

[from Lance Haver; all email addresses redacted for public posting; spacing edited]

To:Andre Dasent;Marcy Chestnut

Cc:Sonny Popowsky;Tony Ewing;Abby Pozefsky;McCullough Williams;Debra McCarty;Daniel Cantu-Hertzler;Ed Markus; Deland Bryant;Robert Ballenger;Joline Price;Daniela Rakhlina-Powsner;Lafayette Morgan;Adeolu Bakare;Michael Skiendzielewski;Ji Jun;Kevin Birriel;Adriana Gonzalez;Carl R. Shultz;Sarah C. Stoner

Mon 3/4/2024 3:52 PM

**Motion to Require Public Hearings Before
Public Advocate Is Appointed
In Proposed Changes in
Water, Wastewater and Stormwater Rates and Charges
related to the annual adjustment to the Tiered Assistance Program
Rate Rider Surcharge Rates (TAP-R) for FY 2025**

1. Lance Haver is an intervenor in the “TAP” adjustment proceedings before the Philadelphia Water Rate Board
2. The proceedings may, and probably will, lead to higher water and sewer charges.
3. Every year, for the last 4 years, with the approval of Mr. Ballenger and Community Legal Services, the Philadelphia Water Department has raised rates
4. The Philadelphia Water Department currently has a greater amount in its “rate stabilization fund” than projected in past City of Philadelphia “5-Year Plans”
5. The Agenda of the Philadelphia Water Rate Board of THE CITY OF PHILADELPHIA, monthly meeting, dated February 14, 2024, contains the first notice of a TAP-R filing, stating: “Preview of Advance Notice of TAP -R filing”
6. There is no prior notice of a TAP -R Filing for this fiscal year before the February 14th,2024 Notice
7. There is no agenda item listed showing there was a public hearing on the selection of a public advocate
8. There is no agenda item listed as to a vote that was held or was going to be held to hire a public advocate
9. Without a public notice that an appointment of a public advocate was to be made there would be no way a member of the public would know that the Water Rate Board was considering and/or hiring an individual or firm to serve as public
10. Continuing to give “no-bid contracts” to Mr. Ballenger and Community Legal Services without allowing the public to comment, without a public vote creates the appearance that Mr. Ballenger is being rewarded for his continual support for rising water rates

11. The standard for all persons elected and/or selected to represent the public is not is there a conflict of interest, but is there an appearance of impropriety

12 “[Appearance of impropriety](#)” means actions or decisions which do not fall under conflict-of-interest statutes, but reasonably give rise to an implication that an action is self-serving rather than considered solely with respect to its impact”

13. Unless there is a public process to select a public advocate, where the public is informed of the proceedings, given an opportunity to be heard, the appearance is of a “back-room deal” where only certain people are included in the decision making of who will represent the public

14. Because Mr. Ballenger has refused to allow community groups and interested individuals to participate in the decisions made by the public advocate, it appears that Mr. Ballenger is being rewarded by the Philadelphia Water Rate Board for agreeing to 4 consecutive rate increases, a violation of the cannon that “the appearance of impropriety”, not just impropriety, must be avoided

15. The issue of Proposed Changes in Water, Wastewater and Stormwater Rates and Charges related to the annual adjustment to the Tiered Assistance Program Rate Rider Surcharge Rates (TAP-R) for FY 2025, is more than a technical question

16. Appointing a public advocate, without allowing the public to be heard is a gross violation and abuse of the democratic principles that form American Government and Jurisprudence. Even those accused of heinous acts have the right to reject a court appointed attorney, because of the attorney’s past failure, cooption and negligence

17. Philadelphia Water Consumers should not have fewer rights than those accused of murder, dismemberment and rape

Submitted by Lance Haver, Pro Se
Not hired by the Philadelphia Water Rate Board or
paid with Rate Payers dollars
Lance Haver
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Verification

I Lance Haver, under the penalty of law, do hereby verify that to the best of my knowledge, all statements included in the filing are correct.

I have served all known parties electronically and filed the motion with a person who holds herself out to be the hearing examiner, although there is no notice of her being hired to serve in that role.