

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

In the Matter of the Philadelphia Water	:	
Department's Proposed Changes in Water, Sewer	:	2025 General Rate Proceeding for
and Storm Water Rates and Related Charges	:	Fiscal Years 2026-2027
	:	

ORDER SUSTAINING PA OBJECTIONS TO HAVER SET 3

This Order is addressed to Information Requests (Haver Set 3) served by participant Lance Haver on the Public Advocate¹ in this general rate proceeding before the Philadelphia Water, Sewer and Storm Water Rate Board (Rate Board). The subject of this proceeding are the rates and charges proposed by the Philadelphia Water Department (PWD or Department) for water, sewer and storm water service to be rendered beginning in Fiscal Years 2026 and 2027. The Public Advocate represents the interests of residential and small business customers pursuant to the Rate Board's [regulations](#) at I(n).²

In response, the Public Advocate has filed Objections and Responses. In addition to specific Objections to particular information requests, it generally objected to those “. . . 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 before the rate 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.” Generally, I agree.

¹ Following a public request for proposals, the Rate Board selected Community Legal Services (CLS) to provide those services, as discussed in the “[Order Denying Haver ‘Motion to Provide the Public with Accurate Information’](https://www.phila.gov/media/20250501103327/Order-Denying-Haver-Motion-4-2025-Final.pdf)” dated May 1, 2025 (<https://www.phila.gov/media/20250501103327/Order-Denying-Haver-Motion-4-2025-Final.pdf>).

² <https://www.phila.gov/media/20230120160159/WRB-regulations-restated-with-amendments-2022-11-09.pdf>

As discussed below, the Objections will be sustained, pursuant to my authority as set out in the Rate Board's [regulations](#) at II.B.1(b)(4) to "Make all procedural rulings necessary to conduct a fair, impartial and expeditious hearing process, including the exclusion of irrelevant or redundant testimony or evidence" and II.B.(b)(6) to "Make rulings with regard to all objections to information requests including those related to privilege, relevance, timing, scope, expense, extent and/or unreasonable burden associated with responding to such requests." It should be noted that despite objecting to these Information Requests, the Advocate did respond to a number of them.

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

The Public Advocate specifically objected to this Information Request as seeking information that "... is not relevant to the issues before the Rate Board, namely the Water Department's proposed rates, nor does this seek elaboration on any issue addressed in witness testimony." In addition, the Advocate objected that, as written, the Information Request is overly broad and unreasonably burdensome. Notwithstanding its Objection, the Public Advocate submitted as a post-hearing exhibit its Outreach Report, which contains extensive information describing its outreach activities.

The Objection is sustained for the reasons stated by the Public Advocate. On its face, the Information Request is overly broad and unreasonably burdensome as it is not clear that the information is available as requested without further investigation.

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

The Public Advocate specifically objected to this Information Request as seeking information that "... is not relevant to the issues before the Rate Board, namely the Water Department's proposed rates, nor does this seek elaboration on any issue addressed in

witness testimony of the Public Advocate or any other participant.” In addition, the Advocate objected that, as written, the information request is overly broad and unreasonably burdensome.

The Objection is sustained for the reasons stated by the Public Advocate. The information sought is irrelevant with respect to the sole matter before the Rate Board, the prospective rates and charges proposed by the Department, which will be examined to ensure that they are in compliance with the rate standards contained in the [Rate Ordinance](#).³ In addition, on its face, the Information Request is overly broad and unreasonably burdensome.⁴

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

The Public Advocate specifically objected to this Information Request as seeking information that “. . . is not relevant to the issues before the Rate Board, namely the Water Department’s proposed rates, nor does this seek elaboration on any issue addressed in witness testimony of the Public Advocate.” In addition, the Advocate objected that, as written, the Information Request is overly broad and unreasonably burdensome.

The Objection is sustained for the reasons stated by the Public Advocate. The information sought is irrelevant with respect to the issue before the Rate Board, which is the Water Department’s proposed rates and charges. The process by which CLS performs its role as Public Advocate is not relevant to the rates and charges contained in PWD’s

³ Phila. Code § 13-101(4).

⁴ I will note that it promotes the interests of small customers as a whole that they and their representatives and community groups are able to share and discuss their concerns with the Public Advocate confidentially while retaining the choice whether to express opinions publicly in hearings or written comments. The Rate Board doesn’t require the Public Advocate to disclose to the Board the contents of its communications with its witnesses or members of the public, and it would be inappropriate for a participant to compel that.

rate filing, which is the sole matter before the Rate Board. In addition, on its face, the Information Request is overly broad and unreasonably burdensome.

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.

The Public Advocate specifically objected to this Information Request as being “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.”

The Objection is sustained. Any comment or statement submitted by any “consumers, groups of consumers, civic groups or any group” will speak for itself, will be available on the Rate Board’s webpage ([2025 General Rate Proceeding](https://www.phila.gov/departments/water-sewer-storm-water-rate-board/rate-proceedings/2025-general-proceeding/)⁵) and is not within the control of the Public Advocate.

LH-PA-3-6: Please 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.

The Public Advocate specifically objected, stating that, “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 a list was important to the proponent of this request, he could undertake to create it himself from

⁵ <https://www.phila.gov/departments/water-sewer-storm-water-rate-board/rate-proceedings/2025-general-proceeding/>

the Public Advocate’s testimony, all of which was filed and available as of May 1, 2025.”

The Objection is sustained. Mr. Haver was served directly with the Public Advocate’s testimony, which is also available on the Rate Board’s website at [Participant Testimony](#).⁶ That testimony speaks for itself. He is free to conduct whatever analysis of that testimony as he feels appropriate.

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

The Public Advocate specifically objected, that the information sought “. . . is not relevant to the issues before the Rate Board, namely the Water Department’s proposed rates, nor does the request seek elaboration on any issue addressed in witness testimony of the Public Advocate or any other participant.” In addition, the Advocate noted that City contracts can be obtained through a Right-to Know request directed to the appropriate department.

The Objection is sustained. The information sought is irrelevant with respect to the issue before the Rate Board, which is the Water Department’s proposed rates and charges for FYs 2026 and 2027. The process by which CLS performs its role as Public Advocate is not relevant to the rates and charges contained in PWD’s rate filing, which is the sole matter before the Rate Board. In addition, the provisions describing the scope of the Public Advocate’s services and availability of the Request for Proposals issued by the Rate Board for these services were set out and discussed in a prior order in this proceeding, [Order Denying Haver ‘Motion to Provide the Public with Accurate Information’](#) dated May 1, 2025.

⁶ <https://www.phila.gov/departments/water-sewer-storm-water-rate-board/rate-proceedings/2025-general-proceeding/#participant-testimony>

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

The Public Advocate specifically objected to this Information Request as seeking information that “. . . is not relevant to the issues before the Rate Board, namely the Water Department’s proposed rates, nor does this seek elaboration on any issue addressed in witness testimony of the Public Advocate or any other participant.” In addition, the Advocate objected that, as written, the information request is overly broad.

The Objection is sustained for the reasons stated by the Public Advocate. The information sought is irrelevant with respect to the issue before the Rate Board, which is the Water Department’s proposed rates and charges. The particular employees used by CLS to perform the services provided as Public Advocate are not relevant to the rates and charges contained in PWD’s rate filing, which is the sole matter before the Rate Board.

LH-I-9: Was the turnout at the public hearings acceptable to the Rate Board’s Advocate?

The Public Advocate specifically objected to this Information Request as seeking information that “. . . is not relevant to the issues before the Rate Board, namely the Water Department’s proposed rates, nor does this 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.”

The Objection is sustained. The information sought is not addressed to testimony presented by the Public Advocate; to formulate a meaningful response, the Advocate would need to ascertain the reasons for non-attendance, as well as what an “acceptable” level would be, as well as the basis for such a conclusion. The outreach efforts undertaken by the Public Advocate – which are the activities within its control – have been provided in the outreach report.

LH-I-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.

The Public Advocate specifically objected to this Information Request as seeking information that “. . . is not relevant to the issues before the Rate Board, namely the Water Department’s proposed rates, nor does this 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.”

The Objection is sustained; past Rate Board rate determinations are not only available but are not determinative as to the issues before the Rate Board, which are the Department’s proposed prospective rates and charges for FYs 2026 and 2027. In addition, this Information Request is not directed to the testimony submitted by the Public Advocate in this proceeding. Mr. Haver is free to conduct his own analysis of the publicly available past Rate Board rate determinations.

LH-I-10: 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 and increasing burden on rate payers are not important to the Rate Board’s Advocate current support for two continual years of rate increases as outlined in its expert’s testimony.

The Public Advocate specifically objected to this Information Request, “This request is formulated in an argumentative manner and does not seek any relevant data.” I agree. The Objection is sustained.

Marlane R. Chestnut
Hearing Officer

May 29, 2025