

BEFORE THE
PHILADELPHIA WATER, SEWER AND STORM WATER RATE BOARD

Re: Philadelphia Water Department Proposed Changes in Rates and Charges	2024 TAP-R Adjustment Proceeding
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**OBJECTION TO
PUBLIC ADVOCATE INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS (SET I)**

The Philadelphia Water Department (“Department” or “PWD”) objects to the following discovery request of the Public Advocate: PA-TAP 1-8. The aforesaid request was received via email on March 15, 2024. PWD requests that the Hearing Officer appointed by the Philadelphia Water, Sewer and Storm Water Rate Board (“Rate Board” or “Board”) in this proceeding sustain this Objection and strike or limit the subject discovery request.

General Objections

1. PWD objects to the interrogatory and request to the extent that it seeks information (i.e., personally identifiable information related to dataset for new enrollees developed in partnership with IDEA) that is not relevant and not material to the PWD proposed changes in rates and charges as set forth in the 2024 TAP-R filing, and as such, is not reasonably calculated to lead to the discovery of admissible evidence for purposes of rate setting.
2. By answering any part of the interrogatory and request or producing any part of the requested information, PWD does not concede the relevance, materiality or admissibility of any of the information sought therein for use as evidence in any hearing.
3. The Department objects to the interrogatory and request insofar as it seeks the production and disclosure of documents or information subject to any applicable privilege (including government decision making and deliberations; attorney client privilege; and attorney work product), rule, doctrine or immunity whether created by statute or common law.
4. The applicable general objections, as stated above (“General Objections”), are incorporated into the specific objections that follow. Stating a specific objection or response shall not be construed as a waiver of these General Objections.

Objections to Interrogatories and Requests for Production of Documents

PA-TAP 1-8: Please provide the complete data set developed in partnership with the City’s Office of Integrated Data for Evidence and Action supporting PWD’s anticipation of 34,000 or more customers being prequalified for TAP, as described on Schedule RFC-1 (page 1).

Response: Objection and Limited Response.

The instant discovery request is objectionable to the extent that it seeks confidential, privileged, proprietary or other privileged information. The request seeks the production of a dataset developed in partnership with the City’s Office of Integrated Data for Evidence and Action (“IDEA”), which integrates and stores data from 14 unique data sources across the City. This dataset includes, but is not limited to, personally identifying information and protected information (names, addresses, dates of birth, account numbers and social security numbers) of the population of new enrollees for the Tiered Assistance Program (“TAP”).

PWD is committed to protecting the privacy of every individual in the dataset. The discovery request raises significant privacy concerns, including individual rights of privacy related to personally identifiable information. *See, Pennsylvania Liquor Control Board v. Beh*, 215 A.3d 1046 (Pa. Cmwlth. 2019).

As a work-around, PWD is exploring the possibility that the requested information can be redacted. But that will take time and yield very limited information after redaction. Also note that there are 55,000+ individuals in the dataset and there is limited time allotted for discovery in this proceeding. To undertake such redaction would be unduly burdensome and require redirecting staff for this purpose.

PWD is open to other possible compromises (e.g., providing a summary of the requested dataset without personally identifiable information). PWD requests leave to explore such compromise with the Public Advocate without waiving the above objections. In the absence of such compromise, PWD requests the relief below.

WHEREFORE, the Department formally (i) objects to the PA-TAP 1-8 propounded by the Public Advocate; (ii) requests that its Objections be sustained; and (iii) requests that it be relieved of the requirement of any further response to same except as described above.

Respectfully submitted,

/s/ Andre Dasent

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