



March 21, 2023

VIA EMAIL

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

RE: Response to Intervenor Exceptions to Public Advocate Objections

Hearing Officer Chestnut,

Kindly accept this letter in response to Lance Haver's (Intervenor) Exceptions and Responses to the Public Advocate's Objections to Discovery Requests (Exceptions). CLS, serving as Public Advocate, filed Objections and Responses to certain of Intervenor's Discovery Requests on March 16, 2023 because the requests were overly broad, would impose undue burden if response were required, and sought information that is not relevant to the Philadelphia Water Department's (PWD) 2023 rate proceeding. Because the Public Advocate and Intervenor exchanged emails in an attempt to address the objections before their submission, the Public Advocate provided further information to respond regarding the subject matter Intervenor identified.¹

On March 19, 2023, Intervenor submitted Exceptions, arguing *inter alia*, that email correspondence between CLS (an organization with nearly 200 employees) and City employees, lawyers² and Board members are public records and so must be disclosed. Despite the Public Advocate's efforts to respond to the substance of Intervenor's discovery goals, Intervenor erroneously claims the Public Advocate's Objections should be overruled. Specifically, he asserts that:

- CLS's 26 volunteer Board members, who exert no influence over the Public Advocate, should have to disclose any and all business relationships with hundreds of vendors and contractors of the Water Department.
- CLS should disclose each contract it has with the City of Philadelphia, including contract amounts, even though only one CLS contract (the Public Advocate contract) is potentially relevant to this proceeding.
- CLS must provide copies of all correspondence with Rate Board members and their assigned Law Department attorney, because Intervenor claims to have a right to these documents.

¹ Intervenor submits that Public Advocate responses to LH-I-2, LH-I-3, LH-I-4, and LH-I-12 are nonresponsive. Intervenor is incorrect. In each instance, the Public Advocate provided a clear and direct response.

² Intervenor omits reference to LH-I-13 in his Exceptions, apparently conceding the Public Advocate's objection concerning correspondence between CLS and PWD's attorney.



Rather than restate them, the Public Advocate incorporates herein its Objections and Responses to Intervenor’s discovery requests. Additionally, while it is conceivable that some of the documents Intervenor requests may be of public interest and/or public records, that does not make them relevant, nor reduce the overwhelming burden associated with producing them due to the extremely broad scope of Intervenor’s requests. Intervenor disregards that, while maintaining its Objections, the Public Advocate has provided extensive information to Intervenor regarding CLS, its employees, its supervision structure, its communications, etc., despite such information being wholly irrelevant to the subject matter of this proceeding.

This proceeding involves consideration of significant proposed increases in water rates and charges for Philadelphia families. The Public Advocate’s witnesses have yet to file testimony submitting their recommendations to the Board. Intervenor’s discovery requests do not seek information that would help Intervenor understand the proposed increases, nor provide information useful to the participants, Hearing Officer, or the Board in considering the proposed increases. Rather, Intervenor’s discovery requests appear designed to harass and annoy at a time when the Public Advocate must remain focused on representing the interests of the small user customers.

Based on the foregoing, the Public Advocate respectfully requests that its Objections be sustained and its Responses included, without modification or supplementation, on the record of the rate proceeding.

Sincerely,

/s/ Robert W. Ballenger

For the Public Advocate