

Brief of Lance Haver, Pro Se
In opposition to any increase in TAP rates

1. Calling the TAP charge a surcharge does not change what it is: a sales tax. Like all sales taxes, it is flat, not graduated based on income, but levied based on what is purchased.
2. As a result, the more moderate a person's income, the higher the tax rate based on income.
3. Pennsylvania Law does not allow a sales tax on tap water. The Water Department, in collusion with the advocate appointed by the Rate Board, is taking a page from President Trump and ignoring the laws to do what they want.
4. The protestations of all the colluding parties to stop the questions that would, if answered, reveal that it is a sales tax, expose the mendacity of charging a sales tax on a basic necessity of life.
5. The continuous secret (call it private if you wish) settlements, reached without public participation, divulge how desperate the Water Department and the Rate Board's advocate are to keep the information from the public
6. The failure of PWD, the Rate Board, and its advocate to inform the public that the TAP proceedings will increase bills is another example of the cover-up. The filing shows that the word rate increase never appears in any of the advertisements. The rate board's advocate excluded all notices of the increase and proceedings from its web page
7. The protestations that the hearings could not examine where else the money could come from to cover the cost of the tap program are attempts to justify malfeasance.
8. Many of the people who participated in the TAP hearing would not have been allowed to if the people who came before had acted in the same manner. Without a challenge to the law, we would still live in a country that allows slavery, does not allow women to be professionals, or Jews to fully participate in civil society. All were legal. And all challenged by brave principled people.
9. If Water Rate Board's advocate wanted to change the regulations, it would have met with Council Members, Community Members, Clergy and others to explain the current system exploits working poor, forcing them to pay a disproportionate tax to cover the TAP program, while allowing developers, speculators, construction companies and others to completely avoid sharing the burden of our City's poverty while enjoying the profits the City offers. They did not and had no desire to expose the burden and help the working poor.
10. An examination of the rate board's advocate list of outreach shows not a single meeting was held, not a single phone call made; instead, they used email, knowing or should have known, based on past emails, that emails do not elicit responses.
11. The failure of PWD and the rate board's advocate to investigate other, more just, more equitable ways of paying for the TAP program is inexcusable and exposes their contempt for the working poor. It is true that for most lawyers and experts, the additional annual expense is not a concern. But because they are so well paid with ratepayers' money, it does not excuse PWD's

lawyers and the rate board's advocates for advocating and forcing on the public an unjust tax system.

12. If the rate board's advocate had a client group, was not supervised by corporate lawyers whose income is so large they cannot see the harm in placing a sales tax on water to cover the cost of a social program, the rate board's advocate would get directions from the public to reject a sales tax on water to pay for a necessary program.

In conclusion, the rate board's advocate should resign in disgrace for placing a greater burden on the working poor than on the wealthy. If the Rate Board continues to approve secret settlements between PWD and its advocate, the increase will be challenged before the taxing authorities of the Commonwealth and, if need be, in the Federal Court. It is unconscionable to make the working poor pay a higher tax rate and allow speculators and others to avoid paying anything to keep the TAP program going.