

Rate Hearing Board  
4/28/2022

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

Thursday, April 28, 2022  
Philadelphia, Pennsylvania

TIME: 9:00 a.m.  
LOCATION: Virtually  
HELD BEFORE: MARLANE R. CHESTNUT  
Hearing Officer

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

- - -

(Technical Hearing commenced at 9:02 a.m.)

HEARING OFFICER CHESTNUT: Good morning, everybody. I am Marlane R. Chestnut, the Hearing Officer assigned to this proceeding. As you know, it is being recorded. And there is, also, a court reporter who is -- will produce a stenographic transcript of this hearing today. So please, speak slowly and clearly.

We are starting early because we have a lot to cover, but I don't want us to kill ourselves. If you need a break, indicate it. If you want a drink or have a snack while this is going on, that's fine, too. But I do want us to focus on the issue here so that we can accomplish this in a reasonable amount of time.

Are there any preliminary matters before we get to the cross-examination of the various witnesses, Mr. Dasent?

MR. DASENT: I don't believe so Judge Chestnut. We did circulate at your

1 direction the Revised Rebuttal Statement  
2 One, including the errata so there is a  
3 clean copy for the record. And we  
4 authenticate -- we already agreed to  
5 authenticate testimony by stipulation.

6 HEARING OFFICER CHESTNUT: Okay. I  
7 guess at the end, we can talk about what's  
8 going to be in the record and what's not.  
9 I did notice that you submitted several  
10 hearing exhibits. One of which is the  
11 Notice of Publication --

12 MR. DASENT: Yes.

13 HEARING OFFICER CHESTNUT: -- and  
14 Notification? I guess the other two were  
15 more directly related to this hearing.

16 And, Mr. Ballenger, I did get your  
17 hearing exhibit.

18 MR. BALLENGER: Oh, yes. Sent that  
19 yesterday afternoon around 1:30 I think.  
20 Hopefully, it's a shorter exhibit than last  
21 time.

22 So, I just wanted to -- I agree, we  
23 are stipulating to the authenticity of  
24 testimony and that it should be included on

1 the record. I just wanted to -- because  
2 it's in PW's hearing exhibit, acknowledge  
3 that there is one typographical error in  
4 Mr. Morgan's testimony. And my  
5 recollection is that we answered that in  
6 the Discovery Request responses.

7 Just looking.

8 HEARING OFFICER CHESTNUT: Can you  
9 tell me that -- cite to his testimony for  
10 that?

11 MR. BALLENGER: Yes. On page 4,  
12 lines 21 to 23 of his testimony, and you  
13 will see this in the response to PWD's Set  
14 1, No. 29, there was just an error in terms  
15 of the dollar amounts authorized in the  
16 rate determination in 2021 that was in his  
17 testimony. We corrected that in the  
18 Discovery Response.

19 HEARING OFFICER CHESTNUT: And  
20 what's the correction?

21 MR. BALLENGER: Instead of 57.521  
22 million. It should read 57.422 million.

23 HEARING OFFICER CHESTNUT: Okay.  
24 Any other --

1 MR. BALLENGER: That's the  
2 substance of his testimony.

3 Sorry, no. It doesn't affect the  
4 substance of Mr. Morgan's testimony. But I  
5 just wanted to acknowledge that for the  
6 record.

7 HEARING OFFICER CHESTNUT: Okay.

8 Does anybody else have anything of  
9 a preliminary nature before we actually get  
10 started with the cross-examination and  
11 presentation of witnesses?

12 No? Okay.

13 I guess then, we will start with  
14 you, Mr. Dasent, with your first panel.

15 MR. DASENT: Yes. The order of  
16 witnessed, we were going to call the  
17 financial panel first, which would be  
18 Melissa LaBuda and Katherine Clupper.

19 And we don't swear our witnesses.  
20 So, the witnesses are tendered for  
21 cross-examination.

22 HEARING OFFICER CHESTNUT: Okay. I  
23 guess ask if they have any additions,  
24 corrections or changes to their testimony?

1 MR. DASENT: The errata addressed  
2 that.

3 HEARING OFFICER CHESTNUT: Besides  
4 what you have already provided. Okay.

5 Mr. Ballenger, do you want to?

6 MR. BALLENGER: Sure. Okay. Thank  
7 you. Yes.

8 I would like to start at page 5 of  
9 the rebuttal. And in the Rebuttal  
10 Statement, you described the rate increases  
11 that were approved in Fiscal Years 2019,  
12 2020 and 2022. And you state that those  
13 increases were plainly insufficient. And  
14 that's the language I think in your  
15 rebuttal testimony. It says "plainly  
16 insufficient." And just to be clear, just  
17 want to ask a couple of questions.

18 First, is it correct that the Water  
19 Department didn't appeal either of those  
20 two rate determinations, did it?

21 MS. LaBUDA: That's correct.

22 MR. BALLENGER: Okay. And the  
23 Water Department has not suffered any  
24 negative ratings action?

1 MS. LaBUDA: To date, that's  
2 correct.

3 MR. BALLENGER: To date. Okay.  
4 Your rebuttal also talks a little  
5 bit about rate relief and the importance of  
6 rate relief.

7 Can you define rate relief for me?

8 MS. LaBUDA: Sure.

9 Sufficient revenues that provide  
10 the department the capacity to continue  
11 serving Philadelphia with clean water that  
12 meets all regulatory standards.

13 MR. BALLENGER: So when you  
14 describe the rate increase of roughly  
15 1.33 percent in Fiscal 2019 and 1.2 percent  
16 in Fiscal 2020, is that all of the rate  
17 relief that PWD received?

18 MS. LaBUDA: That is the reve --  
19 that was the approved rate relief at that  
20 time.

21 MR. BALLENGER: Isn't it true that  
22 the Board denied the City's proposal for  
23 the Fire Department to stop paying  
24 approximately \$8 million per year for water

1 in Fiscal 19 and Fiscal 2020?

2 MS. LaBUDA: Subject to check, I  
3 believe that's correct.

4 MR. BALLENGER: So, that's  
5 approximately \$16 million in revenues that  
6 are not reflected in the 1.33 or the  
7 1.2 percent increases that we just  
8 discussed; is that right?

9 MS. LaBUDA: They are not  
10 calculated in those percents. That's  
11 correct.

12 MR. BALLENGER: Right. Those  
13 are -- those under existing rates.

14 MS. LaBUDA: Correct.

15 MR. BALLENGER: So, that would  
16 constitute a portion of the rate relief  
17 that the Department received, wouldn't it?

18 MS. LaBUDA: I'm sorry. Can you  
19 ask the question again, please?

20 MR. BALLENGER: Sure.

21 Continuing to receive those  
22 revenues and the Board's denial of the  
23 City's proposal to stop contributing those  
24 revenues, wouldn't that be a portion of the



1 rate relief that the Department received  
2 over those two years?

3 MS. LaBUDA: No. Because they are  
4 already -- they're revenues that we were  
5 required to recover regardless of who was  
6 paying for them. So, wouldn't it be double  
7 counting if you added them to the  
8 1.2 percent or whatever the numbers were  
9 that you were stating? I apologize. I  
10 don't have the page in front of me.

11 They were part of base rates. They  
12 were being paid either by the City or being  
13 presented to be paid by customers. It's  
14 the same dollars.

15 MR. BALLENGER: Right. And they  
16 are not reflected in the 1.2 or the 1.3  
17 percent.

18 MS. LaBUDA: Because that would be  
19 double counting. They weren't new revenues  
20 during that proceeding.

21 MR. BALLENGER: But they were  
22 revenues that the Department anticipated it  
23 would not receive. And so, requested  
24 greater rate increases because of that

1 expectation.

2 MS. LaBUDA: They are not  
3 additional revenues. It was shifting the  
4 dollars of who was covering the cost.

5 MR. BALLENGER: Correct. So,  
6 customers didn't have to pay that  
7 \$16 million in additional rates and  
8 charges.

9 MS. LaBUDA: The General Fund.

10 MR. BALLENGER: The General Fund  
11 did?

12 MS. LaBUDA: Yeah.

13 MR. BALLENGER: Correct. So, that  
14 maintained those revenues that were  
15 projected to be lost, correct?

16 MS. LaBUDA: They weren't projected  
17 to be lost. They were projected to be  
18 shifted from one entity paying it to  
19 another.

20 MR. BALLENGER: At the end of the  
21 day, the Water Department received those  
22 revenues, right?

23 MS. LaBUDA: The Department did  
24 collect those revenues. That's correct.

1 MR. BALLENGER: Isn't it true that  
2 if the Board accepts Mr. Morgan's  
3 recommendation, that the Water Department's  
4 still going to receive an increase in rates  
5 in Fiscal 2023?

6 MS. LaBUDA: Can you remind me of  
7 Mr. Morgan's recommendation, please?

8 MR. BALLENGER: Yes. Mr. Morgan's  
9 recommendation was to adjust the  
10 34-and-change million dollar rate increase  
11 in Fiscal 2023 by \$6.6 million rounded.

12 MS. LaBUDA: Thank you.

13 Yes. We would still receive a rate  
14 increase.

15 MR. BALLENGER: And that rate  
16 increase would constitute rate relief?

17 MS. LaBUDA: That would constitute  
18 a partial rate relief.

19 MR. BALLENGER: On page 8 of your  
20 rebuttal, it states that -- here is the  
21 quote: PWD is barely holding onto it's A  
22 rating, end quote.

23 And I see that both the Department  
24 and the Public Advocate put in some of the

1 information. The Department put the entire  
2 reports from the rating agencies. The  
3 Public Advocate just put the first page of  
4 each of the reports of the rating agencies  
5 into the hearing exhibit.

6 So if you look at the Public  
7 Advocate's Hearing Exhibit page 1, 2 and 3,  
8 you will see the first page of each of the  
9 credit rating agencies' reports, which were  
10 attached to your direct testimony. And I  
11 just want to confirm that in each of those  
12 reports, it reflects an A rating with a  
13 stable outlook.

14 Isn't that correct?

15 MS. LaBUDA: That's correct.

16 MR. BALLENGER: Okay. And on page  
17 9 of your rebuttal, you state -- here is  
18 the quote: Diminishing the targeted RSF,  
19 or Rate Stabilization Fund Balance, from  
20 the 135 million-dollar level indicates a  
21 downward trajectory which itself could  
22 result in a negative rating action.

23 And I just wanted to confirm that  
24 the Board's rate determination anticipated

1 that at the end of Fiscal 2022, the Rate  
2 Stabilization Fund balance would be just  
3 under \$104 million.

4 Isn't that correct?

5 MS. LaBUDA: I can't speak on the  
6 Board's intent. I would like to note that  
7 the reports are incomplete.

8 MR. BALLENGER: Correct. I just  
9 put the first pages.

10 So if you look at page 13 of the  
11 hearing exhibit, it's the second page of  
12 Table C1 that was included in the Board's  
13 2021 rate determination. And line 41, the  
14 bottom of the table reports the end of year  
15 balance and the Rate Stabilization Fund.

16 Do you see that?

17 MS. LaBUDA: Yes.

18 MR. BALLENGER: And the amount  
19 reported there for Fiscal 2022 is just  
20 under \$104 million.

21 MS. LaBUDA: The Department didn't  
22 agree in the settlement to these amounts or  
23 any other performance measurement.

24 MR. BALLENGER: We are going to get

1 to that with the next panel. I think -- I  
2 don't think that was part of your -- your  
3 rebuttal statement, correct?

4 MS. LaBUDA: Correct. Thank you.

5 MR. BALLENGER: Okay. So anyway,  
6 the numbers are -- are included in the rate  
7 determination. And reflect \$104 million  
8 rounded in the Rate Stabilization Fund at  
9 the end of Fiscal 2022, correct?

10 MS. LaBUDA: I can affirm that that  
11 is the number stated on page -- hearing  
12 exhibit 13, correct.

13 MR. BALLENGER: And also, for  
14 Fiscal 2023, the end-of-year balance shown  
15 on this exhibit is just over \$92 million,  
16 correct?

17 MS. LaBUDA: Again, we didn't agree  
18 to the balances in the settlement I note.  
19 And that is the number listed on this page.  
20 Correct.

21 MR. BALLENGER: And just to confirm  
22 again, there is nothing in the rate  
23 determination from Fiscal 2021 that  
24 projects \$135 million Rate Stabilization

1 Fund balance, correct?

2 MS. LaBUDA: Subject to check, that  
3 is correct.

4 MR. BALLENGER: Okay.

5 Moving on to page 10 of your  
6 rebuttal, discuss the Rate Board's  
7 ordinance. And a provision in the  
8 ordinance that authorizes a reasonable sum  
9 to cover unforeseeable or unusual expenses.  
10 I think that's the language of the  
11 ordinance. You, also, indicate that the  
12 Department utilizes the Rate Stabilization  
13 Fund to cover unforeseeable or unusual  
14 expenses, correct?

15 MS. LaBUDA: That's correct.

16 MR. BALLENGER: Okay. So in  
17 practical terms in operation, the Rate  
18 Stabilization Fund functions as that sum  
19 from which you cover reasonable expenses --  
20 I'm sorry -- unanticipated expenses?

21 MS. LaBUDA: That's correct.

22 MR. BALLENGER: Okay. And in the  
23 settlement in the 2021 rate case, the Water  
24 Department and the Public Advocate agreed

1 that the rates and charges provided a  
2 reasonable basis for recovery of revenues  
3 sufficient to meet the Department's  
4 obligations.

5 Isn't that correct?

6 MS. LaBUDA: Settlement did use the  
7 word "reasonable." That is correct, yes.

8 MR. BALLENGER: And it does also  
9 say -- and I think if you look at page 7 of  
10 the hearing exhibit under Paragraph B, it  
11 also says that the rates and charges comply  
12 with the ordinance governing the proceeding  
13 and provide a reasonable basis for recovery  
14 of revenues sufficient to meet the  
15 Department's obligations, correct?

16 MS. LaBUDA: Correct.

17 MR. BALLENGER: That was the  
18 agreement at the time. Okay.

19 On page 11 of your testimony, you  
20 expressed some disagreement with Mr. Morgan  
21 regarding the 13 -- roughly  
22 13 million-dollar transfer to the  
23 Construction Fund.

24 Do you agree that that transfer



1 contributed to the Water Department  
2 exceeding its senior debt service coverage  
3 target 1.2?

4 MS. LaBUDA: That's correct.

5 MR. BALLENGER: Okay. And if that  
6 transfer hadn't taken place, presumably the  
7 Water Department would have had more  
8 reserves.

9 Is that also correct?

10 MS. LaBUDA: More in reserves, less  
11 in capital. Correct.

12 MR. BALLENGER: Okay. And you,  
13 also state, that the transfer were to  
14 reduce the debt burden on rate payers. And  
15 I just want to check, is it your testimony  
16 that -- that that transfer would work in  
17 the future to reduce the debt service  
18 expense? Or is it your testimony that it  
19 actually would reduce debt service expense  
20 in Fiscal 2021, the year for transfer?

21 MS. LaBUDA: Future. Because in  
22 Fiscal Year 21, the transfer is made at  
23 year end. Which is, typically, penned by  
24 the City somewhere in October which is

1 after June 30. So clearly, it will reduce  
2 debt service in fiscal -- further fiscal  
3 years.

4 MR. BALLENGER: That was my -- that  
5 was my assumption. Thank you.

6 Your rebuttal criticizes Mr. Morgan  
7 for using the projected Fiscal 2021 closing  
8 balance in the Rate Stabilization Fund as a  
9 starting point. And that's the \$104  
10 million that we discussed earlier. And you  
11 called that unreasonable on page 13.

12 Turn to page 9 of the hearing  
13 exhibit. This is part of the stipulation  
14 in this case. And looking at paragraph 2,  
15 wouldn't you agree that the stipulation  
16 specifically acknowledges that the starting  
17 point for determining the performance  
18 adjustment is the end-of-year balance in  
19 the Fiscal Year -- I'm sorry, the end of  
20 Fiscal Year 2021 balance in the Rate  
21 Stabilization Fund?

22 MS. LaBUDA: Reading the text.

23 MR. BALLENGER: Yes, okay.

24 MR. DASENT: Are you referring to

1 paragraph two?

2 MR. BALLENGER: Yes.

3 MS. LaBUDA: I -- I concur that  
4 that paragraph two on Hearing Exhibit 9  
5 says that's the starting point.

6 MR. BALLENGER: Okay. So the  
7 actual --

8 MS. LaBUDA: Actual.

9 MR. BALLENGER: Yes. The actual  
10 ending balance, then, is reasonable for use  
11 in this case, correct?

12 MS. LaBUDA: I do not agree that it  
13 is reasonable.

14 MR. BALLENGER: Using the actual  
15 year-end balance is not reasonable?

16 MS. LaBUDA: That is correct. I  
17 don't believe it's reasonable at this point  
18 in time to draw our reserves down any  
19 further.

20 MR. BALLENGER: So, I'm surprised  
21 by that since that's what we agreed to in  
22 the stipulation. So, let's move along.

23 MR. DASENT: Let me insert an  
24 objection or, at least, an observation here

1 that the starting point is different than  
2 sort of the ending point for our proposal.  
3 So, I'm not sure that your question is  
4 absolutely clear.

5 HEARING OFFICER CHESTNUT: I think  
6 his question was clear actually. I'm a  
7 little surprised by the answer. But the  
8 settlement says what the settlement says.  
9 Whether you agree that adjustment should be  
10 made to the approved rate increase or not,  
11 it's a different issue.

12 MR. BALLENGER: So --

13 HEARING OFFICER CHESTNUT: I  
14 thought there was a meeting of the minds on  
15 the settlement in terms of where you start  
16 your analysis. And that is the actual  
17 ending balance at the end of Fiscal Year  
18 2022 -- I'm sorry, 2021.

19 MR. BALLENGER: Yeah. I only have  
20 a few more questions for this panel. I  
21 said I would keep it to moderate. So, I  
22 would like to move on to page 21 of the  
23 rebuttal testimony.

24 And you characterize Mr. Morgan's

1 testimony as proposing that a portion of  
2 the Residual Fund Balance be shared as an  
3 adjustment. And just wanted to confirm  
4 your understanding of Mr. Morgan's  
5 testimony.

6           Isn't it true that Mr. Morgan  
7 calculated the amount of over-performance  
8 as the difference between the Rate  
9 Stabilization Fund balance shown in the  
10 rate determination, roughly 114 million,  
11 and the actual year-end balance for Fiscal  
12 2021, which was over 124 million?

13           MS. LaBUDA: I cannot confirm or  
14 deny those numbers. I don't have them in  
15 front of me.

16           MR. BALLENGER: Okay.

17           Mr. Morgan's adjustment or the  
18 amount that Mr. Morgan identifies as  
19 over-performance is \$10.7 million.

20           Does that sound correct to you?

21           MS. LaBUDA: Subject to check.

22           MR. BALLENGER: Okay. And would  
23 you agree that that's the difference  
24 between the 124 million and 114 million

1 that we've been talking about?

2 MS. LaBUDA: Subject to check.

3 MR. BALLENGER: And isn't it also  
4 true that Mr. Morgan's testimony proposes  
5 sharing more than half of that 10.7 million  
6 rounding to 6.6 million total?

7 MS. LaBUDA: Subject to check.

8 MR. BALLENGER: And his testimony  
9 doesn't actually propose any transfer of  
10 funds from the Residual Fund, does it?

11 MS. LaBUDA: I'd have --  
12 unfortunately, I would have to go back to  
13 the numbers.

14 MR. BALLENGER: Okay. Just if we  
15 could just turn to pages 4 to -- starting  
16 on page 4 of the Hearing Exhibit, I have an  
17 exempt from the Joint Petition for  
18 Settlement from the last case. And  
19 starting on page 6 is the reconciliation  
20 framework for financial performance.

21 In your Rebuttal Statement, it --  
22 you conclude that Mr. Morgan's adjustment  
23 runs counter to the settlement. Stating  
24 that the settlement terms -- and here is

1 the quote: Contemplate that a percentage  
2 sharing, closed quote, would be determined.  
3 And I would just like you to review pages 6  
4 and 7 and confirm for me that the word  
5 "percent" or "percentage" does not appear  
6 anywhere in the settlement?

7 MS. LaBUDA: May I ask you to  
8 clarify the hearing exhibit page, please?

9 MR. BALLENGER: Yes. Starting at  
10 the bottom of page 6 is the reconciliation  
11 framework --

12 MS. LaBUDA: Thank you.

13 MR. BALLENGER: -- for Fiscal 2021  
14 performance. And that carries over to page  
15 7.

16 MS. LaBUDA: I concur.

17 MR. BALLENGER: Okay. Moving on to  
18 page 26 of your Rebuttal Statement, you --  
19 you appear to criticize Mr. Morgan's  
20 testimony for not making adjustments to  
21 Fiscal 2023 projections to keep the Rate  
22 Stabilization Fund above \$120 million.

23 And I think, again, in our  
24 stipulation, we agreed that the adjustments

1           were solely to the 34.110 million-dollar  
2           increase. Is that your understanding of  
3           the stipulation?

4                   MS. LaBUDA: I have to review the  
5           stipulation. I don't want to misrepresent  
6           the facts in the record.

7                   MR. BALLENGER: So Paragraph 6 of  
8           the Stipulation says: Assuming there is an  
9           amount to be shared, the parties can submit  
10          their respective position as to how much --  
11          how such amounts should be shared to reduce  
12          the Fiscal 2023 incremental revenues  
13          \$34 million, right?

14                   MS. LaBUDA: I agree. Thank you.

15                   MR. BALLENGER: So if Mr -- if  
16          Mr. Morgan were to project higher revenues  
17          under existing rates, for example, in order  
18          to affect the balance in the Rate  
19          Stabilization Fund, you would agree that  
20          that would not be the basis for a downward  
21          adjustment to the -- the 34 million-dollar  
22          rate increase as reflected in the  
23          settlement and the stipulation, wouldn't  
24          you?



1 MS. LaBUDA: Would you ask the  
2 question one more time, please?

3 MR. BALLENGER: Yeah. Let's say  
4 that Mr. Morgan had, you know, done a full  
5 cost of service study and projected  
6 additional revenues and lower expenses in  
7 Fiscal 2023. You would agree with me that  
8 none of those projections would result in  
9 an adjustment in this special rate  
10 proceeding, wouldn't you?

11 MS. LaBUDA: I agree.

12 MR. BALLENGER: Okay. And on page  
13 26, you also -- you comment on the Fiscal  
14 2023 year-end balance shown in Mr. Morgan's  
15 tables, which is over \$96 million. And I  
16 just want to confirm that that's higher  
17 than the amount shown in the rate  
18 determination for Fiscal 2023.

19 Isn't that correct?

20 MS. LaBUDA: That is incrementally  
21 more than the page we cited earlier, yes.

22 MR. BALLENGER: Thank you.

23 I promised I would keep it pretty  
24 short today. So, I'm actually done with

1 this panel.

2 HEARING OFFICER CHESTNUT: Okay.

3 That is short. Okay.

4 Mr. Bachri, you indicated you have  
5 no questions. Is that still the case?

6 (No response.)

7 I guess it is then.

8 Mr. Haver, do you have any  
9 questions for this witness?

10 MR. HAVER: Yes, I do.

11 HEARING OFFICER CHESTNUT: Okay.

12 MR. HAVER: Good morning.

13 In response to a -- question two of  
14 your direct testimony, you state that you  
15 also lead the Department's efforts related  
16 to the Philadelphia Water Department's  
17 Financial Plan and Cost of Service Study  
18 for general rate proceedings; is that  
19 correct?

20 MS. LaBUDA: That is correct.

21 MR. HAVER: Are you responsible for  
22 the creation of the exhibit and testimony  
23 of PWD for these proceedings?

24 MS. LaBUDA: I'm responsible for my

1 testimony, my exhibits.

2 MR. HAVER: Who is responsible for  
3 overseeing the testimony of the other  
4 witnesses?

5 MS. LaBUDA: Mr. Haver, I'm not  
6 sure this is directly in my testimony, but  
7 I'm more than happy to answer. So, each of  
8 the respective witnesses prepares their  
9 testimony and exhibits.

10 MR. HAVER: And who oversees the  
11 entire proceedings if not you?

12 MS. LaBUDA: Well, the Department  
13 does oversee the proceedings.

14 MR. HAVER: And are you the one  
15 responsible?

16 MS. LaBUDA: I do not prepare the  
17 exhibits and testimony for our experts.

18 MR. HAVER: I understand that. But  
19 are you responsible for their expert  
20 testimony?

21 MS. LaBUDA: Again, this is outside  
22 of the bands of my testimony.

23 MR. HAVER: Well, again, you say in  
24 response to Question 2, that you are

1 responsible. You lead the Department's  
2 efforts related to PWD's Financial Plan and  
3 Cost of Service Study for General Rate  
4 Proceedings. So, this is within your  
5 testimony.

6 I'm asking you where your  
7 responsibility ends?

8 MS. LaBUDA: I do not prepare  
9 expert testimony for the City's consultants  
10 or expert witnesses. I do review it and  
11 participate and lead the Department's  
12 efforts.

13 MR. HAVER: And if you believe the  
14 testimony is incorrect, what do you do?

15 MR. DASENT: Objection. Objection.  
16 Please, note our objection. I think this  
17 reaches beyond the scope of her direct  
18 testimony at this point. And we would ask  
19 that -- you know, we direct it to some  
20 substantive area of the testimony that  
21 deals with the two adjustments in this  
22 proceeding.

23 We think this is beyond the scope  
24 of her testimony at this point.

1 HEARING OFFICER CHESTNUT: Yes. I  
2 don't understand the point of it. The  
3 Department is a participant. And how they  
4 allocate who is responsible for overseeing  
5 what piece of testimony, I'm not sure how  
6 that -- that gets anywhere.

7 MR. HAVER: There are a number of  
8 statements on the record in the exhibits  
9 that I want to question. And I want to  
10 make sure I'm asking the questions of the  
11 correct witness.

12 HEARING OFFICER CHESTNUT: Well,  
13 ask her your question. If she can't answer  
14 it, she will refer it to a witness who is  
15 better able to answer it.

16 MR. HAVER: Are you ruling my  
17 question out of order?

18 HEARING OFFICER CHESTNUT: I'm  
19 sorry. What was that?

20 MR. HAVER: I've asked what she  
21 would do -- forgive me, Ms. LaBuda, am I  
22 pronouncing it correctly?

23 MS. LaBUDA: Yes, thank you,  
24 Mr. Haver.

1 MR. HAVER: I am asking what  
2 Ms. LaBuda would do when she examines the  
3 expert testimony if she believed there was  
4 a mistake.

5 HEARING OFFICER CHESTNUT: I think  
6 we are getting into prior preparation  
7 material here, aren't we?

8 MR. HAVER: Mr. Dasent objected to  
9 my question. You asked why I was asking.  
10 I explained it, but I'm still waiting for  
11 an answer.

12 HEARING OFFICER CHESTNUT: And I'm  
13 waiting for you to move on. I've already  
14 explained that if you ask a question that's  
15 outside the scope of her testimony, she can  
16 refer you to a witness better able to  
17 answer it. That's fine.

18 MR. HAVER: Right. But you  
19 didn't -- she hasn't said what --

20 HEARING OFFICER CHESTNUT: You  
21 haven't asked her a substantive -- wait,  
22 Mr. Haver, ask her a substantive question.

23 MR. HAVER: I believe that is a  
24 substantive question.

1 HEARING OFFICER CHESTNUT: That is  
2 not a substantive question. You are asking  
3 about their internal process for reviewing  
4 and presenting their case.

5 MR. HAVER: Thank you.

6 Ms. LaBuda, did you create or have  
7 created PWD Exhibit 1A?

8 MS. LaBUDA: I have to -- Mr.  
9 Haver, you have to forgive me. I have to  
10 look at --

11 MR. HAVER: I can read you what I'm  
12 interested in. It's 1.1 --

13 HEARING OFFICER CHESTNUT: Hold on  
14 a second. Hold on a second. Let me pull  
15 that up, please. 1A is -- you mean the  
16 hearing exhibit?

17 MR. HAVER: Yes.

18 HEARING OFFICER CHESTNUT: Okay.

19 MR. HAVER: I'm interesting in 1.1:  
20 Conformity with Existing Law.

21 MS. LaBUDA: Mr. Morgan, may I --  
22 Mr. Haver, may I just please confirm, you  
23 are talking about the City's special  
24 hearing exhibit, correct?

1 MR. HAVER: Yes.

2 MS. LaBUDA: 1A?

3 MR. HAVER: Yes.

4 MS. LaBUDA: Thank you. Just  
5 opened the wrong document. You have to  
6 forgive me.

7 HEARING OFFICER CHESTNUT: I am not  
8 sure I'm clear. Are you talking about the  
9 filing Exhibit 1A?

10 MR. HAVER: Yes.

11 HEARING OFFICER CHESTNUT: That  
12 would be the proposed charges and rates?

13 MR. HAVER: Yes. It's under 1.1  
14 Conformity with Existing Law.

15 HEARING OFFICER CHESTNUT: So, you  
16 are talking about the tariffs.

17 MR. HAVER: I am talking about PWD  
18 Exhibit 1A, Fiscal Year 2023 proposed rates  
19 and charges (clean clothes).

20 HEARING OFFICER CHESTNUT: Okay.  
21 You are talking about the tariff then that  
22 was attached to the filing. Okay. I just  
23 want to be sure I'm looking at the right  
24 exhibit.



1 MR. HAVER: Section 1.1.

2 MS. LaBUDA: Mr. Haver, I have -- I  
3 apologize for the delay. You have to  
4 forgive my clunkiness, but I do have open  
5 PWD Exhibit 1A, Fiscal Year 2023 proposed  
6 rate and charges, the clean line version.

7 MR. HAVER: I'm asking whether you  
8 reviewed this, saw this and approved this  
9 prior to it being filed?

10 MS. LaBUDA: Yes. I did review it  
11 prior to it being filed. The rates and  
12 charges is approved by the Board, though.  
13 But I did review it before it was filed.  
14 Thank you.

15 MR. HAVER: Can you confirm that it  
16 says nothing contained in here shall be  
17 deemed to overrule or annul any existing  
18 provisions of the Home Rule Charter or The  
19 Philadelphia Code? Section 1.1.

20 MS. LaBUDA: Subject to check, I'm  
21 not aware of a statement in here that says  
22 the Board's rates and charges overrules if  
23 that's a question of the Home Rule Charter.

24 MR. HAVER: I'm just asking if you

1 agree that's what it says?

2 MS. LaBUDA: Could you point to me  
3 exactly, Mr. Haver, where it's making that  
4 statement? I'm on page 1, Definitions.  
5 I'm looking at, E, Home Rule Charter.

6 MR. HAVER: It's 1.1, Conformity  
7 With Existing Law.

8 MR. DASENT: Is that lower on the  
9 same page, Mr. Haver?

10 MR. HAVER: I don't know that my --

11 HEARING OFFICER CHESTNUT: It's  
12 after the Definitions.

13 MS. LaBUDA: Thank you. Again,  
14 thank you, Mr. Haver, for your patience. I  
15 do see 1.1. It's page 3 of 37 for anyone  
16 who is using the pdf.

17 And nothing contained herein shall  
18 be deemed to overrule any existing  
19 provisions of the Home Rule Charter or the  
20 Philadelphia Code. It does state that.

21 Thank you, again, for your  
22 patience.

23 MR. HAVER: Thank you.

24 Moving on, Ms. LaBuda, did you

1 participate in the negotiations which  
2 created the settlement agreement which was  
3 approved by the Philadelphia Water Rate  
4 Board which authorized PWD to raise rates  
5 in Fiscal Year 2022?

6 MS. LaBUDA: With my counsel I  
7 participated, Mr. Haver.

8 MR. HAVER: Yes. Are you familiar  
9 with the clause entitled Maximum  
10 Adjustment?

11 HEARING OFFICER CHESTNUT: I'm  
12 sorry. Clause where?

13 MR. HAVER: In the Settlement  
14 Agreement.

15 HEARING OFFICER CHESTNUT: Hold on.  
16 Okay.

17 MS. LaBUDA: I believe I have the  
18 Settlement Agreement, Mr. Haver. Would you  
19 mind pointing me to the page or the  
20 paragraph that you are referring to,  
21 please?

22 MR. HAVER: I'll be honest, I don't  
23 know if my computer paginates in the same  
24 way that yours does. But I have it on page

1 58 of the Philadelphia Water Rate Board's  
2 decision.

3 HEARING OFFICER CHESTNUT: Well,  
4 there is two subparagraphs entitled Maximum  
5 Adjustment. Which one are you talking  
6 about?

7 MR. HAVER: The one that says  
8 reconciliation under this adjustment  
9 separately or in combination with other  
10 adjustments cannot lower FY 2023 base rates  
11 incremental increase below \$0.

12 MS. LaBUDA: I see that, Mr. Haver.  
13 It's on page 5 of 8 of the standalone  
14 settlement sheet.

15 MR. HAVER: I think you just saved  
16 me the next question, but I will ask it  
17 anyway. Would you agree that's the  
18 definition of the maximum adjustment?

19 MS. LaBUDA: That's what's in the  
20 settlement, yes.

21 MR. HAVER: Thank you.

22 And to be clear, does that mean  
23 that no matter how much money the Water  
24 Department had received through stimulus or

1 any other method, that the rates could not  
2 be lower than what they are today through  
3 these proceedings?

4 MS. LaBUDA: Would you mind just  
5 repeating that. I don't want to miss --  
6 mis-answer that, Mr. Haver.

7 MR. HAVER: Again, to go back to  
8 your testimony on page 11, line 12 through  
9 15, you state: The amount of any  
10 adjustment per stimulus funding would be  
11 subject to the maximum adjustment which  
12 requires that any reconciliation under this  
13 adjustment cannot lower the Fiscal Year  
14 2023 base rate incremental increase below  
15 \$0.

16 Is that correct?

17 MS. LaBUDA: Yes. That's correct,  
18 Mr. Haver.

19 MR. HAVER: And does that in plain  
20 English translate to the rates cannot --  
21 through these proceedings, the rates cannot  
22 fall or be reduced below the level that  
23 they are at today?

24 MS. LaBUDA: Subject to check, yes.

1 MR. HAVER: Forgive me. I'm not  
2 sure what that term means. As Mr. Dasent  
3 has recently discovered, I'm not an  
4 attorney.

5 MS. LaBUDA: I believe that's  
6 correct, Mr. Haver. But I, obviously,  
7 would like to check with my legal counsel  
8 and make sure I'm not misrepresenting  
9 something on the record.

10 MR. HAVER: So, I can wait while  
11 you do that.

12 MR. DASENT: We will use redirect  
13 for that purpose if, Your Honor, please.

14 HEARING OFFICER CHESTNUT: Yes.

15 MR. HAVER: Okay.

16 Ms. LaBuda, are you familiar with  
17 the Home Rule Charter Section 8-600? It's  
18 entitled the Language Access Plan.

19 MS. LaBUDA: I'm familiar with the  
20 Language Access Plan, Mr. Haver. Yes.

21 HEARING OFFICER CHESTNUT: Sorry.  
22 What was that reference?

23 MR. HAVER: Section 8 --

24 HEARING OFFICER CHESTNUT: What was

1 the citation?

2 MR. HAVER: Section 8-600 of The  
3 Philadelphia Home Rule Charter entitled The  
4 Language Access Plan.

5 MS. LaBUDA: Mr. Haver, can you  
6 point to where in my testimony this --  
7 where I discussed the Language Access Plan,  
8 please?

9 MR. HAVER: Well, I'm getting to  
10 that. But if you want me to skip to that  
11 part, I will. Do you want me to skip to  
12 that part now?

13 HEARING OFFICER CHESTNUT: Why  
14 don't we agree that the Home Rule Charter  
15 says what it says --

16 MR. HAVER: I have --

17 HEARING OFFICER CHESTNUT: --  
18 regardless of her understanding.

19 MR. HAVER: I have no idea why we  
20 wouldn't. I just asked Ms. LaBuda if she  
21 was familiar with it, and she said yes.

22 So, Ms. LaBuda --

23 MR. DASENT: Just point of  
24 clarification. Ms. LaBuda actually said

1 that she was familiar with the Language  
2 Access Plan as opposed to the Charter, just  
3 so the record is clear.

4 MR. HAVER: All right. So, let me  
5 go back and ask, Ms. LaBuda, are you  
6 familiar with Section 8-600 of The  
7 Philadelphia Home Rule Charter which is the  
8 Language Access Plan?

9 MS. LaBUDA: Mr. Haver, I cannot  
10 say that I have read the full Home Rule  
11 Charter. I am familiar with the  
12 Department's Language Access Plan.

13 MR. HAVER: Okay. In preparing the  
14 testimony and the proceedings on behalf of  
15 the PWD, did you review the public notice  
16 that was posted on the Philadelphia Water  
17 Rate Board which reads: On January 21,  
18 2022, the Philadelphia Water Department  
19 filed advance notice of the initiation of  
20 the special rate proceeding regarding a  
21 reconciliation and potential downward  
22 adjustment of water, sewer and storm water  
23 rates and charges previously approved to  
24 take effect September 1, 2022. This



1 proceeding is pursuant to the rate  
2 determination and joint petition for  
3 partial settlement in the 2021 general rate  
4 proceedings?

5 MS. LaBUDA: I did review that,  
6 Mr. Haver.

7 MR. HAVER: Do you believe that a  
8 person quoting from the Home Rule Charter  
9 Section 8-600 with limited English  
10 proficiency would understand the choice of  
11 words used to publicize today's hearings  
12 and proceedings?

13 MR. DASENT: Objection, Your Honor.  
14 I think this is beyond the scope of  
15 Ms. LaBuda's testimony.

16 HEARING OFFICER CHESTNUT:  
17 Sustained.

18 MR. HAVER: Ms. LaBuda, who would  
19 be responsible for implementing the rules  
20 and regulations under Section 8-600 of the  
21 Philadelphia Home Rule Charter?

22 MS. LaBUDA: Mr. Haver, again, I  
23 believe this is outside the bounds of my  
24 testimony. And I don't think it's a good

1 idea for me to guess on which City agency  
2 leads those type of matters on a City-wide  
3 basis.

4 MR. HAVER: At the Water  
5 Department, I'm not asking City-wide. Who  
6 at the Water Department is responsible?

7 MS. LaBUDA: The Department --  
8 again, I believe this is outside the bounds  
9 of my testimony. But I'm happy to answer  
10 that the Department's Public Affairs  
11 Division leads the efforts for the  
12 Department.

13 MR. HAVER: And will they be  
14 presenting a witness today?

15 MS. LaBUDA: They are not. To the  
16 best of my understanding, they are not,  
17 Mr. Haver.

18 MR. HAVER: Okay. Skipping again.  
19 On page 13, line 11 and 12 of your  
20 testimony, you state the Department  
21 received no stimulus funding within the  
22 scope of the definition during the --

23 HEARING OFFICER CHESTNUT: Wait,  
24 hold on a second. I have to pull that up.

1           What was that reference again, Mr. Haver?

2                   MR. HAVER:   Page 13, lines 11 and  
3           12.

4                   HEARING OFFICER CHESTNUT:   Let me  
5           get 13 up.

6                   MR. HAVER:   Of Ms. LaBuda's  
7           testimony.

8                   HEARING OFFICER CHESTNUT:   Rebuttal  
9           testimony or --

10                   MR. HAVER:   No, direct.

11                   HEARING OFFICER CHESTNUT:   Hold on.  
12           Let me go back.   Okay, I have it.

13                   MR. HAVER:   Thank you.

14                   Ms. LaBuda, again, you state the  
15           Department received no stimulus funding  
16           within the scope of the definition during  
17           the receipt period; is that correct?

18                   MS. LaBUDA:   That's correct,  
19           Mr. Haver.

20                   MR. HAVER:   Outside the scope of  
21           the definition in the settlement, did PWD  
22           receive directly or indirectly any stimulus  
23           money?

24                   MS. LaBUDA:   We didn't receive any

1 stimulus money from the American Recovery  
2 Protection Act.

3 MR. HAVER: I'm saying from  
4 anywhere. From the state? From the  
5 Federal Government? From the City?

6 Did you receive any stimulus  
7 dollars, CARE dollars, any money that had  
8 been allocated from the federal, state or  
9 city government to help with the crisis  
10 that was created through the COVID?

11 MR. DASENT: Please note our  
12 objection that this reaches beyond the  
13 scope of Ms. LaBuda's testimony. The four  
14 corners of the testimony are framed by this  
15 two adjustments. Federal stimulus  
16 adjustment is defined in the joint petition  
17 for settlement. And this is outside the  
18 range of the adjustments that are to be  
19 made in this proceeding.

20 HEARING OFFICER CHESTNUT: I agree.  
21 It is outside the scope of the proceeding  
22 because it does define the eligible  
23 stimulus funding. But if you can answer  
24 the question, I think it is irrelevant

1           frankly because it doesn't matter what they  
2           receive because it doesn't fall within the  
3           definition. So, it can't be used as the  
4           basis for any adjustment.

5                         Can you briefly answer that  
6           question, Ms. LaBuda, or not?

7                         MS. LaBUDA: I can. We did not --  
8           we received a reimbursement under the  
9           original act for expenses related to COVID  
10          and budgeted expenses. And that was  
11          written in my testimony.

12                        But outside of that, I'm not aware  
13          of any direct receipt of funding to the  
14          Department. I can't answer that on a  
15          Citywide basis. But we don't have -- we  
16          didn't receive direct funding to the best  
17          of my knowledge outside of that one  
18          reimbursement in my testimony for expenses  
19          not contemplated in the Fiscal Years 20 and  
20          21 budget related to COVID expenses for  
21          protective equipment for our critical  
22          employees.

23                        MR. HAVER: And going to your  
24          testimony on page 14, lines 18 to 20, you

1 state that the City did not allocate  
2 amounts under ARPA to PWD during the  
3 receipt period; is that correct?

4 MS. LaBUDA: That's correct.

5 MR. HAVER: Did PWD ask City  
6 Council to allocate ARPA funds?

7 MS. LaBUDA: We asked the budget --  
8 I'm sorry. We asked the Director of  
9 Finance to allocate ARPA funds. We did not  
10 ask City Council.

11 MR. HAVER: And why is that?

12 MS. LaBUDA: The ARPA funds were  
13 controlled -- again, this is outside of the  
14 bounds of my testimony. I'm happy to  
15 attempt to answer the question.

16 We asked the question to the person  
17 responsible for those allocations, which is  
18 the Budget Director.

19 MR. HAVER: So it's clear on the  
20 record, how did you ask the Budget Director  
21 for those funds? In a written request?

22 MS. LaBUDA: Again, this is outside  
23 the bounds of this rate case testimony.  
24 But I'm happy to remind you that in my

1 prior rate case testimony, I believe we  
2 submitted the actual memo that was  
3 submitted to the Director of Finance. But  
4 again, this appears to be outside of my  
5 current testimony, Mr. Haver.

6 MR. HAVER: Since the Settlement  
7 Agreement, did you ask for funding --

8 HEARING OFFICER CHESTNUT: Look, I  
9 think we spent enough time on this. You  
10 raised this in the underlying base rate  
11 case, discussing the settlement about the  
12 Water Department's efforts to seek out and  
13 obtain additional funding. And it was  
14 address there. It's not part of this case.

15 We have moved on, so why don't you  
16 move on with your questions, please.

17 MR. HAVER: Well, I want to put on  
18 the record that I'm asking about things  
19 that have happened since the Settlement  
20 Agreement was imposed upon rate payers.  
21 I'm not asking about prior. I'm asking  
22 directly because in Ms. LaBuda's testimony,  
23 she says that they did not receive any.

24 And so, I am asking what effort

1           they put in to getting these revenues after  
2           the settlement was signed that was --  
3           obviously, could not have been covered  
4           during the settlement proceedings.

5                       HEARING OFFICER CHESTNUT: All  
6           right. Do you have another question?

7                       MR. HAVER: Well, I am waiting for  
8           you to acknowledge that I am not asking  
9           about situations before the settlement, but  
10          I'm asking about conditions after the  
11          settlement.

12                      HEARING OFFICER CHESTNUT: I don't  
13          understand the point of this. Did you -- I  
14          mean, is there some kind -- to indicate  
15          that there were funds available that the  
16          Department didn't get?

17                      MR. HAVER: Absolutely.

18                      HEARING OFFICER CHESTNUT: Did  
19          you -- I mean, is there some basis for  
20          that --

21                      MR. HAVER: We are going to get to  
22          that part in a second.

23                      HEARING OFFICER CHESTNUT: --  
24          besides your feeling that there should be



1 more?

2 MR. HAVER: We are going to get to  
3 that part in a second.

4 HEARING OFFICER CHESTNUT: Well,  
5 let's go to it now.

6 MR. HAVER: Well, I want to, again,  
7 establish the record. I want to ask and  
8 put my case on in the way that I want. I'm  
9 asking.

10 HEARING OFFICER CHESTNUT: Your  
11 case has to be put on within the scope of  
12 this proceeding.

13 MR. HAVER: I am ask -- again, if  
14 you rule me out of order, you can. But I'm  
15 not seeking your advice. I don't believe  
16 your advice is helpful to me.

17 HEARING OFFICER CHESTNUT: I'm not  
18 giving you advice. I'm giving you  
19 directives at this point.

20 MR. HAVER: You do not --

21 HEARING OFFICER CHESTNUT: Please,  
22 ask your next question.

23 MR. HAVER: I'm asking -- again, my  
24 question is, since after the Settlement

1 Agreement was signed and imposed, did PWD  
2 ask the Finance Director or City Council  
3 for ARPA funds?

4 MS. LaBUDA: The City's decision  
5 was made. The monies were allocated. We  
6 didn't -- again, outside the bounds of my  
7 testimony. So since the decision was made,  
8 the money was allocated, we did not submit  
9 another request post the settlement,  
10 Mr. Haver.

11 MR. HAVER: Thank you. In the  
12 Fiscal Year 2021 Summary Five Year  
13 Financial Projection Plans dated  
14 February 2022, which I believe you prepared  
15 and has been attached as an exhibit, is  
16 that correct that you prepared it or had it  
17 prepared?

18 MR. DASENT: What are we referring  
19 to, Mr. Haver? I'm sorry.

20 MR. HAVER: Fiscal Year 2021  
21 Summary and Five Year Financial Projection  
22 Plan dated February 2022.

23 HEARING OFFICER CHESTNUT: What's  
24 the citation for that?

1 MR. HAVER: It's an exhibit.

2 HEARING OFFICER CHESTNUT: Was it  
3 attached to your direct -- where was it? I  
4 am trying to find it here.

5 MR. HAVER: It's attached as an  
6 exhibit.

7 HEARING OFFICER CHESTNUT: To what?

8 MR. HAVER: To her direct  
9 testimony. Excuse me, to Ms. LaBuda's  
10 direct testimony. Forgive me, I don't mean  
11 to refer to you as a her.

12 MS. LaBUDA: Thank you, Mr. Haver.

13 HEARING OFFICER CHESTNUT: Is that  
14 VB4?

15 MR. DASENT: I think it's Schedule  
16 ML-2.

17 HEARING OFFICER CHESTNUT: ML-2?

18 MR. DASENT: Yeah.

19 MS. LaBUDA: Thank you, Andre --  
20 Mr. Dasent.

21 MR. DASENT: I prefer Andre.

22 MS. LaBUDA: If it helps, Madam  
23 Hearing Officer, it's the appendix to the  
24 PowerPoint presentation in my testimony

1 right before the rating agency reports.

2 HEARING OFFICER CHESTNUT: Okay.

3 All right. I got it now.

4 MR. HAVER: Ms. LaBuda, did you  
5 prepare that or have it prepared?

6 MS. LaBUDA: I did have it  
7 prepared, Mr. Haver.

8 MR. HAVER: Okay. And does it  
9 state as of January 3, 2022, there are over  
10 69,000 accounts eligible for shutoffs?

11 MS. LaBUDA: I'm sorry, Mr. Haver.  
12 I don't see that in this table. Can you  
13 point me in the direction of where that is  
14 in this table?

15 MR. HAVER: I'm not sure what  
16 you're asking me, so I don't --

17 HEARING OFFICER CHESTNUT: She is  
18 asking what line it is.

19 MR. HAVER: Again, my computer  
20 doesn't paginate in the same way. So, I  
21 don't have --

22 HEARING OFFICER CHESTNUT: No, the  
23 exhibit has lines on it, doesn't it?

24 MR. HAVER: No. It's an attachment

1           that was a report.

2                   HEARING OFFICER CHESTNUT:    Are we  
3           looking at ML-2?

4                   MR. HAVER:    Don't know, Your Honor,  
5           what you are looking at.

6                   HEARING OFFICER CHESTNUT:    Are you  
7           looking at Schedule ML-2?

8                   MR. HAVER:    Again, I'm looking at  
9           the Fiscal Year 2021 Summary and Five Year  
10          Financial Protection Plan dated February --

11                   HEARING OFFICER CHESTNUT:  
12          Mr. Dasent, can you help me out  
13          here?

14                   MR. DASENT:    Yeah.  I'm scanning it  
15          trying to see in ML-2 is there any  
16          reference to the 69,000.

17                   MR. SHULTZ:    This is Mr. Shultz.  I  
18          believe it's under Schedule ML-2.  And the  
19          heading is Policy Considerations.  There is  
20          a major heading of Operation where you in  
21          System Level Planning, Water Master Plan,  
22          Capital Improvement, CIP and then policy  
23          considerations.  And a subheading with  
24          Shutoff Moratorium.

1 MR. DASENT: Ah, it's page 35 of  
2 139.

3 MS. LaBUDA: Thank you, again, for  
4 your patience, Mr. Haver.

5 MR. HAVER: You're certainly  
6 welcome.

7 HEARING OFFICER CHESTNUT: Page 35  
8 of 139? I thought I had it.

9 MR. DASENT: Yeah. It says Policy  
10 Considerations in the heading. Shutoff  
11 Moratorium is the subheading.

12 HEARING OFFICER CHESTNUT: Oh, I  
13 see. Okay. So, it's the text not the  
14 table you are talking about. Not the  
15 scope -- okay.

16 MR. DASENT: I've forgotten the  
17 question, Mr. Haver.

18 MR. HAVER: My question for  
19 Ms. LaBuda was, did you write or have  
20 written testimony, quote, as of January 3,  
21 2022, there were over 69,000 accounts  
22 eligible for shutoffs?

23 MS. LaBUDA: Yes.

24 MR. HAVER: Has that number changed

1 since this report was prepared?

2 MS. LaBUDA: Again, outside of the  
3 bounds of my current testimony. And yes,  
4 the number is different today.

5 MR. HAVER: What is that number as  
6 of today?

7 MS. LaBUDA: I would have to get  
8 back to you. I don't want to misstate it  
9 on the record, Mr. Haver.

10 MR. HAVER: Do you believe that  
11 that number has increased or decreased?

12 MS. LaBUDA: I believe the number  
13 is different. And I don't want to forecast  
14 anything that's incorrect on the record. I  
15 would be happy to provide it in a written  
16 response. Again, it's outside the bounds  
17 of my current testimony. But we will get  
18 back to you.

19 MR. HAVER: At the time that you  
20 wrote the or had written the Summary and  
21 Five Year Financial Plan, was the Water  
22 Assistance Program, which sometimes gets  
23 called LIHWAP, in place?

24 MS. LaBUDA: Again, I think this is

1 over -- I believe LIHWAP started in  
2 January, but I would have to -- subject to  
3 check, I would have to confirm the exact  
4 date that LIHWAP kicked off in the  
5 Commonwealth of Pennsylvania. I believe it  
6 was January.

7 MR. HAVER: Thank you. Excuse me.  
8 Are you familiar with the LIHWAP  
9 program?

10 MS. LaBUDA: Generally speaking,  
11 yes.

12 MR. HAVER: Would you agree that it  
13 offers up to \$5,000 per household?

14 MS. LaBUDA: That is my  
15 understanding of how the Commonwealth is  
16 administering the program. Correct.

17 MR. HAVER: How many of the people  
18 scheduled for shutoffs do you project will  
19 be receiving the LIHWAP grant?

20 MS. LaBUDA: I believe this is  
21 outside the bounds of my testimony. And I  
22 do not have a projection for you,  
23 Mr. Haver.

24 MR. HAVER: If any money is



1 received through the LIHWAP grants, how  
2 will that be allocated in PWD's revenue?

3 MR. DASENT: Objection. This is  
4 beyond the scope of Ms. LaBuda's testimony.  
5 And we ask that we sort of stay on the path  
6 of the two adjustments that are before us,  
7 either federal stimulus or the financial  
8 performance adjustment. That those are the  
9 boundaries of this particular testimony and  
10 this proceeding.

11 HEARING OFFICER CHESTNUT: I  
12 think --

13 MR. HAVER: LIHWAP is a federal  
14 stimulus project program. And of course --

15 HEARING OFFICER CHESTNUT: Okay.  
16 well, obviously, that's not relevant to the  
17 federal stimulus funding as defined in the  
18 Settlement Agreement. But I thought the  
19 purpose of the questioning was to determine  
20 the impact of any recommended adjustment.  
21 Because I guess I don't understand to some  
22 extent because the Rate Board already  
23 approved the rate increase.

24 The rates can only go down. So any

1 impact on existing customers would only be  
2 positive.

3 Is that your understanding,  
4 Mr. Haver?

5 MR. HAVER: My understanding is  
6 that as part of the Settlement Agreement in  
7 which the Public Advocate was given a  
8 no-bid contract, they agreed to a rate  
9 increase this year and a rate increase next  
10 year. And these hearings are to see how  
11 large next year's rate increase will be.

12 HEARING OFFICER CHESTNUT: That is  
13 incorrect.

14 MR. HAVER: Okay. Tell me, again,  
15 what you just said then.

16 HEARING OFFICER CHESTNUT: You are  
17 completely incorrect on that. The rate  
18 increase was already approved.

19 MR. HAVER: Wasn't it approved  
20 through the settlement?

21 HEARING OFFICER CHESTNUT: Through  
22 the settlement.

23 MR. HAVER: And wasn't that the  
24 settlement -- wasn't that a settlement the

1 Public Advocate agreed to?

2 HEARING OFFICER CHESTNUT: -- can  
3 be made to reduce the rates that have  
4 previously been approved.

5 MR. HAVER: Wasn't that --

6 HEARING OFFICER CHESTNUT: They can  
7 only go down. They can't go up.

8 MR. HAVER: Wasn't that a  
9 settlement the Public Advocate agreed  
10 today?

11 HEARING OFFICER CHESTNUT: What's  
12 the point of that question? Of course they  
13 did.

14 MR. HAVER: I just want to make  
15 sure we are talking about the same  
16 settlement.

17 HEARING OFFICER CHESTNUT: Of  
18 course it is.

19 MR. HAVER: Okay. And isn't it --  
20 don't we have direct testimony from  
21 Mr. LaBuda that the rates cannot go down  
22 below the level they are at now?

23 HEARING OFFICER CHESTNUT: No.  
24 That is not her testimony.

1 MR. HAVER: So, can we go back then  
2 and clarify that?

3 HEARING OFFICER CHESTNUT: So her  
4 testimony -- okay.

5 MR. HAVER: Because that --

6 HEARING OFFICER CHESTNUT: I can  
7 generalize.

8 MR. HAVER: You talk about the  
9 maximum adjustment. I believe that's what  
10 she said. So, I would like to go back and  
11 revisit that definition then.

12 HEARING OFFICER CHESTNUT: No.  
13 What we are talking about is the  
14 incremental increase scheduled to take  
15 effect on September 1.

16 MR. HAVER: But --

17 HEARING OFFICER CHESTNUT: It's the  
18 incremental increase that may be adjusted  
19 downward.

20 MR. HAVER: But the rates cannot go  
21 down through these proceedings below the  
22 level they are at now; is that correct?

23 HEARING OFFICER CHESTNUT: No. The  
24 settlement says that any adjustment cannot

1 be used to reduce the incremental increase  
2 below zero.

3 MR. HAVER: Right. Which means,  
4 again in plain language, that the rates  
5 cannot go down below where they are today.

6 HEARING OFFICER CHESTNUT: Because  
7 of this adjustment. That is correct.

8 MR. HAVER: And that's all we are  
9 discussing these proceedings; is that  
10 correct?

11 HEARING OFFICER CHESTNUT: Yes.

12 MR. HAVER: Okay. So again, my  
13 question is, how much does the Water  
14 Department project it will be collecting  
15 through LIHWAP? And how will that money be  
16 allocated in revenues by the PWD?

17 MR. DASENT: Objection. That has  
18 nothing to do with either one of the  
19 adjustments. Any LIHWAP assistance does  
20 not fall within the definition of federal  
21 stimulus. And the receipt period is  
22 relevant to this discussion, also. And the  
23 receipt period ended December 31.

24 HEARING OFFICER CHESTNUT: I

1 thought we already discussed this. My  
2 understanding, Mr. Haver -- because  
3 Mr. Dasent is correct. LIHWAP -- those  
4 funds cannot be considered within the  
5 definition of federal stimulus funding as  
6 defined by the settlement.

7 I thought you were going to see  
8 what the impact if any adjustment is made.  
9 And that's why I didn't understand it. Any  
10 adjustment is going downward.

11 MR. HAVER: So, I have on the  
12 record what you just said, correct? Let me  
13 make sure I understood it.

14 You are saying that the LIHWAP  
15 revenues fall outside of the definition  
16 agreed to in the settlement; is that  
17 correct? Have I understood you?

18 HEARING OFFICER CHESTNUT: That's  
19 my understanding, yes.

20 MR. HAVER: Ms. LaBuda, is that  
21 your understanding?

22 MS. LaBUDA: Yes. That's my  
23 understanding, as well, Mr. Haver.

24 MR. HAVER: Ms. LaBuda, I only have

1 a few more questions. I appreciate your  
2 patience with me.

3 Did you attend the City Council  
4 hearings yesterday?

5 MS. LaBUDA: Yes. This is outside  
6 the bounds of my testimony. But yes, I  
7 attended the hearings yesterday.

8 MR. HAVER: Was the hearing on the  
9 Philadelphia Water Department?

10 MR. DASENT: Just note our  
11 continuing objection. These questions have  
12 absolutely nothing to do with the  
13 proceeding unless in the next question we  
14 have something that ties to one of the two  
15 adjustments.

16 HEARING OFFICER CHESTNUT: I don't  
17 have a question. Again, I really don't see  
18 the relevance.

19 MR. HAVER: I will help you.

20 Ms. LaBuda, did your testimony at  
21 City Council yesterday talk about the  
22 federal stimulus programs?

23 MS. LaBUDA: During the Fiscal 23  
24 Budget Testimony, I did discuss different

1 grants the Department has applied for,  
2 which are also detailed in the Board  
3 reports we submit on a monthly basis. And  
4 which, I believe, are also posted. I did  
5 review some of those same applications in  
6 Council testimony yesterday. Yes.

7 MR. HAVER: Did any Councilmember  
8 offer to help the Philadelphia Water  
9 Department get grants?

10 MR. DASENT: Just note our  
11 continuing objection. Thank you.

12 MS. LaBUDA: This is outside the  
13 bounds of my testimony. Yes, someone  
14 offered to provide -- a Councilperson did  
15 offer to provide additional information  
16 which I welcomed. Thank you, Mr. Haver.

17 MR. HAVER: Ms. LaBuda, had you  
18 asked that Councilperson previously for  
19 help getting stimulus dollars?

20 MS. LaBUDA: Outside of my  
21 testimony, the answer is no.

22 MR. HAVER: Thank you. That's all  
23 I have. I appreciate your patience.

24 HEARING OFFICER CHESTNUT: Okay. I



1 guess there is no further cross.

2 Do you want the opportunity to  
3 redirect, Mr. Dasent? Should we take a  
4 short break?

5 MR. DASENT: Thank you, yes.

6 HEARING OFFICER CHESTNUT: How  
7 about we resume -- it's 10:05. How about  
8 if we resume at 10:10.

9 MR. DASENT: Okay.

10 (Off the record at 10:05 a.m.)

11 - - -

12 (Back on the record at 10:13 a.m.)

13 HEARING OFFICER CHESTNUT: Shall we  
14 resume?

15 MR. DASENT: Ms. LaBuda, on  
16 cross-examination by Mr. Ballenger, you  
17 indicated that the stipulation's starting  
18 balance -- when you refer to the starting  
19 balance in the stipulation, I believe it's  
20 at paragraph six. Now that starting  
21 balance was agreed to.

22 What is in controversy in this  
23 particular case?

24 MS. LaBUDA: The maximum adjustment

1 or the ending balance is what -- is --  
2 we're discussing in this case.

3 MR. DASENT: Okay. So, there is no  
4 controversy considering paragraph six of  
5 the stipulation?

6 MS. LaBUDA: There is no  
7 controversy on paragraph six of the  
8 stipulation.

9 MR. DASENT: Now, Mr. Ballenger  
10 also raised the issue of the Capital Fund  
11 transfer, 13.2 million roughly in Fiscal  
12 2021. He indicated there was impact on  
13 coverage from that particular transfer, and  
14 you agreed.

15 But what's the impact on customer  
16 costs in terms of the cost that customers  
17 bear for our construction program?

18 MS. LaBUDA: Sure. Any transfers  
19 from revenues to the capital account  
20 reduces the amount the Department needs to  
21 borrow. If you borrow less money, your  
22 debt service is lower. So, it would reduce  
23 the debt burden to customers.

24 MR. DASENT: Okay. Now, Mr. Haver,

1 raised in his cross-examination, you know,  
2 whether we have gone back to the City  
3 Council after the settlement in the last  
4 case. Did the City indicate during the  
5 course of the last case, it's possession  
6 concerning the allocation of ARPA monies to  
7 the City as a whole as opposed to the Water  
8 Department Finance Director?

9 MS. LaBUDA: The Finance Director,  
10 yes.

11 MR. DASENT: That's -- that's all  
12 we have, Judge Chestnut.

13 HEARING OFFICER CHESTNUT: Okay.

14 Mr. Ballenger, do you have any  
15 recross based on the redirect?

16 MR. BALLENGER: Just one quick  
17 question, and I appreciate the opportunity  
18 again. I just wanted to recognize and have  
19 you confirm, Ms. LaBuda, that the  
20 Department has filed monthly updates  
21 pursuant to the settlement which lists all  
22 of the efforts it's taking to pursue  
23 financial assistance from the Federal  
24 Government, hasn't it?

1 MS. LaBUDA: That's correct.

2 MR. BALLENGER: And that that list  
3 is growing?

4 MS. LaBUDA: Yes, it is. That's  
5 correct.

6 MR. BALLENGER: Thank you,  
7 Ms. LaBuda.

8 MS. LaBUDA: Thank you.

9 HEARING OFFICER CHESTNUT: Okay.

10 Mr. Haver, do you have any recross  
11 based on the redirect?

12 MR. HAVER: I was going to ask a  
13 question.

14 HEARING OFFICER CHESTNUT: Go  
15 ahead.

16 MR. HAVER: Ms. LaBuda, the efforts  
17 that you list in the monthly reports, am I  
18 to understand that they've all been  
19 unsuccessful?

20 MS. LaBUDA: No.

21 MR. HAVER: So, you have received  
22 stimulus dollars?

23 MS. LaBUDA: We have received low  
24 cost loans to date, Mr. Haver. We have not

1 received any stimulus dollars. So when --  
2 as detailed in the Board Report, we have  
3 spent significant amounts of effort  
4 applying for financial assistance with the  
5 Commonwealth of Pennsylvania. And it has  
6 all resulted, even in our most recent  
7 award, in very low cost loans. The most  
8 recent award was 1 percent for  
9 125 million-dollar project.

10 MR. HAVER: How much did that save  
11 rate payers?

12 MS. LaBUDA: I would have to get  
13 back to you on that calculation, Mr. Haver.  
14 I don't have that within reach.

15 MR. HAVER: Would that savings  
16 count as under the definition that the  
17 Public Advocate and the Water Department  
18 agreed to in the settlement?

19 MS. LaBUDA: I believe it's outside  
20 the definition, Mr. Haver.

21 MR. HAVER: I'm sorry?

22 MS. LaBUDA: It's my understanding  
23 it's outside the definition, Mr. Haver.

24 MR. HAVER: So to be very clear,

1 the savings that -- the applications that  
2 you report monthly and the savings that are  
3 generated through those efforts do not  
4 count as stimulus dollars under the  
5 definitions that was agreed to by the  
6 Public Advocate and the Philadelphia Water  
7 Department; is that correct?

8 MS. LaBUDA: Definition didn't  
9 contemplate reduce debt service, so that is  
10 correct, Mr. Haver.

11 MR. HAVER: Thank you.

12 MS. LaBUDA: You're welcome.

13 MR. HAVER: Again, just to be  
14 clear, there are no other dollars that the  
15 Philadelphia Water Department was  
16 successful in obtaining in the last 24  
17 months through the -- any of the stimulus  
18 packages; is that correct?

19 MS. LaBUDA: That's correct,  
20 Mr. Haver.

21 MR. HAVER: Thank you.

22 HEARING OFFICER CHESTNUT: Okay. I  
23 was a little remiss. Thank you,  
24 Ms. LaBuda, you are excused as are the

1 other two members of the panel.

2 I was a little remiss in starting  
3 here because I -- we don't -- it's not a  
4 formalized procedure the way PC Hearings  
5 are. So, we don't do voir dire. But I  
6 think I should have had you at least  
7 identify the members of the panel,  
8 Mr. Dasant. How about better late than  
9 never, if you can identify.

10 MR. DASENT: Sure. Ms. LaBuda,  
11 obviously our Chief Financial Officer at  
12 the Philadelphia Water Department, was our  
13 lead on the panel. Also present and  
14 participating are Ms. Katherine Clupper,  
15 who is a Managing Director at PFM Financial  
16 Advisors. And Peter Nissen, who is a  
17 Managing Director at Acacia Financial  
18 Advisors.

19 And so between those three, that  
20 was our panel. And they are identified in  
21 the resumes attached to their direct  
22 testimony in this case.

23 HEARING OFFICER CHESTNUT: Okay.  
24 Thank you.

1                    Shall we move on then to your next  
2                    panel?

3                    MR. DASENT:    Yes.    The next panel  
4                    would be the Black and Veatch panel.    And  
5                    included in that panel will be Ann Bui,  
6                    Brian Merritt and Dave Jagt.    All members  
7                    of Black and Veatch.

8                    HEARING OFFICER CHESTNUT:    And do  
9                    you have any additions to or corrections to  
10                   the testimony other than what you've  
11                   already indicated?

12                   MR. DASENT:    No.

13                   HEARING OFFICER CHESTNUT:    Okay.  
14                   So I guess, Mr. Ballenger.

15                   MR. BALLENGER:    Thank you.

16                   Like to start off the Residual Fund  
17                   and the discussion of the Residual Fund in  
18                   your rebuttal.

19                   And you criticized Mr. Morgan for  
20                   calculating his adjustment based on the  
21                   ending balance in the Residual Fund as well  
22                   as the Rate Stabilization Fund, right?

23                   MR. DASENT:    May I ask where you  
24                   are referring, just to get a page



1 reference?

2 MR. BALLENGER: I believe it's page  
3 9.

4 MR. JAGT: That's in the rebuttal  
5 testimony?

6 MR. BALLENGER: Correct.

7 MR. JAGT: Give us a second.

8 So our --

9 MR. BALLENGER: I'm sorry. Just to  
10 be clear, it's Q&A 11 is what I am  
11 referring to.

12 MS. BUI: And so, Rob -- if you  
13 don't mind, Mr. Ballenger, could you repeat  
14 that question now that we found where you  
15 are referring to?

16 MR. BALLENGER: Just trying to  
17 summarize your testimony and make sure I  
18 understand it correctly.

19 MS. BUI: Understood.

20 MR. BALLENGER: And I believe what  
21 you are saying is that the -- you're  
22 criticizing Mr. Morgan's direct because he  
23 used the Residual Fund balance as a  
24 consideration in his testimony; is that

1 correct?

2 MR. JAGT: That is correct.

3 MR. BALLENGER: Okay. And there on  
4 page 9 in Q&A 11, you state that the  
5 stipulation does not include the Residual  
6 Fund and its terms; similarly, the terms  
7 and conditions of the Joint Settlement  
8 position also do not contemplate and you  
9 say the adjustment there.

10 Is that a correct statement based  
11 on your testimony?

12 MR. JAGT: That's correct.

13 MR. BALLENGER: Would you agree  
14 that the over-performance that Mr. Morgan  
15 calculates, around \$10.7 million, is based  
16 solely on the amounts in the Rate  
17 Stabilization Fund?

18 MR. JAGT: Sure. As initial  
19 out-performance based on the Rate  
20 Stabilization Fund balance. That's  
21 correct.

22 MR. BALLENGER: Okay. Would it be  
23 inconsistent with the settlement or the  
24 stipulation if Mr. Morgan testified that

1 all \$10.7 million should be shared with  
2 customers, returning 100 percent of that  
3 amount in reduced rates?

4 MR. JAGT: I guess it would be  
5 subject to his interpretation of sharing.  
6 But Sharing would imply something less than  
7 a hundred percent, correct?

8 MR. BALLENGER: Would it --  
9 that's -- I'm not a witness, so I'm not  
10 going to answer it. But I am going to go  
11 down that line with you then.

12 So what if Mr. Morgan testified  
13 that 75 percent of the 10.7 should be  
14 shared? Would that be consistent with  
15 those documents you referenced, the  
16 stipulation in the settlement?

17 MR. JAGT: It would be his position  
18 regarding the -- the sharing.

19 MR. BALLENGER: You wouldn't say  
20 that was inconsistent with those documents  
21 then? You would simply say you disagree  
22 with his testimony, right?

23 MS. BUI: If I could,  
24 Mr. Ballenger. I believe that the amount

1 of the sharing or the -- that distribution  
2 was to be determined as part of the  
3 proceeding, as well. It doesn't  
4 necessarily indicate it's inconsistent with  
5 the -- if that's Mr. Morgan's position.

6 MR. BALLENGER: Okay. And is there  
7 any provision in the settlement or the  
8 stipulation that requires Mr. Morgan to  
9 ignore the Residual Fund Balance in  
10 calculating his proposed adjustment?

11 MR. JAGT: The settlement clearly  
12 leaves out the balance in the Residual Fund  
13 as the basis for the adjustments. It  
14 clearly indicates that the only balance  
15 that's going to be recognized is the Rate  
16 Stabilization Fund.

17 And whether you recognize it in  
18 your initial calculation or in the  
19 follow-up allocation of that amount, it --  
20 recognizing it anyway, isn't appropriate  
21 within the bounds of the settlement which  
22 clearly indicates that it should be based  
23 on the Rate Stabilization Fund.

24 MR. BALLENGER: And the

1 Department's position is that no adjustment  
2 should be made based upon the targeted --  
3 you know, the financial metric of 135  
4 million in the Rate Stabilization Fund.

5 Does that figure appear anywhere in  
6 the settlement or the stipulation?

7 MR. JAGT: The specific 135  
8 million, no. But identifying a threshold,  
9 yes.

10 MR. BALLENGER: So although that's  
11 not included in either of those two  
12 documents, just like the Residual Fund is  
13 not included in either of those two  
14 documents --

15 MS. BUI: Can you give us  
16 clarification? What's "that"?

17 MR. BALLENGER: The 135  
18 million-dollar balance.

19 MR. JAGT: So, Mr. Ballenger,  
20 during the 2018 rate proceeding, it was  
21 established and also suggested or stated  
22 that the Board and the Department going  
23 forward will recognize the 135 million as a  
24 target for the Rate Stabilization Fund.

1 MR. BALLENGER: And has that been a  
2 affirmed in subsequent rate determinations  
3 to your knowledge?

4 MR. JAGT: It's been continually  
5 recognized that the --

6 MR. BALLENGER: By the Board? By  
7 the Board, Mr. Jagt?

8 MR. JAGT: In that the position of  
9 the rate -- or the Water Department  
10 continually supplying the -- as a target,  
11 we are going to try and maintain the  
12 135 million. And that's always in our  
13 presentation and the -- for the rate case.  
14 Whether it's recognized in the  
15 determination is -- might not have been  
16 specifically identified.

17 But providing the revenues to  
18 maintain that level has been clear.

19 Plus --

20 MR. BALLENGER: Yes.

21 MR. JAGT: -- per the 2018  
22 decision, it was saying going forward, it  
23 will be recognized.

24 MS. BUI: Yeah. If I may, I

1 believe, Mr. Ballenger -- and I'm sure that  
2 we can have that subject to check from our  
3 legal counsel -- is that it has not been  
4 relitigated as to whether or not --

5 MR. JAGT: That's true.

6 MS. BUI: -- 135 is the -- was  
7 going to change. So to the best of our  
8 knowledge since the 2018 rate  
9 determination, that has been the target.

10 MR. BALLENGER: And in the -- kind  
11 of going down a path I wasn't sure we would  
12 need to go down. I think it's important to  
13 note here.

14 The -- the statement from S&P  
15 regarding minimum Rate Stabilization Fund  
16 balance, was that described or discussed in  
17 the settlement or the joint petition?

18 MR. JAGT: No. The position of S&P  
19 was provided after that -- the date of the  
20 settlement. However, they have always  
21 expressed concerns regarding liquidity for  
22 the Department.

23 MR. BALLENGER: Just want to make  
24 sure that we all understand that your --

1 the Department's witnesses are relying upon  
2 a bunch of stuff that's not in the  
3 settlement or the stipulation. And your  
4 testimony criticizes Mr. Morgan for the  
5 same thing basically.

6 MR. JAGT: Right. However, these  
7 references that we are providing are all  
8 relative to the Rate Stabilization Fund and  
9 not the Residual Fund.

10 MR. BALLENGER: And you recognize  
11 that Mr. Morgan's proposed adjustment of  
12 6.6 million is based on the balance in the  
13 Residual Fund, correct? I'm sorry, based  
14 on the balance in the Rate Stabilization  
15 Fund.

16 MR. JAGT: His initial amount, yes.

17 MR. BALLENGER: Okay. And the  
18 proposed adjustment is less than the total  
19 difference he identifies in the Rate  
20 Stabilization Fund balance, correct?

21 MR. JAGT: Correct.

22 MR. BALLENGER: Okay. So on pages  
23 10 and 11, your Rebuttal Statement claims  
24 that -- your belief that the Fiscal 2021



1 Rate Stabilization Fund balance in the  
2 settlement results from projected revenues  
3 and expenses that were not agreed to.

4 Is that a correct summary of your  
5 testimony there?

6 MR. DASENT: Which question and  
7 answer are you referring to?

8 MR. BALLENGER: Page 15, I believe.

9 MR. JAGT: I mean, he did not  
10 provide any justification of whether it's a  
11 reasonable amount of reserves for the  
12 Department to maintain.

13 MR. BALLENGER: I'm asking about  
14 your testimony. Am I correctly  
15 understanding your testimony as saying that  
16 the balance in the Rate Stabilization Fund  
17 results from revenues and expenses that  
18 were not agreed to?

19 MR. DASENT: Are you referring to  
20 lines 24? It looks like 24 and 23.

21 MR. BALLENGER: Yeah, 23 and 24.

22 MR. DASENT: Yeah. That's what I  
23 thought.

24 MR. JAGT: That is correct.

1 MR. BALLENGER: Okay.

2 MR. JAGT: The balance is reflected  
3 in the tables of the rate or the  
4 settlement. Those balances you end up at  
5 as a result of revenues, projected revenues  
6 and projected expenses which -- none of  
7 which were agreed to as this was a black  
8 box settlement.

9 MR. BALLENGER: That's where I was  
10 going. You're intending to describe here  
11 the nature of black box settlement where  
12 specific adjustments to the revenues and  
13 expenses were not agreed upon, right?

14 MR. JAGT: That is correct.  
15 Correct.

16 MR. BALLENGER: Isn't it true that  
17 the settlement set forth the agreed upon  
18 final revenue requirements negotiated  
19 between the Department and the Public  
20 Advocate?

21 MR. JAGT: When you look at the  
22 settlement and it points out that it's a  
23 black box settlement and there are no  
24 agreements, the very next paragraph

1 establishes what the agreement was. And  
2 that identifies the additional revenues.  
3 The additional revenues for Fiscal Year 22  
4 and 23 were the only fed numbers that we  
5 are agreeing to.

6 MR. BALLENGER: And those -- so, we  
7 didn't agree upon the inputs. But you  
8 agree that we -- we agreed on the outputs  
9 then?

10 MR. JAGT: We agreed to the  
11 additional revenues for 22 and 23.

12 MR. BALLENGER: Is that an output  
13 of the rate model?

14 MR. JAGT: So it's -- it's based on  
15 the -- based on the unagreed to  
16 adjustments, we adjusted them to achieve  
17 the additional revenues as reflected on  
18 those lines and tables U-1A to achieve the  
19 level or the -- to establish the rates to  
20 developed that level of additional  
21 revenues.

22 That's correct.

23 MR. BALLENGER: Okay. And you  
24 would agree that there were additional

1 outputs from that model, including the  
2 balance shown in the Rate Stabilization  
3 Fund on page 13 of the Public Advocate  
4 exhibit hearing. That is also an output of  
5 that rate model, correct?

6 MR. DASENT: I'm scrolling there.

7 MR. JAGT: Line 13.

8 MR. BALLENGER: Sorry. Page 13,  
9 line 41.

10 MR. JAGT: Of the settlement?

11 MR. DASENT: Of the C1 table on --

12 MR. BALLENGER: Of the C1 table  
13 included in the rate determination.

14 MR. JAGT: Right. Which provides  
15 Fiscal Years 22 and 23?

16 MR. BALLENGER: Yes.

17 MR. DASENT: And the end-of-year  
18 balance of the Rate Stabilization Fund is  
19 what you are asking the question about?

20 MR. BALLENGER: Well, actually, I  
21 would start with the beginning of the year  
22 balance in line 39.

23 MR. DASENT: Okay.

24 MR. BALLENGER: That's also an

1 output of the rate model based upon the  
2 Settlement Agreement.

3 MR. JAGT: Based on the additional  
4 revenues. So to understand this position,  
5 you are starting from a beginning balance  
6 of the Rate Stabilization Fund as of Fiscal  
7 Year 2000. We're projecting through 2001,  
8 2002 and -- 2021, sorry. So, 2020. We  
9 project through Fiscal Year 2021, 2022 and  
10 2023. However, the revenue requirements  
11 were not agreed to and neither are the  
12 revenues.

13 So to say that you agree to the  
14 outcome of that as a result of comparing  
15 the unagreed to revenues to unagreed to  
16 expenses and continue to add to the balance  
17 or deduct from the balance is -- we are  
18 acknowledging that that is not an agreed to  
19 number. We could have done those tables  
20 based on a different mix of the subjects.

21 So going back -- if we look at the  
22 decision, within the decisions from the  
23 Board -- sorry, it's probably the Hearing  
24 Officer's report, it recognizes that the --

1           you know, the black box settlement, we are  
2           not agreeing to a specific adjustments. In  
3           fact, like in a quote from the PC, it says  
4           that there are numerous ways to come to the  
5           agreement of the additional revenues. We  
6           could have identified or got to the same  
7           level of additional revenues by adjusting  
8           revenues, by adjusting O&M expenses, by  
9           adjusting projected debt service.

10                    It's any combination of those that  
11           would have come out with a different Rate  
12           Stabilization Fund balance. So we did --  
13           the amount of balance that shows up in  
14           those tables is subject to all the  
15           assumptions in there, which were not agreed  
16           to. If we had manipulated it to reduce O&M  
17           instead of using rate stabilization balance  
18           to come up with additional revenues, we  
19           would have had additional balance.

20                    This is one of the reasons why we  
21           did not agree in the settlement to compare  
22           it to these numbers. We agreed to compare  
23           it to a threshold, which would be  
24           discussed. And our position is those

1 numbers are not legitimate numbers to base  
2 a projection on them.

3 MR. BALLENGER: That's interesting.  
4 Let me just ask, I mean, you are aware that  
5 the ordinance governing the Board requires  
6 it to determine appropriate levels of  
7 reserves to be maintained during the rate  
8 period, are you not?

9 MR. JAGT: Yes.

10 MR. BALLENGER: Okay. And you're  
11 suggesting that the funds shown in the rate  
12 determination as reserves for the  
13 Department for Fiscal Years 2022 and 2023  
14 are not real numbers? They are made up  
15 numbers?

16 MR. JAGT: They are --

17 MR. BALLENGER: Made them up?

18 MR. JAGT: They are one  
19 presentation of the possible outcome  
20 depending on how -- how we were going to  
21 get to that result.

22 MR. BALLENGER: Okay. Excuse me.  
23 How you were going to get to that result.  
24 I believe it's the Board's rate

1 determination. So, these numbers are in  
2 the rate determination. They are actually  
3 not in the settlement. I would correct you  
4 on that, Mr. Jagt.

5 The balances shown in the Rate  
6 Stabilization Fund and the Residual Fund  
7 are in rate determination for a reason. So  
8 if they are not legitimate numbers, then I  
9 suppose the Board violated the ordinance.

10 Is that your position?

11 MR. DASENT: Objection. I think  
12 you are mischaracterizing Mr. Jagt's  
13 testimony.

14 MR. BALLENGER: I think I  
15 understand it pretty well. Let's just move  
16 on.

17 MR. JAGT: I would like to point  
18 out that there are a number of projections  
19 of the Rate Stabilization Fund balance on  
20 the record. The Board reviews or makes  
21 their decisions based on what's on the  
22 record.

23 MR. BALLENGER: Okay. On page 13  
24 of your rebuttal -- I'm getting there --



1           you state -- it's on lines 3 to 6. You  
2           state that basically, Mr. Morgan's reliance  
3           on the projected Rate Stabilization Fund  
4           balance shown in the rate determination,  
5           and you say it implies that the financial  
6           metrics presented in the settlement tables  
7           were sufficient, reasonable and represents  
8           an acceptable financial position.

9                     Do you see that statement?

10                    MR. JAGT: Correct. Yes.

11                    MR. BALLENGER: So, I would like us  
12           to take a look at Hearing Exhibit, page 14.  
13           And this is a statement that's included in  
14           the Water Department's statement in support  
15           of the settlement. I have highlighted the  
16           language there. Like to ask you to review  
17           that. Let me know when you are done.

18                    MR. DASENT: You mean on page 12 or  
19           page 13?

20                    MR. BALLENGER: Page 14 of the  
21           Public Advocate's hearing exhibit, the  
22           highlighted language.

23                    MR. DASENT: Got it.

24                    MR. JAGT: So, it's not page 14 of

1 the PDF, right?

2 MR. BALLENGER: No. It's the page  
3 numbered 14. So, be page 15.

4 MR. DASENT: Yeah. It's 15.

5 MR. BALLENGER: I didn't number the  
6 cover page.

7 MR. DASENT: But it's highlighted  
8 in yellow.

9 MR. JAGT: Right.

10 MR. DASENT: Is there a question?

11 MR. BALLENGER: Yes. I was asking  
12 Mr. Jagt to confirm when he's done  
13 reviewing that, please.

14 MR. JAGT: Okay. I have read it  
15 including the footnotes associated with  
16 that text.

17 MR. BALLENGER: Okay. And doesn't  
18 this statement specifically acknowledge  
19 that the financial metrics produced by the  
20 settlement are reasonable and sufficient?

21 MR. JAGT: The footnotes clearly  
22 indicate that this is a limited -- we are  
23 presenting limited -- first of all, the  
24 projections are for '22 and '23 and not for

1 2021. We do not show the projection  
2 through Fiscal Year 2021. So, I want to  
3 point that out, that it was never included  
4 in the Rate Board or the settlement.

5 MR. BALLENGER: And again, the  
6 question is whether or not the Department  
7 included in entering the settlement, that  
8 the proposed rates and charges should  
9 produce sufficient rates and revenues to  
10 provide appropriate levels of cash that  
11 service levels and other financial metrics.

12 That's the statement that is  
13 included here, correct?

14 MR. JAGT: Correct. And I would  
15 like to point out, it's pointing out to --

16 HEARING OFFICER CHESTNUT: Wasn't  
17 that a yes-or-no question?

18 MR. BALLENGER: It was.

19 MR. JAGT: Yes.

20 MR. BALLENGER: Moving onto page 16  
21 of your rebuttal statement. And I think  
22 there's -- let me see if understand the  
23 statement here.

24 MR. DASENT: What's the question?

1 MR. BALLENGER: In Q&A 25.

2 MR. DASENT: Thanks.

3 MR. BALLENGER: And you criticize  
4 Mr. Morgan here and state that he's  
5 contradicted himself. Just want to make  
6 sure I understand.

7 Isn't it true that the Fiscal 2021  
8 financial data used in the Black and Veatch  
9 model used to produce VB-4 is not identical  
10 to the financial results reported in  
11 response to PA-113?

12 MR. JAGT: That's incorrect.

13 MR. BALLENGER: I'm sorry.

14 MR. JAGT: In our -- VB4 we clearly  
15 state, we use the balances from 2021 as the  
16 starting point. In fact in the pages you  
17 provided us, it clearly states that.

18 MR. BALLENGER: And that's what is  
19 in the rate model that you provided?

20 MR. JAGT: That's correct. The  
21 fund balances are --

22 MR. BALLENGER: Oh, the fund  
23 balances.

24 MR. JAGT: Yes, sir.

1 MR. BALLENGER: What about the  
2 revenue?

3 MR. JAGT: VB-4 never presents  
4 Fiscal Year 2021.

5 MR. BALLENGER: Right.

6 MR. JAGT: However --

7 MR. BALLENGER: It's in -- and I'm  
8 asking about the model used to produce VB-4  
9 which is why I'm going to repeat the  
10 question.

11 MR. DASENT: Objection. I don't  
12 believe he was allowed to answer the first  
13 part of the question.

14 MR. BALLENGER: Well, it's a  
15 yes-or-no question. And he answered that  
16 it was not. But again, I don't think  
17 that's accurate.

18 MR. DASENT: I don't think it's a  
19 yes-or-no question. Your Honor, please,  
20 note my objection.

21 HEARING OFFICER CHESTNUT: Excuse  
22 me. Mr. Dasent, let's let Mr. Ballenger  
23 see if he can clarify this.

24 MR. BALLENGER: Again, I'm talking

1 about the Fiscal 2021 data that was  
2 included in the proprietary and  
3 confidential Black and Veatch rate model is  
4 not identical to the actual -- I'm not  
5 going to call it an actual, going to call  
6 them -- the results shown in response to  
7 PA-113. The data is not identical.

8 Isn't that correct?

9 MR. JAGT: The data in the model,  
10 you will find that the data is input in the  
11 model. The section that your witness  
12 referred to a calculated result.

13 MR. BALLENGER: Okay. We're going  
14 to get to that.

15 HEARING OFFICER CHESTNUT: Is the  
16 answer to that yes?

17 MR. JAGT: Yes. I mean, the data  
18 for -- the actual data for 2021 is in the  
19 model.

20 HEARING OFFICER CHESTNUT: Sorry.  
21 Can I just ask a clarifying question here?  
22 I mean, it's calculated date. Is that the  
23 point of this?

24 Go ahead, Mr. Ballenger.

1 MR. BALLENGER: I think it's one  
2 point -- it's one point. I was going to  
3 talk a little bit more about that, as well.

4 Okay. So on page 17 of your  
5 rebuttal, you criticized Mr. Morgan again  
6 for using the Black and Veatch model, the  
7 information shown for Fiscal 2021 in the  
8 Black and Veatch model, instead of the  
9 response to data in PA-113.

10 Isn't that correct? Isn't that a  
11 fair summary of your testimony?

12 MR. JAGT: Can you repeat your  
13 statement again?

14 MR. BALLENGER: Yeah.

15 It's Q&A 25. And I take this  
16 statement to criticize Mr. Morgan for not  
17 using the data in PA-113; and instead,  
18 using the data that was in the rate model?

19 MR. JAGT: Correct. He presents it  
20 as an actual and it's tables.

21 MR. BALLENGER: Okay. Can we --  
22 you recognize that the question PA-113  
23 specifically asks for year-end results in  
24 the form of Table C1, correct?

1 MR. JAGT: Correct.

2 MR. BALLENGER: Okay. And I've  
3 included the response, if I can find my  
4 hearing exhibit. Give me one second. I  
5 think I closed my hearing exhibit.

6 HEARING OFFICER CHESTNUT: Are you  
7 looking at Table C-1 in your hearing  
8 exhibit?

9 MR. JAGT: Page 16 of the PDF?

10 MR. BALLENGER: Yeah. It's the  
11 second to last page. This is the -- and it  
12 says at the bottom of the page, says  
13 Response Attachment PA-113.

14 Do you see that?

15 MR. JAGT: Correct, yes.

16 MR. BALLENGER: Is this table in  
17 the format of Table C-1?

18 MR. JAGT: Yes, it is. And we  
19 provide the line numbers which match up.

20 MR. BALLENGER: They are not in  
21 order, are they? Have some of the lines  
22 been moved?

23 MR. JAGT: Yeah. The debt service  
24 coverage is out of order at the bottom.



1 MR. BALLENGER: And have some of  
2 the lines been consolidated?

3 MR. JAGT: Yes, sir.

4 MR. BALLENGER: Have some of the  
5 lines been omitted?

6 MR. JAGT: Yes, sir. For the --  
7 some of the line items are, like,  
8 calculations within the model that  
9 developed the detail. The information  
10 that's available from the City's accounting  
11 system provides it at a summarized level.  
12 We provided it at the level that we had  
13 available to provide the response.

14 MR. BALLENGER: At the top of the  
15 page, doesn't it also state that this is  
16 preliminary?

17 MR. JAGT: Yes.

18 MR. BALLENGER: Okay. And in the  
19 executive summary to the financial plan  
20 report that was attached to your direct  
21 testimony, doesn't Black and Veatch  
22 specifically state that it's an updated  
23 forecast begins with preliminary final  
24 results from Fiscal Year 2021 including

1           that page?

2                   MR. JAGT: Thank you. And it says:  
3           As reflected in the 2022 starting balances.

4                   MR. BALLENGER: Okay. And it,  
5           also, I believe -- and doesn't the Black  
6           and Veatch model include Table C-1?

7                   MR. JAGT: Yes, it does.

8                   MR. BALLENGER: Okay. And so,  
9           isn't it then correct that Black and Veatch  
10          in utilizing its model created a Table C-1  
11          that reflected preliminary financial  
12          results for Fiscal 2021?

13                   MR. JAGT: Calculated revenues and  
14          in Table C-1. Again, we did not present  
15          2021 as part of the VB-4. We provided a  
16          model that supports what we presented our  
17          schedule VB-4. But within the table that  
18          you are pulling from the model, the table  
19          C-1A presents revenues which are  
20          calculated.

21                   We use the model to -- as a test  
22          for itself. So we run the model based on  
23          actual billing data, the collection factors  
24          that we have, and all the actual data from

1 Fiscal Year 2021 and calculate the revenue  
2 to do a test on the accuracy of the model.  
3 And I believe we pointed out that we were  
4 within .5 percent of the actual 2021 total  
5 revenue.

6 MR. BALLENGER: Yeah. I'm not -- I  
7 don't think I was asking that. So, let's  
8 stick with the questions, if we can, going  
9 forward.

10 On page 20 of your rebuttal, you  
11 again reiterate that Mr. Morgan is using  
12 what you claim to be the wrong data. And  
13 you say that Fiscal 2021 data in B and V's  
14 model is projected.

15 Do you see that statement?

16 MR. DASENT: Are you in Question  
17 30? The response, I guess, this looks like  
18 line 21. Somewhere in there.

19 MR. BALLENGER: I think so, yes.  
20 Q&A 30. You said its financial results are  
21 projected; isn't that correct?

22 MR. JAGT: Correct. They are  
23 projected calculations of revenues.

24 MR. BALLENGER: But again, going

1 back to ES-1, your report states that you  
2 projected revenues and financial data for  
3 the study period.

4 Isn't that what it states?

5 MR. JAGT: For the study period,  
6 Fiscal Year 22 through Fiscal Year -- I  
7 can't recall if we get VB-4 provided  
8 through '27.

9 MR. MERRITT: '27.

10 MR. BALLENGER: It's 2022 to 2027  
11 projected?

12 MR. JAGT: Yes.

13 MR. BALLENGER: Okay.

14 MR. JAGT: And for VB-4, schedule  
15 VB-4 as presented. We are mixing what's  
16 scheduled VB-4 and the model for VB-4.

17 MR. BALLENGER: Correct. We are  
18 talking about the model for VB-4.

19 MR. JAGT: Okay, yes. Our  
20 testimony refers to VB-4. Your questioning  
21 the model. Okay.

22 So the model -- the model for the  
23 study period in the report is projected.  
24 Fiscal Year 21, which you are referring to

1 for revenues, is also calculated or  
2 projected numbers.

3 MR. BALLENGER: Okay. And it  
4 doesn't say that in ES-1. It says  
5 preliminary final results.

6 MR. JAGT: Yes. ES-1, correct. It  
7 would not. It's relative to the scheduled  
8 VB-4 --

9 MR. BALLENGER: To VB-4.

10 MR. JAGT: -- we presented.

11 MR. BALLENGER: Which was  
12 generate -- which was -- for which the  
13 model was developed, correct?

14 MR. JAGT: Yes, sir.

15 MR. BALLENGER: Okay. So on page  
16 21 of your testimony, you state that the  
17 tables in the Settlement Agreement -- I  
18 will get to it. The tables included in the  
19 Settlement Agreement already reflect  
20 updated pension costs.

21 Do you see that statement?

22 MR. DASENT: Tell me where you are  
23 referring to, Mr. Ballenger.

24 HEARING OFFICER CHESTNUT: It's 31,

1           isn't it?

2                   MR. BALLENGER: Q&A 31.

3                   MR. DASENT: Thank you.

4                   MR. JAGT: To be honest, I didn't  
5 have our testimony open yet. So, I will go  
6 back to that. Sorry, give me a few  
7 seconds.

8                   MR. BALLENGER: No problem. No  
9 problem.

10                   MS. BUI: So while Mr. Jagt is  
11 pulling that up -- we need more screens --  
12 yes. That particular statement,  
13 Mr. Ballenger, is correct.

14                   MR. BALLENGER: Thank you, Ms. Bui.  
15 How is that so if it was a black  
16 box settlement?

17                   MR. DASENT: How be --  
18 Mr. Ballenger, how is what so?

19                   MR. BALLENGER: How could updated  
20 pension costs have been included in a black  
21 box settlement?

22                   MR. DASENT: They're in the box.  
23 I'm sorry.

24                   MR. BALLENGER: Just open the box.

1 MR. JAGT: We can present -- we can  
2 provide as a follow up the calculation and  
3 the difference between our original formal  
4 notice and the O&M reflected in the  
5 settlement. The difference will be that --  
6 the change that was identified during the  
7 proceeding. The lower costs that we were  
8 going to have for pensions as a result of  
9 information provided by the City during the  
10 proceeding.

11 MR. BALLENGER: We talked a little  
12 bit earlier about the black box and how  
13 there was all this stuff that wasn't in the  
14 black box and you didn't agree to it. And  
15 not you are saying that, in fact, the  
16 settlement reflects something specific?

17 An adjustment to pension expense?  
18 Is that your testimony?

19 MR. JAGT: Like I said, the change  
20 in the O&M between the formal notice and  
21 the settlement reflects the only adjustment  
22 because both sides would have agreed that  
23 the City offered this lower amount as going  
24 forward, the Department was going to

1 project -- the numbers they provided was  
2 going to be this amount.

3 MR. BALLENGER: And you're saying  
4 that the tables included in the Settlement  
5 Agreement reflect this adjustment, which  
6 runs totally contrary to the notion of a  
7 black box settlement, doesn't it?

8 MR. JAGT: I said we didn't agree  
9 to the total O&M adjustments. As you may  
10 recall, your witness provided several  
11 adjustments for O&M. Because this was  
12 identified after his testimony, it's not  
13 reflected in that. But he proposed a  
14 number of adjustments which are --

15 MR. BALLENGER: Which of Mr.  
16 Morgan's adjustments to O&M are included in  
17 the settlement tables?

18 MR. JAGT: None. We didn't agree  
19 to them.

20 MR. BALLENGER: We didn't agree to  
21 your pension adjustment. It's a black box  
22 settlement.

23 MR. JAGT: It was based on known  
24 information provided by the City.



1 MR. BALLENGER: On the last page of  
2 your rebuttal, you state that the projected  
3 Fiscal Year 2023 ending balance -- I'm  
4 getting to the statement here -- is just  
5 barely above the level that would trigger a  
6 rating downgrade.

7 Isn't that what it states here?

8 MR. JAGT: So, we are referring to  
9 the projected --

10 HEARING OFFICER CHESTNUT: It's Q&A  
11 33, isn't it?

12 MR. DASENT: Yes.

13 MR. BALLENGER: Yes.

14 MR. DASENT: Line 9.

15 MR. JAGT: Correct.

16 MR. BALLENGER: Just to be clear,  
17 there were a number of bases that S&P  
18 listed as potentially triggering downgrade,  
19 weren't there?

20 MR. JAGT: Yes, sir. But they  
21 clearly state that if the Department --

22 MR. BALLENGER: Getting there. I'm  
23 getting there. Hang on.

24 Did S&P state that if the Rate

1 Stabilization Fund were \$119,999,999 that  
2 it would automatically trigger a downgrade?

3 I just want to know whether I  
4 should pay my bills in advance, Mr. Jagt.  
5 I really want to help the Department here.

6 Did it say that?

7 MR. JAGT: No.

8 MR. BALLENGER: Okay. Isn't it  
9 true even if the Board accepts Mr. Morgan's  
10 recommendation, that the Water Department  
11 will receive an increase in rates?

12 MR. JAGT: That's correct. We  
13 still have additional revenues.

14 MR. BALLENGER: In the interest of  
15 time, I am going to wrap there and we can  
16 move on. Thank you, Mr. Jagt, Mr. Merritt,  
17 Ms. Bui.

18 MS. BUI: Thank you, Mr. Ballenger.

19 MR. JAGT: Thank you.

20 MR. DASENT: Your Honor, please --  
21 I'm sorry.

22 HEARING OFFICER CHESTNUT: I was  
23 going to ask Mr. Bachri if he had any  
24 cross. But I'm not sure if he is actually

1 involved in this.

2 Mr. Haver, do you have any  
3 questions?

4 MR. HAVER: Yes. I will attempt to  
5 be very brief. It appears I have to be  
6 directing my questions to Mr. Jagt; is that  
7 correct?

8 MR. JAGT: As a panel, that's fine.

9 MR. HAVER: Mr. Jagt, as Mr. Dasent  
10 is so fond of pointing out, I'm not an  
11 attorney. Perhaps Mr. Dasent can also  
12 point out that I'm not an expert on what  
13 black box means in the way that you are  
14 using it. So, could you help me understand  
15 that?

16 Does a black box allow for numbers  
17 to be allocated in different ways by  
18 different parties?

19 MR. JAGT: The black box does  
20 not -- the black box provides a method or  
21 an approach for establishing an agreement.  
22 We agree to the additional revenues. We  
23 agree to the rates as the output.

24 We do not agree on any specific

1 adjustments that get us to the end result  
2 of the additional revenues or the rates.

3 MR. HAVER: Does the purpose, in  
4 your opinion, of a black box settlement  
5 give the greatest latitude to the Water  
6 Department to allocate revenues in  
7 different ways?

8 MR. JAGT: I would not agree to  
9 that because we still have to have the  
10 parties agree to the resulting rates.

11 MR. HAVER: What's the advantage to  
12 the Water Department to accept a black box  
13 settlement then?

14 MS. BUI: If I may, Dave?

15 MR. JAGT: Sure.

16 MS. BUI: I do not know if you  
17 recall, Mr. Haver, but that particular rate  
18 proceeding was pretty long and drawn out.  
19 And I think that it is to both sides and  
20 all parties involved benefit that we reach  
21 a partial settlement via the black box.

22 It is a mechanism that allows us to  
23 get to an end point regardless of -- you  
24 know, without requiring that both parties

1 agree to every single line item type  
2 adjustment. So, I don't believe -- I think  
3 there was considerable negotiation and  
4 movement on both sides to get to that  
5 position.

6 MR. HAVER: Okay. Just to be  
7 clear, does that give some flexibility for  
8 the Water Department in how it allocates  
9 revenues?

10 MS. BUI: It allows the Water  
11 Department, no different than the --  
12 Mr. Ballenger's CLS side -- to come up with  
13 different combinations as they so wish to  
14 get to this end result. But the end result  
15 is still the same in terms of what is  
16 agreed upon for the adjusted revenues.

17 MR. HAVER: I will try one more  
18 time. Thank you, Ms. Bui.

19 MS. BUI: You're welcome.

20 MR. HAVER: I will try one more  
21 time, and I will move on.

22 So the actual amount that is  
23 collected is defined. But how it's  
24 allocated and where it comes from is not;

1 is that correct?

2 HEARING OFFICER CHESTNUT: I'm  
3 sorry. Allocated? You mean, like, for  
4 bookkeeping?

5 MR. HAVER: Yes.

6 MR. JAGT: I wouldn't agree with  
7 that because we do agree to the rates that  
8 are included within the -- I mean, the  
9 rate -- the final rate schedules are  
10 attached as settlement. So, there is a  
11 recognition that those rates are based on  
12 an allocation of the cost.

13 MR. HAVER: Again, I'm at a loss to  
14 understand the advantage for the black box.  
15 But I don't want to belabor the point. I  
16 am sure you have done your best in  
17 explaining it. And I am sure it's just a  
18 deficiency in my intellect that stops me  
19 from understanding the advantages of being  
20 able to not be straightforward in saying  
21 what it means.

22 Mr. Jagt, was your firm hired,  
23 retained or in any way consulted to help  
24 PWD get stimulus dollars?

1 MR. JAGT: So, we do -- we do  
2 provide assistance in terms of the  
3 Department's efforts to obtain WIFIA  
4 funding.

5 MR. HAVER: What were those  
6 efforts, please?

7 MR. BALLENGER: We provide  
8 information to fulfill or submit the  
9 application to WIFIA.

10 MR. HAVER: And how many  
11 applications did you help submit?

12 MR. JAGT: So, the one WIFIA  
13 application. There is one.

14 MR. HAVER: I'm sorry. Did you say  
15 one?

16 MR. JAGT: Yes, sir.

17 MR. HAVER: And how much was that  
18 for?

19 MR. JAGT: 500 million in capital  
20 project funding.

21 MR. HAVER: And who was it  
22 submitted to?

23 MR. MERRITT: The EPA,  
24 Environmental Protection Agency.

1 MR. HAVER: I'm sorry?

2 MR. MERRITT: The Environmental  
3 Protection Agency.

4 MR. HAVER: But you are defining  
5 that as stimulus dollars; is that correct?

6 MR. MERRITT: No.

7 MR. HAVER: Let me back up again  
8 and ask Mr. Jagt.

9 Mr. Jagt, were you -- was your firm  
10 retained to help the Water Department get  
11 stimulus dollars?

12 MR. JAGT: Are we defining stimulus  
13 dollars, like, in terms of the settlement?

14 MR. HAVER: I would do it broadly,  
15 but let's start with the settlement, yes.

16 MR. JAGT: In terms of the  
17 settlement, no.

18 MR. HAVER: More broadly -- more  
19 broadly, in terms of the CARE Act or ARPA,  
20 was your firm retained to help the Water  
21 Department get stimulus dollars?

22 MR. DASENT: Note our objection,  
23 Your Honor. This is beyond the scope of  
24 their testimony. But if they know the



1 answer.

2 HEARING OFFICER CHESTNUT: I will  
3 allow the question. I don't understand the  
4 point of it, but okay. I don't -- again, I  
5 don't see how their -- the extent or the  
6 nature of their input has anything to do  
7 with it.

8 MR. HAVER: Your Honor asking me to  
9 explain what it has to do with it?

10 HEARING OFFICER CHESTNUT: Yes.

11 MR. HAVER: Okay. So in the  
12 settlement, there is wording that suggests  
13 that the Water Department, it will make its  
14 best efforts -- and I'm paraphrasing  
15 because I don't have the exact line in  
16 front of me -- best efforts to get stimulus  
17 dollars.

18 I believe I have a right to examine  
19 what those efforts have been. And I am now  
20 doing so to ask the distinction between  
21 what the Water Department sought within the  
22 parameters that were agreed upon in the  
23 settlement versus the parameters outside of  
24 the settlement.

1 HEARING OFFICER CHESTNUT: You can  
2 ask that. I'm not sure these witnesses are  
3 helpful --

4 MR. HAVER: I understand that.

5 HEARING OFFICER CHESTNUT: -- in  
6 answering that issue.

7 MR. HAVER: I am putting on my case  
8 in the way that I wish.

9 MS. BUI: Mr. Haver --

10 MR. HAVER: Whether you think it's  
11 helpful or not doesn't really matter to me.  
12 What matters to me is I can put on my case  
13 in my way.

14 HEARING OFFICER CHESTNUT: No. As  
15 we've talked many times, you cannot -- you  
16 do not have unfettered ability here. It  
17 has to be within the scope of the  
18 proceeding. It has to be within the scope  
19 of these witnesses' testimony.

20 But I will allow the question. If  
21 you can answer it, fine. Again, I don't  
22 think that it advances the record much  
23 because I'm not sure they really can  
24 contribute a responsive answer -- a

1 substantive type of answer. If you want to  
2 try and answer it, go ahead.

3 MR. HAVER: Mr. Jagt --

4 HEARING OFFICER CHESTNUT: Ms. Bui  
5 seemed to indicate that she wanted to say  
6 something about this.

7 MS. BUI: So, I was going to say --  
8 thank you, Judge Chestnut.

9 Mr. Haver, to the best of our  
10 ability, we do provide the Water Department  
11 with financial analyses and assessments.  
12 We are not currently aware beyond our work  
13 with WIFIA explicitly what else the  
14 Department has been doing. We do  
15 understand that the Department has other  
16 consulting firms on its books that are  
17 available to them to do research into the  
18 grants.

19 So if I may redirect, I think that  
20 that question would be better answered by  
21 the finance panel.

22 MR. HAVER: Thank you. But to be  
23 clear, you don't have a contract to help  
24 the Water Department -- you did not have a

1 contract during the last Fiscal Year to  
2 help the Water Department get stimulus  
3 dollars as defined in the Settlement  
4 Agreement; is that correct?

5 MS. BUI: Not explicitly to do  
6 that. But as part of general tasks, yes.

7 As I said, Mr. Haver, I would  
8 strongly suggest that Ms. LaBuda is better,  
9 far better suited to answer that question  
10 in terms of efforts with respect to the  
11 stimulus funding.

12 MR. HAVER: Thank you.

13 MS. LaBUDA: Mr. Haver, again, this  
14 is outside the bounds of my testimony. But  
15 I'm more than happy to answer your  
16 question.

17 Is that the Department does have a  
18 of separate contract, specifically helping  
19 us as a Department pursue federal  
20 subsidies. And those efforts are detailed  
21 in the monthly Board Report. They have  
22 helped us apply to building resilient  
23 infrastructure communities, which is a  
24 grant program. 75 percent grant,

1           25 percent would be our contribution for a  
2           capital project. We have applied for two  
3           or three hazard mitigation grants.

4                     Again, these are all detailed in  
5           the Board's Report. We are researching  
6           some other grants related to security and  
7           research now. But we do have another firm  
8           on contract that their specific scope is to  
9           research grant opportunities for the  
10          Department.

11                    MR. HAVER: Who is that contract  
12          with, please, Ms. LaBuda?

13                    MS. LaBUDA: It's all in the public  
14          domain. The contract is with Arcadis.

15                    MR. HAVER: I'm sorry?

16                    MS. LaBUDA: Arcadis.

17                    MR. HAVER: Could you help me with  
18          the spelling of that, please?

19                    MS. LaBUDA: You bet.  
20          A-r-c-a-d-i-s. Hopefully, I got that  
21          right.

22                    MR. HAVER: Thank you.

23                    MS. LaBUDA: You're welcome.

24                    MR. HAVER: And Ms. LaBuda, when

1 was that contract signed?

2 MS. LaBUDA: May I look -- do you  
3 mind if I look it up, Mr. Haver? Because I  
4 don't want to give you --

5 MR. HAVER: Please do so.

6 MS. LaBUDA: The contract start  
7 date was June 1, 2021.

8 MR. HAVER: When was the first  
9 deliverable received?

10 MS. LaBUDA: I don't have that  
11 information readily available, Mr. Haver.  
12 We submitted the Building Resilient  
13 Infrastructure Communities Grant for  
14 specific capital projects some time in the  
15 fall of 2022. But again, any of our  
16 efforts are detailed in the Board Report.  
17 That is definitely the best source for this  
18 information.

19 MR. HAVER: Sorry. I missed that.  
20 I was taking notes.

21 MS. LaBUDA: No, of course. The  
22 list of things we have submitted for  
23 financial assistance is all detailed in the  
24 monthly Board Report. There is a table in

1 the back that has the dates of the  
2 applications and memos. That is the best  
3 source for the activities.

4 MR. HAVER: Was there anything in  
5 the contract that specifically asked the  
6 consultant to help raise stimulus dollars  
7 as defined by the Settlement Agreement?

8 MR. DASENT: Please, note our  
9 continuing objection now because I think we  
10 are going very far afield of this  
11 particular subject.

12 HEARING OFFICER CHESTNUT: Again, I  
13 think the reports are the best source of  
14 the efforts made and the results of those  
15 efforts. But if you can answer it quickly  
16 or -- I think you should -- if you can  
17 direct Mr. Haver somewhere, go ahead.

18 Mr. Haver, this could have been  
19 done in discovery. You could have asked  
20 them prior to this. And they would have  
21 been able to probably give you a better  
22 response than waiting til now.

23 If you think you can answer it --

24 MS. LaBUDA: I can. I'll be happy

1 to. The -- the grant, the contract, the  
2 scope of services did not specifically cite  
3 the settlement. We did not want to be  
4 limited to just the settlement pursuit. We  
5 wanted as a City, as a Department, to  
6 pursue all the federal funding that we can  
7 given our 600 million-dollar Capital  
8 Program.

9 So the scope of services was much  
10 broader than just the settlement. It was  
11 to assist the Department in researching,  
12 applying and meeting all the compliance and  
13 complex terms related to pursuing federal  
14 financial assistance.

15 MR. HAVER: Thank you.

16 MS. LaBUDA: Thank you, Mr. Haver.

17 MR. HAVER: Going back to Mr. Jagt  
18 as opposed to Ms. Bui, although, I don't  
19 know who to direct it to. I am going to  
20 ask about the savings that Ms. LaBuda spoke  
21 about when she testified that the Water  
22 Department had successfully gotten low  
23 interest loan.

24 Should that question be directed to



1 Ms. Bui or Mr. Jagt or Mr. Merritt?

2 HEARING OFFICER CHESTNUT: Ask your  
3 question, and they will decide who to  
4 answer.

5 MR. HAVER: Thank you.

6 How much rate payer savings was  
7 generated by the reduction in the interest  
8 rate on that loan?

9 MR. JAGT: Can we clarify, like,  
10 which -- which loan?

11 MR. HAVER: Well, I will do my  
12 best. But Ms. LaBuda in testimony today  
13 said the Water Department had been very  
14 successful in getting a PennVest low  
15 interest loan that was part of the stimulus  
16 package. And when I asked her specifically  
17 about how much savings that was and what it  
18 meant in terms of debt service and saving  
19 for rate payers, she said she was not  
20 aware.

21 So I'm asking you, how much that  
22 savings was and its effect on rate payers.

23 MR. JAGT: In that it's not, like,  
24 part of her testimony in this proceeding, I

1 don't have it readily available right now.  
2 I mean, that's something we could calculate  
3 and provide you with the information.

4 Again, it's probably -- that  
5 capital dollars, the program that it's  
6 providing is probably not going to provide  
7 savings -- like, debt service savings to  
8 the Department until Fiscal Year 2024 or  
9 beyond. So -- but we can provide that  
10 information to if you want.

11 MR. HAVER: I would like to have  
12 it. Thank you.

13 Mr. Jagt, it's my recollection that  
14 you participated in last year's rate case;  
15 is that correct?

16 MR. JAGT: That's correct.

17 MR. HAVER: And it's my  
18 recollection that you reviewed the  
19 Settlement Agreement; is that correct?

20 MR. JAGT: Yes, that's correct.

21 MR. HAVER: And would you say the  
22 Settlement Agreement was favorable for the  
23 Water Department?

24 MR. JAGT: As a rate consultant for

1 the Water Department, I would say no.

2 MR. HAVER: So, you oppose the  
3 Settlement Agreement?

4 MR. JAGT: Oppose? I mean, it's --  
5 you know, as we stated, like, for a black  
6 box settlement, it was a settlement that  
7 was reached that provided some additional  
8 revenues for the Department without  
9 extended litigation. And from that point  
10 of view, it -- you know, there's a benefit  
11 of the Department to agree to that to get  
12 to that point.

13 But in the overall financial  
14 position and the level of additional  
15 revenues provided, I would say we are --  
16 it's not providing a solid financial  
17 results for the Department.

18 MR. HAVER: Thank you, Mr. Jagt.

19 Hearing Examiner, that concludes my  
20 questions for this panel.

21 HEARING OFFICER CHESTNUT: Okay.

22 MR. DASENT: Your Honor, please, we  
23 would like to request a break before we  
24 proceed with redirect.

1 HEARING OFFICER CHESTNUT: Okay.  
2 It's 11:14. Why don't we resume at 11:20.

3 MR. DASENT: Can we go just a  
4 little longer than that? Just because --

5 HEARING OFFICER CHESTNUT: Sure,  
6 11:25.

7 MR. DASENT: I appreciate that.

8 HEARING OFFICER CHESTNUT: How  
9 about 11:25?

10 MR. DASENT: Thank you.

11 (Off the record at 11:14 a.m.)

12 - - -

13 (Back on the record at 11:28 a.m.)

14 HEARING OFFICER CHESTNUT: We are  
15 going to resume.

16 MR. DASENT: Thank you.

17 In response to Mr. Ballenger's  
18 questions to Black and Veatch, the minimum  
19 threshold was raised as an issue to be  
20 litigated in this case. What is the  
21 importance of the 135 million-dollar  
22 minimum threshold metric?

23 MS. BUI: Sorry. I was trying to  
24 unmute there. Go ahead, Dave.

1 MR. JAGT: Uh --

2 MS. BUI: Okay. So, I think in  
3 response to that, Mr. Dasent, is that the  
4 135 is the only target metric that we have  
5 that has been agreed upon in the past rate  
6 proceeding in 2018. With respect to the  
7 importance of it and why we are looking to  
8 it, I am going to defer that question over  
9 to Ms. LaBuda and Ms. Clupper and  
10 Mr. Nissen.

11 MR. DASENT: Missy, can you help us  
12 there?

13 MS. LaBUDA: Sure. Good afternoon.  
14 I am going to look to my other  
15 participants, Ms. Clupper and Mr. Nissen to  
16 weigh in.

17 MS. CLUPPER: Thank you.

18 MS. LaBUDA: Go ahead, Kathy,  
19 please.

20 MS. CLUPPER: It's important to  
21 remember the financial metrics the Board  
22 agreed to and discuss in the 2018 hearing  
23 were what were viewed as sort of the  
24 minimal thresholds to have a strong

1 financial credit profile. And those were  
2 in addition to the liquidity, also debt  
3 service coverage of 1.3 and pay bill of  
4 20 percent.

5 Those metrics were then shared with  
6 rating agencies. They were shared in  
7 the -- with the investor public. They are  
8 disclosed in the official statement. And  
9 they are -- I mean, just to put a point on  
10 it, actually, the minimum level compared to  
11 other peer rated water and sewer.

12 So when the last rating, the last  
13 bond issue that was done, the rating  
14 agencies, all three of them mentioned  
15 these. So in addition to the S&P concern  
16 about going below 120 -- understand, this  
17 was in the middle of COVID. They were  
18 giving most systems a bit of a pass. But  
19 they were concerned about it going below a  
20 certain threshold. They called out the  
21 120.

22 But in addition to S&P, Moody's  
23 also cited as a reason for a downgrade  
24 would include, you know, the inability for

1 increase rates to commensurate with  
2 coverage requirements and in line with the  
3 Department's internal standard as a  
4 reference to the financial metrics agreed  
5 upon in 2018. Fitch, also, specifically  
6 mentioned having leverage ratios increase  
7 over ten times.

8 That's the debt-to-liquidity. They  
9 are already at an eight times leverage,  
10 which is higher than other peers. And a  
11 failure to secure rate increases is  
12 sufficient to maintain, quote, current  
13 financial profile as leading to a negative  
14 rating action.

15 So, it's not just S&P. All three  
16 rating agencies are concerned with the  
17 inability to increase rates to maintain  
18 minimum financial metrics. The 135 was  
19 called out in this last -- as one of the  
20 metrics that people could hang their hat  
21 on, in a sense. So, I -- I -- I don't thin  
22 it's an issue of going below 120 by a  
23 dollar. It's a bigger picture issue of  
24 not -- the Rate Board not increasing rates,

1 not providing rates in a way that this  
2 Department can continue to, you know, to  
3 move up to the financial ratios.

4 Understanding that in the next couple  
5 years -- I mean, we are in the middle of a  
6 crisis here.

7 But clearly, the expectation going  
8 forward is that the Department and the Rate  
9 Board will, you know, manage to those  
10 minimum thresholds.

11 MR. DASENT: Back to the Black and  
12 Veatch panel -- unless, Missy, do you have  
13 anything more to add? Let me ask that  
14 question.

15 MS. LaBUDA: No, thank you. I  
16 think we covered it. Thanks so much.

17 MR. DASENT: Okay. Back to Black  
18 and Veatch. Mr. Ballenger discussed this  
19 Table C-1 and the final RSF balance that's  
20 shown in the settlement table.

21 Why do you think the RSF balance  
22 that's shown there is not a good metric for  
23 the minimum threshold?

24 MR. JAGT: You know, if you look at



1 the rate case history before this, you can  
2 see, like, during -- we have submitted a  
3 financial plan for the FY 2021 rate or 2020  
4 rate case where we were going to set rates  
5 for Fiscal Year 2021.

6 The financial plan reflected in  
7 that submittal reflects that the Department  
8 was going to drown down the RSF, but still  
9 maintain the 135 million target. Which,  
10 you know, as we stated, the Department has  
11 consistently, you know, communicated that  
12 level of target to the rating agencies,  
13 to -- you know, with every financial report  
14 have established 135 as their target for  
15 the Fund Balance.

16 When we resubmitted for the '22 or  
17 '21 rate proceeding -- '22 rate proceeding,  
18 which was for the Fiscal Year '22 and '23  
19 rates, we had agreed not to pursue the  
20 increase in '21 due to COVID. So as a  
21 result and because of the collections the  
22 Department was being faced with during  
23 COVID, we had to show that we were going to  
24 project below the 135 target.

1           So you know, when we withdrew that,  
2           the '21 -- or the request for increases in  
3           '21, the result is the Department knew we  
4           were going below 135. But we tried to  
5           maintain that Fund Balance as much as we  
6           could without burdening the customers to go  
7           back up immediately to 135. So all along,  
8           the Department has communicated that the  
9           target is 135. But we were willing to  
10          forego it for the sake of COVID and putting  
11          pressure on the rate customers.

12                 So, the turn -- all along  
13          consistent communication since the 2018  
14          rate determination has been that the  
15          Department will maintain the 135. The  
16          reason why it's not in the settlement is  
17          because we couldn't come to an agreement in  
18          the time frame we had for the settlement.  
19          So, that's why it was put in there that we  
20          would have -- you know, each party would  
21          present their own opinion. And a  
22          determination would be made for what the  
23          threshold would be to establish that basis.

24                         But the Department's always

1           communicated 135 million.

2                   MR. DASENT: Mr. Jagt, in response  
3           to Mr. Haver's questions, you indicated the  
4           Department for Black and Veatch could  
5           calculate savings related to debt service  
6           or savings for Fiscal '24 and beyond.

7                   Could you provide that as a written  
8           transcript request?

9                   MR. JAGT: Yes, we can.

10                   MR. DASENT: Okay. That's all we  
11           have, Your Honor.

12                   HEARING OFFICER CHESTNUT:

13                   Mr. Ballenger, did you want to do  
14           recross based on the redirect?

15                   MR. BALLENGER: Just one point of  
16           clarification. That the tables Mr. Dasant  
17           was referencing are in the rate  
18           determination, not in the settlement.  
19           There is no Rate Stabilization Fund balance  
20           shown in the table attached to the  
21           settlement. So just for the record, I want  
22           to make sure that's clear.

23                   MR. DASENT: So noted. Thank you.

24                   HEARING OFFICER CHESTNUT: Anything

1 else?

2 MR. BALLENGER: Nothing further  
3 from me.

4 HEARING OFFICER CHESTNUT:

5 Mr. Haver, do you have any further  
6 questions based on the redirect?

7 MR. HAVER: I do not.

8 HEARING OFFICER CHESTNUT: Okay.

9 Hearing nothing further then, the  
10 witnesses are excused. Thank you very much  
11 for appearing.

12 MR. MERRITT: Thank you.

13 MS. BUI: Thank you, Judge.

14 HEARING OFFICER CHESTNUT: That  
15 takes us to our next witness who is  
16 Mr. Morgan I guess.

17 MR. BALLENGER: Trying to find  
18 Mr -- there he is. Okay.

19 Just to start us off here, we have  
20 stipulated to the authenticity of Mr.  
21 Morgan's testimony. So, I will be very  
22 quick in just introducing Mr. Morgan.

23 Lafayette K. Morgan, Jr., who is a  
24 consultant for the Public Advocate, filed

1 pre-cert testimony on the record in this  
2 proceeding earlier. And he is he available  
3 for cross-examination.

4 HEARING OFFICER CHESTNUT: Thank  
5 you very much. Good morning, Mr. Morgan.

6 MR. MORGAN: Good morning.

7 HEARING OFFICER CHESTNUT:

8 Mr. Dasent, do you have questions  
9 for Mr. Morgan?

10 MR. DASENT: Yes. We have a few  
11 questions. And, Mr. Morgan, I tried to  
12 forward to you the hearing exhibits, PWD  
13 Hearing Exhibit 2. And that will sort of  
14 guide us through the various questions.  
15 And hopefully, you will have that on your  
16 computer.

17 MR. MORGAN: Just a minute. Okay.

18 MR. DASENT: Now, Tab 2 of the PWD  
19 Hearing Exhibit, it's on page 20.

20 HEARING OFFICER CHESTNUT: I'm  
21 sorry. Mr. Dasent, I was getting myself  
22 organized here.

23 Would you restate that reference?

24 MR. DASENT: Sure.

1 HEARING OFFICER CHESTNUT: Am I  
2 looking at your hearing exhibit?

3 MR. DASENT: Yes, No. 2.

4 HEARING OFFICER CHESTNUT: Right.  
5 And what page?

6 MR. DASENT: I'm scrolling to page  
7 20. It's the first date of response at Tab  
8 2.

9 HEARING OFFICER CHESTNUT: This  
10 page 20 of 79?

11 MR. DASENT: Yeah. As I scrolled,  
12 it says 20. And it's the date of response  
13 for the Public Advocate to PWD questions.

14 HEARING OFFICER CHESTNUT: Okay.

15 MR. DASENT: Okay.

16 Now, Mr. Morgan, you indicate that  
17 the recommendations in your testimony are  
18 intended to be consistent with the  
19 reconciliation procedures that are -- or  
20 the reconciliation procedure that was  
21 included in the settlement. And that's the  
22 joint petition.

23 Do you agree with that as --

24 MR. MORGAN: Yes.

1 MR. DASENT: -- stated in your  
2 Question 2? All right.

3 And this context, you also note  
4 your testimony is consistent with a  
5 stipulation negotiated between the Advocate  
6 and the Philadelphia Water Department; am I  
7 correct? That's also referenced in your  
8 test -- in your -- your answers.

9 Now, the stipulation covers a range  
10 of issues, some of which are raised by the  
11 Advocate and its motion to strike PWD  
12 testimony filed in this case.

13 Do you recall that?

14 MR. MORGAN: Yes.

15 MR. DASENT: And those issues  
16 specifically address the stipulation. And  
17 you can find that, also, if you scroll  
18 through the -- if you scroll through the  
19 Hearing Exhibit. You will find that it's  
20 Tab 3. It covers a range of issues. And  
21 these include the starting point, minimum  
22 threshold and sharing.

23 For the sake of it, let me sort of  
24 follow along also. Now, there are other

1 issues, as well, that are addressed in the  
2 stipulation which included FY23, Approved  
3 Revenue. Incremental Revenues must be  
4 sufficient to fulfill PWD's required  
5 covenants with bond holders and other legal  
6 requirements.

7 Do you remember that, as well?  
8 That's Paragraph 9.

9 MR. MORGAN: Yes.

10 MR. DASENT: Turning your attention  
11 to Paragraph 2 of the stipulation for  
12 Fiscal 2021 Financial Performance. This  
13 particular adjustment is as stated in  
14 Paragraph 2?

15 MR. MORGAN: Yes.

16 MR. DASENT: Okay. And now, could  
17 you read that for the record? I believe it  
18 begins: The starting point for  
19 determining.

20 MR. MORGAN: Starting point for  
21 determining the 2021 financial performance  
22 adjustment will be the actual Rate  
23 Stabilization Fund, RSF balance, for the  
24 beginning of FY 2020, which is the same as



1 the ending balance for FY 2021. The  
2 starting point is hereafter referred to as  
3 the actual RSF balance.

4 MR. DASENT: And which, also --  
5 directing your attention to Paragraph 3 of  
6 the stipulation.

7 Would you agree that it states  
8 there that the starting point or the actual  
9 RSF starting balance will be compared to a  
10 minimum threshold for the RSF as determined  
11 by each stipulating party?

12 Isn't that true?

13 MR. MORGAN: That's true.

14 MR. DASENT: Yup. Now directing  
15 your attention to your response of PWD  
16 discovery at Tab 2 of PWD Hearing Exhibit  
17 2, Question F4. I give you time to get  
18 there. You have to go back.

19 HEARING OFFICER CHESTNUT: I'm  
20 sorry, Mr. Dasant. What was that hearing  
21 exhibit reference?

22 MR. DASENT: Hearing Exhibit 2.  
23 And it's at Tab 2, which are the discovery  
24 responses.

1 HEARING OFFICER CHESTNUT: Tabs  
2 aren't, like, helpful to me since I'm  
3 scrolling.

4 MR. DASENT: I know.

5 HEARING OFFICER CHESTNUT: Do you  
6 know the page? That would help.

7 MR. DASENT: Page 23.

8 HEARING OFFICER CHESTNUT: Oh,  
9 okay.

10 MR. DASENT: Okay.

11 Mr -- Mr. Morgan, directing your  
12 attention to the response of PWD Discovery  
13 Response, Question 4. The minimum  
14 threshold is not defined in the rate  
15 determination, correct?

16 MR. MORGAN: That is correct.

17 MR. DASENT: Okay. And as stated  
18 in your response to Question 3 just  
19 before --

20 MR. BALLENGER: Objection to the  
21 question. You referred to the rate  
22 determination. Wasn't your question  
23 whether it was defined in the settlement?

24 MR. DASENT: Well, I'm looking at

1 Question 4. Let me see what he says.

2 HEARING OFFICER CHESTNUT: I think  
3 it says in --

4 MR. BALLENGER: Okay. It says it  
5 in the answer. Okay.

6 MR. DASENT: Yes. Yup.

7 MR. BALLENGER: Withdrawn.

8 HEARING OFFICER CHESTNUT: And that  
9 wasn't -- that was just a misstatement,  
10 isn't it? I mean, it's not intended to be  
11 what the answer would be.

12 MR. DASENT: Well, it was not  
13 defined in the settlement and as a prude in  
14 the rate determination. You are correct.  
15 The answer may be in-artfully stated.

16 Now directing your attention,  
17 Mr. Morgan, to Question 3. The minimum  
18 threshold to be used for the Fiscal 2021  
19 financial performance adjustment is an  
20 issue that must be litigated here.

21 Isn't that correct?

22 MR. MORGAN: As I responded, I  
23 acknowledged that in the stipulation, it  
24 lays out that it must be litigated.

1 MR. DASENT: Okay.

2 HEARING OFFICER CHESTNUT: Excuse  
3 me. Mr. Morgan, can you speak up a little  
4 bit? It's hard for me to hear you.

5 MR. MORGAN: Okay. I will get  
6 closer.

7 MR. DASENT: Okay. Now, Mr.  
8 Morgan, let's turn to sharing.

9 With respect to the issue of  
10 sharing, and that's addressed in the  
11 Hearing Exhibit, it's Tab 3, so that's the  
12 stipulation. You have to scroll back. And  
13 I will get there with you and help  
14 everyone. It's a stipulation, Paragraph 6.

15 MR. MORGAN: I'm there.

16 MR. DASENT: Okay. Now with regard  
17 to sharing, let us direct your attention to  
18 Paragraph 6.

19 Under the stipulation, assuming  
20 there is an amount to be shared, the  
21 parties can submit their respective  
22 positions, correct? It's literally what it  
23 says.

24 MR. MORGAN: Correct.

1 MR. DASENT: Yeah. And I take it  
2 you'd agree that the split or the amount of  
3 sharing each party proposes, whether it's  
4 50/50 or some other percentage, should be  
5 consistently applied.

6 Would you agree with that?

7 MR. MORGAN: Not necessarily, no.

8 MR. DASENT: Okay. And explaining  
9 that, you are saying, basically, it could  
10 be 50/50. It could be 68 percent. It  
11 could be some other percentage?

12 MR. MORGAN: Could be -- yeah. It  
13 could be -- it could vary from 50/50,  
14 70/30.

15 MR. DASENT: Now, let's turn to  
16 your adjustment in this case, your  
17 recommendation. Your initial adjustment  
18 was 5.35 million or half of the 10.7  
19 million you characterized as Fiscal 2021  
20 over-performance; am I right?

21 MR. MORGAN: Yes.

22 MR. DASENT: And that's an amount  
23 to reduce rates for Fiscal 2023.

24 MR. MORGAN: Correct.

1 MR. DASENT: Okay. That's your  
2 minimum adjustment. You have a second  
3 adjustment that's based upon other  
4 criterias. Let's say that for an  
5 additional 1.24 million; am I right?

6 MR. MORGAN: Correct.

7 MR. DASENT: Right. And in your  
8 testimony, you opine that 10.5 million  
9 should be available for sharing in light of  
10 2021 financial performance. That's the  
11 total amount, correct?

12 MR. BALLENGER: I don't believe  
13 that's correct. I think you said 10.5,  
14 Mr. Dasent.

15 MR. DASENT: It's 10.7 in the  
16 testimony, but subject to check.

17 Do you accept that subject to  
18 check?

19 MR. MORGAN: Subject to check, yes.

20 MR. DASENT: Okay. And if that  
21 amount is shared equally, it results in a  
22 minimum adjustment of 5.53 million  
23 correctly -- correct?

24 MR. BALLENGER: Subject to check,

1 Mr. Morgan, if you prefer.

2 MR. MORGAN: Subject to check.

3 MR. DASENT: Okay. Now in  
4 addition, you identify 1.24 million for  
5 sharing based upon -- let me characterize  
6 the Residual Fund balance, which is higher  
7 than projected. You mentioned that in your  
8 testimony. But there's an additional  
9 1.24 million. That's the point for me.

10 MR. MORGAN: That is correct.

11 MR. DASENT: And you add that  
12 amount to the 1 -- to the 5.35 million?

13 MR. MORGAN: Right.

14 MR. DASENT: Okay. Now a little  
15 more global question, Mr. Morgan. I take  
16 it you agree that PWD operation should be  
17 self-sustaining; am I right?

18 MR. MORGAN: Yes.

19 MR. DASENT: Okay. So the rate --  
20 so rate revenue should cover the  
21 Department's expenses, and that's the whole  
22 idea?

23 MR. MORGAN: That is the whole  
24 idea.

1 MR. DASENT: Okay. Now, let's move  
2 a little more to the mundane in your  
3 testimony. At Tab 2, which is the  
4 Department's -- the Advocate's response to  
5 PWD Discovery. So, we have to scroll back.  
6 And it's at Question 14.

7 When you get there, please, let me  
8 know.

9 HEARING OFFICER CHESTNUT: Where is  
10 Tab 2? I'm sorry.

11 MR. DASENT: Tab 2, it's page 33.

12 HEARING OFFICER CHESTNUT: Okay.

13 MR. DASENT: As I scroll through.  
14 It's the answer to Question 14 --

15 MR. MORGAN: Yes.

16 MR. DASENT: -- of our PWD request  
17 to you.

18 MR. MORGAN: Right.

19 MR. DASENT: I take it from your  
20 answer to those discovery responses, we can  
21 agree that Hurricane Ida was in August 29,  
22 2021 when it made landfall.

23 MR. MORGAN: This is what it shows.

24 MR. DASENT: Yeah.



1                   MR. MORGAN: The -- I would say  
2 this in my testimony where I mention  
3 Hurricane Ida, this was in response to what  
4 was presented in ML-2 where ML-2 purports  
5 to discuss FY 2021 operations result. And  
6 Hurricane Ida is cited as one of the  
7 occurrences that occurred that is  
8 discussed, so.

9                   MR. DASENT: Yeah -- my only point  
10 is -- sorry. My only point is, the date of  
11 the landfall is August 29, 2021.

12                   MR. MORGAN: Right. Right.

13                   MR. DASENT: Okay. And the Fiscal  
14 Year for 2022 begins July 1, 2021; am I  
15 right?

16                   MR. MORGAN: Right.

17                   MR. DASENT: Okay. Now, let me  
18 direct your attention to Discovery  
19 Responses again at Questions 12 and 13, so  
20 just a little above where you are now.

21                   I take it --

22                   MR. MORGAN: Did you say 13?

23                   MR. DASENT: Twelve and 13.

24                   MR. MORGAN: Okay.

1 MR. DASENT: Which is -- I am  
2 looking now at 31 as I scroll through.

3 Now, I take it the source of your  
4 information for Tables 9 and 12 of your  
5 testimony was VB-4. That's my takeaway  
6 from the answers to 12 and 13.

7 Am I right in assuming that?

8 MR. MORGAN: Yes.

9 MR. DASENT: Okay. And  
10 specifically, the electronic workbooks  
11 provided with the schedule?

12 MR. MORGAN: That is correct.

13 MR. DASENT: Okay. And I take it  
14 in making your comparisons in those tables,  
15 it's for illustrative purposes only because  
16 those are taken from VB-4?

17 MR. MORGAN: Correct. And I will  
18 point out that what really matters in -- in  
19 using VB-4 is the fact that the balance in  
20 the RSF is an amount that is equal to what  
21 is shown in Ms. LaBuda's testimony. And  
22 even Mr. Jagt earlier today acknowledged  
23 that those balances are correct.

24 MR. DASENT: Okay. But because

1 VB-4 consistent with the stipulation is to  
2 be used for illustrative purposes only, my  
3 point is that your schedules or tables on  
4 pages 9 and 12 are offered for that purpose  
5 for illustrative purposes?

6 MR. MORGAN: Yes. As to make a  
7 comparison, as well.

8 MR. DASENT: Okay.

9 Now, Mr. Morgan, you criticized  
10 PWD's discussion of cost pressures in the  
11 record for not including lower pension fund  
12 contributions. You do this in your  
13 testimony toward the end of pages 18 and  
14 19.

15 Do you recall that?

16 MR. MORGAN: Yes.

17 MR. DASENT: Now, I take it you are  
18 referring there to pension fund  
19 contributions for Fiscal 22 as projected in  
20 the 2021 general rate case?

21 MR. MORGAN: I'm not certain  
22 that's -- but that information was provided  
23 in one of the initial data request that  
24 was --

1 MR. DASENT: But your testimony on  
2 pages 18 and 19 is referring to that time  
3 period, Fiscal 22 as projected in the last  
4 rate case.

5 MR. MORGAN: Yes.

6 MR. DASENT: And then toward the  
7 end of your testimony on beginning of page  
8 19, PWD updated projections and scheduled  
9 VB-4 are also referred to.

10 Do you recall that? That would be  
11 the final paragraph -- I think page 19,  
12 lines 7 through 10.

13 MR. MORGAN: That is correct.

14 MR. DASENT: Okay. Now directing  
15 your attention to responses, PWD Discovery  
16 Requests 23, so that's pretty close to  
17 where we were a minute ago, give or take  
18 ten questions. And, Your Honor, that's on  
19 page 42 if you are scrolling.

20 HEARING OFFICER CHESTNUT: Yeah. I  
21 got that.

22 MR. DASENT: Okay.

23 Now, you indicate there in the  
24 response that you're unable to

1 affirmatively state whether lower pension  
2 funds contributions are reflected in VB-4;  
3 am I right?

4 MR. MORGAN: That's correct.

5 MR. DASENT: Okay. And I take it  
6 your answer is similar with regard to  
7 projections that are for the Fiscal 2021  
8 rate case? That would be the next  
9 question.

10 MR. MORGAN: Can you repeat that?

11 MR. DASENT: Sure. I take it your  
12 answer is similar with regard to the  
13 projections from Fiscal 21, general rate  
14 case, reflecting the lower pension  
15 requirements as was the case was settled  
16 and it was a black box settlement?

17 MR. MORGAN: I'm sorry. When you  
18 say Fiscal 21, are you talking about what  
19 was presented in the rate case?

20 MR. DASENT: Well, I'm referring to  
21 the Question 23. And Question A of that,  
22 you denied any specific -- you denied that  
23 in the answer because the settlement was  
24 part of a black box. So I'm suggesting to

1           you, that you didn't know the lower pension  
2           fund requirements are reflected in the  
3           settlement because it was a black box  
4           settlement.

5                       MR. MORGAN: In the settlement, I  
6           would say it's not black box. We don't  
7           know what the costs are that we are  
8           considering.

9                       MR. DASENT: Directing your  
10          attention to schedule LKM-1, 3 of 3, which  
11          is appended to your testimony. The very  
12          last page, you know, shows the various  
13          tables, C-1 tables, that you prepared. And  
14          it shows the ending balance of 96.376  
15          million for 2023; am I correct?

16                      MR. MORGAN: Correct.

17                      MR. DASENT: And this amount is  
18          well below the projected RSF balance shown  
19          in Table C-1 in the 2021 rate  
20          determination; am I correct?

21                      That's 113.998 million.

22                      MR. MORGAN: Again, these numbers  
23          are presented for illustration. They  
24          are -- yes. To answer you directly, yes.

1 But even in settlement, the amount that was  
2 agreed was less than the amount that PWD is  
3 now claiming to be the threshold.

4 MR. DASENT: Using your number, and  
5 with reference to this specific number,  
6 96.376 million, if any -- assuming that was  
7 actually approved, if any significant  
8 unanticipated event occurs during Fiscal  
9 2023, that would require utilization of the  
10 Rate Stabilization Fund like a storm event,  
11 all else being equal, that would result in  
12 an even lower RSF balance then you're  
13 showing here in LKM-1; isn't that true?

14 MR. MORGAN: No. These numbers --  
15 to start off, these are numbers that or  
16 model, I should say, is not something that  
17 I generated from the beginning. The  
18 numbers in here starts off with PWD's  
19 revised model to reflect settlement.

20 And so, there are assumptions in  
21 here that we don't know what they are. And  
22 so, to say that these are the actual  
23 numbers that would be attained, I simply  
24 cannot say that. Again, what -- this is a

1 tool that we have been provided.

2 And essentially, what I'm trying to  
3 do here is to show that if the Board were  
4 to accept my proposal, there is an effect  
5 on the results that -- that are presented  
6 in this model.

7 MR. DASENT: Assuming the Board  
8 does accept your proposal, and the RSF  
9 balance is 96.376 million in Fiscal 23,  
10 safe to assume, all else being equal, if  
11 there was a storm event like Ida or any  
12 other emergency, that that would draw that  
13 number down even lower?

14 MR. BALLENGER: Object to the  
15 assumptions and speculation. Mr. Morgan  
16 has testified about where this model came  
17 from. This model is not his.

18 HEARING OFFICER CHESTNUT: Your  
19 objection is overruled. Let's see if he  
20 can answer. I think it's been kind of  
21 asked already, but just to -- if there is  
22 some clarification, Mr. Morgan can provide.

23 MR. MORGAN: Again, to say that if  
24 my recommendations are accepted, that it



1 would result in this number is simply an  
2 assumption that I don't think I can except  
3 because the assumptions that went in this  
4 model are unknown.

5 What we do know is that PWD has had  
6 a history of over-performing. And even if  
7 to look at the rating reports, Fitch and  
8 Moody's talk about PWD having a strong  
9 financial profile. And that their  
10 performance was consistent with historical  
11 results. So based on that, I don't think  
12 we can expect to see a number like the  
13 96.376.

14 MR. DASENT: Well, let's turn to  
15 the rating agency reports. If you look to  
16 57 on PWD Hearing Exhibit 2, scrolling to  
17 that, you will see the S&P rating agency  
18 report.

19 MR. MORGAN: What tab is that?

20 MR. DASENT: That is Tab 4. But  
21 scrolling to it, you will see it's in red,  
22 S&P report. And it's 57 if you are looking  
23 at it on the computer.

24 MR. MORGAN: No, I have it.

1 MR. DASENT: Okay. Now, would you  
2 agree the rating agencies are monitoring  
3 PWD legal metrics, revenues, revenue  
4 requirements of PWD increasing need to  
5 utilize its RSF balance to meet its  
6 operating expenses? You'd agree, it's  
7 looking at all of this, correct?

8 MR. MORGAN: No. They are not --  
9 they are not just looking at the RSF  
10 balance. That's for sure.

11 If you go through this, you will  
12 find that I think it's only S&P that talks  
13 about -- that measures the specific  
14 balance. But they, all look at several  
15 different factors in coming up with their  
16 rate increase. It's not all focused on the  
17 RSF balance.

18 MR. DASENT: But liquidity is a  
19 major concern for all the rating agencies.  
20 You would agree with that?

21 MR. MORGAN: And that's also  
22 consistent with my recommendation. At the  
23 end of the day, whether or not the -- the  
24 Board accepts -- if the Board accepts my

1 position, PWD still gets a rate increase  
2 and improves their liquidity.

3 MR. DASENT: But let's look at the  
4 S&P report.

5 MR. MORGAN: Okay.

6 MR. DASENT: And it's dated  
7 September 17, '21. It's at page 57.

8 MR. MORGAN: Yup.

9 MR. DASENT: And I think I've  
10 highlighted, you know, the areas that I am  
11 really focused on. But in looking at that  
12 report, doesn't it indicate that higher  
13 than planned use of liquidity could cause  
14 S&P to lower the rating for the Department?

15 MR. MORGAN: It says -- the  
16 highlighted section starts off with if.  
17 "If," I think, is the operative word there.  
18 This hasn't come to fruition because they  
19 would have lowered it if they are  
20 consistent with what they say.

21 But clearly, it says what it says.  
22 But if you look through just above, it  
23 tells you that the stable outlook is  
24 predicated on the City being able to obtain

1 a rate covenant compliance with  
2 un-significant deviations in the year and  
3 unmistaken cash in investment.

4 So just looking at the RSF  
5 balances, it's kind of narrow. And if we  
6 were to look through the rating agencies  
7 reports, you will find that there are other  
8 factors that are concerned.

9 MR. DASENT: Doesn't S&P, though,  
10 explicitly state that depleting reserves  
11 below 120 million will likely result in a  
12 downgrade for the Department?

13 That is correct --

14 MR. MORGAN: That's what it says.  
15 And no one -- and I'm not recommending that  
16 we deplete the reserves below 120 million.

17 MR. DASENT: Okay. And S&P, in  
18 effect, is drawing a red line there saying  
19 basically ahead of time, here is what you  
20 need to watch out for.

21 Isn't that true?

22 MR. MORGAN: Yes, that's true.

23 MR. DASENT: And Fitch is also, as  
24 you scroll back, suggesting rate

1 adjustments to maintain PWD's current level  
2 of liquidity is important. And Moody's  
3 makes similar observations. But there are  
4 a landscape of things they are looking at,  
5 but liquidity is among them.

6 Isn't that true?

7 MR. MORGAN: Yeah. If you look at  
8 Fitch at the bottom, Fitch describes what  
9 drives the rating. And they talk about PWD  
10 being a monopolistic service provider. It  
11 has low operating risks. And it has strong  
12 financial profile.

13 If you go up to Moody's, you'll  
14 find that Moody's -- in fact, Moody's is  
15 the one that comes out and says that --  
16 that PWD, while the financial challenges do  
17 not enforce an immediate risk to the  
18 Department credit profile, prolonged  
19 economic stress will cause -- will effect  
20 their rating. But in that case, they are  
21 responding to the idea that if the  
22 Department is unable to maintain its  
23 result.

24 So, I think the rating agencies

1 take a holistic approach to determining  
2 when to downgrade. And it's not again  
3 focused on the RSF funds -- fund balance.

4 MR. DASENT: Mr. Morgan, would you  
5 also agree with reference to the Moody's  
6 Report, they do indicate the inability to  
7 raise rates commensurate with coverage  
8 requirements and in line with the  
9 Department's internal standards could lead  
10 to a downgrade?

11 MR. MORGAN: Yes. And again,  
12 that's -- that's a scenario that they are  
13 presenting. Moody's states that they found  
14 PWD's financial performance to be  
15 satisfactory. That's right on the ratings  
16 rationale. So, it's not like they see a  
17 plane that's crashing.

18 MR. DASENT: But I think they are  
19 looking at things over a period of years  
20 and observing PWD in comparison to its  
21 peers. And indicating there are liquidity  
22 concerns as are all the rating agencies.

23 MR. MORGAN: That's correct.

24 MR. DASENT: Okay. Now, let's talk

1 about a black box settlement and see if we  
2 can conclude there.

3 Turning your attention to Tab 2,  
4 Question 15. Those are the Discovery  
5 Responses. And I am scrolling back so I  
6 can tell you where they are. They are not  
7 far away from where we are now.

8 MR. MORGAN: Tab 2, Question 15?

9 MR. DASENT: Yup.

10 MR. MORGAN: Okay.

11 MR. DASENT: And that's page 34 if  
12 you are scrolling to it on a computer.

13 Now in Question 15, you indicate  
14 that the rate determination dated June 16,  
15 2021 was approved as a black box  
16 settlement; isn't that true?

17 MR. MORGAN: That is true.

18 MR. DASENT: The rate determination  
19 actually approved a black box settlement.

20 MR. MORGAN: And I confirmed the  
21 same.

22 MR. DASENT: Okay. And with  
23 respect to Question 16, the next one, you'd  
24 agree that the black box settlement

1 represents an agreement between the parties  
2 in which the components and derivation of  
3 the settlement amount are not disclosed?

4 MR. MORGAN: That's -- that's what  
5 I stated. But the revenue is disclosed.

6 MR. DASENT: Yes. The approved  
7 revenues, yes. And you indicate in  
8 response to PWD Discovery Question 17,  
9 which would be the next one, that a black  
10 box settlement only disclosed total  
11 additional revenues to be generated.  
12 That's your point. And from an agreed upon  
13 settlement.

14 So, we are in agreement on that,  
15 also?

16 MR. BALLENGER: Objection to the  
17 question. Doesn't say "only."

18 MR. DASENT: I guess that's my  
19 editorial. The black box settlement  
20 discloses the total additional revenues.  
21 Let me see what it actually says.

22 Yes. It doesn't have "only" in  
23 there. Thank you.

24 Now toward the end of my hearing



1 exhibits we have -- I mean, it's literally  
2 the last page. We have a table that sets  
3 forth the -- the breakdown for 2021 rate  
4 proceeding.

5 MR. BALLENGER: I want to go ahead  
6 and just object to this exhibit. This is  
7 taking something from Mr. Morgan's  
8 testimony in 2021, which has not been used  
9 in this case. It's outside the scope of  
10 his testimony in this case.

11 I would object to these exhibits.

12 HEARING OFFICER CHESTNUT: I think  
13 it's appropriate to look at the record of  
14 the underlying rate case. That's the  
15 record established in that case. And I  
16 think it can be referenced in this case.

17 Now, how useful that is, I don't  
18 know. But I think it's appropriate to look  
19 at what happened.

20 MR. BALLENGER: Just in light of  
21 the -- the Water Department's own counsel  
22 asked that we limit cross to the four  
23 corners of the bond testimony during the  
24 prehearing conference. I'm more than

1 surprise they're moving forward with this.

2 MR. DASENT: Well, there are  
3 references in Mr. Morgan's testimony to how  
4 we are performing vis-a-vis, where we are  
5 projected to be and where he projected we  
6 might be. So, just a couple simple  
7 questions.

8 Mr. Morgan, looking at this table,  
9 the very last page of PWD Exhibit 2, does  
10 it show that the PWD ending balance for the  
11 Rate Stabilization Fund at the end of the  
12 year as in column one as you projected is  
13 175,652,000?

14 Is that what the table says?

15 MR. MORGAN: Can you repeat the  
16 question, because I --

17 MR. DASENT: Sure.

18 Looking at the first column  
19 Schedule LKM-1, in that final page of PWD  
20 Exhibit 2, it shows a comparison of Fiscal  
21 21 rate proceeding, LKM testimony, Schedule  
22 LKM-1 compared to actual results. And in  
23 the first column it shows for the Rate  
24 Stabilization Fund balance 175,652,000

1 according to your testimony in the 2021  
2 rate proceeding; is that correct? Subject  
3 to check.

4 MR. MORGAN: It is correct. And  
5 then, I will point out that that was  
6 without the rate increase.

7 MR. DASENT: Yes.

8 MR. MORGAN: So -- and there is  
9 several assumptions that may or may not be  
10 currently reflected.

11 MR. DASENT: Uh-huh. And how does  
12 that compare with Column 2 that shows the  
13 Rate Stabilization Fund balance under  
14 actual results 124,661,000? Is there a  
15 delta or something like 50 million?

16 MR. MORGAN: Roughly.

17 MR. DASENT: Okay. And that's all  
18 we have. Thank you very much, Mr. Morgan.  
19 I appreciate it.

20 MR. BALLENGER: I think that's --

21 HEARING OFFICER CHESTNUT: Wait,  
22 wait, wait. Mr. Haver, do you have any  
23 questions for Mr. Morgan?

24 Mr. Haver, do you have any

1 questions for Mr. Morgan?

2 Okay. No response.

3 MR. BALLENGER: During prehearing  
4 conference, he said he had questions for  
5 the two panels. So absent a response --

6 HEARING OFFICER CHESTNUT: Okay.  
7 Make sure everybody has an opportunity  
8 here, but okay.

9 Do you want a break before you do  
10 redirect?

11 MR. BALLENGER: Yes. I would  
12 really appreciate about ten minutes. Maybe  
13 if we can come back at 12:25, round up a  
14 little bit.

15 HEARING OFFICER CHESTNUT: Okay.  
16 We will do that.

17 MR. BALLENGER: Thank you.

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

19 - - -

20 (Back on the record at 12:25 p.m.)

21 HEARING OFFICER CHESTNUT: Are we  
22 ready to resume?

23 MR. BALLENGER: Yes, Judge. Thank  
24 you.

1 MR. DASENT: Yes.

2 MR. BALLENGER: Okay. Thank you  
3 for the pause. I just had a couple of  
4 questions for Mr. Morgan on redirect.

5 And --

6 MR. HAVER: Your Honor, I would  
7 like to have my opportunity for direct.

8 HEARING OFFICER CHESTNUT: I had  
9 asked you before, and you didn't respond.

10 MR. HAVER: I apologize. I must  
11 have had a computer glitch.

12 HEARING OFFICER CHESTNUT: All  
13 right.

14 MR. BALLENGER: I'm sorry. Are you  
15 going to cross-examine Mr. Morgan,  
16 Mr. Haver?

17 MR. HAVER: I am happy to answer  
18 Judge Chestnut's questions.

19 HEARING OFFICER CHESTNUT: I don't  
20 have a question. I said you can go ahead  
21 if you have cross for Mr. Morgan.

22 MR. HAVER: Thank you.

23 Mr. Morgan, did you participate in  
24 a Fiscal Year 2022 rate case?

1 MR. MORGAN: Fiscal Year 2022 rate  
2 case? I participated in the TAP  
3 Reconciliation filing.

4 Is that what you are referring to?

5 MR. HAVER: No. I am referring to  
6 the case that we -- happened before this  
7 case, that the settlement resulted in this  
8 case.

9 MR. MORGAN: That was 22 -- fiscal  
10 22/23, yes.

11 MR. HAVER: Okay. In preparing for  
12 the proceedings, preparing your testimony,  
13 did you have an opportunity to review the  
14 public notice that was posted on the  
15 Philadelphia Water Rate Board?

16 MR. MORGAN: Unfortunately, I am  
17 more focused -- in that proceeding, there  
18 was a separate cost of service for a  
19 designed witness. And so, my focus was on  
20 the total revenue requirement.

21 MR. HAVER: No, sir. Mr. Morgan, I  
22 am talking about the public notice for  
23 today's hearing.

24 MR. MORGAN: Oh, no, I didn't.

1 MR. HAVER: Mr. Morgan, would you  
2 know which witnesses the Public Advocate  
3 were responsible for reviewing the public  
4 notices?

5 MR. MORGAN: There is somebody  
6 rattling paper. And so, I couldn't hear  
7 what you were saying.

8 MR. HAVER: Your Honor, could you,  
9 please, ask the person to mute themselves  
10 if they are going to rattle paper?

11 MR. MORGAN: Okay. Go ahead.

12 HEARING OFFICER CHESTNUT: Ask the  
13 question, please.

14 MR. HAVER: Okay. Mr. Morgan, if  
15 you know, which witnesses of the Public  
16 Advocate are responsible for reviewing the  
17 public notices?

18 MR. MORGAN: I do not know.

19 MR. HAVER: Okay. Mr. Morgan, are  
20 you familiar with Section 8-600 of the  
21 Philadelphia Home Rule Charter?

22 MR. MORGAN: I have read it. I  
23 don't know it by section, but I have gone  
24 through it.

1 MR. HAVER: Okay. Are you familiar  
2 with the requirement that public notices  
3 are written in such a way that they are  
4 available and understood by people who have  
5 limited English proficiency?

6 MR. MORGAN: That's more of a legal  
7 question. I -- you know, I'm a numbers  
8 person. So, I don't know what the  
9 requirements are for that.

10 MR. HAVER: Thank you.

11 MR. LIANG: If I could interject  
12 really quickly. I am not --

13 MR. HAVER: I object, Your Honor.  
14 I have not asked the question --

15 HEARING OFFICER CHESTNUT: No, be  
16 quite, Mr. Haver.

17 What, Steven?

18 MR. HAVER: I have a right to  
19 object, Your Honor.

20 HEARING OFFICER CHESTNUT: No.

21 Mr. Haver, Steven needs to make an  
22 announcement.

23 MR. LIANG: I just wanted to  
24 clarify one --



1 MR. HAVER: I have a right to --

2 HEARING OFFICER CHESTNUT: Steven,  
3 what? Please mute Mr. Haver for a minute.  
4 And what were you going to say.

5 MR. LIANG: I was just going to say  
6 that the public notices -- I'm the one  
7 responsible for posting them. And I get  
8 approval from Board Counsel Daniel  
9 Cantu-Hertzler and Sonny Popowsky on the  
10 language, so.

11 HEARING OFFICER CHESTNUT: Fair.

12 MR. LIANG: I just wanted to  
13 clarify.

14 MR. HAVER: I object to that being  
15 part of the record, Your Honor.

16 HEARING OFFICER CHESTNUT: No.  
17 Your objection is overruled. You wanted  
18 information and you got it.

19 MR. HAVER: No. That's not what I  
20 wanted. I wanted to ask Mr. Morgan a  
21 specific question. And once again, you  
22 have showed your prejudice.

23 HEARING OFFICER CHESTNUT: Yes.  
24 Okay. Go ahead.

1 MR. HAVER: Mr. Morgan, on line  
2 10 -- on your direct testimony on page 10,  
3 line 3, you state -- if you don't have it  
4 in front of you, I will wait.

5 HEARING OFFICER CHESTNUT: Wait,  
6 wait. Page 10?

7 MR. HAVER: Page 10, line 3.

8 You state that in the Fiscal Year  
9 2022/23 rate case, you recommended no  
10 increase for Fiscal Year 22; is that  
11 correct?

12 MR. MORGAN: On page 10, line 3? I  
13 don't see that. But I did recommend no  
14 increase in that rate case.

15 MR. BALLENGER: That discussion is  
16 at the top of page 8, the numbered page 8.  
17 It's page 10 if you're counting in your  
18 browser.

19 MR. MORGAN: Okay. Pdf page. I'm  
20 with you now.

21 MR. HAVER: Thank you. Under the  
22 Settlement Agreement, did the Water  
23 Department get a rate increase?

24 MR. MORGAN: Yes.

1 MR. HAVER: How many millions were  
2 they given?

3 MR. MORGAN: 10.4 million.

4 MR. HAVER: And that was even  
5 though you testified that no rate increase  
6 was necessary; is that correct?

7 MR. MORGAN: That's correct. The  
8 settlement is in negotiation. So, no party  
9 gets exactly what they want.

10 MR. HAVER: On the same document on  
11 my page 20, I don't know how it paginates  
12 for you. You state: In Philadelphia,  
13 there is an attempt to balance the interest  
14 of consumers and the utility.

15 Do you see where you said that?

16 MR. MORGAN: I remember making the  
17 statement. What was your page again? I'm  
18 sorry.

19 MR. HAVER: Again, on my  
20 pagination, it's page 20. I don't know how  
21 it translates to your computer.

22 MR. MORGAN: Okay. Go ahead. I  
23 don't have it but --

24 HEARING OFFICER CHESTNUT: Wait,

1 wait. Hang on.

2 MR. BALLENGER: It's page 20 of the  
3 pdf, but the page is numbered 18. Lines 5  
4 to 8.

5 HEARING OFFICER CHESTNUT: Got it.  
6 Okay.

7 MR. HAVER: Mr. Morgan, who owns  
8 the Philadelphia Water Department?

9 MR. MORGAN: The City.

10 MR. HAVER: Understanding that you  
11 made the statement, my question is, what  
12 interest do you believe the utility has  
13 that are not consumer's interest?

14 MR. MORGAN: Can you -- I'm not  
15 sure I followed the question. Can you just  
16 repeat it?

17 MR. HAVER: Well, let me -- I will  
18 try and rephrase it to make it a little  
19 easier. So you were -- in your testimony,  
20 you are making the distinction between the  
21 consumers and the utility. The utility is  
22 owned by the consumers.

23 So I'm asking you, what is the  
24 distinction that you are making when you

1 are saying that there are two distinct  
2 interests?

3 MR. MORGAN: The distinction I was  
4 making in that paragraph is in response to  
5 the peer review. And when I went through  
6 the peer review, it was quite clear in some  
7 instances there's not an independent board  
8 that sets rates.

9 And in Philadelphia, what has been  
10 done, I believe, in 2012 in the past, the  
11 Rate Board was created so as to have an  
12 independent body that will listen to  
13 evidence both on the consumer side and the  
14 Water utility side. And at some point,  
15 determine what in the Board's view is a  
16 reasonable resolution.

17 And so, that's what I was saying.  
18 Is that in Philadelphia, there has been  
19 this attempt to -- rather than have the  
20 utility have sole discretion of -- over  
21 setting rates, there's an attempt to have a  
22 body that will moderate the impact of rates  
23 on rate payers.

24 MR. HAVER: Are you suggesting that

1 the Water Department should have some other  
2 priority other than its water consumers?

3 MR. MORGAN: What I'm suggesting is  
4 that the water utility's focused on  
5 providing what I would consider to be good  
6 customer service -- safe and reliable  
7 service. I will put it that way.

8 And but -- how you get there, how  
9 they get there and how as the  
10 representative of the consumer, how I think  
11 they can get there are two different  
12 things. There are several ways to get  
13 to -- to providing safe and reliable  
14 service without hampering that service with  
15 too low rates or going to the extreme and  
16 having rates that are too high.

17 MR. HAVER: In your testimony  
18 today, you spent a fair amount of time  
19 talking about what the rating agencies are  
20 saying; is that correct?

21 MR. MORGAN: Correct.

22 MR. HAVER: Do you believe that the  
23 rating agencies play a significant role in  
24 setting rates for the Water Department?

1 MR. MORGAN: I don't think that  
2 they play a significant role in the sense  
3 that they have -- in this proceeding as an  
4 example, they have no representation. They  
5 present no evidence. They don't take sides  
6 in the rate proceeding.

7 The impact of their ratings is felt  
8 when the Water Department brings in  
9 information from the rating agencies to  
10 bolster their case.

11 MR. HAVER: Do you believe it's  
12 important to consider what the rating  
13 agencies say about the Philadelphia Water  
14 Department?

15 MR. MORGAN: I think one should  
16 listen to what the rating agencies have to  
17 say with a critical mind. And when I say  
18 critical mind, is to -- is to question and  
19 reason with the information that is  
20 presented in those reports.

21 MR. HAVER: Sir, are you aware that  
22 Philadelphia's in the process of  
23 establishing a public bank?

24 MR. MORGAN: No. I'm not aware of

1           that.

2                   MR. HAVER:   If there was a public  
3 bank controlled by the City that would  
4 replace the private banks that are loaning  
5 the Water Department money, would that have  
6 any impact at all on the importance of the  
7 rating agencies?

8                   MR. BALLENGER:   Objection.

9                   HEARING OFFICER CHESTNUT:   Are you  
10 objecting, Mr. Ballenger?

11                   MR. BALLENGER:   I -- you know, I  
12 thin he answered that he was unfamiliar  
13 with the public bank proposal.   So, I was  
14 going to allow Mr. Morgan to answer if he  
15 knew or had an opinion about the matter.

16                   HEARING OFFICER CHESTNUT:   Okay.  
17 Because I think it's clearly outside the  
18 scope of this proceeding.

19                   MR. BALLENGER:   I agree, Judge.

20                   HEARING OFFICER CHESTNUT:   It's  
21 clearly outside the scope of his testimony.  
22 If you want to try and have him answer it,  
23 go ahead.

24                   MR. MORGAN:   I indicated that I



1 don't know.

2 MR. HAVER: Thank you.

3 In your direct testimony on page  
4 21 -- again, that's how it paginates on my  
5 computer -- line 14 through 18, you state  
6 that there is no reduction in rates -- no  
7 reduction in rates is warranted with  
8 respect to receipts of stimulus funds as  
9 established in the settlement.

10 Quote: PWD reports it did not  
11 receive federal stimulus funding in an  
12 amount sufficient to warrant an adjustment.

13 Is that your testimony?

14 MR. MORGAN: Yes.

15 MR. HAVER: Did you investigate on  
16 your own whether PWD received any stimulus  
17 dollars?

18 MR. MORGAN: Yes. We looked at  
19 source of -- we asked them outright. We  
20 looked at monies that came in. We even  
21 questioned them on something that we  
22 thought would qualify. And based on the  
23 definition as stated in the settlement, it  
24 did not apply.

1 MR. HAVER: What evidence did you  
2 review to examine whether P --

3 MR. MORGAN: We -- as I said, I --  
4 I looked at responses to data requests.  
5 And --

6 MR. HAVER: Mr. Morgan, I'm asking  
7 a different question. But I'm happy to be  
8 quiet as you answer the question you think  
9 I'm asking.

10 MR. MORGAN: I thought I was  
11 answering the question.

12 MR. HAVER: I appreciate that.

13 What evidence did you review  
14 showing the applications or attempts that  
15 PWD made or is making to receive federal  
16 stimulus funding?

17 MR. MORGAN: There have been some  
18 monthly reports. And part of the  
19 settlement, PWD made a good faith effort or  
20 stated that they pursued federal stimulus  
21 funds.

22 MR. HAVER: Again, referring back  
23 to your testimony on page 22 -- on my page  
24 22 -- you make a recommendation of a rate

1 increase. How much of a rate increase in  
2 dollars are you recommending?

3 MR. BALLENGER: I would object to  
4 the characterization. It's not Mr --

5 HEARING OFFICER CHESTNUT: First  
6 off, let me find that reference.

7 Mr. Ballenger, can you give me a  
8 hard copy page reference?

9 MR. BALLENGER: Well, I think he's  
10 referring to page 19, which would be pdf  
11 page 21 of Mr. Morgan's testimony. Lines,  
12 I'm guessing, 18 through 22 maybe. I don't  
13 know.

14 HEARING OFFICER CHESTNUT: Okay.

15 Mr. Haver, you got to give me a  
16 reference that I can look at.

17 MR. HAVER: I did.

18 HEARING OFFICER CHESTNUT: I'm  
19 looking at scrolling number 19 out of 43 or  
20 page 17.

21 MR. BALLENGER: Okay. It would be  
22 21, the discussion under what do you  
23 recommend for this proceeding starting on  
24 pdf page 21.

1 HEARING OFFICER CHESTNUT: Okay.

2 Got that. All right.

3 Now, Mr. Haver, you are saying that  
4 Mr. Morgan is recommending what?

5 MR. HAVER: I'm asking him what he  
6 is recommending? How much of a rate  
7 increase in dollar amounts is he  
8 recommending?

9 HEARING OFFICER CHESTNUT: Wait,  
10 you got to clarify. He's not recommending.  
11 Let me ask Mr. Morgan to make sure I  
12 understand.

13 You're not recommending any rate  
14 increase, are you?

15 MR. MORGAN: Not recommending a  
16 rate increase.

17 MR. HAVER: Sir, forgive me if I'm  
18 wrong. What you are saying then is that  
19 you are recommending the entire amount that  
20 was included in the Settlement Agreement be  
21 erased, and that there been zero dollars  
22 added to the current rates?

23 MR. MORGAN: No. What I'm saying  
24 is that the rate increase that would come

1 into effect in FY 2023 has been decided.  
2 I'm not recommending that here.

3 What I am recommending is that  
4 there are some dollars that should be --  
5 float back to customers. And that is what  
6 I'm recommending. That these dollars,  
7 \$6.6 million, should go back to customers.

8 MR. HAVER: And I'm asking you to  
9 do a very simple calculation.

10 When you deduct what you believe is  
11 appropriate from the amount in the  
12 settlement, how much is left?

13 MR. BALLENGER: We can take notice  
14 of mathematics. Mr. Morgan, if you care to  
15 respond, you may. But this not within the  
16 scope of your testimony.

17 HEARING OFFICER CHESTNUT:

18 Well, Mr. Haver, if he did the  
19 math, you can ask him subject to check.

20 MR. MORGAN: I would say it would  
21 be -- you know, I don't want to -- I can  
22 provide that data, but I don't want to.  
23 And the reason -- and it's not that I'm  
24 being evasive, the schedule on which I

1 have -- or the schedule on which the FY26  
2 -- 23 rate increase is provided has ten  
3 months instead of twelve. And so, I don't  
4 think that's an actual amount. So -- and I  
5 don't want to misstate something here.

6 MR. HAVER: Let me back into it  
7 then. In the Settlement Agreement, how  
8 much was agreed upon for Fiscal Year 2023  
9 as a rate increase?

10 MR. MORGAN: Just a second. 34.110  
11 million.

12 MR. HAVER: 34.11 million?

13 MR. MORGAN: 11 -- yes.

14 MR. HAVER: Thank you. And how  
15 much are you recommending that be reduced  
16 by?

17 MR. MORGAN: 6.6 million.

18 MR. HAVER: So using a calculator,  
19 would it be fair to say if we subtracted  
20 34.11 million, we subtracted 6.6 million  
21 from 31.1 million[sic], we would get  
22 27,000,051?

23 MR. MORGAN: Yes.

24 MR. HAVER: Is that how much you

1 are recommending the rates go up?

2 MR. MORGAN: Again, the rates  
3 increase has been decided. And what I am  
4 recommending in this proceeding is the  
5 amount that those rates should be reduced  
6 by.

7 MR. HAVER: Again, sir, I am just  
8 asking you to do very simple calculation,  
9 which you just did with me. Said based on  
10 your testimony, the agreement says the  
11 Water Department, if there is no reduction,  
12 gets 34.11 million. You are making a  
13 recommendation that 6.6 million be reduced  
14 from that amount.

15 I'm saying, that means that you are  
16 recommending the rates be increased by  
17 27.51 million; is that correct?

18 MR. MORGAN: Mathematically.  
19 Mathematically that is what happens. But  
20 if I were to be recommending an increase, I  
21 would have to look at the cost of service  
22 to come up with what I think it should be.  
23 At this point, I have not done that because  
24 it's beyond the scope of this proceeding.

1                   So, I cannot accept the argument  
2                   that I'm recommending that increase.

3                   MR. HAVER:    If you add the rate  
4                   increase from last Fiscal Year, what  
5                   remains after your deduction?  What would  
6                   the total rate increase be?

7                   MR. MORGAN:    When you say last  
8                   year?

9                   MR. HAVER:    Yes.  Fiscal Year  
10                  22/23.  The amount that was included in the  
11                  settlement.

12                  MR. MORGAN:    Be roughly 37.9  
13                  million.

14                  MR. BALLENGER:  And subject to  
15                  check, Mr. Morgan?

16                  MR. MORGAN:    Yes.

17                  MR. BALLENGER:  I'm not sure what  
18                  we're doing here.  So there is a -- if it  
19                  helps, Mr. Haver, there is a schedule  
20                  attached to Mr. Morgan's testimony that has  
21                  all of the numbers that I think you are  
22                  talking about.

23                  MR. HAVER:    Mr. Morgan, for the  
24                  purposes of these limited hearings and not



1 looking at anything else, what you are  
2 saying in your opinion and in your  
3 testimony is that it is fair and just for  
4 it to be in two years a \$37.9 million rate  
5 increase; is that correct?

6 MR. BALLENGER: Object here.  
7 Again, that's not what he's testifying.

8 HEARING OFFICER CHESTNUT: He's not  
9 making any kind of recommendation  
10 concerning any kind of rate increase. What  
11 he's saying is that based on the terms of  
12 the settlement, that there was sufficient  
13 financial performance to justify a  
14 reduction in the already improved increase.

15 And I think that's a different  
16 issue.

17 MR. HAVER: That doesn't --

18 HEARING OFFICER CHESTNUT: -- what  
19 you agree to.

20 MR. HAVER: Doesn't that mean --

21 HEARING OFFICER CHESTNUT: I think  
22 you need to restate your question,  
23 Mr. Haver.

24 MR. HAVER: No. I think I'm going

1 to leave it as it is with your comments.

2 HEARING OFFICER CHESTNUT: Okay.

3 MR. HAVER: I think that's  
4 sufficient to make my point. I'm once  
5 again glad that you are helping expose  
6 what's going on.

7 Mr. Morgan, going back to last  
8 year's proceedings, isn't it true that last  
9 year you recommended zero increase in 2022  
10 and in 2023? And I will read you your  
11 testimony. This is from line -- page 7 and  
12 8 in my pagination in Fiscal Year 2022 rate  
13 case.

14 Quote: I recommend the Board not  
15 approve the increase in rates as filed by  
16 the Department. Instead, I am recommending  
17 adjustments to the cost of service as  
18 presented by the Department to reduce costs  
19 that appear to be excessive and to reflect  
20 certain costs at a reasonable level. As a  
21 result of these adjustments, my analysis  
22 show that the Department's request to  
23 increase rates is unnecessary.

24 Do you remember testifying to that,

1 sir?

2 MR. MORGAN: I remember. I don't  
3 have the testimony before me. I will  
4 accept that subject to check.

5 MR. HAVER: And now you no longer  
6 have that opinion; is that correct?

7 MR. MORGAN: Mr. Haver, it's not --  
8 it's not -- one has to be prudent when  
9 making statements. If this were a full  
10 rate case where I had the opportunity to  
11 look at the cost elements given today's  
12 environment, I'm likely to have a different  
13 opinion.

14 The rates have been settled. In  
15 this country we operate by the rule of law.  
16 And following the law, I have to accept  
17 what the Board has deemed to be the rates  
18 going forward. Yes, as the consumer  
19 advocate, I would like to see rates lower.  
20 But at the same time, you're not even  
21 giving me any credit for pursuing a rate  
22 decreases. It's as if there is no effort.

23 And so, I disagree with the premise  
24 of your question.

1 MR. HAVER: I'm not giving you  
2 credit or not credit. I'm just asking  
3 questions. It will be up to somebody else  
4 to decide whether you are doing a good job  
5 or bad job. It's certainly not something I  
6 have the privilege of deciding.

7 MR. MORGAN: Okay.

8 MR. HAVER: But again, is it the  
9 settlement itself that precludes you from  
10 looking at the rates and deciding whether a  
11 rate reduction is warranted?

12 MR. MORGAN: It's a legal process.

13 MR. HAVER: Is it the settlement  
14 that defines your inability to look at all  
15 of the rates?

16 MR. MORGAN: No. It's the legal  
17 process.

18 MR. HAVER: I don't understand what  
19 you mean by the legal process.

20 MR. MORGAN: It's not the  
21 settlement. The legal process less this  
22 proceeding, so to speak. And so, I have to  
23 abide by what has been decided and  
24 authorized by the Board. It's not up to me

1 to go out and do what I want to do.

2 MR. HAVER: Were these legal  
3 proceedings set up and limited by the  
4 Settlement Agreement?

5 MR. MORGAN: Which legal  
6 proceedings?

7 MR. HAVER: The ones we are at  
8 today.

9 MR. MORGAN: Can you repeat the  
10 question?

11 MR. HAVER: The proceedings which  
12 are taking place today, were they created  
13 and limited as a result of the Settlement  
14 Agreement?

15 MR. MORGAN: It is consistent with  
16 the Settlement Agreement.

17 MR. HAVER: In fact, sir, doesn't  
18 the Settlement Agreement call for these  
19 proceedings?

20 MR. MORGAN: You know, I -- again,  
21 we are getting into an area where it could  
22 be up to legal interpretation. What I can  
23 say is that this is consistent with the  
24 Settlement Agreement.

1 MR. HAVER: Going back to your  
2 testimony in the prior rate case.

3 In the prior rate case, you  
4 projected that the Philadelphia Water  
5 Department would be able to access Rate  
6 Stabilization Fund transfers and also be  
7 able to get stimulus dollars. And again,  
8 I'm quoting from your testimony which  
9 you've already said you don't have in front  
10 of you.

11 But on page 6 of my pagination,  
12 your testimony says, quote, I then  
13 summarize for the Board's consideration the  
14 likely receipt of federal stimulus funds.

15 Do you recall saying something like  
16 that, sir? I know you don't have access to  
17 the exact language.

18 MR. MORGAN: Yes. I recall saying  
19 something to that effect.

20 MR. HAVER: Are you disappointed  
21 that the Water Department did not receive  
22 within the parameters of the Settlement  
23 Agreement a single penny of federal  
24 stimulus dollars?

1 MR. MORGAN: At the time, I made  
2 those statements, the government, there  
3 were economic stimulus proposals.  
4 Proposals for infrastructure. There were  
5 several things. So to the extent that none  
6 of those dollars have come to the Water  
7 company or the Water Department, I should  
8 say, yes, it's a little disappointing.

9 MR. HAVER: Is it true, sir, that  
10 as a result of the settlement, the  
11 Philadelphia Water Department did not  
12 financially need any money from the  
13 stimulus package?

14 MR. BALLENGER: Objection. I don't  
15 think Mr. Morgan --

16 HEARING OFFICER CHESTNUT: I don't  
17 think there's any basis for that question.

18 I'm sorry. What did you say,  
19 Mr. Ballenger?

20 MR. BALLENGER: I was saying, I  
21 don't think Mr. Morgan can testify on  
22 behalf of the Department as to what it  
23 needed.

24 HEARING OFFICER CHESTNUT: Yeah.

1 Mr. Haver, you know you can't -- we're not  
2 going back and reexamining the settlement.  
3 The settlement is done. The rate case is  
4 over. So please, try to refocus your  
5 questions.

6 MR. HAVER: I am focusing my  
7 questions. Again, it's always amazing to  
8 me. Prior to this, you said that looking  
9 at the past record was fine when other  
10 people questioned about former testimony  
11 and former record, you said, quote, it's  
12 appropriate to look at the past record.  
13 Now when I raise those questions, you say  
14 it's inappropriate.

15 I don't know what could be more  
16 proof of prejudicial treatment than that.  
17 It's all right for some people to look at  
18 the prior record, but it's not all right  
19 for me to look at the prior record?

20 HEARING OFFICER CHESTNUT:

21 Mr. Haver, I'm not going to get  
22 into any argument with you because you,  
23 obviously, don't listen. So --

24 MR. HAVER: Once again --



1 HEARING OFFICER CHESTNUT: I'm  
2 going to save my breath and will extend  
3 everybody the same effort here, and tell  
4 you to ask Mr. Morgan questions related to  
5 the testimony he presented in this case.  
6 You can't ask him about what -- you know,  
7 I'm going to back up.

8 Just ask your questions about his  
9 statement in this case.

10 MR. HAVER: Once again, prejudicial  
11 on your part. Other attorneys, other  
12 parties, other participants were allowed to  
13 ask about prior records. And you are  
14 telling me that I cannot.

15 HEARING OFFICER CHESTNUT: Go  
16 ahead. Ask your question.

17 MR. BALLENGER: You've asked a  
18 number of questions -- you've asked a  
19 number of questions about 2021 rate case.  
20 And the one that you just asked wasn't  
21 about the rate case settlement or  
22 Mr. Morgan's --

23 MR. HAVER: Excuse me. I object to  
24 Mr. Ballenger testifying.

1 HEARING OFFICER CHESTNUT: He's not  
2 testifying. Be quiet.

3 MR. HAVER: He is certainly  
4 testifying.

5 HEARING OFFICER CHESTNUT:  
6 Attorneys are allowed to speak.

7 MR. HAVER: Your Honor --

8 HEARING OFFICER CHESTNUT: It's not  
9 testimony.

10 MR. HAVER: Once again, Your Honor,  
11 your prejudicial nature is being shown. He  
12 is not allowed to testify.

13 HEARING OFFICER CHESTNUT: He is  
14 not testifying.

15 MR. HAVER: He is not a witness.  
16 He can --

17 HEARING OFFICER CHESTNUT: Steven,  
18 mute Mr. Haver for a few minutes.

19 MR. HAVER: You can rule me out of  
20 order. He is not allowed to testify.

21 HEARING OFFICER CHESTNUT: Steven,  
22 mute Mr. Haver so that Mr. Ballenger can  
23 make a statement.

24 MR. BALLENGER: We have allowed

1 Mr. Haver to ask questions about  
2 Mr. Morgan's testimony in the 2021 rate  
3 case just as we -- you know, Mr. Dasent  
4 did. So, we haven't raised an objection to  
5 talking about his prior testimony.

6 The last question that he asked was  
7 about whether the Water Department somehow  
8 was relieved of any need or urgency to  
9 pursue stimulus dollars. That is just not  
10 something Mr. Morgan can testify about. He  
11 can't testify on behalf of the Water  
12 Department. So, that's why I objected to  
13 that question.

14 If Mr. Haver has more questions  
15 that are even close to the subject matter,  
16 I will continue to allow Mr. Morgan to  
17 answer if he has an answer.

18 HEARING OFFICER CHESTNUT: Okay.  
19 Thank you.

20 Mr. Haver, you can continue.

21 Steven, I think you need to unmute  
22 Mr. Haver.

23 MR. LIANG: I asked him to unmute.  
24 It's --

1 HEARING OFFICER CHESTNUT: Okay.

2 MR. HAVER: Mr. Morgan, under the  
3 Settlement Agreement, would the Water  
4 Department be able to pay its bills? Be  
5 able to meet its debt service? Be able to  
6 retain its credit worthiness according to  
7 the rating agencies even if it did not get  
8 a single stimulus dollar?

9 MR. MORGAN: I think it's stated in  
10 the Settlement Agreement that the rates  
11 that were determined from the settlement  
12 was just unreasonable. And so if that is  
13 the case, then the Water Department should  
14 have been -- is able to meet his  
15 obligations.

16 MR. HAVER: Without a stimulus  
17 dollar?

18 MR. MORGAN: Yes. Because at that  
19 time, the rates were not based on the  
20 deduction from stimulus dollars.

21 MR. HAVER: That con -- thank you  
22 very much, Mr. Morgan. That concludes my  
23 testimony.

24 I would like to raise for the

1 record, once again, the prejudicial nature  
2 of the Administrative Law Judge. And once  
3 again, go on record as complaining about  
4 her duplicitous behavior.

5 HEARING OFFICER CHESTNUT: You make  
6 whatever statements you want, Mr. Haver.

7 MR. HAVER: I just did.

8 HEARING OFFICER CHESTNUT:

9 Mr. Ballenger, do you need a few  
10 minutes?

11 MR. BALLENGER: Maybe if you can  
12 just give me two minutes to call  
13 Mr. Morgan. We will back at 1:05.

14 HEARING OFFICER CHESTNUT: How  
15 about if we are back at 1:10.

16 MR. BALLENGER: 1:10 is fine.

17 Thank you.

18 (Off the record at 1:03 p.m.)

19 - - -

20 (Back on the record at 1:10 p.m.)

21 HEARING OFFICER CHESTNUT: Okay.

22 We ready to resume?

23 MR. BALLENGER: Yes, Your Honor.

24 MR. DASENT: Yes.

1                   MR. BALLENGER: Mr. Morgan, you  
2                   were asked some questions about your  
3                   testimony in the 2021 rate case. And in  
4                   particular, I think Mr. Dasent asked you  
5                   some questions about LKM-1, the tables at  
6                   the end of your testimony.

7                   Could you just describe your  
8                   methodology and explain what LKM-1 is?

9                   MR. MORGAN: LKM-1 is a product of  
10                  a model that we used in determining our  
11                  recommendation. It should be noted that  
12                  that recommendation starts off with  
13                  projections by the Water Department using a  
14                  fairly complex model that we have been  
15                  given the opportunity to use.

16                  We do our best to go through and  
17                  make adjustments as we see fit. And  
18                  ultimately, it's a product of using their  
19                  projections with our adjustment. And so,  
20                  what we end up with is a representation of  
21                  items we may not necessarily agree with.  
22                  But as a part of a streamline process, we  
23                  have used their projections with our  
24                  adjustments.

1           MR. BALLENGER: You talked about  
2           the adjustments that go into your  
3           methodology.

4           In a fully litigated case, a case  
5           that doesn't settle, wouldn't it be correct  
6           that the Board would decide whether or not  
7           it wanted to approve each sort of  
8           adjustment as opposed to approving your  
9           overall recommendation?

10          MR. MORGAN: Yes. I've been in  
11          this business for over 37 years, I think.  
12          And there's never been an instance where I  
13          provided testimony and have a commission  
14          Board, an authoritative body accept  
15          everything that I recommended.

16          It also bears mentioning that even  
17          in the instance of a settlement, you have  
18          to weigh the possibility that if we decide  
19          that we will dig in our heels and not  
20          accept a compromise, that the Board or the  
21          Commission might see otherwise. And so, we  
22          have -- as I said earlier, we have to be  
23          prudent and make decisions based on what we  
24          believe to a good decision for rate payers.

1                   In this instance, the result of our  
2                   compromise have saved rate payers over or  
3                   roughly \$85 million. And I think that's  
4                   a -- something to mention because it's not  
5                   like we just accepted everything that the  
6                   Water Department has presented.

7                   MR. BALLENGER: Thank you,  
8                   Mr. Morgan. That's all I have on redirect.

9                   HEARING OFFICER CHESTNUT: Okay.

10                  Mr. Dasent, do you have questions  
11                  based on the redirect?

12                  MR. DASENT: Nothing further.  
13                  Thank you.

14                  HEARING OFFICER CHESTNUT:

15                  Mr. Haver, do you have questions  
16                  based on the redirect?

17                  MR. HAVER: Mr. Morgan, in your  
18                  experience that you just drew upon in your  
19                  testimony just now, do utility companies  
20                  often ask for more than what they expect?

21                  MR. MORGAN: I -- my time with the  
22                  utility was very short. It was three  
23                  years. And what I can say is that they put  
24                  together a package that they believe they



1 can justify. I don't think there's the  
2 idea that, let's ask for me just because we  
3 think we'll end up somewhere less.

4 MR. HAVER: To the best of your  
5 knowledge, has there ever been a rate case  
6 you worked on where the utility got every  
7 single cent of the rate increase it sought?

8 MR. MORGAN: No.

9 MR. HAVER: Would it be normal then  
10 for a utility to receive less than what it  
11 asked for?

12 MR. MORGAN: I think I would say  
13 yes.

14 MR. HAVER: And would you suggest  
15 that the people who run utilities are  
16 unaware of that fact?

17 MR. MORGAN: I -- I -- you know,  
18 that's generalization that I wouldn't want  
19 to make.

20 MR. HAVER: Okay. Do you believe  
21 that the majority of people who run  
22 utilities, whether the CEO, COO or CFO, are  
23 intelligent, smart and well-informed?

24 MR. BALLENGER: Do you feel

1 comfortable with that, Mr. Morgan?

2 MR. MORGAN: For the most part.

3 MR. HAVER: And do you think they  
4 would be aware of the history of rate  
5 requests versus what was gift granted?

6 MR. MORGAN: If you are a utility  
7 executive and you are not aware of what has  
8 been granted and what has been requested,  
9 then there is an issue. So, the answer to  
10 your question is yes.

11 MR. HAVER: Thank you.

12 MR. BALLENGER: Is that it,  
13 Mr. Haver?

14 HEARING OFFICER CHESTNUT:

15 Mr. Haver, you are muted.

16 MR. HAVER: Sorry.

17 Your Honor, yes, I'm done. Thank  
18 you very much, Mr. Morgan.

19 HEARING OFFICER CHESTNUT: Okay.

20 Then I think that concludes this. Thank  
21 you very much, Mr. Morgan, you are excused.

22 I think we have come to the end of  
23 the witness presentation for today. Let's  
24 talk about schedule and the record.

1                   According to the schedule, have you  
2                   had settlement discussions?

3                   MR. DASENT: We have talked on and  
4                   off about the possibility of settlement.  
5                   We sort of got distracted with TAP-R  
6                   truthfully, and not much more. But you  
7                   know if -- I will talk to Rob after.

8                   HEARING OFFICER CHESTNUT: I would  
9                   urge you to talk.

10                  MR. DASENT: And I have transcript  
11                  responses as next because we have a couple  
12                  of those for today. Expect those by  
13                  Monday, Your Honor.

14                  HEARING OFFICER CHESTNUT: Okay.

15                  MR. BALLENGER: I think there  
16                  were -- I only heard one, Andre, but I am  
17                  just confirming. I don't think there were  
18                  any for Mr. Morgan.

19                  MR. DASENT: No. We wrote down  
20                  two. One had to do for Mr. Haver. And one  
21                  had to do with household subject to  
22                  shutoff.

23                  MR. BALLENGER: Oh, yup. It's  
24                  something else Mr. Jagt was going to get

1 numbers on.

2 MR. DASENT: Yeah.

3 HEARING OFFICER CHESTNUT: Okay.

4 MR. DASENT: And then briefs by May  
5 10. I will reach out to Rob before then.

6 HEARING OFFICER CHESTNUT: I really  
7 do urge you to settle. I know that there  
8 is some strong feelings, especially on the  
9 utilities part. I -- there is a lot of  
10 reasons why you couldn't come to some  
11 agreements on this.

12 I will try and comply with this  
13 target date May 27. Can't guarantee it  
14 obviously. It depends on your briefing. I  
15 will give you a heads up again like I did  
16 before, which is I'm not going to spend a  
17 lot of time discussing and analyzing this.  
18 I think it's pretty straightforward.  
19 Should there be an adjustment, you know,  
20 what is it based on.

21 And what I'm looking at is -- you  
22 know, I'm not bound by your stipulation,  
23 but I think maybe it would help if I gave  
24 you a heads up.

1           One of the factors I am going to  
2           look at is the projection that the Water  
3           Department made in the rate case as to what  
4           the Rate Stabilization Fund would be. And  
5           compare that -- I'm not saying that that's  
6           definitely going to be my minimum  
7           threshold. But that certainly is one that  
8           I'm looking at.

9           So that's a -- just a heads up for  
10          you. I'm going to look to see if there  
11          could be any kind of rate reduction and the  
12          impact on utility if that happens. This  
13          could only be a rate decrease for the  
14          customers. That is the way that I am  
15          approaching it.

16          Now in terms of the record, the  
17          regs testify pretty much with the record is  
18          comprised of. Let me find my regs here.  
19          And that's going to be the advance and  
20          formal notices. I'm going to need an  
21          exhibit, a numbered exhibit from you,  
22          Mr. Dasent, about the advertising of the  
23          notifications.

24                 MR. DASENT: Yes. We have started

1           it with the outreach exhibit, PWD Hearing  
2           Exhibit 1. But we need to supplement that  
3           with the state reg proofs of publication.

4                       HEARING OFFICER CHESTNUT: Yes.  
5           Obviously, written testimony and exhibits,  
6           the record of the hearings, my report and  
7           then it says and briefs, exceptions,  
8           written statements and argument, which I  
9           guess is testimony. What I don't see  
10          here -- oh, I take that back. I'm not  
11          clear about responses to discovery.  
12          Because that's not listed in the regs as a  
13          separate item. But it is listed under  
14          three, which is information accepted into  
15          the record by the Board and the Hearing  
16          Officer.

17                      Now I know that in general cases,  
18           all discovery responses are automatically  
19           part of the record. But I think this is --  
20           maybe you can tell me.

21                      Does it have to be specifically  
22           identified in these types of limited cases?

23                      MR. DASENT: That hasn't been our  
24           practice. We've let the posted information

1 be included in the record for your  
2 consideration.

3 HEARING OFFICER CHESTNUT: Okay.  
4 Then all discovery responses are included  
5 in the record, whether or not they've been  
6 included in the hearing exhibits.

7 MR. DASENT: Yeah. And we'd have  
8 to note generally objections, but not in  
9 this case.

10 MR. BALLENGER: You anticipated  
11 what I was going to say, Andre. Yes,  
12 that's exactly right.

13 MR. HAVER: I want to add to the  
14 record, my objection to the Hearing  
15 Examiner referring to this case as a rate  
16 reduction. Consumers will end up paying  
17 more. That is not a reduction. They will  
18 pay more than what they are paying today  
19 even if the Public Advocate's numbers are  
20 accepted. To call it a rate reduction is  
21 to enter 1984.

22 HEARING OFFICER CHESTNUT: Whatever  
23 Mr. Haver, you know, you're wrong,  
24 but I'm not going to explain it again. You

1 can characterize it as you wish, but it's  
2 clear what the process is here. And the  
3 impact --

4 MR. HAVER: I just want the  
5 record --

6 HEARING OFFICER CHESTNUT: I'm not  
7 going to get into an argument with you.

8 MR. HAVER: I'm not arguing. I  
9 just want the record to show that I am  
10 objecting to the way that you are framing  
11 the issue. It is prejudicial for the  
12 public for you to refer as paying more as a  
13 rate reduction.

14 It is misleading. It is  
15 disingenuous. And it creates a tremendous  
16 disincentive for the public to participate.

17 HEARING OFFICER CHESTNUT: Okay.  
18 So let's -- I think we are finished talking  
19 about the record.

20 You do you want your hearing  
21 exhibits specifically identified as part of  
22 the record?

23 MR. DASENT: We request that, Your  
24 Honor.



1 MR. BALLENGER: Please.

2 HEARING OFFICER CHESTNUT: Okay.

3 Then I guess, the only thing outstanding is  
4 the exhibit from you then, Mr. Dasent,  
5 right?

6 MR. DASENT: Yes.

7 HEARING OFFICER CHESTNUT: Are  
8 there any other procedural matters then  
9 that need to be addressed?

10 Mr. Ballenger?

11 MR. BALLENGER: Just as a heads up,  
12 I was debating putting in an exhibit about  
13 our outreach. But I think what I would  
14 like to do is just include that as an  
15 appendix to the brief.

16 HEARING OFFICER CHESTNUT: I think  
17 it should be -- in fact, I think it should  
18 be required that you put on the record  
19 somewhere your outreach.

20 MR. BALLENGER: Happy to do that.

21 HEARING OFFICER CHESTNUT: You want  
22 to make it an exhibit, attach it to your  
23 brief. As long as it's there.

24 MR. BALLENGER: Why don't I put

1 together a post-hearing exhibit and submit  
2 it to Your Honor.

3 HEARING OFFICER CHESTNUT: Okay.  
4 That's fine. Anything further from you,  
5 Mr. Dasent?

6 MR. DASENT: Nothing further.  
7 Thank you.

8 HEARING OFFICER CHESTNUT:  
9 Mr. Haver?

10 MR. HAVER: I made what objections  
11 on the record that I wanted. Thank you.

12 HEARING OFFICER CHESTNUT: Okay.

13 (At this time, brief discussion of  
14 the record with the stenographer.)

15 HEARING OFFICER CHESTNUT: All  
16 right. If nothing further then, thank you  
17 all very much. This hearing is adjourned.

18 (At this time, the Hearing  
19 adjourned at 1:30 p.m.)  
20  
21  
22  
23  
24

C E R T I F I C A T I O N

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.

-----  
ANGELA M. KING, RPR,  
Court Reporter, Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

<u>WORD</u> <u>INDEX</u>					
< \$ >	11 16:19 37:8	19 8:1 147:14	193:19 195:2	26 23:18	57 153:16, 22
\$0 36:11	42:19 43:2	148:2, 8, 11	198:3	25:13	155:7
37:15	73:10 74:4	179:10, 19	<b>2022</b> 1:1 6:12	27 100:8, 9	57.422 4:22
\$10.7 21:19	80:23 182:13	<b>1984</b> 207:21	13:1, 19 14:9	204:13	57.521 4:21
74:15 75:1	<b>11:14</b> 124:2, 11	<b>1A</b> 31:7, 15	20:18 35:5	<b>27,000,051</b>	<b>58</b> 36:1
\$104 13:3, 20	<b>11:20</b> 124:2	32:2, 9, 18	40:18, 24	182:22	
14:7 18:9	<b>11:25</b> 124:6, 9	33:5	50:14, 22 52:9	<b>27.51</b> 183:17	< 6 >
\$119,999,999	<b>11:28</b> 124:13	< 2 >	54:21 85:9	<b>28</b> 1:1	<b>6</b> 22:19 23:3,
106:1	<b>113.998</b> 150:21	<b>2</b> 12:7 18:14	87:13 98:3	<b>29</b> 4:14	10 24:7 89:1
\$120 23:22	<b>114</b> 21:10, 24	27:24 133:13,	100:10 118:15	144:21 145:11	140:14, 18
\$135 14:24	<b>12</b> 37:8 42:19	18 134:3, 8	145:14 165:24		190:11
\$16 8:5 10:7	43:3 89:18	135:2 136:11,	166:1 186:9,	< 3 >	<b>6.6</b> 22:6
\$34 24:13	145:19 146:4,	14 137:16, 17,	12	<b>3</b> 12:7 34:15	80:12 182:17,
\$37.9 185:4	6 147:4	22, 23 144:3,	<b>2022/23</b> 170:9	52:9 54:20	20 183:13
\$5,000 56:13	<b>12:12</b> 164:18	10, 11 153:16	<b>2023</b> 1:1 11:5,	89:1 135:20	<b>600</b> 120:7
\$6.6 11:11	<b>12:25</b> 164:13,	159:3, 8 162:9,	11 14:14	137:5 138:18	<b>68</b> 141:10
181:7	20	20 163:12	23:21 24:12	139:17 140:11	<b>69,000</b> 52:10
\$8 7:24	<b>120</b> 126:16, 21	<b>20</b> 45:19, 24	25:7, 14, 18	150:10 170:3,	53:16 54:21
\$85 200:3	127:22 156:11,	99:10 126:4	32:18 33:5	7, 12	< 7 >
\$92 14:15	16	133:19 134:7,	36:10 37:14	<b>30</b> 18:1 99:17,	<b>7</b> 16:9 23:4,
\$96 25:15	<b>124</b> 21:12, 24	10, 12 171:11,	85:10 87:13	20	15 148:12
	<b>124,661,000</b>	20 172:2	105:3 141:23	<b>31</b> 61:23	186:11
	163:14	<b>2000</b> 85:7	150:15 151:9	101:24 102:2	<b>70/30</b> 141:14
	<b>125</b> 69:9	<b>2001</b> 85:7	181:1 182:8	146:2	<b>75</b> 75:13
	<b>13</b> 13:10	<b>2002</b> 85:8	186:10	<b>31.1</b> 182:21	116:24
	14:12 16:21,	<b>2012</b> 85:8	<b>2024</b> 122:8	<b>33</b> 105:11	<b>79</b> 134:10
< 1 >	22 18:11	<b>2018</b> 173:10	<b>2027</b> 100:10	144:11	
<b>1</b> 4:14 12:7	42:19 43:2, 5	<b>2018</b> 77:20	<b>21</b> 4:12 17:22	<b>34</b> 24:21	< 8 >
34:4 40:24	84:3, 7, 8	78:21 79:8	20:22 40:17	159:11	<b>8</b> 11:19 36:13
60:15 69:8	88:23 89:19	125:6, 22	45:20 99:18	<b>34.11</b> 182:12,	38:23 170:16
118:7 143:12	145:19, 22, 23	127:5 130:13	100:24 101:16	20 183:12	172:4 186:12
145:14 206:2	146:6	<b>2019</b> 6:11	129:17, 20	<b>34.110</b> 24:1	<b>8-600</b> 38:17
<b>1.1</b> 31:12, 19	<b>13.2</b> 66:11	7:15	130:2, 3	182:10	39:2 40:6
32:13 33:1, 19	<b>135</b> 12:20	<b>2020</b> 6:12	149:13, 18	<b>34-and-change</b>	41:9, 20
34:6, 15	77:3, 7, 17, 23	7:16 8:1 85:8	155:7 162:21	11:10	167:20
<b>1.2</b> 7:15 8:7	78:12 79:6	129:3 136:24	177:4 179:11,	<b>35</b> 54:1, 7	
9:8, 16 17:3	124:21 125:4	<b>2021</b> 4:16	22, 24	<b>37</b> 34:15	
<b>1.24</b> 142:5	127:18 129:9,	13:13 14:23	<b>22</b> 83:3, 11	199:11	< 9 >
143:4, 9	14, 24 130:4, 7,	15:23 17:20	84:15 90:24	<b>37.9</b> 184:12	<b>9</b> 12:17 18:12
<b>1.3</b> 9:16 126:3	9, 15 131:1	18:7, 20 20:18	100:6 129:16,	<b>39</b> 84:22	19:4 73:3
<b>1.33</b> 7:15 8:6	<b>139</b> 54:2, 8	21:12 23:13	17, 18 147:19		74:4 105:14
<b>1:03</b> 197:18	<b>14</b> 45:24	41:3 50:12, 20	148:3 166:9	< 4 >	136:8 146:4
<b>1:05</b> 197:13	89:12, 20, 24	53:9 66:12	170:10 178:23,	<b>4</b> 4:11 22:15,	147:4
<b>1:10</b> 197:15,	90:3 144:6, 14	80:24 85:8, 9	24 179:12	16 138:13	<b>9:00</b> 1:1
16, 20	177:5	91:1, 2 92:7,	<b>22/23</b> 166:10	139:1 153:20	<b>9:02</b> 2:2
<b>1:30</b> 3:19	<b>15</b> 37:9 81:8	15 93:4 94:1,	184:10	<b>41</b> 13:13 84:9	<b>96.376</b> 150:14
210:19	90:3, 4 159:4,	18 95:7 97:24	<b>23</b> 4:12 63:23	<b>42</b> 148:19	151:6 152:9
<b>10</b> 15:5 80:23	8, 13	98:12, 15 99:1,	81:20, 21 83:4,	<b>43</b> 179:19	153:13
148:12 170:2,	<b>16</b> 91:20 96:9	4, 13 118:7	11 84:15		
6, 7, 12, 17	159:14, 23	129:3, 5	90:24 129:18	< 5 >	< A >
204:5	<b>17</b> 95:4 155:7	136:12, 21	138:7 148:16	<b>5</b> 6:8 36:13	<b>a.m</b> 1:1 2:2
<b>10.4</b> 171:3	160:8 179:20	137:1 139:18	149:21 152:9	99:4 172:3	65:10, 12
<b>10.5</b> 142:8, 13	<b>175,652,000</b>	141:19 142:10	182:2	<b>5.35</b> 141:18	124:11, 13
<b>10.7</b> 22:5	162:13, 24	144:22 145:5,	<b>24</b> 70:16	143:12	<b>abide</b> 188:23
75:13 141:18	<b>18</b> 45:24	11, 14 147:20	81:20, 21	<b>5.53</b> 142:22	<b>ability</b> 114:16
142:15	147:13 148:2	149:7 150:19	131:6	<b>50</b> 163:15	115:10
<b>10:05</b> 65:7, 10	172:3 177:5	159:15 161:3,	<b>25</b> 92:1 95:15	<b>50/50</b> 141:4,	<b>able</b> 29:15
<b>10:10</b> 65:8	179:12	8 163:1	117:1	10, 13	30:16 110:20
<b>10:13</b> 65:12				<b>500</b> 111:19	119:21 155:24
<b>100</b> 75:2					

190:5, 7 196:4, 5, 14	<b>add</b> 85:16 128:13 143:11 184:3 207:13	61:19 63:15 76:13 82:12 83:16 86:2	112:3 153:15, 17	18, 24 190:23 196:3, 10	<b>analysis</b> 20:16 186:21
<b>absent</b> 164:5	<b>added</b> 9:7 180:22	104:9, 11, 14, 16 108:1	<b>ago</b> 148:17	<b>agreements</b> 82:24 204:11	<b>analyzing</b> 204:17
<b>absolutely</b> 20:4 48:17 63:12	<b>addition</b> 126:2, 15, 22 143:4	157:1 186:17, 21 198:17, 24 199:2	<b>agree</b> 3:22 13:22 14:17 16:24 18:15 19:12 20:9 21:23 24:14, 19 25:7, 11 34:1 36:17	<b>Ah</b> 54:1	<b>and/or</b> 211:1
<b>Acacia</b> 71:17	<b>additional</b> 10:3, 7 25:6 47:13 64:15	<b>Administrative</b> 197:2	39:14 44:20 56:12 74:13 83:7, 8, 24 85:13 86:21 103:14 104:8, 18, 20 107:22, 23, 24 108:8, 10 109:1	<b>ahead</b> 68:15 94:24 115:2 119:17 124:24 125:18 156:19 161:5 165:20 167:11 169:24 171:22 176:23 193:16	<b>Andre</b> 51:19, 21 203:16 207:11
<b>accept</b> 108:12 142:17 152:4, 8 184:1 187:4, 16 199:14, 20	<b>address</b> 47:14 135:16	<b>advice</b> 49:15, 16, 18	154:2, 6, 20 158:5 159:24 176:19 185:19 198:21	<b>allocate</b> 29:4 46:1, 6, 9 108:6	<b>ANGELA</b> 211:1
<b>acceptable</b> 89:8	<b>addressed</b> 6:1 136:1 140:10 209:9	<b>Advisors</b> 71:16, 18	<b>advised</b> 3:4 15:24 19:21 23:24 58:8 59:1, 9 62:16 65:21 66:14 69:18 70:5 81:3, 18 82:7, 13, 17 83:8, 10 85:11, 18 86:15, 22 103:22 109:16 113:22 125:5, 22 127:4 129:19 151:2 160:12 182:8	<b>allocates</b> 109:8	<b>announcement</b> 168:22
<b>accepted</b> 152:24 200:5 206:14 207:20	<b>adjust</b> 11:9 60:18 83:16 109:16	<b>Advocate</b> 11:24 12:3 15:24 58:7 59:1, 9 69:17 70:6 82:20 84:3 132:24 134:13 135:5, 11 167:2, 16 187:19	<b>agreed</b> 3:4 15:24 19:21 23:24 58:8 59:1, 9 62:16 65:21 66:14 69:18 70:5 81:3, 18 82:7, 13, 17 83:8, 10 85:11, 18 86:15, 22 103:22 109:16 113:22 125:5, 22 127:4 129:19 151:2 160:12 182:8	<b>allocation</b> 67:6 76:19 110:12	<b>annul</b> 33:17
<b>accepts</b> 11:2 106:9 154:24	<b>adjustment</b> 18:18 20:9 21:3, 17 22:22 24:21 25:9 35:10 36:5, 8, 18 37:10, 11, 13 40:22 44:16 45:4 57:8, 20 60:9, 24 61:7 62:8, 10 65:24 72:20 74:9 76:10 77:1 80:11, 18 103:17, 21 104:5, 21 109:2 136:13, 22 139:19 141:16, 17 142:2, 3, 22 177:12 198:19 199:8 204:19	<b>Affairs</b> 42:10	<b>agrees</b> 83:5 86:2	<b>allocations</b> 46:17	<b>answer</b> 20:7 27:7 29:13, 15 30:11, 17 42:9 44:23 45:5, 14 46:15 64:21 75:10 81:7 93:12 94:16 113:1 114:21, 24 115:1, 2 116:9, 15 119:15, 23 121:4 139:5, 11, 15 144:14, 20 149:6, 12, 23 150:24 152:20 165:17 176:14, 22 178:8 195:17 202:9
<b>Access</b> 38:18, 20 39:4, 7 40:2, 8, 12 190:5, 16	<b>adjusted</b> 18:18 20:9 21:3, 17 22:22 24:21 25:9 35:10 36:5, 8, 18 37:10, 11, 13 40:22 44:16 45:4 57:8, 20 60:9, 24 61:7 62:8, 10 65:24 72:20 74:9 76:10 77:1 80:11, 18 103:17, 21 104:5, 21 109:2 136:13, 22 139:19 141:16, 17 142:2, 3, 22 177:12 198:19 199:8 204:19	<b>affected</b> 5:3 24:18	<b>agreeing</b> 83:5 86:2	<b>allowed</b> 93:12 193:12 194:6, 12, 20, 24	<b>answered</b> 4:5 93:15 115:20 176:12
<b>accomplish</b> 2:18	<b>adjustments</b> 23:20, 24 28:21 36:10 44:15, 18 57:6	<b>affirm</b> 14:10 <b>affirmatively</b> 149:1	<b>agreement</b> 16:18 35:2, 14, 18 47:7, 20 50:1 57:18 58:6 83:1 85:2 86:5 101:17, 19 104:5 107:21 116:4 119:7 122:19, 22 123:3 130:17 160:1, 14 170:22 180:20 182:7 183:10 189:4, 14, 16,	<b>allows</b> 108:22 109:10	<b>answers</b> 135:8 146:6
<b>account</b> 66:19		<b>affirmed</b> 78:2	182:7 183:10 189:4, 14, 16,	<b>allow</b> 107:16 113:3 114:20 176:14 195:16	<b>anticipated</b> 9:22 12:24 207:10
<b>accounting</b> 97:10		<b>afield</b> 119:10	58:6 83:1 85:2 86:5 101:17, 19 104:5 107:21 116:4 119:7 122:19, 22 123:3 130:17 160:1, 14 170:22 180:20 182:7 183:10 189:4, 14, 16,	<b>amount</b> 2:19 13:18 21:7, 18 24:9 25:17 37:9 66:20 75:3, 24 76:19 80:16 81:11 86:13 103:23 104:2 109:22 140:20 141:2, 22 142:11, 21 143:12 146:20 150:17 151:1, 2 160:3 174:18 177:12 180:19 181:11 182:4 183:5, 14 184:10	<b>anybody</b> 5:8 <b>anyway</b> 14:5 36:17 76:20
<b>accounts</b> 52:10 54:21		<b>afternoon</b> 3:19 125:13	150:1 57:18 58:6 83:1 85:2 86:5 101:17, 19 104:5 107:21 116:4 119:7 122:19, 22 123:3 130:17 160:1, 14 170:22 180:20 182:7 183:10 189:4, 14, 16,	<b>amounts</b> 4:15 13:22 24:11 46:2 69:3 74:16 180:7	<b>apologize</b> 9:9 33:3 165:10
<b>accuracy</b> 99:2		<b>agencies</b> 12:2, 4, 9 126:6, 14 127:16 129:12 154:2, 19 156:6 157:24 158:22 174:19, 23 175:9, 13, 16 176:7 196:7	182:7 183:10 189:4, 14, 16,	<b>allocation</b> 67:6 76:19 110:12	<b>appeal</b> 6:19 19 77:5 186:19
<b>accurate</b> 93:17		<b>agency</b> 42:1 52:1 111:24		<b>allocates</b> 109:8	<b>appearing</b> 132:11
<b>accurately</b> 211:1				<b>allocations</b> 46:17	<b>appears</b> 47:4 107:5
<b>achieve</b> 83:16, 18				<b>allow</b> 107:16 113:3 114:20 176:14 195:16	<b>appended</b> 150:11
<b>acknowledge</b> 4:2 5:5 48:8 90:18				<b>allowed</b> 93:12 193:12 194:6, 12, 20, 24	
<b>acknowledged</b> 139:23 146:22				<b>allows</b> 108:22 109:10	
<b>acknowledges</b> 18:16				<b>amazing</b> 192:7	
<b>acknowledging</b> 85:18				<b>American</b> 44:1	
<b>Act</b> 44:2 45:9 112:19				<b>amount</b> 2:19 13:18 21:7, 18 24:9 25:17 37:9 66:20 75:3, 24 76:19 80:16 81:11 86:13 103:23 104:2 109:22 140:20 141:2, 22 142:11, 21 143:12 146:20 150:17 151:1, 2 160:3 174:18 177:12 180:19 181:11 182:4 183:5, 14 184:10	
<b>action</b> 6:24 12:22 127:14				<b>allows</b> 108:22 109:10	
<b>activities</b> 119:3				<b>amazing</b> 192:7	
<b>actual</b> 19:7, 8, 9, 14 20:16 21:11 47:2 94:4, 5, 18 95:20 98:23, 24 99:4 109:22 136:22 137:3, 8 151:22 162:22 163:14 182:4				<b>amounts</b> 4:15 13:22 24:11 46:2 69:3 74:16 180:7	

<b>appendix</b> 51:23 209:15	<b>asked</b> 29:20 30:9, 21 39:20 46:7, 8, 16 64:18 119:5, 19 121:16 152:21 161:22 165:9 168:14 177:19 193:17, 18, 20 195:6, 23 198:2, 4 201:11	<b>attempt</b> 46:15 107:4 171:13 173:19, 21	144:5 156:24 159:5 164:13, 20 178:22 181:5, 7 182:6 186:7 190:1 192:2 193:7 197:13, 15, 20 206:10	17 24:7, 15 25:3, 12, 22 66:9 67:14, 16 68:2, 6 72:14, 15 73:2, 6, 9, 13, 16, 20 74:3, 13, 22 75:8, 19, 24 76:6, 24 77:10, 17, 19 78:1, 6, 20 79:1, 10, 23 80:10, 17, 22 81:8, 13, 21 82:1, 9, 16 83:6, 12, 23 84:8, 12, 16, 20, 24 87:3, 10, 17, 22 88:14, 23 89:11, 20 90:2, 5, 11, 17 91:5, 18, 20 92:1, 3, 13, 18, 22 93:1, 5, 7, 14, 22, 24 94:13, 24 95:1, 14, 21 96:2, 10, 16, 20 97:1, 4, 14, 18 98:4, 8 99:6, 19, 24 100:10, 13, 17 101:3, 9, 11, 15, 23 102:2, 8, 13, 14, 18, 19, 24 103:11 104:3, 15, 20 105:1, 13, 16, 22 106:8, 14, 18 111:7 128:18 131:13, 15 132:2, 17 138:20 139:4, 7 142:12, 24 152:14 160:16 161:5, 20 163:20 164:3, 11, 17, 23 165:2, 14 170:15 172:2 176:8, 10, 11, 19 179:3, 7, 9, 21 181:13 184:14, 17 185:6 191:14, 19, 20 193:17, 24 194:22, 24 197:9, 11, 16, 23 198:1 199:1 200:7 201:24 202:12 203:15, 23	207:10 209:1, 10, 11, 20, 24 <b>Ballenger's</b> 109:12 124:17 <b>bands</b> 27:22 <b>bank</b> 175:23 176:3, 13 <b>banks</b> 176:4 <b>barely</b> 11:21 105:5 <b>base</b> 9:11 36:10 37:14 47:10 87:1 <b>based</b> 67:15 68:11 72:20 74:10, 15, 19 76:22 77:2 80:12, 13 83:14, 15 85:1, 3, 20 88:21 98:22 104:23 110:11 131:14 132:6 142:3 143:5 153:11 177:22 183:9 185:11 196:19 199:23 200:11, 16 204:20 <b>bases</b> 105:17 <b>basically</b> 80:5 89:2 141:9 156:19 <b>basis</b> 16:2, 13 24:20 42:3 45:4, 15 48:19 64:3 76:13 130:23 191:17 <b>bear</b> 66:17 <b>bears</b> 199:16 <b>beginning</b> 84:21 85:5 136:24 148:7 151:17 <b>begins</b> 97:23 136:18 145:14 <b>behalf</b> 40:14 191:22 195:11 <b>behavior</b> 197:4 <b>belabor</b> 110:15 <b>belief</b> 80:24 <b>believe</b> 2:23 8:3 19:17 28:13 30:23 35:17 38:5 41:7, 23 42:8 47:1 49:15 50:14 53:18 55:10, 12 56:1, 5, 20 60:9
---------------------------------	---	--	--	--	--

64:4 65:19 69:19 73:2, 20 75:24 79:1 81:8 87:24 93:12 98:5 99:3 109:2 113:18 136:17 142:12 172:12 173:10 174:22 175:11 181:10 199:24 200:24 201:20 <b>believed</b> 30:3 <b>benefit</b> 108:20 123:10 <b>best</b> 42:16 45:16 79:7 110:16 113:14, 16 115:9 118:17 119:2, 13 121:12 198:16 201:4 <b>bet</b> 117:19 <b>better</b> 29:15 30:16 71:8 115:20 116:8, 9 119:21 <b>beyond</b> 28:17, 23 41:14 44:12 57:4 112:23 115:12 122:9 131:6 183:24 <b>bigger</b> 127:23 <b>bill</b> 126:3 <b>billing</b> 98:23 <b>bills</b> 106:4 196:4 <b>bit</b> 7:5 95:3 103:12 126:18 140:4 164:14 <b>Black</b> 72:4, 7 82:7, 11, 23 86:1 92:8 94:3 95:6, 8 97:21 98:5, 9 102:15, 20 103:12, 14 104:7, 21 107:13, 16, 19, 20 108:4, 12, 21 110:14 123:5 124:18 128:11, 17 131:4 149:16, 24 150:3, 6 159:1, 15, 19, 24 160:9, 19	<b>BOARD</b> 1:1 7:22 11:2 33:12 35:4 40:17 57:22 64:2 69:2 77:22 78:6, 7 85:23 87:5 88:9, 20 91:4 106:9 116:21 118:16, 24 125:21 127:24 128:9 152:3, 7 154:24 166:15 169:8 173:7, 11 186:14 187:17 188:24 199:6, 14, 20 206:15 <b>Board's</b> 8:22 12:24 13:6, 12 15:6 33:22 36:1 87:24 117:5 173:15 190:13 <b>body</b> 173:12, 22 199:14 <b>bolster</b> 175:10 <b>bond</b> 126:13 136:5 161:23 <b>bookkeeping</b> 110:4 <b>books</b> 115:16 <b>borrow</b> 66:21 <b>bottom</b> 13:14 23:10 96:12, 24 157:8 <b>bound</b> 204:22 <b>boundaries</b> 57:9 <b>bounds</b> 41:23 42:8 46:14, 23 50:6 55:3, 16 56:21 63:6 64:13 76:21 116:14 <b>box</b> 82:8, 11, 23 86:1 102:16, 21, 22, 24 103:12, 14 104:7, 21 107:13, 16, 19, 20 108:4, 12, 21 110:14 123:6 149:16, 24 150:3, 6 159:1, 15, 19, 24 160:10, 19	<b>break</b> 2:14 65:4 123:23 164:9 <b>breakdown</b> 161:3 <b>breath</b> 193:2 <b>Brian</b> 72:6 <b>brief</b> 107:5 209:15, 23 210:13 <b>briefing</b> 204:14 <b>briefly</b> 45:5 <b>briefs</b> 204:4 206:7 <b>brings</b> 175:8 <b>broader</b> 120:10 <b>broadly</b> 112:14, 18, 19 <b>browser</b> 170:18 <b>budget</b> 45:20 46:7, 18, 20 63:24 <b>budgeted</b> 45:10 <b>Bui</b> 72:5 73:12, 19 75:23 77:15 78:24 79:6 102:10, 14 106:17, 18 108:14, 16 109:10, 18, 19 114:9 115:4, 7 116:5 120:18 121:1 124:23 125:2 132:13 <b>building</b> 116:22 118:12 <b>bunch</b> 80:2 <b>burden</b> 17:14 66:23 <b>burdening</b> 130:6 <b>business</b> 199:11  < C > <b>CI</b> 13:12 84:11, 12 95:24 <b>C-1</b> 96:7, 17 98:6, 10, 14 128:19 150:13, 19 <b>C-1A</b> 98:19 <b>calculate</b> 99:1 122:2 131:5	<b>calculated</b> 8:10 21:7 94:12, 22 98:13, 20 101:1 <b>calculates</b> 74:15 <b>calculating</b> 72:20 76:10 <b>calculation</b> 69:13 76:18 103:2 181:9 183:8 <b>calculations</b> 97:8 99:23 <b>calculator</b> 182:18 <b>call</b> 5:16 94:5 189:18 197:12 207:20 <b>called</b> 18:11 55:23 126:20 127:19 <b>Cantu-Hertzler</b> 169:9 <b>capacity</b> 7:10 <b>capital</b> 17:11 53:22 66:10, 19 111:19 117:2 118:14 120:7 122:5 <b>CARE</b> 44:7 112:19 181:14 <b>carries</b> 23:14 <b>case</b> 15:23 18:14 19:11 22:18 26:5 31:4 46:23 47:1, 11, 14 49:8, 11 65:23 66:2 67:4, 5 71:22 78:13 114:7, 12 122:14 124:20 129:1, 4 135:12 141:16 147:20 148:4 149:8, 14, 15, 19 157:20 161:9, 10, 14, 15, 16 165:24 166:2, 6, 7, 8 170:9, 14 175:10 186:13 187:10 190:2, 3 192:3 193:5, 9, 19, 21 195:3 196:13 198:3 199:4 201:5	205:3 207:9, 15 <b>cases</b> 206:17, 22 <b>cash</b> 91:10 156:3 <b>cause</b> 155:13 157:19 <b>cent</b> 201:7 <b>CEO</b> 201:22 <b>certain</b> 126:20 147:21 186:20 <b>certainly</b> 54:5 188:5 194:3 205:7 <b>certification</b> 211:1 <b>certify</b> 211:1 <b>certifying</b> 211:1 <b>CFO</b> 201:22 <b>challenges</b> 157:16 <b>change</b> 79:7 103:6, 19 <b>changed</b> 54:24 <b>changes</b> 5:24 <b>characterizatio n</b> 179:4 <b>characterize</b> 20:24 143:5 208:1 <b>characterized</b> 141:19 <b>charges</b> 10:8 16:1, 11 32:12, 19 33:6, 12, 22 40:23 91:8 <b>Charter</b> 33:18, 23 34:5, 19 38:17 39:3, 14 40:2, 7, 11 41:8, 21 167:21 <b>check</b> 8:2 15:2 17:15 21:21 22:2, 7 33:20 37:24 38:7 56:3 79:2 142:16, 18, 19, 24 143:2 163:3 181:19 184:15 187:4 <b>CHESTNUT</b> 1:1 2:3, 5, 24 3:6, 13 4:8, 19, 23 5:7, 22 6:3 20:5, 13 26:2,	11 29:1, 12, 18 30:5, 12, 20 31:1, 13, 18 32:7, 11, 15, 20 34:11 35:11, 15 36:3 38:14, 21, 24 39:13, 17 41:16 42:23 43:4, 8, 11 44:20 47:8 48:5, 12, 18, 23 49:4, 10, 17, 21 50:23 51:2, 7, 13, 17 52:2, 17, 22 53:2, 6, 11 54:7, 12 57:11, 15 58:12, 16, 21 59:2, 6, 11, 17, 23 60:3, 6, 12, 17, 23 61:6, 11, 24 62:18 63:16 64:24 65:6, 13 67:12, 13 68:9, 14 70:22 71:23 72:8, 13 91:16 93:21 94:15, 20 96:6 101:24 105:10 106:22 110:2 113:2, 10 114:1, 5, 14 115:4, 8 119:12 121:2 123:21 124:1, 5, 8, 14 131:12, 24 132:4, 8, 14 133:4, 7, 20 134:1, 4, 9, 14 137:19 138:1, 5, 8 139:2, 8 140:2 144:9, 12 148:20 152:18 161:12 163:21 164:6, 15, 21 165:8, 12, 19 167:12 168:15, 20 169:2, 11, 16, 23 170:5 171:24 172:5 176:9, 16, 20 179:5, 14, 18 180:1, 9 181:17 185:8, 18, 21 186:2 191:16, 24 192:20 193:1, 15 194:1, 5, 8,
--	---	--	--	---	---

13, 17, 21 195:18 196:1 197:5, 8, 14, 21 200:9, 14 202:14, 19 203:8, 14 204:3, 6 206:4 207:3, 22 208:6, 17 209:2, 7, 16, 21 210:3, 8, 12, 15 <b>Chestnut's</b> 165:18 <b>Chief</b> 71:11 <b>choice</b> 41:10 <b>CIP</b> 53:22 <b>circulate</b> 2:24 <b>citation</b> 39:1 50:24 <b>cite</b> 4:9 120:2 <b>cited</b> 25:21 126:23 145:6 <b>City</b> 9:12 17:24 42:1 44:5, 9 46:1, 5, 10 50:2 63:3, 21 67:2, 4, 7 103:9, 23 104:24 120:5 155:24 172:9 176:3 <b>City's</b> 7:22 8:23 28:9 31:23 50:4 97:10 <b>Citywide</b> 45:15 <b>City-wide</b> 42:2, 5 <b>claim</b> 99:12 <b>claiming</b> 151:3 <b>claims</b> 80:23 <b>clarification</b> 39:24 77:16 131:16 152:22 <b>clarify</b> 23:8 60:2 93:23 121:9 168:24 169:13 180:10 <b>clarifying</b> 94:21 <b>clause</b> 35:9, 12 <b>clean</b> 3:3 7:11 32:19 33:6 <b>clear</b> 6:16 20:4, 6 32:8 36:22 40:3 46:19 69:24 70:14 73:10	78:18 105:16 109:7 115:23 131:22 173:6 206:11 208:2 <b>clearly</b> 2:11 18:1 76:11, 14, 22 90:21 92:14, 17 105:21 128:7 155:21 176:17, 21 <b>close</b> 148:16 195:15 <b>closed</b> 23:2 96:5 <b>closer</b> 140:6 <b>closing</b> 18:7 <b>clothes</b> 32:19 <b>CLS</b> 109:12 <b>clunkiness</b> 33:4 <b>Clupper</b> 5:18 71:14 125:9, 15, 17, 20 <b>Code</b> 33:19 34:20 <b>collect</b> 10:24 <b>collected</b> 109:23 <b>collecting</b> 61:14 <b>collection</b> 98:23 <b>collections</b> 129:21 <b>column</b> 162:12, 18, 23 163:12 <b>combination</b> 36:9 86:10 <b>combinations</b> 109:13 <b>come</b> 86:4, 11, 18 109:12 130:17 155:18 164:13 180:24 183:22 191:6 202:22 204:10 <b>comes</b> 109:24 157:15 <b>comfortable</b> 202:1 <b>coming</b> 154:15 <b>commenced</b> 2:2 <b>commensurate</b> 127:1 158:7 <b>comment</b> 25:13	<b>comments</b> 186:1 <b>commission</b> 199:13, 21  <b>Commonwealth</b> 56:5, 15 69:5 <b>communicated</b> 129:11 130:8 131:1 <b>communication</b> 130:13 <b>communities</b> 116:23 118:13 <b>companies</b> 200:19 <b>company</b> 191:7 <b>compare</b> 86:21, 22 163:12 205:5 <b>compared</b> 126:10 137:9 162:22 <b>comparing</b> 85:14 <b>comparison</b> 147:7 158:20 162:20 <b>comparisons</b> 146:14 <b>complaining</b> 197:3 <b>completely</b> 58:17 <b>complex</b> 120:13 198:14 <b>compliance</b> 120:12 156:1 <b>comply</b> 16:11 204:12 <b>components</b> 160:2 <b>comprised</b> 205:18 <b>compromise</b> 199:20 200:2 <b>computer</b> 35:23 52:19 133:16 153:23 159:12 165:11 171:21 177:5 <b>con</b> 196:21 <b>concern</b> 126:15 154:19 <b>concerned</b> 126:19 127:16 156:8 <b>concerning</b> 67:6 185:10	<b>concerns</b> 79:21 158:22 <b>conclude</b> 22:22 159:2 <b>concludes</b> 123:19 196:22 202:20 <b>concur</b> 19:3 23:16 <b>conditions</b> 48:10 74:7 <b>conference</b> 161:24 164:4 <b>confidential</b> 94:3 <b>confirm</b> 12:11, 23 14:21 21:3, 13 23:4 25:16 31:22 33:15 56:3 67:19 90:12 <b>confirmed</b> 159:20 <b>confirming</b> 203:17 <b>Conformity</b> 31:20 32:14 34:6 <b>consider</b> 174:5 175:12 <b>considerable</b> 109:3 <b>consideration</b> 73:24 190:13 207:2 <b>Considerations</b> 53:19, 23 54:10 <b>considered</b> 62:4 <b>considering</b> 66:4 150:8 <b>consistent</b> 75:14 130:13 134:18 135:4 147:1 153:10 154:22 155:20 189:15, 23 <b>consistently</b> 129:11 141:5 <b>consolidated</b> 97:2 <b>constitute</b> 8:16 11:16, 17 <b>Construction</b> 16:23 66:17 <b>consultant</b> 119:6 122:24 132:24	<b>consultants</b> 28:9 <b>consulted</b> 110:23 <b>consulting</b> 115:16 <b>consumer</b> 173:13 174:10 187:18 <b>consumers</b> 171:14 172:21, 22 174:2 207:16 <b>consumer's</b> 172:13 <b>contained</b> 33:16 34:17 211:1 <b>Contemplate</b> 23:1 70:9 74:8 <b>contemplated</b> 45:19 <b>context</b> 135:3 <b>continually</b> 78:4, 10 <b>continue</b> 7:10 85:16 128:2 195:16, 20 <b>Continuing</b> 8:21 63:11 64:11 119:9 <b>contract</b> 58:8 115:23 116:1, 18 117:8, 11, 14 118:1, 6 119:5 120:1 <b>contradicted</b> 92:5 <b>contrary</b> 104:6 <b>contribute</b> 114:24 <b>contributed</b> 17:1 <b>contributing</b> 8:23 <b>contribution</b> 117:1 <b>contributions</b> 147:12, 19 149:2 <b>control</b> 211:1 <b>controlled</b> 46:13 176:3 <b>controversy</b> 65:22 66:4, 7 <b>COO</b> 201:22 <b>copy</b> 3:3 179:8	<b>corners</b> 44:14 161:23 <b>correct</b> 6:18, 21 7:2 8:3, 11, 14 10:5, 13, 15, 24 12:14, 15 13:4, 8 14:3, 4, 9, 12, 16, 20 15:1, 3, 14, 15, 21 16:5, 7, 15, 16 17:4, 9, 11 19:11, 16 21:20 25:19 26:19, 20 29:11 31:24 37:16, 17 38:6 43:17, 18 46:3, 4 50:16 56:16 60:22 61:7, 10 62:3, 12, 17 68:1, 5 70:7, 10, 18, 19 73:6 74:1, 2, 10, 12, 21 75:7 80:13, 20, 21 81:4, 24 82:14, 15 83:22 84:5 88:3 89:10 91:13, 14 92:20 94:8 95:10, 19, 24 96:1, 15 98:9 99:21, 22 100:17 101:6, 13 102:13 105:15 106:12 107:7 110:1 112:5 116:4 122:15, 16, 19, 20 135:7 138:15, 16 139:14, 21 140:22, 24 141:24 142:6, 11, 13, 23 143:10 146:12, 17, 23 148:13 149:4 150:15, 16, 20 154:7 156:13 158:23 163:2, 4 170:11 171:6, 7 174:20, 21 183:17 185:5 187:6 199:5 211:1 <b>corrected</b> 4:17 <b>correction</b> 4:20
--	--	---	---	---	---



<b>corrections</b> 5:24 72:9	126:17 129:20, 23 130:10	19:23 28:15 30:8 34:8	163:7, 11, 17 165:1 195:3	<b>decrease</b> 205:13	67:8, 20 69:17 70:7, 15 71:12
<b>correctly</b> 29:22 73:18 81:14 142:23	<b>crashing</b> 158:17	38:2, 12 39:23 41:13 44:11	197:24 198:4 200:10, 12	<b>decreased</b> 55:11	77:22 78:9 79:22 81:12
<b>cost</b> 10:4 25:5 26:17 28:3 66:16 68:24 69:7 110:12 147:10 166:18 183:21 186:17 187:11	<b>create</b> 31:6 <b>created</b> 31:7 35:2 44:10 98:10 173:11 189:12	50:18 51:15, 18, 20, 21 53:12, 14 54:1, 9, 16 57:3 61:17 62:3 63:10 64:10 65:3, 5, 9, 15 66:3, 9, 24 67:11 71:8, 10 72:3, 12, 23 81:6, 19, 22 84:6, 11, 17, 23 88:11 89:18, 23 90:4, 7, 10 91:24 92:2 93:11, 18, 22 99:16 101:22 102:3, 17, 22 105:12, 14 106:20 107:9, 11 112:22 119:8 123:22 124:3, 7, 10, 16 125:3, 11 128:11, 17 131:2, 10, 16, 23 133:8, 10, 18, 21, 24 134:3, 6, 11, 15 135:1, 15 136:10, 16 137:4, 14, 20, 22 138:4, 7, 10, 17, 24 139:6, 12 140:1, 7, 16 141:1, 8, 15, 22 142:1, 7, 14, 15, 20 143:3, 11, 14, 19 144:1, 11, 13, 16, 19, 24 145:9, 13, 17, 23 146:1, 9, 13, 24 147:8, 17 148:1, 6, 14, 22 149:5, 11, 20 150:9, 17 151:4 152:7 153:14, 20 154:1, 18 155:3, 6, 9 156:9, 17, 23 158:4, 18, 24 159:9, 11, 18, 22 160:6, 18 162:2, 17	203:3, 10, 19 204:2, 4 205:22, 24 206:23 207:7 208:23 209:4, 6 210:5, 6 <b>data</b> 92:8 94:1, 7, 9, 10, 17, 18 95:9, 17, 18 98:23, 24 99:12, 13 100:2 147:23 178:4 181:22 <b>date</b> 7:1, 3 56:4 68:24 79:19 94:22 118:7 134:7, 12 145:10 204:13 <b>dated</b> 50:13, 22 53:10 155:6 159:14 <b>dates</b> 119:1 <b>Dave</b> 72:6 108:14 124:24 <b>day</b> 10:21 154:23 <b>deals</b> 28:21 <b>debating</b> 209:12 <b>debt</b> 17:2, 14, 17, 19 18:2 66:22, 23 70:9 86:9 96:23 121:18 122:7 126:2 131:5 196:5 <b>debt-to-liquidity</b> 127:8 <b>December</b> 61:23 <b>decide</b> 121:3 188:4 199:6, 18 <b>decided</b> 181:1 183:3 188:23 <b>deciding</b> 188:6, 10 <b>decision</b> 36:2 50:4, 7 78:22 85:22 199:24 <b>decisions</b> 85:22 88:21 199:23	<b>deduct</b> 85:17 181:10 <b>deduction</b> 184:5 196:20 <b>deemed</b> 33:17 34:18 187:17 <b>defer</b> 125:8 <b>deficiency</b> 110:18 <b>define</b> 7:7 44:22 <b>defined</b> 44:16 57:17 62:6 109:23 116:3 119:7 138:14, 23 139:13 <b>defines</b> 188:14 <b>defining</b> 112:4, 12 <b>definitely</b> 118:17 205:6 <b>definition</b> 36:18 42:22 43:16, 21 45:3 60:11 61:20 62:5, 15 69:16, 20, 23 70:8 177:23 <b>Definitions</b> 34:4, 12 70:5 <b>delay</b> 33:3 <b>deliverable</b> 118:9 <b>delta</b> 163:15 <b>denial</b> 8:22 <b>denied</b> 7:22 149:22 <b>deny</b> 21:14 <b>DEPARTMEN</b> <b>T</b> 1:1 6:19, 23 7:10, 23 8:17 9:1, 22 10:21, 23 11:23 12:1 13:21 15:12, 24 17:1, 7 27:12 29:3 36:24 40:18 42:5, 6, 7, 12, 20 43:15 45:14 48:16 61:14 63:9 64:1, 9 66:20	105:21 106:5, 10 108:6, 12 109:8, 11 112:10, 21 113:13, 21 115:10, 14, 15, 24 116:2, 17, 19 117:10 120:5, 11, 22 121:13 122:8, 23 123:1, 8, 11, 17 128:2, 8 129:7, 10, 22 130:3, 8, 15 131:4 135:6 155:14 156:12 157:18, 22 170:23 172:8 174:1, 24 175:8, 14 176:5 183:11 186:16, 18 190:5, 21 191:7, 11, 22 195:7, 12 196:4, 13 198:13 200:6 205:3 <b>Department's</b> 11:3 16:3, 15 26:15, 16 28:1, 11 40:12 42:10 47:12 77:1 80:1 89:14 111:3 127:3 130:24 143:21 144:4 158:9 161:21 186:22 <b>depending</b> 87:20 <b>depends</b> 204:14 <b>deplete</b> 156:16 <b>depleting</b> 156:10 <b>derivation</b> 160:2 <b>describe</b> 7:14 82:10 198:7 <b>described</b> 6:10 79:16
<b>costs</b> 66:16 101:20 102:20 103:7 150:7 186:18, 20 <b>Council</b> 46:6, 10 50:2 63:3, 21 64:6 67:3  <b>Councilmember</b> 64:7 <b>Councilperson</b> 64:14, 18 <b>counsel</b> 35:6 38:7 79:3 161:21 169:8 <b>count</b> 69:16 70:4 <b>counter</b> 22:23 <b>counting</b> 9:7, 19 170:17 <b>country</b> 187:15 <b>couple</b> 6:17 128:4 162:6 165:3 203:11 <b>course</b> 57:14 59:12, 18 67:5 118:21 <b>court</b> 2:7 211:1 <b>covenant</b> 156:1 <b>covenants</b> 136:5 <b>cover</b> 2:13 15:9, 13, 19 90:6 143:20 <b>coverage</b> 17:2 66:13 96:24 126:3 127:2 158:7 <b>covered</b> 48:3 128:16 <b>covering</b> 10:4 <b>covers</b> 135:9, 20 <b>COVID</b> 44:10 45:9, 20	<b>creates</b> 208:15 <b>creation</b> 26:22 <b>credit</b> 12:9 126:1 157:18 187:21 188:2 196:6 <b>crisis</b> 44:9 128:6 <b>crierias</b> 142:4 <b>critical</b> 45:21 175:17, 18 <b>criticize</b> 23:19 92:3 95:16 <b>criticized</b> 72:19 95:5 147:9 <b>criticizes</b> 18:6 80:4 <b>criticizing</b> 73:22 <b>cross</b> 65:1 106:24 161:22 165:21 <b>cross-</b> <b>examination</b> 2:21 5:10, 21 65:16 67:1 133:3 <b>cross-examine</b> 165:15 <b>current</b> 47:5 55:3, 17 127:12 157:1 180:22 <b>currently</b> 115:12 163:10 <b>customer</b> 66:15 174:6 <b>customers</b> 9:13 10:6 58:1 66:16, 23 75:2 130:6, 11 181:5, 7 205:14  < D > <b>Daniel</b> 169:8 <b>Dasent</b> 2:22, 23 3:12 5:14, 15 6:1 18:24	<b>debating</b> 209:12 <b>debt</b> 17:2, 14, 17, 19 18:2 66:22, 23 70:9 86:9 96:23 121:18 122:7 126:2 131:5 196:5 <b>debt-to-</b> <b>liquidity</b> 127:8 <b>December</b> 61:23 <b>decide</b> 121:3 188:4 199:6, 18 <b>decided</b> 181:1 183:3 188:23 <b>deciding</b> 188:6, 10 <b>decision</b> 36:2 50:4, 7 78:22 85:22 199:24 <b>decisions</b> 85:22 88:21 199:23	<b>decrease</b> 205:13 <b>decreased</b> 55:11 <b>decreases</b> 187:22 <b>deduct</b> 85:17 181:10 <b>deduction</b> 184:5 196:20 <b>deemed</b> 33:17 34:18 187:17 <b>defer</b> 125:8 <b>deficiency</b> 110:18 <b>define</b> 7:7 44:22 <b>defined</b> 44:16 57:17 62:6 109:23 116:3 119:7 138:14, 23 139:13 <b>defines</b> 188:14 <b>defining</b> 112:4, 12 <b>definitely</b> 118:17 205:6 <b>definition</b> 36:18 42:22 43:16, 21 45:3 60:11 61:20 62:5, 15 69:16, 20, 23 70:8 177:23 <b>Definitions</b> 34:4, 12 70:5 <b>delay</b> 33:3 <b>deliverable</b> 118:9 <b>delta</b> 163:15 <b>denial</b> 8:22 <b>denied</b> 7:22 149:22 <b>deny</b> 21:14 <b>DEPARTMEN</b> <b>T</b> 1:1 6:19, 23 7:10, 23 8:17 9:1, 22 10:21, 23 11:23 12:1 13:21 15:12, 24 17:1, 7 27:12 29:3 36:24 40:18 42:5, 6, 7, 12, 20 43:15 45:14 48:16 61:14 63:9 64:1, 9 66:20	67:8, 20 69:17 70:7, 15 71:12 77:22 78:9 79:22 81:12 82:19 87:13 91:6 103:24 105:21 106:5, 10 108:6, 12 109:8, 11 112:10, 21 113:13, 21 115:10, 14, 15, 24 116:2, 17, 19 117:10 120:5, 11, 22 121:13 122:8, 23 123:1, 8, 11, 17 128:2, 8 129:7, 10, 22 130:3, 8, 15 131:4 135:6 155:14 156:12 157:18, 22 170:23 172:8 174:1, 24 175:8, 14 176:5 183:11 186:16, 18 190:5, 21 191:7, 11, 22 195:7, 12 196:4, 13 198:13 200:6 205:3 <b>Department's</b> 11:3 16:3, 15 26:15, 16 28:1, 11 40:12 42:10 47:12 77:1 80:1 89:14 111:3 127:3 130:24 143:21 144:4 158:9 161:21 186:22 <b>depending</b> 87:20 <b>depends</b> 204:14 <b>deplete</b> 156:16 <b>depleting</b> 156:10 <b>derivation</b> 160:2 <b>describe</b> 7:14 82:10 198:7 <b>described</b> 6:10 79:16	

<b>describes</b> 157:8	71:21 73:22 97:20 119:17	<b>discussing</b> 47:11 61:9	<b>draw</b> 19:18 152:12	<b>end-of-year</b> 14:14 18:18	<b>Examiner</b> 123:19 207:15
<b>designed</b> 166:19	120:19 140:17	66:2 204:17	<b>drawing</b> 156:18	84:17	<b>examines</b> 30:2
<b>detail</b> 97:9	145:18 165:7	<b>discussion</b> 61:22 72:17	<b>drawn</b> 108:18	<b>ends</b> 28:7	<b>example</b> 24:17 175:4
<b>detailed</b> 64:2	170:2 177:3	147:10 170:15	<b>drew</b> 200:18	<b>enforce</b> 157:17	<b>exceeding</b> 17:2
69:2 116:20	211:1	179:22 210:13	<b>drink</b> 2:15	<b>English</b> 37:20	<b>exceptions</b> 206:7
117:4 118:16, 23	<b>directed</b> 120:24	<b>discussions</b> 203:2	<b>drives</b> 157:9	41:9 168:5	<b>excessive</b> 186:19
<b>determination</b> 4:16 12:24	<b>directing</b> 107:6 137:5, 14 138:11	<b>disincentive</b> 208:16	<b>drown</b> 129:8	<b>enter</b> 207:21	<b>Excuse</b> 51:9
13:13 14:7, 23	139:16 148:14	<b>disingenuous</b> 208:15	<b>due</b> 129:20	<b>entering</b> 91:7	56:7 87:22
21:10 25:18	<b>direction</b> 3:1 52:13	<b>distinct</b> 173:1	<b>duplicitous</b> 197:4	<b>entire</b> 12:1	93:21 140:2 193:23
41:2 78:15	<b>directives</b> 49:19	<b>distinction</b> 113:20 172:20, 24 173:3	< E >	27:11 180:19	<b>excused</b> 70:24
79:9 84:13	<b>directly</b> 3:15 27:6 43:22	<b>distracted</b> 203:5	<b>earlier</b> 18:10	<b>entitled</b> 35:9	132:10 202:21
87:12 88:1, 2, 7 89:4 130:14, 22 131:18	47:22 150:24	<b>distribution</b> 76:1	25:21 103:12	36:4 38:18 39:3	<b>executive</b> 97:19 202:7
138:15, 22	<b>Director</b> 46:8, 18, 20 47:3	<b>Division</b> 42:11	133:2 146:22 199:22	<b>entity</b> 10:18	<b>exempt</b> 22:17
139:14 150:20	50:2 67:8, 9	<b>document</b> 32:5 171:10	<b>early</b> 2:12	<b>environment</b> 187:12	<b>exhibit</b> 3:17, 20 4:2 12:5, 7
159:14, 18	71:15, 17	<b>documents</b> 75:15, 20	<b>easier</b> 172:19	<b>Environmental</b> 111:24 112:2	13:11 14:12, 15 16:10
<b>determinations</b> 6:20 78:2	<b>disagree</b> 75:21 187:23	<b>document</b> 32:5 171:10	<b>economic</b> 157:19 191:3	<b>EPA</b> 111:23	18:13 19:4
<b>determine</b> 57:19 87:6 173:15	<b>disagreement</b> 16:20	<b>document</b> 32:5 171:10	<b>editorial</b> 160:19	<b>equal</b> 146:20	22:16 23:8
<b>determined</b> 23:2 76:2 137:10 196:11	<b>disappointed</b> 190:20	<b>documents</b> 75:15, 20	<b>effect</b> 40:24	151:11 152:10	26:22 31:7, 16, 24 32:9, 18, 24
<b>determining</b> 18:17 136:19, 21 158:1 198:10	<b>disappointing</b> 191:8	<b>document</b> 32:5 171:10	60:15 121:22	<b>equally</b> 142:21	33:5 50:15
<b>developed</b> 83:20 97:9 101:13	<b>disclosed</b> 126:8 160:3, 5, 10	<b>document</b> 32:5 171:10	152:4 156:18	<b>equipment</b> 45:21	51:1, 6 52:23
<b>deviations</b> 156:2	<b>discloses</b> 160:20	<b>document</b> 32:5 171:10	157:19 181:1 190:19	<b>erased</b> 180:21	84:4 89:12, 21
<b>difference</b> 21:8, 23 80:19 103:3, 5	<b>discovered</b> 38:3	<b>document</b> 32:5 171:10	<b>effort</b> 47:24	<b>errata</b> 3:2 6:1	96:4, 5, 8
<b>different</b> 20:1, 11 55:4, 13	<b>Discovery</b> 4:6, 18 119:19	<b>document</b> 32:5 171:10	69:3 178:19	<b>error</b> 4:3, 14	133:13, 19
63:24 85:20	137:16, 23	<b>document</b> 32:5 171:10	187:22 193:3	<b>ES-1</b> 100:1	134:2 135:19
86:11 107:17, 18 108:7	138:12 144:5, 20 145:18	<b>document</b> 32:5 171:10	<b>efforts</b> 26:15	101:4, 6	137:16, 21, 22
109:11, 13	148:15 159:4	<b>document</b> 32:5 171:10	28:2, 12 42:11	<b>especially</b> 204:8	140:11 153:16
154:15 174:11	160:8 206:11, 18 207:4	<b>document</b> 32:5 171:10	47:12 67:22	<b>essentially</b> 152:2	161:6 162:9, 20 205:21
178:7 185:15 187:12	<b>discretion</b> 173:20	<b>document</b> 32:5 171:10	68:16 70:3	<b>establish</b> 49:7	206:1, 2 209:4, 12, 22 210:1
<b>dig</b> 199:19	<b>discuss</b> 15:6 63:24 125:22	<b>document</b> 32:5 171:10	111:3, 6	83:19 130:23	<b>establishes</b> 83:1
<b>Diminishing</b> 12:18	145:5	<b>document</b> 32:5 171:10	113:14, 16, 19	<b>established</b> 77:21 129:14	<b>establishing</b> 107:21 175:23
<b>dire</b> 71:5	<b>discussed</b> 8:8 18:10 39:7	<b>document</b> 32:5 171:10	116:10, 20	161:15 177:9	<b>evasive</b> 181:24
<b>direct</b> 12:10 26:14 28:17, 19 43:10	62:1 79:16	<b>document</b> 32:5 171:10	118:16 119:14, 15	<b>event</b> 151:8, 10 152:11	<b>event</b> 151:8, 10 152:11
45:13, 16 51:3, 8, 10 59:20	86:24 128:18 145:8	<b>document</b> 32:5 171:10	<b>eight</b> 127:9	<b>everybody</b> 2:4 164:7 193:3	<b>event</b> 151:8, 10 152:11

13 85:16 86:8 143:21 154:6 <b>experience</b> 200:18 <b>expert</b> 27:19 28:9, 10 30:3 107:12 <b>experts</b> 27:17 <b>explain</b> 113:9 198:8 207:24 <b>explained</b> 30:10, 14 <b>explaining</b> 110:17 141:8 <b>explicitly</b> 115:13 116:5 156:10 <b>expose</b> 186:5 <b>expressed</b> 16:20 79:21 <b>extend</b> 193:2 <b>extended</b> 123:9 <b>extent</b> 57:22 113:5 191:5 <b>extreme</b> 174:15  < F > <b>F4</b> 137:17 <b>faced</b> 129:22 <b>fact</b> 86:3 92:16 103:15 146:19 157:14 189:17 201:16 209:17 <b>factors</b> 98:23 154:15 156:8 205:1 <b>facts</b> 24:6 <b>failure</b> 127:11 <b>fair</b> 95:11 169:11 174:18 182:19 185:3 <b>fairly</b> 198:14 <b>faith</b> 178:19 <b>fall</b> 37:22 45:2 61:20 62:15 118:15 <b>familiar</b> 35:8 38:16, 19 39:21 40:1, 6, 11 56:8 167:20 168:1 <b>far</b> 116:9 119:10 159:7 <b>favorable</b> 122:22	<b>February</b> 50:14, 22 53:10 <b>fed</b> 83:4 <b>Federal</b> 44:5, 8, 15 57:7, 13, 17 61:20 62:5 63:22 67:23 116:19 120:6, 13 177:11 178:15, 20 190:14, 23 <b>feel</b> 201:24 <b>feeling</b> 48:24 <b>feelings</b> 204:8 <b>felt</b> 175:7 <b>figure</b> 77:5 <b>filed</b> 33:9, 11, 13 40:19 67:20 132:24 135:12 186:15 <b>filing</b> 32:9, 22 166:3 <b>final</b> 82:18 97:23 101:5 110:9 128:19 148:11 162:19 <b>Finance</b> 46:9 47:3 50:2 67:8, 9 115:21 <b>financial</b> 5:17 22:20 26:17 28:2 50:13, 21 53:10 55:21 57:7 67:23 69:4 71:11, 15, 17 77:3 89:5, 8 90:19 91:11 92:8, 10 97:19 98:11 99:20 100:2 115:11 118:23 120:14 123:13, 16 125:21 126:1 127:4, 13, 18 128:3 129:3, 6, 13 136:12, 21 139:19 142:10 153:9 157:12, 16 158:14 185:13 <b>financially</b> 191:12 <b>find</b> 51:4 94:10 96:3 132:17 135:17, 19 154:12 156:7 157:14 179:6 205:18	<b>fine</b> 2:16 30:17 107:8 114:21 192:9 197:16 210:4 <b>finished</b> 208:18 <b>Fire</b> 7:23 <b>firm</b> 110:22 112:9, 20 117:7 <b>firms</b> 115:16 <b>first</b> 5:14, 17 6:18 12:3, 8 13:9 90:23 93:12 118:8 134:7 162:18, 23 179:5 <b>Fiscal</b> 6:11 7:15, 16 8:1 11:5, 11 13:1, 19 14:9, 14, 23 17:20, 22 18:2, 7, 19, 20 20:17 21:11 23:13, 21 24:12 25:7, 13, 18 32:18 33:5 35:5 37:13 45:19 50:12, 20 53:9 63:23 66:11 80:24 83:3 84:15 85:6, 9 87:13 91:2 92:7 93:4 94:1 95:7 97:24 98:12 99:1, 13 100:6, 24 105:3 116:1 122:8 129:5, 18 131:6 136:12 139:18 141:19, 23 145:13 147:19 148:3 149:7, 13, 18 151:8 152:9 162:20 165:24 166:1, 9 170:8, 10 182:8 184:4, 9 186:12 <b>fit</b> 198:17 <b>Fitch</b> 127:5 153:7 156:23 157:8 <b>Five</b> 50:12, 21 53:9 55:21 <b>flexibility</b> 109:7 <b>float</b> 181:5	<b>focus</b> 2:17 166:19 <b>focused</b> 154:16 155:11 158:3 166:17 174:4 <b>focusing</b> 192:6 <b>follow</b> 103:2 135:24 <b>followed</b> 172:15 <b>following</b> 187:16 <b>follow-up</b> 76:19 <b>fond</b> 107:10 <b>footnotes</b> 90:15, 21 <b>forecast</b> 55:13 97:23 <b>forego</b> 130:10 <b>foregoing</b> 211:1 <b>forgive</b> 29:21 31:9 32:6 33:4 38:1 51:10 180:17 <b>forgotten</b> 54:16 <b>form</b> 95:24 <b>formal</b> 103:3, 20 205:20 <b>formalized</b> 71:4 <b>format</b> 96:17 <b>former</b> 192:10, 11 <b>forth</b> 82:17 161:3 <b>forward</b> 77:23 78:22 99:9 103:24 128:8 133:12 162:1 187:18 <b>found</b> 73:14 158:13 <b>four</b> 44:13 161:22 <b>frame</b> 130:18 <b>framed</b> 44:14 <b>framework</b> 22:20 23:11 <b>framing</b> 208:10 <b>frankly</b> 45:1 <b>front</b> 9:10 21:15 113:16 170:4 190:9 <b>fruition</b> 155:18	<b>fulfill</b> 111:8 136:4 <b>full</b> 25:4 40:10 187:9 <b>fully</b> 199:4 211:1 <b>functions</b> 15:18 <b>Fund</b> 10:9, 10 12:19 13:2, 15 14:8 15:1, 13, 18 16:23 18:8, 21 21:2, 9 22:10 23:22 24:19 66:10 72:16, 17, 21, 22 73:23 74:6, 17, 20 76:9, 12, 16, 23 77:4, 12, 24 79:15 80:8, 9, 13, 15, 20 81:1, 16 84:3, 18 85:6 86:12 88:6, 19 89:3 92:21, 22 106:1 129:15 130:5 131:19 136:23 143:6 147:11, 18 150:2 151:10 158:3 162:11, 24 163:13 190:6 205:4 <b>funding</b> 37:10 42:21 43:15 44:23 45:13, 16 47:7, 13 57:17 62:5 111:4, 20 116:11 120:6 177:11 178:16 <b>funds</b> 22:10 46:6, 9, 12, 21 48:15 50:3 62:4 87:11 149:2 158:3 177:8 178:21 190:14 <b>further</b> 18:2 19:19 65:1 132:2, 5, 9 200:12 210:4, 6, 16 <b>future</b> 17:17, 21 <b>FY</b> 1:1 36:10 129:3 136:24 137:1 145:5	181:1 <b>FY23</b> 136:2 <b>FY26</b> 182:1  < G > <b>General</b> 10:9, 10 26:18 28:3 41:3 116:6 147:20 149:13 206:17 <b>generalization</b> 201:18 <b>generalize</b> 60:7 <b>Generally</b> 56:10 207:8 <b>generate</b> 101:12 <b>generated</b> 70:3 121:7 151:17 160:11 <b>getting</b> 30:6 39:9 48:1 64:19 88:24 105:4, 22, 23 121:14 133:21 189:21 <b>gift</b> 202:5 <b>Give</b> 73:7 77:15 96:4 102:6 108:5 109:7 118:4 119:21 137:17 148:17 179:7, 15 197:12 204:15 <b>given</b> 58:7 120:7 171:2 187:11 198:15 <b>giving</b> 49:18 126:18 187:21 188:1 <b>glad</b> 186:5 <b>glitch</b> 165:11 <b>global</b> 143:15 <b>go</b> 22:12 37:7 40:5 43:12 49:5 57:24 59:7, 21 60:1, 10, 20 61:5 68:14 75:10 79:12 94:24 102:5 115:2 119:17 124:3, 24 125:18 130:6 137:18 154:11 157:13 161:5 165:20 167:11 169:24 171:22 176:23
--	--	---	---	---	---

181:7 183:1 189:1 193:15 197:3 198:16 199:2 <b>going</b> 2:16 3:8 5:16 11:4 13:24 45:23 48:21 49:2 62:7, 10 68:12 75:10 76:15 77:22 78:11, 22 79:7, 11 82:10 85:21 87:20, 23 93:9 94:5, 13 95:2 99:8, 24 103:8, 23, 24 104:2 106:15, 23 115:7 119:10 120:17, 19 122:6 124:15 125:8, 14 126:16, 19 127:22 128:7 129:4, 8, 23 130:4 165:15 167:10 169:4, 5 174:15 176:14 185:24 186:6, 7 187:18 190:1 192:2, 21 193:2, 7 203:24 204:16 205:1, 6, 10, 19, 20 207:11, 24 208:7 <b>Good</b> 2:3 26:12 41:24 125:13 128:22 133:5, 6 174:5 178:19 188:4 199:24 <b>gotten</b> 120:22 <b>governing</b> 16:12 87:5 <b>Government</b> 44:5, 9 67:24 191:2 <b>grant</b> 56:19 116:24 117:9 118:13 120:1 <b>granted</b> 202:5, 8 <b>grants</b> 57:1 64:1, 9 115:18 117:3, 6 <b>greater</b> 9:24	<b>greatest</b> 108:5 <b>growing</b> 68:3 <b>guarantee</b> 204:13 <b>guess</b> 3:7, 14 5:13, 23 26:7 42:1 57:21 65:1 72:14 75:4 99:17 132:16 160:18 206:9 209:3 <b>guessing</b> 179:12 <b>guide</b> 133:14  < H > <b>half</b> 22:5 141:18 <b>hampering</b> 174:14 <b>Hang</b> 105:23 127:20 172:1 <b>happened</b> 47:19 161:19 166:6 <b>happens</b> 183:19 205:12 <b>happy</b> 27:7 42:9 46:14, 24 55:15 116:15 119:24 165:17 178:7 209:20 <b>hard</b> 140:4 179:8 <b>hat</b> 127:20 <b>Haver</b> 26:8, 10, 12, 21 27:2, 5, 10, 14, 18, 23 28:13 29:7, 16, 20, 24 30:1, 8, 18, 22, 23 31:5, 9, 11, 17, 19, 22 32:1, 3, 10, 13, 17 33:1, 2, 7, 15, 24 34:3, 6, 9, 10, 14, 23 35:7, 8, 13, 18, 22 36:7, 12, 15, 21 37:6, 7, 18, 19 38:1, 6, 10, 15, 20, 23 39:2, 5, 9, 16, 19 40:4, 9, 13 41:6, 7, 18, 22 42:4, 13, 17, 18 43:1, 2, 6, 10, 13, 19, 20 44:3 45:23 46:5, 11, 19 47:5, 6, 17	48:7, 17, 21 49:2, 6, 13, 20, 23 50:10, 11, 19, 20 51:1, 5, 8, 12 52:4, 7, 8, 11, 15, 19, 24 53:4, 8 54:4, 5, 17, 18, 24 55:5, 9, 10, 19 56:7, 12, 17, 23, 24 57:13 58:4, 5, 14, 19, 23 59:5, 8, 14, 19 60:1, 5, 8, 16, 20 61:3, 8, 12 62:2, 11, 20, 23, 24 63:8, 19 64:7, 16, 17, 22 66:24 68:10, 12, 16, 21, 24 69:10, 13, 15, 20, 21, 23, 24 70:10, 11, 13, 20, 21 107:2, 4, 9 108:3, 11, 17 109:6, 17, 20 110:5, 13 111:5, 10, 14, 17, 21 112:1, 4, 7, 14, 18 113:8, 11 114:4, 7, 9, 10 115:3, 9, 22 116:7, 12, 13 117:11, 15, 17, 22, 24 118:3, 5, 8, 11, 19 119:4, 17, 18 120:15, 16, 17 121:5, 11 122:11, 17, 21 123:2, 18 132:5, 7 163:22, 24 165:6, 10, 16, 17, 22 166:5, 11, 21 167:1, 8, 14, 19 168:1, 10, 13, 16, 18, 21 169:1, 3, 14, 19 170:1, 7, 21 171:1, 4, 10, 19 172:7, 10, 17 173:24 174:17, 22 175:11, 21 176:2 177:2, 15 178:1, 6, 12, 22 179:15, 17 180:3, 5, 17 181:8, 18 182:6, 12, 14,	18, 24 183:7 184:3, 9, 19, 23 185:17, 20, 23, 24 186:3 187:5, 7 188:1, 8, 13, 18 189:2, 7, 11, 17 190:1, 20 191:9 192:1, 6, 21, 24 193:10, 23 194:3, 7, 10, 15, 18, 19, 22 195:1, 14, 20, 22 196:2, 16, 21 197:6, 7 200:15, 17 201:4, 9, 14, 20 202:3, 11, 13, 15, 16 203:20 207:13, 23 208:4, 8 210:9, 10 <b>Haver's</b> 131:3 <b>hazard</b> 117:3 <b>heading</b> 53:19, 20 54:10 <b>heads</b> 204:15, 24 205:9 209:11 <b>hear</b> 140:4 167:6 <b>heard</b> 203:16 <b>HEARING</b> 1:1 2:2, 3, 5, 9 3:6, 10, 13, 15, 17 4:2, 8, 19, 23 5:7, 22 6:3 12:5, 7 13:11 14:11 16:10 18:12 19:4 20:5, 13 22:16 23:8 26:2, 11 29:1, 12, 18 30:5, 12, 20 31:1, 13, 16, 18, 24 32:7, 11, 15, 20 34:11 35:11, 15 36:3 38:14, 21, 24 39:13, 17 41:16 42:23 43:4, 8, 11 44:20 47:8 48:5, 12, 18, 23 49:4, 10, 17, 21 50:23 51:2, 7, 13, 17, 23 52:2, 17, 22 53:2, 6, 11 54:7, 12	57:11, 15 58:12, 16, 21 59:2, 6, 11, 17, 23 60:3, 6, 12, 17, 23 61:6, 11, 24 62:18 63:8, 16 64:24 65:6, 13 67:13 68:9, 14 70:22 71:23 72:8, 13 84:4 85:23 89:12, 21 91:16 93:21 94:15, 20 96:4, 5, 6, 7 101:24 105:10 106:22 110:2 113:2, 10 114:1, 5, 14 115:4 119:12 121:2 123:19, 21 124:1, 5, 8, 14 125:22 131:12, 24 132:4, 8, 9, 14 133:4, 7, 12, 13, 19, 20 134:1, 2, 4, 9, 14 135:19 137:16, 19, 20, 22 138:1, 5, 8 139:2, 8 140:2, 11 144:9, 12 148:20 152:18 153:16 160:24 161:12 163:21 164:6, 15, 21 165:8, 12, 19 166:23 167:12 168:15, 20 169:2, 11, 16, 23 170:5 171:24 172:5 176:9, 16, 20 179:5, 14, 18 180:1, 9 181:17 185:8, 18, 21 186:2 191:16, 24 192:20 193:1, 15 194:1, 5, 8, 13, 17, 21 195:18 196:1 197:5, 8, 14, 21 200:9, 14 202:14, 19 203:8, 14 204:3, 6 206:1, 4, 15 207:3, 6, 14, 22 208:6, 17, 20 209:2, 7,	16, 21 210:3, 8, 12, 15, 17, 18 <b>hearings</b> 41:11 58:10 63:4, 7 71:4 184:24 206:6 <b>heels</b> 199:19 <b>HELD</b> 1:1 <b>help</b> 44:9 53:12 63:19 64:8, 19 106:5 107:14 110:23 111:11 112:10, 20 115:23 116:2 117:17 119:6 125:11 138:6 140:13 204:23 <b>helped</b> 116:22 <b>helpful</b> 49:16 114:3, 11 138:2 <b>helping</b> 116:18 186:5 <b>helps</b> 51:22 184:19 <b>high</b> 174:16 <b>higher</b> 24:16 25:16 127:10 143:6 155:12 <b>highlighted</b> 89:15, 22 90:7 155:10, 16 <b>hired</b> 110:22 <b>historical</b> 153:10 <b>history</b> 129:1 153:6 202:4 <b>Hold</b> 31:13, 14 35:15 42:24 43:11 <b>holders</b> 136:5 <b>holding</b> 11:21 <b>holistic</b> 158:1 <b>Home</b> 33:18, 23 34:5, 19 38:17 39:3, 14 40:7, 10 41:8, 21 167:21 <b>honest</b> 35:22 102:4 <b>Honor</b> 38:13 41:13 53:4 93:19 106:20 112:23 113:8 123:22 131:11 148:18 165:6 167:8 168:13, 19 169:15
---	---	--	--	--	--

194:7, 10 197:23 202:17 203:13 208:24 210:2 <b>Hopefully</b> 3:20 117:20 133:15 <b>household</b> 56:13 203:21 <b>hundred</b> 75:7 <b>Hurricane</b> 144:21 145:3, 6  < I > <b>Ida</b> 144:21 145:3, 6 152:11 <b>idea</b> 39:19 42:1 143:22, 24 157:21 201:2 <b>identical</b> 92:9 94:4, 7 <b>identified</b> 71:20 78:16 86:6 103:6 104:12 206:22 208:21 <b>identifies</b> 21:18 80:19 83:2 <b>identify</b> 71:7, 9 143:4 <b>identifying</b> 77:8 <b>ignore</b> 76:9 <b>illustration</b> 150:23 <b>illustrative</b> 146:15 147:2, 5 <b>immediate</b> 157:17 <b>immediately</b> 130:7 <b>impact</b> 57:20 58:1 62:8 66:12, 15 173:22 175:7 176:6 205:12 208:3 <b>implementing</b> 41:19 <b>implies</b> 89:5 <b>imply</b> 75:6 <b>importance</b> 7:5 124:21 125:7 176:6	<b>important</b> 79:12 125:20 157:2 175:12 <b>imposed</b> 47:20 50:1 <b>improved</b> 185:14 <b>Improvement</b> 53:22 <b>improves</b> 155:2 <b>inability</b> 126:24 127:17 158:6 188:14 <b>inappropriate</b> 192:14 <b>in-artfully</b> 139:15 <b>include</b> 74:5 98:6 126:24 135:21 209:14 <b>included</b> 3:24 13:12 14:6 72:5 77:11, 13 84:13 89:13 91:3, 7, 13 94:2 96:3 101:18 102:20 104:4, 16 110:8 134:21 136:2 180:20 184:10 207:1, 4, 6 <b>including</b> 3:2 84:1 90:15 97:24 147:11 <b>incomplete</b> 13:7 <b>inconsistent</b> 74:23 75:20 76:4 <b>incorrect</b> 28:14 55:14 58:13, 17 92:12 <b>increase</b> 7:14 11:4, 10, 14, 16 20:10 24:2, 22 36:11 37:14 57:23 58:9, 11, 18 60:14, 18 61:1 106:11 127:1, 6, 17 129:20 154:16 155:1 163:6 170:10, 14, 23 171:5 179:1 180:7, 14, 16, 24 182:2, 9	183:3, 20 184:2, 4, 6 185:5, 10, 14 186:9, 15, 23 201:7 <b>increased</b> 55:11 183:16 <b>increases</b> 6:10, 13 8:7 9:24 127:11 130:2 <b>increasing</b> 127:24 154:4 <b>incremental</b> 24:12 36:11 37:14 60:14, 18 61:1 136:3 <b>incrementally</b> 25:20 <b>independent</b> 173:7, 12 <b>indicate</b> 2:15 15:11 48:14 67:4 76:4 90:22 115:5 134:16 148:23 155:12 158:6 159:13 160:7 <b>indicated</b> 26:4 65:17 66:12 72:11 131:3 176:24 <b>indicates</b> 12:20 76:14, 22 <b>indicating</b> 158:21 <b>indirectly</b> 43:22 <b>information</b> 12:1 64:15 95:7 97:9 103:9 104:24 111:8 118:11, 18 122:3, 10 146:4 147:22 169:18 175:9, 19 206:14, 24 <b>infrastructure</b> 116:23 118:13 191:4 <b>initial</b> 74:18 76:18 80:16 141:17 147:23 <b>initiation</b> 40:19 <b>input</b> 94:10 113:6 <b>inputs</b> 83:7 <b>insert</b> 19:23	<b>instance</b> 199:12, 17 200:1 <b>instances</b> 173:7 <b>insufficient</b> 6:13, 16 <b>intellect</b> 110:18 <b>intelligent</b> 201:23 <b>intended</b> 134:18 139:10 <b>intending</b> 82:10 <b>intent</b> 13:6 <b>interest</b> 106:14 120:23 121:7, 15 171:13 172:12, 13 <b>interested</b> 31:12 <b>interesting</b> 31:19 87:3 <b>interests</b> 173:2 <b>interject</b> 168:11 <b>internal</b> 31:3 127:3 158:9 <b>interpretation</b> 75:5 189:22 <b>introducing</b> 132:22 <b>investigate</b> 177:15 <b>investment</b> 156:3 <b>investor</b> 126:7 <b>involved</b> 107:1 108:20 <b>irrelevant</b> 44:24 <b>issue</b> 2:18 20:11 66:10 114:6 124:19 126:13 127:22, 23 139:20 140:9 185:16 202:9 208:11 <b>issues</b> 135:10, 15, 20 136:1 <b>item</b> 109:1 206:13 <b>items</b> 97:7 198:21 <b>its</b> 17:2 74:6 98:10 99:20 113:13 115:16 121:22 135:11 154:5 157:22	158:20 174:2 196:4, 5, 6  < J > <b>Jagt</b> 72:6 73:4, 7 74:2, 12, 18 75:4, 17 76:11 77:7, 19 78:4, 7, 8, 21 79:5, 18 80:6, 16, 21 81:9, 24 82:2, 14, 21 83:10, 14 84:7, 10, 14 85:3 87:9, 16, 18 88:4, 17 89:10, 24 90:9, 12, 14, 21 91:14, 19 92:12, 14, 20, 24 93:3, 6 94:9, 17 95:12, 19 96:1, 9, 15, 18, 23 97:3, 6, 17 98:2, 7, 13 99:22 100:5, 12, 14, 19 101:6, 10, 14 102:4, 10 103:1, 19 104:8, 18, 23 105:8, 15, 20 106:4, 7, 12, 16, 19 107:6, 8, 9, 19 108:8, 15 110:6, 22 111:1, 12, 16, 19 112:8, 9, 12, 16 115:3 120:17 121:1, 9, 23 122:13, 16, 20, 24 123:4, 18 125:1 128:24 131:2, 9 146:22 203:24 <b>Jagt's</b> 88:12 <b>January</b> 40:17 52:9 54:20 56:2, 6 <b>job</b> 188:4, 5 <b>Joint</b> 22:17 41:2 44:16 74:7 79:17 134:22 <b>Jr</b> 132:23 <b>Judge</b> 2:24 67:12 115:8 132:13 164:23	165:18 176:19 197:2 <b>July</b> 145:14 <b>June</b> 18:1 118:7 159:14 <b>justification</b> 81:10 <b>justify</b> 185:13 201:1  < K > <b>Katherine</b> 5:18 71:14 <b>Kathy</b> 125:18 <b>keep</b> 20:21 23:21 25:23 <b>kicked</b> 56:4 <b>kill</b> 2:14 <b>kind</b> 48:14 79:10 152:20 156:5 185:9, 10 205:11 <b>KING</b> 211:1 <b>knew</b> 130:3 176:15 <b>know</b> 2:6 25:4 28:19 34:10 35:23 53:4 67:1 77:3 86:1 89:17 106:3 108:16, 24 112:24 120:19 123:5, 10 126:24 128:2, 9, 24 129:10, 11, 13 130:1, 20 138:4, 6 144:8 150:1, 7, 12 151:21 153:5 155:10 161:18 167:2, 15, 18, 23 168:7, 8 171:11, 20 176:11 177:1 179:13 181:21 189:20 190:16 192:1, 15 193:6 195:3 201:17 203:7 204:7, 19, 22 206:17 207:23 <b>knowledge</b> 45:17 78:3 79:8 201:5 <b>known</b> 104:23  < L >
---	---	---	--	---	---

<p><b>LaBuda</b> 5:18 6:21 7:1, 8, 18 8:2, 9, 14, 18 9:3, 18 10:2, 9, 12, 16, 23 11:6, 12, 17 12:15 13:5, 17, 21 14:4, 10, 17 15:2, 15, 21 16:6, 16 17:4, 10, 21 18:22 19:3, 8, 12, 16 21:13, 21 22:2, 7, 11 23:7, 12, 16 24:4, 14 25:1, 11, 20 26:20, 24 27:5, 12, 16, 21 28:8 29:21, 23 30:2 31:6, 8, 21 32:2, 4 33:2, 10, 20 34:2, 13, 24 35:6, 17 36:12, 19 37:4, 17, 24 38:5, 16, 19 39:5, 20, 22, 24 40:5, 9 41:5, 18, 22 42:7, 15 43:14, 18, 24 45:6, 7 46:4, 7, 12, 22 50:4 51:12, 19, 22 52:4, 6, 11 54:3, 19, 23 55:2, 7, 12, 24 56:10, 14, 20 59:21 62:20, 22, 24 63:5, 20, 23 64:12, 17, 20 65:15, 24 66:6, 18 67:9, 19 68:1, 4, 7, 8, 16, 20, 23 69:12, 19, 22 70:8, 12, 19, 24 71:10 116:8, 13 117:12, 13, 16, 19, 23, 24 118:2, 6, 10, 21 119:24 120:16, 20 121:12 125:9, 13, 18 128:15 <b>LaBuda's</b> 41:15 43:6 44:13 47:22 51:9 57:4 146:21</p>	<p><b>Lafayette</b> 132:23 <b>landfall</b> 144:22 145:11 <b>landscape</b> 157:4 <b>language</b> 6:14 15:10 38:18, 20 39:4, 7 40:1, 8, 12 61:4 89:16, 22 169:10 190:17 <b>large</b> 58:11 <b>late</b> 71:8 <b>latitude</b> 108:5 <b>Law</b> 31:20 32:14 34:7 187:15, 16 197:2 <b>lays</b> 139:24 <b>lead</b> 26:15 28:1, 11 71:13 158:9 <b>leading</b> 127:13 <b>leads</b> 42:2, 11 <b>leave</b> 186:1 <b>leaves</b> 76:12 <b>left</b> 181:12 <b>legal</b> 38:7 79:3 136:5 154:3 168:6 188:12, 16, 19, 21 189:2, 5, 22 <b>legitimate</b> 87:1 88:8 <b>level</b> 12:20 37:22 53:21 59:22 60:22 78:18 83:19, 20 86:7 97:11, 12 105:5 123:14 126:10 129:12 157:1 186:20 <b>levels</b> 87:6 91:10, 11 <b>leverage</b> 127:6, 9 <b>LIANG</b> 168:11, 23 169:5, 12 195:23 <b>light</b> 142:9 161:20 <b>LIHWAP</b> 55:23 56:1, 4, 8, 19 57:1, 13 61:15, 19 62:3,</p>	<p>14 <b>limit</b> 161:22 <b>limited</b> 41:9 90:22, 23 120:4 168:5 184:24 189:3, 13 206:22 <b>line</b> 13:13 33:6 37:8 42:19 52:18 75:11 84:7, 9, 22 96:19 97:7 99:18 105:14 109:1 113:15 127:2 156:18 158:8 170:1, 3, 7, 12 177:5 186:11 <b>lines</b> 4:12 43:2 45:24 52:23 81:20 83:18 89:1 96:21 97:2, 5 148:12 172:3 179:11 <b>liquidity</b> 79:21 126:2 154:18 155:2, 13 157:2, 5 158:21 <b>list</b> 68:2, 17 118:22 <b>listed</b> 14:19 105:18 206:12, 13 <b>listen</b> 173:12 175:16 192:23 <b>lists</b> 67:21 <b>literally</b> 140:22 161:1 <b>litigated</b> 124:20 139:20, 24 199:4 <b>litigation</b> 123:9 <b>little</b> 7:4 20:7 70:23 71:2 95:3 103:11 124:4 140:3 143:14 144:2 145:20 164:14 172:18 191:8 <b>LKM</b> 162:21 <b>LKM-1</b> 150:10 151:13 162:19, 22 198:5, 8, 9 <b>loan</b> 120:23 121:8, 10, 15 <b>loaning</b> 176:4</p>	<p><b>loans</b> 68:24 69:7 <b>LOCATION</b> 1:1 <b>long</b> 108:18 209:23 <b>longer</b> 124:4 187:5 <b>look</b> 12:6 13:10 16:9 31:10 47:8 82:21 85:21 89:12 118:2, 3 125:14 128:24 153:7, 15 154:14 155:3, 22 156:6 157:7 161:13, 18 179:16 183:21 187:11 188:14 192:12, 17, 19 205:2, 10 <b>looked</b> 177:18, 20 178:4 <b>looking</b> 4:7 18:14 32:23 34:5 53:3, 5, 7, 8 96:7 125:7 134:2 138:24 146:2 153:22 154:7, 9 155:11 156:4 157:4 158:19 162:8, 18 179:19 185:1 188:10 192:8 204:21 205:8 <b>looks</b> 81:20 99:17 <b>loss</b> 110:13 <b>lost</b> 10:15, 17 <b>lot</b> 2:13 204:9, 17 <b>low</b> 68:23 69:7 120:22 121:14 157:11 174:15 <b>lower</b> 25:6 34:8 36:10 37:2, 13 66:22 103:7, 23 147:11 149:1, 14 150:1 151:12 152:13 155:14 187:19 <b>lowered</b> 155:19</p>	<p>&lt; M &gt; <b>Madam</b> 51:22 <b>maintain</b> 78:11, 18 81:12 127:12, 17 129:9 130:5, 15 157:1, 22 <b>maintained</b> 10:14 87:7 <b>major</b> 53:20 154:19 <b>majority</b> 201:21 <b>making</b> 23:20 34:3 146:14 171:16 172:20, 24 173:4 178:15 183:12 185:9 187:9 <b>manage</b> 128:9 <b>Managing</b> 71:15, 17 <b>manipulated</b> 86:16 <b>MARLANE</b> 1:1 2:4 <b>Master</b> 53:21 <b>match</b> 96:19 <b>material</b> 30:7 <b>math</b> 181:19  <b>Mathematically</b> 183:18, 19 <b>mathematics</b> 181:14 <b>matter</b> 36:23 45:1 114:11 176:15 195:15 211:1 <b>matters</b> 2:20 42:2 114:12 146:18 209:8 <b>Maximum</b> 35:9 36:4, 18 37:11 60:9 65:24 <b>mean</b> 31:15 36:22 48:14, 19 51:10 81:9 87:4 89:18 94:17, 22 110:3, 8 122:2 123:4 126:9 128:5 139:10 161:1 185:20 188:19 <b>means</b> 38:2 61:3 107:13</p>	<p>110:21 183:15 211:1 <b>meant</b> 121:18 <b>measurement</b> 13:23 <b>measures</b> 154:13 <b>mechanism</b> 108:22 <b>meet</b> 16:3, 14 154:5 196:5, 14 <b>meeting</b> 20:14 120:12 <b>meets</b> 7:12 <b>Melissa</b> 5:18 <b>members</b> 71:1, 7 72:6 <b>memo</b> 47:2 <b>memos</b> 119:2 <b>mention</b> 145:2 200:4 <b>mentioned</b> 126:14 127:6 143:7 <b>mentioning</b> 199:16 <b>Merritt</b> 72:6 100:9 106:16 111:23 112:2, 6 121:1 132:12 <b>method</b> 37:1 107:20 <b>methodology</b> 198:8 199:3 <b>metric</b> 77:3 124:22 125:4 128:22 <b>metrics</b> 89:6 90:19 91:11 125:21 126:5 127:4, 18, 20 154:3 <b>middle</b> 126:17 128:5 <b>million</b> 4:22 7:24 8:5 10:7 11:10, 11 13:3, 20 14:7, 15, 24 18:10 21:10, 12, 19, 24 22:5, 6 23:22 24:13 25:15 66:11 74:15 75:1 77:4, 8, 23 78:12 80:12 111:19 129:9 131:1 141:18,</p>
--	--	---	--	--	---

19 142:5, 8, 22 143:4, 9, 12 150:15, 21 151:6 152:9 156:11, 16 163:15 171:3 181:7 182:11, 12, 17, 20 183:12, 13, 17 184:13 185:4 200:3 <b>million[sic]</b> 182:21 <b>million-dollar</b> 12:20 16:22 24:1, 21 69:9 77:18 120:7 124:21 <b>millions</b> 171:1 <b>mind</b> 35:19 37:4 73:13 118:3 175:17, 18 <b>minds</b> 20:14 <b>minimal</b> 125:24 <b>minimum</b> 79:15 124:18, 22 126:10 127:18 128:10, 23 135:21 137:10 138:13 139:17 142:2, 22 205:6 <b>minute</b> 133:17 148:17 169:3 <b>minutes</b> 164:12 194:18 197:10, 12 <b>mis-answer</b> 37:6 <b>mischaracterizi ng</b> 88:12 <b>misleading</b> 208:14 <b>misrepresent</b> 24:5  <b>misrepresenting</b> 38:8 <b>missed</b> 118:19 <b>misstate</b> 55:8 182:5 <b>misstatement</b> 139:9 <b>Missy</b> 125:11 128:12 <b>mistake</b> 30:4	<b>mitigation</b> 117:3 <b>mix</b> 85:20 <b>mixing</b> 100:15 <b>ML-2</b> 51:16, 17 53:3, 7, 15, 18 145:4 <b>model</b> 83:13 84:1, 5 85:1 92:9, 19 93:8 94:3, 9, 11, 19 95:6, 8, 18 97:8 98:6, 10, 16, 18, 21, 22 99:2, 14 100:16, 18, 21, 22 101:13 151:16, 19 152:6, 16, 17 153:4 198:10, 14 <b>moderate</b> 20:21 173:22 <b>Monday</b> 203:13 <b>money</b> 36:23 43:23 44:1, 7 50:8 56:24 61:15 66:21 176:5 191:12 <b>monies</b> 50:5 67:6 177:20 <b>monitoring</b> 154:2 <b>monopolistic</b> 157:10 <b>monthly</b> 64:3 67:20 68:17 70:2 116:21 118:24 178:18 <b>months</b> 70:17 182:3 <b>Moody's</b> 126:22 153:8 157:2, 13, 14 158:5, 13 <b>Moratorium</b> 53:24 54:11 <b>Morgan</b> 16:20 18:6 21:6, 18 24:16 25:4 31:21 72:19 74:14, 24 75:12 76:8 80:4 92:4 95:5, 16 99:11 132:16, 22, 23 133:5, 6, 9, 11, 17 134:16, 24	135:14 136:9, 15, 20 137:13 138:11, 16 139:17, 22 140:3, 5, 8, 15, 24 141:7, 12, 21, 24 142:6, 19 143:1, 2, 10, 13, 15, 18, 23 144:15, 18, 23 145:1, 12, 16, 22, 24 146:8, 12, 17 147:6, 9, 16, 21 148:5, 13 149:4, 10, 17 150:5, 16, 22 151:14 152:15, 22, 23 153:19, 24 154:8, 21 155:5, 8, 15 156:14, 22 157:7 158:4, 11, 23 159:8, 10, 17, 20 160:4 162:8, 15 163:4, 8, 16, 18, 23 164:1 165:4, 15, 21, 23 166:1, 9, 16, 21, 24 167:1, 5, 11, 14, 18, 19, 22 168:6 169:20 170:1, 12, 19, 24 171:3, 7, 16, 22 172:7, 9, 14 173:3 174:3, 21 175:1, 15, 24 176:14, 24 177:14, 18 178:3, 6, 10, 17 180:4, 11, 15, 23 181:14, 20 182:10, 13, 17, 23 183:2, 18 184:7, 12, 15, 16, 23 186:7 187:2, 7 188:7, 12, 16, 20 189:5, 9, 15, 20 190:18 191:1, 15, 21 193:4 195:10, 16 196:2, 9, 18, 22 197:13 198:1, 9 199:10 200:8, 17, 21 201:8, 12, 17	202:1, 2, 6, 18, 21 203:18 <b>Morgan's</b> 4:4 5:4 11:2, 7, 8 20:24 21:4, 17 22:4, 22 23:19 25:14 73:22 76:5 80:11 89:2 104:16 106:9 132:21 161:7 162:3 179:11 184:20 193:22 195:2 <b>morning</b> 2:4 26:12 133:5, 6 <b>motion</b> 135:11 <b>move</b> 19:22 20:22 30:13 47:16 72:1 88:15 106:16 109:21 128:3 144:1 <b>moved</b> 47:15 96:22 <b>movement</b> 109:4 <b>Moving</b> 15:5 23:17 34:24 91:20 162:1 <b>Mr.Ballenger</b> 65:16 <b>mundane</b> 144:2 <b>mute</b> 167:9 169:3 194:18, 22 <b>muted</b> 202:15  < N > <b>narrow</b> 156:5 <b>nature</b> 5:9 82:11 113:6 194:11 197:1 <b>necessarily</b> 76:4 141:7 198:21 <b>necessary</b> 171:6 <b>need</b> 2:14 79:12 102:11 154:4 156:20 185:22 191:12 195:8, 21 197:9 205:20 206:2 209:9 <b>needed</b> 191:23 <b>needs</b> 66:20 168:21	<b>negative</b> 6:24 12:22 127:13 <b>negotiated</b> 82:18 135:5 <b>negotiation</b> 109:3 171:8 <b>negotiations</b> 35:1 <b>neither</b> 85:11 <b>never</b> 71:9 91:3 93:3 199:12 <b>new</b> 9:19 <b>Nissen</b> 71:16 125:10, 15 <b>no-bid</b> 58:8 <b>normal</b> 201:9 <b>Notary</b> 211:1 <b>note</b> 13:6 14:18 28:16 44:11 63:10 64:10 79:13 93:20 112:22 119:8 135:3 207:8 <b>noted</b> 131:23 198:11 211:1 <b>notes</b> 118:20 211:1 <b>notice</b> 3:9, 11 40:15, 19 103:4, 20 166:14, 22 181:13 <b>notices</b> 167:4, 17 168:2 169:6 205:20 <b>Notification</b> 3:14 <b>notifications</b> 205:23 <b>notion</b> 104:6 <b>number</b> 14:11, 19 29:7 54:24 55:4, 5, 11, 12 85:19 88:18 90:5 104:14 105:17 151:4, 5 152:13 153:1, 12 179:19 193:18, 19 <b>numbered</b> 90:3 170:16 172:3 205:21 <b>numbers</b> 9:8 14:6 21:14 22:13 83:4 86:22 87:1, 14,	15 88:1, 8 96:19 101:2 104:1 107:16 150:22 151:14, 15, 18, 23 168:7 184:21 204:1 207:19 <b>numerous</b> 86:4  < O > <b>O&amp;M</b> 86:8, 16 103:4, 20 104:9, 11, 16 <b>Object</b> 152:14 161:6, 11 168:13, 19 169:14 179:3 185:6 193:23 <b>objected</b> 30:8 195:12 <b>objecting</b> 176:10 208:10 <b>objection</b> 19:24 28:15, 16 41:13 44:12 57:3 61:17 63:11 64:11 88:11 93:11, 20 112:22 119:9 138:20 152:19 160:16 169:17 176:8 191:14 195:4 207:14 <b>objections</b> 207:8 210:10 <b>obligations</b> 16:4, 15 196:15 <b>observation</b> 19:24 <b>observations</b> 157:3 <b>observing</b> 158:20 <b>obtain</b> 47:13 111:3 155:24 <b>obtaining</b> 70:16 <b>obviously</b> 38:6 48:3 57:16 71:11 192:23 204:14 206:5 <b>occurred</b> 145:7 <b>occurrences</b> 145:7 <b>occurs</b> 151:8 <b>October</b> 17:24 <b>offer</b> 64:8, 15
---	--	--	--	---	---

<p><b>offered</b> 64:14 103:23 147:4 <b>offers</b> 56:13 <b>Officer</b> 1:1 2:3, 5 3:6, 13 4:8, 19, 23 5:7, 22 6:3 20:5, 13 26:2, 11 29:1, 12, 18 30:5, 12, 20 31:1, 13, 18 32:7, 11, 15, 20 34:11 35:11, 15 36:3 38:14, 21, 24 39:13, 17 41:16 42:23 43:4, 8, 11 44:20 47:8 48:5, 12, 18, 23 49:4, 10, 17, 21 50:23 51:2, 7, 13, 17, 23 52:2, 17, 22 53:2, 6, 11 54:7, 12 57:11, 15 58:12, 16, 21 59:2, 6, 11, 17, 23 60:3, 6, 12, 17, 23 61:6, 11, 24 62:18 63:16 64:24 65:6, 13 67:13 68:9, 14 70:22 71:11, 23 72:8, 13 91:16 93:21 94:15, 20 96:6 101:24 105:10 106:22 110:2 113:2, 10 114:1, 5, 14 115:4 119:12 121:2 123:21 124:1, 5, 8, 14 131:12, 24 132:4, 8, 14 133:4, 7, 20 134:1, 4, 9, 14 137:19 138:1, 5, 8 139:2, 8 140:2 144:9, 12 148:20 152:18 161:12 163:21 164:6, 15, 21 165:8, 12, 19 167:12 168:15, 20 169:2, 11, 16, 23 170:5</p>	<p>171:24 172:5 176:9, 16, 20 179:5, 14, 18 180:1, 9 181:17 185:8, 18, 21 186:2 191:16, 24 192:20 193:1, 15 194:1, 5, 8, 13, 17, 21 195:18 196:1 197:5, 8, 14, 21 200:9, 14 202:14, 19 203:8, 14 204:3, 6 206:4, 16 207:3, 22 208:6, 17 209:2, 7, 16, 21 210:3, 8, 12, 15 <b>Officer's</b> 85:24 <b>official</b> 126:8 <b>Oh</b> 3:18 54:12 92:22 138:8 166:24 203:23 206:10 <b>Okay</b> 3:6 4:23 5:7, 12, 22 6:4, 6, 22 7:3 12:16 14:5 15:4, 16, 22 16:18 17:5, 12 18:23 19:6 21:16, 22 22:14 23:17 25:12 26:2, 3, 11 31:18 32:20, 22 35:16 38:15 40:13 42:18 43:12 52:2, 8 54:13, 15 57:15 58:14 59:19 60:4 61:12 64:24 65:9 66:3, 24 67:13 68:9 70:22 71:23 72:13 74:3, 22 76:6 80:17, 22 82:1 83:23 84:23 87:10, 22 88:23 90:14, 17 94:13 95:4, 21 96:2 97:18 98:4, 8 100:13, 19, 21 101:3, 15 106:8</p>	<p>109:6 113:4, 11 123:21 124:1 125:2 128:17 131:10 132:8, 18 133:17 134:14, 15 136:16 138:9, 10, 17 139:4, 5 140:1, 5, 7, 16 141:8 142:1, 20 143:3, 14, 19 144:1, 12 145:13, 17, 24 146:9, 13, 24 147:8 148:14, 22 149:5 154:1 155:5 156:17 158:24 159:10, 22 163:17 164:2, 6, 8, 15 165:2 166:11 167:11, 14, 19 168:1 169:24 170:19 171:22 172:6 176:16 179:14, 21 180:1 186:2 188:7 195:18 196:1 197:21 200:9 201:20 202:19 203:14 204:3 207:3 208:17 209:2 210:3, 12 <b>omitted</b> 97:5 <b>once</b> 169:21 186:4 192:24 193:10 194:10 197:1, 2 <b>ones</b> 189:7 <b>open</b> 33:4 102:5, 24 <b>opened</b> 32:5 <b>operate</b> 187:15 <b>operating</b> 154:6 157:11 <b>operation</b> 15:17 53:20 143:16 <b>operations</b> 145:5 <b>operative</b> 155:17 <b>opine</b> 142:8 <b>opinion</b> 108:4 130:21 176:15</p>	<p>185:2 187:6, 13 <b>opportunities</b> 117:9 <b>opportunity</b> 65:2 67:17 164:7 165:7 166:13 187:10 198:15 <b>oppose</b> 123:2, 4 <b>opposed</b> 40:2 67:7 120:18 199:8 <b>order</b> 5:15 24:17 29:17 49:14 96:21, 24 194:20 <b>ordinance</b> 15:7, 8, 11 16:12 87:5 88:9 <b>organized</b> 133:22 <b>original</b> 45:9 103:3 <b>outcome</b> 85:14 87:19 <b>outlook</b> 12:13 155:23 <b>out-</b> <b>performance</b> 74:19 <b>output</b> 83:12 84:4 85:1 107:23 <b>outputs</b> 83:8 84:1 <b>outreach</b> 206:1 209:13, 19 <b>outright</b> 177:19 <b>outside</b> 27:21 30:15 41:23 42:8 43:20 44:17, 21 45:12, 17 46:13, 22 47:4 50:6 55:2, 16 56:21 62:15 63:5 64:12, 20 69:19, 23 113:23 116:14 161:9 176:17, 21 <b>outstanding</b> 209:3</p>	<p><b>overall</b> 123:13 199:9 <b>over-</b> <b>performance</b> 21:7, 19 74:14 141:20 <b>over-</b> <b>performing</b> 153:6 <b>overrule</b> 33:17 34:18 <b>overruled</b> 152:19 169:17 <b>overrules</b> 33:22 <b>oversee</b> 27:13 <b>overseeing</b> 27:3 29:4 <b>oversees</b> 27:10 <b>owned</b> 172:22 <b>owns</b> 172:7  &lt; P &gt; <b>p.m</b> 164:18, 20 197:18, 20 210:19 <b>PA-113</b> 92:11 94:7 95:9, 17, 22 96:13 <b>package</b> 121:16 191:13 200:24 <b>packages</b> 70:18 <b>page</b> 4:11 6:8 9:10 11:19 12:3, 7, 8, 16 13:10, 11 14:11, 19 15:5 16:9, 19 18:11, 12 20:22 22:16, 19 23:8, 10, 14, 18 25:12, 21 34:4, 9, 15 35:19, 24 36:13 37:8 42:19 43:2 45:24 54:1, 7 72:24 73:2 74:4 81:8 84:3, 8 88:23 89:12, 18, 19, 20, 24 90:2, 3, 6 91:20 95:4 96:9, 11, 12 97:15 98:1 99:10 101:15 105:1 133:19 134:5, 6, 10 138:6, 7</p>	<p>144:11 148:7, 11, 19 150:12 155:7 159:11 161:2 162:9, 19 170:2, 6, 7, 12, 16, 17, 19 171:11, 17, 20 172:2, 3 177:3 178:23 179:8, 10, 11, 20, 24 186:11 190:11 <b>pages</b> 13:9 22:15 23:3 80:22 92:16 147:4, 13 148:2 <b>paginate</b> 52:20 <b>paginates</b> 35:23 171:11 177:4 <b>pagination</b> 171:20 186:12 190:11 <b>paid</b> 9:12, 13 <b>panel</b> 5:14, 17 14:1 20:20 26:1 71:1, 7, 13, 20 72:2, 3, 4, 5 107:8 115:21 123:20 128:12 <b>panels</b> 164:5 <b>paper</b> 167:6, 10 <b>Paragraph</b> 16:10 18:14 19:1, 4 24:7 35:20 65:20 66:4, 7 82:24 136:8, 11, 14 137:5 140:14, 18 148:11 173:4 <b>parameters</b> 113:22, 23 190:22 <b>paraphrasing</b> 113:14 <b>part</b> 9:11 14:2 18:13 39:11, 12 47:14 48:22 49:3 58:6 76:2 93:13 98:15 116:6 121:15, 24 149:24 169:15 178:18 193:11 198:22 202:2</p>
--	--	---	--	--	---



204:9 206:19 208:21 <b>partial</b> 11:18 41:3 108:21 <b>participant</b> 29:3 <b>participants</b> 125:15 193:12 <b>participate</b> 28:11 35:1 165:23 208:16 <b>participated</b> 35:7 122:14 166:2 <b>participating</b> 71:14 <b>particular</b> 57:9 65:23 66:13 102:12 108:17 119:11 136:13 198:4 <b>parties</b> 24:9 107:18 108:10, 20, 24 140:21 160:1 193:12 <b>party</b> 130:20 137:11 141:3 171:8 <b>pass</b> 126:18 <b>path</b> 57:5 79:11 <b>patience</b> 34:14, 22 54:4 63:2 64:23 <b>pause</b> 165:3 <b>pay</b> 10:6 106:4 126:3 196:4 207:18 <b>payer</b> 121:6 <b>payers</b> 17:14 47:20 69:11 121:19, 22 173:23 199:24 200:2 <b>paying</b> 7:23 9:6 10:18 207:16, 18 208:12 <b>PC</b> 71:4 86:3 <b>pdf</b> 34:16 90:1 96:9 170:19 172:3 179:10, 24 <b>peer</b> 126:11 173:5, 6 <b>peers</b> 127:10 158:21 <b>penned</b> 17:23	<b>Pennsylvania</b> 1:1 56:5 69:5 <b>PennVest</b> 121:14 <b>penny</b> 190:23 <b>pension</b> 101:20 102:20 103:17 104:21 147:11, 18 149:1, 14 150:1 <b>pensions</b> 103:8 <b>people</b> 56:17 127:20 168:4 192:10, 17 201:15, 21 <b>percent</b> 7:15 8:7 9:8, 17 23:5 69:8 75:2, 7, 13 99:4 116:24 117:1 126:4 141:10 <b>percentage</b> 23:1, 5 141:4, 11 <b>percents</b> 8:10 <b>performance</b> 13:23 18:17 22:20 23:14 57:8 136:12, 21 139:19 142:10 153:10 158:14 185:13 <b>performing</b> 162:4 <b>PERIOD</b> 1:1 43:17 46:3 61:21, 23 87:8 100:3, 5, 23 148:3 158:19 <b>person</b> 41:8 46:16 167:9 168:8 <b>Peter</b> 71:16 <b>Petition</b> 22:17 41:2 44:16 79:17 134:22 <b>PFM</b> 71:15 <b>PHILADELPH</b> <b>IA</b> 1:1 7:11 26:16 33:19 34:20 35:3 36:1 39:3 40:7, 16, 18 41:21 63:9 64:8 70:6, 15 71:12 135:6 166:15 167:21	171:12 172:8 173:9, 18 175:13 190:4 191:11 <b>Philadelphia's</b> 175:22 <b>picture</b> 127:23 <b>piece</b> 29:5 <b>place</b> 17:6 55:23 189:12 <b>plain</b> 37:19 61:4 <b>plainly</b> 6:13, 15 <b>Plan</b> 26:17 28:2 38:18, 20 39:4, 7 40:2, 8, 12 50:22 53:10, 21 55:21 97:19 129:3, 6 <b>plane</b> 158:17 <b>planned</b> 155:13 <b>Planning</b> 53:21 <b>Plans</b> 50:13 <b>play</b> 174:23 175:2 <b>please</b> 2:10 8:19 11:7 23:8 25:2 28:16 31:15, 22 35:21 38:13 39:8 44:11 47:16 49:21 90:13 93:19 106:20 111:6 117:12, 18 118:5 119:8 123:22 125:19 144:7 167:9, 13 169:3 192:4 209:1 <b>Plus</b> 78:19 <b>point</b> 18:9, 17 19:5, 17 20:1, 2 28:18, 24 29:2 34:2 39:6, 23 48:13 49:19 52:13 59:12 88:17 91:3, 15 92:16 94:23 95:2 107:12 108:23 110:15 113:4 123:9, 12 126:9 131:15 135:21 136:18,	20 137:2, 8 143:9 145:9, 10 146:18 147:3 160:12 163:5 173:14 183:23 186:4 <b>pointed</b> 99:3 <b>pointing</b> 35:19 91:15 107:10 <b>points</b> 82:22 <b>Policy</b> 53:19, 22 54:9 <b>Popowsky</b> 169:9 <b>portion</b> 8:16, 24 21:1 <b>position</b> 24:10 74:8 75:17 76:5 77:1 78:8 79:18 85:4 86:24 88:10 89:8 109:5 123:14 155:1 <b>positions</b> 140:22 <b>positive</b> 58:2 <b>possession</b> 67:5 <b>possibility</b> 199:18 203:4 <b>possible</b> 87:19 <b>post</b> 50:9 <b>posted</b> 40:16 64:4 166:14 206:24 <b>post-hearing</b> 210:1 <b>posting</b> 169:7 <b>potential</b> 40:21 <b>potentially</b> 105:18 <b>PowerPoint</b> 51:24 <b>practical</b> 15:17 <b>practice</b> 206:24 <b>pre-cert</b> 133:1 <b>precludes</b> 188:9 <b>predicated</b> 155:24 <b>prefer</b> 51:21 143:1 <b>prehearing</b> 161:24 164:3 <b>prejudice</b> 169:22 <b>prejudicial</b> 192:16 193:10	194:11 197:1 208:11 <b>preliminary</b> 2:20 5:9 97:16, 23 98:11 101:5 <b>premise</b> 187:23 <b>preparation</b> 30:6 <b>prepare</b> 27:16 28:8 52:5 <b>prepared</b> 50:14, 16, 17 52:5, 7 55:1 150:13 <b>prepares</b> 27:8 <b>preparing</b> 40:13 166:11, 12 <b>present</b> 71:13 98:14 103:1 130:21 175:5 <b>presentation</b> 5:11 51:24 78:13 87:19 202:23 <b>presented</b> 9:13 89:6 98:16 100:15 101:10 145:4 149:19 150:23 152:5 175:20 186:18 193:5 200:6 <b>presenting</b> 31:4 42:14 90:23 158:13 <b>presents</b> 93:3 95:19 98:19 <b>pressure</b> 130:11 <b>pressures</b> 147:10 <b>presumably</b> 17:6 <b>pretty</b> 25:23 88:15 108:18 148:16 204:18 205:17 <b>previously</b> 40:23 59:4 64:18 <b>prior</b> 30:6 33:9, 11 47:1, 21 119:20 190:2, 3 192:8, 18, 19 193:13 195:5	<b>priority</b> 174:2 <b>private</b> 176:4 <b>privilege</b> 188:6 <b>probably</b> 85:23 119:21 122:4, 6 <b>problem</b> 102:8, 9 <b>procedural</b> 209:8 <b>procedure</b> 71:4 134:20 <b>procedures</b> 134:19 <b>proceed</b> 123:24 <b>proceeding</b> 2:6 9:20 16:12 25:10 28:22 40:20 41:1 44:19, 21 49:12 57:10 63:13 76:3 77:20 103:7, 10 108:18 114:18 121:24 125:6 129:17 133:2 161:4 162:21 163:2 166:17 175:3, 6 176:18 179:23 183:4, 24 188:22 <b>proceedings</b> 26:18, 23 27:11, 13 28:4 37:3, 21 40:14 41:4, 12 48:4 60:21 61:9 166:12 186:8 189:3, 6, 11, 19 211:1 <b>process</b> 31:3 175:22 188:12, 17, 19, 21 198:22 208:2 <b>produce</b> 2:8 91:9 92:9 93:8 <b>produced</b> 90:19 <b>product</b> 198:9, 18 <b>proficiency</b> 41:10 168:5 <b>profile</b> 126:1 127:13 153:9 157:12, 18 <b>Program</b> 55:22 56:9, 16
---	--	---	---	--	--

57:14 66:17 116:24 120:8 122:5 <b>programs</b> 63:22 <b>project</b> 24:16 56:18 57:14 61:14 69:9 85:9 104:1 111:20 117:2 129:24 <b>projected</b> 10:15, 16, 17 18:7 25:5 81:2 82:5, 6 86:9 89:3 99:14, 21, 23 100:2, 11, 23 101:2 105:2, 9 143:7 147:19 148:3 150:18 162:5, 12 190:4 <b>projecting</b> 85:7 <b>Projection</b> 50:13, 21 56:22 87:2 91:1 205:2 <b>projections</b> 23:21 25:8 88:18 90:24 148:8 149:7, 13 198:13, 19, 23 <b>projects</b> 14:24 118:14 <b>prolonged</b> 157:18 <b>promised</b> 25:23 <b>pronouncing</b> 29:22 <b>proof</b> 192:16 <b>proofs</b> 206:3 <b>proposal</b> 7:22 8:23 20:2 152:4, 8 176:13 <b>proposals</b> 191:3, 4 <b>propose</b> 22:9 <b>proposed</b> 32:12, 18 33:5 76:10 80:11, 18 91:8 104:13 <b>proposes</b> 22:4 141:3 <b>proposing</b> 21:1	<b>proprietary</b> 94:2 <b>Protection</b> 44:2 53:10 111:24 112:3 <b>protective</b> 45:21 <b>provide</b> 7:9 16:13 55:15 64:14, 15 81:10 91:10 96:19 97:13 103:2 111:2, 7 115:10 122:3, 6, 9 131:7 152:22 181:22 <b>provided</b> 6:4 16:1 79:19 92:17, 19 97:12 98:15 100:7 103:9 104:1, 10, 24 123:7, 15 146:11 147:22 152:1 182:2 199:13 <b>provider</b> 157:10 <b>provides</b> 84:14 97:11 107:20 <b>providing</b> 78:17 80:7 122:6 123:16 128:1 174:5, 13 <b>provision</b> 15:7 76:7 <b>provisions</b> 33:18 34:19 <b>prude</b> 139:13 <b>prudent</b> 187:8 199:23 <b>Public</b> 11:24 12:3, 6 15:24 40:15 42:10 58:7 59:1, 9 69:17 70:6 82:19 84:3 89:21 117:13 126:7 132:24 134:13 166:14, 22 167:2, 3, 15, 17 168:2 169:6 175:23 176:2, 13 207:19 208:12, 16 211:1	<b>Publication</b> 3:11 206:3 <b>publicize</b> 41:11 <b>pull</b> 31:14 42:24 <b>pulling</b> 98:18 102:11 <b>purports</b> 145:4 <b>purpose</b> 38:13 57:19 108:3 147:4 <b>purposes</b> 146:15 147:2, 5 184:24 <b>pursuant</b> 41:1 67:21 <b>pursue</b> 67:22 116:19 120:6 129:19 195:9 <b>pursued</b> 178:20 <b>pursuing</b> 120:13 187:21 <b>pursuit</b> 120:4 <b>put</b> 11:24 12:1, 3 13:9 47:17 48:1 49:8, 11 114:12 126:9 130:19 174:7 200:23 209:18, 24 <b>putting</b> 114:7 130:10 209:12 <b>PWD</b> 7:17 11:21 26:23 31:7 32:17 33:5 35:4 40:15 43:21 46:2, 5 50:1 61:16 110:24 133:12, 18 134:13 135:11 137:15, 16 138:12 143:16 144:5, 16 148:8, 15 151:2 153:5, 8, 16 154:3, 4 155:1 157:9, 16 158:20 160:8 162:9, 10, 19 177:10, 16 178:15, 19 206:1 <b>PWD's</b> 4:13 28:2 57:2 136:4 147:10	151:18 157:1 158:14 <b>PW's</b> 4:2  < Q > <b>Q&amp;A</b> 73:10 74:4 92:1 95:15 99:20 102:2 105:10 <b>qualify</b> 177:22 <b>question</b> 8:19 20:3, 6 25:2 26:13 27:24 29:9, 13, 17 30:9, 14, 22, 24 31:2 33:23 36:16 44:24 45:6 46:15, 16 48:6 49:22, 24 54:17, 18 59:12 61:13 63:13, 17 67:17 68:13 73:14 81:6 84:19 90:10 91:6, 17, 24 93:10, 13, 15, 19 94:21 95:22 99:16 113:3 114:20 115:20 116:9, 16 120:24 121:3 125:8 128:14 135:2 137:17 138:13, 18, 21, 22 139:1, 17 143:15 144:6, 14 149:9, 21 159:4, 8, 13, 23 160:8, 17 162:16 165:20 167:13 168:7, 14 169:21 172:11, 15 175:18 178:7, 8, 11 185:22 187:24 189:10 191:17 193:16 195:6, 13 202:10 <b>questioned</b> 177:21 192:10 <b>questioning</b> 57:19 100:20 <b>questions</b> 6:17 20:20 26:5, 9 29:10 47:16 63:1, 11 99:8	107:3, 6 123:20 124:18 131:3 132:6 133:8, 11, 14 134:13 145:19 148:18 162:7 163:23 164:1, 4 165:4, 18 188:3 192:5, 7, 13 193:4, 8, 18, 19 195:1, 14 198:2, 5 200:10, 15 <b>quick</b> 67:16 132:22 <b>quickly</b> 119:15 168:12 <b>quiet</b> 178:8 194:2 <b>quite</b> 168:16 173:6 <b>quote</b> 11:21, 22 12:18 23:1, 2 54:20 86:3 127:12 177:10 186:14 190:12 192:11 <b>quoting</b> 41:8 190:8  < R > <b>raise</b> 35:4 119:6 158:7 192:13 196:24 <b>raised</b> 47:10 66:10 67:1 124:19 135:10 195:4 <b>range</b> 44:18 135:9, 20 <b>RATE</b> 1:1 4:16 6:10, 20 7:5, 6, 7, 14, 16, 19 8:16 9:1, 24 11:10, 13, 15, 16, 18 12:19, 24 13:1, 13, 15 14:6, 8, 22, 24 15:6, 12, 17, 23 17:14 18:8, 20 20:10 21:8, 10 23:21 24:18, 22 25:9, 17 26:18 28:3 33:6 35:3 36:1 37:14 40:17, 20 41:1, 3 46:23 47:1, 10, 20 57:22,	23 58:8, 9, 11, 17 69:11 72:22 74:16, 19 76:15, 23 77:4, 20, 24 78:2, 9, 13 79:8, 15 80:8, 14, 19 81:1, 16 82:3 83:13 84:2, 5, 13, 18 85:1, 6 86:11, 17 87:7, 11, 24 88:2, 5, 7, 19 89:3, 4 91:4 92:19 94:3 95:18 105:24 108:17 110:9 121:6, 8, 19, 22 122:14, 24 125:5 127:11, 24 128:8 129:1, 3, 4, 17 130:11, 14 131:17, 19 136:22 138:14, 21 139:14 143:19, 20 147:20 148:4 149:8, 13, 19 150:19 151:10 154:16 155:1 156:1, 24 159:14, 18 161:3, 14 162:11, 21, 23 163:2, 6, 13 165:24 166:1, 15 170:9, 14, 23 171:5 173:11, 23 175:6 178:24 179:1 180:6, 13, 16, 24 182:2, 9 184:3, 6 185:4, 10 186:12 187:10, 21 188:11 190:2, 3, 5 192:3 193:19, 21 195:2 198:3 199:24 200:2 201:5, 7 202:4 205:3, 4, 11, 13 207:15, 20 208:13 <b>rated</b> 126:11 <b>rates</b> 8:13 9:11 10:7 11:4 16:1, 11
---	--	---	--	---	---

24:17 32:12, 18 33:11, 22 35:4 36:10 37:1, 20, 21 40:23 57:24 59:3, 21 60:20 61:4 75:3 83:19 91:8, 9 106:11 107:23 108:2, 10 110:7, 11 127:1, 17, 24 128:1 129:4, 19 141:23 158:7 173:8, 21, 22 174:15, 16, 24 177:6, 7 180:22 183:1, 2, 5, 16 186:15, 23 187:14, 17, 19 188:10, 15 196:10, 19 <b>rating</b> 11:22 12:2, 4, 9, 12, 22 52:1 105:6 126:6, 12, 13 127:14, 16 129:12 153:7, 15, 17 154:2, 19 155:14 156:6 157:9, 20, 24 158:22 174:19, 23 175:9, 12, 16 176:7 196:7 <b>ratings</b> 6:24 158:15 175:7 <b>rationale</b> 158:16 <b>ratios</b> 127:6 128:3 <b>rattle</b> 167:10 <b>rattling</b> 167:6 <b>reach</b> 69:14 108:20 204:5 <b>reached</b> 123:7 <b>reaches</b> 28:17 44:12 <b>read</b> 4:22 31:11 40:10 90:14 136:17 167:22 186:10 <b>readily</b> 118:11 122:1 <b>Reading</b> 18:22 <b>reads</b> 40:17 <b>ready</b> 164:22 197:22 <b>real</b> 87:14	<b>really</b> 63:17 106:5 114:11, 23 146:18 155:11 164:12 168:12 204:6 <b>reason</b> 88:7 126:23 130:16 175:19 181:23 <b>reasonable</b> 2:19 15:8, 19 16:2, 7, 13 19:10, 13, 15, 17 81:11 89:7 90:20 173:16 186:20 <b>reasons</b> 86:20 204:10 <b>Rebuttal</b> 3:1 6:9, 15 7:4 11:20 12:17 14:3 15:6 18:6 20:23 22:21 23:18 43:8 72:18 73:4 80:23 88:24 91:21 95:5 99:10 105:2 <b>recall</b> 100:7 104:10 108:17 135:13 147:15 148:10 190:15, 18 <b>receipt</b> 43:17 45:13 46:3 61:21, 23 190:14 <b>receipts</b> 177:8 <b>receive</b> 8:21 9:23 11:4, 13 43:22, 24 44:6 45:2, 16 47:23 106:11 177:11 178:15 190:21 201:10 <b>received</b> 7:17 8:17 9:1 10:21 36:24 42:21 43:15 45:8 57:1 68:21, 23 69:1 118:9 177:16 <b>receiving</b> 56:19 <b>recognition</b> 110:11 <b>recognize</b> 67:18 76:17 77:23 80:10 95:22	<b>recognized</b> 76:15 78:5, 14, 23 <b>recognizes</b> 85:24 <b>recognizing</b> 76:20 <b>recollection</b> 4:5 122:13, 18 <b>recommend</b> 170:13 179:23 186:14 <b>recommendatio</b> <b>n</b> 11:3, 7, 9 106:10 141:17 154:22 178:24 183:13 185:9 198:11, 12 199:9 <b>recommendatio</b> <b>ns</b> 134:17 152:24 <b>recommended</b> 57:20 170:9 186:9 199:15 <b>recommending</b> 156:15 179:2 180:4, 6, 8, 10, 13, 15, 19 181:2, 3, 6 182:15 183:1, 4, 16, 20 184:2 186:16 <b>reconciliation</b> 22:19 23:10 36:8 37:12 40:21 134:19, 20 166:3 <b>record</b> 3:3, 8 4:1 5:6 24:6 29:8 38:9 40:3 46:20 47:18 49:7 55:9, 14 62:12 65:10, 12 88:20, 22 114:22 124:11, 13 131:21 133:1 136:17 147:11 161:13, 15 164:18, 20 169:15 192:9, 11, 12, 18, 19 197:1, 3, 18, 20 202:24 205:16, 17 206:6, 15, 19 207:1, 5, 14 208:5, 9, 19, 22	209:18 210:11, 14 <b>recorded</b> 2:7 <b>records</b> 193:13 <b>recover</b> 9:5 <b>recovery</b> 16:2, 13 44:1 <b>recross</b> 67:15 68:10 131:14 <b>red</b> 153:21 156:18 <b>redirect</b> 38:12 65:3 67:15 68:11 115:19 123:24 131:14 132:6 164:10 165:4 200:8, 11, 16 <b>reduce</b> 17:14, 17, 19 18:1 24:11 59:3 61:1 66:22 70:9 86:16 141:23 186:18 <b>reduced</b> 37:22 75:3 182:15 183:5, 13 <b>reduces</b> 66:20 <b>reduction</b> 121:7 177:6, 7 183:11 185:14 188:11 205:11 207:16, 17, 20 208:13 <b>reexamining</b> 192:2 <b>refer</b> 29:14 30:16 51:11 65:18 208:12 <b>reference</b> 38:22 43:1 53:16 73:1 127:4 133:23 137:21 151:5 158:5 179:6, 8, 16 <b>referenced</b> 75:15 135:7 161:16 <b>references</b> 80:7 162:3 <b>referencing</b> 131:17 <b>referred</b> 94:12 137:2 138:21 148:9 <b>referring</b> 18:24 35:20 50:18 72:24	73:11, 15 81:7, 19 100:24 101:23 105:8 147:18 148:2 149:20 166:4, 5 178:22 179:10 207:15 <b>refers</b> 100:20 <b>reflect</b> 14:7 101:19 104:5 151:19 186:19 <b>reflected</b> 8:6 9:16 24:22 82:2 83:17 98:3, 11 103:4 104:13 129:6 149:2 150:2 163:10 <b>reflecting</b> 149:14 <b>reflects</b> 12:12 103:16, 21 129:7 <b>refocus</b> 192:4 <b>reg</b> 206:3 <b>regard</b> 140:16 149:6, 12 <b>regarding</b> 16:21 40:20 75:18 79:15, 21 <b>regardless</b> 9:5 39:18 108:23 <b>regs</b> 205:17, 18 206:12 <b>regulations</b> 41:20 <b>regulatory</b> 7:12 <b>reimbursement</b> 45:8, 18 <b>reiterate</b> 99:11 <b>related</b> 3:15 26:15 28:2 45:9, 20 117:6 120:13 131:5 193:4 <b>relative</b> 80:8 101:7 <b>relevance</b> 63:18 <b>relevant</b> 57:16 61:22 <b>reliable</b> 174:6, 13 <b>reliance</b> 89:2 <b>relief</b> 7:5, 6, 7, 17, 19 8:16	9:1 11:16, 18 <b>relieved</b> 195:8 <b>relitigated</b> 79:4 <b>relying</b> 80:1 <b>remains</b> 184:5 <b>remember</b> 125:21 136:7 171:16 186:24 187:2 <b>remind</b> 11:6 46:24 <b>remiss</b> 70:23 71:2 <b>repeat</b> 73:13 93:9 95:12 149:10 162:15 172:16 189:9 <b>repeating</b> 37:5 <b>rephrase</b> 172:18 <b>replace</b> 176:4 <b>report</b> 53:1 55:1 69:2 70:2 85:24 97:20 100:1, 23 116:21 117:5 118:16, 24 129:13 153:18, 22 155:4, 12 158:6 206:6 <b>reported</b> 13:19 92:10 <b>reporter</b> 2:8 211:1 <b>reports</b> 12:2, 4, 9, 12 13:7, 14 52:1 64:3 68:17 119:13 153:7, 15 156:7 175:20 177:10 178:18 <b>representation</b> 175:4 198:20 <b>representative</b> 174:10 <b>represents</b> 89:7 160:1 <b>reproduction</b> 211:1 <b>Request</b> 4:6 46:21 50:9 123:23 130:2 131:8 144:16 147:23 186:22 208:23 <b>requested</b> 9:23 202:8
--	--	---	---	--	---

<b>Requests</b> 148:16 178:4 202:5 <b>require</b> 151:9 <b>required</b> 9:5 136:4 209:18 <b>requirement</b> 166:20 168:2 <b>requirements</b> 82:18 85:10 127:2 136:6 149:15 150:2 154:4 158:8 168:9 <b>requires</b> 37:12 76:8 87:5 <b>requiring</b> 108:24 <b>research</b> 115:17 117:7, 9 <b>researching</b> 117:5 120:11 <b>reserves</b> 17:8, 10 19:18 81:11 87:7, 12 156:10, 16 <b>Residual</b> 21:2 22:10 72:16, 17, 21 73:23 74:5 76:9, 12 77:12 80:9, 13 88:6 143:6 <b>resilient</b> 116:22 118:12 <b>resolution</b> 173:16 <b>respect</b> 116:10 125:6 140:9 159:23 177:8 <b>respective</b> 24:10 27:8 140:21 <b>respond</b> 165:9 181:15 <b>responded</b> 139:22 <b>responding</b> 157:21 <b>response</b> 4:13, 18 26:6, 13 27:24 55:16 92:11 94:6 95:9 96:3, 13 97:13 99:17 119:22 124:17 125:3 131:2 134:7, 12 137:15 138:12,	13, 18 144:4 145:3 148:24 160:8 164:2, 5 173:4 <b>responses</b> 4:6 137:24 144:20 145:19 148:15 159:5 178:4 203:11 206:11, 18 207:4 <b>responsibility</b> 28:7 <b>responsible</b> 26:21, 24 27:2, 15, 19 28:1 29:4 41:19 42:6 46:17 167:3, 16 169:7 <b>responsive</b> 114:24 <b>restate</b> 133:23 185:22 <b>resubmitted</b> 129:16 <b>result</b> 12:22 25:8 82:5 85:14 87:21, 23 94:12 103:8 108:1 109:14 129:21 130:3 145:5 151:11 153:1 156:11 157:23 186:21 189:13 191:10 200:1 <b>resulted</b> 69:6 166:7 <b>resulting</b> 108:10 <b>results</b> 81:2, 17 92:10 94:6 95:23 97:24 98:12 99:20 101:5 119:14 123:17 142:21 152:5 153:11 162:22 163:14 <b>resume</b> 65:7, 8, 14 124:2, 15 164:22 197:22 <b>resumes</b> 71:21 <b>retain</b> 196:6 <b>retained</b> 110:23 112:10, 20 <b>returning</b> 75:2 <b>reve</b> 7:18	<b>revenue</b> 57:2 82:18 85:10 93:2 99:1, 5 136:3 143:20 154:3 160:5 166:20 <b>revenues</b> 7:9 8:5, 22, 24 9:4, 19, 22 10:3, 14, 22, 24 16:2, 14 24:12, 16 25:6 48:1 61:16 62:15 66:19 78:17 81:2, 17 82:5, 12 83:2, 3, 11, 17, 21 85:4, 12, 15 86:5, 7, 8, 18 91:9 98:13, 19 99:23 100:2 101:1 106:13 107:22 108:2, 6 109:9, 16 123:8, 15 136:3 154:3 160:7, 11, 20 <b>review</b> 23:3 24:4 28:10 33:10, 13 40:15 41:5 64:5 89:16 166:13 173:5, 6 178:2, 13 <b>reviewed</b> 33:8 122:18 <b>reviewing</b> 31:3 90:13 167:3, 16 <b>reviews</b> 88:20 <b>Revised</b> 3:1 151:19 <b>revisit</b> 60:11 <b>right</b> 8:8, 12 9:15 10:22 24:13 30:18 32:23 40:4 48:6 52:1, 3 61:3 72:22 75:22 80:6 82:13 84:14 90:1, 9 93:5 113:18 117:21 122:1 134:4 135:2 141:20 142:5, 7 143:13, 17 144:18 145:12, 15, 16 146:7 149:3 158:15	165:13 168:18 169:1 180:2 192:17, 18 207:12 209:5 210:16 <b>risk</b> 157:17 <b>risks</b> 157:11 <b>Rob</b> 73:12 203:7 204:5 <b>role</b> 174:23 175:2 <b>roughly</b> 7:14 16:21 21:10 66:11 163:16 184:12 200:3 <b>round</b> 164:13 <b>rounded</b> 11:11 14:8 <b>rounding</b> 22:6 <b>RPR</b> 211:1 <b>RSF</b> 12:18 128:19, 21 129:8 136:23 137:3, 9, 10 146:20 150:18 151:12 152:8 154:5, 9, 17 156:4 158:3 <b>Rule</b> 33:18, 23 34:5, 19 38:17 39:3, 14 40:7, 10 41:8, 21 49:14 167:21 187:15 194:19 <b>rules</b> 41:19 <b>ruling</b> 29:16 <b>run</b> 98:22 201:15, 21 <b>runs</b> 22:23 104:6  < S > <b>S&amp;P</b> 79:14, 18 105:17, 24 126:15, 22 127:15 153:17, 22 154:12 155:4, 14 156:9, 17 <b>safe</b> 152:10 174:6, 13 <b>sake</b> 130:10 135:23 <b>satisfactory</b> 158:15 <b>save</b> 69:10 193:2 <b>saved</b> 36:15	200:2 <b>saving</b> 121:18 <b>savings</b> 69:15 70:1, 2 120:20 121:17, 22 122:7 131:5, 6 <b>saw</b> 33:8 <b>saying</b> 44:3 62:14 73:21 78:22 81:15 103:15 104:3 110:20 141:9 156:18 167:7 173:1, 17 174:20 180:3, 18, 23 183:15 185:2, 11 190:15, 18 191:20 205:5 <b>sayings</b> 121:6 <b>says</b> 6:15 16:11 19:5 20:8 24:8 33:16, 21 34:1 36:7 39:15 47:23 54:9 60:24 86:3 96:12 98:2 101:4 134:12 139:1, 3, 4 140:23 155:15, 21 156:14 157:15 160:21 162:14 183:10 190:12 206:7 <b>scanning</b> 53:14 <b>scenario</b> 158:12 <b>Schedule</b> 51:15 53:7, 18 98:17 100:14 146:11 150:10 162:19, 21 181:24 182:1 184:19 202:24 203:1 <b>scheduled</b> 56:18 60:14 100:16 101:7 148:8 <b>schedules</b> 110:9 147:3 <b>scope</b> 28:17, 23 30:15 41:14 42:22 43:16, 20 44:13, 21 49:11 54:15 57:4 112:23	114:17, 18 117:8 120:2, 9 161:9 176:18, 21 181:16 183:24 <b>screens</b> 102:11 <b>scroll</b> 135:17, 18 140:12 144:5, 13 146:2 156:24 <b>scrolled</b> 134:11 <b>scrolling</b> 84:6 134:6 138:3 148:19 153:16, 21 159:5, 12 179:19 <b>second</b> 13:11 31:14 42:24 48:22 49:3 73:7 96:4, 11 142:2 182:10 <b>seconds</b> 102:7 <b>Section</b> 33:1, 19 38:17, 23 39:2 40:6 41:9, 20 94:11 155:16 167:20, 23 <b>secure</b> 127:11 <b>security</b> 117:6 <b>see</b> 4:13 11:23 12:8 13:16 34:15 36:12 52:12 53:15 54:13 58:10 62:7 63:17 89:9 91:22 93:23 96:14 99:15 101:21 113:5 129:2 139:1 152:19 153:12, 17, 21 158:16 159:1 160:21 170:13 171:15 187:19 198:17 199:21 205:10 206:9 <b>seek</b> 47:12 <b>seeking</b> 49:15 <b>self-sustaining</b> 143:17 <b>senior</b> 17:2 <b>sense</b> 127:21 175:2 <b>Sent</b> 3:18 <b>separate</b> 116:18 166:18
---	--	---	--	--	--

206:13 <b>separately</b> 36:9 <b>September</b> 40:24 60:15 155:7 <b>service</b> 17:2, 17, 19 18:2 25:5 26:17 28:3 66:22 70:9 86:9 91:11 96:23 121:18 122:7 126:3 131:5 157:10 166:18 174:6, 7, 14 183:21 186:17 196:5 <b>services</b> 120:2, 9 <b>servicing</b> 7:11 <b>Set</b> 4:13 82:17 129:4 189:3 <b>sets</b> 161:2 173:8 <b>setting</b> 173:21 174:24 <b>settle</b> 199:5 204:7 <b>settled</b> 149:15 187:14 <b>settlement</b> 13:22 14:18 15:23 16:6 20:8, 15 22:18, 23, 24 23:6 24:23 35:2, 13, 18 36:14, 20 41:3 43:21 44:17 47:6, 11, 19 48:2, 4, 9, 11 49:24 50:9 57:18 58:6, 20, 22, 24 59:9, 16 60:24 62:6, 16 67:3, 21 69:18 74:7, 23 75:16 76:7, 11, 21 77:6 79:17, 20 80:3 81:2 82:4, 8, 11, 17, 22, 23 84:10 85:2 86:1, 21 88:3 89:6, 15 90:20 91:4, 7 101:17, 19 102:16, 21 103:5, 16, 21 104:4, 7, 17, 22	108:4, 13, 21 110:10 112:13, 15, 17 113:12, 23, 24 116:3 119:7 120:3, 4, 10 122:19, 22 123:3, 6 128:20 130:16, 18 131:18, 21 134:21 138:23 139:13 149:16, 23 150:3, 4, 5 151:1, 19 159:1, 16, 19, 24 160:3, 10, 13, 19 166:7 170:22 171:8 177:9, 23 178:19 180:20 181:12 182:7 184:11 185:12 188:9, 13, 21 189:4, 13, 16, 18, 24 190:22 191:10 192:2, 3 193:21 196:3, 10, 11 199:17 203:2, 4 <b>SEWER</b> 1:1 40:22 126:11 <b>shared</b> 21:2 24:9, 11 75:1, 14 126:5, 6 140:20 142:21 <b>sharing</b> 22:5 23:2 75:5, 6, 18 76:1 135:22 140:8, 10, 17 141:3 142:9 143:5 <b>sheet</b> 36:14 <b>shifted</b> 10:18 <b>shifting</b> 10:3 <b>short</b> 25:24 26:3 65:4 200:22 <b>shorter</b> 3:20 <b>show</b> 91:1 129:23 152:3 162:10 186:22 208:9 <b>showed</b> 169:22 <b>showing</b> 151:13 178:14 <b>shown</b> 14:14 21:9 25:14, 17 84:2 87:11 88:5 89:4	94:6 95:7 128:20, 22 131:20 146:21 150:18 194:11 <b>shows</b> 86:13 144:23 150:12, 14 162:20, 23 163:12 <b>SHULTZ</b> 53:17 <b>Shutoff</b> 53:24 54:10 203:22 <b>shutoffs</b> 52:10 54:22 56:18 <b>side</b> 109:12 173:13, 14 <b>sides</b> 103:22 108:19 109:4 175:5 <b>signed</b> 48:2 50:1 118:1 <b>significant</b> 69:3 151:7 174:23 175:2 <b>similar</b> 149:6, 12 157:3 <b>similarly</b> 74:6 <b>simple</b> 162:6 181:9 183:8 <b>simply</b> 75:21 151:23 153:1 <b>single</b> 109:1 190:23 196:8 201:7 <b>sir</b> 92:24 97:3, 6 101:14 105:20 111:16 166:21 175:21 180:17 183:7 187:1 189:17 190:16 191:9 <b>situations</b> 48:9 <b>six</b> 65:20 66:4, 7 <b>skip</b> 39:10, 11 <b>Skipping</b> 42:18 <b>slowly</b> 2:10 <b>smart</b> 201:23 <b>snack</b> 2:16 <b>sole</b> 173:20 <b>solely</b> 24:1 74:16 <b>solid</b> 123:16 <b>somebody</b> 167:5 188:3 <b>Sonny</b> 169:9 <b>Sorry</b> 5:3 8:18 15:20 18:19 20:18	29:19 35:12 38:21 46:8 50:19 52:11 69:21 73:9 80:13 84:8 85:8, 23 92:13 94:20 102:6, 23 106:21 110:3 111:14 112:1 117:15 118:19 124:23 133:21 137:20 144:10 145:10 149:17 165:14 171:18 191:18 202:16 <b>sort</b> 20:2 57:5 125:23 133:13 135:23 199:7 203:5 <b>sought</b> 113:21 201:7 <b>sound</b> 21:20 <b>source</b> 118:17 119:3, 13 146:3 177:19 <b>speak</b> 2:10 13:5 140:3 188:22 194:6 <b>speaking</b> 56:10 <b>special</b> 25:9 31:23 40:20 <b>specific</b> 77:7 82:12 86:2 103:16 107:24 117:8 118:14 149:22 151:5 154:13 169:21 <b>specifically</b> 18:16 78:16 90:18 95:23 97:22 116:18 119:5 120:2 121:16 127:5 135:16 146:10 206:21 208:21 <b>speculation</b> 152:15 <b>spelling</b> 117:18 <b>spend</b> 204:16 <b>spent</b> 47:9 69:3 174:18 <b>split</b> 141:2 <b>spoke</b> 120:20 <b>Stabilization</b> 12:19 13:2, 15 14:8, 24 15:12, 18 18:8, 21 21:9 23:22	24:19 72:22 74:17, 20 76:16, 23 77:4, 24 79:15 80:8, 14, 20 81:1, 16 84:2, 18 85:6 86:12, 17 88:6, 19 89:3 106:1 131:19 136:23 151:10 162:11, 24 163:13 190:6 205:4 <b>stable</b> 12:13 155:23 <b>standalone</b> 36:13 <b>standard</b> 127:3 <b>standards</b> 7:12 158:9 <b>start</b> 5:13 6:8 20:15 72:16 84:21 112:15 118:6 132:19 151:15 <b>started</b> 5:10 56:1 205:24 <b>starting</b> 2:12 18:9, 16 19:5 20:1 22:15, 19 23:9 65:17, 18, 20 71:2 85:5 92:16 98:3 135:21 136:18, 20 137:2, 8, 9 179:23 <b>starts</b> 151:18 155:16 198:12 <b>state</b> 6:12 12:17 17:13 26:14 34:20 37:9 42:20 43:14 44:4, 8 46:1 52:9 74:4 89:1, 2 92:4, 15 97:15, 22 101:16 105:2, 21, 24 149:1 156:10 170:3, 8 171:12 177:5 206:3 <b>stated</b> 14:11 77:21 123:5 129:10 135:1 136:13 138:17 139:15 160:5 177:23 178:20 196:9	<b>Statement</b> 3:1 6:10 14:3 22:21 23:18 33:21 34:4 74:10 79:14 80:23 89:9, 13, 14 90:18 91:12, 21, 23 95:13, 16 99:15 101:21 102:12 105:4 126:8 171:17 172:11 193:9 194:23 <b>statements</b> 29:8 187:9 191:2 197:6 206:8 <b>states</b> 11:20 92:17 100:1, 4 105:7 137:7 158:13 <b>stating</b> 9:9 22:23 <b>stay</b> 57:5 <b>stenographer</b> 210:14 <b>stenographic</b> 2:9 211:1 <b>Steven</b> 168:17, 21 169:2 194:17, 21 195:21 <b>stick</b> 99:8 <b>stimulus</b> 36:24 37:10 42:21 43:15, 22 44:1, 6, 15, 23 57:7, 14, 17 61:21 62:5 63:22 64:19 68:22 69:1 70:4, 17 110:24 112:5, 11, 12, 21 113:16 116:2, 11 119:6 121:15 177:8, 11, 16 178:16, 20 190:7, 14, 24 191:3, 13 195:9 196:8, 16, 20 <b>stipulated</b> 132:20 <b>stipulating</b> 3:23 137:11 <b>stipulation</b> 3:5 18:13, 15 19:22 23:24
--	---	---	---	---	---

24:3, 5, 8, 23 65:19 66:5, 8 74:5, 24 75:16 76:8 77:6 80:3 135:5, 9, 16 136:2, 11 137:6 139:23 140:12, 14, 19 147:1 204:22 <b>stipulation's</b> 65:17 <b>stop</b> 7:23 8:23 <b>stops</b> 110:18 <b>STORM</b> 1:1 40:22 151:10 152:11  <b>straightforward</b> 110:20 204:18 <b>streamline</b> 198:22 <b>stress</b> 157:19 <b>strike</b> 135:11 <b>strong</b> 125:24 153:8 157:11 204:8 <b>strongly</b> 116:8 <b>study</b> 25:5 26:17 28:3 100:3, 5, 23 <b>stuff</b> 80:2 103:13 <b>subheading</b> 53:23 54:11 <b>Subject</b> 8:2 15:2 21:21 22:2, 7 33:20 37:11, 24 56:2 75:5 79:2 86:14 119:11 142:16, 17, 19, 24 143:2 163:2 181:19 184:14 187:4 195:15 203:21 <b>subjects</b> 85:20 <b>submit</b> 24:9 50:8 64:3 111:8, 11 140:21 210:1 <b>submittal</b> 129:7 <b>submitted</b> 3:9 47:2, 3 111:22 118:12, 22 129:2 <b>subparagraphs</b> 36:4	<b>subsequent</b> 78:2 <b>subsidies</b> 116:20 <b>substance</b> 5:2, 4 <b>substantive</b> 28:20 30:21, 22, 24 31:2 115:1 <b>subtracted</b> 182:19, 20 <b>successful</b> 70:16 121:14 <b>successfully</b> 120:22 <b>suffered</b> 6:23 <b>Sufficient</b> 7:9 16:3, 14 89:7 90:20 91:9 127:12 136:4 177:12 185:12 186:4 <b>suggest</b> 116:8 201:14 <b>suggested</b> 77:21 <b>suggesting</b> 87:11 149:24 156:24 173:24 174:3 <b>suggests</b> 113:12 <b>suited</b> 116:9 <b>sum</b> 15:8, 18 <b>summarize</b> 73:17 190:13 <b>summarized</b> 97:11 <b>Summary</b> 50:12, 21 53:9 55:20 81:4 95:11 97:19 <b>supervision</b> 211:1 <b>supplement</b> 206:2 <b>supplying</b> 78:10 <b>support</b> 89:14 <b>supports</b> 98:16 <b>suppose</b> 88:9 <b>Sure</b> 6:6 7:8 8:20 20:3 27:6 29:5, 10 32:8, 23 38:2, 8 52:15 59:15 62:13 66:18 71:10 73:17	74:18 79:1, 11, 24 92:6 106:24 108:15 110:16, 17 114:2, 23 124:5 125:13 131:22 133:24 149:11 154:10 162:17 164:7 172:15 180:11 184:17 <b>surprise</b> 162:1 <b>surprised</b> 19:20 20:7 <b>Sustained</b> 41:17 <b>swear</b> 5:19 <b>System</b> 53:21 97:11 <b>systems</b> 126:18  < T > <b>Tab</b> 133:18 134:7 135:20 137:16, 23 140:11 144:3, 10, 11 153:19, 20 159:3, 8 <b>Table</b> 13:12, 14 52:12, 14 54:14 84:11, 12 95:24 96:7, 16, 17 98:6, 10, 14, 17, 18 118:24 128:19, 20 131:20 150:19 161:2 162:8, 14 <b>tables</b> 25:15 82:3 83:18 85:19 86:14 89:6 95:20 101:17, 18 104:4, 17 131:16 146:4, 14 147:3 150:13 198:5 <b>Tabs</b> 138:1 <b>take</b> 40:24 60:14 65:3 89:12 95:15 141:1 143:15 144:19 145:21 146:3, 13 147:17 148:17 149:5, 11 158:1 175:5 181:13 206:10	<b>takeaway</b> 146:5 <b>taken</b> 17:6 146:16 211:1 <b>takes</b> 132:15 <b>talk</b> 3:7 60:8 63:21 95:3 153:8 157:9 158:24 202:24 203:7, 9 <b>talked</b> 103:11 114:15 199:1 203:3 <b>talking</b> 22:1 31:23 32:8, 16, 17, 21 36:5 54:14 59:15 60:13 93:24 100:18 149:18 166:22 174:19 184:22 195:5 208:18 <b>talks</b> 7:4 154:12 <b>TAP</b> 166:2 <b>TAP-R</b> 203:5 <b>target</b> 17:3 77:24 78:10 79:9 125:4 129:9, 12, 14, 24 130:9 204:13 <b>targeted</b> 12:18 77:2 <b>tariff</b> 32:21 <b>tariffs</b> 32:16 <b>tasks</b> 116:6 <b>TECHNICAL</b> 1:1 2:2 <b>tell</b> 4:9 58:14 101:22 159:6 193:3 206:20 <b>telling</b> 193:14 <b>tells</b> 155:23 <b>ten</b> 127:7 148:18 164:12 182:2 <b>tendered</b> 5:20 <b>term</b> 38:2 <b>terms</b> 4:14 15:17 20:15 22:24 66:16 74:6 109:15 111:2 112:13, 16, 19 116:10 120:13 121:18 185:11 205:16 <b>test</b> 98:21 99:2 135:8	<b>testified</b> 74:24 75:12 120:21 152:16 171:5 <b>testify</b> 191:21 194:12, 20 195:10, 11 205:17 <b>testifying</b> 185:7 186:24 193:24 194:2, 4, 14 <b>testimony</b> 3:5, 24 4:4, 9, 12, 17 5:2, 4, 24 6:15 12:10 16:19 17:15, 18 20:23 21:1, 5 22:4, 8 23:20 26:14, 22 27:1, 3, 6, 9, 17, 20, 22 28:5, 9, 14, 18, 20, 24 29:5 30:3, 15 37:8 39:6 40:14 41:15, 24 42:9, 20 43:7, 9 44:13, 14 45:11, 18, 24 46:14, 23 47:1, 5, 22 50:7 51:9, 10, 24 54:20 55:3, 17 56:21 57:4, 9 59:20, 24 60:4 63:6, 20, 24 64:6, 13, 21 71:22 72:10 73:5, 17, 24 74:11 75:22 80:4 81:5, 14, 15 88:13 95:11 97:21 100:20 101:16 102:5 103:18 104:12 112:24 114:19 116:14 121:12, 24 132:21 133:1 134:17 135:4, 12 142:8, 16 143:8 144:3 145:2 146:5, 21 147:13 148:1, 7 150:11 161:8, 10, 23 162:3, 21 163:1 166:12 170:2 172:19 174:17	176:21 177:3, 13 178:23 179:11 181:16 183:10 184:20 185:3 186:11 187:3 190:2, 8, 12 192:10 193:5 194:9 195:2, 5 196:23 198:3, 6 199:13 200:19 206:5, 9 <b>text</b> 18:22 54:13 90:16 <b>Thank</b> 6:6 11:12 14:4 18:5 23:12 24:14 25:22 29:23 31:5 32:4 33:14 34:13, 14, 21, 23 36:21 43:13 50:11 51:12, 19 54:3 56:7 64:11, 16, 22 65:5 68:6, 8 70:11, 21, 23 71:24 72:15 98:2 102:3, 14 106:16, 18, 19 109:18 115:8, 22 116:12 117:22 120:15, 16 121:5 122:12 123:18 124:10, 16 125:17 128:15 131:23 132:10, 12, 13 133:4 160:23 163:18 164:17, 23 165:2, 22 168:10 170:21 177:2 182:14 195:19 196:21 197:17 200:7, 13 202:11, 17, 20 210:7, 11, 16 <b>Thanks</b> 92:2 128:16 <b>thin</b> 127:21 176:12 <b>thing</b> 80:5 209:3 <b>things</b> 47:18 118:22 157:4
--	--	---	--	--	---

158:19 174:12 191:5 <b>think</b> 3:19 6:14 14:1, 2 15:10 16:9 20:5 23:23 28:16, 23 30:5 36:15 41:14, 24 44:24 47:9 51:15 55:24 57:12 71:6 79:12 88:11, 14 91:21 93:16, 18 95:1 96:5 99:7, 19 108:19 109:2 114:10, 22 115:19 119:9, 13, 16, 23 125:2 128:16, 21 139:2 142:13 148:11 152:20 153:2, 11 154:12 155:9, 17 157:24 158:18 161:12, 16, 18 163:20 174:10 175:1, 15 176:17 178:8 179:9 182:4 183:22 184:21 185:15, 21, 24 186:3 191:15, 17, 21 195:21 196:9 198:4 199:11 200:3 201:1, 3, 12 202:3, 20, 22 203:15, 17 204:18, 23 206:19 208:18 209:13, 16, 17 <b>thought</b> 20:14 54:8 57:18 62:1, 7 81:23 177:22 178:10 <b>three</b> 71:19 117:3 126:14 127:15 200:22 206:14 <b>threshold</b> 77:8 86:23 124:19, 22 126:20 128:23 130:23 135:22 137:10 138:14 139:18 151:3 205:7	<b>thresholds</b> 125:24 128:10 <b>Thursday</b> 1:1 <b>ties</b> 63:14 <b>TIME</b> 1:1 2:19 3:21 7:20 16:18 19:18 25:2 47:9 55:19 106:15 109:18, 21 118:14 130:18 137:17 148:2 156:19 174:18 187:20 191:1 196:19 200:21 204:17 210:13, 18 <b>times</b> 114:15 127:7, 9 <b>today</b> 2:10 25:24 37:2, 23 42:14 55:4, 6 59:10 61:5 121:12 146:22 174:18 189:8, 12 202:23 203:12 207:18 <b>today's</b> 41:11 166:23 187:11 <b>tool</b> 152:1 <b>top</b> 97:14 170:16 <b>total</b> 22:6 80:18 99:4 104:9 142:11 160:10, 20 166:20 184:6 <b>totally</b> 104:6 <b>trajectory</b> 12:21 <b>transcript</b> 2:9 131:8 203:10 211:1 <b>transfer</b> 16:22, 24 17:6, 13, 16, 20, 22 22:9 66:11, 13 <b>transfers</b> 66:18 190:6 <b>translate</b> 37:20 <b>translates</b> 171:21 <b>treatment</b> 192:16 <b>tremendous</b> 208:15 <b>tried</b> 130:4 133:11	<b>trigger</b> 105:5 106:2 <b>triggering</b> 105:18 <b>true</b> 7:21 11:1 21:6 22:4 79:5 82:16 92:7 106:9 137:12, 13 151:13 156:21, 22 157:6 159:16, 17 186:8 191:9 <b>truthfully</b> 203:6 <b>try</b> 78:11 109:17, 20 115:2 172:18 176:22 192:4 204:12 <b>trying</b> 51:4 53:15 73:16 124:23 132:17 152:2 <b>Turn</b> 18:12 22:15 130:12 140:8 141:15 153:14 <b>Turning</b> 136:10 159:3 <b>Twelve</b> 145:23 182:3 <b>two</b> 3:14 6:20 9:2 19:1, 4 26:13 28:21 36:4 44:15 57:6 63:14 71:1 77:11, 13 117:2 164:5 173:1 174:11 185:4 197:12 203:20 <b>type</b> 42:2 109:1 115:1 <b>types</b> 206:22 <b>typically</b> 17:23 <b>typographical</b> 4:3  < U > <b>U-1A</b> 83:18 <b>Uh</b> 125:1 <b>Uh-huh</b> 163:11 <b>ultimately</b> 198:18 <b>unable</b> 148:24 157:22	<b>unagreed</b> 83:15 85:15 <b>unanticipated</b> 15:20 151:8 <b>unaware</b> 201:16 <b>underlying</b> 47:10 161:14 <b>understand</b> 27:18 29:2 41:10 48:13 57:21 62:9 68:18 73:18 79:24 85:4 88:15 91:22 92:6 107:14 110:14 113:3 114:4 115:15 126:16 180:12 188:18 <b>understanding</b> 21:4 24:2 39:18 42:16 56:15 58:3, 5 62:2, 19, 21, 23 69:22 81:15 110:19 128:4 172:10 <b>understood</b> 62:13, 17 73:19 168:4 <b>unfamiliar</b> 176:12 <b>unfettered</b> 114:16 <b>unforeseeable</b> 15:9, 13 <b>unfortunately</b> 22:12 166:16 <b>unknown</b> 153:4 <b>unmistaken</b> 156:3 <b>unmute</b> 124:24 195:21, 23 <b>unnecessary</b> 186:23 <b>unreasonable</b> 18:11 196:12 <b>un-significant</b> 156:2 <b>unsuccessful</b> 68:19 <b>unusual</b> 15:9, 13 <b>updated</b> 97:22 101:20 102:19	148:8 <b>updates</b> 67:20 <b>urge</b> 203:9 204:7 <b>urgency</b> 195:8 <b>use</b> 16:6 19:10 38:12 92:15 98:21 155:13 198:15 <b>useful</b> 161:17 <b>utilities</b> 201:15, 22 204:9 <b>utility</b> 171:14 172:12, 21 173:14, 20 200:19, 22 201:6, 10 202:6 205:12 <b>utility's</b> 174:4 <b>utilization</b> 151:9 <b>utilize</b> 154:5 <b>utilizes</b> 15:12 <b>utilizing</b> 98:10  < V > <b>various</b> 2:22 133:14 150:12 <b>vary</b> 141:13 <b>VB4</b> 51:14 92:14 <b>VB-4</b> 92:9 93:3, 8 98:15, 17 100:7, 14, 15, 16, 18, 20 101:8, 9 146:5, 16, 19 147:1 148:9 149:2 <b>Veatch</b> 72:4, 7 92:8 94:3 95:6, 8 97:21 98:6, 9 124:18 128:12, 18 131:4 <b>version</b> 33:6 <b>versus</b> 113:23 202:5 <b>view</b> 123:10 173:15 <b>viewed</b> 125:23 <b>violated</b> 88:9 <b>Virtually</b> 1:1 <b>vis-a-vis</b> 162:4 <b>voir</b> 71:5 <b>V's</b> 99:13  < W >	<b>wait</b> 30:21 38:10 42:23 163:21, 22 170:4, 5, 6 171:24 172:1 180:9 <b>waiting</b> 30:10, 13 48:7 119:22 <b>want</b> 2:13, 15, 17 6:5, 17 12:11 17:15 24:5 25:16 29:9 32:23 37:5 39:10, 11 47:17 49:6, 7, 8 55:8, 13 59:14 65:2 79:23 91:2 92:5 106:3, 5 110:15 115:1 118:4 120:3 122:10 131:13, 21 161:5 164:9 171:9 176:22 181:21, 22 182:5 189:1 197:6 201:18 207:13 208:4, 9, 20 209:21 <b>wanted</b> 3:22 4:1 5:5 12:23 21:3 67:18 115:5 120:5 168:23 169:12, 17, 20 199:7 210:11 <b>warrant</b> 177:12 <b>warranted</b> 177:7 188:11 <b>watch</b> 156:20 <b>WATER</b> 1:1 6:18, 23 7:11, 24 10:21 11:3 15:23 17:1, 7 26:16 35:3 36:1, 23 40:16, 18, 22 42:4, 6 47:12 53:21 55:21 61:13 63:9 64:8 67:7 69:17 70:6, 15 71:12 78:9 89:14 106:10 108:5, 12 109:8, 10 112:10, 20
--	---	---	---	--	---

<p>113:13, 21 115:10, 24 116:2 120:21 121:13 122:23 123:1 126:11 135:6 161:21 166:15 170:22 172:8 173:14 174:1, 2, 4, 24 175:8, 13 176:5 183:11 190:4, 21 191:6, 7, 11 195:7, 11 196:3, 13 198:13 200:6 205:2 <b>way</b> 35:24 49:8 52:20 71:4 107:13 110:23 114:8, 13 128:1 168:3 174:7 205:14 208:10 <b>ways</b> 86:4 107:17 108:7 174:12 <b>weigh</b> 125:16 199:18 <b>welcome</b> 54:6 70:12 109:19 117:23 <b>welcomed</b> 64:16 <b>Well</b> 27:12, 23 29:12 36:3 39:9 47:17 48:7 49:4, 6 57:16 62:23 72:21 76:3 84:20 88:15 93:14 95:3 121:11 136:1, 7 138:24 139:12 147:7 149:20 150:18 153:14 162:2 172:17 179:9 181:18 <b>well-informed</b> 201:23 <b>went</b> 153:3 173:5 <b>we're</b> 66:2 85:7 94:13 184:18 192:1 <b>we've</b> 22:1 114:15 206:24</p>	<p><b>WIFIA</b> 111:3, 9, 12 115:13 <b>willing</b> 130:9 <b>wish</b> 109:13 114:8 208:1 <b>Withdrawn</b> 139:7 <b>withdrew</b> 130:1 <b>witness</b> 26:9 29:11, 14 30:16 42:14 75:9 94:11 104:10 132:15 166:19 194:15 202:23 <b>witnessed</b> 5:16 <b>witnesses</b> 2:22 5:11, 19, 20 27:4, 8 28:10 80:1 114:2, 19 132:10 167:2, 15 <b>word</b> 16:7 23:4 155:17 <b>wording</b> 113:12 <b>words</b> 41:11 <b>work</b> 17:16 115:12 <b>workbooks</b> 146:10 <b>worked</b> 201:6 <b>worthiness</b> 196:6 <b>wrap</b> 106:15 <b>write</b> 54:19 <b>written</b> 45:11 46:21 54:20 55:15, 20 131:7 168:3 206:5, 8 <b>wrong</b> 32:5 99:12 180:18 207:23 <b>wrote</b> 55:20 203:19  &lt; Y &gt; <b>Yeah</b> 10:12 20:19 25:3 51:18 53:14 54:9 78:24 81:21, 22 90:4 95:14 96:10, 23 99:6 134:11 141:1, 12 144:24 145:9 148:20</p>	<p>157:7 191:24 204:2 207:7 <b>year</b> 7:24 13:14 17:20, 22, 23 18:19, 20 20:17 32:18 33:5 35:5 37:13 50:12, 20, 21 53:9 55:21 58:9, 10 83:3 84:21 85:7, 9 91:2 93:4 97:24 99:1 100:6, 24 105:3 116:1 122:8 129:5, 18 145:14 156:2 162:12 165:24 166:1 170:8, 10 182:8 184:4, 8, 9 186:9, 12 <b>year-end</b> 19:15 21:11 25:14 95:23 <b>Years</b> 6:11 9:2 18:3 45:19 84:15 87:13 128:5 158:19 185:4 199:11 200:23 <b>year's</b> 58:11 122:14 186:8 <b>yellow</b> 90:8 <b>yes-or-no</b> 91:17 93:15, 19 <b>yesterday</b> 3:19 63:4, 7, 21 64:6 <b>Yup</b> 137:14 139:6 155:8 159:9 203:23  &lt; Z &gt; <b>zero</b> 61:2 180:21 186:9</p>			
--	--	---	--	--	--