



April 13, 2026

Mr. Sonny Popowsky, Chairman
Philadelphia Water, Sewer and Storm Water Rate Board
1515 Arch St, Suite 17th Floor
Philadelphia, PA 19102

Dear Chairman Popowsky and Members of the Philadelphia Water, Sewer and Storm Water Rate Board (Board):

Pro se participant, Lance Haver, submitted a filing on April 6, 2026, requesting the Philadelphia Water, Sewer and Storm Water Rate Board (Board) reverse the Hearing Officer's determination, set forth in the Prehearing Conference Order (issued on the same day), to conduct public and technical hearings via a hybrid format. Since the filing seeks Board reversal of the Hearing Officer's order, the Hearing Officer notified all participants that the matter would be treated as an appeal, providing five days to respond. The Public Advocate submits this response in support of denial of the appeal.

Of primary importance, the Prehearing Conference Order is a purely procedural order, from which no right of appeal exists.¹ Even if the Prehearing Conference Order were appealable, Haver has not even claimed his rights were in any way affected. Haver does not allege, in any respect, that the Prehearing Conference Order impedes his ability to participate in and pursue his aims in this proceeding. As the filing indicates, Haver seeks reversal not due to any impact upon him or any prejudice to a position he may take, but rather because he believes "his supporters" (as he had referred to them during the prehearing conference) would be discouraged from engaging in public protest unless all aspects of the proceeding are held in person. However, contrary to Haver's position, the hybrid format approved by the Hearing Officer increases the opportunities for members of the public to attend hearings because it allows for both in person and virtual participation.

In many respects, Haver's filing simply reiterates long-standing, misleading, and inflammatory accusations Haver has repeatedly lodged against the Public Advocate over last five years, which the Board has rejected on every previous occasion.

Community Legal Services (CLS) was appointed to serve as Public Advocate at the conclusion of a competitively bid procurement process. CLS was not retained pursuant to a "no-bid contract." As Public Advocate, CLS independently and forcefully represents the shared interests of more than a half million residential and small commercial customers (small users) in

¹ See, e.g., DeLuca v. Hazleton Police Dep't, 144 A.3d 266, 273 (Pa. Commw. Ct. 2016) (articulating two prong test requiring final order and impact on rights, privileges, immunities, duties, liabilities or obligations to constitute appealable adjudication).



rate proceedings before the Board. CLS does not take direction from the Board or any other body.

As Public Advocate, CLS is consistently available to (and does) meet with, discuss, and receive feedback from small user customers, elected officials, professional media and others throughout PWD rate proceedings. CLS engages in robust outreach to inform the public and seek input from the public to inform the Board. Furthermore, the Public Advocate is obligated to participate in settlement discussions to advance the interests of small user customers.²

For all of the foregoing reasons, the appeal should be denied.

Sincerely,

/s/ Robert W. Ballenger

Robert W. Ballenger

Vikram A. Patel

For the Public Advocate

² Governor Shapiro's concern regarding black-box settlements, referenced in the filing, is with lack of transparency regarding utility profits (i.e., return on equity) embedded in rates, which is not a factor in PWD ratemaking.