

**BEFORE THE
PHILADELPHIA WATER, SEWER AND STORMWATER RATE BOARD**

In the Matter of the Philadelphia Water Department's Proposed Change in Water, Wastewater, and Stormwater Rates and Related Charges **Fiscal Years 2024 – 2025 Rates and Charges to Become Effective : September 1, 2023 and September 1, 2024**

TO HEARING OFFICER MARLANE R. CHESTNUT:

In response to the Water Department's Public Advocate, appointed without confirmation, attempt to limit testimony, I file this objection to the motion.

1. I, Lance Haver, move that the Hearing Examiner recuse herself from ruling on this motion. Haver's testimony, based on the record, exposes the Hearing Examiner's prejudice. Any ruling by the hearing examiner on this motion would be a violation of basic concepts of justice. No one should be allowed to rule on a motion that might stop the public from knowing about the malfeasance and prejudice of the adjudicator

2. In the advent that the hearing examiner decides to rule, the hearing examiner should recognize that she has already ruled stating in the public hearing *"It is not as Mr. Haver would have you believe it's intended to prevent people from recommending adjustments or suggestions. It's simply a way of calculating the revenue impact of whatever proposals are made. **Any participant can file whatever testimony with whatever suggestions they want to make,***

and that's fine. That's fine. The spreadsheet has nothing to do with that. The spreadsheet just quantifies the amount of -- of these adjustments.

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3. The Hearing Examiner in making this statement before participant Haver filed his testimony made it clear that “any participant” can “file whatever testimony with whatever suggestions they want to make.”

4. The Hearing Examiner also ruled this proceeding ***“is not a legal proceeding. The Commission is not like the PUC, which does have quasi-legal proceedings. That's why we don't have parties. We have participants.***

Ibid, page 16.

5. According to the Hearing *“The reason why the Rate Board's regulations provide that these public hearings be held early in the process is so that the participants can consider the testimony that you give here tonight and reflect it in the positions they take”*. Ibid page 14 Haver's testimony is the only testimony that uses statements made at the public hearing. Striking Haver's testimony would exclude any one who participated in the public hearing from having their testimony reflected.

6. Haver's testimony offers real solutions and offers real recommendations. The Water Department's public advocate is simply attempting to eliminate testimony that publicly embarrasses him. Haver's testimony clearly shows the underhanded and deceitful tactics Mr. Ballenger took in his attempt to stop Participant Haver from criticizing Ballenger's work. Without allowing Haver's testimony, the Water Rate Board would be unaware that Mr. Ballenger, under contract with the Water Rate Board and answering only to the Water Rate Board, attempted to stop Mr. Haver from appearing on a weekly TV news show. Mr. Ballenger slandered Mr. Haver, to the TV news producer. Because Mr. Ballenger asked for the discussion to "be off the record" Participant Haver cannot list the outrageous lies spewed by Mr. Ballenger .

7. Eliminating Haver's testimony would cover up the Water Department's public advocate's failure to suggest that PWD should look to cut costs before raising rates, look to save rate payers money by consolidating office space and functions with PGW.

8. Haver's testimony is the only testimony that challenges the need for a rate increase. **The Water Department's Public Advocate's position is water rates are currently too low and it advocates for two successive year of rate increases totaling over 92 million dollars.**

9. It is true that Haver's testimony calls for the City to take actions. Haver's position is just as likely to be implemented as the Water Department's Public Advocate's position calling for the City to "not be burdened with the full responsibility for paying for the City's efforts to address stormwater runoff."

Page 8 Direct Testimony of Lafayette K. Morgan, Jr. and Jennifer L. Rogers,

10. The Water Department's Public Advocate is violating the hearing examiner's directive to not consider past hearings in these proceedings. The hearing examiner has already ruled that Participant Haver cannot reference prior years hearings. Unless that rule only exists for Participant Haver, and not other participants, any references the Water Department's public advocate makes to past proceedings must be stricken.

11. The Water Department's Public Advocate attempt to limit testimony to only those it wants; to keep out of the public record those who oppose the actions of the Water Rate Board, the rulings of the hearing examiner and its own actions, maybe the reason why the Water Department's Public Advocate has had its contract renewed twice.

12. It is not in the public interest to exclude testimony that challenges the status quo.

13. Participant Haver's acknowledgment that it is unlikely that his positions will prevail, is an acknowledgement of how poorly the public is served by the Water Department's public advocate, who refuses to put up a fight on behalf of people struggling to pay their bills, not a claim that it is unimportant to challenge the status quo.

Argument

The Water Department's public advocate's attempt to strike Haver's testimony is a blatant attempt by the Water Department's public advocate to escape scrutiny. The hearing examiner has already ruled that **Any participant can file whatever testimony with whatever suggestions they want to make, and that's fine. That's fine.** The Water Department Public's Advocate heard her ruling. In addition, all suggestions that these proceedings should follow the PUC's position are immaterial as the hearing examiner has already said these proceedings are *"not a legal proceeding. The Commission is not like the PUC, which does have quasi-legal proceedings. That's why we don't have parties. We have participants."*

Without Participant Haver's testimony those that spoke at the public hearings

will not have their words considered as the Water Department's public advocate has failed to quote a single member of the public, failed to reference the position of a single member of the public who testified and is purposely undercutting the public's demand that cost savings come before rate increases. As we have already seen, the Water Department's public advocate has failed to hold community meetings, failed to form a client or advisory group, failed to meet with elected officials. Eliminating Haver's testimony is simply an attempt to cover up the failures of the Water Department's public advocate to represent what the public, at the hearings, said its interests are.