



May 30, 2025

VIA EMAIL

Marlane R. Chestnut
Hearing Officer
Philadelphia Water, Sewer and Storm Water Rate Board
c/o Philadelphia Law Department
1515 Arch St., 17th Fl.
Philadelphia, PA 19102

RE: Philadelphia Water Department 2025 General Rate Proceeding (FY 2026, FY 2027 Rates)

Dear Hearing Officer Chestnut,

Kindly accept this letter in lieu of a Brief in the above-captioned matter. The Public Advocate and the Philadelphia Water Department (PWD) have entered a Joint Petition for Partial Settlement in this matter. Two categories of issues raised by *pro se* participants have been reserved for litigation: 1) Issues Raised by Written Testimony by Lance Haver, and 2) Issues Raised by Written Testimony by Michael Skiendzielewski. The Public Advocate asserts that these parties' positions should not be adopted because they have not met their burdens in this proceeding. In short, neither has presented evidence or analysis demonstrating the reasonableness of an adjustment to PWD's proposed rates and charges.

Issues Raised by Written Testimony of Mr. Haver

In his written testimony, Mr. Haver submitted that the rate increase should be denied.¹ Mr. Haver described what he views as issues with the form of the rate proceeding, criticized the Hearing Examiner and the Public Advocate, and suggested that the efficiency of the Water Department's operations has not been sufficiently examined.² He also expressed concerns about participation in the Public Input hearings.³

¹ Direct Testimony of Lance Haver at 1.

² Id. at 2-3.

³ Supplemental Testimony of Lance Haver.



Issues Raised by Written Testimony of Mr. Skiendzielewski

In his written testimony, Mr. Skiendzielewski submitted his perceived concerns about the “WRB hearing process and procedure.”⁴ He discussed the details of an incident that occurred 9 years ago,⁵ and another that occurred 15 years ago.⁶

Neither Party’s Position Should Be Adopted

The Public Advocate submits that the positions of Mr. Haver and Mr. Skiendzielewski should not be adopted by the Board. In a rate case, the public utility has the burden to establish the justness and reasonableness of every element of its rate increase.⁷ The burden of proof does not shift to the other parties to justify a proposed adjustment to a utility’s rate filing.⁸ Rather, a party proposing an adjustment to a ratemaking claim bears the burden of presenting evidence or analysis tending to demonstrate the reasonableness of the adjustment.⁹ Neither Mr. Haver nor Mr. Skiendzielewski presented a clear nexus between their proposals and a specific amount of rate relief. Although Mr. Haver argued that the rate increase should not be adopted, he did not present evidence or analysis demonstrating the reasonableness of a specific adjustment or series of adjustments which could support his position. Because Mr. Haver and Mr. Skiendzielewski have not met their burdens in this case, their positions should not be adopted.

Respectfully submitted,

/s/ Robert W. Ballenger

Robert W. Ballenger, Esq.
Energy Unit Attorney
Community Legal Services

For the Public Advocate

⁴ Skiendzielewski Motion and Testimony I.

⁵ Skiendzielewski Motion and Testimony II.

⁶ Skiendzielewski Motion and Testimony III.

⁷ Lower Frederick Twp. v. Pa. PUC, 409 A.2d 505, 507 (Pa. Cmwlth. 1980).

⁸ Berner v. Pa. PUC, 116 A.2d 738, 744 (Pa. 1955).

⁹ See Allegheny Center Assocs. v. Pa. PUC, 570 A.2d 149, 153 (Pa. Cmwlth. 1990).