

BEFORE THE
PHILADELPHIA WATER, SEWER AND STORM WATER RATE BOARD

Re Philadelphia Water Department :
Formal Notice of Proposed Charges : 2024 TAP-R Annual Adjustment
In Rates and Charges :

PUBLIC ADVOCATE OBJECTIONS TO
DATA REQUESTS BY LANCE HAVER, PRO SE

The Public Advocate hereby submits its objections to data requests numbered 1 through 18, propounded on the evening of May 2, 2024 by *pro se* participant Lance Haver (“Data Requests” or “DRs”). A copy of the Data Requests is attached as Exhibit A hereto.

In general, the Data Requests seek information which is not relevant to this TAP-R Adjustment proceeding before the Philadelphia Water, Sewer and Storm Water Rate Board (“Board”). Several of the Data Requests seek information otherwise available to the proponent and/or information which is not in the custody or control of the Public Advocate. Each of the Data Requests is identical (or substantially identical) to data requests propounded on PWD, clearly demonstrating that the Data Requests are improperly posed to the Public Advocate. A Microsoft Word comparison of the proponent’s data requests to PWD and those to the Public Advocate is attached as Exhibit B. The Data Requests are overly broad and unduly burdensome and would require the Public Advocate to obtain information from the Philadelphia Water Department and/or other agencies of the City of Philadelphia, that the proponent has already requested from the Water Department directly, and compile it on the proponent’s behalf.

Furthermore, this proceeding commenced on February 28, 2024, and is currently in the rebuttal stage with hearings scheduled for May 10, 2024. The proponent of the Data Requests did not submit testimony and has not served the Data Requests in a sufficiently timely manner to utilize any potentially responsive information for rebuttal testimony or the technical hearings. Requesting voluminous and irrelevant information late in this proceeding is demonstrably

unreasonable and a violation of the obligations imposed upon participants by the April 10, 2024 Prehearing Conference Order.¹ As such, the Public Advocate should not be required to respond to the Data Requests.

The Data Requests Seek Information Irrelevant to This Proceeding.

This TAP-R proceeding is exceedingly narrow in scope and entails only the estimation and reconciliation of surcharge rates designed to recover the discounts provided to customers who participate in TAP. The TAP-R rates do not include any other administrative or operating expenses of PWD. The formula by which the TAP-R rates are determined and their application to customer bills are matters that have been previously resolved in PWD base rate proceedings. The Data Requests seek no information necessary to determine the reasonableness of the Public Advocate's adjustments to PWD's proposed TAP-R rates or any other information or evidence that could be relied upon by the Board in setting TAP-R rates. For this simple reason, the Public Advocate's objections should be sustained.

For example, projected and actual balances held in PWD's Rate Stabilization Fund (DR 1), program enrollment costs and/or standards (DRs 4, 6-9), actions non-TAP customers could take to limit TAP costs (DR 10),² causes of economic hardship and resources to redress it (DRs 11-14), PWD job creation and contracting (DRs 15-17), and a management audit regarding TAP enrollment (DR 17), are not relevant to this proceeding. Proponent has not made any showing that information responsive to the Data Requests would aid the Board in the limited task of estimating and reconciling the TAP-R rates for the one-year period beginning September 1, 2024. The Public Advocate objects to the Data Requests (including those not specifically listed as examples above) as they are not reasonably likely to lead to the discovery of relevant information for the Board's consideration in this TAP-R proceeding.

¹ "Participants will use their best efforts to be reasonable and accommodating when propounding or responding to information requests." <https://www.phila.gov/media/20240411142155/TAP-R-PHC-Order-2024-April-10-FINAL.pdf>.

² Note that because TAP-R is a volumetric rate, any non-TAP customer can reduce the amount they pay for TAP by conserving water.

Information Requested is Otherwise Available and/or the Public Advocate is not the Custodian of That Information.

The Data Requests seek information regarding projected and actual Rate Stabilization Fund balances (DR 1) and TAP enrollment trends (DRs 2-3, 5). Information regarding projected and actual Rate Stabilization Fund balances can be gleaned from a number of publicly available sources, including: the City budget, PWD's Official Statements, and past PWD base rate proceedings. Likewise, this is the sixth consecutive annual TAP-R reconciliation proceeding, and projected and actual enrollment levels can be ascertained by examining the publicly available records on the Board's website from each proceeding (including this one). Additionally, PWD has provided information regarding TAP enrollment trends in monthly and/or quarterly reports to the Board since September 2021, all of which are posted on the Board's website.

The Public Advocate objects to the proponent's request that it produce records created and maintained by others that are publicly accessible by, and available to, the proponent.

The Data Requests are Overly Broad and Unduly Burdensome and Would Require the Public Advocate to Seek and Compile Data From Others for the Proponent.

Many of proponent's Data Requests cannot be answered by the Public Advocate without first obtaining responsive information from PWD. For example, TAP enrollment costs (DR 4),³ PWD's goals and processes regarding TAP enrollment (DRs 8-10), PWD's beliefs and efforts regarding TAP program funding (DRs 12-14), and PWD jobs, contracts, and audit information (DRs 15-18), are questions the Public Advocate could only potentially respond to after first obtaining information from PWD. The majority of the Data Requests are more appropriately posed to PWD for its response (DRs 1-5, 8-9, 12-18) or to another City agency (DR 6). As shown on Exhibit B, proponent served identical requests on PWD, which demonstrates that proponent's Data Requests are inappropriate for the Public Advocate and its witness, who have not produced and/or maintained the responsive information.

³ Note that PWD's response to PA-I-10 in the 2023 General Rate Proceeding states that "Customer Assistance Program administrative costs are not specifically isolated within the Water Fund budget."

The Public Advocate must not be compelled to perform discovery for the proponent and then repackage and produce it, assuming the risk of inaccuracy or mistake by others. The Data Requests are unduly burdensome and improperly posed to the Public Advocate.

1. Please provide the last 5 years of projected amounts in the rate stabilization fund and the last 5 years of actual amounts in the rate stabilization fund
2. Please provide the last 5 years of projected number of enrollments in the TAP program and the last 5 years of actual enrollment in the tap
3. Over the last 5 years please list, year by year the percentage of consumers who were dropped, for whatever reason or reasons, from the tap program
4. Please provide the cost of enrolling consumers in the TAP program in the last fiscal year
5. Please provide the number of people enrolled in the TAP program in the last fiscal year
6. Please provide the amount it cost PGW to enroll a person in its CRP program
7. Please provide the industry standard for enrolling a consumer in a low income program
8. Please provide PWD's goal of what it should cost to enroll a consumer in its TAP program
9. Please provide how PWD created its goal of the cost of enrollment
10. Please provide what can other rate payers do to limit the cost of the TAP program.
11. Please provide any and all evidence that other rate payers have created the poverty and/or unjust distribution of wealth that has created the need for the TAP program
12. Does PWD believe the TAP program is a social welfare program which attempts to alleviate the suffering caused by poverty?
13. Please list all of the requests from other sources PWD has initiated to cover the cost of the TAP program.
14. If the answer to 12, is that PWD failed to requested funding from any source for the cost of TAP program, please explain why PWD has not attempted to have the cost of a poverty fighting program born by government, as other poverty fighting programs like LIHEAP, SNAP and Aid for families are?
15. Please list how many living wage jobs PWD has helped create in the City of Philadelphia by either buying locally, using local contractors or using its excess water capacity, as defined by the amount of water PWD could utilize less the amount it does utilize.
16. Please list the number of contracts PWD has with entities located outside the City of Philadelphia, including, companies that provide meeting reading, bill collecting, and any and all other services
17. Please provide a list of those companies and how many people are employed to provide the work for which PWD has contracted.
18. Please provide the last management audit of the operation of the TAP enrollment, billing and collection and operation. Both internal audits and external

Philadelphia Water Department
 Reconciliation of the Tiered Assistance Program Rate Rider
 Surcharge Rates (TAP-R) as of September 1, 2024
 Data Requests of Lance Haver
 Set 1 Directed to the Philadelphia Water Department

1. ~~LH-1-1~~—Please provide the last 5 years of projected amounts in the rate stabilization fund and the last 5 years of actual amounts in the rate stabilization fund
2. ~~LH-1-2~~—Please provide the last 5 years of projected number of enrollments in the TAP program and the last 5 years of actual enrollment in the tap
3. ~~LH-1-3~~—Over the last 5 years please list, year by year the percentage of consumers who were dropped, for whatever reason or reasons, from the tap program
4. ~~LH-1-4~~—Please provide the cost of enrolling consumers in the TAP program in the last fiscal year
5. ~~LH-1-5~~—Please provide the number of people enrolled in the TAP program in the last fiscal year
6. ~~LH-1-6~~—Please provide the amount it cost PGW to enroll a person in its CRP program
7. ~~LH-1-7~~—Please provide the industry standard for enrolling a consumer in a low income program
8. ~~LH-1-8~~—Please provide PWD's goal of what it should cost to enroll a consumer in its TAP program
9. ~~LH-1-9~~—Please provide how PWD created its goal of the cost of enrollment
10. ~~LH-1-10~~—Please provide what can other rate payers ~~can~~ do to limit the cost of the TAP program.
11. ~~LH-1-11~~—Please provide any and all evidence that other rate payers have created the poverty and/or unjust distribution of wealth that has created the need for the TAP program
12. ~~LH-1-12~~—Does PWD believe the TAP program is a social welfare program which attempts to alleviate the suffering caused by poverty?
13. ~~LH-1-13~~—Please list all of the requests from other sources, ~~other than Philadelphia Water Consumers~~, PWD has initiated to cover the cost of the TAP program. -
14. ~~LH-1-14~~—If the answer to 12, is that PWD failed to requested funding from any source for the cost of TAP program, please explain why PWD has not attempted to have the cost of a poverty fighting program ~~born~~ borne by government, as other poverty fighting programs like LIHEAP, SNAP and Aid for families are?
15. ~~LH-1-15~~—Please list how many living wage jobs PWD has helped create in the City of Philadelphia by either buying locally, using local contractors or using its excess water capacity, as defined by the amount of water PWD could utilize less the amount it does utilize ~~to create jobs~~.
16. ~~LH-1-16~~—Please list the number of contracts PWD has with entities located outside the City of Philadelphia, including, companies that provide ~~meter~~ meter reading, bill collecting,

and any and all other services

17. ~~LH 1-17~~—Please provide a list of those companies and how many people are employed to provide the work for which PWD has contracted.

~~LH 1-18~~—Please provide the last management audit of the operation of the TAP enrollment, billing and collection and operation.- Both internal audits and external ~~audits~~

~~LH 1-19~~—Please provide the name or names of PWD employee or consultants responsible for reviewing academic literature and/or studies reviewing low income utility plans

~~LH 1-20~~—Please provide the name or names of PWD employee or consultant responsible for reviewing the work of Dr. Manuel P. Teodoro, PHD of the La Follette School of Public Affairs, University of Wisconsin-Madison.

~~LH 1-21~~—Please provide any and all written critiques of Dr. Teodoro's work

18.