

Direct Appeal of Order Denying Haver's Public Advocate Motion

BEFORE THE
PHILADELPHIA WATER, SEWER AND STORMWATER RATE BOARD
In the Matter of the Philadelphia Water

Department's Proposed Changes in Water and
Sewer Rates and Related Charge
2024 TAP-R Reconciliation
Proceeding
ORDER DENYING HAVER PUBLIC ADVOCATE MOTION

1. This a direct appeal of the hearing examiner's order denying Haver's Motion for public hearings and input sessions prior to the appointment of an entity hired by the Rate Board to represent individual ratepayers
2. The Hearing Examiner erred in not recusing herself from the proceeding
3. The Hearing Examiner was hired through the same inappropriate and non-public process used to hire the rate board's advocate, Community Legal Services
4. The Hearing Examiner had not just the appearance of a financial conflict of interest but an actual financial conflict of interest. If an adjudicatory body found that the rate board's hiring of its advocate violated the rules and regulations of the City of Philadelphia and Pennsylvania Common Law, the Hearing Examiner would lose her undisclosed payments and paychecks
5. On March 5th 2024, The Water Rate Board posted a notice entitled "Advance Notice of Proposed Changes in Rates and Charges - Annual Adjustment of TAP-R, with Preliminary Proposed TAP-R Reconciliation Statement, Schedules BV-1 through BV-5 and RFC-1 through RFC-3, and PWD Exhibits 1A and 1B".

6. The letter sent by the Water Commissioner to the President of City Council does not include notice that the Water Department is seeking a 14% rate hike.
7. There was no posting of any proposed rate hike before the March 5th Notice
8. Since the posting of the Notice, the Philadelphia Rate Board has failed to notify the public through its ListServ that there is a pending 14% rate hike
9. Months before the notice of the pending rate hike was posted, the Rate Board held no community meetings, did not notify interested citizens through its list serve, gave no bid contracts to an entity that it controls, Community Legal Services, and hired a hearing examiner without public input
10. In ruling after ruling, the Philadelphia Rate Board has made it clear that its advocate only answers to the rate board and that only the rate board can order its advocate to act or release its advocate for cause
11. In no uncertain terms, the Rate Board has ruled that the advocate it hires does not represent the public
12. Because the Rate Board refuses to require its advocate to seek public input into positions its advocate takes, the only opportunity for the public to be heard on how it wants to be represented is to attend a Rate Board meeting where the discussion and vote on the hiring of an advocate for a rate case is an agenda item
13. Calling the rate case, a ‘reconciliation’ does not change the nature of what it is: an attempt by the Philadelphia Water Department to raise rates on working people.

14. No member of the Public could have been aware that the Rate Board was hiring its advocate for a rate case prior to the announcement of the rate case
15. No member of the Public would have any way to know that when the Rate Board was hiring its advocate, prior to the announcement of the pending rate hike, the Rate Board was hiring its advocate for a not-announced rate hike
16. The Rate Board errors in not including the public in the decision-making process of who should be hired and what issues should be raised

Submitted by Lance Haver
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Verification

To the best of my knowledge, under penalty of law, the information included in this appeal is correct. All people listed as participants have been served electronically with a copy of this appeal.

Copies have also been served to the Mayor of Philadelphia, the President of City Council and the Chair of the Utility Committee of Philadelphia.

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