

**Before the Philadelphia Water, Sewer  
and Storm Water Rate Board**

**Formal Notice of Proposed Changes in** :  
**Rates and Charges; Annual Adjustment of** :  
**Assistance Program Rate Rider Surcharge** : **FY 2027**  
**Rates (TAP-R); Final Proposed TAP-R** :  
**Reconciliation Statement** :

Motion of Lance Haver, to reverse decision by the Hearing Examiner

1. Whereas Participant Haver moved that all the proceedings be held in person, in public, and not virtually; And
2. Whereas, the Hearing Examiner ruled that there was not to be a requirement that all of the parties paid with public dollars attend the hearings in person; And
3. Whereas, in person proceedings allow the public to talk with, confront, and use their constitutionally protected right to seek redress for grievances and protest actions of the people who are paid with Public Dollars; And
4. Whereas, the Rate Board, without consultation with the public, without a public evaluation, without a public hearing on the selection of a public advocate, has used a no-bid contract to hire an entity that has engaged in what Governor Shapiro has said are not acceptable “black box settlements” over the objection of participants in previous rate cases; And
5. Whereas the Chair of the Rate Board has stated that it hires and is responsible for the actions of, and evaluation of its appointment, which it calls the public advocate; and that the rate board’s public advocate has no legal responsibility to represent the public, nor does it have any client, other than the Rate Board itself; And
6. Whereas, the Rate Board refusal to require; what it has named the “public advocate” in an attempt to obfuscate the fact that the entity it rewarded for past behaviors and “black box” settlements does not legally represent the public; to meet with the public, meet with community and civic groups, meet with elected officials, meet with advocacy groups, the only way for members of the public to make it clear what position it wants the rate board’s advocate to take, is by confronting it in public, with words, signs and other protected speech; And
7. Whereas, the entity, hired through the no bid contract by the Rate Board, who has never issued a written review of its contractor’s work product, has never addressed why if Governor Shapiro blames “black box” settlements for rising rates, the Rate Board’s

advocate has been allowed to force the public to pay for the black box settlements it reached in private (secret); And

8. Whereas, the Rate Board's advocate is paid for by the public; Therefore
9. Haver moves that the Hearing Examiner's decision to shield the rate board's advocate from facing a protesting public is against the public interest and against Mayor Parker's requirement that all public meetings take place in person.

**ARGUMENT:**

The Rate Board's decision to allow its advocate to take positions and agree with the Water Department's settlement requests, without public input, without public consultation, without the establishment of a client group to guide the positions taken for the public, means that the only way the public can be heard is by confronting the rate board's advocate in person.

Because the Rate Board has refused to write into the no-bid contract a requirement that its advocate meet with the public, civic groups, advocacy groups, or anyone, the Rate Board's advocate will only hear from the public when the public is able to see the Rate Board's advocate in a public setting.

The offices of the Rate Board's advocate are guarded, and members of the public are not allowed to appear before the Rate Board's advocate in person.

The only way members of the public can make it known what they want is to confront the rate board's advocate in person, in public, with the intention of changing the rate board's advocate's behavior.

**Neither the Hearing Examiner nor the Rate Board should shield the advocate the Rate Board hires from the protests and outrage of the public, no matter how uncomfortable the Rate Board's advocate may feel. The very people paying the advocate's salary who the Rate Board's advocate implies it represents, should not be stopped from confronting the Rate Board's Advocate with signs, chanting and other constitutionally permitted speech.**

**If it was wrong to tax unrepresented people, even if the people taxing claimed to be acting in the public interest, then it is wrong to charge rate payers for an advocate which does not, legally or in fashion, other than the belief of the Rate Board, represent the Public Interest.**

**No doubt had the Hearing Examiner been alive during the American Revolution, she would have said, there is no reason to allow the American Tax Payers a say in how they were being taxed, and sided with the Crown.**