

**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**

**EXCEPITONS**

Filed by Lance Haver, Pro Se

"Reality must take precedence over public relations, for nature cannot be fooled."

--Richard P Feynman

"I think I never really gauged your cruelty or your recklessness. Let us not assassinate the truth any further. You have done enough. Have you no sense of decency?"-- Joseph Welch

1. The hearing examiner errors, as does the Philadelphia Water Department's Public Advocate (PWPA), in believing the Philadelphia Water Department will make changes when it is not forced to, by either bond rating agencies or financial concerns or both.

2. The Hearing Examiner on page 69 of her decision writes:

"Indeed, Mr. Colton is absolutely correct (in PA St. 3 at 112), that for 13 months (September 2021 – August 2022), the reports contained the statement: "PWD is currently planning community meetings, summits and other gatherings, including meetings with Black community leaders and black grassroots community members."  
**This statement was removed after the August 2022 report, and no actual community meetings were reported, Indeed, Mr. Colton is absolutely correct (in PA St.3 at 112), that for 13 months"** (emphasis added)

3. In the Hearing Examiner's finding of fact, it is clear that PWD acts with impunity in disregarding its promises and agreements.

4. All promises and/or goals and/or statements on the record that indicate PWD seeks to control operating and management costs, develop new technologies and lower the cost of materials and seek funding from governmental sources are just as worthless as PWD's statement that it will meet with "Community Leaders"

5. The record proves that the Water Commissioner himself and PWD's technical experts all believe management and operational audits lower operating costs thereby saving ratepayers money.

6. PWDPA never bothered to retain an expert to evaluate the operations of the PWD to see how costs can be cut and rate increases be unnecessary.
7. PWDPA failed to ask its own experts if there were any recommendations the experts could make that would lead to cutting operational expenses.
8. By recommending four consecutive years of rate hikes, the Hearing Examiner makes it unnecessary for PWD to make structural changes to save ratepayers money.
9. PWD has shown that it will use the public's dollars to raise rates, hiring 6 consulting firms, two law firms and spending millions of dollars arguing for continual rate increases.
10. PWD has shown that it will not hire a single expert to find ways to cut costs.
11. The Hearing Examiner's report proves what Participant Haver said in the opening of the Public Input Hearing: PWD asks for more than what it needs, PWDPA's experts recommend a rate increase that is slightly less than what PWD asked for and the hearing examiner "splits the difference".
12. Like a Potemkin Village, the rate proceedings look real, but are not. They are a charade that allows rate increase after rate increase to be placed upon the people of Philadelphia. There is no way PWD ever expects to get all it asks for, and as long as the PWDPA answers to the rate board itself, no way the PWDPA will ever have the courage to point this out.
13. The excuse the Hearing Examiner uses to deflect her responsibility for the failures of PWD to make cost cutting an innovation priority is included in her opinion on page 37:

"But as correctly noted by PWD in its Brief at 69, the Rate Board is not a super board of directors, a term that was used in reference to the Public Utility Commission (which in contrast to the Rate Board, does have broad oversight authority over the jurisdictional utilities it regulates) and cannot direct how PWD conducts its business. The Rate Board cannot direct the Department to implement an employee reward system or to undertake a management audit, and it cannot take action against the Department by denying a needed revenue increase for its failure to do so."
14. It might be possible to believe that the Hearing Examiner was too naive to understand the difference between telling PWD what to do and limiting the funds it receives from consumers so that PWD must take cost cutting steps and innovate, if the hearing examiner herself had not made the point of her vast years of experience and her expertise.
15. To find that PWD has failed to develop cost saving strategies, use experts to help develop ways to cut costs and use innovation to keep rates down, would place the burden on the rate board.
16. Obviously neither the Water Department's Public Advocate nor the Hearing Examiner herself want to do that, proving once again the validity of Upton Sinclair's statement: "It is difficult to get a man to understand something, when his salary depends on his not understanding it."

17. The only way to get PWD to make cost savings and innovation priorities is to cut their yearly access to rate increases.

18. No rate increase, of any amount should be granted. PWD should be forced, by the need for funds to seek savings, innovations and funding from governmental forces. PWD will only do so, if it needs to.