

**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**

**PUBLIC ADVOCATE OBJECTIONS
AND RESPONSES TO LANCE HAVER'S
INFORMATION REQUESTS
SET 3**

GENERAL OBJECTION

The Public Advocate objects to the below information requests which are not directed to the Public Advocate's witnesses, do not seek relevant information (indeed, the majority of questions do not have any bearing on the voluminous information or testimony before the Board for its consideration in determining PWD rates and charges), and constitute belated and argumentative attempts to unnecessarily burden the Public Advocate with responses related to the proponent's unfounded opinions regarding CLS's services. Those opinions have been repeatedly explored and consistently rejected by the Board.

SPECIFIC OBJECTIONS AND RESPONSES

LH-PA-3-1 Please list the names of any and all Civic, Religious and/or advocate groups the Philadelphia Water Rate Board's advocate met with in person, when those meetings were and the number of people attending.

Response:

Objection. This request seeks information that is not relevant to the issues before the Rate Board, namely the Water Department's proposed rates, nor does this request seek elaboration on any issue addressed in witness testimony of the Public Advocate. This request is also overly broad and burdensome as it is not limited in any manner (time, scope, subject matter, etc.) and asks for information pertaining to innumerable in person meetings. Notably, as written, it could apply to any employee of CLS, even those who do not perform services as Public Advocate.

Notwithstanding the above objection, the Public Advocate will be submitting its customary outreach report as an exhibit.

LH-PA-3-2 Please provide the emails, with names redacted, received in response to the emails sent by the Rate Board's Advocate.

Response:

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Objection. This request seeks information that is not relevant to the issues before the Rate Board, namely the Water Department's proposed rates, nor does this request seek elaboration on any issue addressed in witness testimony of the Public Advocate or any other participant. This request is also overly broad and burdensome as it is not limited in any manner (time, scope, subject matter, etc.) and asks for all emails received in response to emails sent by the Public Advocate. Notably, as written, it could apply to any employee of CLS, even those who do not perform services as Public Advocate.

Notwithstanding the above objection, the Public Advocate will be submitting its customary outreach report as an exhibit.

LH-PA-3-3 Please list the names of any and all elected officials from which the advocate sought and received direction before deciding to support a rate increase.

Response:

Objection. This request seeks information that is not relevant to the issues before the Rate Board, namely the Water Department's proposed rates, nor does this request seek elaboration on any issue addressed in witness testimony of the Public Advocate. To the extent CLS has "sought and received direction" from an elected official, this request is also overly broad and burdensome as it is not limited in any manner (time, scope, subject matter, etc.) and asks for information regarding contacts extending back over an indefinite period without any nexus to this rate proceeding. Notably, as written, it could apply to any employee of CLS, even those who do not perform services as Public Advocate. In addition, this request is formulated in an argumentative manner that goes beyond a request for data or information.

Notwithstanding the above objection, the Public Advocate will be submitting an outreach report as a post-hearing exhibit.

LH-PA-3-4 Please list any and all consumers, groups of consumers, civic groups, or any group that supported the size of the rate increase agreed to by the Rate Board's Advocate.

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Response:

Objection. This request is formulated in an argumentative manner that goes beyond a request for data or information. Additionally, this request seeks information that would be in the possession and control of individuals and groups other than the Public Advocate.

Notwithstanding the above objection, the Public Advocate will be submitting an outreach report as a post-hearing exhibit.

LH-PA-3-5 Please list which consultant (s) the Rate Board's Advocate retained to focus on cost containment and/or management efficiencies.

Response:

The Public Advocate has retained Lafayette K. Morgan, Jerome D. Mierzwa, and Roger D. Colton as witnesses in this case. The Public Advocate and its witnesses review the finances and operations of the Philadelphia Water Department through discovery requests, and witnesses make adjustments and recommendations based in part on the responses to these requests.

LH-PA-3-6 Please list all the list all the recommendations the Rate Board's Advocate's consultants made to lower operating costs; and how much money is projected to be saved.

Response:

Objection. Mr. Haver was timely served and continues to have access to the testimony of the Public Advocate's witnesses Lafayette K. Morgan, Jr., Jerome D. Mierzwa, and Roger D. Colton. All of the foregoing are publicly available on the Board's webpage for this proceeding. In addition to requesting information already of record and in his possession, this request is unduly burdensome in that it would require the Public Advocate to compile responsive information in a format which does not currently exist. If compilation of such

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a list was important to the proponent of this request, he could undertake to create it himself from the Public Advocate's testimony, all of which was filed and available as of May 1, 2025. Instead, the proponent waited a full two weeks to issue his request. The Public Advocate objects to this request as untimely and inappropriate at this late stage of the proceedings.

LH-PA-3-7 Please provide copies of any and all contracts outlining what the Rate Board's Advocate were tasked with performing.

Response:

Objection. This request seeks information that is not relevant to the issues before the Rate Board, namely the Water Department's proposed rates, nor does this request seek elaboration on any issue addressed in witness testimony of the Public Advocate or any other participant.

By way of further response, the City contracts can be obtained by way of a Right-to-Know Law request directed to the appropriate City department.

LH-PA-3-8 Please list the person or persons whose responsibility was to inform the public of the public hearings.

Response:

Objection. This request seeks information that is not relevant to the issues before the Rate Board, namely the Water Department's proposed rates, nor does this request seek elaboration on any issue addressed in witness testimony of the Public Advocate or any other participant. Additionally, this request is overly broad in that it seeks information regarding the functions of unidentified City employees who are not under the control of the Public Advocate.

Notwithstanding the above objection, the Public Advocate will be submitting an outreach report as a post-hearing exhibit.

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LH-PA-3-9 Was the turnout at the public hearings acceptable to the Rate Board's Advocate?

Response:

Objection. This request seeks information that is not relevant to the issues before the Rate Board, namely the Water Department's proposed rates, nor does this request seek elaboration on any issue addressed in witness testimony of the Public Advocate or any other participant. Additionally, this request seeks to require the Public Advocate to formulate and share an opinion as opposed to requesting data or information relevant to the proceeding and is therefore not appropriate as a discovery request.

LH-PA-3-10 Please provide a list, by year, of rate increases, including "adjustments" in all categories implemented by the Philadelphia Water Rate Board, in the last 10 years, and how the skyrocketing prices affect the Rate Board's advocate's position (s), if the Rate Board's Advocate knows the size of the previous rate increases.

Response:

Objection. This request seeks information that is not relevant to the issues before the Rate Board, namely the Water Department's proposed rates, nor does this request seek elaboration on any issue addressed in witness testimony of the Public Advocate or any other participant. This request is also unduly burdensome as it would require the Public Advocate to compile responsive information in a format which does not currently exist from records which are equally and readily available to Mr. Haver. The requested information can be obtained by reviewing the publicly available rate proceeding records maintained by the Board on its website.

LH-PA-3-11 Or if the size of the previous rate increases are unknown, is the reason that they are not known by the Rate Board's Advocate is that the previous rate increases

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and increasing burden on rate payers are not important to the Rate Board Advocate's current support for two continual years of rate increases as outlined in its expert's testimony.

Response:

Objection. This request is formulated in an argumentative manner and does not seek any relevant data or information.