

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

In the Matter of the Philadelphia Water Department's Proposed Change in Water, Wastewater, and Stormwater Rates and Related Charges	Fiscal Years 2026 – 2027 Rates and Charges to Become Effective : September 1, 2025 and September 1, 2026
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PWD-PA-III-1. With reference to PA Statement 3 (hereafter referred to as “your testimony”) at pages 9-13 (Section A): How many households in Philadelphia are low income and NOT on an assistance program, such as TAP or the senior citizen discount program (“SCD”)?

RESPONSE:

Assuming that the phrase “assistance program” refers exclusively to assistance programs provided by or through PWD, Mr. Colton has not calculated the number of households in Philadelphia who are low-income and NOT on an assistance program.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-2. With reference to your testimony at page 9: How many households in Philadelphia are tenants who pay for water as a part of their rent?

RESPONSE:

Mr. Colton has not calculated the number of households in Philadelphia who are tenants who pay for water as a part of their rent.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-3. With reference to your testimony at pages 9-13: How many households in Philadelphia captured in your analysis could be tenants who do not pay for water (and

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therefore are not customers) because their landlord pays the water bill for the property they lease?

RESPONSE:

See, response to PWD-PA-III-2.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-4. With reference to your testimony at page 12 (Table 1): How many households in Philadelphia are in each of the income categories listed on the rows of the table?

RESPONSE:

Based on an estimated total number of households in Philadelphia of 689,256, an estimated number of households in each category is as follows:

Number HHs <50 FPL	Number HHs 50 - 74 FPL	Number HHs 75-99 FPL	Number HHs 100 - 124 FPL	Number HHs 15- 149 FPL
87,283	51,487	48,374	41,011	47,155

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-5. With reference to your testimony at pages 13-24: Please confirm or deny that it is your testimony that the Rate Board should assume that the ALICE data from

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2010 through 2021 for Philadelphia households remains applicable in the current year (2025) and/or future years (2026-2027) within the Rate Period. Please provide evidence to support your answer.

RESPONSE:

Confirmed that the insights derived from an examination of the ALICE data discussed at pages 13 through 24 of Mr. Colton's testimony "remain applicable" for the current year and/or future years (2026/2027).

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-6. With reference to your testimony at page 29: Please provide all workpapers in electronic format (with formulae intact) associated with the calculation that you use to arrive at the revenue adjustment of approximately \$8.4 million by "moving TAP discounts from TAP non-participants to the TAP Rider." Please include the specific sources for all factors including the 70.09% collectability of bills of low-income customers outside of TAP.

RESPONSE:

The correct collectability factor presented in Mr. Colton's testimony was 70.90% (not the 70.09% included in the question). The 70.90% was obtained from PWD's response to PA-VIII-50, line 40, labelled "TAP Customers Outside of TAP Enrollment." See Response Attachment PWD-PA-III-6.

RESPONSIBLE WITNESS:

Roger D. Colton

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PWD-PA-III-7. With reference to your testimony at page 29: Please explain how your suggested change to the Rate Model by moving “TAP discounts from TAP non-participants to the TAP Rider” affects the TAP-R calculation.

RESPONSE:

Nothing Mr. Colton testifies to regarding moving TAP discounts from TAP non-participants to the TAP Rider” will “affect the TAP-R calculation.”

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-8. With reference to your testimony at pages 32-33: Please provide any evidence to support your assumption that TAP customers pay or have paid lien fees as noticed on their bills.

RESPONSE:

Extensive inquiry was made in the 2023 PWD rate proceeding regarding the lien policies of PWD and of the City of Philadelphia. In this regard, discovery requests Set VI, Number 10, through Set VI, Number 13 all addressed lien policies. The responses to those discovery requests, including the attachments thereto, are included in the hearing record from the 2023 General Rate Proceeding and, by this reference thereto, made a part hereof as if fully set forth.

See, also, PWD responses to PA discovery Set VIII, Request 24 through Request 39, inclusive, each of which is incorporated herein as if fully set forth.

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RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-9. With reference to your testimony at pages 32-33: Please provide further explanation, authority, or a specific customer example to support your assumption that a TAP payment could be applied to any portion of a TAP customer's bill other than to the debt that earns forgiveness.

RESPONSE:

See, response to PWD-PA-III-8.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-10. With reference to your testimony at page 33: Please provide a **specific** instance of when a TAP payment was ever applied to a lien fee on a customer's account.

RESPONSE:

Given the responses to 2023 discovery request Set VI, No. 10, and 2023 discovery request Set VI, No. 12, no additional specific instance has been identified.

PA-VI-10

By month for the months
October 2020 to present
inclusive, please provide in
Excel format:

- a. The number of TAP participants with a pre-program arrearage balance which balance is subject to future forgiveness; ***Section (a) is already provided in PA-I-56.***

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- b. The number of TAP participants with a pre-program arrearage balance which balance is subject to future forgiveness and which balance had been made subject to a lien;
- c. The dollars of TAP pre-program arrearage balances which balances are subject to future forgiveness and which balances have been made subject to a lien.

TAP debt subject to forgiveness and liened			
b. The number of TAP participants with a pre-program arrearage balance which balance is subject to future forgiveness and which balance had been made subject to a lien;	06/30/21	06/30/22	02/28/23
	8,631	4,086	5,132
c. The dollars of TAP pre-program arrearage balances which balances are subject to future forgiveness and which balances have been made subject to a lien	06/30/21	06/30/22	02/28/23
	\$40,139,138.31	\$10,666,456.26	\$15,313,758.74
NOTE Data is available as of June 30, 2021; June 30, 2022; and February 28, 2023			

PA-VI-12

By year for the years Fiscal Year 2020, 2021, 2022 and 2023 (YTD), in Excel format, please provide:

- a. The number of liens satisfied;
- b. The number of liens vacated;

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- c. The dollars of liens satisfied;
- d. The dollars of liens vacated.

Roger D. Colton

PWD-PA-III-11. With reference to your testimony at page 33: Please provide a **specific** instance of a customer that did not receive expected forgiveness because a payment went to lien fees.

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RESPONSE:

See, response to PWD-PA-III-10.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-12. With reference to your testimony at page 37: Please describe a **specific** instance of harm or disadvantage that has made the use of water liens “unfair” to a TAP customer that you are aware of.

RESPONSE:

See, Response to PWD-PA-III-10.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-13. Confirm or Deny. Per the Municipal Claim and Tax Lien Act (“MCTLA”), timely filed liens result in appropriate credit priority when a property is sold or transferred, and therefore timely filed liens give PWD the best chance of receiving payment of water debt from a property transaction after other higher priority (IRS, Commonwealth, etc.) and older liens are paid first.

RESPONSE:

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This question cannot be answered as written, given the terms that call for policy conclusions, such as “appropriate” credit priority and “best chance” of receiving payment.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-14. Confirm or Deny. If PWD did not file liens on TAP customers, and instead had to wait to file liens for unpaid water debt until the customer leaves TAP, those late filed liens lose their place in line of priority to be paid behind higher priority liens (IRS, Commonwealth, etc.) and other debt instruments filed earlier in time. If your response is anything other than an unqualified “confirm,” please provide a detailed explanation and reasoning for the response.

RESPONSE:

Denied. Nothing in Mr. Colton’s testimony affects when or whether PWD may or should “file liens on TAP customers.” Indeed, Mr. Colton’s testimony explicitly includes the following exchange:

Q. DO YOU ADDRESS THE QUESTION OF TO WHAT EXTENT, IF AT ALL, THE RATE BOARD SHOULD IMPOSE RESTRICTIONS ON LIENING THE UNPAID BILLS OF TAP PARTICIPANTS?

A. No. In this sub-section, I limit my discussion to whether the costs of filing municipal liens should be imposed on PWD ratepayers.

Mr. Colton’s testimony goes on to state:

Q. HASN'T THE RATE BOARD PREVIOUSLY DETERMINED THAT IT DOES NOT HAVE THE JURISDICTION TO ORDER PWD TO ADOPT A LIEN BLOCKER?

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- A. Yes. In its 2023 Rate Determination, the Rate Board held that it did not have the authority to direct PWD to adopt a lien blocker (for TAP customers or otherwise). The recommendation above does not involve the Rate Board interfering in any way with the City's decision to place a lien. My recommendation above only involves the Rate Board saying that PWD bills should not be used to collect non-PWD debts.

(Internal notes omitted).

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-15. Please provide an alternative method and associated costs to the current method that PWD uses to provide notice to the customer of a water lien(s) and associated lien fee(s).

RESPONSE:

Mr. Colton's testimony did not address the methods and/or costs, or whether PWD currently or should in the future, "provide notice" to the customer of a water lien(s) and associated lien fees.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-16. Do you concede that, in response to PA-VIII-9, PWD described three CCF per household member per month as the threshold for identifying "high usage" customers for conservation assistance -- not as the median household consumption level? If you do not concede, please provide a detailed explanation and reasoning for the response.

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RESPONSE:

Mr. Colton's testimony addresses this question at footnote 4, page 11, and at page 41, line 4 through line 7, and footnote 56.

The response to PA-VIII-9 reads as follows:

"For the purposes of conservation efforts, a "high usage" TAP participant is defined as a participant with an average water consumption equal to or exceeding 3 CCF per household member per month for the most recent 3-month period. A monthly usage of 3 CCF per household member exceeds the estimated median per household member monthly water usage in the PWD service area."

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-17. With reference to your testimony on page 44 and footnote 61, please provide citations to the studies that you reference regarding Percentage of Income Programs and "price signals."

RESPONSE:

See, Response Attachment PWD-PA-III-17(a), based on a presentation to the Philadelphia City Council in its deliberations on whether to adopt TAP (May/June 2017 FSC News). In addition, a comprehensive national evaluation of low-income affordability programs undertaken in 2007 reported that such usage increases do *not* occur. That multi-state study reported: "Some of the evaluations that were reviewed analyzed the impact of the affordability programs on energy usage. . .Energy affordability programs reduce the cost of using energy, and therefore program managers are concerned that they may result in increases in energy consumption. However, evaluation results. . .show that this is not an issue. Program evaluations find small and

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insignificant increases in energy usage, or sometimes even declines in energy usage." (emphasis added)¹

See also Response Attachment PWD-PA-III-17(b), listing program evaluations which examined low-income affordability programs, which evaluations have been reviewed by Mr. Colton, none of which found an adverse impact on price signals.

In addition to discussing those studies which have found there is no adverse impact on usage, there are the studies which find that a Percentage of Income Program has a positive impact on price signals and conservation. In addition to the 2007 national study identified above is the supportive experience of participants in Pennsylvania's various percentage of income-based Customer Assistance Programs (CAPs). Empirical data from numerous evaluations of Pennsylvania's affordability programs have found that the offer of affordable low-income rates not only does not impede price signals, but, conversely, affirmatively improves them. Consider, for example, the "percentage of income program" offered by Peoples Gas Company.

The Peoples Gas evaluation of its Percentage of Income Plan (PIP) reported that the program succeeded in promoting conservation. In accordance with Pennsylvania PUC regulations, Peoples engaged an external third party evaluator to assess its PIP; the most recent evaluation was published in 2017. In that Evaluation, Peoples specifically considered the impact of its PIP on the natural gas consumption of PIP participants. By examining the Peoples Evaluation, we can determine the impact of the PIP on participant usage using real information, rather than on supposition or on theory. As shown in the Table below, the Peoples Evaluation reported that nearly three times more Peoples PIP participants reduced their consumption under PIP than increased their consumption under PIP. While 25% of PIP participants reduced their usage, only 9% increased their consumption. More than half of all PIP participants reported no change in their consumption.

¹ APPRISE, Inc. and Fisher Sheehan & Colton (2007). Ratepayer-Funded Low-Income Energy Programs: Performance and Possibilities: Final Report.

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Conservation Impacts of Peoples Percentage of Income Plan (Peoples Universal Service Evaluation, 2017, at 50 – 51)			
Was your gas usage higher, lower, or no change while participating than while not participating?	Percentage	Reason for Usage Increase	Percentage
Higher	9%	Cold winter	4%
Lower	25%	Household in need of weatherization	2%
No change	54%	Can use more gas because of CAP	1%
Don't know	11%	Additional household residents	1%
Refused	1%	Usage did not increase	91%
Total	100%	Don't know	1%
		Refused	0%

As the Table above further shows, even amongst those program participants who reported an increase in their usage under the affordability program, the increase was not attributable to their program participation. Of the 9% who reported an increase in usage, 4% said the increase was due to a cold winter, while an additional 1% said the increase was due to an increase in the number of household residents. Only 1% (out of 9%) said that they increased their gas usage under the affordable rate because they “can use more gas because of CAP.”

The conservation impact of an affordability program can be seen from the converse perspective as well. The Peoples Evaluation found that 25% of program participants reported using less natural gas after they began their program participation than they did before they began their participation. The Peoples Evaluation asked those customers using less natural gas why their usage decreased. As the Peoples data reports, two-thirds of those reporting lower usage (16% of 25%) said their consumption decreased because they were trying to reduce or conserve. An additional 3% said their usage decreased because they received services through an external program (i.e., a program for which they had to apply). Only 3% said they “didn’t know” why their usage decreased.

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Conservation Impacts of Peoples Gas Low-Income Affordability Program (Peoples Universal Service Evaluation (2017))	
Why do you feel your usage decreased	Percentage
Trying to reduce/conserve	16%
Weather	5%
Received weatherization/WAP/LIURP	2%
Other services received	1%
Usage did not decrease	75%
Don't know	3%
Refused	0%

Similar results were found in evaluations of other Pennsylvania affordability programs. The evaluation of PPL Corporation's electric affordability program shows the conservation impacts of that affordable rate. As the Table below shows, even given the affordable rate assistance provided by PPL Corporation, only 6% of low-income participants increased their usage. Of those who did increase their usage, only two (2) said that it was because they "could afford to use more electricity." In contrast, 40% of program participants reported that they used less electricity. Two-thirds (65%) of those said they used electricity because they were trying to reduce their consumption or to conserve.

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Conservation Impacts of PPL Corporation Electric Affordability Program (PPL Universal Service Evaluation, 2020, at 76 – 77)			
Was your electric usage higher, lower, or no change while participating than what it was before participating?	Percentage	Reason for Usage Decrease	Percentage
Increase	6%	Try to reduce / conserve	65%
Decrease	40%	LIURP / WRAP ²	13%
No change	40%	Fewer people/Less time in home	10%
Don't know	13%	Weatherization / WAP ³	8%
Total	100%	Increased prices	5%
		Moved to new / more efficient home	5%
		Other services received	3%
		Other / Don't know	6%

The 2017 evaluation of First Energy's rate affordability program found similar results as well. The First Energy evaluation found that while 14% of program participants reported having higher usage under the program than they had before participating in the program, 25% of program participants reported having lower usage under the program. Of all program participants, 20% reported having lower usage because they were trying to conserve or reduce consumption. In contrast, fewer than 3% of total program participants reported having increased usage either because of a "heavy use of appliances" or because they were using electric space heaters.

² The utility-funded low-income energy efficiency program.

³ The federal Weatherization Assistance Program (WAP).

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Conservation Impacts of First Energy Electric Affordability Program (First Energy Universal Service Evaluation, 2017, at 61 – 62)					
Usage change while participating than before participating?	Percentage	Reason for Usage Decrease	Percentage	Reason for Usage Increase	Percentage
Higher	14%	Trying to reduce / conserve	20%	More residents in home	3%
Lower	25%	Other services received	2%	Cold winter	3%
No Change	54%	Prices increased	1%	Heavy use of appliances	2%
Don't know	7%	Fewer residents in home	1%	Medical need	2%
Refused	--	Usage did not decrease	75%	Warm summer	1%
Total	100%	Don't know	3%	Used electric space heaters	<1%
				Usage did not increase	85%
				Don't know	2%

RESPONSIBLE WITNESS:

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PWD-PA-III-18. Confirm or Deny. With reference to your testimony at pages 44-45: Please confirm or deny that your “conservation adjustment” also includes the increased cost of expanding LICAP to the TAP-R Rider calculation. If your response is anything other than an unqualified “confirm”, please explain your proposal for a recovery mechanism for the cost of providing increased conservation services and enforcement.

RESPONSE:

The net incremental costs of providing LICAP assistance may, but need not be, recovered through the TAP-R Rider. An adjustment to the TAP-R Rider providing for that was not proposed in Mr. Colton’s testimony. Alternative ways to recover these costs can be considered. One additional mechanism, for example, would be to devote the revenue requirement foregone attributable to the PENNVEST “additional subsidization,” as discussed at Mr. Colton’s testimony at page 71, line 21 through page 72, line 8. Other options that would provide for cost recovery are available.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-19. Please explain how reduced consumption by TAP participants and a resultant reduced TAP discount is relevant to the Base Rate proceeding. Please provide a detailed explanation and reasoning for your response.

RESPONSE:

As with any tariff provision, changes in the Tariff are appropriately presented in the Base Rate proceeding. For example, historic changes in the TAP-R Rider have been considered in previous Base Rate proceedings. What has been presented in this proceeding has been a proposed amendment to the tariffed TAP-R Rider.

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RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-20. Confirm or Deny. Not all Raise Your Hand customers qualify for TAP.

RESPONSE:

Confirmed.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-21. Confirm or Deny. Raise Your Hand customers can have any income level, including middle to high income-earning households.

RESPONSE:

This question cannot be answered given the lack of any definition of “middle” and “high income-earning households.” Not all income, for example, is “earned” income. In addition, different persons may define “middle. . .income-earning households” and “high income-earning households” differently. Mr. Colton does confirm that Raise Your Hand is not means-tested.

RESPONSIBLE WITNESS:

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PWD-PA-III-22. With reference to your testimony at pages 52-53: Please provide additional explanation of how you calculated water bill payments from households in Raise Your Hand in your “savings” analysis. Additionally, please provide an explanation of how you calculated loss of revenue from water bills that go unpaid from households in Raise Your Hand.

RESPONSE:

See, response to PWD-PA-III-24.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-23. Confirm or Deny. Households in the Raise Your Hand program do not continue to receive disconnect notices after entering the program, and therefore there would be no data to track for nonpayment disconnect notices, nonpayment disconnects, and reconnections.

RESPONSE:

Denied. In PA-II-16, on such data elements that would have existed, the Public Advocate specifically asked PWD to provide the number of residential customers whose service, in the absence of having been identified as a “Raise Your Hand” customer, would have been disconnected for nonpayment. Such information should be reasonably available.

RESPONSIBLE WITNESS:

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PHILADELPHIA WATER DEPARTMENT'S
INFORMATION REQUESTS
SET III**

PWD-PA-III-24. Please provide the detailed step-by-step computations, including workpapers in electronic format (with formulae intact), if applicable, to explain the calculation for the \$477,186 and \$599,085 adjustments proposed on page 53 of your testimony. Please include underlying assumptions, data references, and formulae.

RESPONSE:

See, Response Attachment PWD-PA-III-24.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-25. With reference to your testimony at pages 59-60: Please provide any substitute hardship funding that you are aware of (federal, state, nonprofit, private, etc.) that could replace hardship funds received from UESF historically.

RESPONSE:

Mr. Colton's testimony did not address "substitute hardship funding" that "could" replace hardship funds received from UESF historically.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-26. Confirm or Deny. The Public Advocate supports additional increases in water rates in order for PWD to stand up a new, comparable program to UESF, including the costs associated with its administration and additional grants.

RESPONSE:

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

In the Matter of the Philadelphia Water Department's Proposed Change in Water, Wastewater, and Stormwater Rates and Related Charges	Fiscal Years 2026 – 2027 Rates and Charges to Become Effective : September 1, 2025 and September 1, 2026
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**PUBLIC ADVOCATE RESPONSES TO
PHILADELPHIA WATER DEPARTMENT'S
INFORMATION REQUESTS
SET III**

The Public Advocate has not proposed “a new, comparable program to UESF” for PWD to “stand up.” Whether or not the Public Advocate would “support additional increases in water rates” in order for PWD to establish such a substitute would depend on the proposal advanced.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-27. With reference to your testimony on page 73: Please confirm or deny that child support, Social Security Income and income issued by the Department of Welfare are examples of income that support minor children in a household, but would be “received by the customer” or other “adults residing in the customer’s household,” and therefore meet the definition for income to be included in the calculation of a customer’s TAP Bill per PWD Regulations. If your response is anything other than an unqualified “confirm,” please provide a detailed explanation and reasoning for the response.

RESPONSE:

Denied. Chapter 14 of the Public Utility Code contained similar language, adopted prior to the adoption of the language used by the Philadelphia City Council, referring to the income of “all adults.” The state language has been construed to include income of or on behalf of minors.

RESPONSIBLE WITNESS:

Roger D. Colton

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

In the Matter of the Philadelphia Water Department's Proposed Change in Water, Wastewater, and Stormwater Rates and Related Charges	Fiscal Years 2026 – 2027 Rates and Charges to Become Effective : September 1, 2025 and September 1, 2026
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**PUBLIC ADVOCATE RESPONSES TO
PHILADELPHIA WATER DEPARTMENT'S
INFORMATION REQUESTS
SET III**

PWD-PA-III-28. With reference to your testimony at page 75: Please explain how the Advocate proposes to fund the cost of hiring an independent 3rd party auditor as recommended in your testimony.

RESPONSE:

The Public Advocate did not propose a mechanism for how PWD should fund an audit of who was unlawfully charged rates in violation of City ordinance.

RESPONSIBLE WITNESS:

Roger D. Colton

PWD-PA-III-29. Confirm or Deny: The cost to support new monthly and quarterly reporting that you recommend (on pages 51, 59, and 72) would be borne by PWD's ratepayers. If your response is anything other than an unqualified "confirm," please provide a detailed explanation and reasoning for the response. Respectfully submitted,

RESPONSE:

Confirmed.

RESPONSIBLE WITNESS:

Roger D. Colton