

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

In the Matter of the Philadelphia Water Department's Proposed Changes in Water, Wastewater and Stormwater Rates and Related Charges :
: For: Fiscal Years 2022-2023
:

ORDER DENYING PWD MOTION IN LIMINE: HAVER

On April 6, 2021, the Philadelphia Water Department (PWD or Department) filed a Motion in Limine (Motion) addressed to the prepared direct testimony presented by Lance Haver (Haver St. 1), a pro se participant in this proceeding. In this Motion, the Department asserted that the legal argument and conclusions contained in the statement are not the proper subject of testimony (but may be raised in briefs) and therefore those portions of Mr. Haver's testimony should be excluded or stricken. Mr. Haver had stated that in his opinion the public hearings held in this matter on March 16 and 18, 2021, were legally insufficient as the amount of any funds PWD may receive from the recently enacted American Rescue Plan (and their impact on the revenue increase request at issue here) were unknown at the time of the hearings.

The Department is correct; legal analysis and conclusions such as that presented by Mr. Haver are not the appropriate subject of testimony whether or not he is an attorney but may be raised in appropriate motions or briefs. On the other hand, there is no apparent harm to any of the participants by denying the Motion and allowing the testimony. There is no jury to be confused; both I and the Rate Board can determine the appropriate probative weight (if any) to be accorded to any item of testimony or evidence.

This Motion in Limine will be DENIED.

Marlane R. Chestnut
Hearing Officer

April 7, 2021