



May 5, 2022

Via Email

Hearing Officer Marlane Chestnut
c/o Philadelphia Water, Sewer and Storm Water Rate Board
1515 Arch Street, 17th Floor
Philadelphia, PA 19102

RE: Philadelphia Water Department's Annual Adjustment of TAP-R; Haver Motion to Strike Public Advocate Post-Hearing Exhibit

Dear Hearing Officer Chestnut,

Please accept this letter in response to Lance Haver's (Movant's) Motion to Strike (Motion) the Public Advocate's Post-Hearing Exhibit (Exhibit). As explained herein, the Motion should be denied.

As set forth in the Exhibit, the Public Advocate provided information regarding the TAP-R reconciliation proceeding directly to members of the public expressing interest in the Special Rate Proceeding. This determination was made to avoid confusion and to ensure that any public input provided would relate to the subject matter of the specific proceeding, since both the TAP-R and Special Rate Proceeding are occurring simultaneously.

Movant takes issue with the inability to conduct discovery, rebut, verify or otherwise challenge the Exhibit. If the Exhibit were proffered for its evidentiary value, Movant may well have a point. However, the Exhibit is not intended to, and does not, present evidence for or against a rate determination to be made by the Board in this TAP-R proceeding. As you are aware, the TAP-R is a tariff rate that is adjusted annually based on a pre-approved formula. The Exhibit does not constitute testimony or evidence for the Board's consideration in determining the TAP-R rates.

Furthermore, Movant's rights are in no way prejudiced by the Exhibit. Movant has already, on multiple occasions, called into question the Public Advocate's services, relying not upon discovery or actual knowledge, but upon suspicion and insinuation. Movant failed to conduct discovery at any time during this proceeding to develop a factual record that could support his claims and likewise presented no testimony. To the extent he has a relevant position to take, he has had the same opportunity as all other participants.

Sincerely,

Robert W. Ballenger
For the Public Advocate