



May 9, 2022

Via Email

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

RE: Philadelphia Water Department's Special Rate Proceeding; 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.

At the conclusion of the April 28, 2022 Technical Hearing in this Special Rate Proceeding, Hearing Officer Chestnut directed the Public Advocate to put on the record a report concerning its outreach efforts. At that time, the Public Advocate committed to doing so via "a post-hearing exhibit" submitted to the Hearing Officer and the participants. Hrg. Tr. at 209-210. Movant expressed no objection at that time and so the Public Advocate submitted the Exhibit after the hearing, by email, on April 28.

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 Special Rate proceeding. As you are aware, the Special Rate Proceeding concerns the potential downward adjustment to the \$34.110 million increase previously approved by the Board for FY 2023. The Exhibit does not constitute testimony or evidence for the Board's consideration in determining whether to adjust the FY 2023 rates.

Furthermore, as explained in response to Movant's similar motion to strike in the TAP-R Proceeding, Movant's rights are in no way prejudiced by the Exhibit. 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*