's projections were based on the receipt of LIHWAP, not another utilities receipt of LIHEAP; isn't that correct?

MR. DAVIS: I don't see why we would necessarily disregard any data sources of income eligible folks in the service area.

MR. BALLenger: Okay. So, does the Department project some number of customers being automatically enrolled in TAP based on the receipt of LIHEAP?

MR. DAVIS: Given that the nature
of the auto enrollment has not been finalized, that is certainly a possibility.

MR. BALLENGER: Okay. And so, that would be consistent with your statement on page 8 of your rebuttal, that the Department's proposal takes into account -- I will wait till you get there. Sorry, Mr. Davis. Trying to be cognizant of everyone's time so we can get through this. And I am getting near the end briefly.

Page 8, you state that the Department's proposal takes into account the potential pool of LIHWAP and LIHEAP enrollees into TAP. That's consistent with your earlier statement, correct?

MR. DAVIS: Yes.

MR. BALLENGER: Okay. Going back to the hearing exhibit, like you to scroll down to page 106, please.

MR. DAVIS: 106 of 177?

MR. BALLENGER: No. The hearing exhibit, the Public Advocate hearing exhibit. It contains the LIHEAP State Plan. It would be page 107 of 123.
MR. DAVIS: Got you. Is this the LIHWAP application?

MR. BALLenger: It is, yes. Have you seen this application before?

MR. DAVIS: I have not personally, no.

MR. BALLenger: Okay. I would like you to scroll down two more pages to page numbered 108. On that page, you are going to see a heading. Says Certification. Please, let me know when you are there.

MR. DAVIS: I see that.

MR. BALLenger: Okay. I was able to successfully highlight paragraph three here. And just want you to read the statement in paragraph three for me, please.

MR. DAVIS: I authorize the release of LIHWAP eligibility information to and from my water suppliers, and allow them to seek assistance for which I might maybe qualify. The assistance may include LIHWAP, cash or crisis.

MR. BALLenger: Okay. You would
agree that the Water Department is a water supplier, would you not?

MR. DAVIS: I believe it is.

MR. BALLenger: Yeah. And so, this certification would allow LIHWAP eligibility information to be released to the Water Department, right?

MR. DAVIS: Yes.

MR. BALLenger: Okay. Now, I would like you to scroll down to page 114, please. Same exhibit. What you will see here is the 2021 to 2022. So, the current year LIHEAP application.

Have you seen this document before?

MR. DAVIS: I have not.

MR. BALLenger: Okay. Again, I would like you to scroll down to the certification that starts two pages down on page 116. And again, I have successfully highlighted the applicable language. Which I would like you, again, read here today.

MR. DAVIS: I authorize the release of LIHEAP eligibility information to and from my energy suppliers for
weatherization -- or weatherization agencies and allow them to seek assistance for which I may be eligible. The assistance may include LIHEAP, cash, crisis or weatherization benefits.

MR. BALLenger: Okay.

Do you agree that the Water Department is not an energy supplier or weatherization agency?

MR. DAVIS: I do agree with this. I was looking for the date of this. And I am seeing correctly that it was revised July 28 of 2015.

MR. BALLenger: That's correct. But this is the application for the current season that we are in right now.

MR. DAVIS: I see that it was current as of 2015.

MR. BALLenger: Okay. But you -- you acknowledged earlier that if you look at page 114, again at the top, it states 2021 to 2022 application for the Low Income Home Energy Assistance Program.

MR. DAVIS: I do see that, yes.
MR. BALLenger: So, you would agree that this application does not allow LIHEAP eligibility information to be shared with the Water Department?

Do you agree?

MR. DAVIS: Well, I don't see that that extends beyond July 1 of 2022. But I do see that that would be true of this application, yes.

MR. BALLenger: You see at the very bottom right corner of the page, it says PA TAP-R Hearing Exhibit 116? Do you see a code that says HSEA-1, and then the date 6/21?

MR. DAVIS: Yes.

MR. BALLenger: Okay so, would you take it to mean since that same entry appears on the proceeding page, page 2 of the application and the page before that, page 1 of the application, that this is the certification that applies for the purpose of the 2021/2022 LIHEAP season?

MR. DASENT: If you know.

MR. DAVIS: I don't know what
the -- the code means. I did say that I agreed that it is for the 21/22 season.

   MR. BALLenger: Okay. Okay. I'm sorry. I thought you were trying to say it was for the prior season. Okay.

   And we already talked about LIHEAP being a seasonal program. So, would you expect that the certification would perhaps change for applicants in November of 2022, if at all?

   MR. DASEnt: Calls for speculation.

   MR. DAVIS: I don't know.

   HEARING OFFICER CHESTNUT: He answered.

   MR. BALLenger: Do you believe this certification would change during the current season?

   MS. LOCKLEAR: We have no way of knowing that.

   MR. DAVIS: Don't know what their policy is for changing.

   MR. BALLenger: It's the end of March. Okay. I would like to ask a few questions about the 12,500 assumed new TAP
enrollees.

So on -- you might just want to hit, you know, Control Home and go all the way up to the top of the hearing exhibit. We are going to go to page 4.

MR. DASENT: Give me a moment. My fingers are tired.

HEARING OFFICER CHESTNUT: Hang on. I'm scrolling. Control Home doesn't do it.

MR. BALLenger: I messed up. It's page number 3, as a matter of fact. Let me edit my outline. Page 3 of the hearing exhibit.

MR. DAVIS: Is this for PA Tab 23?

MR. BALLenger: PA Tab 17.

MR. DAVIS: Okay.

MR. BALLenger: You've reported there that the average LIHWAP grant was just under $1,402, correct?

MR. DAVIS: Yes.

MS. LOCKLEAR: That's true.

MR. BALLenger: Okay. You've, also, confirmed that LIHWAP is administered on a first come first serve basis. There
is no specific allocation for Philadelphia, correct?

MR. DAVIS: Yes.

MS. LOCKLEAR: That's true.

MR. BALLenger: Anyone following along can see that on page 122 of the exhibit. I've included that response to PA Tab 20.

Do you have any information that would help us understand how Philadelphia is faring in comparison to other counties in the state?

MS. LOCKLEAR: We do not specifically.

MR. BALLenger: So, you can't tell us how much Pittsburgh or Allentown or anyone else is pulling down from the LIHWAP program?

MS. LOCKLEAR: Not at this moment.

MR. BALLenger: Okay. The total -- the total amount allocated to the state's approximately 43.2 million; is that correct?

MR. DAVIS: Subject to check.
MS. LOCKLEAR: Yeah. Subject to check.

MR. BALLenger: So if the average LIHWAP grant is $1,402, and based on your estimate that 12,500 new TAP households will receive LIHWAP, that means that just for new non-TAP households, the Department would receive approximately $17.5 million for those accounts.

Is that correct mathematically?

MR. DAVIS: I would not assume that the average grant amount would be true of all recipients necessarily.

MR. BALLenger: It's an average.

MR. DAVIS: Well, I don't -- it's an average of the 460 grantees per date or to date. I would not necessarily be able to extrapolate that to all the future grantees.

MR. BALLenger: A program operating on a first come, first serve basis like LIHWAP, would you assume that time is of the essence?

MR. DAVIS: I believe there is a
sunset placed on the existing funding.

MR. BALLenger: Okay. And just to confirm the math, you would agree that if the average remains $1,400 per household and 12,500 currently non-TAP households receive the average grant amount, that mathematically results in the $17.5 million amount -- 1,400 times 12,500 -- mathematically, correct?

MS. LOCKLEAR: It does.

MR. DAVIS: I don't -- it does. I don't believe that you can say in us agreeing to that, that we believe that 12,500 LIHEAP grantees in the City of Philadelphia will each receive 15 or $1,401.96. That's not what we're saying.

MR. BALLenger: Okay. And of the 460 who have received LIHWAP -- I think you misspoke. You said LIHEAP.

MR. DAVIS: Sorry.

MR. BALLenger: No problem. But of the 460 who have received LIHWAP, the average grant amount is $1,402.

MR. DAVIS: That is correct.
MR. BALLenger: So, some of those 460 must have received more and some must have received less, correct?

MR. DAVIS: I believe the limit on it is above the $1,401. So, yes.

MR. BALLenger: Okay. The limit -- is the limit $5,000?

MS. LOCKLEAR: It is.

MR. DAVIS: I believe it is.

MR. BALLenger: Do you have any reason to believe the average LIHWAP grant amount will be different than what you have identified in response to discovery?

MR. DAVIS: Over time, we have no way of knowing what it might be.

MR. BALLenger: Okay. So, you don't know if it will be more; and you don't know if it would be less?

MR. DAVIS: That is correct.

MR. BALLenger: Okay. And just to be clear, the math we just did excludes any customers who are already enrolled in assistance programs, correct?

MR. DASENT: You mean in TAP or any
assistance?

MS. LOCKLEAR: What do you mean by that?

MR. BALLenger: Well, we have talked about is that of the 460 upon which the average is based, some 100 and change are already enrolled in programs including TAP, correct?

MS. LOCKLEAR: That's correct.

MR. BALLenger: So of the 12 --

MR. DAVIS: The answer to PA Tab 16 on the next page, yes.

MS. LOCKLEAR: Right.

MR. BALLenger: Okay. Okay. Just want to look at the timing a little bit. You've projected that 8,750 of the new TAP enrollees will be obtained through automatic enrollment in the months of July through October, correct?

MR. DAVIS: I would say the basis of our argument was more on the pool of enrollees. And then, just roughly spreading them equally over the months of July through the end of the calendar year
as opposed to trying to hit a specific number in a given month. But based on your looking at the -- at the projection, that is correct.

MR. BALLENGER: You said that you spread them equally. But --

MR. DAVIS: Not equally. I would say more -- more evenly-ish.

MR. BALLENGER: Okay. Okay.

MS. LOCKLEAR: Specifically, we -- because LIHWAP is ongoing and the auto enrollment is projected to start in July, we wouldn't anticipate that we immediately are able to enroll the maximum LIHWAP auto enrollment recipients at that time. That it will come online overtime.

MR. BALLENGER: Thank you, Ms. Locklear. And I want to say for the record here, that I support automatic enrollment, okay? I really -- I'm proud of the city's efforts here, okay? I want to commend the city, as well as you all, on embracing this opportunity. I just have questions about the numbers predominantly.
Sorry, Ms. Locklear.

MS. LOCKLEAR: Well, I -- and I think similar to you, the city anticipates an increase based on this effort. And you know, your estimate -- your witness' estimate is at one level. And ours is at another based on our -- our work on it to try to --

MR. BALLenger: Sure.

MS. LOCKLEAR: -- predict something that's not certain. But we both agree that those recipients will turn into increases for the TAP program in enrollment.

MR. BALLenger: I would say that we sure hope they do, okay? But we are not in control of that process. That's really you all and the City of Philadelphia. And I acknowledge --

MR. DAVIS: -- and the customers themselves.

MR. BALLenger: And the customers. But I, also, acknowledge and appreciate that effort because we have supported it here at CLS.
I'm about done. I just -- I guess, one more question. And this goes to what you just said, Ms. Locklear.

Your rebuttal says in a couple places that Mr. Morgan, you know, fails to reflect a large pool of new TAP participants. Says that on page 4 and, again, on page 5. Uses that language, "fails to reflect." Uses, you know, the phrase "large pool."

And I just want to make sure, you acknowledge that Mr. Morgan projected 6,274 new TAP participants enrolling over a period of five months with no decline thereafter? You acknowledge that?

MR. DAVIS: Yes.

MS. LOCKLEAR: Yes.

MR. BALLINGER: Do you agree that that's approximately one third of the current enrollment level as we know it today, 17,148?

MR. DAVIS: Yes.

MR. BALLINGER: Okay.

MS. LOCKLEAR: Yes.
MR. BALLenger: Do you agree that's a large pool?

MS. LOCKLEAR: It's --

MR. DAVIS: I would agree that that's large in relation to the number currently enrolled. But the issue that we took with it, was that it projects based on historical increases. And I think the catalyst of the auto enrollment, as we are calling it here, is a catalyst that provides incentive for a much larger pool customers to apply.

So I think looking backwards to our statement, looking backwards in using the historical increases to project forward just did not, necessarily, capture this -- this pool of potential customers that we felt could apply and would apply based on -- on circumstances.

That was our issue, not that there was issue with the numbers that -- that were reflected in the testimony.

MR. BALLenger: That raises, I guess, a couple more quick questions.
Have you studied any other automatic enrollment programs that may have existed in Pennsylvania?

MR. DAVIS: In Pennsylvania, no.

MR. BALLANGER: In other jurisdictions?

MR. DAVIS: Again, depending on your -- the definition of auto enrollment.

MR. BALLANGER: Specifically, have you -- have you assessed any automatic enrollment programs that may have existed for analogous programs, including the LIHEAP program?

MR. DAVIS: I'm not sure I know what you mean by -- I'm not sure what would fit that definition.

MR. BALLANGER: Okay. Are you aware that PECO Energy Company, which serves Philadelphia, previously had a cap auto enrollment program for LIHEAP recipients?

Are you familiar with that?

MR. DAVIS: I was aware of that program. But I would not say that I'm an
expert on the testimony to it.

MR. BALLINGER: Okay. So, you
wouldn't be familiar with how many new cap
participants were automatically enrolled in
that program when it was in existence?

MR. DAVIS: I don't believe we have
that information.

MS. LOCKLEAR: No.

MR. BALLINGER: What about Duquesne
Light? Duquesne Light previously, also,
operated a cap automatic enrollment program
associated with LIHEAP receipt.

Did you examine that program?

MR. DAVIS: I think we said that we
didn't look at any programs in
Pennsylvania.

MR. BALLINGER: So, would you agree
that LIHWAP, as an entirely new form of
Federal Water Assistance that has never
previously existed in Pennsylvania or
elsewhere, doesn't really provide a very
good roadmap for how many people could be
automatically enrolled?

MR. DAVIS: It doesn't provide any
roadmap because it never existed anywhere.

   MR. BALLINGER: Thank you.

   And we've acknowledged there are several obstacles, correct? Particularly for tenants?

   MR. DAVIS: I think we might disagree on the extent to which the would be obstacles.

   MR. BALLINGER: Okay.

   MS. LOCKLEAR: Yeah. Particularly on the occupant application that you cited.

   MR. BALLINGER: That was tenant and occupant application, but the rules are the same.

   I have, actually, gone beyond the last question on the page. I'm going to go ahead and stop there. And thank you for going through this with me. Thank you for turning so many pages. And I appreciate your candor?

   HEARING OFFICER CHESTNUT: Anyone want to ask an additional question you don't know the answer to?

   MR. DASENT: Not right now.
HEARING OFFICER CHESTNUT:

Mr. Dasent, did you want to do redirect or talk to your --

MR. DASENT: I would like to do redirect. If you can give me the opportunity for a brief break, I will talk with my witnesses just briefly to see if I can narrow the scope of any redirected.

HEARING OFFICER CHESTNUT: How about if we resume at 12:45?

MR. DASENT: That's good. Thank you.

(Off the record at 12:32 p.m.)

- - -

(Back on the record at 12:42 p.m.)

HEARING OFFICER CHESTNUT: Back on the record.

MR. HAVER: What part of the Water Department's proposal are you responsible for?

MR. DAVIS: The panel here is related to the number of enrollees or participants in the TAP program and the projection thereof, the average discount
they would receive, the consumption that
they could be -- that they would be likely
to have as it relates to the TAP-R filing.

MR. HAVER: In the opening
statements, the spokesperson for the Water
Department said the Water Department was
seeking to place a $0.70 surcharge per
month on every water -- on every
residential water consumer; is that
correct?

MR. DASENT: The order of magnitude
might be off a little bit, Mr. Haver, but
we indicate a surcharge. Yes.

HEARING OFFICER CHESTNUT:
Mr. Dasent, why don't you hold the
remarks till needed.

MR. DASENT: Okay.

MR. HAVER: Mr. Davis and
Ms. Locklear, how much is the surcharge per
month for residential customer.

MR. DAVIS: Looking back through
some of the testimony, are you asking for
the TAP-R surcharge per MCF?

MR. HAVER: I'm looking for the
average surcharge per month per residential customer.

MR. DAVIS: I can provide the TAP-R surcharge per MCF. Which is $0.98 for water, and $1.55 for wastewater.

MR. DASENT: That's the Public Advocate's proposal.

MR. DAVIS: Oh, I'm sorry. Let's not do that.

MS. LOCKLEAR: The proposed is 1.23 for MCF for water, and 1.95 for MCF for sewer.

MR. DAVIS: Thank you. I apologize.

MR. HAVER: Based on the average usage, what would that mean for an average customer? Residential customer per month?

MR. DAVIS: You are testing our ability to do math in our heads.

MR. BALLenger: Couldn't I help? Wouldn't it be half of that?

MR. HAVER: Please, feel free to take out your cell phone. And please, do not allow anybody other than the witnesses
to testify.

HEARING OFFICER CHESTNUT: I agree with that. But isn't it in the company's filing the --

MR. DASENT: Yes.

HEARING OFFICER CHESTNUT: -- tap on the various customer class on the various categories of customers?

MR. DASENT: Yes.

HEARING OFFICER CHESTNUT: Why doesn't he go to that rather than taking out his cell phone.

MR. HAVER: He is -- it illustrates the capacity of the witnesses to show whether they are familiar with their own filing. As theoretically, the Hearing Examiner will come to conclusions based on the veracity of statements and weigh the knowledge of the expert witnesses. It would be helpful to know if these expert witnesses know what's in their own filing.

MR. DAVIS: That was not part of our testimony. That would have been part of the Black and Veatch testimony.
MR. HAVER: Is it fair to say you don't know?

MS. LOCKLEAR: It's under a dollar a month, about $0.70.

MR. DASENT: Yes.

MR. HAVER: Mr. Dasent, please --

MR. DASENT: Sorry.

MR. HAVER: -- silence yourself.

HEARING OFFICER CHESTNUT: Yeah.

I --

MR. HAVER: Mr. Jagt and Mr. Merritt thought that there were 420,000 residential Philadelphia Water Department accounts. Can you confirm that or correct that?

MR. DAVIS: That is our understanding, as well.

MR. HAVER: Mr. Jagt and Mr. Merritt indicated that they believed the poverty level in the City of Philadelphia was approximately 25 percent. Can you confirm that that is the right projection?

MR. DAVIS: Offhand, I can't
confirm that. But I believe that is accurate.

MR. HAVER: Ms. Locklear?

MS. LOCKLEAR: In my remembrance, it's slightly higher than that. But it's about 25 to 27 percent I believe.

MR. HAVER: And what do you base that number on?

MS. LOCKLEAR: Past studies that I can provide a citation for you, Mr. Haver, after the hearing.

MR. HAVER: If you would just tell me one study that you're referencing?

MS. LOCKLEAR: I believe that's from Census Data.

MR. HAVER: Thank you.

Based on your expertise, what is the size of the average family in Philadelphia, the average residential family paying a residential water bill?

MR. DAVIS: We don't know -- we don't have any information on customer household size. But the average household size in the City of Philadelphia is in the
realm of, say, two and a half to three persons per household.

MR. HAVER: And where is that data? What are you relying upon for that data?

MR. DAVIS: That's part of Census Data.

MR. HAVER: So accepting that data, how many households are living at the poverty level?

MR. DAVIS: Are you -- have we established how many households are in the City of Philadelphia?

MR. HAVER: Well, I am sure you have a projection on what the population is for the City of Philadelphia. If you want me to continue to go point by point, I will.

What is the population of the City of Philadelphia currently according to the census track?

MR. DAVIS: Subject to check, maybe 1.5 million.

MR. HAVER: Okay. Subject to check.
HEARING OFFICER CHESTNUT:  Excuse me. Did you use this information in developing the testimony?

MR. HAVER: Yes. I absolutely need this --

HEARING OFFICER CHESTNUT: No. I'm talking to the witnesses.

MR. DAVIS: No, we did not.

HEARING OFFICER CHESTNUT: Okay.

Then, it's outside the scope of their testimony.

MR. HAVER: Then let them say that.

HEARING OFFICER CHESTNUT: I think they are trying to be helpful.

MR. HAVER: Your Honor --

HEARING OFFICER CHESTNUT: Seriously, stick to your scope of your testimony.

MR. HAVER: Your Honor is once again helping the witnesses. Shame on you.

HEARING OFFICER CHESTNUT: Okay.

MR. HAVER: They have to be exposed for what they know or what they don't know. And your trying to bail them out, doesn't
help the record. All it does is obfuscate and show your prejudice.

HEARING OFFICER CHESTNUT: Do you have another question?

MR. HAVER: Yes.

HEARING OFFICER CHESTNUT: Go ahead.

MR. HAVER: I am going.

So, you have said that you don't know what the population in the City of Philadelphia is.

MR. DASENT: Objection. He said 1.5 million about two seconds ago.

MR. HAVER: Then the Judge said that he was outside their scope of testimony, and they didn't know. I'm confused. What is it?

MR. DASENT: If you are going to say one thing and they said another, that's -- the testimony is a record. This is being recorded.

He said 1.5 million.

MR. HAVER: I agree. But the Judge --
HEARING OFFICER CHESTNUT: Move on, Mr. Haver. Move on.

MR. HAVER: Using your numbers for the poverty level, how many families are living at or below the poverty level?

MR. DAVIS: Our testimony focused on the number of customers at or below the income criteria for TAP and not, necessarily, households. So, we would not be able to characterize households.

MR. HAVER: According to your testimony, how many families are eligible for TAP?

MR. DAVIS: Our testimony didn't cover number of families, only number of customers.

MR. HAVER: How many customers are eligible for TAP?

MR. DAVIS: I don't think that was part of the record for this proceeding.

MR. HAVER: You just said that's what your research is. And I'm asking you, what does the research show?

MR. DAVIS: Our projection was for
how many TAP participants could be expected over the period of time in question.

MR. HAVER: Mr. Davis, that's not what you said. What you said was, you didn't know how many individuals were eligible for the program. You only knew how many accounts were eligible for the program.

And I'm now asking you to report on that number.

MR. DASENT: It's in his testimony.

HEARING OFFICER CHESTNUT: Okay.

Mr. Dasent, we get it.

Mr. Haver, you are -- well, why don't you attempt to answer within the parameters of your testimony. And perhaps refer Mr. Haver to his specific portion of your testimony.

Mr. Haver, in fact, do you have a specific part of the testimony you are referring to?

MR. HAVER: I do.

HEARING OFFICER CHESTNUT: Okay.

MR. HAVER: He is welcome to refer
MR. DASENT: What page?

HEARING OFFICER CHESTNUT: What page?

MR. DASENT: Page 3?

MR. HAVER: Again, I object to Mr. Dasent --

HEARING OFFICER CHESTNUT: Yeah. Mr. Dasent, you got to stop that.

MR. DASENT: I'm sorry. I'll stop.

HEARING OFFICER CHESTNUT: Mute yourself, please.

Hold on a second. Okay. I got their testimony. Where are you referring?

Mr. Haver?

MR. HAVER: Mr. Davis said it was in his testimony. I'm asking where in the testimony is it?

MR. DAVIS: I indicated that it was in our testimony to project the number of TAP participants for the period in question. That is the Schedule RFC-1, page 3 of 3.

MR. HAVER: No, sir. That's
disingenuous. You said that you didn't know how many individuals were living at the poverty level. And all you knew were the number of accounts that were eligible for the TAP program.

The court reporter can read back what you said, Mr. Davis.

MR. DAVIS: If that's what I said, then I misspoke. I said that -- I meant to say then that we are projecting the number of participants that would be customers that would be active in the TAP program as of the period of time in question. We do not focus on the number of households. We only focus on the number of participants.

MR. HAVER: Do you know or have you made a projection of how many households would be eligible for the TAP program?

MR. DAVIS: That's not part of the record for this proceeding.

MR. HAVER: In your expert opinion, what would that number be?

MR. DAVIS: I believe the city has used a number of about 60,000, subject to
MR. HAVER: Well, let's go back and do the numbers again.

So you have said, based on the sense that -- you and Ms. Locklear have said based on the Census Track Data, 25.7 percent of Philadelphians live in poverty. You have said that the population is 1.5 million. And you have said that the average family is 2.5 to 3 people.

How is it possible that it would only be 60,000?

MR. DAVIS: I believe that as Mr. Ballenger's questioning would indicate, there are a lot of households in the City of Philadelphia that are not customers of the Water Department.

MR. HAVER: Yes. Still, how is that possible? Mathematically, how is that possible?

MR. DAVIS: How is it possible that a household is not a customer of the Water Department?

MR. HAVER: No, sir. How is it
possible that we go based on the numbers that you gave from 117,362 families living at the poverty level being eligible. And that's only at the poverty level. That's not 150 percent of the poverty level.

How does it possibly go from 117,362 based on your numbers to 60,000?

HEARING OFFICER CHESTNUT: I got to -- I got to stop you.

In terms of -- based on your numbers, you asked him some general questions about things that are not within the scope of his testimony.

Do you have maybe, Mr. Davis or Ms. Locklear, maybe the LIHEAP report that was referenced by Mr. Ballenger? That's actually numbered, instead of you doing some kind of calculation here.

MR. DAVIS: We acknowledge that not all of the families at or below the poverty level or at or below the 150 percent of the poverty level are customers of the Water Department.

HEARING OFFICER CHESTNUT: He's
answered your question, Mr. Haver. Why don't you move on.

MR. HAVER: He did not answer my question.

MR. DAVIS: Can you restate the question?

MR. HAVER: Mathematically, how is it possible for it to be only 60,000 people eligible for the TAP program based on the numbers you gave into the record?

MS. LOCKLEAR: It's not 60,000 people, sir. It's 60,000 water customers.

MR. HAVER: How is that possible?

MS. LOCKLEAR: Because the number of households in poverty does not correspond to the number of customers in poverty, because not all households in poverty are customers of the system.

MR. HAVER: Right. How many cust -- how many households are living in poverty? Can we establish you don't know?

MR. DASENT: Objection. Beyond the scope, I believe, of this testimony.
so, too. Point to something in your testimony that you are asking them about.

MR. HAVER: I'm going to get to it.

HEARING OFFICER CHESTNUT: Well, do it now.

MR. HAVER: Okay. What percentage --

HEARING OFFICER CHESTNUT: No. Point to something in their testimony. A direct reference to their testimony.

MR. HAVER: In their testimony --

HEARING OFFICER CHESTNUT: A page and a line number. And then, ask them questions about that.

MR. HAVER: But you didn't require that of anybody else.

HEARING OFFICER CHESTNUT: Because there is foundation laid for Mr. Ballenger's questions.

MR. HAVER: And I am laying the foundation for my question.

HEARING OFFICER CHESTNUT: No. His foundation were documents and the testimony.
MR. HAVER: And I laying --

HEARING OFFICER CHESTNUT: Show them something in your testimony that's the basis for your questions.

MR. HAVER: And I am laying the foundation for the rest of my --

HEARING OFFICER CHESTNUT: But you're not. You're not.

MR. HAVER: You are once again interrupting and trying to cover up. It's amazing.

HEARING OFFICER CHESTNUT: Amazing, yes.

MR. HAVER: I am lay --

HEARING OFFICER CHESTNUT: If you have any relevant questions, go ahead, Mr. Haver. I have given you every opportunity here.

MR. HAVER: No, you have not. You absolutely have not. You are stopping me from laying the foundation from my case and my arguments.

HEARING OFFICER CHESTNUT: Then perhaps you need to get your own expert.
MR. HAVER: That is my choice. I can make my case the way that I wish.

HEARING OFFICER CHESTNUT: You can't use other people's witnesses to make your case.

MR. HAVER: Of course I can. That's the whole point of cross-examination.

HEARING OFFICER CHESTNUT: No, not really. No.

Do you have any other questions for these witnesses?

MR. HAVER: I'm waiting for an answer to my question. How many --

HEARING OFFICER CHESTNUT: I told you, they don't have to answer that. They've already tried to answer it. You haven't accepted their answers. And so, let's move on.

MR. HAVER: How many accounts, residential water accounts, are eligible for the TAP program?

MR. DAVIS: How many accounts are eligible for the TAP program? We mentioned
a number. That the city uses approximately 60,000. But we don't know that for sure.

MR. HAVER: What percentage of the eligible customers are enrolled?

MR. DAVIS: In the TAP program or in all assistance programs?

MR. HAVER: In the TAP program.

MR. DAVIS: Well, in the testimony, there's approximately -- and I'm referring to RFC-4, page one and two, approximately 16,500 customers enrolled as of the date of this table December of '20.

MR. HAVER: What is the percentage?

MR. DAVIS: 16,500 divided by 60,000 is approximately 27.5 percent.

MR. HAVER: Your expert opinion, does benchmarking carry one utility to the industry standard shed light on the performance of the utility?

MR. DAVIS: Yes.

MR. HAVER: Do you know how many residential accounts there are enrolled in PGW's CRP program.

MR. DAVIS: As part of that same
MR. HAVER: Are you familiar with the Pennsylvania Public Utility Commission's filing on universal service?

MR. DAVIS: No.

HEARING OFFICER CHESTNUT: Excuse me. What filing?

MR. HAVER: The annual filing.

HEARING OFFICER CHESTNUT: What year?

MR. HAVER: 2021.

HEARING OFFICER CHESTNUT: Okay.

MR. DAVIS: That was not part of our testimony, so I'm not aware of it specifically.

MR. HAVER: Subject to check, would you agree that the number in the executive summary of the number of CRP participants could be different than the number you just gave me?

MR. DAVIS: It could be, yes.

MR. HAVER: Could be it 62,200.

MR. DAVIS: I don't know.

MR. HAVER: Could it be?
MR. DAVIS: It could be anything.

MR. HAVER: I agree. But I'm just asking you if it could be that.

MR. DASENT: Objection as it calls for speculation.

HEARING OFFICER CHESTNUT: He's already answered it.

MR. HAVER: Can you explain --

HEARING OFFICER CHESTNUT: He's answer. Move on.

MR. HAVER: Can you explain the difference in enrollment percentages and raw numbers between PGW's CRP program and the Water Department's TAP program?

MR. DAVIS: Could I explain the differences generally?

MR. HAVER: Yes, and specifically.

MR. DAVIS: Well, generally, I would say that it's a much more mature program and there is the potential for a -- a larger discount. So, it may offset the burden of application.

MR. HAVER: Have you or Ms. Locklear reviewed the PGW's CRP program
to see why its enrollment is such a larger number than the Water Department's TAP program?

    MR. DAVIS: Specifically, we have not.

    MR. HAVER: Have you or Ms. Locklear considered as part of the automatic enrollment, working with PGW's staff in combining CRP applications with the Water Department's TAP application?

    MR. DAVIS: I don't think that it's our -- within our purview to investigate things that are outside of the behest of the city in this area. That would be a question for them.

    MR. HAVER: That mean no?

    MR. DAVIS: We have not done that. It's outside of our purview.

    MR. HAVER: Thank you.

    In earlier testimony, we were -- it was testified that there are currently 460 residential accounts that got help from LIHWAP; is that correct?

    MS. LOCKLEAR: That was stated as
the end of February, February 25.

MR. HAVER: Is that the correct number?

MS. LOCKLEAR: As of that time, yes.

MR. HAVER: How many customers of the Water Department are eligible for LIWAP[sic]?

MR. DAVIS: We don't have that number.

MR. HAVER: So, is there any way for you to judge whether this is a successful number of people enrolled?

MR. DAVIS: As of this date, I believe, this would -- only been ongoing for a couple of weeks.

MR. HAVER: Right. But is there anyway -- if you don't know the total number of eligible people, how do you judge whether this was a successful enrollment?

MS. LOCKLEAR: We only --

MR. DAVIS: The judgment was based on a couple weeks.

MR. HAVER: If the entire
population was 500 people, most of us would say enrolling 460 of 500 is a great job.
If the entire population that could be eligible was 250,000, most of us would say 460 is not a good job.

And I am asking you, how in your expert opinion can you judge this number if you don't know the total population that could be eligible for L-I-W-A-P[sic]? 

MR. DASENT: Objection. This is irrelevant. This is completely irrelevant.

HEARING OFFICER CHESTNUT: It is completely irrelevant.

MS. LOCKLEAR: We haven't --

HEARING OFFICER CHESTNUT: I don't understand the basis for the question, frankly. He's already explained why the enrollment is at the level it was as of February.

If you can answer it, answer it.
If you can't, you know.

MR. HAVER: The relevancy goes specifically to the deficit that they are claiming is created by the TAP program. If
there is additional money coming in, then that would reduce the deficit. And to decide whether the Water Department is doing an adequate job in enrolling people in a program that gives up to $5,000 per household is a critical point.

That is the relevancy.

MS. LOCKLEAR: Well, we haven't rendered an opinion --

HEARING OFFICER CHESTNUT: No. Go ahead, Ms. Locklear.

MS. LOCKLEAR: We haven't rendered an opinion on the effectiveness of LIHWAP at this time. And the numbers we reported were for several weeks of the program's existence and -- and grants received. I don't think we are prepared to say that at this time.

MR. HAVER: In your ex --

MR. DAVIS: The Water Department does not enroll grantees in LIHWAP.

HEARING OFFICER CHESTNUT: Mr. Ballenger?

MR. HAVER: Are you saying the
Water Department doesn't have a program to help people enroll?

MR. DAVIS: That's a state program.

MR. HAVER: Right. Are you saying that the Water Department doesn't have a program to help people enroll?

MS. LOCKLEAR: In LIHWAP?

MR. HAVER: Yes.

MR. DAVIS: You have to enroll through the state.

MR. HAVER: So, you're saying you can't contact the Water Department and enroll?

MS. LOCKLEAR: That's correct. It's a state program.

MR. HAVER: Have you looked at the Water Department's web page?

MR. DAVIS: The Water Department does not enroll customers in LIHWAP.

MR. HAVER: Right. Once again, Mr. Davis, so I am very clear, are you saying that no customer can contact the Philadelphia Water Department and get enrolled in LIHWAP?
Is that your testimony?

MR. DAVIS: Are you asking if they can get information or if they can enroll? They cannot actually --

MR. HAVER: If they can enroll. If they can enroll by contacting the Philadelphia Water Department.

MR. DAVIS: It's not a Philadelphia Water Department --

MR. HAVER: I'm not asking you that, sir. I'm not asking you that, sir.

HEARING OFFICER CHESTNUT: He's answering your question.

MR. DAVIS: That's my answer.

MR. HAVER: No, he's not.

HEARING OFFICER CHESTNUT: He is. You don't like the answer, but that's the answer.

MR. HAVER: That is not. He is not answering my question.

HEARING OFFICER CHESTNUT: Asked and answered. We have already gone through this.

MR. HAVER: Specifically, can you
contact the Philadelphia Water Department to enroll in LIHWAP? Yes or no.

MR. DAVIS: My answer is, it's not a Philadelphia Water Department program. You can't not enroll through the Philadelphia Water Department.

MR. HAVER: Thank you. In your expert opinion, what is the cause of people being unable to pay their water bills?

MR. DAVIS: I think that would be outside the scope of our testimony here.

MR. HAVER: In your expert opinion, would poverty be one of the reasons why a family would not be able to pay their water bill?

MR. DAVIS: That would seem reasonable.

MR. HAVER: Okay. In your expert opinion, would it be the other rate payers of the Philadelphia Water Department that caused the structural poverty that led to people being unable to pay their water bills?

HEARING OFFICER CHESTNUT: I'm not
going to allow that question. There is no foundation for it. That's a ridiculous question. Certainly, outside the scope of these proceedings and this testimony.

MR. HAVER: These are experts --

HEARING OFFICER CHESTNUT: You know, just because you say "in your expert opinion" --

MR. HAVER: And I am asking them in their expert opinion what they think. and you are saying it doesn't matter?

HEARING OFFICER CHESTNUT: Yes, for purposes of their -- this testimony, it doesn't matter.

MR. HAVER: In your expert opinion, with a program designed to help low-income families with the basic necessity of life be a good public policy if it was paid for by a surcharge on milk?

MS. LOCKLEAR: I --


HEARING OFFICER CHESTNUT:

Objection sustained. We're not
here to argue the merits of the TAP program or whether there should be one. That's already been determined by the Rate Board in a prior proceeding. We are only recking -- looking at the reconciliation which is associated with that program.

MR. HAVER: And you are not allowing me to advance my arguments. You are not allowing me to prove on the record that the surcharge on people's water bill is unfair, unjust and an overwhelming burden.

HEARING OFFICER CHESTNUT: Okay. Go ahead.

MR. HAVER: I -- you are limiting the discussion. You are helping the Water Department surcharge everybody. And it is very clear that is what you are doing.

HEARING OFFICER CHESTNUT: Okay, fine. Move on.

MR. HAVER: There is no limitation --

HEARING OFFICER CHESTNUT: Move on.

MR. HAVER: There is no limitation
in my ability to explore whether the program is a tax, surcharge, and who it falls on and what it pays.

HEARING OFFICER CHESTNUT: Right. It's outside the scope of this proceeding, so move on.

MR. HAVER: Is it inside the scope of your expertise to explain whether it is better for someone to pay something, or it's better for them to pay nothing for the water rates as a whole?

MR. DAVIS: I think that is outside the scope of our testimony here.

MR. HAVER: Can you explain to me how it is that you come up with formulations if you don't consider that point?

MR. DAVIS: Our -- our participation here is strictly to project the number of TAP participants in a future period, the average discount they receive and their consumption based on historical program data.

MR. HAVER: Let's explore the
average discount.

Would you agree in your expert opinion, that there is more than one way to define the discount?

MR. DAVIS: Under the scope of the TAP-R framework, there is a specified way to determine it.

MR. HAVER: I did not ask you that, sir. I asked in your expert opinion, is there more than one way to define --

HEARING OFFICER CHESTNUT: He answered appropriately. It's in the context of this case.

MR. HAVER: I asked him a specific question.

HEARING OFFICER CHESTNUT: I know. But to go beyond that is improper.

MR. HAVER: If you're going to say I can't ask that, you go right ahead. Help him cover up.

HEARING OFFICER CHESTNUT: Okay. Go ahead. We're --

MR. HAVER: My question again --

HEARING OFFICER CHESTNUT: Go
ahead, yes. We are not here to --

MR. HAVER: My question again, in
your expert opinion, is there more than one
way to define and calculate a discount?

MR. DASENT: Objection.

HEARING OFFICER CHESTNUT:
Sustained.

MR. HAVER: Before I close my
testimony, I would like to move into the
record what I supplied to the Hearing
Examiner, which is the Public Utility
Commissions PGW filing on universal
service. And I would, also, make the
motion that Judge Chestnut's conflict of
interest statement and financial disclosure
forms be made part of this record.

MR. DASENT: Objection on two --
two parts.

HEARING OFFICER CHESTNUT: Well,
first off, premature to talk about moving
in your exhibit because you haven't
tested yet. I assume you are going to
make a statement in addition to the one you
made this morning. But if you are going to
rely on the earlier statement, then --

MR. HAVER: I'm only going to
cross-examine the next witness. I'm not
going to make any additional statements.

HEARING OFFICER CHESTNUT: Okay.

Then, I can -- I will accept that. I mean,
things are part of the record without
actually being admitted into the record.
And that's -- so, that's fine.

I'm not going to address this whole
financial interest statement issue because
that's going to be the subject of a
response. But I will tell you -- well, I'm
not going to say anything. Not even going
to say anything about it.

But, okay. Did you want to do
redirect, Mr. Dasent, or --

MR. DASENT: Yes. We will have
some questions on redirect of Mr. Davis and
Ms. Locklear.

First of all, in the cross by
Mr. Ballenger, you talked about, I thought,
sort of a common thread in a lot of the
questions as to how many paths do LIHWAP
recipients have to TAP. How many pathways, I think that was using the phrase that Mr. Ballenger wrote -- stated.

Can you comment on that particular phrase? Because it's seems like throughout your testimony, throughout the questions, that's really what the bottom of it is: How to -- how do we get more people to TAP?

MR. DAVIS: Certainly. And I think that is the common goal of both of us and the Public Advocate. "Us" being the City.

I think the, you know, objective is to boost enrollment into -- we use the term auto enrollment. I think that was mentioned in testimony as more of a colloquialism. We aren't sure exactly what form that may take. It may be more, like, facilitated enrollment or something along those lines using the information that we have or that we hope to have.

Some of the obstacles that Mr. Ballenger noted that tenant and occupant, I think, those are beyond our point that all of these folks represent
potential TAP participants and potential enrollees. So, they are part of a -- a large pool that this opens up this opportunity of auto enrollment or facilitated enrollment opens up. And that we need to account for the opportunity that this gives us to look forever in projecting TAP enrollment in the future.

MR. DASENT: What does current data indicate about potential TAP participation?

MR. DAVIS: Well, I think the very preliminary data that we have dated February 25 is very encouraging. I think there were a couple of things in particular that the -- of the 460 LIHWAP grantees, 77 percent of them were not already enrolled in TAP. Even though they were income eligible based on their LIHWAP application.

So, that tells us that the LIHWAP program and the incentives that it provides do give appropriate incentive for people to enroll who wouldn't have for TAP, otherwise enrolled at TAP. So there is a -- that
tells us there is -- you know, we have potentially potential access to a larger number of enrollees.

And also, just kind of underlying the fact that they are receiving $1,400 benefit on average with a potential for up to a $5,000 benefit that's well in excess of the benefit that they would receive through TAP. And that would further incentivize them to enroll in one program. And then be auto enrolled facilitated-ly enrolled, however you want to characterize it, into two.

Do you have anything else, Henrietta.

MS. LOCKLEAR: No. You got it.

Thank you.

MR. DASENT: Thanks, Jon.

Also, we talked a bit about LIHEAP recipients and their getting -- receiving multiple grants.

What's the significance, from your perspective, of LIHEAP recipients, the fact they can receive multiple grants?
MR. DAVIS: Well, I don't think that necessarily disqualifies them as being a potential participant in the TAP program. I think the city is aggressively looking for ways to get folks who are in LIHWAP and, potentially, down the road in LIHEAP into the TAP program because we know that they are income eligible.

So, I think that that tells us that there is a big pool out there of folks who are not currently enrolled in TAP. And they could or should be and working to get them enrolled in looking to overcome as best we can some of the obstacles that Mr. Ballenger brought up.

MR. DASENT: And finally in the end, toward the end of Mr. Ballenger's cross, talked about a shared goal of increasing TAP enrollment. And meaning shared between the City and the Public Advocate.

Can you comment on that?

MR. DAVIS: Yeah. I think the -- the testimony shows that we're -- there is
a lot of common ground here. We're both projecting and hoping for increases in TAP enrollment as a result of this, you know, reciprocal eligibility/facilitated enrollment from that time that LIHWAP to TAP.

And you know, we are working diligently to do that. It's just a matter of, you know, how much funding are we going to provide, how much effort can we put into that. We are trying to reach an agreed upon number here.

MR. DASENT: Thank you.

That's all I have.

HEARING OFFICER CHESTNUT: Any recross, Mr. Ballenger?

MR. BALLENERG: Nothing but to say how jealous I am of your view, Mr. Davis. All I see are bricks.

So, I appreciate your comments.

Thank you, sir. And also, Ms. Locklear and Ms. Baporis. Thank you both.

HEARING OFFICER CHESTNUT:

Mr. Haver, any recross? Okay.
MR. HAVER: No, not for this witness.

HEARING OFFICER CHESTNUT: Okay. Thank you very much.

Mr. Davis, Ms. Locklear, you are excused. Appreciate your testimony.

MS. LOCKLEAR: Thank you.

MR. DAVIS: Thank you.

HEARING OFFICER CHESTNUT: Do you have anything else, Mr. Dasent? Or should we proceed to --

MR. DASENT: I think we are proceeding to Mr. Morgan.

HEARING OFFICER CHESTNUT: Okay. Rob, I think you need to get unmuted.

MR. BALLenger: Sorry. Just found the button.

HEARING OFFICER CHESTNUT: Okay. Go ahead.

MR. BALLenger: Okay. I don't, actually, have any, you know, prepared remarks for Mr. Morgan. I suggest that we just go ahead and go into cross-examination...
on his testimony here today. I will ask him if he can turn on his video. I know sometimes that's challenging.

MR. MORGAN: That's a challenge. I will say so right now.

MR. BALLANGER: Okay. We can hear you just fine, so. So based on --

HEARING OFFICER CHESTNUT: Hold on a second while I pull up his testimony.

MR. BALLANGER: Okay. My understanding is that the Water Department had some cross here to start.

MR. DASENT: I am going to defer to Mr. Haver.

HEARING OFFICER CHESTNUT: Okay.

MR. BALLANGER: Nice.

HEARING OFFICER CHESTNUT: Mr. Haver, you have questions for Mr. Morgan?

MR. HAVER: Yes, I do.

HEARING OFFICER CHESTNUT: Okay.

MR. HAVER: Mr. Morgan, I reviewed the exhibits and the lengthy number of places that you have testified was very
impressive. I was unable to find your financial disclosure form.

Can you direct me to where it is in your appendixes?

MR. MORGAN: I don't have one attached to my testimony. I'm an independent consultant. It's not required.

MR. BALLenger: He's not required to submit one.

MR. HAVER: Excuse me.

Mr. Ballenger is not allowed to testify.

HEARING OFFICER CHESTNUT: He can object.

MR. HAVER: He can object. But he cannot --

MR. BALLenger: I object.

HEARING OFFICER CHESTNUT: That's what he's doing.

MR. HAVER: He did not make an objection. He testified.

HEARING OFFICER CHESTNUT: That was an objection.

MR. BALLenger: I object. He's not required to make a financial disclosure.
MR. HAVER: Mr. Morgan, if you were engaged in a rate case, would you be curious as to the financial interest of the parties that were representing the public to make sure that they did not have a conflict of interest?

MR. BALLenger: Note my objection.

Mr. Morgan serves as an expert --

HEARING OFFICER CHESTNUT:

MR. BALLenger: -- for the Office of Consumer Advocate and other consumer advocate organizations.

MR. HAVER: I did not hear that for the record. If the could reporter could please read that answer -- that objection.

HEARING OFFICER CHESTNUT: No. She's not going to read anything back.

What did you say, Rob?

MR. BALLenger: Just -- I was just stating that Mr. Morgan is an independent expert.

HEARING OFFICER CHESTNUT: Go
ahead, Mr. Haver.

MR. HAVER: I still have not heard that, so I don't understand what his problem is in making his objection.

HEARING OFFICER CHESTNUT:

Mr. Ballenger, could you repeat that because Mr. Haver didn't hear you?

MR. BALLenger: I objected because Mr. Morgan does, in fact, serve as an expert for entities like the Office of Consumer Advocate as well as Public Advocate. So, his opinions about other experts are really not relevant here.

MR. HAVER: Thank you.

Mr. Morgan, we heard testimony earlier today regarding what this TAP adjustment would mean for residential rate payers.

In your expert opinion, how much do you project, if the proposed adjustment goes through, how much do you project the average residential customer would pay extra per month?

MR. MORGAN: I believe the water
company already responded to that. I think it's at $0.70.

MR. HAVER: I'm asking you, sir, in your expert opinion, if you concur?

MR. BALLenger: If you have an opinion, Mr. Morgan.

MR. MORGAN: Can you repeat?

MR. BALLenger: I was just clarifying, if you have an opinion on that. It's not part of your testimony.

MR. MORGAN: The -- I don't -- I've reviewed the numbers. And I did not see an error, so that's their projection.

MR. HAVER: Again, is it your opinion that that's correct?

MR. MORGAN: I did not see an error, so I have no reason to dispute the number.

MR. HAVER: In your expert opinion, do you agree with the witnesses for the Philadelphia Water Department that there are 420,000 residential accounts?

MR. MORGAN: It's somewhere in that neighborhood. I believe 423 is what's in
the testimony.

MR. HAVER: The --

MR. MORGAN: 423,000 rather.

MR. HAVER: The previous experts testified that their review of the Census Data was that 25.7 percent of Philadelphians live in poverty.

In your expert opinion; is that correct?

MR. MORGAN: It's outside the scope of my testimony.

MR. HAVER: Okay. Would you know what percentage of Philadelphians live in poverty?

MR. MORGAN: I have not done the research. It's outside the scope of my testimony.

MR. HAVER: In general, do you accept the Census Data as being accurate?

MR. MORGAN: Which Census Data?

MR. HAVER: United States Census Data.

MR. MORGAN: I have no reason to dispute it.
MR. HAVER: Based on your expertise, what is the average family size of Philadelphia Water rate payers?

MR. MORGAN: I -- that's not in the scope of my testimony. I cannot provide an answer to you.

MR. HAVER: Based on your expertise, how many families qualify for the TAP program?

MR. MORGAN: That's outside the scope. I did not go and do research to find out people's income eligibility. So, I don't have an answer for that.

MR. HAVER: Without knowing how many people are eligible, how do you determine what percentage of people will be enrolling?

MR. MORGAN: The TAP program already has an established formula. And they -- which was accepted and ordered by the Board. And so, in keeping with the Board's authorization, I followed the formula. And -- and that's the basis of my recommendation.
MR. HAVER: Within your expert opinion, would you say if the enrollment rate is relatively low, it is more likely that people will continue to enroll than if the enrollment rate is very high as a percentage?

MR. BALLenger: Objection as to the form of the question. I feel like there's a couple of questions there. If you can, please, restate that.

HEARING OFFICER CHESTNUT: Yeah. I thought it was a little confusing, too. Are you saying because this low participation rate means --

MR. HAVER: Mr. Morgan, is it -- if a program has a 98 percent enrollment, is it harder to enroll the last 2 percent than it is if a program has a 2 percent enrollment to enroll the other 98 percent who are not already enrolled?

MR. BALLenger: Objection to form.

HEARING OFFICER CHESTNUT: I assume he can answer it. I'm not sure --

MR. BALLenger: I don't mind if he
answers. Just note my objection. It's speculative.

HEARING OFFICER CHESTNUT: If you can answer it, Mr. Morgan. I'm not sure.

MR. MORGAN: Yeah, you know, it's complicated. You know, I don't -- I cannot give an honest, clear answer to that question because it's dependent on so many other factors.

HEARING OFFICER CHESTNUT: Uh-huh.

MR. HAVER: Hold all other factors, all other into intervening areas neutral, what would be your answer?

MR. MORGAN: I don't know.

HEARING OFFICER CHESTNUT: Listen, I need to take a break for just a second here, okay? Can we do that?

(Off the record at 1:31 p.m.)

- - -

(Back on the record at 1:34 p.m.)

HEARING OFFICER CHESTNUT: Thank you.

MR. HAVER: Okay. I was asking if you hold all of the other intervening
variables and just look at the one
intervening variable, is it more likely to
enroll people if it's a 2 percent
enrollment in the program than it is likely
to enroll people if it's a 98 percent
enrollment holding all other intervening
variables separate and distinct and without
change?

MR. MORGAN: My answer was, I don't
know. And it's because I've not worked in
the situation where I participated in
enrolling people to such a program.

MR. HAVER: So, you don't have an
opinion whether it's easier to add people
if it's only 2 percent enrolled as opposed
to if they're 98 percent enrolled; is that
correct?

MR. MORGAN: I don't have an
opinion.

MR. HAVER: Okay. And again, I
will ask you, but I am sure that you have
made it clear.

Do you have -- do you know what
percentage of eligible families, eligible
accounts, are enrolled in the TAP program?

MR. MORGAN: I do not know. That was outside the scope of my review.

MR. HAVER: In your expert opinion, does benchmarking -- comparing one utility to the industry's standard shed light on the performance of the utility?

MR. MORGAN: In some situations.

MR. HAVER: Do you know how many accounts are enrolled in PGW's CRP program?

MR. MORGAN: Other than what the utility indicated, I have not done such a review.

MR. HAVER: And what has the utility indicated, sir?

MR. MORGAN: Let' see. I think it was, like, 62,000.

MR. HAVER: Can you explain in your expert opinion, why the TAP -- number of people enrolled in the TAP rate is under only a third of the number of people enrolled in PGW CRP rate?

MR. MORGAN: The TAP is a new program as compared to PGW's programs. So
that in itself provides no other explanation. But other than that, I have not done a full analysis. I can't go beyond that.

MR. HAVER: In your expert opinion, would allowing PGW to help enroll water customers in the TAP program when they enroll gas customers in the CRP program, increase the likelihood of enrollment in TAP?

MR. MORGAN: I'm not sure PGW wants to do that. But again, I don't know if they have the same customers in all instances. So, that's a difficult question to answer.

MR. HAVER: Do you know if they have the same financial criteria?

MR. MORGAN: It's my understanding that they do.

MR. HAVER: And again, without asking whether you know if PGW wants to do it or not do it, my question was in your expert opinion, would having PGW when it does intake for CRP also do intake for TAP,
would that help increase the number for TAP?

MR. MORGAN: I mean, that's -- any time you can get an additional source of enrollees, it will help. But I -- you know, there has to be some explaining. And there are some other factors that have to be taken into account. So for me to blanketly say yes, I think it'd be erroneous.

MR. HAVER: Your expert opinion, what is acceptable percentage of eligible TAP customers enrolled?

MR. MORGAN: I don't have one.

MR. HAVER: So in your expert, a 1 percent enrollment would be acceptable?

MR. MORGAN: No.

MR. HAVER: Would a 5 percent enrollment, in your expert opinion, be acceptable?

MR. MORGAN: No.

MR. HAVER: Would a 10 percent enrollment be acceptable?

MR. MORGAN: Again, we could just
keep going and going and going. Again, ultimately, I don't have a percentage that I can give to you.

MR. HAVER: But you've already said on the record that there are some percentages that you consider too low.

Is that not correct?

MR. BALLenger: Objection. No --

MR. MORGAN: I didn't say that.

MR. BALLenger: Could you point us to what you are referring to, Mr. Haver?

MR. HAVER: His statements just on the record now.

MR. MORGAN: I don't believe I said that.

MR. HAVER: I asked you if 1 percent was acceptable, and you said no. I asked you if 5 percent was acceptable, and you said no.

MR. BALLenger: I, again, object. I think Mr. Morgan said that he didn't have an opinion. And when you asked more specifically whether something was okay, he said no. Which is confirmation that he
doesn't share that that number is an acceptable one. He doesn't have an opinion as to what is.

MR. HAVER: And I'm asking if he knows what is not acceptable, how is it that he can't know what is acceptable?

HEARING OFFICER CHESTNUT: They're not the same. I think he's tried to answer --

MR. HAVER: How is it that you can possibly help him answer a question?

Your Honor, how is it possible for you to intervene in my investigation by giving him an answer? You're limited, or should be limited. Again, you're prejudicial nature shows clearly you are helping him answer questions.

If he wants to say it's not equivalent, let him say it. If Mr. Ballenger wants to obfuscate and cover up, let him do so. But you have no right to intervene in my questioning.

HEARING OFFICER CHESTNUT: I have every right to address an objection.
MR. HAVER: There was no objection before you.

HEARING OFFICER CHESTNUT: There was. There was.

MR. HAVER: You have made -- you have made yourself clear.

HEARING OFFICER CHESTNUT: Go ahead.

MR. HAVER: Mr. Morgan, we already -- you already testified in your expert opinion, the surcharge would be $0.70 per month per family on the residential water.

MR. BALLENGER: Objection, again. That was not his testimony. He was referring to testimony offered by the Department.

MR. HAVER: Mr. Morgan, you said you see no reason to think that that number is incorrect.

MR. BALLENGER: Objection.

Mr. Morgan wasn't saying 70 percent was incorrect.

MR. HAVER: $0.70.
MR. BALLINGER: Pardon me. He was referring to the testimony that he reviewed and the rate model provided in the proceeding.

MR. HAVER: Mr. Morgan, did you not say that you see -- you have no reason to think that that number is wrong?

MR. MORGAN: That's what I said.

MR. HAVER: Thank you.

MR. MORGAN: That was not my expert opinion that it was the right number.

MR. HAVER: Yes. But your expert opinion was that you saw no reason to challenge that number?

HEARING OFFICER CHESTNUT: That's not what he said.

MR. BALLINGER: Objection.

HEARING OFFICER CHESTNUT: That's not what he said.

MR. BALLINGER: Objection. He said he saw no mistake or error in the calculation of that number. That is not Mr. Morgan's proposal in this -- in his own testimony.
MR. HAVER: Mr. Morgan, can you explain in your expert opinion, the rationale for surcharging working people for a poverty program?

MR. BALLenger: Objection. All customers of the Water Department pay a surcharge pursuant to the tariff in effect.

HEARING OFFICER CHESTNUT: I'll sustain. It's outside the scope of this proceeding, the adoption or implementation or design of the TAP program is not an issue.

MR. HAVER: Mr. Morgan, are you familiar with the SNAP program?

MR. MORGAN: No.

MR. HAVER: Are you familiar with the -- well, what used to be called the Food Stamp Program?

MR. MORGAN: No.

MR. HAVER: Are you familiar with any low-income programs other than for utilities?

MR. MORGAN: I've heard of them, but I'm not familiar. I can't answer any
MR. HAVER: So if I were to ask you how SNAP is funded, you would not know?

MR. BALLINGER: Objection.

MR. MORGAN: That's correct.

HEARING OFFICER CHESTNUT:
Sustained.

MR. MORGAN: I would not know.

MR. HAVER: In your expert opinion, do you believe it's good public policy to tax or surcharge a basic necessity of life to pay for a program to help low-income families?

MR. MORGAN: I do not know of such a program that taxes to pay for basic necessity.

MR. HAVER: Right. I asked in your expert opinion, would that be good public policy.

HEARING OFFICER CHESTNUT: I'm sorry. You know, you can't use the phrase "in your expert opinion" to justify every question. He's here with a -- it's got to be within the scope of his testimony. And
how to fund, you know, these unrelated programs are just not within the scope of it. Ask about, you know, his testimony.

MR. HAVER: I am asking about his testimony.

HEARING OFFICER CHESTNUT: That's not his testimony.

MR. HAVER: I am examining the bias --

HEARING OFFICER CHESTNUT: Ask him about the projections of --

MR. HAVER: I'm --

HEARING OFFICER CHESTNUT: -- TAP enrollees.

MR. HAVER: I'm exploring his biases, which is my right.

HEARING OFFICER CHESTNUT: No.

MR. BALLenger: Objection.

HEARING OFFICER CHESTNUT: That doesn't open for you asking those kinds of questions.

MR. BALLenger: It might help to clarify the purposes of Mr. Morgan's testimony.
HEARING OFFICER CHESTNUT: Please.

MR. BALLenger: Mr. Morgan, were you retained to examine how TAP functions in general?

MR. MORGAN: No. In this instance, I was retained to evaluate the change in the TAP rate.

MR. BALLenger: And when you say the change, you mean the change in the funding mechanism that the Board approved in 2018 and which has been reconciled every year since then?

MR. MORGAN: Well, this is the change because of the reconciliation of the lost revenue.

MR. BALLenger: So, is it safe to say that your testimony is based upon your experience in utility rate financial matters as opposed to utility programmatic matters?

MR. MORGAN: That's correct.

MR. BALLenger: Okay.

Anything else you would like to share about the limitations on the scope of
your testimony today, Mr. Morgan?

    MR. MORGAN: Nothing other than that the scope of my testimony did not involve looking at alternatives to the TAP program. It did not involve comparison to other public policy matters. It did not involve an analysis to determine poverty levels and what have you.

    It was limited to the annual reconciliation.

    MR. BALLINGER: Thank you.

    Mr. Haver, please proceed.

    MR. HAVER: Just to be clear, Mr. Morgan, asking you about loss revenue is appropriate?

    MR. MORGAN: Yes.

    MR. HAVER: Okay. In your -- is there more than one way to calculate lost revenue?

    MR. MORGAN: It depends on what you quantify.

    MR. HAVER: Directly, if a Department store sells a suit for $200 and then has a sale for $180, could someone
calculate that it's a $20 lost revenue?

MR. MORGAN: That's a competitive environment. It's -- you know, the department store has the option to charge someone else's -- someone else more. The utility does not have that opportunity. So, you simply can't look at that situation and say that's lost revenues.

MR. HAVER: So what then is lost revenue?

MR. MORGAN: Essentially --

HEARING OFFICER CHESTNUT: Excuse me. For purposes of this proceeding.

MR. MORGAN: For purposes of this proceeding, every year there is a calculation of the projected revenues based on the number of TAP participants. At the end of the year, the utility files -- makes the filing, the actual revenues that compare to what was projected.

If the utility recovered less than what -- based on the number of -- if it recovered less than it should have, then it has the opportunity to recover those
revenues. Those revenues are considered to be lost revenues.

MR. BALLenger: Just if I may clarify here, Mr. Morgan, what happens if the utility collects more than the programmatic costs?

MR. MORGAN: Then those are returned to rate payers.

MR. HAVER: Mr. Morgan, in your definition, does it matter if it would cost the Water Department more money to turn somebody off and turn them back on than it would to put them on the TAP program?

MR. MORGAN: I don't have an expert opinion on that.

MR. HAVER: I'm sorry. I didn't hear you.

MR. MORGAN: I do not have an expert opinion on that.

MR. HAVER: Let me -- let me walk you through it because you had just gone through what a loss for these proceedings means.

So if someone is not on the TAP
program and their water is cut off, there
is an expense on P -- on the Water
Department's books; is there not?

    MR. MORGAN: To turn it off?
    MR. HAVER: Yes.
    MR. MORGAN: Yes.
    MR. HAVER: And there is an expense
for attempting to collect the old bill; is
there not?

    MR. DAVIS: Yes.
    MR. HAVER: And for calculating
these proceedings, are you saying that you
don't take into consideration what those
costs are?

    MR. BALLINGER: Objection. Yeah,
not understand the question. I object.
You refer to calculating these proceedings.
Could you explain what you mean, Mr. Haver?

    MR. HAVER: I am waiting for a
ruling.

    HEARING OFFICER CHESTNUT: I don't
understand how it relates to this
proceeding. I mean, the question of
whether there should be a TAP program has
already been made. And that --

MR. HAVER: I am asking how the

losses --

HEARING OFFICER CHESTNUT: He's just talking about the revenue associated with the last year's operation of the program.

MR. HAVER: I'm asking how the losses are projected and calculated. And if they are net, or they are gross. And in doing so --

HEARING OFFICER CHESTNUT: I don't understand this net or gross. Maybe that's the issue.

MR. HAVER: Well, I will explain it to you. Net would be the difference between what it would cost rate payers when you take into account the expenses occurred by turning someone off in attempting to collect that money, and then turning someone on. That would be the net loss.

A gross loss would not calculate in the alternative what would happen to a TAP customer.
HEARING OFFICER CHESTNUT: Okay.

That's completely outside the scope of this. And it's wrong. I mean, it's just completely wrong. This is supposed to be about revenue.

MR. HAVER: What is wrong about net versus gross? That's basic accounting.

HEARING OFFICER CHESTNUT: It's overly simplistic accounting for one thing, but it's not the issue here.

Mr. Ballenger, maybe you can explain it better than I am doing.

MR. HAVER: I would object to Mr. Ballenger testifying.

HEARING OFFICER CHESTNUT: He's not testifying.

MR. BALLenger: I guess I take issue with the premise that there is some correlation and determination expense and TAP discounts. One is an overall operating expense. Another is very particular to this program. So, lining them up I think is what Mr. Morgan is struggling with because it's not part of the equation.
MR. HAVER: I will make it part of the equation. If somebody is not on the TAP program and they are terminated and there is an attempt to collect the bill, that has a financial cost.

Is that right, Mr. Morgan?

MR. MORGAN: That is correct.

MR. HAVER: And the TAP program in many cases stops a termination.

Is that correct, Mr. Morgan?

MR. BALLenger: If you know, Mr. Morgan.

MR. MORGAN: I don't know.

MR. HAVER: I'm sorry, sir. You don't know whether the TAP program stops terminations?

MR. MORGAN: In general, what is designed to do, prevent those situations.

MR. HAVER: And is it --

MR. MORGAN: But I don't know if it -- if you are asking me if I can opine, I would say no because I don't know the intricacies of that process.

MR. HAVER: Just to make it clear,
you don't whether the TAP program successfully avoids shutoffs?

MR. BALLenger: I believe that's a question for the Department, not Mr. Morgan. He's not in charge of shutoffs.

HEARING OFFICER CHESTNUT: Go ahead, Mr. Haver. I mean, he's right.

MR. HAVER: I waiting for an answer from Mr. Morgan.

HEARING OFFICER CHESTNUT: He already answered.

MR. MORGAN: I'm not familiar with the intricacies. So no, I don't have an answer for you.

MR. HAVER: So, there would be no way for you to calculate the gross loss versus the net loss, would there?

MR. MORGAN: I don't see how that is related to what -- to the scope of my testimony in this proceeding.

MR. HAVER: I will help explain it for you then, sir.

You are tasked with projecting what
the, quote/unquote, loss is as a result of running the TAP program. And you are projecting what the surcharges should be on every other rate payer. Calculating that loss, a gross loss versus a net loss, would have a direct impact on what the surcharge, which I call a tax, would be.

Is that not correct?

MR. BALLENGER: Object again. I think -- again, the premise here is that termination expense is somehow either recovered or considered in evaluating the discounted bills issued pursuant to the TAP program. This is about recovering the value of the discounts provided. It does not have anything to do with termination expense.

HEARING OFFICER CHESTNUT: To the extent it's an outstanding objection, sustained. I think Mr. Ballenger tried to explain it to you, Mr. Haver.

MR. HAVER: Mr. Ballenger, as normal, is helping the Water Department and not rate payers. The reality is every time...
we avoid a shutoff, we avoid costs. And that should be taken into consideration when we decide the efficacy of the TAP program. Mr. Ballenger's refusal to look at that and refusal to hire a technical expert to look at that, is part of what he does to help the Water Department.

HEARING OFFICER CHESTNUT: Okay. Stop right there. This -- I don't know why you can't listen to me, Mr. Haver.

The point of this proceeding is a reconciliation proceeding. It's not to discuss program issues involved with the TAP-R program. That's not what Mr. Morgan was retained to do. That's not what we're looking at.

There's a formula. If you want to ask questions about the formula that's used to derive these numbers, go ahead.

MR. HAVER: I am.

HEARING OFFICER CHESTNUT: No, you're not.

MR. HAVER: I am asking --

HEARING OFFICER CHESTNUT: You're
not asking --

MR. HAVER: -- specifically about the formula. The fact that you can't see it, is not my problem. It's the problem of every rate payer. Any cost avoidance would be part of the formula. People are refusing to allow that into the record for some reason.

HEARING OFFICER CHESTNUT: Okay. Just move on. There's no point arguing with you again. This is just a waste of everybody's time to go over the same ground.

MR. HAVER: You are not tasked -- you are not tasked with arguing for me or with me or interfering with my cross-examination. That is a role you have taken to assert the power.

HEARING OFFICER CHESTNUT: Do you have any other questions for this witness?

MR. HAVER: Mr. Morgan, if a family is kept on as a Philadelphia Water Department customer and pays for the commodities of water, does that customer
also help pay for the infrastructure?

MR. BALLenger: Objection.

Commodity is not a term we tend to use here. So, I will allow Mr. Morgan to answer if he knows. But I don't think that follows. Note my continuing objection.

HEARING OFFICER CHESTNUT: Yeah. I don't understand it either, frankly. But if Mr. Morgan wants to take a stab at it and recast it in his own terms, he can. I think it's outside the scope of this.

MR. MORGAN: I will try. The commodity is the water. So paying for the water, simply just the water, you're not contributing to infrastructure.

MR. HAVER: If you pay one cent more than the commodity cost, would that be contributing to the cost of the infrastructure?

MR. MORGAN: I don't think so. There -- you know, you can't -- there is not a scale where you can say after you pay for the water commodity, then you pay for
infrastructure, then you pay for salaries and so on and so forth. So, your example or your question just -- I would say it's just not valid.

MR. HAVER: Why can't you account for it in that manner?

MR. MORGAN: That's not how accounting works.

MR. HAVER: Accounting doesn't break down in many different ways? There's not more than one way, one accounting method?

MR. MORGAN: For presentation purposes, yes. But when it comes to collection rates, it doesn't -- there is no scale or hierarchy or pyramid where it says we start off by paying for water, then we pay infrastructure, so on and so forth.

So, that's just not how it works.

MR. HAVER: That concludes my cross-examination.

HEARING OFFICER CHESTNUT: Okay.

That takes us to Mr. Dasent then.

MR. DASENT: Uh, I have no
questions for Mr. Morgan. I just want to thank him for his contributions to this proceeding.

HEARING OFFICER CHESTNUT: Okay. Did you wanted to redirect, Mr. Ballenger?

MR. BALLenger: If I could maybe just have a couple minutes, and I will call Mr. Morgan separately, and then come back on.

HEARING OFFICER CHESTNUT: Okay. It's 1:59. So, let's say we will resume at 2:10.

MR. BALLenger: Perfect. Thank you.

(Off the record.)

(Back on the record at 2:12 p.m.)

HEARING OFFICER CHESTNUT: Mr. Ballenger.

MR. BALLenger: Thank you, Judge. Mr. Morgan, just one question. Does this proceeding provide an opportunity for us to change the TAP framework and the TAP-R mechanism?
MR. MORGAN: No. The TAP-R formula has been approved --

MR. HAVER: That's outside the scope of his testimony. He has no legal expertise. He has not test -- not introduced testimony.

Objection.

HEARING OFFICER CHESTNUT: He can talk about the scope of his testimony, which I think is what Mr. Ballenger asked him.

MR. HAVER: That is not what Mr. Ballenger asked him. He asked if it was possible. If he wants to talk about the scope of his testimony, he is free to do so. But he does not --

HEARING OFFICER CHESTNUT: Your objection is overruled. Go ahead.

MR. MORGAN: So as I was saying, the TAP-R program is based on a formula that has been approved by the Board, and it has very limited input. That equation has been set forth in the tariffs that have been filed. And we cannot, with this
proceeding, modify it.

So, this proceeding is limited to what I explained earlier which is to look at those -- look at the formula that was set up. And based on the experience factors, to determine what the future conditions would be.

So no, we can't change the framework.

MR. BALLenger: Thank you.

No further questions.

HEARING OFFICER CHESTNUT:

Mr. Dasent?

MR. DASENT: Nothing further.

HEARING OFFICER CHESTNUT:

Mr. Haver?

MR. HAVER: Mr. Morgan, are you an attorney?

MR. MORGAN: No. I've been in this business for over 30 years.

MR. HAVER: Yes. Your resume is very impressive. Do you have an expertise in legal opining?

MR. MORGAN: No, I don't.
HEARING OFFICER CHESTNUT: Don't even answer that, you know.

MR. HAVER: There was no objection. You are not allowed to do that.

HEARING OFFICER CHESTNUT: I can do that.

MR. HAVER: The prejudicial acts are incredible.

HEARING OFFICER CHESTNUT: I certainly can do that.

MR. HAVER: You are suppose to be neutral. If somebody else wants to object to my questions, they are welcome to do so.

HEARING OFFICER CHESTNUT: It doesn't work like that, Mr. Haver.

MR. HAVER: It certainly should.

HEARING OFFICER CHESTNUT: If you have any questions for Mr. Morgan that are appropriate, ask them.

MR. HAVER: I was. But you know --

HEARING OFFICER CHESTNUT: No.

MR. HAVER: -- you are so prejudicial, you won't let me get on the record proof that he has no right to make a
legal opinion.

HEARING OFFICER CHESTNUT: He can talk about the scope of his testimony, the context in which you examine his answers. That's the point of it.

MR. HAVER: That's not what he was doing.

HEARING OFFICER CHESTNUT: That's exactly what he was doing.

MR. BALLENGER: That's what he was doing.

MR. HAVER: Not a surprise, Mrs. Ballenger, that you support the Hearing Examiner who allows your no-bid contract. Just not a surprise.

MR. BALLENGER: No such thing.

I think the important point is that the tariff sets forth the mechanism to prove. That's what Mr. Morgan said. He was not giving a legal opinion. He was talking about a tariff. For a utility expert, I think that's well within his expertise.

HEARING OFFICER CHESTNUT: Yes.
MR. HAVER: And Mr. Ballenger has a right to make a ruling because?

MR. BALLenger: No ruling.

HEARING OFFICER CHESTNUT: Okay.

You know, Mr. Haver, you obviously don't have any more questions that are relevant, so I think we are going to wrap it up here.

MR. HAVER: How would you know?

HEARING OFFICER CHESTNUT: Because I know. If you had a relevant question, I think you would have asked it. I don't think engaging in argument, name calling is -- is appropriate. But you know, you do what you do.

Okay. Then, I think we will conclude this hearing.

MR. DASENT: Thank you, Your Honor.

MR. BALLenger: Thank you, Your Honor.

HEARING OFFICER CHESTNUT: If there are briefs or a settlement petition, that would be due April 22.

MR. DASENT: Yes.

HEARING OFFICER CHESTNUT: Or
before. Anything else before we adjourn?

Mr. Dasent?

MR. DASENT: Nothing more. Thank you.

HEARING OFFICER CHESTNUT:

Mr. Ballenger?

MR. BALLenger: Nothing more, Your Honor. Thank you.

HEARING OFFICER CHESTNUT:

Mr. Haver?

MR. HAVER: Already made it clear I can't ask my questions.

HEARING OFFICER CHESTNUT:

Ms. Mincavage, if you're even there.

MS. MINCAVAGE: Apologies, Your Honor. I have not questions. Thank you, Your Honor.

HEARING OFFICER CHESTNUT: Okay then. Thank you very much then.

The hearing is adjourned 2:17 p.m.

(Hearing adjourned at 2:17 p.m.)
CERTIFICATION

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

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