

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

In the Matter of the Philadelphia Water	:	
Department’s Proposed Changes in Water and	:	2024 TAP-R Reconciliation
Sewer Rates and Related Charges	:	Proceeding
	:	

**ORDER DENYING HAVER PUBLIC ADVOCATE MOTION**

On February 28, 2024, the Philadelphia Water Department (PWD or the Department) filed an Advance Notice with Philadelphia City Council and the Philadelphia Water, Sewer and Storm Water Rate Board (Rate Board) of its request to implement the annual reconciliation adjustment to the Tiered Assistance Program Rate Rider (TAP-R) in accordance with the tariff previously approved by the Rate Board and to revise related water, sewer, and fire service connection quantity charges accordingly for service rendered on and after September 1, 2024.<sup>1</sup>

On March 4, 2024, individual participant Lance Haver filed a Motion to Require Public Hearings Before Public Advocate Is Appointed (Haver PA Motion). **This Motion is denied as utterly without basis in law or fact, without the necessity of response by any other participant.**

By vote at its regular [public meeting of June 14, 2023](#), the Rate Board authorized and directed its counsel and Board Chair to issue new requests for proposals (RFPs) for the three Rate Board professional services contracts following expiration of the then-current contracts on December 1, 2023.

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<sup>1</sup> TAP is a customer assistance program, mandated by City Council, that allows low-income customers to pay reduced bills based upon a percentage of their household income. See Philadelphia Code, § 19-1605 (calling the program “IWRAP”). The TAP-R rider, with parameters set by the Rate Board in its 2018 general rate determination, tracks revenue losses resulting from application of the TAP discount, in order to permit annual reconciliation if they are greater or less than projected. The TAP-R surcharge is charged to customers who do not receive the discount.

As authorized, and as announced at the Rate Board’s [public meeting of October 11, 2023](#), an RFP for a Public Advocate<sup>2</sup> was publicly posted from October 16 through November 1, 2023, as required for City professional services contracts under [Chapter 17-1400](#) of the Philadelphia Code. The public City website is [eContract Philly](#); see New Contract Opportunity 21231005214948.

At its regularly scheduled public meeting of [November 8, 2023](#), the Rate Board authorized the Board Chair and counsel to enter into that contract. The website [eContract Philly](#) reflects that on November 10, 2023, the Rate Board publicly posted Notice of Intent to Contract with Community Legal Services as a result of Contract Opportunity 21231005214948.

The minutes of the Rate Board’s regular January 10, 2024 public meeting, when adopted, are certain to confirm what the [meeting recording](#) already shows, that the Rate Board had chosen Community Legal Services to serve as Public Advocate from December 2, 2023, through December 1, 2024.<sup>3</sup>

In short, it is clear that the contract for a Public Advocate was duly advertised, authorized and entered into.

As a participant (not intervenor) pursuant to the Rate Board’s [Regulations](#) (see in particular Section I(m)), Mr. Haver may raise appropriate arguments in the forthcoming TAP-R reconciliation proceeding that are within the scope of this limited proceeding. However, it is improper and not acceptable for him to allege, **contrary to all facts**, that the Rate Board has not properly or publicly chosen Community Legal Services as the Public Advocate in this proceeding.

Both I and the Rate Board have **previously and repeatedly** addressed Mr. Haver’s misapprehensions both as to the role of the Public Advocate (which does not serve as counsel to

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<sup>2</sup> Pursuant to the Rate Board’s [Regulations](#) at Section I(n), the Public Advocate is “A qualified firm, organization or individual(s) appointed to represent the interests of Small User Customers pursuant to a formal City contract.”

<sup>3</sup> It should be noted that the date and time of every meeting of the Rate Board is posted on its website, along with an agenda for each. Every public meeting includes an opportunity for public comment. The Rate Board’s website contains a [page](#) where upcoming meetings (and agendas) are displayed and past agendas, minutes and recordings are available.

any individual or group in proceedings before the Rate Board) and the process for its selection. See, for example, the Board's [Rate Determination in the 2022 Special Rate Proceeding](#) (June 15, 2022, at 22-23); [Order Denying Haver Motion to Disclose](#) (2023 General Rate Proceeding, March 20, 2023).

This Motion was not made in good faith, is without basis in law or fact and therefore is summarily **denied**.

Marlane R. Chestnut  
Hearing Officer

March 6, 2024