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PHILADELPHIA WATER, SEWER AND
STORM WATER RATE BOARD
2024 TAP-R RECONCILIATION PROCEEDING

IN RE: PUBLIC INPUT HEARING
AND TECHNICAL HEARING

DATE: Friday, May 10, 2024

LOCATION: Zoom Teleconference

Reported by: Leigh Guerrero

Job No.: 41755

1 ATTENDANCE

2 MARLANE R. CHESTNUT, HEARING OFFICER

3 ROBERT BALLENGER, PA

4 CHARLOTTE EDELSTEIN, PA

5 DANIELA RAKHLINA POWSNER, PA

6 LAFAYETTE MORGAN, PA

7 ADEOLU BAKARE, PLUG

8 HARRISON RYAN BLOCK, PLUG

9 ANDRE DASENT, PWD

10 CARL SHULTZ, PWD

11 SARAH STONER, PWD

12 JI JUN, PWD

13 KEVIN BIRRIEL, PWD

14 SUSAN CROSBY, PWD

15 ADRIANA GONZALEZ, WATER REVENUE BUREAU

16 SONNY POPOWSKY, RATE BOARD

17 DANIEL CANTU-HERTZLER, RATE BOARD

18 ED MARKUS, RATE BOARD

19 DELAND BRYANT, RATE BOARD

20 DANIEL GORDON, RATE BOARD

21 BRIAN MERRITT, BLACK & VEATCH

22 DAVID JAGT, BLACK & VEATCH

23 SIMON WARREN, RFC

24 HENRIETTA LOCKLEAR, RFC

1 ATTENDANCE Cont'd
2 JENN TAVANTZIS, RFC
3 JON DAVIS, RFC
4 JAMES WHITEHEAD, SELF
5 MARTHA MOORE, SELF
6 JESSICA RAGUSA, SELF
7 ART DESJARDINS, SELF
8 MICHAEL SKIENDZIELEWSKI, SELF
9 LANCE HAVER, SELF
10 DAVID KOVACH, SELF
11 JAMES ALEO, SELF
12 GUY REGIS, GROUP
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PROCEEDINGS
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HEARING OFFICER CHESTNUT: Okay.

It's five after 10 o'clock so I think it's a good IDEA if we get started. Good morning, everybody. My name is Marlene Chestnut at C H-E-S-T-N-U-T and I've been selected by the Water, Sewer and Storm Water Rate Board to oversee this hearing process.

This is the public input hearing that's been scheduled with respect to the TAP R reconciliation filing. Now, the Rate Board has asked me to oversee the process and to write a report for the Rate Board to consider with respect to this annual reconciliation the TAP-R, which is the Tiered Assistance Program Rider.

The Tiered Assistance Program is the Philadelphia Water Department, or PWD's customer assistance program. It's mandated by City Council and allows low-income customers to pay bills based upon a percentage of their income rather than their

1 usage.

2 The TAP-R Rider tracks the revenue
3 losses resulting from application of this
4 discount to permit annual reconciliation if
5 they're greater or less than projected.

6 This ensures that the order
7 department does not overcollect or
8 undercollect.

9 There is a court reporter who will
10 produce a stenographic record of this public
11 hearing and the technical hearing which will
12 be held later. So please be sure to speak
13 slowly and clearly.

14 The transcript for this hearing, as
15 well as all documents produced in this case,
16 will be posted on the Rate Board's website
17 under the rate proceedings tab and can be
18 found in the section that says, "2024 TAP-R
19 reconciliation proceeding."

20 The Rate Board's website can be
21 located at
22 [www.phila.gov/departments/water-sewer-storm-](http://www.phila.gov/departments/water-sewer-storm-water-rate-board)
23 [water-rate-board](http://www.phila.gov/departments/water-sewer-storm-water-rate-board), or you might find it easier
24 just to Google it as Philadelphia Water Rate

1 Board.

2 Also, I'll note that the Water
3 Department has prepared a presentation
4 discussing the TAP program generally and this
5 filing particularly, which also has been
6 posted on the Rate Board's web or has been or
7 will be posted on the Rate Board's website
8 under the section headed public hearings.

9 Please note that this hearing
10 involves only the reconciliation of the TAP-R
11 Rider, which is intended to ensure that the
12 Water Department does not overcollect or
13 undercollect revenue associated with the
14 program during the preceding year and to set
15 the TAP-R rate for the next year.

16 This is done annually and depending
17 on the TAP-R revenue results and the
18 projected number of TAP-R participants, may
19 result in either a decrease or an increase of
20 the surcharge.

21 In fact, last year was a decrease
22 or an increase which has been selected --
23 which has been requested this year.

24 This proceeding does not involve

1 other issues such as whether there should be
2 a customer assistance program, the design and
3 operation of that program, the department's
4 cost, or the actual rates for your water,
5 sewer, and storm water service, all of which
6 have been and will continue to be the subject
7 of separate proceedings.

8 I expect that my report will be
9 issued late May or early June, and the Rate
10 Board will consider it and the positions of
11 the participants and make its decision in
12 June.

13 We will have what is called a
14 technical hearing on the statements and
15 exhibits submitted by the participants
16 immediately after this hearing. You are
17 welcome to remain and observe.

18 There will be a transcript of that
19 hearing also, which will be posted on the
20 Rate Board's website.

21 In terms of how I will conduct this
22 hearing, I will first call on people who have
23 registered. If you have not registered or
24 want to comment, that's fine, we'll get to

1 you.

2 Everyone will have a chance to make
3 a statement if they wish, or you can send a
4 letter or comment by email to the Rate Board.
5 The Rate Board email address is
6 waterrateboard@phila.gov.

7 We will post these email comments
8 and letters at the 2024 TAP-R reconciliation
9 tab. When it is your turn, I will call your
10 name and you will unmute your microphone or
11 telephone.

12 I will ask your name, ask you to
13 spell it, and ask if you are a customer of
14 the Water Department and if you are appearing
15 on behalf of a group. Please try to confine
16 your remarks to the issue in this proceeding,
17 which again is limited to the TAP-R
18 Surcharge.

19 If you have a question, if we can
20 answer it briefly, we will. Otherwise,
21 someone will get back to you with additional
22 information. If you have not registered and
23 wish to make a statement, please raise your
24 hand when I ask and we'll get to you.

1 To raise your hand, either look for
2 a hand on the bar that contains the Zoom
3 controls. On my computer it's along the
4 bottom or the icon for reactions, and select
5 the raised hand.

6 If you are participating
7 telephonically, by dialing the star button
8 then nine that will raise your hand. I'm not
9 going to impose a time limit, but I will ask
10 you to limit yourself to maybe two or three
11 minutes if possible, to ensure that we have
12 time to hear from everyone.

13 After you're done, you're welcome
14 to stay, but you certainly don't have to.
15 You are free to leave at any time. Again,
16 thank you for taking the time to participate
17 today.

18 I want to also thank the customers
19 who took the time to send comments. I can
20 assure you the Rate Board does consider these
21 very carefully and it's important for you to
22 speak up and be heard.

23 Okay. Then with that we will get
24 started. I have a list that was compiled of

1 people who responded to the Rate Board's
2 website with respect to this, and I'm going
3 to go through that.

4 And like I said, if you're not
5 listed and want to make a comment, that's
6 fine. Okay. The first person on the list is
7 Michael Skiendzielewski. Are you here,
8 Michael? I don't think Mr. Skiendzielewski
9 is here yet. I don't see his name.

10 Okay. The next person is Mary
11 Cairns, C-A-I-R-N-S. Okay. Dee Dukes, are
12 you here?

13 MR. BRYANT: Lady Commissioner,
14 Community Legal Services has their hand up.

15 HEARING OFFICER CHESTNUT: Okay.
16 Mr. Ballenger.

17 MR. BALLENGER: Good morning. I
18 just wanted to note that I do see Mr.
19 Skiendzielewski. He shows up as Marianne.

20 HEARING OFFICER CHESTNUT: Okay. I
21 was going to go back to him after we had gone
22 through the list.

23 MR. BALLENGER: Okay.

24 HEARING OFFICER CHESTNUT: But if

1 you want to circle back while we're waiting.

2 Okay. We'll go with Mr. Skiendzielewski

3 then. Mr. Skiendzielewski, you said you

4 wanted to make a comment? Deland, can you

5 unmute Mr. Skiendzielewski?

6 MR. BRYANT: I'm asking him to

7 unmute. He's not unmuting.

8 HEARING OFFICER CHESTNUT: Mr.

9 Skiendzielewski, can you unmute yourself?

10 Okay. Somebody could you mute yourself

11 there. Who is it? Mr. Skiendzielewski, are

12 you having problems?

13 MR. BRYANT: I am giving him

14 permission to unmute and he's not unmuting.

15 HEARING OFFICER CHESTNUT: Okay.

16 Well, we're going to have to get back to Mr.

17 Skiendzielewski then. The next person I have

18 listed is Dee Dukes. I do not see that here

19 either.

20 Like I said, I will go back and if

21 anybody hasn't responded, I will go back and

22 do it again. Joseph Siegel, are you here?

23 Mr. Siegel, can you raise your hand? Yeah,

24 it's a little hard because people don't

1 always have their name on their device, so.

2 MR. BRYANT: Yes, and I'm looking
3 at the scroll -- I'm scrolling down the list.

4 HEARING OFFICER CHESTNUT: Yeah.

5 MR. BRYANT: And it's in
6 alphabetical order so as we call them, I just
7 don't see them.

8 HEARING OFFICER CHESTNUT: Okay.

9 How about Mr. Wosiak? Is he here?

10 MR. WOSIAK: Yes, I'm here. I'm
11 here.

12 HEARING OFFICER CHESTNUT: Okay.

13 MR. WOSIAK: Yes, so --

14 HEARING OFFICER CHESTNUT: Wait,
15 wait, wait. Let me go through this first.
16 Could you give and spell your name for the
17 record, please?

18 MR. WOSIAK: Yes, it's W-O-S-I-A-K.
19 Last name.

20 HEARING OFFICER CHESTNUT: And your
21 address?

22 MR. WOSIAK: 3115 Frankford Avenue,
23 Philadelphia, Pennsylvania.

24 HEARING OFFICER CHESTNUT: Okay.

1 And are you a customer of PWD?

2 MR. WOSIAK: Yes. Yes.

3 HEARING OFFICER CHESTNUT: Okay.

4 Thank you. Go ahead.

5 MR. WOSIAK: Well, I think it's not
6 necessary to raise these water rate prices.
7 In my opinion, low-income residents and
8 recipients of services of Philadelphia Water
9 Revenue Bureau should pay more for their --
10 for their services because of rising costs of
11 the operation.

12 There is other issues that I would
13 like to address, but maybe it would be better
14 at other time. But in my opinion, it would
15 be unfair that the burden of the rising costs
16 of operation would be laid only on part of
17 Philadelphia Water Revenue customers. Thank
18 you very much.

19 HEARING OFFICER CHESTNUT: Thank
20 you. I appreciate you taking the time.

21 MR. WOSIAK: Okay.

22 HEARING OFFICER CHESTNUT: The next
23 person I have listed is Bobby Jackson. Bobby
24 Jackson, are you here? Raise your hand,

1 please, if you are, in case your device has a
2 different name on it as I'm looking at the
3 participant list here.

4 (Background noise.)

5 HEARING OFFICER CHESTNUT: Not sure
6 who's speaking here, but.

7 (Background noise.)

8 HEARING OFFICER CHESTNUT: Okay.
9 Did you want to say something? Okay. We're.
10 We're at Bobby Jackson, are you here?

11 (Background noise.)

12 HEARING OFFICER CHESTNUT: Deland,
13 I think you need to mute Mr. Skiendzielewski
14 at this point because we will go back. Mr.
15 Jackson, are you here?

16 (Background noise.)

17 HEARING OFFICER CHESTNUT: Mr.
18 Skiendzielewski, could you mute yourself?
19 Deland, you have to do this. Mr.
20 Skiendzielewski, could you mute yourself till
21 Deland takes care of this? Okay. Okay.
22 Again, this is my last call for Bobby
23 Jackson.

24 Okay. How about James Catalfano.

1 (Background noise.)

2 HEARING OFFICER CHESTNUT: Deland.

3 Okay. I'm calling James Catalfano. If
4 you're there, could you raise your hand.

5 Okay. How about Philip Bridgeman?

6 Larry Porter? Larry Porter? Okay.

7 Larry Porter, if you're not there, we'll move
8 on and I'll circle back. Somebody named
9 Claire. No. Okay. Let me see. I've got
10 Jeff Jones. David Kovach? Jackie Palmer?
11 Oh, David Kovach. I'm sorry.

12 MR. KOVACH: Yeah, I'm here.

13 HEARING OFFICER CHESTNUT: I see
14 you there. I see you there.

15 MR. KOVACH: Great.

16 HEARING OFFICER CHESTNUT: Okay.
17 Could you give and spell your name for the
18 record, please?

19 MR. KOVACH: It's David, D-A-V-I-D.
20 Kovach, K-O-V as in Victor A-C-H. I'm at
21 2074 East York Street in Philadelphia,
22 Pennsylvania, and I am a Water Department
23 rate payer.

24 HEARING OFFICER CHESTNUT: Thank

1 you.

2 MR. KOVACH: I'm commenting on the
3 Philadelphia Water Department 2024 Tiered
4 Assistance Program Rate Rider. First, I'm
5 not opposed to the TAP-R program.

6 I acknowledge that those with less
7 income should be assisted by this program,
8 provided that it is implemented in accordance
9 with the rules.

10 What I am opposed to is PWD and the
11 city in general returning to ratepayers,
12 taxpayers, business owners, and wage earners
13 to recover lost revenue and solve budgetary
14 shortfalls as a result of the inefficiencies
15 in Philadelphia City government.

16 PWD and Philadelphia in general
17 need to do their due diligence in collecting
18 debt that is owed to it through unpaid water
19 liens and unpaid property taxes.

20 I would like to know what the total
21 outstanding water lien debt is in the city
22 and why the city is not making every effort
23 to collect that debt through established
24 programs and regulation like sheriff's sales.

1 I live next to an abandoned home
2 that is still owned by two deceased people,
3 the last of which died in 2017. Yet they
4 continue to accrue water lien debt and
5 property tax debt, which is currently \$4,000
6 and \$8,000 respectively.

7 The rightful next of kin of the
8 deceased abandoned the house because it felt
9 it was unsafe to live in. Squatters have
10 been living in the house since 2017 who have
11 been a source of crime and nuisance in our
12 neighborhood.

13 The 26th District Police Department
14 can attest to the number of complaints about
15 the property. L&I have cited the property on
16 three occasions as an unsafe structure which
17 has been never been resolved.

18 Yet the PWD continues to serve
19 water to the property and put liens on the
20 property which it will never be able to
21 collect unless the property goes up for share
22 of sale.

23 PECO continues to serve the
24 electricity of the property and presumably

1 PGW serves gas to the property, but public
2 information about PGW is inexcusably
3 difficult to discover.

4 We have made this clear to the
5 mayor, our city council person, the water
6 commissioner, and our representative in state
7 government but no city action has occurred.

8 Just down the street from this
9 nuisance house, a similar situation is
10 present. Another dead homeowner. \$4,000 in
11 water lien debt, \$44,000 in back property tax
12 debt.

13 I can only imagine that there are
14 many situations like that that if resolved
15 through the share of sale process, would
16 reduce the dependence on ratepayers to solve
17 the PWD lost revenue problem.

18 It would also reduce crime in the
19 neighborhood. Perhaps the homes could be
20 refurbished and sold at a reduced rate to
21 provide low-income families who are willing
22 to pay bills with the opportunity at property
23 ownership.

24 So many solutions, yet so little

1 action by PWD and Philadelphia. It is easier
2 to just go back to the ratepayers to solve
3 lost revenue problems.

4 Furthermore, by letter in 2021, the
5 Philadelphia Water Department threatened to
6 shut off the water to households in the
7 neighborhood unless we set up an appointment
8 to have new metering equipment installed in
9 our homes.

10 I complied, obviously, but did PWD
11 do anything about the abandoned property next
12 to me? When I was in that house years ago,
13 the meter had been removed from the incoming
14 water line, and so they get their water for
15 free. Why has PWD not shut off the water to
16 this abandoned property?

17 What rate payers are discovering is
18 that there is no consequence for not paying
19 your water bills or your property taxes. And
20 it's frustrating to pay increased rates and
21 taxes to a city that supports squatter houses
22 such as these that bring crime, drugs, and
23 nuisance behavior to our neighborhood.

24 The city has to do something about

1 this ongoing issue. By not enforcing its own
2 rules, the city supports miscreant behavior
3 and the snubbing of city government
4 regulation while alienating those tax paying
5 and law-abiding citizens who seek to make
6 this a clean, safe, and healthy community in
7 which to live and raise family.

8 I respectfully request a response
9 and action of significant measure to this
10 ongoing problem. Thank you very much for
11 allowing me to speak.

12 HEARING OFFICER CHESTNUT: Mr.
13 Kovach, I certainly understand your point. I
14 really do. Unfortunately, that is not an
15 issue in this case.

16 But what I will ask is if Mr.
17 Dasent, who is the representative for the
18 Water Department, will look into your
19 particular situation and get back to you to
20 see if there's anything that can be done.

21 Is that okay with you, Mr. Dasent?
22 Okay. Mr. Kovach, thank you. Somebody will
23 get back to you. But again, that really
24 isn't -- uncollectibles and liens just aren't

1 part of this case, but will be when the
2 department, probably next year, files a
3 general rate case.

4 But yes, it's certainly an area
5 that we look at when we can. But thank you
6 for taking the time. Okay. The next person
7 is Jackie Palmer. P-A-L-M-E-R. Okay. How
8 about Maria Lee? Are you here? So could you
9 raise your hand, please?

10 Okay. James Whitehead? And I
11 should make it clear that this list I'm
12 reading of does include people who wasn't
13 clear if they did want to testify, so, or if
14 they were simply making a comment. James
15 Aleo? I think I did see your name. Yes, Mr.
16 Aleo.

17 MR. BRYANT: James Whitehead is of
18 here, but he hasn't spoken, so I'll mute him.
19 He's unmuted.

20 HEARING OFFICER CHESTNUT: We'll
21 get back to Mr. Whitehead after we've talked
22 to Mr. Aleo, then, huh?

23 MR. BRYANT: Thank you.

24 HEARING OFFICER CHESTNUT: Mr.

1 Aleo. Deland, I think you do need to unmute
2 him.

3 MR. ALEO: Hello?

4 HEARING OFFICER CHESTNUT: Okay.

5 Mr. Aleo, could you please give and spell
6 your name for the record?

7 MR. ALEO: Yes, it's James,

8 J A M E-S. Aleo, A-L-E-O.

9 HEARING OFFICER CHESTNUT: And your
10 address?

11 MR. ALEO: 8111 Winston Road,
12 Philadelphia, PA.

13 HEARING OFFICER CHESTNUT: Are you
14 a PWD customer?

15 MR. ALEO: I am.

16 HEARING OFFICER CHESTNUT: Are you
17 speaking on your own behalf or as part of the
18 group?

19 MR. ALEO: Speaking on my own
20 behalf.

21 HEARING OFFICER CHESTNUT: Okay.

22 Thank you. Go ahead.

23 MR. ALEO: My objection to the
24 proposed rate increase of the TAP surcharge

1 has to do with the method of enrolling new
2 TAP customers.

3 In the February 28, 2024 advance
4 notice of proposed changes of rates and
5 charges for the TAP to the water -- excuse
6 me, to the Water Sewer Storm Water Rate
7 Board.

8 This is from Water Commissioner
9 Randy Hayman, his advance notice. It would
10 appear that thousands of customers are
11 automatically being enrolled in TAP.

12 For example, an excerpt from page 6
13 of the advance notice document states, "In
14 the eight business days since IDEA enrollment
15 began on February 13th and this writing,
16 roughly 12,000 candidates have been enrolled
17 via IDEA prequalification and will start
18 receiving TAP bills in the coming days."

19 The automatic prequalification of
20 these customers through the city office of
21 IDEA is not problematic if it's done
22 correctly. It actually greatly relieves the
23 administrative burden on customers and the
24 city employees who would otherwise manually

1 process these applications.

2 So that's a good thing. I'm all
3 for efficiency if it's done right. But the
4 water regulations under Section 206.2 specify
5 that customers must apply for this benefit.

6 And I quote from those regulations,
7 "A low-income customer or a customer with
8 special hardship may apply to the WRB for
9 enrollment in TAP."

10 There is no place where it mentions
11 that these customers can be automatically
12 enrolled without any knowledge or effort on
13 their part.

14 Additionally, in the Philadelphia
15 Code under Section 19-1605, Subsection 3,
16 Subsection H in the paragraph titled
17 eligibility and enrollment in IRAP, it
18 states, and I quote, "A customer shall be
19 enrolled in IRAP upon approval of a completed
20 application."

21 Now, while some may see the above-
22 mentioned distinction in enrollment methods
23 as moderate or trivial, I would argue
24 otherwise. Under these proposed TAP Rate

1 surcharge, customers will be required to
2 subsidize TAP customers at an average rate of
3 \$53 per year or higher, of course, if your
4 water usage is higher.

5 So the top recipients are going to
6 receive benefits for hundreds of dollars a
7 year and other customers are being required
8 to pay for that. I'm not against that in
9 concept. And like as previously stated,
10 people do deserve help.

11 All I'm saying is that given this
12 benefit, that is going to be hundreds of
13 dollars a year, and if it's for year after
14 year, it's going to turn into thousands of
15 dollars for these recipients that other
16 ratepayers are paying for.

17 I'm just asking that they go
18 through the proper channels of doing this. I
19 don't think it's too much to ask for
20 customers who are receiving the benefit to
21 actually apply for it.

22 I'm not asking to go back to the
23 old way of doing things that would be
24 horribly inefficient and would not enroll

1 sufficient numbers of worthy customers.

2 But right now it's automatic
3 enrollment. The Water Department and Water
4 Revenue Bureau can certainly send out notices
5 and application forms and perhaps other
6 methods of outreach to low-income customers.

7 But a formal application and other
8 requirements under this program, I feel, need
9 to be observed as per Section 206.2 of the
10 water regulations.

11 It's possible if people are not
12 just automatically enrolled, but actually
13 have to at least send in some kind of
14 application, that maybe the numbers would be
15 a little less high than they would be
16 otherwise.

17 And that could have an effect on
18 the proposed TAP-Rate surcharge if the
19 numbers are perhaps slightly less than they
20 would be under automatic enrollment. So
21 that's basically my point. I just wish that
22 water, PWD and WRB would follow the
23 regulations as specified. Thank you.

24 HEARING OFFICER CHESTNUT: Thank

1 you. I mean, you raise an interesting point.
2 I'm not sure I completely agree with it, but
3 I'd have to think about it.

4 Mr. Ballenger and Mr. Dasent, why
5 don't you address this? Yes, Mr. Dasent.
6 Deland, can you unmute Mr. Dasent? Okay.

7 MR. DASENT: There you go. The
8 whole purpose of prequalification was to get
9 a good portion of our local population
10 involved in tap if they were eligible.

11 There were letters that went out
12 indicating that they were to be signed up in
13 the program, and there's an opt out provision
14 in the letter.

15 In addition to that, WRB processes
16 the applications to make sure these
17 prequalified candidates meet basic criteria.

18 We will have in the future -- and
19 WRB can best speak to this -- measures to
20 make sure that we've assigned folks to the
21 right income tier and that we're moving a
22 process that has folks that are income
23 eligible in every instance.

24 We think we're in compliance with

1 PWD regs. And Jim, it's nice to hear from
2 you. I know you were a former rates manager
3 at PWD. So we're mindful of your expertise,
4 and I'd be happy to get back to you with a
5 more detailed explanation.

6 But we think we're consistent with
7 our regs and consistent with the direction of
8 the Rate Board to get as many of our
9 vulnerable folks out there that are customers
10 at least aware of the program. And if they
11 are prequalified, we've reached out to them
12 to tell them they can be enrolled.

13 And the city is very much a part of
14 trying to get those enrollments to reflect
15 the fact that we're a very poor city. Rob
16 can best speak to that.

17 MR. BALLENGER: Thank you. And
18 thank you for your statement, Mr. Aleo. I
19 just want to -- I don't want to speak to the
20 department's compliance with its regulations.
21 That's really not my place.

22 But I think the thing that I would
23 highlight is that this is part of an ongoing
24 effort to share data. So where customers,

1 and you may be familiar with this.

2 So, for example, customers who
3 apply for LIHEAP every year have to meet the
4 same income eligibility standard as the
5 energy's programs run by PECO and PGW. But
6 those entities don't share information.

7 The city of Philadelphia actually
8 has changed that, at least for its water
9 utility, in terms of sharing information
10 about other programs. And that started
11 really with the LIHWAP Program, which was a
12 water assistance program modeled after
13 LIHEAP.

14 So when the department received
15 notification that DHS had approved someone's
16 LIHWAP application, meaning they were
17 eligible for that grant assistance, they
18 tried to determine whether or not that person
19 was the customer of record, and if so, enroll
20 them in the Tiered Assistance Program, since
21 the income eligibility standard is identical
22 for that program.

23 So I know also that in our
24 testimony, we've taken the position that the

1 department should reach back out to these
2 folks to make sure that they understand the
3 information that led to their enrollment.

4 And I believe the department's
5 rebuttal testimony does speak to a quality
6 assurance endeavor that they're going to be
7 undertaking, which I would hope would be
8 responsive to your concerns.

9 HEARING OFFICER CHESTNUT: Okay.
10 Well, thank you very much for bringing this
11 up, Mr. Aleo. Again, an interesting issue in
12 terms of is the -- I mean, I see a
13 distinction between the prequalification and
14 I think your point is to the automatic
15 enrollment of what Mr. Dasent explained.

16 And maybe I just understood this,
17 was that these potential TAP participants
18 were provided with notice and an opportunity
19 to opt out. Is that correct?

20 MR. ALEO: That's correct.

21 HEARING OFFICER CHESTNUT: Okay.
22 So they impliedly did enroll. I mean,
23 affirmatively enroll. But, again, an
24 interesting issue, but we'll think about it.

1 Thank you.

2 MR. BRYANT: Madam Hearing Officer,
3 you do have a hand raised.

4 HEARING OFFICER CHESTNUT: I'm
5 sorry, who has their hand up? Oh, Mr. Haver,
6 go ahead. Deland, can you unmute, Mr. Haver?

7 MR. HAVER: Thank you. I'm also a
8 participant in the proceedings and I wanted
9 to make the point for the public.

10 This is clearly the double standard
11 that the public advocate and the Water
12 Department and the Hearing Examiner used to
13 excuse the inefficiencies of the Water
14 Department.

15 Mr. Kovach correctly pointed out
16 that the Water Department is not collecting
17 on old water liens, and if it did, it would
18 have money that it could use to support the
19 low-income plan.

20 The Hearing Examiner said the
21 regulations don't allow for that. But here
22 the regulations are very clear. A consumer
23 has to ask to be in the program. But those
24 regulations are set aside because it's in the

1 interest of the Water Department, the Public
2 Advocate, and the Hearing Examiner to ignore
3 that rule.

4 But to require them to do work so
5 there's no rate increase is allowed because
6 they say the regulations don't allow them to
7 do what's necessary to protect Philadelphia
8 water consumers.

9 And I hope all the public
10 understands that, that this double standard
11 is what is constantly used to raise rates.
12 Four years in a row, rates have gone up.

13 Four years in a row, the Hearing
14 Examiner, Public Advocate, and the Water
15 Department have said management audits are
16 not necessary. They're not included, they're
17 not part.

18 I want to just stress that as a
19 participant in discovery, I ask the Water
20 Department, what is the norm? What is the
21 standard? What do other utilities charge to
22 enroll someone in their low-income plan?

23 Because I believe, as other people
24 have spoken, the Water Department should be

1 efficient. The Water Department's answer is,
2 it doesn't matter. It's not germane to these
3 proceedings. It doesn't matter whether
4 they're efficient or not efficient.

5 And again, this is a double
6 standard that's being exposed at these
7 hearings. And I hope people contact their
8 city council people and make it clear that
9 the Water Department should be run for the
10 benefit of the water consumers and not the
11 benefit of the Hearing Examiner, the Water
12 Department, and the Public advocate.

13 HEARING OFFICER CHESTNUT: Well,
14 thank you for your -- okay. Thank you.
15 Thank you for your statement, Mr. Haver. It
16 does contain a number of inaccuracies which I
17 won't get into here.

18 I will point out that this is not a
19 general rate case to look at the Water
20 Department's operations and costs. This is
21 purely addressed to the TAP water
22 reconciliation, which actually last year was
23 a decrease.

24 But it's not my decision as to the

1 scope of this proceeding. It's set in the
2 regulations, and this is what the filing is.
3 Next year, your concerns, which are valid,
4 believe me, I absolutely agree they're valid,
5 but it's not the case to address them. The
6 next case will do that.

7 Okay. Let's see. Let's go back to
8 Mr. Whitehead. I think I saw you here. Mr.
9 Whitehead? Okay.

10 MR. BRYANT: Mr. Whitehead is
11 unmuted.

12 HEARING OFFICER CHESTNUT: Yes,
13 he's unmuted. I'm not sure he knows that,
14 though. Mr. Whitehead, did you mute your --
15 is your speaker on? Have you put your
16 speaker up?

17 He's not muted from our side, so.
18 Deland, is there anything we can do for Mr.
19 Whitehead?

20 MR. BRYANT: Not on my end. We can
21 come back to him and I can see. But he has
22 permission.

23 HEARING OFFICER CHESTNUT: Is your
24 speaker up, Mr. Whitehead? Okay.

1 MR. BRYANT: Mr. Whitehead, if you
2 want to log back in -- hold on. Let me do it
3 again. And let me give you permission. Try
4 now, Mr. Whitehead.

5 HEARING OFFICER CHESTNUT: Right
6 now.

7 MR. BRYANT: I think we lost Mr.
8 Whitehead.

9 HEARING OFFICER CHESTNUT: I think
10 we lost him. Yeah, I don't even see him now.
11 Well, Mr. Whitehead, I'm sorry, but if you
12 want to send comments in or maybe try this
13 again, certainly we'll do what we can from
14 our side.

15 MR. BALLENGER: Your Honor, we have
16 been in touch with Mr. Whitehead. We will
17 reach back out to him as well to ensure that
18 any information he wants to provide, he can
19 provide it to us or to the Rate Board
20 directly.

21 I believe he was holding up his
22 phone suggesting maybe he'll be calling in,
23 but we will reach back out to him.

24 HEARING OFFICER CHESTNUT: Okay.

1 Great. Thank you. Okay. Let's get back to
2 Mr. Skiendzielewski then as I see he's here.
3 Deland, can you unmute Mr. Skiendzielewski.

4 MR. BRYANT: Last name, please?

5 HEARING OFFICER CHESTNUT:

6 S K I N D -- and he's under Maryann, I should
7 say.

8 MR. BRYANT: Okay. Thank you. He
9 has to unmute himself. He has permission.

10 HEARING OFFICER CHESTNUT: Mr.
11 Skiendzielewski, you have to unmute yourself.

12 MR. BRYANT: He has permission.

13 HEARING OFFICER CHESTNUT: Mr.
14 Skandalevsky, can you unmute yourself? Oh, I
15 see Mr. Whitehead's here. Maybe we can try
16 it again.

17 MR. BRYANT: All right. Hang on.

18 MR. WHITEHEAD: Yes, hello?

19 HEARING OFFICER CHESTNUT: Mr.
20 Whitehead?

21 MR. WHITEHEAD: Yeah.

22 HEARING OFFICER CHESTNUT: Go
23 ahead.

24 MR. WHITEHEAD: Yeah, sorry about

1 that. I was using my desktop and now you say
2 you know what? Let me just use the phone.

3 HEARING OFFICER CHESTNUT: Could
4 you please give and spell your name for the
5 record first?

6 MR. WHITEHEAD: Yes, my name is
7 James Whitehead. J-A-M-E-S W-H-I-T-E-H-E-A-
8 D. And I am also a customer to the Water
9 Department. My address is 3401 Tampa Street.
10 And I also have a company, car marketing
11 company, and we are also customers as well.

12 My question is, because it's four
13 years in a row that the rate has increased --

14 HEARING OFFICER CHESTNUT: I'm
15 sorry, I'm having trouble hearing you.

16 MR. WHITEHEAD: Yes, can you hear
17 me?

18 HEARING OFFICER CHESTNUT: I can
19 hear you now. I couldn't hear you a few
20 seconds ago, though.

21 MR. WHITEHEAD: All right. So like
22 I said, I am a resident in 3401 Tampa Street,
23 and my company pays the water bill and I pay
24 water bill over there at my house. So the

1 problem that I have is at what point does the
2 rate increases stop?

3 I'm not against the TAP-R and
4 helping people pay for -- so people can be
5 able to pay for their water. But I am
6 against the increase. And I think that there
7 needs to be another way to help fund it
8 instead of just people who are able to pay it
9 completely.

10 I think there needs to be -- the
11 Philadelphia Water Department needs to find
12 other ways to pay for it. That's pretty much
13 all I have to say.

14 HEARING OFFICER CHESTNUT: Okay.
15 Thank you. Yeah, I'm not sure in terms of an
16 answer to your question, but other funding
17 sources.

18 I will say that every utility
19 except perhaps the smallest water or gas
20 companies, have similar customer assistance
21 programs where people who are financially
22 unable to -- who are financially in poor
23 shape, can pay based on a percentage of
24 income rather than their usage.

1 And they're all basically funded
2 the same way. I think it's the residential
3 customers who pay these costs associated with
4 other residential customers.

5 But in terms of whether city
6 council can include it as a budget item or
7 something like that, I don't know. But this
8 really is how they're funded. And I think --
9 well, no, I won't say that because I'm not
10 sure.

11 But thank you for raising that
12 question because it's certainly legitimate.
13 I mean, in terms of who should bear the
14 burden of this. But yes. Anything else?
15 Okay. Mr. Skiendzielewski, I'm not sure
16 where you are at this point. I'm not sure
17 you're even still here.

18 MR. BRYANT: Madam Hearing Officer,
19 you have a hand raised, Lance Haver.

20 HEARING OFFICER CHESTNUT: Hand
21 raised. Mr. Haver?

22 MR. BRYANT: Hold on.

23 MR. HAVER: Thank you. I'd like to
24 address Mr. Whitehead's statement. Mr.

1 Whitehead, it is true that throughout the
2 state, the burden has been put on consumers
3 to pay for consumers who cannot pay for
4 themselves.

5 But at one point, it was legal to
6 discriminate based on race, gender, based on
7 sexual orientation. We have moved beyond
8 that when we have found there's a need for
9 justice. We have tried to address that.

10 And what you're pointing out is
11 exactly that. There is a need for justice.
12 It is fundamentally unfair to ask people who
13 are struggling to pay for the people who have
14 fallen behind and are no longer able to care
15 for themselves.

16 The Water Department has the
17 revenues to take care of this. We heard Mr.
18 Kovach talk about the Water Department's
19 failure to collect on water liens.

20 What he didn't talk about was that
21 the Water Department has what's called a Rate
22 Stabilization Fund, which has over \$130
23 million in it as we listen to this demand
24 that we pay more.

1 \$130 million. They have an
2 additional slush fund that's available. So
3 when we hear the Water Department say they're
4 going to automatically enroll people, even
5 though the regulations say they can't.

6 But then say the regulations don't
7 allow them to find money from someplace else.
8 We see the duplicitous nature of the Public
9 Advocate, the Water Department, and the
10 Hearing Examiner.

11 The money is there. Philadelphia
12 is not a poor city. We are a city of
13 tremendous wealth with a very unequal
14 distribution of that wealth.

15 The money is there in the city
16 budget. It's there in the Water Department's
17 budget. It would be even more if the Water
18 Department actually did their job efficiently
19 and collected on the old liens.

20 So please contact your city council
21 person and make the demand that they hold the
22 Water Department, the Public Advocate, and
23 this Hearing Examiner accountable and make
24 sure they understand that just because we

1 were wrong in the past doesn't mean we have
2 to be wrong in the future.

3 HEARING OFFICER CHESTNUT: Thank
4 you. I'm not going to get into an argument,
5 but I would like people to understand that
6 it's completely misplaced and there's just no
7 basis for it.

8 This is a proceeding directed
9 solely to the TAP-R Surcharge, and it's got
10 to be funded -- and the funding is set. I
11 mean, there's formula. It's reconciled. It
12 goes up some years and it goes down some
13 years based on the actual experience.

14 It has nothing to do with how
15 efficient the Water Department is or how they
16 run their operations or social justice, for
17 that matter. But again, this isn't
18 appropriate. We're here to listen to you
19 customers, not to have people pontificating.

20 So I'd like to get back to the list
21 of people who have indicated they would like
22 to speak and make sure that we've picked up
23 everybody. Again, yes, it's unfortunate that
24 there is an increase. And I'll be honest, it

1 is a substantial increase in your TAP-R
2 Surcharge.

3 And it's basically because of the
4 surge in enrollments. But that's not
5 necessarily a bad thing because I think the
6 last rate case did establish that people who
7 are in a customer assistance program have a
8 better payment experience than people who are
9 not, but can't afford to pay their bills.

10 So it's not completely one sided
11 here. There is a benefit to having customer
12 assistance programs. That goes beyond the
13 fact that people have access to unnecessary
14 service.

15 But again, we can get into that at
16 the appropriate time and the appropriate
17 place. And I don't think this is really it.
18 But I want people to understand that that
19 really -- I want people want to understand
20 and be realistic about what this hearing is
21 about so that they're not disappointed or
22 angry.

23 I mean, yes, nobody likes to have
24 their bills increased, but sometimes it's not

1 unavavoidable. And again, this is the TAP-R
2 Surcharge. This is just -- not even to talk
3 about the surcharge itself or the program
4 itself.

5 It's to reconcile the experience
6 last year and project it for next year.
7 Sometimes it goes up, sometimes it goes down.
8 Last year was a decrease. It's not like
9 every year it increases because it doesn't.
10 That's just not true.

11 So let's go on. I'm not sure who
12 Jessica is, but I see she her hand up. Who
13 are you?

14 MS. RAGUSA: Yes, hi. I just
15 wanted to point that first name for the
16 record is Jessica. J-E-S-S-I-C-A. Last name
17 Ragusa. R-A-G-U-S-A.

18 HEARING OFFICER CHESTNUT: I'm
19 sorry. Hold on a second.

20 MS. RAGUSA: Address is --

21 HEARING OFFICER CHESTNUT: Hold on
22 a second.

23 MS. RAGUSA: Sure.

24 HEARING OFFICER CHESTNUT: R-A-D-U-

1 C-A.

2 MS. RAGUSA: R-A-G-U-S-A.

3 HEARING OFFICER CHESTNUT: I'm
4 sorry. And have you signed up to speak?

5 MS. RAGUSA: I have not.

6 HEARING OFFICER CHESTNUT: Okay.

7 MS. RAGUSA: I just wanted to make
8 a general point about just parody of
9 communications to avoid issues like what
10 we're running into.

11 The fact of the matter is, this is
12 the only hearing I've ever received an email
13 for well in advance. Not one for a rate
14 increase, not in the last several years.

15 And I think it's important to point
16 that out if we're getting mixed messages
17 here, some of it has to do with the PWD
18 communications process. That's all.

19 HEARING OFFICER CHESTNUT: All
20 right. Thank you. Okay. How about Dee
21 Dukes? I see somebody has their hand up.
22 They're not actually being called on right
23 now, so can you hold off a second while I
24 check and go through this? Dee Dukes, are

1 you here? Unless that is you. Are you Wayne
2 Whitfield? Again, it's kind of hard to
3 understand, I guess. Deland, can you unmute
4 that person and we'll see what the situation
5 is?

6 MR. BRYANT: Yes.

7 MR. WHITFIELD: Hi, how are you?
8 No, I'm not Dee Dukes. I'm Wayne Whitfield.
9 And I guess in general I had -- I mean, I'll
10 second what she said. This is the first time
11 I've ever been notified about this meeting,
12 which I'm happy I was.

13 But what other -- I totally
14 understand the increased number of people
15 that are applying and the increased number of
16 people that are going to automatically be
17 entered into the program, which is beneficial
18 for the city and for everybody. I'm not
19 against that.

20 What other avenues, other than a
21 pure rate increase were looked into? And by
22 that I mean, I know that there's water
23 distributed to some of the suburbs and things
24 like that.

1 Is it always just active recipients
2 in the city that have the rate increase or is
3 that a universal increase across the board?

4 HEARING OFFICER CHESTNUT: I'm not
5 quite sure I understand your question. If
6 you're asking about who pays rates?

7 MR. WHITFIELD: I'm asking who is
8 like, some of the water that is being send
9 out to other municipalities, are they seeing
10 a rate increase as well or is it just
11 customers inside of the city?

12 HEARING OFFICER CHESTNUT: This is
13 just the TAP-R, which is only --

14 MR. WHITFIELD: Okay.

15 HEARING OFFICER CHESTNUT: It's the
16 surcharge paid by customers of PWD. You're
17 looking at, I think, people who bought like,
18 off sales systems to other water companies
19 and things like that?

20 MR. WHITFIELD: Correct. Correct.

21 HEARING OFFICER CHESTNUT: Okay.
22 There's other sources of revenue for the
23 Water Department, but that has nothing to do
24 with this program. That's just their general

1 operations. This is solely about the Tiered
2 Assistance Program.

3 MR. WHITFIELD: Understood. And
4 then I also saw in the discussion or in the
5 information that I read through that one of
6 the benefits is the application process.

7 It's going to be automatic or more
8 automatic, as opposed to filling out an
9 application once a year and going through
10 that process.

11 They said that that would
12 streamline things and also reduce the number
13 of hands-on people that'll need to go through
14 these applications and all of that.

15 Then could we expect to see a lower
16 cost for those employees doing that type of
17 work down the road that might offset this a
18 little bit or is this purely just this many
19 people increased? This is how much it's
20 going to increase everybody's water bill?

21 HEARING OFFICER CHESTNUT: Well,
22 I'm sure that there are increased
23 efficiencies by not having to have each
24 utility separately evaluate people for

1 entrance into their customer assistance
2 programs.

3 I think that's one of the benefits
4 of the data sharing, is that it does cut down
5 on industry expenses. And I hope that that
6 will show up and because it will certainly be
7 looked at in the next general rate case.

8 MR. WHITFIELD: And I guess, real
9 quick, the last question I had is, as far as
10 I know, being a Philadelphia resident my
11 whole life, the water bill has to directly be
12 billed to the owner of the property.

13 And then I know that lots of cases,
14 people rent and the landlord or the owner of
15 the property passes that on to the tenant.
16 Understand. But the bill is always in the
17 owner's name.

18 I guess that what I'm questioning
19 is that seemed like a -- with the income
20 standards, I think it's 150 percent of the
21 property level. That seems like a really
22 high amount of people that are owners of
23 properties in the city.

24 With the current property rates in

1 the city, which have gone up pretty
2 dramatically over the last few years since
3 COVID it just seems that all of these people
4 are owners of property making property level
5 income. They own a home.

6 And I'm just wondering how -- like
7 I know that this data is coming directly
8 from, I believe, the state's database of who
9 is on assistance. Is there any verification
10 of that? I mean, it just seems like an
11 extremely high amount.

12 HEARING OFFICER CHESTNUT: No, no.
13 Absolutely, the income is verified. That's
14 the whole point of the process, actually. If
15 you want to, Mr. Ballenger probably could get
16 back to you and talk about the process.

17 MR. WHITFIELD: I would appreciate
18 that. Great. That'd be awesome.

19 HEARING OFFICER CHESTNUT: Okay.

20 MR. WHITFIELD: Yeah. Thank you.

21 MR. BALLENGER: Just for the
22 record, and for all who may be interested in
23 this. The owner of the property is the
24 default customer for the Water Department.

1 But tenants and other occupants of
2 properties can apply for and receive and be
3 approved as customers of the Water
4 Department. Which is really important
5 because we have about 11,000 tangled title
6 properties.

7 Properties where the owner is
8 either deceased or whereabouts unknown. And
9 the persons living in the properties,
10 typically relatives, don't have their name on
11 the deed.

12 We've worked with the department
13 over the years to make sure that there is a
14 pathway for those folks to become customers
15 and also to apply for assistance programs
16 like TAP.

17 So the owner is sort of the default
18 customer because their name is on the deed,
19 but others may be permitted to become
20 customers of the Water Department and to
21 enroll in these programs.

22 HEARING OFFICER CHESTNUT: Okay.
23 And if you want to ask further questions, Mr.
24 Ballenger, I'm sure, or Mr. Dasent for the

1 Water Department, I'm sure they'd be happy to
2 follow up.

3 Okay? I am going to go back again
4 through my list. I want to make sure that I
5 didn't miss anybody. Mr. Siegel? Joseph
6 Siegel? I don't see a hand up.

7 Like I said, it's kind of hard
8 because people have different names on their
9 devices, but. Okay. How about Bobby
10 Jackson?

11 MR. BRYANT: Madam Hearing
12 Commissioner, Mr. Dasent would like to speak.

13 HEARING OFFICER CHESTNUT: Okay.
14 I'm going through my screenshare. Sorry.
15 Mr. Dasent. You have to unmute him, Deland.

16 MR. BRYANT: Yes, I'm giving
17 permission to him.

18 HEARING OFFICER CHESTNUT: Or you
19 have to unmute yourself then, I guess, Andre.
20 Did you unmute him? Did you unmute yourself,
21 Mr. Dasent? Hang on. Hang on. Deland, did
22 you unmute Mr. Dasent?

23 MR. BRYANT: I am giving him
24 permission to unmute.

1 HEARING OFFICER CHESTNUT: Oh,
2 okay.

3 MR. BRYANT: And it's not unmuting
4 him.

5 HEARING OFFICER CHESTNUT: Oh,
6 well, that's you then, Andre.

7 MR. DASENT: Oh, there it is.

8 HEARING OFFICER CHESTNUT: Okay.

9 MR. DASENT: Oh, thank you. I just
10 wanted to indicate that the Water Department
11 would like to respond to Mr. Kovach inquiries
12 earlier and get back to him to share our
13 position as to what's happening in the
14 property adjacent to his, and to also give
15 him fresh information about how we deal with
16 lien properties.

17 Mr. Aleo also raised issues that
18 we'd like to respond to and that had to do
19 his interpretation of the regs, and we would
20 like to provide a written response to that.

21 Mr. Haver said a number of things
22 we'll probably address in the technical
23 hearing, and we needn't dwell on it here.
24 But we disagree with his position. But he

1 knows that very well.

2 And that's really the sum of my
3 comments. Just wanted to make sure folks
4 know the department will get back to them on
5 their concerns. And that was Mr. Kovach and
6 Mr. Aleo. And there may be others during the
7 day that we'd like to respond to.

8 HEARING OFFICER CHESTNUT: Okay.
9 Thank you. Okay. Let's get back here. One
10 last call for Mr. Bobby Jackson. Again, I
11 have to go through my screens here to make
12 sure I'm not missing somebody's hand, so. So
13 give me a minute.

14 James Catalfano, are you here? No?
15 Okay. Philip Bridgeman? Marie Ali, are you
16 here? Okay. Mr. Skiendzielewski, are you --
17 where are you at this point? Were you able
18 to unmute yourself? Deland, can you unmute
19 him and then he can unmute himself?

20 MR. BRYANT: That's the person
21 identified as Maryann, correct?

22 HEARING OFFICER CHESTNUT: Yes.

23 MR. BRYANT: Thank you. Madam
24 Hearing Officer, he's not unmuting himself.

1 HEARING OFFICER CHESTNUT: Michael,
2 can you unmute yourself, please? Michael?
3 Michael Skiendzielewski, come on. I know you
4 want to talk. Michael Skiendzielewski,
5 please unmute yourself.

6 Okay. Why don't we just go through
7 and if somebody hasn't been called on and
8 wants to make a comment -- again, I would
9 like to ask you to limit yourself to the
10 TAP R Surcharge, which really is the subject
11 of this investigation, if you can.

12 And I do want to assure everybody
13 that concerns about cost and how the
14 department is run, they are looked at and
15 they will be addressed formally. But just
16 not in -- this is a limited, very limited
17 kind of technical proceeding.

18 There is a formula, in fact, that's
19 used to establish the rate, so. Okay. Let's
20 go through and see if there's any hands up.
21 I don't really see anybody.

22 MR. BRYANT: Madam Hearing Officer,
23 I see no hands to recognize at this time.

24 HEARING OFFICER CHESTNUT: Okay.

1 Then if there's nothing further, I think
2 we'll adjourn. And like I had indicated
3 previously, immediately -- we'll take a short
4 break, of course, because I am old.

5 And then we'll have the technical
6 hearing at which the participants will
7 present their witnesses for cross
8 examination. And of course, anybody is
9 welcome to observe it if you wish.

10 MR. BRYANT: Madam Hearing Officer,
11 there is a hand raised. Mr. Haver.

12 HEARING OFFICER CHESTNUT: Mr.
13 Haver, yes. I think you have to unmute him.
14 Go ahead.

15 MR. BRYANT: I have.

16 MR. HAVER: I would like the record
17 to reflect how many names were called and how
18 many people --

19 HEARING OFFICER CHESTNUT: No, the
20 transcript will show that.

21 MR. HAVER: Yes, I would like the
22 record to reflect how many names were called.
23 All the people --

24 HEARING OFFICER CHESTNUT: The

1 record will show that.

2 MR. HAVER: Right. How many
3 testified.

4 HEARING OFFICER CHESTNUT: Yes, the
5 transcript will show that.

6 MR. HAVER: How many testified in
7 favor of the rate increase, how many
8 testified against the rate increase, and what
9 that --

10 HEARING OFFICER CHESTNUT: Again,
11 not relevant, but okay.

12 MR. HAVER: It's not relevant who
13 testifies in favor of the rate increase or
14 against it?

15 HEARING OFFICER CHESTNUT: Yes,
16 because this isn't a rate increase. This is
17 a reconciliation.

18 MR. HAVER: Right. So --

19 HEARING OFFICER CHESTNUT: Okay.
20 Martha? I saw somebody named Martha with her
21 hand up.

22 MR. BRYANT: She is unmuted.

23 HEARING OFFICER CHESTNUT: Okay.

24 I'm sorry. Where are you?

1 MS. MOORE: Hi, this is Martha
2 Moore.

3 HEARING OFFICER CHESTNUT: Okay.

4 MS. MOORE: And I just really have
5 more of a suggestion. Has the city of
6 Philadelphia ever offered some sort of
7 recovery or rebate to -- since they've
8 created this program where they've been
9 offering this assistance to needy families
10 and everything? And I'm just asking because
11 I really am not sure.

12 HEARING OFFICER CHESTNUT: I'm not
13 sure what you mean by a rebate. People who
14 qualify --

15 MS. MOORE: So I'm not sure if this
16 program has been going for a very long.

17 HEARING OFFICER CHESTNUT: Again,
18 I'm not quite sure people who qualify
19 financially as needing assistance do receive
20 assistance to obtain their service. Is that
21 what you're talking about?

22 MS. MOORE: Right. So if I'm a
23 homeowner and let's say I've been providing
24 assistance to this program for the last 10

1 years, do I qualify for any sort of rebate in
2 terms of what I've been contributing to the
3 assistance program?

4 HEARING OFFICER CHESTNUT: I think
5 the answer to that would have to be no. You
6 don't get it back. If you've been paying the
7 surcharge because you're financially able to
8 do so, I don't think there's a refund. But
9 if you do qualify for a TAP-R program, then
10 you would receive that.

11 MS. MOORE: Right. I do
12 understand. I was just wondering if anyone
13 has ever opted in to look at other solutions
14 for taxpayers or property owners in terms of
15 being able to offer them some sort of rebate.
16 That was more of like a suggestion, that's
17 all.

18 HEARING OFFICER CHESTNUT: Well,
19 okay. Maybe not rebate as such, but again,
20 this proceeding really isn't to talk about
21 the program generally or rates generally. It
22 is a reconciliation so that if the Water
23 Department overcollects revenue through this,
24 it's returned to customers, the other

1 customers who pay it. That's the purpose of
2 this reconciliation.

3 MS. MOORE: Yeah.

4 HEARING OFFICER CHESTNUT: Like I
5 said, sometimes it will increase as it will
6 this year because of factors. But sometimes
7 the projections are not accurate, and the
8 Water Department overcollects, and that is
9 returned to customers.

10 Like last year, there was a
11 decrease in your TAP-R Surcharge because the
12 Water Department overcollected the revenue
13 associated with it.

14 So to that extent, I guess I would
15 have to say yes. There is kind of a rebate
16 when they overcollect, although it's not
17 called that, of course. It's just a decrease
18 in your rate. Does that help you?

19 MS. MOORE: It does. So there's
20 never really any return of the funds, but the
21 way that the city looks at it is just that
22 you won't pay as much. The surcharge amount
23 or the percentage will be less is pretty much
24 what I understand.

1 HEARING OFFICER CHESTNUT: Yes.

2 MS. MOORE: Okay.

3 HEARING OFFICER CHESTNUT: Yes.

4 Yeah, it's a perspective rate which is based
5 on past experience.

6 MS. MOORE: Okay.

7 HEARING OFFICER CHESTNUT: It
8 doesn't say we're returning you x amount of
9 money. It's just that that's reflected.

10 MS. MOORE: Okay.

11 HEARING OFFICER CHESTNUT: If you
12 have further questions, please feel free
13 either to send an email to the Rate Board or
14 ask Mr. Ballenger or Mr. Dasent. I'm sure
15 they'd be happy to explain it to you if you
16 have specific questions about it. Sure.

17 MS. MOORE: Okay. Thank you.

18 HEARING OFFICER CHESTNUT: Sure.
19 Absolutely.

20 MR. DASENT: Madam Hearing Officer.

21 HEARING OFFICER CHESTNUT: Yes.

22 MR. DASENT: Just one point. We're
23 happy to respond to that question as well.

24 And I thought one issue that came up

1 concerning outreach earlier will be addressed
2 by the hearing exhibit that we provide that
3 shows the type of outreach we did in this
4 proceeding.

5 And we're constantly trying to
6 improve that. But we're glad we're reaching
7 people through email or other devices. And
8 you'll see the various steps by social media
9 we've taken to tell folks that this hearing
10 is taking place.

11 And our participation this time is
12 significantly more than prior years also for
13 a TAP-R proceeding. So I think all of that
14 suggests that we're trying to do the work.

15 HEARING OFFICER CHESTNUT: Okay.
16 Thank you. And I would refer people to the
17 presentation in terms of explaining how the
18 TAP-R program works and its history.

19 The presentation that the Water
20 Department put together and can be found at
21 the Rate Board's website under public
22 hearing. Jessica. Well, I see Mr. Regis had
23 his hand up for a while. Deland, do you want
24 to unmute him so we can see who he is?

1 MR. BRYANT: He's unmuted.

2 MR. REGIS: Good morning to
3 everyone.

4 HEARING OFFICER CHESTNUT: Did you
5 want to make a statement, Mr. Regis?

6 MR. REGIS: Yes, ma'am.

7 HEARING OFFICER CHESTNUT: Okay.
8 Could you give and spell your name for the
9 record?

10 MR. REGIS: My name is Guy Regis
11 and my address is 427 North 61st Street,
12 Philadelphia, Pennsylvania 19151.

13 HEARING OFFICER CHESTNUT: And are
14 you a customer of PWD?

15 MR. REGIS: Yes.

16 HEARING OFFICER CHESTNUT: Are you
17 appearing on behalf of the group?

18 MR. REGIS: Yes. I will say that
19 on behalf of the whole group, because I
20 figure out that what hurting me is hurting
21 everybody else.

22 HEARING OFFICER CHESTNUT: Okay.
23 So you're speaking on behalf of other
24 customers then?

1 MR. REGIS: Yes.

2 HEARING OFFICER CHESTNUT: Okay.

3 MR. REGIS: I've been receiving a
4 water bill for a vacant property for two
5 years. And I've been paying that every
6 month. And when I finally get inside the
7 building because I was giving the place to my
8 son, and my son abandoned it.

9 When I get in it, the water was not
10 on. And I've been paying every month the
11 water bill. When I called on behalf of him,
12 they said to me that it's a storm water, but
13 they don't charge me for service fee.

14 I said, "Storm water for \$52?"
15 They said to me, "Yes, the size of the
16 property that's why you pay the storm water."
17 And I said, "Okay. But now I'm a senior
18 citizen. I'm 72 years old. Do I have to
19 keep paying that every month for a vacant
20 place?"

21 They said to me, "Yes, you have
22 to." "Is there no discount for that?" And I
23 say okay. When I was talking to the lady and
24 now she said to me, "Okay. There going to be

1 a hearing. If you want to let them know
2 you're crying for, you can come to the zoom
3 meeting and make them hear that what hurting
4 you."

5 And this is my request. Can I have
6 such a discount price for the bill that
7 they've been charging me for two years with
8 the vacant list? And the water is not on,
9 there's no usage in it.

10 And do I have to keep paying the
11 same amount every month for a vacant place?

12 HEARING OFFICER CHESTNUT: Okay.

13 Mr. Dasent, why don't you get together with
14 Mr. Regis and see if you can work this out?

15 MR. DASENT: Yeah, I'm happy to do
16 that. If Mr. Regis will either share an
17 email with me or I can share mine with him.
18 It's literally my name. Andre, A-N-D-R-E dot
19 C like cat dot Dasent, D-A-S-E-N-T at gmail
20 dot com.

21 And then we can have a conversation
22 and sort this out with WRB as a part of that
23 conversation.

24 MR. REGIS: Okay.

1 HEARING OFFICER CHESTNUT: Is that
2 okay, Mr. Regis?

3 MR. REGIS: Yes.

4 HEARING OFFICER CHESTNUT: Okay.

5 MR. REGIS: Thank you.

6 HEARING OFFICER CHESTNUT: Sure.

7 Jessica, are you Jessica Ragusa?

8 MS. RAGUSA: Yes, that's correct.

9 I just wanted to reiterate, I just took a
10 moment to catch my breath that I can applaud
11 the efforts of outreach regarding this
12 particular meeting.

13 And I do agree that there was great
14 effort put into it. But I would also just
15 formally request that an equal amount of
16 enthusiasm is placed on communicating when
17 the rate increase hearings are happening,
18 giving ample notice equal to what this was,
19 whether it was four or six weeks, it was more
20 than ample.

21 And I do believe that that would
22 really allay some of the issues we're having
23 here where I have not heard one person who is
24 in disagreement with the program. There's a

1 lot about the rate increase and who shoulders
2 the burden.

3 And I agree that that's probably a
4 different conversation. And I don't think
5 that the department is being disingenuous
6 here. But it does read as interesting that
7 the rate increase that we're debating here is
8 being attached to a program we all agree we
9 very much need.

10 But none of us are being afforded a
11 true opportunity to debate the real issues
12 here. And so I applaud the efforts for this
13 hearing. I love that there are many people
14 participating civically.

15 And I would love more of that from
16 the water company. And so like to very
17 specifically request that.

18 HEARING OFFICER CHESTNUT: Okay.
19 Thank you. Mr. Haver? Deland, can you
20 unmute Mr. Haver?

21 MR. HAVER: I was not finished list
22 of things to be noted for the record. I ask
23 again that the number of people who are in
24 favor of the proposed increase in rates,

1 which is zero, be noted for the record.

2 And the number of people who are
3 opposed was 100 percent of the people who
4 spoke were opposed to the increase.

5 HEARING OFFICER CHESTNUT: Okay. I
6 don't think that's true, but certainly the
7 transcript will reflect what people had to
8 say about it.

9 MR. HAVER: I'd like the transcript
10 --

11 HEARING OFFICER CHESTNUT: Now, the
12 transcript will reflect people's actual
13 statements.

14 MR. HAVER: Okay. I'd like the
15 transcript to express the difficulty that the
16 Hearing Examiner has had in allowing people
17 to speak electronically through the zoom.

18 HEARING OFFICER CHESTNUT: Well, I
19 certainly don't agree with that, but the
20 transcript will speak for itself and people
21 can draw their own conclusions.

22 MR. HAVER: Well, will the
23 transcript include the Hearing Examiner's,
24 "It's kind of hard to understand, and we're

1 having technical difficulties." The Hearing
2 is a mess.

3 HEARING OFFICER CHESTNUT: Yes, the
4 transcript will show that, actually, but yes.

5 MR. HAVER: Okay. Thank you.

6 HEARING OFFICER CHESTNUT: Yes, but
7 again, Mr. Regis, is there something else? I
8 mean, we need to --

9 MR. REGIS: Yes.

10 HEARING OFFICER CHESTNUT: -- move
11 on to other people.

12 MR. REGIS: Yes, ma'am.

13 HEARING OFFICER CHESTNUT: Sure.

14 MR. REGIS: So I've been hearing
15 that gentleman speaking on behalf of increase
16 or decrease, and I figure out that is right.
17 Because is not only me suffering, I talked to
18 hundreds of other people that have been
19 suffering that water bill increase, and they
20 disagree with it.

21 So what I'm speaking, I speaking in
22 behalf of everybody that will suffer with
23 that same calamity.

24 HEARING OFFICER CHESTNUT: Okay.

1 Thank you.

2 MR. REGIS: And also I see they
3 increasing the bill even on the vacant
4 property. I had a piece of vacant lot that
5 had nothing running to it.

6 I just fenced it and let it sit
7 there and had to pay \$41 water bill in it
8 every month for a vacant property. But I
9 called, they said to me that when it's
10 raining, the water from a vacant lot goes on
11 the street. I say, --

12 HEARING OFFICER CHESTNUT: Okay.
13 Mr. Regis, you've explained --

14 MR. REGIS: "Are you charging for
15 raining water?"

16 HEARING OFFICER CHESTNUT: Okay.
17 Thank you. And I think you've explained your
18 situation and the company's going to get back
19 to you about it. Mr. Ballenger, did you want
20 to comment on this too?

21 MR. BALLENGER: Just wanted to
22 point out that this rate proceeding and the
23 TAP-R Rate that we're talking about here, it
24 applies based on the amount of water used.

1 So a vacant property would not experience any
2 change in the billing as a result of this,
3 unless there's water running in the property.

4 So if there's no water running in
5 the property, this proceeding will not result
6 in any change to the rates. And Mr. Dasent
7 can confirm.

8 MR. DASENT: Yeah, we will reach
9 out. I believe that is true, Rob. But more
10 importantly, we'll reach out to Mr. Regis to
11 get all the particulars of his complaint and
12 problems that he has and explain what
13 proceeding we'll see was the best venue for
14 him to make a contribution in the future and
15 where we are, so we can see if we agree or
16 disagree.

17 HEARING OFFICER CHESTNUT: Okay.
18 Thank you. Thank you for the clarification.
19 All right. Is there anybody else who wants
20 to make a comment on the issue in this case,
21 which is the TAP-R filing?

22 I'm going to look through my screen
23 here and see if there's any hands up, so. I
24 do not see anyone.

1 MR. BRYANT: Madam Hearing Officer,
2 there is a gentleman.

3 HEARING OFFICER CHESTNUT: I see
4 your physical hand up.

5 MR. BRYANT: There's a guest. I
6 can unmute him. Do you want me call on him?

7 HEARING OFFICER CHESTNUT: Yes.
8 He's muted, though.

9 MR. BRYANT: Thank you. I have to
10 unmute him.

11 HEARING OFFICER CHESTNUT: Can you
12 unmute yourself, sir?

13 MR. BRYANT: He's not unmuting
14 himself.

15 MR. DESJARDINS: Okay.

16 MR. BRYANT: There he is.

17 MR. DESJARDINS: Now we're unmuted.

18 HEARING OFFICER CHESTNUT: Okay.
19 Did you want to make a statement?

20 MR. DESJARDINS: Yeah. Okay.
21 There is --

22 HEARING OFFICER CHESTNUT: Before
23 you go, wait, wait, wait. Stop, stop.

24 MR. DESJARDINS: I know you want to

1 know who I am and all that.

2 MR. WHITEHEAD: Yes.

3 MR. DESJARDINS: My name is Art

4 DesJardins. D-E-S capital, J-A-R-D-I-N-S.

5 And my wife's name is Rhonda Goldberg. The

6 water bill is in her name because she owns

7 the house. It's R-H-O-N-D-A G-O-L-D-B-E-R-G.

8 And we're at 1210 Wellington Street in

9 Philadelphia, PA 19111.

10 With the TAP recipients. I don't

11 know what kind of programs you are

12 encouraging for them to save water because

13 they're getting a discount on it instead of

14 wasting water.

15 I know that there are programs like

16 the Rain Barrel program that the Philadelphia

17 Horticultural Society administers. And we

18 use that for all our outdoor watering.

19 I'm sure there are a lot of people

20 who are watering lawns or gardens or

21 whatever, and wasting water there that are on

22 this program and not trying to conserve

23 water.

24 And conserving water is one way to

1 try and reduce the water bills that we're
2 subsidizing for those folks. And I don't
3 think there's enough effort being put into
4 conservation for the people who are getting
5 the benefit of reduced rates.

6 And if we're paying for people who
7 are wasting water instead of trying to
8 conserve it, it seems like we're giving away
9 something for free that should be -- have
10 something attached to it to encourage them to
11 not waste water.

12 It's one of those things that you
13 see people who had a neighbor who had an
14 issue with a water main and so on, and he had
15 to have a whole lot of work done and so on,
16 but he's a homeowner.

17 These people, a lot of them are
18 renters and so on, and they're not invested
19 in trying to conserve the resources that the
20 water board provides, but they're getting a
21 benefit from it that's coming out of
22 everybody else's pocket.

23 And I know you said that if you
24 overcollect that it's going to be remitted

1 back to the customers and so on. But I think
2 that there ought to be more encouragement for
3 conservation efforts across the board for
4 everybody.

5 We try to reduce our water usage as
6 the kids have grown and moved out and so on,
7 and gotten their own homes and have their own
8 water bills, we've reduced our usage. But
9 that doesn't mean our bill has gone down.

10 And there's always constant
11 increases in everything. It's just the way
12 of life. Inflation and increased costs
13 always make everything go up. But we're
14 paying more now for water than we did when we
15 had four kids in the house.

16 So it's one of those things that I
17 would like to see the water board possibly
18 attach conservation efforts and conservation
19 tips, particularly to the people that are
20 benefiting from this program.

21 I know you're trying to do
22 everything you can to reduce the costs by
23 automatically enrolling people instead of
24 having them have to follow the theoretical

1 rules of filling out applications every year.

2 But I think that they sort of need
3 to have some sort of obligation on them to
4 reduce their water usage since they're
5 getting it at a reduced rate.

6 HEARING OFFICER CHESTNUT: That's a
7 good point. And absolutely. Not sure it's
8 shown how usage of TAP-R participants
9 compared to usage of non-TAP-R participants.

10 But again, it's a very good point.
11 And Mr. Dasent, I think I saw something about
12 the conservation efforts that are made by the
13 company. I think they send a -- well,
14 actually, maybe you could just make a
15 statement or Mr. Ballenger, I guess maybe
16 might be the better person here.

17 MR. DESJARDINS: I know that
18 there's a lot online about it. That's how we
19 know about the water --

20 HEARING OFFICER CHESTNUT: No, no,
21 I'm talking about --

22 MR. DESJARDINS: -- about the water
23 barrel program.

24 HEARING OFFICER CHESTNUT: I'm

1 talking about a specific communication to the
2 TAP-R customers individually --

3 MR. DESJARDINS: Yeah.

4 HEARING OFFICER CHESTNUT: --
5 offering conservation assistance. Mr.
6 Ballenger?

7 MR. BALLENGER: Yes. And I wanted
8 to thank you, Mr. DesJardins, for speaking
9 today. We did actually ask about the
10 department's low-income conservation
11 assistance program, which is a program that
12 it has a third party that administers.

13 And we got a little bit of
14 information. But I think to your point, one
15 of the things that we look at in a general
16 base rate case are issues like this.

17 Are issues about programs and
18 services that are provided to customers. Are
19 they aligned? Are they consistent? Are they
20 working?

21 And just to give a little bit of
22 background, the city council ordinance that
23 authorized this program actually requires
24 participants to accept and reasonably

1 maintain any water conservation work that is
2 performed for them.

3 So like if low flow shower heads
4 are provided, that sort of thing by the city.
5 So it's a very good point, and it's something
6 we're very interested in working with the
7 department on to improve and help conserve
8 water.

9 MR. DASENT: Madam Hearing Officer,
10 the department also agrees that conservation
11 is important for all customers. And for this
12 program, we also sort of have various
13 incentives to participate and offer every
14 encouragement to have conservation undertaken
15 for the customers under the TAP program.

16 Mr. Abrams can speak to that in
17 greater detail, or we can respond in writing,
18 however you prefer.

19 HEARING OFFICER CHESTNUT: Okay.
20 Mr. DesJardins. Oh, somehow you're muted
21 again. Is that you or us? Deland, can you
22 take care of that? Deland, can you unmute
23 Mr. DesJardins? He's listed as iPad (3).

24 MR. BRYANT: He has to unmute

1 himself.

2 HEARING OFFICER CHESTNUT: Oh,
3 okay. Mr. DesJardins, you got to unmute
4 yourself then. Mr. DesJardins, I'm sorry,
5 you're still muted.

6 MR. BRYANT: There he is.

7 MR. DESJARDINS: Okay. It finally
8 unmuted. It had cut me off, and I had to try
9 like four times to get it to play. But I
10 thank you very much for allowing me to speak
11 on this.

12 Conservation is something I think
13 all of us need to be aware of when it comes
14 to all our resources.

15 But our water resources here in
16 Philadelphia are vital to so many people for
17 so many reasons that we need to conserve as
18 much as possible to be able to have what we
19 need for as many people as possible.

20 HEARING OFFICER CHESTNUT: Okay. I
21 totally agree. Thank you.

22 MR. DESJARDINS: Thank you.

23 HEARING OFFICER CHESTNUT: Now is
24 there any other customers who would like to

1 make a statement? Let me look through here.

2 No, I don't see anybody. Make sure we're
3 okay here.

4 MR. BRYANT: Madam Hearing Officer
5 I see no hands to recognize at this time.

6 HEARING OFFICER CHESTNUT: Okay.
7 Well, then I think we'll conclude this
8 portion of today's hearing schedule. I want
9 to thank, again, I want to thank everybody
10 from coming out.

11 And I want you to know that when
12 you're talking about issues that maybe aren't
13 within the scope of this proceeding, such as
14 unaffordable bills and the department, your
15 voices are being heard.

16 And I can tell you that I and the
17 Rate Board take this very seriously. Take
18 your concerns very seriously. If someone had
19 asked me if they should testify here, I would
20 say absolutely. You know, it doesn't hurt.

21 And as I also like to remind the
22 Rate Board and everybody, it helps to see a
23 face of the customers. It's easy to talk
24 about the PWD's customers or the residential

1 class, but it really does help to see actual
2 faces and remember that these decisions
3 affect actual people and their actual lives.

4 So it's really good that you took
5 the time and I really can't thank you enough.
6 So why don't we take a 15-minute break and
7 then we'll resume with the technical hearing.

8 Again, you don't have to stay for
9 it, but if you want to observe it, you're
10 more than welcome to. Okay? Thank you very
11 much.

12 MR. BRYANT: Hearing recording is
13 paused.

14 (Off the record.)

15 - - -

16 TECHNICAL HEARING

17 - - -

18 MR. BRYANT: Recording is resumed.

19 HEARING OFFICER CHESTNUT: Let me
20 organize myself here a little. Good morning,
21 again. This is the technical hearing in the
22 matter of the Philadelphia Water Department's
23 2024 TAP-R reconciliation proceeding.

24 For the record, I am Hearing

1 Examiner -- Hearing Officer, excuse me,
2 Marlene R. Chestnut. I would like to note --
3 I would like the participants to identify
4 themselves for the record, starting with you,
5 Mr. Dasent.

6 MR. DASENT: Yeah. Good morning.
7 Andre Dasent for Philadelphia Water
8 Department. With me is Charles -- I'm sorry,
9 Carl Schultz, Adriana Gonzalez, Brooke
10 Darlington, and I imagine our legal team
11 internally also Kevin Birriel and Neal
12 Sellers will be on the phone or on the call
13 from time to time or on the meeting from time
14 to time.

15 HEARING OFFICER CHESTNUT: Okay.
16 Thank you. Mr. Ballenger. I'm not sure how
17 this is going to work, Deland. I mean, is
18 there a way to unmute just the participants?

19 MR. BRYANT: Yes.

20 HEARING OFFICER CHESTNUT: Okay.

21 MR. BRYANT: Let me get to them.
22 Oh, yes. Rob, you should be able to go. Mr.
23 Bellinger. I'm granting you permission.

24 MR. BALLENGER: There we go.

1 HEARING OFFICER CHESTNUT: Okay.

2 MR. BRYANT: It's a little slow.

3 MR. BALLENGER: Yeah, it just came
4 through, so. Thank you, Madam Hearing
5 Officer. Robert Ballenger here for the
6 public advocate. I am joined by Charlotte
7 Edelstein, and I believe Daniela
8 Rakhlina Powsner may also be in attendance.
9 And of course our witness, Mr. Morgan is
10 here.

11 HEARING OFFICER CHESTNUT: Okay.
12 Thank you. Mr. Bakare, are you here?

13 MR. BRYANT: And the spelling of
14 the last name?

15 HEARING OFFICER CHESTNUT: B-A-K-A-
16 R-E. Or someone from PLUG. I see his name
17 on there.

18 MR. BRYANT: First name?

19 HEARING OFFICER CHESTNUT: Ade.
20 Oh, there you are.

21 MR. BAKARE: Thank you. Sorry, I
22 was not able to unmute myself, but I was just
23 unmuted. Yes, this is Adeolu Bakare.

24 A D E O-L-U B-A-K-A-R-E for the Philadelphia

1 Large Users Group.

2 HEARING OFFICER CHESTNUT: Okay.

3 Mr. Haver, are you here? Mr. Haver?

4 MR. BRYANT: Hold on.

5 MR. HAVER: Lance Haver.

6 HEARING OFFICER CHESTNUT: Mr.

7 Skiendzielewski or --

8 MR. BRYANT: As Maryann, I do not
9 see him.

10 HEARING OFFICER CHESTNUT: I do not
11 see him listed. Okay. Okay. Again, this is
12 the technical hearing. I've noted the
13 appearances for the record. Are there any
14 preliminary matters?

15 MR. DASENT: I think just the
16 usual. I would ask that the public advocate,
17 PLUG, and the other parties stipulate to the
18 authentication of testimony so that we can
19 proceed without going through those
20 particular questions and get right to the
21 substance of why we're here.

22 MR. BALLENGER: That was on my list
23 as well, Mr. Dasent. So yeah, we certainly
24 agreed to a mutual stipulation there.

1 MR. HAVER: We'd also like to --

2 HEARING OFFICER CHESTNUT: I will
3 ask if there are any changes, additions or
4 corrections then.

5 MR. HAVER: No objection.

6 HEARING OFFICER CHESTNUT:
7 Objection?

8 MR. HAVER: No objection. No
9 objection.

10 MR. BAKARE: Can I also ask, I
11 believe is customary that the PWD
12 proceedings, both the testimony and discovery
13 responses are considered part of the record
14 in these proceedings. Is that still the
15 case?

16 HEARING OFFICER CHESTNUT: That is
17 still the case. Everything that's been
18 submitted is the record. It doesn't have to
19 be specifically designated and it's --

20 MR. BAKARE: Thank you.

21 HEARING OFFICER CHESTNUT: -- all
22 posted on the website. But yes, that's true.
23 Okay. Are there any other?

24 MR. DASENT: The only other thing I

1 can think of was we will present or our plan
2 is to present, Your Honor, the panel from RFC
3 and Black & Veatch as a single panel.

4 Most of the questions are to RFC,
5 but if some are directed to Black & Veatch,
6 it would be nice to clean it up right then
7 and there.

8 Susan Crosby is also available,
9 although she has limited availability this
10 afternoon. I'd like to handle her last if we
11 could.

12 HEARING OFFICER CHESTNUT: Last in
13 terms of the entire hearing or last in terms
14 of?

15 MR. DASENT: Yeah, I think last in
16 terms of the entire hearing because they have
17 about 15 minutes of her availability early
18 this afternoon and then she's got a medical
19 appointment and I'm trying to make sure she
20 can toggle that in given her recent surgery.

21 I want to make sure we keep her
22 healthy, but she'll be back because the
23 appointment doesn't take that long.

24 HEARING OFFICER CHESTNUT: Okay.

1 If anybody has any questions for Ms. Crosby,
2 we can do that. When she's available, just
3 let us know.

4 MR. DASENT: Thank you.

5 MS. CROSBY: Thank you, Madam
6 Hearing Officer.

7 HEARING OFFICER CHESTNUT: Sure.

8 And again, I don't know if I need to have to
9 say this, but this is on the record. There
10 is a transcript being produced and will be
11 available on the website.

12 We had asked for a three-day
13 turnaround for today's hearing and one day if
14 the hearing has to continue to Monday. So
15 we'll see about that. If there's nothing
16 else from a preliminary basis, why don't we
17 just go ahead with the cross examination of
18 the witnesses. And I guess the first thing
19 would be for you Mr. Dasent to present your
20 panel.

21 MR. DASENT: Yes. Okay.

22 HEARING OFFICER CHESTNUT: Want to
23 make sure I've heard that. And again that
24 would be a unified panel of all your

1 witnesses except for Ms. Crosby who will be
2 available when she's available, right?

3 MR. DASENT: Yes.

4 HEARING OFFICER CHESTNUT: Okay.

5 MR. DASENT: And the panel is from
6 Raftelis Financial Consultants John Davis.
7 And if you direct your questions to him, he
8 can hand off to the other members at RFC
9 Henrietta Locklear, Jennifer Tavantzis, and
10 Simon Warren. And we'll just take it from
11 there.

12 David Jagt from Black & Veatch and
13 Brian Merritt are also available and will
14 participate as to those questions that are
15 directed to their narrow area of
16 responsibility dealing with rates, rate
17 impacts, and they can sort of enlighten us if
18 there's more that they can speak to.

19 But RFC is really the witnesses for
20 today.

21 HEARING OFFICER CHESTNUT: Okay.

22 MR. DASENT: And without more we
23 tender our panel for cross examination.

24 HEARING OFFICER CHESTNUT: Okay.

1 Are any additions, changes or corrections to
2 your testimony?

3 MR. DASENT: No.

4 HEARING OFFICER CHESTNUT: Okay.
5 Mr. Ballenger?

6 MR. BALLENGER: Great. Thank you.
7 I just, I did send an email to the service
8 list this morning identifying the various
9 items that I thought the witnesses needed to
10 have in front of them for purposes of the
11 cross examination today.

12 And I wanted to also add to that
13 that it may be helpful to have the Water
14 Department's hearing Exhibit number 2, I
15 believe, which includes some of our responses
16 to data requests.

17 So I just wanted to confirm with
18 Mr. Dasent that the witnesses are prepared
19 based on that email?

20 MR. DASENT: Based on that email
21 and the timeliness of its receipt, yes. But
22 I think they're pretty agile.

23 MR. BALLENGER: Some of the
24 discovery came in on a really unfortunate

1 time in terms of hearing preparation, but I
2 appreciate it nonetheless. It answered some
3 questions and it created more.

4 So with that in mind and given Ms.
5 Crosby's availability, I'm going to start at
6 the end with one of the things that was in
7 the most recent discovery set.

8 So that would be PA set 3 number 2,
9 if you could get that in front of you. And
10 I'm not sure this is for Ms. Crosby, but I
11 suspect it may be. So I want to ask this
12 question now while she's with us.

13 HEARING OFFICER CHESTNUT: It's
14 going to take me a while to actually -- I'm
15 sorry, response to PA set 2?

16 MR. BALLENGER: 3 number 2. It
17 came in late last night.

18 HEARING OFFICER CHESTNUT: 3, 2.
19 Okay. This night? Okay.

20 MR. BALLENGER: And I can describe
21 the request and read the answer for ease of
22 reference. The request was whether any of
23 the prequalified IDEA customers who entered
24 TAP were previously enrolled in the senior

1 discount program.

2 And the response is yes. None of
3 the participants who were IDEA prequalified
4 were newly enrolled in the senior discount
5 program. That means that some of those
6 participants were already in the senior
7 discount.

8 And the question that I wanted to
9 ask, and it's based on the provision of the
10 Philadelphia code that requires that
11 customers who apply for assistance must be
12 placed in the most affordable payment
13 agreement or discount.

14 And I'd ask whether the witnesses
15 are familiar with that requirement.

16 MR. DAVIS: Yes.

17 MR. BALLENGER: Okay. And that
18 obligation applies at the time of application
19 as well as recertification. Is that correct?

20 MR. DASENT: Ms. Crosby. She'll
21 have to be unmuted.

22 MR. BRYANT: She has been unmuted,
23 and she muted herself back. I'm sorry.

24 MR. DASENT: Okay. There she goes.

1 All right.

2 MS. CROSBY: Yes.

3 MR. BALLENGER: So I don't want to
4 guess at why this is the case, so I just
5 wanted to get it on the record. So how is it
6 that some newly enrolled TAP customers were
7 previously enrolled in the senior discount
8 but not in TAP, if they're required to be
9 provided the most affordable alternative?

10 MS. CROSBY: I cannot speak to the
11 specifics of the customers who were enrolled
12 as part of the auto enrollment because I do
13 not have visibility -- sorry.

14 I don't have visibility of the
15 individual customers who were put into the
16 system. I do know that we have customers
17 that are receiving the senior citizen
18 discount that were receiving that discount
19 prior to the launch of TAP.

20 And so they are not within our
21 application management system that's called
22 CAMP, C-A-M-P. And so they have never
23 applied for TAP, and so we don't have their
24 information.

1 So I kind of think of them as our
2 legacy senior citizen customers. So if you
3 have applied using the universal application
4 and we evaluated, we would have placed that
5 customer in the best program, which may have
6 been the senior citizen discount.

7 It may have been the TAP program.
8 But there's a significant number of customers
9 who are receiving the senior citizen discount
10 who have never applied using our universal
11 application.

12 MR. BALLENGER: So these would be
13 customers enrolled in the senior discount
14 prior to July 2017, correct?

15 MS. CROSBY: That's correct.

16 MR. BALLENGER: Okay. And just to
17 be clear, you're not stating here today that
18 each of the IDEA prequalified customers who
19 were previously in the senior discount was,
20 in fact, on the senior discount prior to
21 January or July 1st, 2017.

22 You're just saying that there are
23 those. There is that group of -- I think you
24 referred to them as legacy customers.

1 Correct?

2 MS. CROSBY: Correct.

3 MR. BALLENGER: Thank you for that.

4 That was consistent with my suspicions. So
5 I'll return back to the beginning of my cross
6 plan here for today, which I don't think will
7 involve Ms. Crosby much, if at all, but I
8 welcome her input.

9 I'd like to start at the beginning
10 of the rebuttal statement, page 1, the
11 bottom. And at line 24 the rebuttal
12 testimony references Rebuttal Exhibit RFC 1.
13 Do you see that?

14 MR. DAVIS: Give me just a minute,
15 we're trying to find that.

16 MR. BALLENGER: Okay.

17 MR. DAVIS: Okay. Can you give me
18 the citation again?

19 MR. BALLENGER: Yes. Page 1,
20 starting at line 23. It says the following
21 schedule and exhibit accompany this rebuttal
22 testimony. Rebuttal Exhibit RFC-1, correct?

23 MR. DAVIS: Yes.

24 MR. BALLENGER: If you just turn

1 the page with me. And at the top of page 2,
2 lines 3 and 4, it says, "Please note that
3 resumes were also included." And it says on
4 line 4, "Also appended to this testimony is
5 RFC rebuttal Exhibit 1."

6 And I just want to make sure that
7 Rebuttal Exhibit RFC-1 and RFC rebuttal
8 Exhibit 1 are one in the same, am I correct?

9 MR. DASENT: From counsel's
10 perspective, I could tell you that's the
11 case.

12 MR. DAVIS: Yes.

13 MR. BALLENGER: Okay. I just want
14 to make sure I'm not missing a rebuttal
15 exhibit.

16 MR. DASENT: No, no.

17 MR. DAVIS: Yes.

18 MR. BALLENGER: Okay. And that
19 refers to the large spreadsheet that was
20 attached to the testimony and distributed
21 with the testimony, correct?

22 MR. DAVIS: Yes.

23 MR. BALLENGER: Okay. All right.
24 Let's go to page 5 of the rebuttal testimony.

1 And on page 5 there's half of a table here
2 that carries over to page 6. And in this
3 table you refer to an updated schedule RFC-3
4 and provide a comparison between what's shown
5 in your updated exhibit and Mr. Morgan's
6 projected enrollment levels, correct?

7 MR. DAVIS: Correct.

8 MR. BALLENGER: And I just want to
9 confirm that you would agree that updated
10 schedule RFC-3 was provided after Mr.
11 Morgan's testimony was filed, correct?

12 MR. DASENT: For purposes of this
13 proceeding, please note --

14 MR. BALLENGER: Subject to check?

15 MR. DASENT: No, that's exactly
16 what happened. It was a few hours later.

17 MR. BALLENGER: Okay. And so you
18 would --

19 MR. DASENT: But he did not have
20 the benefit. So you would agree he could not
21 have utilized any of the information and
22 updated schedule RFC-3 for his testimony.

23 MR. DAVIS: Since it was provided
24 after I would say no.

1 MR. BALLENGER: Okay. While we're
2 on the subject of RFC-3, I have a few
3 questions about the schedule itself. You
4 updated the schedule, and I believe it was
5 distributed on April 29th and included at
6 that time the March enrollment data for the
7 IDEA prequalified customers. Is that
8 correct?

9 MR. DAVIS: Yes.

10 MR. BALLENGER: Okay. But it did
11 not just update the enrollment data for
12 March, it updated the entire data set, isn't
13 that correct?

14 MR. DAVIS: Let me defer to
15 somebody who can speak to that in a little
16 more detail, Mr. Ballenger.

17 MR. BALLENGER: Okay. I'd love to
18 hear from them.

19 MS. TAVANTZIS: The updated report
20 --

21 MR. DASENT: Is that Jenn?

22 MR. DAVIS: Yeah.

23 MS. TAVANTZIS: Yeah, sure. The
24 updated RFC-3 report does fully update the

1 data set. Yes.

2 MR. BALLENGER: So it actually
3 updated and provided different usage and TAP
4 enrollment data on a monthly basis going all
5 the way back to January 2021. Didn't it?

6 MS. TAVANTZIS: Subject to check
7 these individual numbers.

8 MR. BALLENGER: Okay. Is it
9 correct to assume that the changes in the
10 historical data are due to changes that
11 occurred within WRB's billing system between
12 the dates the two schedules were produced?

13 MS. TAVANTZIS: Yes.

14 MR. BALLENGER: So given your
15 updated schedule RFC 1 -- I'm sorry, RFC-3
16 modifies all of the underlying assumptions
17 regarding historical TAP customer usage and
18 participation, am I right that your updated
19 schedule RFC-3 does not support the rates
20 that were requested in your advance and
21 formal notices?

22 MR. DASENT: I don't know who
23 that's directed to. It is offered though for
24 that purpose. And Black & Veatch or RFC have

1 to tell me technically the response.

2 MR. DAVIS: I would say that we
3 have -- the data was offered. I will say, as
4 Mr. Ballenger is aware, that this has come
5 together very quickly and has been changing
6 very quickly, and we've been making every
7 effort to keep him apprised of these changes.

8 But I will defer to Mr. Dasent and
9 Black & Veatch as to how this was intended to
10 be incorporated into the rates.

11 MR. DASENT: Just for the record,
12 Mr. Ballenger, and we do offer RFC-3 updated
13 to support this filing. I agree with you
14 that the average discount, it's a lower
15 number than was in the original filing. The
16 usage is a lower number, I think also in the
17 original filing.

18 MR. BALLENGER: I mean, let's try
19 another way, and I don't hear Black & Veatch
20 chiming in, so I'm not exactly sure why, but
21 let's try again.

22 MR. DASENT: Direct it to them.
23 That's fine.

24 MR. BALLENGER: I'm directing it to

1 your panel. Aren't they part of this panel?

2 MR. DASENT: They're sitting here
3 ready to answer. They'd love to talk.

4 MR. BALLENGER: All right, the
5 Black & Veatch model. It obtains all of the
6 usage and discount information from schedule
7 RFC-1, isn't that correct?

8 MR. MERRITT: That's correct.

9 MR. BALLENGER: Okay. And since
10 with an updated RFC-3, isn't it correct that
11 the Black & Veatch model was run based on a
12 data set that is now out of date. Would you
13 agree with that?

14 MR. DASENT: In other words, the
15 rates have to be updated now to reflect the
16 new RFC-3.

17 MR. MERRITT: Yeah, I would agree.
18 For the reconciliation period, and.

19 MR. BALLENGER: Okay. And you
20 would agree that even just using the
21 additional data included in schedule RFC-3
22 through March, that that data supports a
23 reduction to the department's requested rates
24 in this proceeding, correct?

1 MR. MERRITT: Subject to check
2 using all the updated information contained
3 within, yes, it would be a different number
4 than what was filed in the initial filing.

5 MR. BALLENGER: It would be a lower
6 number, correct?

7 MR. MERRITT: I believe so. But
8 subject to check.

9 MR. BALLENGER: Thank you. So on
10 pages 7 and 8 of the rebuttal statement --
11 I'm going to come back to RFC-3 again later,
12 so let's not forget about it entirely.

13 There's some testimony that
14 discusses quality assurance processes, and I
15 wanted to ask if I'm correct in reading this
16 as responsive to Mr. Morgan's proposal that
17 the city correspond with IDEA prequalified
18 TAP customers to inform them of the income
19 level assumptions that the Water Department
20 used.

21 Would you consider this responsive
22 to that testimony?

23 MR. DAVIS: Are you referencing
24 question 14?

1 MR. BALLENGER: Yes, I am. Thank
2 you.

3 MR. DAVIS: I would say it's a
4 response to the question asked.

5 MR. BALLENGER: Okay. So the plan
6 to -- you don't believe that the quality
7 assurance measures the city plans to utilize
8 will address Mr. Morgan's concern that
9 customers don't know how they were
10 prequalified?

11 MR. DASENT: Do you want to
12 stipulate on that, Mr. Ballenger? We
13 certainly can. I mean, I think they're
14 aligned. I don't see so much daylight
15 between Mr. Morgan and the department on that
16 issue.

17 MR. BALLENGER: Can you provide
18 some additional information as we sit here
19 today about what these proposed quality
20 assurance measures will look like? Do you
21 have any of them already identified?

22 MS. CROSBY: I can respond to that.
23 We are currently working with our director of
24 customer assistance, her team members,

1 members of RFC, to outline a quality
2 assurance and outreach program.

3 We have, I believe, only had one
4 meeting and to flesh out the broad strokes of
5 what we want to do. That includes reaching
6 out to customers in to let them know that
7 they could qualify for a lower discount.

8 But we want to be meaningful about
9 that so we don't place it any undue burden on
10 those customers. And also to do some QA/QC
11 to make sure that customers who should not
12 have received the income that they are
13 removed from the program.

14 But also doing that in a way as to
15 not burden the customer because we want to be
16 able to use our internal data if available,
17 because we don't want to cause confusion for
18 the customer, having received a letter that
19 they were in the program and that they might
20 be removed from the program.

21 And so we're trying to create a
22 process that meets the needs of the program
23 in having those who belong on it on it, those
24 who don't being removed, so that we are

1 conscious of the impact on the other
2 customers who are impacted by this
3 adjustment.

4 But also keeping in mind that we
5 want to lower any additional confusion that
6 the new enrollees have, and to reduce or
7 remove any barriers from remaining on the
8 program, because that was the whole point of
9 the initiative in the first place.

10 MR. BALLENGER: Thank you. That's
11 very helpful. Moving on through the rebuttal
12 statement. I'm going to ask you to turn to
13 page 8.

14 And at the very bottom of page 8,
15 line 25, you have a statement that begins,
16 "Mr. Morgan concedes in his response to PWD
17 discovery requests that he is not aware of
18 current TAP enrollment levels (over 35,000 at
19 the time of this writing) as a result of IDEA
20 data sharing."

21 Did I get that right? That's what
22 the testimony says, isn't it?

23 MR. DAVIS: I'm struggling to find
24 that on page 8.

1 MR. BALLENGER: So the very last
2 line, line 25.

3 MR. DASENT: Is it the response to
4 question 15?

5 MR. BALLENGER: It is.

6 MR. DAVIS: Yes.

7 MR. BALLENGER: There you go.

8 MR. DAVIS: Yes, I see that. Yes,
9 that is correct.

10 MR. BALLENGER: Okay. Can you
11 identify which discovery response you're
12 referencing there? All of Mr. Morgan's
13 discovery responses are included in PWD
14 hearing Exhibit 2.

15 I have a suspicion it's number 13.
16 If you'd like to skip ahead to number 13.

17 MR. DASENT: That's it.

18 MR. DAVIS: Yes. Subject to check.

19 MR. BALLENGER: Okay. And would
20 you agree that the response to question
21 number 13 does not say that Mr. Morgan is
22 unaware of current TAP enrollment levels?

23 Doesn't it say that Mr. Morgan does
24 not have direct knowledge of the level of TAP

1 enrollments? On the April 24th, 2024, any
2 TAP enrollment data has been supplied by PWD?
3 Isn't that what it says?

4 MR. DAVIS: I'm struggling, Mr.
5 Ballenger, to try to juggle all of these
6 documents. If you're quoting from the
7 response, then yes, subject to check.

8 MR. BALLENGER: Okay. And you
9 would agree, wouldn't you, that Mr. Morgan
10 can only obtain TAP enrollment data from the
11 city?

12 MR. DAVIS: Yes.

13 MR. BALLENGER: He doesn't have
14 access to the billing system, for example.

15 MR. DAVIS: That is correct.

16 MR. BALLENGER: And so, just
17 hypothetically speaking, if I told you that
18 CLS has 150 employees, would you be
19 comfortable testifying, to your knowledge, or
20 answering a discovery response that said,
21 please confirm CLS has 150 employees? If I
22 just told you that information.

23 MR. DASENT: Objection. That's not
24 what we asked in the discovery request. We

1 said confirm or deny.

2 MR. BALLENGER: And we said we did
3 -- okay. Confirm or deny CLS has 150
4 employees. Would you be comfortable basing
5 your discovery response on information I
6 supplied to you without verifying it?

7 And the reason I ask is because
8 your testimony states that he concedes
9 something. And that's a little bit heavy
10 handed. Wouldn't you agree that that's not
11 really accurate? He didn't concede that he
12 didn't know that. As we stand here today.

13 MR. DAVIS: I don't think he did
14 know that.

15 MR. BALLENGER: Well, he doesn't
16 have firsthand knowledge of it. Would you
17 agree with that?

18 MR. DAVIS: Yes. He does not have
19 access to that information unless it's
20 provided.

21

22

23

24

1 MR. BALLENGER: That's not a
2 concession that he doesn't know what your
3 data says, what you've provided to us.
4 Because that's what it seems like you're
5 trying to say, is that he didn't look at the
6 data you provided. You wouldn't testify to
7 that today, would you?

8 MR. DAVIS: No, we don't believe
9 that we provided it and he failed to look at
10 it. As I mentioned earlier, it was being
11 provided as close to real time as possible
12 and we're making every effort to get it to
13 you and to the city partners.

14 And it was all happening in very
15 short order, so it would be certainly
16 understandable that it is --

17 MR. BALLENGER: And to your point,
18 your rebuttal was also put together in short
19 order too. So I won't harp on it, but I did.
20 That statement kind of jumped off the page.

21 So let's go ahead to page 10 of the
22 rebuttal statement. And at the top of page
23 10 you discuss that some of the data utilized
24 by Mr. Morgan already reflected customers who

1 were enrolled in TAP through the IDEA
2 prequalification process, correct?

3 MR. DAVIS: Yes.

4 MR. BALLENGER: Okay. And subject
5 to check, you would agree that we issued the
6 first request for information about IDEA
7 prequalified customers on March 15th, and
8 that would be PA set 1, number 10. Would you
9 agree with that?

10 MR. DAVIS: Subject to check.

11 MR. BALLENGER: And so many of the
12 customers who were enrolled in TAP through
13 the IDEA prequalification process in February
14 would not yet have received their first TAP
15 bill by March 15, would they?

16 MR. DAVIS: That is a distinct
17 possibility, yes.

18 MR. BALLENGER: And I believe your
19 discovery responses from last night addressed
20 this somewhat. But is it true that when the
21 department provided us with the information
22 on TAP enrollment, that it did not indicate
23 that any of those bills, average bills,
24 reflected TAP bills?

1 MR. DAVIS: I would defer to
2 someone else on the panel. They may be able
3 to speak to the specifics of that.

4 MR. DASENT: Are you referring to
5 like a footnote or some sort of a file.

6 MR. BALLENGER: No. The average
7 bill amounts that were provided in response
8 to PA set 1, number 10. There was no mention
9 that any TAP bills were included in those.
10 Isn't that correct?

11 MS. TAVANTZIS: The response to PA
12 TAP 1-10 says that the following responses
13 apply to the 5,000 -- sorry, I'm on line --
14 sorry, page 12, line 21.

15 The following responses apply to
16 the 5,642 customers who were TAP participants
17 in February 2024 and enrolled in TAP through
18 the IDEA prequalification process.

19 We have defined the term
20 participant times throughout this proceeding
21 and others. It refers to customers who
22 received a TAP bill in a given month. So
23 that set of customers did receive a TAP bill
24 in February 2024.

1 MR. BALLENGER: So those customers
2 were enrolled in February and received a TAP
3 bill in February? I don't believe that's how
4 water revenue billing works. Isn't the bill
5 always provided after the close of the
6 billing cycle?

7 MS. TAVANTZIS: These customers
8 were enrolled in February and did receive a
9 bill in February. They may have received a
10 bill the day after they were enrolled or on
11 some other time step, but both things happen
12 happened in that month and in that order.
13 Enrollment, then TAP bill.

14 MR. BALLENGER: Okay. So I want to
15 talk about page -- or actually before we move
16 on from there, our response or our question,
17 the sort of updated request for PA set 2,
18 number 3, when that was issued, that was
19 issued on -- subject to check, you would
20 agree that was issued on April 3rd, right?

21 MR. DAVIS: Subject to check, yes.

22 MR. BALLENGER: So there again, a
23 lot of customers who were enrolled in March
24 would not have received their March bill.

1 But to your point, I believe, Jenn,
2 you would submit that those customers who
3 were reflected in the data set had received a
4 TAP bill in March. Am I correct?

5 MS. TAVANTZIS: That is correct,
6 yes.

7 MR. BALLENGER: I'd like to turn to
8 page 11 of the rebuttal statement. And I'd
9 like to talk a little bit about the average
10 discounts that are shown in the table and --
11 not the discounts themselves. But just a
12 couple of questions about this.

13 You say in the heading to the table
14 it says departments calculated average
15 discounted. There's a typo there, but that's
16 what it says. And I just want to make sure
17 it's clear.

18 These numbers are drawn from the
19 exhibit to the testimony which referred to a
20 simulated discount. And I believe these
21 numbers are described as simulated discounts,
22 not calculated discounts? Question.

23 MR. DASENT: Where are you looking?
24 At the table on that page?

1 MR. BALLENGER: You look at the
2 exhibit -- I'm sorry, RFC-1 or rebuttal
3 Exhibit 1. It refers to these as simulated.
4 And I would just want to get confirmation
5 from the witnesses that these are the same
6 numbers that are taken from the schedule
7 where the responses are simulated first.

8 MR. WARREN: That's correct.

9 MR. BALLENGER: Okay.

10 MR. WARREN: Yes.

11 MR. BALLENGER: And I was going to
12 ask about that, but I think your discovery
13 response from last night explained what you
14 mean by simulated.

15 And if I could rephrase it for
16 myself and check with you whether I
17 understand it. Basically, it's the amount of
18 the discount that you would expect those
19 customers to have based on their historical
20 billing and usage information at their
21 enrollment level, is that right?

22 MR. WARREN: Yes. At current
23 rates.

24 MR. BALLENGER: At current rates,

1 yes. Okay. So at the top of the following
2 page, which is page 12 -- and nice to meet
3 you, Mr. Warren. You haven't been involved
4 in this path, at least not on the front
5 lines. So it's good to meet you.

6 On the top of page 12, you state
7 that the average TAP discount per participant
8 for January 2024 was \$60.86, but that in
9 March it fell to \$40.69, is that correct?
10 Sort of paraphrasing, but.

11 MS. TAVANTZIS: That's correct.

12 MS. LOCKLEAR: Yes.

13 MR. DAVIS: Yes.

14 MR. BALLENGER: And the point that
15 I think you make there is that you expect the
16 TAP discount to vary monthly, right?

17 MS. LOCKLEAR: Yes.

18 MR. DAVIS: It has historically,
19 yes.

20 MR. BALLENGER: But the difference
21 between January and March, you wouldn't
22 attribute that to typical variation that
23 you've experienced in the past, would you?

24 MS. LOCKLEAR: Not necessarily.

1 The January 2024 was the last month before
2 IDEA customers began to be enrolled. In
3 March, as you can see from our data, had a
4 number of IDEA customers in it incorporated
5 into the average.

6 MR. BALLENGER: Right. So the
7 difference that you point out between the
8 average discount between January and March
9 reflects, at least in part about 26,000 new
10 IDEA participants, correct?

11 MS. LOCKLEAR: Yes.

12 MR. BALLENGER: And I think as you
13 point out on the following page -- I'm sorry,
14 it would be the preceding page, I'm sorry.
15 It'd be page 11.

16 Part of the reason the average
17 discount is coming down between January and
18 March is that IDEA participants don't need as
19 much of a discount. Isn't that correct?

20 MS. LOCKLEAR: Yes.

21 MR. BALLENGER: Okay. On page 13
22 of the rebuttal there's a table showing
23 average discounts. And in the center column
24 it's labeled as updated schedule RFC-3,

1 updated April 30th, and it says original
2 methodology. Can you explain what you mean
3 by original methodology?

4 MR. DASENT: I'm having trouble
5 following you. Tell me where we're looking.

6 MR. BALLENGER: Page 13 in the
7 table. It's actually not the -- I'm sorry,
8 it's the heading to the third column from the
9 left. It says, "Updated schedule RFC-3,
10 original methodology."

11 And I'm just asking if you could
12 explain what you mean by "original
13 methodology".

14 MS. TAVANTZIS: That refers to the
15 RFC-3 reporting, which pulls an average per
16 participant discount from historical data.
17 So even when we updated those data through
18 March and we look back historically the same
19 way we always have, the resultant average per
20 customer discount is 5,324.

21 MR. BALLENGER: Okay. And so your
22 original methodology is -- you utilize in
23 your original methodology historical
24 information which includes monthly

1 participation levels, correct?

2 MS. TAVANTZIS: It does, yes.

3 MR. BALLENGER: Okay. So it's

4 correct then that discounts for IDEA

5 prequalified TAP participants are only

6 included in February and March of your

7 historical period, isn't that correct?

8 MS. TAVANTZIS: That is correct.

9 MR. BALLENGER: And it's a one-year

10 period that you utilize?

11 MS. TAVANTZIS: Subject to check on

12 that. But the others feel free to jump in.

13 MR. DASENT: Subject to check.

14 That's fine.

15 MR. BALLENGER: I'm going to see if

16 I could check it myself, but I'll accept that

17 because I can't quickly.

18 MS. LOCKLEAR: It says -- sorry,

19 Rob.

20 MR. BALLENGER: Yeah.

21 MS. LOCKLEAR: It's 15-month period

22 and --

23 MR. BALLENGER: Okay.

24 MS. LOCKLEAR: -- can you state the

1 dates in that period?

2 MR. BALLENGER: Thank you, Ms.
3 Locklear. Okay. So that means that 13
4 months of the data that you utilize to derive
5 an average for TAP discounts does not include
6 any of the IDEA prequalified participants,
7 right?

8 MS. LOCKLEAR: Yes.

9 MS. TAVANTZIS: That's correct.

10 MR. BALLENGER: And on page 16 of
11 the rebuttal statement, you say the overall
12 this is lines 3 to 5. The overall average
13 monthly TAP usage would be 702 CF cubic feet
14 based on the reporting data through March
15 2024 as presented in the updated version of
16 schedule RFC-3, correct?

17 MS. LOCKLEAR: Yes.

18 MR. BALLENGER: Okay. And I'm just
19 noticing, I think, where we just were on page
20 13, your table actually says RFC-3 was
21 updated on April 30th, but I'm assuming
22 that's a typo because we said it was April
23 29th, correct?

24 MR. DASENT: That's correct.

1 MR. BALLENGER: But back to the
2 702, the 702 is also calculated using the
3 original methodology, isn't it? The 15-month
4 average?

5 MS. TAVANTZIS: Yes, it is.

6 MR. BALLENGER: Okay. So likewise
7 that only includes two months of data that
8 includes any of the IDEA prequalified
9 customers, right?

10 MS. TAVANTZIS: Yes.

11 MR. BALLENGER: And you would agree
12 that the data shows that IDEA prequalified
13 customers have lower usage on average than
14 the TAP participants prior to
15 prequalification enrollment, correct?

16 MS. TAVANTZIS: In the month or so
17 that we have captured usage data for those
18 customers, yes.

19 MR. BALLENGER: But the simulated
20 usage that you calculate based on their
21 historical usage likewise shows that they
22 have lower usage than --

23 MS. TAVANTZIS: That's correct,
24 yes.

1 MR. BALLENGER: -- historical.

2 Okay. Thank you. I do want to touch on a
3 response from last night and it's question --
4 get in front of me -- set 3 number 8.

5 And Mr. Morgan asked question about
6 your rebuttal statement and how you accounted
7 for a potential variable regarding
8 consumption in your calculations.

9 And your response is, "PWD
10 accounted for unknown variables working in
11 opposite directions by assuming that monthly
12 consumption per TAP participant would stay
13 flat over time at 702 cubic feet per month."

14 And it strikes me that what we've
15 just talked about is 702 is just the straight
16 average of historical usage, isn't that
17 correct?

18 MS. TAVANTZIS: That is correct.

19 MR. BALLENGER: Okay. And so is it
20 -- so is the department's position that a
21 historical average accounts for unknown
22 variables in the future, is that correct?

23 HEARING OFFICER CHESTNUT: The
24 assumption that the 702 will stay flat over

1 time is a lack of adjustment up or down
2 because of the unknown variables in the
3 future.

4 MR. BALLENGER: Would you agree
5 that it's a conservative assumption based on
6 the data that you have now?

7 MR. DASENT: Maybe you need to
8 define conservative. Understated,
9 overstated?

10 MR. BALLENGER: Well, I think it's
11 an average, so I wouldn't say it's
12 overstated. It's math, but.

13 MR. DASENT: I'm just looking for
14 the word.

15 MR. BALLENGER: Yeah. Okay. I
16 think by conservative I mean that usage among
17 the entire 56,000 TAP participants is likely
18 to be less than 702 cubic feet per month.
19 Would you agree with that?

20 MR. DAVIS: Mr. Ballenger, I think
21 we've focused more on the discount and the
22 number of participants as opposed to the
23 average usage. We have not looked in depth
24 at the average usage as we have at those

1 other two.

2 MR. BALLENGER: Okay. All right.

3 Let's go to page 14 of your rebuttal
4 statement. And starting at line 6, you say
5 that the factors that are used to calculate
6 the average TAP discount could change.

7 And you've mentioned a number of
8 ways in which they could change. The first
9 one is that water and sewer build volume
10 could increase.

11 And I wanted to talk about that
12 because isn't it true that in schedule RFC-3
13 as updated, that the discount costs for the
14 reconciled period January 2023 to August 2023
15 are actually lower than they were when you
16 filed this case?

17 MR. DASENT: Could you repeat that?
18 I'm just trying to process.

19 MR. BALLENGER: Sure. Well,
20 actually it's the TRR summary tab of schedule
21 RFC-3. And it reports the discount amount
22 for the reconciled period. And it reports
23 that as an actual number.

24 And in the filing it says the total

1 TAP discount for that period is \$6,992,987.

2 Is that correct?

3 MS. TAVANTZIS: That is correct.

4 MR. BALLENGER: Okay. And when you
5 updated schedule RFC-3, the actual amount of
6 TAP discounts in the reconciled period has
7 declined to \$6,981,927. Isn't that also
8 correct?

9 MS. TAVANTZIS: It is.

10 MR. BALLENGER: Okay. So in fact,
11 the historical data shows that the average
12 TAP discount did change, but it just went
13 down, right?

14 MS. TAVANTZIS: The average TAP
15 discount did go down slightly, yes.

16 MR. BALLENGER: Okay. So in
17 responses to the two discovery questions we
18 asked about usage and historical billing
19 amounts for IDEA prequalified customers, in
20 both of those responses you included the
21 statement, "Information cannot be provided at
22 a customer level. So totals and averages are
23 provided throughout." Isn't that correct?

24 MR. DASENT: Are you referring to

1 PA 110?

2 MR. BALLENGER: PA 110 and PA 2
3 number 3. Both of those include that
4 statement.

5 MR. DASENT: Earlier in the
6 proceeding, I mean, that -

7 MR. BALLENGER: Yes.

8 MR. DASENT: -- was the beginning
9 of the proceeding, as I recall.

10 MR. BALLENGER: Correct.

11 MR. DASENT: First set discovery.

12 MR. BALLENGER: Correct. And in
13 last night's discovery response, you stated,
14 and this is in set 3 number 3, you describe
15 your statement a little bit differently. You
16 say, "We stated that information could not be
17 provided at a customer level and for
18 expediency, initially provided summary data."

19 And I just want to be clear and
20 make sure that the record is clear. You have
21 now provided the information on an individual
22 customer basis, correct?

23 MS. TAVANTZIS: We have, yes.

24 MR. BALLENGER: And so your

1 response stating that it cannot be provided
2 was not correct.

3 MR. DASENT: As of that time --

4 MR. BALLENGER: Or was it just a
5 matter of timing?

6 MR. DASENT: As of that time, that
7 was true.

8 MR. BALLENGER: Okay.

9 MR. DASENT: But you're correct,
10 unartfully worded.

11 MS. TAVANTZIS: Yes.

12 MR. BALLENGER: And I want to be
13 clear because I think we misunderstood your
14 responses a little bit. The response to PA
15 set 2, number 3, that includes 26,566 -- the
16 averages for 26,566 customers. That includes
17 the 5,642 customers who had prequalified
18 previously. Am I correct about that?

19 MS. TAVANTZIS: Yes, that's
20 correct.

21 MR. BALLENGER: Okay. I just
22 wanted to make sure that we understood that
23 because I think we were not clear on that
24 before now.

1 So the rebuttal exhibit that
2 includes all of the individual customer data,
3 is that the data set that was utilized to
4 respond to PA set 2 number 3?

5 MR. DASENT: Please say that again.

6 MR. BALLENGER: So the rebuttal
7 exhibit includes individual customer data for
8 enrollments of IDEA prequalified TAP
9 customers through March. And I'm assuming --
10 and I just wanted to check with the witnesses
11 that that's the data set that was utilized to
12 provide the response to PA set 2 number 3.

13 MR. WARREN: The raw data. The raw
14 data, yes.

15 MR. BALLENGER: Yeah, the raw data.

16 MR. WARREN: Yes.

17 MR. BALLENGER: It's hard to talk
18 through a spreadsheet, but I'm going to try
19 and ask if you have that spreadsheet in front
20 of you.

21 And you could use the one that was
22 attached to testimony or the one that was
23 supplied in response to discovery. They
24 contain identical outputs. One of them

1 doesn't contain the inputs. But I had a few
2 questions about the exhibit itself. Is that
3 Mr. Warren maybe who?

4 MR. WARREN: Yeah. Just to be
5 clear, can you say the number that you're
6 talking about?

7 MR. BALLENGER: It's the
8 spreadsheet provided in response to RFC --
9 I'm sorry to -- it says Exhibit RFC-3-5.

10 MR. WARREN: Okay. I'm with you.

11 MR. BALLENGER: Okay. So just
12 looking at the records tab starting there,
13 and I noticed that in column A it includes a
14 -- the heading row or the heading label is
15 ID.

16 Am I correct in assuming that each
17 of these unique ID numbers is associated with
18 a specific customer?

19 MR. WARREN: Those are aliases for
20 a customer's unique ID.

21 MR. BALLENGER: Right. They're not
22 their water access codes or --

23 MR. WARREN: They're not their real
24 names.

1 MR. BALLENGER: -- anything like
2 that.

3 MR. WARREN: Correct. Yeah. But
4 each row is a unique customer.

5 MR. BALLENGER: Okay. And when you
6 go to the tab for data source, you give some
7 information about when the data was acquired.
8 And it says that a lot of the data was from
9 March 31st, 2024, right?

10 MR. WARREN: That's correct.

11 MR. BALLENGER: Okay. But that
12 meter size and TAP-Rate data was later
13 captured on May 2nd.

14 MR. WARREN: That's correct.

15 MR. BALLENGER: Okay. And so that
16 was additional data that you sort of added on
17 here after responding to our discovery
18 request in April. Right?

19 MR. WARREN: So those last two were
20 added to calculate those simulated rates that
21 we've talked about.

22 MR. BALLENGER: Okay. And I just
23 want to -- I think you addressed this in a
24 footnote, but just to be clear, in PA set 2

1 number 3, you gave us summary data for 26,566
2 customers. But that's not how many customers
3 are included in this data set, right?

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1 MR. WARREN: That's correct.

2 MR. BALLENGER: Okay. And by my
3 count, there's 26,530. Would you agree with
4 that?

5 MR. WARREN: Subject to check,
6 yeah.

7 MR. BALLENGER: And how I get there
8 is by looking at the row number and
9 subtracting two from the last one that's
10 utilized.

11 If you go to the summary tab, cell
12 B3, I think that your count is picking up one
13 additional just to flag for you there, I
14 believe. Subject to check, would you agree
15 with that?

16 MR. WARREN: Yes.

17 MR. BALLENGER: Okay. And I just
18 wanted to make sure, I think somewhere in the
19 discovery, it was actually in your rebuttal,
20 you explained that 34 build volume records
21 were omitted from the record set. Subject to
22 check, would you agree that it's 36?

23 MR. WARREN: Yes, subject to check.

24 MR. BALLENGER: I think we've

1 touched on some of this, but I want to just
2 sort of be very clear for the record that
3 when we're looking at the data and looking at
4 historical TAP participants and IDEA
5 prequalified customers as separate groups,
6 Mr. Morgan testified that IDEA prequalified
7 customers have lower average usage.

8 And I want to make sure that you
9 agree with that. So do you agree with that?

10 MS. TAVANTZIS: Based on their
11 historical usage, yes.

12 MR. BALLENGER: Thank you. And
13 would you also agree with his conclusion that
14 based on the data that we've seen, IDEA
15 prequalified customers don't need as high of
16 a TAP discount on average, based on
17 historical data.

18 MS. TAVANTZIS: Well, it's hard to
19 speak to what they need, but their calculated
20 TAP discount is not as high on average.
21 Correct.

22 MR. BALLENGER: Fair enough. Fair
23 enough. Okay. And just to be clear, both
24 the advance and the formal notices utilize

1 historical data that does not include the
2 IDEA prequalified customer data that we've
3 been discussing here. Correct?

4 MS. TAVANTZIS: Correct.

5 MR. BALLENGER: So the average
6 discount of \$55.49, that's in the filing per
7 customer, you would agree that that does not
8 reflect the usage or need or historically
9 calculated simulated discounts for IDEA
10 prequalified customers?

11 MS. TAVANTZIS: That's correct.

12 MR. BALLENGER: If the historical
13 and simulated results hold, and by that, I
14 mean we see usage and anticipated discounts
15 as you've calculated in your rebuttal
16 exhibit, you would agree that a \$55.49
17 average monthly discount would overcollect,
18 would you not?

19 MS. TAVANTZIS: That may be too
20 high a value for that variable. There are
21 other variables that relate to how much is
22 collected.

23 MR. BALLENGER: And if we were to
24 isolate all the variables associated with the

1 prequalified customers. Meaning your
2 calculations of their simulated discounts are
3 attained in the future. Any other variables
4 would relate to the historical TAP customers
5 prior to prequalification. Right?

6 MR. DAVIS: That was the data
7 available at that time.

8 MR. BALLENGER: Okay. Well, I'm
9 not sure exactly what time we started, but I
10 told you I would try not to be an hour and I
11 think I came pretty close to being under an
12 hour. That's all of the questions that I
13 have at this time.

14 HEARING OFFICER CHESTNUT: Well,
15 you started at 12:03, so you are slightly
16 under an hour. How about if we take a
17 five minute break?

18 MR. BALLENGER: Sounds good. Thank
19 you. And thank you to the witnesses.

20 MS. LOCKLEAR: Thank you.

21 (Off the record.)

22 MR. BRYANT: Recordings resumed.

23 HEARING OFFICER CHESTNUT: Okay. I
24 think we need to get some more folks back.

1 MR. BRYANT: Sure.

2 HEARING OFFICER CHESTNUT: All
3 right. We'll resume. We took a short break.
4 I see that Mr. Bakare has indicated he has
5 some cross, but I don't see him back here
6 yet. So why don't we go to Mr. --

7 MR. BAKARE: My video was off, but
8 I'm here.

9 HEARING OFFICER CHESTNUT: Oh,
10 okay. Well, I see that you had indicated you
11 had crossed for this panel?

12 MR. BAKARE: Yes, I can proceed?

13

14 HEARING OFFICER CHESTNUT: Sure.

15 MR. BRYANT: Of course.

16 MR. BAKARE: All right. Thank you.
17 This will be brief. Good afternoon. I have
18 a couple of questions surrounding the
19 discovery set that we propounded upon PWD.
20 That's a PLUG set 1, questions 1 through 7.

21 I'm not sure which witness I should
22 direct this to, but I believe my questions
23 are going to be for Black & Veatch.

24 MR. DASENT: I believe that's true.

1 MR. BAKARE: Okay. Thank you. So
2 I'm going to refer to the response to
3 PLUG PWD number 7. And that response says
4 that the reconciliation calculations can be
5 updated once TAP enrollment data becomes
6 available.

7 Can someone specify what exactly is
8 meant by TAP enrollment data? What data are
9 you waiting for before any updates could be
10 performed on the calculations? I just wasn't
11 sure what exactly that sentence was referring
12 to.

13 MR. MERRITT: Sure, yeah, I think
14 that it's referring to what Mr. Ballenger was
15 just speaking to. The fact that we haven't
16 restated the rates from the original filing.
17 Obviously, if we were to use RFC-3, those
18 rates would be different than what we
19 initially filed -- the updated version of
20 RFC-3. I'm sorry. That's what that was
21 meant to refer to.

22 MR. BALLENGER: Okay. So is that
23 update pending or what's the expectation for
24 running those numbers or rerunning those

1 numbers?

2 MR. MERRITT: We haven't run them
3 explicitly for that latest version of RFC-3,
4 we can certainly do it.

5 But I would pause there because I
6 actually asked for legal counsel's input as
7 we go into the rest of the proceeding as to
8 what to present in what venue, at what time.

9 MR. DASENT: We're also thinking in
10 terms of not just the hearing room, but what
11 happens outside of the hearing room in terms
12 of negotiating with the public advocate and
13 trying to find a threshold that's acceptable
14 to both of us.

15 And I think, as you'll see in our
16 questions for Mr. Morgan, that we're looking
17 at a framework that's a little different from
18 the historic methodology because of what's
19 happening to us in real time and the fact
20 that we have much more information, as Mr.
21 Morgan acknowledges or indicates in his
22 testimony right now.

23 And it requires us to find the
24 appropriate middle ground for the Rate Board

1 and hopefully in conversations with the
2 public advocate in settlement. That's a long
3 way to state I think that we could run the
4 numbers now, Ade, but we were trying to find
5 a compromise so that -- because they are
6 obviously lower than the original filing.

7 MR. BAKARE: So you're not
8 intending on just offering a baseline update
9 to the asphalt calculations as the baseline
10 outside of the settlement conversations?

11 MR. DASENT: RFC-3 the schedule as
12 updated shows where we think we should be
13 based upon the traditional methodology.

14 Because we're trying to be more
15 creative and engaging the public advocate, we
16 may have to depart from that methodology,
17 which would cause that number to go, the
18 average discount to fall.

19 We've indicated in our RFC-3, and
20 you could calculate it from that, the average
21 monthly discount as for March 2024. So you
22 can see there the boundaries and it's
23 mentioned in rebuttal testimony of 40.69 we
24 think is the low point, 52 or 53.24 is the

1 amended sort of RFC-3 update average
2 discount. So you can see those boundaries
3 and then we'll take it from there.

4 MR. BAKARE: But for my
5 edification, RFC-3 -- and I know it's a
6 complicated spreadsheet, RFC-3 doesn't
7 include an actual recalculated rate, it just
8 includes the underlying inputs to the
9 discount, correct?

10 MR. MERRITT: That's correct.

11 MR. BAKARE: Okay.

12 MR. MERRITT: We could certainly
13 provide you with that, Ade. It's not a heavy
14 lift, if that's something that would be
15 helpful to you. I just think from what Mr.
16 Dasent is implying, we're going -- that's
17 likely not to be the final position, if you
18 will, from the department's perspective, if I
19 can say that.

20 MR. DASENT: Yeah, that's true. If
21 you'd like to make a transcript request, we
22 will turn it around quickly.

23 MR. BAKARE: I think that would be
24 helpful just to see the recalculated

1 surcharges. Knowing that that's not
2 necessarily a proposal from the department,
3 but that's just the factual recalculated
4 surcharges based on the updated data in RFC-
5 3, that would be helpful for us to see.

6 MR. MERRITT: We can provide that.

7 MR. BAKARE: Then just going back
8 to our discovery set in response to PLUG-PWD
9 number 6, it was stated that the \$56,000
10 projected enrollment for September 1, 2024 is
11 essentially the best available benchmark for
12 the maximum potential enrollment of PWD's
13 TAP. Is that accurate?

14 MR. JAGT: Probably defer to RFC
15 and WRB because they were the authors or they
16 provided the response.

17 MR. MERRITT: Yeah, I would just
18 add it kind of feeds into our response to
19 question 7, Ade in that that's the 56,000 if
20 you take that as the monthly participation
21 level is within 26 participants of what we
22 use for the overall, I'd say that the kind of
23 flat line TAP enrollment once we hit our
24 maximum level in the initial filing.

1 So that's why we said we're worth
2 in the ballpark essentially. But I think
3 Raftelis team can speak more to the specifics
4 of that, the 55,000 and 56,000 included
5 there.

6 MS. TAVANTZIS: May I ask that you
7 restate the question?

8 MR. BAKARE: I asked that \$56,000
9 projected enrollment for September -- I think
10 it was by either June or September 2024. But
11 if that number reflects the best available
12 benchmark for maximum enrollment under PWD's
13 TAP?

14 MR. DASENT: Over what period? The
15 next rate period?

16 MR. BAKARE: Well, yes, for the
17 next rate period. And that's assuming
18 current federal poverty levels remain
19 unchanged.

20 And assuming all of the variables
21 remain consistent, that that is the best
22 available benchmark for the maximum TAP
23 enrollment number at this point in time for
24 the next rate period.

1 MR. DAVIS: Based on the
2 information that we have, I think that is our
3 contention.

4 MR. BAKARE: And so it's reasonable
5 to expect that barring fluctuations in
6 customers coming into the program, out of the
7 program, there shouldn't be the type of sea
8 change that we saw from the last TAP
9 Reconciliation to this TAP Reconciliation.

10 The move to the IDEA process was
11 sort of a one-time singular shift in the
12 program, but it's expected that in future
13 years we would see more minor variations year
14 to year in the surcharge. I mean that's a
15 general statement, but is that a fair
16 expectation?

17 MS. TAVANTZIS: Based on what we
18 know at this time, yes.

19 MR. BAKARE: Okay. Then I think
20 now that we have my transcript request, I
21 think that sort of answers my questions. I
22 would ask that given the moving pieces here,
23 I'd like to be included in those settlement
24 discussions with the public advocate.

1 Just because it's clear that there
2 have been some significant changes since the
3 filing was made, I think need to be
4 discussed.

5 And it'd be helpful for, I think,
6 all parties to keep everybody informed prior
7 to the finalization of any settlement
8 proposal. And I think that's going to be
9 important given the compressed timeframe that
10 we're all working under here.

11 MR. DASENT: Fair enough.

12 HEARING OFFICER CHESTNUT: Okay.

13 Are you finished, Ade?

14 MR. BAKARE: Yes, thank you.

15 HEARING OFFICER CHESTNUT: Okay.

16 That takes us to Mr. Haver.

17 MR. HAVER: Good afternoon. I'm
18 going to address the whole panel. Do the
19 public hearings matter?

20 MR. DASENT: RFC, you can certainly
21 take that. I mean, trying to think who is in
22 the room.

23 MR. DAVIS: In our experience, they
24 do matter.

1 MR. HAVER: How so, sir?

2 MR. DAVIS: I would defer to the
3 utility on how they would use that
4 information.

5 MR. HAVER: But you just opined
6 that they do matter. So I'm asking you how
7 they matter according to you.

8 HEARING OFFICER CHESTNUT: I'm
9 sorry, matter to whom?

10 MR. HAVER: Well, it's for the
11 whole panel. But forgive me, I'm not sure if
12 it's Mr. John Davis or that's your first and
13 last name. I can't figure out from your
14 title. And I want to be respectful. Is it
15 Mr. Davis?

16 MR. DAVIS: Yes.

17 MR. HAVER: Okay. So Mr. Davis has
18 answered my first question, do they matter?
19 And now I'm asking him how they matter. And
20 he says somebody else should answer. But I'm
21 saying if he want me --

22 HEARING OFFICER CHESTNUT: Well,
23 Mr. Davis, clarify your answer for me, then.
24 Matter to whom? To who and how?

1 MR. HAVER: I'm asking him his
2 opinion of how they matter.

3 MR. DAVIS: Again, I think it's
4 contingent upon the utility involved as to
5 how they utilize that feedback.

6 MR. HAVER: It has no impact on
7 your work?

8 MR. DAVIS: Our work is directed by
9 the utility.

10 MR. HAVER: And am I correct that
11 the panel here today is appearing as a
12 witness for the Philadelphia Water
13 Department, PWD?

14 MR. DAVIS: That's correct.

15 MR. HAVER: And how do you know
16 what the Water Department wants in your
17 testimony?

18 MR. DAVIS: We are in communication
19 with him and we prepare our testimony with
20 their input and their feedback.

21 MR. HAVER: Would it be fair to say
22 they direct you?

23 MR. DAVIS: Yes.

24 MR. HAVER: I had thought we were

1 going to see the Water Department's
2 presentation today at the public hearings.
3 We did not. But I'm assuming that you have
4 seen it. And I was wondering if you agreed
5 with the numbers in that presentation.

6 MR. DAVIS: I have not seen the
7 presentation.

8 MR. HAVER: Okay. Based on that
9 presentation, there's a rate increase. Based
10 on your numbers, the total amount for the
11 upcoming year would be \$125.52 for the
12 average consumer. Do you agree with that
13 figure?

14 MR. DAVIS: I would defer to Black
15 & Veatch on how the TAP-R was incorporated
16 into rates.

17 MR. HAVER: So it's not just TAP,
18 it's the total rate increase. The base rate
19 and the TAP-R rate increase. But sure, Black
20 & Veatch is the right people. Please answer.

21 MR. JAGT: Based on the adopted
22 rate schedule for fiscal year '25 as approved
23 by the Rate Board for the base rates and the
24 proposed rates for TAP-R, that's currently

1 the estimate of the impact. But it's --

2 MR. HAVER: \$125.52 a year, is that
3 correct?

4 MR. JAGT: Well, I'd have to pull
5 up the -- I know we reviewed the numbers.
6 I'm not remembering the specific --

7 MR. MERRITT: Yeah.

8 MR. JAGT: Whether we gave monthly
9 or yearly.

10 MR. MERRITT: We gave monthly. But
11 that would calculate out to the typical bill
12 impact for the residential customer.

13 MR. HAVER: How does that compare
14 with the current inflation rate?

15 MR. MERRITT: It's not driven by
16 the current inflation rate.

17 MR. HAVER: I understand that, but
18 I'm asking if you compared the percentage
19 increase with the projected inflation rate,
20 what's the relationship?

21 MR. MERRITT: I don't have that
22 information in front of me at this time.

23 MR. HAVER: Okay. Do any of the
24 panel have a projected inflation rate?

1 MR. DASENT: There are various
2 projections for inflation rates and we've
3 sort of gone through this in other
4 proceedings. And the CPI is one. There are
5 others, indeed.

6 But I don't know, coming into this
7 proceeding, Mr. Haver, that we had that
8 question in mind. We do show the percentage
9 though increase, and you can compare it to
10 whatever index of inflation.

11 MR. HAVER: What is the percentage
12 increase for both the base rate and the TAP-R
13 rate?

14 MR. DASENT: That's a Black &
15 Veatch question. My recollection is I saw 14
16 percent when you add them up.

17 MR. JAGT: And you're referring to
18 rate, but that's actually the bill impact,
19 correct?

20 MR. DASENT: Yes. Thank you. Will
21 a rate of crease of that size make it harder
22 for those who are just above the income
23 cutoff for TAP to make ends meet?

24 HEARING OFFICER CHESTNUT: I don't

1 see how he can answer that. I'm not going to
2 allow that kind of question. I just don't
3 think it's answerable.

4 MR. HAVER: You don't think it
5 matters whether this proposed rate increase,
6 or as you call it, an adjustment because you
7 don't pay the bill, actually? For those of
8 us who pay the bill, it's an increase in our
9 bill. You don't think it matters if it makes
10 it harder for us to pay or not?

11 HEARING OFFICER CHESTNUT: It's not
12 what I said. I said I don't think it's an
13 appropriate question for this witness in this
14 form.

15 MR. HAVER: Which witness is it
16 appropriate for?

17 HEARING OFFICER CHESTNUT: None in
18 this proceeding.

19 MR. HAVER: So in other words, it
20 doesn't matter whether raising the rates
21 makes it harder for people to pay or not?

22 HEARING OFFICER CHESTNUT: Mr.
23 Haver, if you have a question for this panel.
24 Why don't you go ahead and do that?

1 MR. HAVER: Well, you're ruling me
2 out of order on a question that I think is
3 germane and critically important to people
4 who are struggling. And I'm challenging you
5 on that.

6 I think it's unfair and prejudicial
7 on your part not to consider the added burden
8 that this panel is trying to place on rank-
9 and-file consumers.

10 HEARING OFFICER CHESTNUT: Mr.
11 Haver, if you have a question for this panel,
12 go ahead. Otherwise, we'll just proceed to
13 the next panel.

14 MR. HAVER: What can a non-TAP
15 Philadelphia Water Department consumer do to
16 reduce the TAP per gallon charge on their
17 bill?

18 MR. JAGT: So it's a volume related
19 charge. Like any conservation effort that
20 the customer makes will reduce their bill
21 relative to the TAP-R Surcharge rate.

22 MR. HAVER: Specifically the per
23 gallon rate, not the total. Per gallon rate.
24 What control does the consumer have?

1 MR. JAGT: Well, you had said the
2 charge, sir, so I was assuming -- and you've
3 been referring to the bill. So I gave the
4 response relative to that. The charge would
5 be the charge adopted and they wouldn't be
6 able to.

7 MR. HAVER: Right. And all things
8 being held constant, if everyone used less,
9 wouldn't the TAP-R rate go up more next year?

10 MR. JAGT: Well, with the many
11 variables involved, with the level of
12 discount, the reconciliation of the current
13 the rates at this time and the
14 consumption, is a possible factor, but there
15 are other factors to consider.

16 MR. HAVER: Right. Do you believe
17 that the TAP is a program that helps
18 alleviate poverty like SNAP or LIHEAP?

19 MR. DASENT: Let me object. I
20 think this is beyond the scope of the panel's
21 testimony. I'm not quite sure what we can do
22 here except to indicate that there are -- I
23 mean, it's just beyond the scope of the
24 testimony. And we object on that ground.

1 HEARING OFFICER CHESTNUT: The
2 objection sustained.

3 MR. HAVER: Not a surprise. Is
4 snap funded in Pennsylvania by a surcharge on
5 milk?

6 MR. DASENT: Please note my
7 continuing objection because I request for
8 the books.

9 HEARING OFFICER CHESTNUT: Yeah,
10 that's irrelevant to the issue here.

11 MR. HAVER: What is the issue then?

12 HEARING OFFICER CHESTNUT: It's
13 not. Do you have a question based on their
14 testimony?

15 MR. HAVER: I have a question based
16 on their testimony. You're not allowing me
17 to get an answer.

18 HEARING OFFICER CHESTNUT: Where in
19 their testimony they talk about the SNAP
20 program?

21 MR. HAVER: It's a question of --

22 HEARING OFFICER CHESTNUT: Show me
23 in their testimony where they talk about the
24 SNAP program.

1 MR. HAVER: Am I allowed to answer
2 or are you going to stop me from talking?

3 HEARING OFFICER CHESTNUT: You can
4 answer my question.

5 MR. HAVER: They talk about how to
6 pay for the TAP program and how we pay for
7 things is the issue. And I am asking --

8 HEARING OFFICER CHESTNUT: How we
9 pay for the TAP program is the issue. Do you
10 have a question about how the TAP rate was
11 calculated?

12 MR. HAVER: I'm going to go through
13 my questions you just -- it's no surprise.
14 You don't want the record to reflect how
15 people are struggling or how people are being
16 surcharged on a basic necessity of life.

17 I understand you don't want that on
18 the record because that embarrasses you and
19 embarrasses the public advocate. I'm going
20 to ask my questions. You just rule them out
21 of order as you see fit. Is LIHEAP funded by
22 a surcharge on utility bills?

23 MR. DASENT: Objection. Beyond the
24 scope of the testimony presented.

1 HEARING OFFICER CHESTNUT: I don't
2 think you can answer because that is a
3 utility related question. If you're able to
4 answer that.

5 MR. DASENT: LIHEAP, not a water
6 utility. But it's okay. If they know.

7 HEARING OFFICER CHESTNUT: Yeah,
8 but it is utility related. If you can answer
9 that, answer it. That's more analogous to
10 the TAP rate than the SNAP program.

11 MR. DASENT: Does anyone have a
12 response to that? Black & Veatch or RFC?

13 MR. DAVIS: We're certainly not
14 experts on the how LIHEAP is funded.

15 MR. HAVER: How does the design of
16 the TAP program help those who don't qualify
17 for the TAP program?

18 HEARING OFFICER CHESTNUT: You
19 know, that's a legitimate question, but not -
20 -

21 MR. BRYANT: The question was
22 answered in the base rate. I'm sorry.

23 HEARING OFFICER CHESTNUT: I was
24 going to say, but not in this proceeding.

1 That's certainly a legitimate question, but
2 it's got to be done in the context of the
3 base rate proceeding.

4 MR. HAVER: Are you ruling it out
5 of order?

6 HEARING OFFICER CHESTNUT: For this
7 proceeding, absolutely.

8 MR. HAVER: Is your recommended
9 increase to the TAP rates in part based on
10 the cost of operating the TAP program?

11 MR. DASENT: What are we talking
12 about though?

13 MR. JAGT: Yeah.

14 MR. DASENT: Yeah, I'm sorry.

15 MR. JAGT: So if we're defining the
16 cost as the credits that are provided. That
17 is the only cost that is considered with the
18 TAP program.

19 Because the whole TAP-R was
20 designed to recover the cost of -- or just
21 the credits that are provided on the
22 customer's bills. That is the only cost
23 that's going considered for TAP-R.

24 MR. HAVER: So the efficiency of

1 the Water Department in running the program
2 doesn't matter for this proceeding, is that
3 correct?

4 MR. JAGT: That's correct. It's
5 not a part of the formula.

6 MR. HAVER: So if they're wasting
7 literally millions of dollars, consumers have
8 to pay for it anyway, is that correct?

9 MR. DASENT: Objection. That's --

10 MR. JAGT: It's not covered as part
11 of the TAP-R costs. It's not within the
12 TAP R charge.

13 MR. HAVER: I'm sorry, I thought I
14 overheard counsel for the Water Department
15 earlier say that they were going to go
16 outside of that formula to try and reach a
17 settlement. Did I mishear Mr. Dasent earlier
18 today say that?

19 MR. DASENT: The methodology that's
20 reflected in RFC-3 updated is sort of a
21 methodology we've used historically that sort
22 of captures a lot of things that have
23 happened in the past but don't reflect a lot
24 of the unique conditions that we see

1 happening in real time.

2 And so that's what I was talking
3 about, as opposed to applying a rigid
4 methodology within the framework of this
5 proceeding, that we would be more creative in
6 looking for a compromise.

7 MR. HAVER: So why can't we be more
8 creative and look at efficiencies of running
9 the system under your parameters?

10 MR. DASENT: That's a base rate
11 proceeding issue. I mean, we have looked at
12 that in the past. You've asked those
13 questions in the past.

14 The hearing dealing with technical
15 matters in the base rate proceeding has
16 addressed some of those same issues you've
17 raised there. And that's the appropriate
18 place to raise them. This is just a
19 reconciliation.

20 MR. HAVER: Just to be clear, last
21 four years have been four consecutive rate
22 increases which you and the public advocate
23 agreed to. Is that correct?

24 HEARING OFFICER CHESTNUT: That is

1 not correct. Last year --

2 MR. HAVER: In base rate.

3 HEARING OFFICER CHESTNUT: Wait,
4 wait. Stop. You cannot -- okay.

5 MR. HAVER: In base rates in the
6 last four years, have there been four
7 consecutive rate --

8 HEARING OFFICER CHESTNUT: Are you
9 leaving out the \$3 million decrease from the
10 special rate proceeding?

11 MR. DASENT: I'm not sure.

12 MR. HAVER: According to your
13 ruling, Your Honor, earlier today, that was
14 giving consumers back their overcharge.
15 That's what you --

16 HEARING OFFICER CHESTNUT: No, no,
17 no, no. That's not what I'm talking about.

18 MR. HAVER: That's what you said.

19 HEARING OFFICER CHESTNUT: I'm
20 talking about the special rate proceeding
21 that arose out of the settlement, which there
22 was --

23 MR. HAVER: There was no --

24 HEARING OFFICER CHESTNUT: Don't

1 interrupt me.

2 MR. HAVER: You don't let me
3 testify.

4 HEARING OFFICER CHESTNUT: Mute him
5 now. Mute him. Mr. Haver, you do not speak
6 when I'm speaking. You do not speak when
7 anybody else is speaking. I shouldn't have
8 to remind you of that.

9 But when you're talking about rate
10 increases, I think you need to remember that
11 as a result of the 2022 settlement, there was
12 a separate special rate proceeding that
13 resulted in a \$3 million revenue decrease for
14 customers that arose out of that settlement.

15 So it is not correct to say that
16 every year there's been an increase. Okay.
17 Let's proceed. Do you have any questions
18 relating to these witnesses' testimony?

19 MR. HAVER: I want to put on the
20 record. I object to the Hearing Examiner
21 testifying and to her miscategorizing what
22 consumers experience was. The last four
23 years in a row, consumers have paid more.
24 The Hearing Examiner has no legal right to

1 testify. If you're --

2 HEARING OFFICER CHESTNUT: Why
3 don't you proceed if you have questions that
4 are within the scope of these witnesses'
5 testimony?

6 MR. HAVER: Do the projections that
7 you make control what you believe is
8 necessary change in the TAP rate for the next
9 year?

10 MR. JAGT: So I'm struggling with
11 control. Can you clarify what you mean by
12 control?

13 MR. HAVER: Sure. Let me try and
14 reword it so I'll make it a little easier.
15 Are the projections that you make the basis
16 of your recommendations for changing the
17 rates?

18 MR. JAGT: So the projections as a
19 PWD team, so the projections of the TAP
20 credits and the TAP participation are inputs
21 into the formula. And as we've been
22 discussing earlier today, those are outputs
23 of the RFC-3.

24 So as a team, yes, we are. The

1 projections are factors in the development of
2 -- and we also make an adjustment to a
3 projection based on historical data the
4 non TAP consumption to develop the unit cost.

5 MR. HAVER: So I would now like to
6 explore how accurate your projections have
7 been in previous years. In previous years
8 you have made projections of how much money
9 was placed in the rate stabilization fund.
10 Is that correct?

11 MR. DASENT: Objection. Beyond the
12 scope of the proceeding.

13 HEARING OFFICER CHESTNUT: And
14 absolutely irrelevant.

15 MR. HAVER: How much cash the Water
16 Department has on hand is irrelevant?

17 MR. DASENT: Objection.

18 HEARING OFFICER CHESTNUT:
19 Actually, in this case, yes, it is. In a
20 base rate case it is relevant.

21 MR. HAVER: And again, I know I've
22 met you over the years, but I've forgotten
23 how to pronounce your name, Mr. -- I don't --

24 MR. JAGT: Jagt.

1 MR. HAVER: I don't mean to be
2 disrespectful to you personally. So I can
3 ask you about your projections on the rate
4 stabilization fund.

5 Can I ask you about your
6 projections for how many people were enrolled
7 in TAP compared to how many people actually
8 enrolled?

9 MR. DASENT: To the panel, yes.

10 MR. HAVER: Okay. Since the TAP
11 program has been in existence, how accurate
12 were your projections of the number of
13 participants?

14 MR. DAVIS: Initially, I think
15 there was no data upon which to make those
16 projections. As it -- as it kind of settled
17 down, I think the data existed and a process
18 was developed whereby we could make
19 projections.

20 Well, there have been some
21 anomalies, I guess, of people entering or
22 leaving the program, but it's been fairly
23 steady up to the point of the inclusion of
24 the IDEA data.

1 MR. HAVER: Thank you. But my
2 question was how accurate were your
3 projections?

4 MR. DAVIS: We've never gotten it
5 exactly right to the participant.

6 MR. HAVER: Within what percentage
7 have you been inaccurate?

8 I don't --

9 MR. DASENT: I think you'd have to
10 compare the reconciliation in one year to the
11 next. There have not been that many years
12 that you can see from the outcome of the
13 receiving --

14 MR. HAVER: I'm not asking the
15 counsel to testify.

16 MR. DASENT: I'm just telling you
17 the framework to make your assessment.

18 MR. HAVER: I'm asking my
19 questions. If the Hearing Examiner decides
20 that how accurate or inaccurate your
21 consultants have been is immaterial, she'll
22 rule on that.

23 It's clear what side she's on, so
24 she'll help you. But you are not allowed to

1 testify. Again, my question is with what
2 percentage have you been inaccurate?

3 MR. DASENT: If you know.

4 MR. DAVIS: Offhand, we do not
5 know.

6 MR. HAVER: Thank you. My
7 understanding is based on -- and I think it
8 was Black & Veatch's testimony, but I'm a
9 little unclear as to whose testimony is who.

10 On page 5 of the testimony that
11 they submitted in the beginning of the rate
12 case, that they went through what they
13 believed was the enrollment. The enrollment
14 from IDEA into the TAP program. Who should I
15 be directing that question to?

16 MR. DASENT: I think we start with
17 RFC.

18 MR. HAVER: Okay. It's page 5.
19 You have access to that rather than me
20 reading it back into the record.

21 MR. MERRITT: Can you clarify?

22 MR. HAVER: I don't have to read it
23 back into the record.

24 HEARING OFFICER CHESTNUT: Yeah.

1 Hold on a second.

2 MR. MERRITT: Did you state which
3 document?

4 HEARING OFFICER CHESTNUT: It's
5 just the formal filing or the formal --

6 MR. HAVER: It's the formal filing.

7 HEARING OFFICER CHESTNUT: Hold on,
8 hold on.

9 MR. HAVER: It's page 5 of my
10 pagination. Begins with, "IDEA enrollments
11 began on February 13th, 2024."

12 HEARING OFFICER CHESTNUT: Hold on,
13 hold on. Let's make sure I got it here.

14 MR. MERRITT: This is the overview
15 of the 2024 TAP-R filing?

16 MR. HAVER: That's correct.

17 MR. MERRITT: Is that correct?

18 MR. HAVER: Yes, it accompanies the
19 water commissioner's letter.

20 MR. DASENT: And I believe much of
21 that same language you'll find in RFC-1. So
22 RFC, I think you're the best position to
23 answer that. Although it could also be
24 shared with Black & Veatch.

1 HEARING OFFICER CHESTNUT: I'm
2 sorry, could you refer me to your question
3 again, Mr. Haver?

4 MR. HAVER: I haven't gotten to it
5 yet.

6 HEARING OFFICER CHESTNUT: Oh,
7 okay.

8 MR. HAVER: I just was giving
9 people time to pull it up. So my question
10 is, based on this statement, what's the
11 projected number of people enrolled in the
12 TAP program on May 1st of this year?

13 MR. DASENT: The overview was filed
14 in February, if it's a formal notice.

15 MR. HAVER: Well, it lists --

16 HEARING OFFICER CHESTNUT: It's
17 directed to RFC, I mean.

18 MR. HAVER: It says 6,000 new
19 participants in March and then 12,000 new
20 participants month until the full set has
21 been enrolled. Right? So that would be
22 18,000?

23 MS. LOCKLEAR: Yeah. Mr. Haver,
24 those are enrollments or acceptances into the

1 program. The count of customers in the
2 program, what we term participants, lags
3 behind that number or behind the enrollment
4 itself.

5 MR. HAVER: So again, based on your
6 written testimony, what number did you
7 project would be enrolled as of May 1st of
8 2024?

9 MR. DASENT: You look at RFC-3 --

10 MS. LOCKLEAR: Oh, I'm sorry.

11 MR. DASENT: Let's update it and
12 scroll over to the projections. I don't know
13 what the number is, but it'll tell you where
14 we got to.

15 MR. JAGT: I think Henrietta was
16 pointing out there's going to be a difference
17 between enrolled and participants, because as
18 we define -- we mentioned this earlier during
19 the day, or was mentioned that a participant
20 is defined as a TAP customer enrolled and
21 received a bill.

22 Because as Henrietta pointed out, a
23 customer is first enrolled, there's a
24 projection of that, then there's the -- when

1 they get a bill, they're a participant. That
2 happens afterwards. So within RFC's
3 testimony and the projections, the
4 projections are of participants and not
5 enrollees.

6 MR. HAVER: Thank you, Mr. Jagt.
7 So I will then accept the answer of what is
8 the projected number of participants as of
9 May 1st, 2024? Based on the testimony that
10 you filed.

11 MR. DAVIS: I believe that is --

12 MS. TAVANTZIS: Oh, sorry.

13 MR. DAVIS: -- real quick, 57,000
14 to 58,000.

15 MR. HAVER: And what is the actual
16 number?

17 MR. DAVIS: We have not finalized
18 information for the month of April, but it's
19 in that vicinity.

20 MR. HAVER: I'm sorry, what does
21 that mean, in that vicinity? If you just
22 want to make it a transcript request and get
23 the actual numbers. That's fine with me. I
24 just want to know how accurate your

1 projections have been. If you don't know
2 here, that's fine.

3 But you've put on the record how
4 many people you expect to be enrolled in the
5 program. And I'm asking you how close your
6 projections are to who's actually enrolled in
7 the program.

8 MR. DAVIS: We can make that a
9 transcript request.

10 MR. HAVER: Thank you.

11 MR. DASENT: So I have it
12 correctly, you want to know, Mr. Haver, how
13 many customers are projected? TAP
14 participants are projected for as what? May
15 2024? Or we can even give you a series of
16 months?

17 MR. HAVER: No, again, in the
18 written testimony, there was a projection
19 made of how many people would enroll month by
20 month. I want to know what that projection
21 is. For me, that would tell us how many
22 people were projected to be in the program on
23 May 1st. And I want to know how many people
24 are actually in the program on May 1st.

1 MR. DASENT: Okay. We will provide
2 that.

3 MR. HAVER: Thank you. I want to
4 ask about people who have withdrawn or been
5 withdrawn from the TAP program. Who should I
6 address those questions to?

7 HEARING OFFICER CHESTNUT: I think
8 they'd asked that you address the questions
9 to Mr. Davis and he will refer them.

10 MR. HAVER: Okay. I'm sorry. To
11 Mr. Davis. Mr. Davis, what percentage of
12 people, on a monthly basis withdraw or are
13 withdrawn from the TAP program?

14 MR. DAVIS: I do not have exact
15 numbers on that. I would say that the
16 numbers are typically very low absent some
17 type of recertification effort.

18 MR. HAVER: So again, I'm not
19 asking you about anything other than the
20 actual experience at this point, whether it's
21 for because of recertification or something
22 else. I'm asking you how many people, on a
23 monthly basis in the last fiscal year, have
24 been withdrawn or withdrew from the TAP

1 program?

2 HEARING OFFICER CHESTNUT: That's
3 something Ms. Crosby could answer better.

4 MR. DASENT: Yeah. When she
5 returns. Yeah, I'll have her back about 2:00
6 to 3:00.

7 MR. HAVER: I don't need it for
8 today. Obviously, if she has medical issues,
9 she should take care of them. If you could
10 just make that again a transcript request.

11 HEARING OFFICER CHESTNUT: If she
12 could supply an answer -- she could supply an
13 answer to that.

14 MR. HAVER: It's up to her. But
15 again, it's not necessary to hear from her
16 today if she has other concerns.

17 MR. DASENT: Okay.

18 MR. DAVIS: There is a report that
19 talks about withdrawals that we can provide
20 that.

21 MR. HAVER: And what is your
22 projected withdrawal rate or rate of people
23 being withdrawn after IDEA enrollments?

24 MR. DAVIS: We project the numbers

1 to remain relatively constant as we've seen
2 in the past once we hit the full IDEA
3 enrollment.

4 MR. HAVER: If the people who were
5 enrolled in TAP were able to get living wage
6 employment, would that have an impact on the
7 TAP programs' charges?

8 MR. DAVIS: I don't know.

9 MR. HAVER: Okay. Does the
10 Philadelphia Water Department contract with
11 companies outside of Philadelphia for
12 supplies and/or services?

13 MR. DAVIS: I don't know.

14 MR. DASENT: I don't know the
15 witness would know the answer to that. That
16 would be a city one.

17 HEARING OFFICER CHESTNUT: I don't
18 see how it's even relevant to this.

19 MR. HAVER: It goes directly to the
20 question of if people were able to get living
21 wage jobs in the city of Philadelphia, would
22 that have an impact on the surcharge or TAP
23 program?

24 HEARING OFFICER CHESTNUT: Again,

1 outside the scope of this proceeding.

2 MR. HAVER: It doesn't matter how -

3 -

4 HEARING OFFICER CHESTNUT: People
5 qualify on the basis of their income and
6 whether that could be affected by something
7 else, it's just outside the scope of it.
8 We're just looking at the numbers relating to
9 this particular surcharge.

10 MR. HAVER: So you're going to --

11 HEARING OFFICER CHESTNUT: If you
12 want to put some testimony on about that, I
13 don't know if we'd look at it. But
14 certainly, again, that's a base rate issue.

15 MR. HAVER: So your ruling is it
16 doesn't matter whether there's employment
17 opportunities for TAP program enrollments and
18 I'm not allowed to ask about that. Is that
19 correct?

20 HEARING OFFICER CHESTNUT: I don't
21 think it's answerable --

22 MR. DASENT: I'm going to just
23 object.

24 HEARING OFFICER CHESTNUT: -- by

1 these witnesses.

2 MR. DASENT: Yeah. It's just
3 beyond the scope.

4 MR. HAVER: It's two things. One
5 is they can't answer it, and the other is you
6 won't let me ask. Which is it? They can't
7 answer. They can't answer. But if you're
8 not allowing me to ask, then I can't ask who
9 could answer?

10 HEARING OFFICER CHESTNUT: Well,
11 it's hard because I do like to allow a
12 certain latitude here. But I think it's a
13 waste of everybody's time to ask questions
14 that have no impact in this proceeding. I'd
15 rather you just focus on the issues here.

16 I mean, I don't think it's fair to
17 put witnesses on the spot when you're not
18 asking them about their testimony. There's
19 nothing in their testimony that involves
20 that.

21 There's nothing in the formula
22 that's applied to the surcharge that has any
23 impact on that. You're just trying to make a
24 statement here, and that's okay. You can do

1 that.

2 But you have to understand that it
3 just doesn't have any kind of meaning in this
4 kind of case. If you want to raise this in
5 the base rate case, that's the place to do
6 it. So --

7 MR. HAVER: I don't need --

8 HEARING OFFICER CHESTNUT: -- if
9 you can, can you possibly answer that? I
10 mean, even if you could answer it, what would
11 be the value of that?

12 MR. HAVER: If that's a question
13 directed to me, the value --

14 HEARING OFFICER CHESTNUT: No.
15 That was just a rhetorical question. I guess
16 at this point, Mr. Dasent, did you want to
17 talk on that?

18 MR. DASENT: Yeah. It's just
19 beyond the scope of --

20 HEARING OFFICER CHESTNUT: Yeah.

21 MR. DASENT: -- the testimony, and
22 the witnesses aren't prepared to speak to
23 that particular question. I don't think it
24 is directly relevant to this proceeding. But

1 I was trying to be a little more generous
2 because Mr. Haver joins us every time and
3 tries to contribute to the proceeding. But I
4 don't think that's relevant.

5 HEARING OFFICER CHESTNUT: Okay.
6 Do you have another question?

7 MR. HAVER: The ruling is the
8 number of low-income people in the city of
9 Philadelphia because there aren't enough
10 living wage jobs is not pertinent to the TAP
11 program, is that correct?

12 HEARING OFFICER CHESTNUT: I would
13 have to --

14 MR. DASENT: I'm just going to note
15 our objection.

16 HEARING OFFICER CHESTNUT: I would
17 certainly dispute the basis for that
18 question. But in any event, yes, it's
19 disallowed --

20 MR. HAVER: So it does matter --

21 HEARING OFFICER CHESTNUT: -- for
22 these witnesses.

23 MR. HAVER: It does matter how many
24 low-income residents are in the city of

1 Philadelphia who would benefit from a living
2 wage job. That matters.

3 HEARING OFFICER CHESTNUT: I'm not
4 going to get into the concept of a living
5 wage and the impact on --

6 MR. HAVER: Okay.

7 HEARING OFFICER CHESTNUT: There's
8 so many other variables and factors. If you
9 can't ask questions about the issue in this
10 case, then we're just going to move on to
11 something else then.

12 MR. HAVER: Well, again I --

13 HEARING OFFICER CHESTNUT: If you
14 have a relevant question, please ask it.

15 MR. HAVER: I'm asking relevant
16 questions. Who on the panel, whose
17 responsibility is it to read, review, and
18 analyze academic studies of low-income plans?

19 MR. DASENT: Please note our
20 objection. I think this is beyond the scope
21 of, certainly the consultant's testimony.
22 PWD might have someone who, as a part of her
23 job responsibilities, is acquainted with
24 authors of studies that are relevant to TAP

1 or CAP or other customer assistance programs.

2 I don't think it's this panel.

3 I think it would be someone at WRB
4 and Susan can speak to that when she returns.
5 Or we can answer the question in discovery,
6 assuming the objections are overruled. This
7 is all basically Mr. Haver asking questions
8 that he asked in discovery.

9 HEARING OFFICER CHESTNUT: And if
10 however even though the department objected
11 to the discovery, they did actually provide a
12 good faith answer, so.

13 MR. HAVER: No most of the links
14 didn't work, actually.

15 HEARING OFFICER CHESTNUT: Well,
16 then talk to Mr. Dasent about that.

17 MR. HAVER: Well, Your Honor hasn't
18 ruled on his objections. Am I just to assume
19 that whatever Mr. Dasent wants, he gets?

20 MR. DASENT: No, but I certainly
21 can give you what we promised.

22 MR. HAVER: Did Your Honor overrule
23 the objection?

24 HEARING OFFICER CHESTNUT: I asked

1 if there were any preliminary matters, and
2 that's when you should have said that you
3 were not satisfied with the discovery
4 responses.

5 MR. HAVER: Okay. Then I'll put it
6 on the record --

7 HEARING OFFICER CHESTNUT: I
8 assumed you were satisfied and that's why we
9 moved on.

10 MR. HAVER: I'll put it on the
11 record now I am not satisfied and the public
12 advocate has refused to respond to my data
13 requests.

14 MR. BALLENGER: That is absolutely
15 inaccurate. Your data requests were deemed
16 received on May 7th. It's May 10th. We will
17 be filing our objections and partial
18 responses probably early next week, but
19 certainly timely. And your prior set, as you
20 acknowledged, was erroneous, so we treated it
21 as withdrawn.

22 MR. HAVER: Absolutely. A prior
23 set was a mistake on my part. But I do note
24 that you continue to file discovery requests

1 and get answers within 72 hours. Something
2 that I don't get.

3 MR. BALLENGER: We also started
4 discovering at the outset of this case. We
5 didn't wait until the eve of the hearing.

6 MR. HAVER: Okay.

7 HEARING OFFICER CHESTNUT: All
8 right. Do you have questions relevant?

9 MR. HAVER: I'm glad there's two
10 sets of rules. Who from the Water Department
11 then, is responsible for reviewing academic
12 and other analysis of low-income plans?

13 MR. DASENT: I think for purposes
14 of this hearing --

15 HEARING OFFICER CHESTNUT: What you
16 could do now, Mr. Davis or anybody can just
17 say they don't know.

18 MR. DASENT: Okay. That's fine.

19 HEARING OFFICER CHESTNUT: I mean,
20 it's certainly not in the scope of their
21 testimony. And if you don't want to -- if
22 they would like to answer a question outside
23 the scope of their testimony, they can. But
24 otherwise, they don't have to. I don't think

1 it's probative for them to be speculating.

2 MR. DAVIS: We don't know who in
3 the Water Department would have that
4 responsibility.

5 MR. HAVER: Thank you. Who is it -
6 - so this is directed to Mr. Dasent. Mr.
7 Dasent, again, understanding that your
8 witness has some other issues, I make that
9 another transcript request to provide me with
10 the name of the person who is responsible and
11 the ability to ask the questions regarding
12 Professor Todaro's statements.

13 I won't slow this process up
14 anymore if you would agree to that.

15 MR. DASENT: I would agree to abide
16 by the Hearing Officer's decision on our
17 objections. And I'm happy to tell you
18 offline if I get any other information. But
19 for purposes of this proceeding, I don't
20 think it has anything to do with it.

21 HEARING OFFICER CHESTNUT: You have
22 another question?

23 MR. HAVER: I'm waiting for the
24 Hearing Examiner's decision. Does reviewing

1 the academic literature regarding TAP and
2 other low-income plans have any importance in
3 these proceedings?

4 HEARING OFFICER CHESTNUT: Well,
5 again, not an answerable question, so.

6 MR. HAVER: So then --

7 HEARING OFFICER CHESTNUT: You
8 raise these questions that are legitimate.
9 Again, legitimate questions, but just not
10 here.

11 MR. HAVER: So, again, I made it --

12 HEARING OFFICER CHESTNUT: And I
13 know you understand that, because you've been
14 involved in many cases. So I just I don't
15 understand why you keep doing this.

16 MR. HAVER: All right. So, Mr.
17 Dasent --

18 HEARING OFFICER CHESTNUT: If you
19 have a question about the filing and their
20 testimony, please ask it.

21 MR. HAVER: So, I'm asking the
22 transcript request, who at the Water
23 Department is responsible for reviewing in
24 analyzing academic studies of the low-income

1 plan?

2 MR. DASENT: And please remember,
3 we objected to this question, or something
4 very analogous to it in our discovery. And
5 I'm telling you that we would abide by the
6 Hearing Officer's decision as to relevance,
7 as to this issue.

8 MR. HAVER: And I just --

9 MR. DASENT: And if you want to
10 make the request subject to that, then I
11 understand you.

12 HEARING OFFICER CHESTNUT: Well, I
13 thought we would finish cross examining the
14 witnesses, and then if you want to go back
15 and I will go over the objections to your
16 information request.

17 MR. HAVER: Okay. How often does
18 the participant -- how often do participants
19 in the TAP program, under the current
20 projections, have to update their
21 documentation?

22 MR. DAVIS: I believe
23 recertification is every four years at this
24 point. They're allowed to update more

1 frequently if they choose.

2 MR. HAVER: And if you know, how
3 often does a low-income family, on average
4 move?

5 MR. DAVIS: I do not know.

6 MR. HAVER: Okay. Is there any law
7 that prohibits the Water Department from
8 raising money from other sources other than
9 struggling ratepayers to cover the cost of
10 TAP?

11 MR. DAVIS: I do not know.

12 MR. HAVER: And a general question
13 to all those on the panel. I've looked at
14 your resumes over the years, and again, I
15 just want to get it on the record. Have any
16 of you ever testified against a rate
17 increase? And if so, in what case?

18 MR. DASENT: You mean Raftelis
19 Consultants? Have they ever been involved in
20 a case for OCA or some other entity where
21 they opposed to? They can answer that.

22 MR. HAVER: Right. That's what I'm
23 asking. Have you opposed a rate increase in
24 any case? And what case was it? Both

1 Raftelis and Black & Veatch.

2 MR. DAVIS: Within our
3 organization, there may have been cases where
4 we did that. I do not know offhand.

5 MR. HAVER: Thank you. The only
6 thing that remains outstanding are your
7 rulings on the objections.

8 HEARING OFFICER CHESTNUT: Okay.
9 Well, I was going to proceed with the cross,
10 Andre.

11 MR. DASENT: Yes, thank you.

12 HEARING OFFICER CHESTNUT: But I'm
13 not sure if we should just wrap up with -- if
14 we should do Mr. Morgan and then talk about
15 it. There's no sense having him sit around
16 here while we're doing this procedural
17 discussion.

18 Again, really, you should have
19 brought it up earlier. Do you want to take a
20 few minutes before redirect or if there is
21 redirect?

22 MR. DASENT: Yeah, let me take a
23 few moments just to consult with a client.
24 It'll be very short.

1 HEARING OFFICER CHESTNUT: Okay.

2 We'll take a short break then.

3 MR. DASENT: Thank you. 2 o'clock?

4 HEARING OFFICER CHESTNUT: Okay. 2
5 o'clock.

6 MR. DASENT: Something like that?

7 Thank you.

8 (Off the record.)

9 HEARING OFFICER CHESTNUT: Okay.

10 We'll get back on the record. We took a
11 short break. Mr. Dasent, did you have any
12 redirect examination?

13 MR. DASENT: No redirect. We spoke
14 about it and there will be no redirect. We
15 can proceed to Mr. Morgan when he's ready.

16 HEARING OFFICER CHESTNUT: Okay. I
17 think before we get to Mr. Morgan, maybe we
18 should talk about the scope of this
19 proceeding and the outstanding
20 interrogatories. Just say there's no
21 misunderstanding.

22 This is not a base rate case under
23 Section B of the commission's regulations.

24 It's a TAP-R reconciliation proceeding under

1 Section C. And the scope of it is actually
2 set out in the regulations under 1.C.

3 It says that the reconciliation
4 statement includes the new TAP-R and all
5 rates and charges that will increase or
6 decrease because the new TAP-R.

7 Two supporting calculations for the
8 new TAP-R in accordance with the formula
9 approved by the board in the most recent
10 general rate proceeding.

11 Three underlying data and
12 assumptions utilized in determining the
13 proposed tab bar, and four, a bill comparison
14 showing the effects of the revised rates on
15 bills for typical small user customers.
16 That's the scope of this proceeding.

17 And that's what I use to evaluate
18 whether or not something is relevant.
19 Because information, whether it's sought
20 through a cross examination or through
21 information request, has to be relevant and
22 of course, not privileged or otherwise
23 objectionable.

24 Were you there for -- did you hear

1 my statement, Mr. Haver?

2 MR. HAVER: Did I hear your
3 statement just now? Or did I hear your
4 statement earlier in the day when you said
5 environmental concern?

6 HEARING OFFICER CHESTNUT: My
7 statement just now. Yes. Where I talked
8 about the scope of the proceeding as
9 contained in the commission's regulation --
10 in the Rate Board's regulations.

11 MR. HAVER: I heard you say earlier
12 today the conservation was to be --

13 HEARING OFFICER CHESTNUT: Did you
14 hear my statement just now? If you didn't --
15 if you didn't, I'll be happy to repeat it.
16 Or I will refer you to the rate board's
17 regulations at Section 2C 1-C. That sets out
18 the scope of this proceeding. And I would
19 suggest that you review it.

20 MR. HAVER: Is it my turn to speak
21 now, or do you want to keep interrupting me?

22 HEARING OFFICER CHESTNUT: I was
23 not interrupting you. You were interrupting
24 me, but okay. No, I'm not sure it is

1 appropriate to discuss it here at this point.
2 I made a statement. I referred you to the
3 regulation, and I'd like you to take a minute
4 and look at that regulation and think about
5 how to appropriately proceed.

6 MR. HAVER: So you asked me a
7 direct question, and you're not allowing me
8 to answer it. And while I appreciate getting
9 advice, I am under no obligation to take your
10 advice. I don't find that your advice is
11 helpful to represent the interest of poor and
12 working people.

13 HEARING OFFICER CHESTNUT: Okay.
14 You know what? Let's just proceed then.
15 This is not getting us anywhere. Rob, did
16 you want to call Mr. Morgan or should we do
17 this --

18 MR. BALLENGER: Yes.

19 HEARING OFFICER CHESTNUT: Okay.

20 MR. BALLENGER: We can just call
21 Mr. Morgan. I assume we're back on the
22 record at this point.

23 HEARING OFFICER CHESTNUT: Yeah.

24 MR. BALLENGER: And so, joining us

1 today is Lafayette K. Morgan Jr., who
2 provided testimony on behalf of the public
3 advocate's statement number 1. And he is
4 available for cross examination within the
5 relevant scope of this proceeding.

6 HEARING OFFICER CHESTNUT: Are
7 there any additions, changes, or corrections
8 to testimony?

9 MR. BALLENGER: There are not.

10 HEARING OFFICER CHESTNUT: Okay.
11 Mr. Dasent.

12 MR. DASENT: Good afternoon, Mr.
13 Morgan. It's good to see you.

14 MR. MORGAN: Good afternoon.

15 MR. DASENT: Let me start off with
16 sort of a general question. Would you agree
17 that the TAP-R process is sort of data
18 driven? It's about the numbers.

19 And the numbers sort of take us to
20 the point where we can adjust inputs for TAP
21 and the inputs for the formula approved by
22 the Rate Board? That's basically what we're
23 talking about, isn't it?

24 MR. MORGAN: That's correct. It's

1 data driven.

2 MR. DASENT: Okay. And more
3 precisely, would you agree that the purpose
4 of this proceeding is to establish TAP-R
5 rates sufficient to recover TAP credits for
6 the next rate period, and to reconcile the
7 actual and projected TAP-R revenue with TAP
8 credits provided during the current and prior
9 rate period? Did I capture that correctly?

10 MR. MORGAN: That's correct.

11 MR. DASENT: Okay. Now, would you
12 also agree that depending upon actual
13 experience, the rates and charges for the
14 next rate period may be adjusted up or down?

15 MR. MORGAN: Could you repeat that?

16 MR. DASENT: Yeah. We're going to
17 reconcile, as a part of this process, and the
18 reconciliation calls for an adjustment up or
19 down based upon actual experience?

20 MR. MORGAN: That's correct.

21 MR. DASENT: And the methodology
22 we've used historically is consistent with
23 the methodology employed in this case. Isn't
24 that true?

1 MR. MORGAN: Right.

2 MR. BALLENGER: I just want to
3 clarify.

4 MR. DASENT: In making projections.
5 I'm sorry.

6 MR. BALLENGER: Well, I just want
7 to clarify. You're talking about PWD's
8 methodology is --

9 MR. DASENT: Yes.

10 MR. BALLENGER: -- consistent.
11 Okay.

12 MR. DASENT: Yes.

13 MR. MORGAN: In general it is. I
14 think I made that statement in prior
15 testimony.

16 MR. DASENT: Yeah. And would you
17 agree that this year's filing, though, is
18 different because some information or data is
19 already known about expected participants?
20 Correct?

21 MR. MORGAN: That is correct.

22 MR. DASENT: Okay. So that's the
23 overview of where we are. Now, we have to
24 get into the mechanics of it, like the number

1 of TAP participants. Now, if I look at the
2 filing, 55,974 total TAP participants are
3 projected by PWD for the next rate period in
4 this filing, am I right?

5 MR. MORGAN: That's what the filing
6 shows, the original filing.

7 MR. DASENT: And your projected
8 total TAP participation level during the next
9 period is lower at 54,260. Correct? Subject
10 to check.

11 MR. MORGAN: Subject to check, yes.

12 MR. DASENT: Okay. And the
13 difference between your projection and the
14 department's projection is the attrition
15 adjustment for participation?

16 MR. MORGAN: Yeah.

17 MR. DASENT: Yeah. Okay. And the
18 total projected amount of -- the total level
19 of participation includes all enrollments, I
20 take it, new enrollments based upon IDEA
21 prequalification plus the traditional
22 enrollments, as I call them, the customer-
23 initiated enrollments, am I right?
24 Everything's in there?

1 MR. MORGAN: That's correct.

2 MR. DASENT: Okay. Now, the basis
3 of your attrition adjustment as explained in
4 your response to discovery, and that's at
5 question 9, which you can find at our hearing
6 Exhibit 2 at page 5.

7 But there you explain with
8 reference to the LIHWAP prequalification
9 program, how you came to make an adjustment
10 for the IDEA of participation in this case.
11 And as a general proposition, have I stated
12 that correctly?

13 MR. MORGAN: Yes, you have.

14 MR. DASENT: Okay. Now I take it
15 if you're aware of the IDEA of
16 prequalification program, it kicked off on
17 February 13th, 2024. I think that's well
18 established.

19 MR. MORGAN: That sounds correct.

20 MR. DASENT: Okay. So enrollment
21 started on that date and are continuing up
22 until the present. Is that your
23 understanding?

24 MR. MORGAN: That is my

1 understanding.

2 MR. DASENT: Okay. Would you agree
3 the earliest month PWD would have realized
4 any IDEA prequalified related attrition would
5 be in February or March of this year?

6 MR. MORGAN: That's correct.

7 MR. DASENT: Okay. Or even later,
8 depending how quickly somebody exits from the
9 TAP program?

10 MR. MORGAN: You said with respect
11 to the IDEA participants?

12 MR. DASENT: Yeah. And if you're
13 applying attrition to those IDEA
14 participants, it would be February, March, or
15 later? Basically.

16 MR. MORGAN: Yes.

17 MR. DASENT: Okay. Now, in
18 developing the attrition adjustment, in your
19 testimony, were you aware of the period of
20 time over which five percent attrition took
21 place in the LIHWAP program?

22 MR. MORGAN: I have to refer to the
23 data request I believe you asked. And I
24 don't think I asked specifically for the time

1 period, so I'm not certain as to the time
2 period.

3 MR. DASENT: Okay. And just to be
4 clear, in this proceeding, you specifically
5 reduced the PWD projected 34,000 new TAP
6 enrollees from IDEA prequalification by five
7 percent based upon the assumption that all
8 new IDEA prequalified TAP participants will
9 not remain in TAP over time. That's your
10 thesis?

11 MR. MORGAN: Based on the five
12 percent, that's correct, yes.

13 MR. DASENT: Now, we've talked
14 about this before. We're getting into a
15 little contentious area, but based upon the
16 responses to discovery, you were not aware
17 and you indicated -- and don't use the word
18 conceit -- "We are not aware of the actual
19 TAP enrollments as of 2024." Cause that data
20 was not presented to you.

21 MR. MORGAN: That is correct. The
22 data was not presented to me.

23 MR. DASENT: Okay. Now, are you
24 aware as of now, as opposed to the response

1 to question 13 in our discovery, are you
2 aware now of TAP enrollments as recorded in
3 March or later?

4 MR. MORGAN: Based on the updated
5 RFC-3, yes.

6 MR. DASENT: Okay. Now, you
7 submitted in your testimony -- just to make
8 this firm on the record, because this is over
9 a Rob question. You submitted your testimony
10 on April 29th, 2024. And my point is we
11 submitted right after that the data that has
12 been sort of contested in terms of the RFC
13 schedule 3.

14 MR. MORGAN: I submitted my --

15 MR. DASENT: So your testimony was
16 submitted before the updated RFC-3.

17 MR. MORGAN: Yeah.

18 MR. DASENT: Okay. Now let me
19 refer you to -- I'm going to turn your
20 attention to PWD Exhibit 2 at page 15, and
21 I'm going to ask you a question concerning
22 your word papers.

23 MR. MORGAN: Exhibit 2?

24 MR. DASENT: Yeah.

1 MR. MORGAN: Okay. Page?

2 MR. DASENT: At page 15. And I'm
3 flipping to it also. Now, there in your work
4 papers, you're projecting enrollments for
5 January through March 2024. Am I right?

6 MR. MORGAN: I'm sorry, I was
7 finding the exhibit. What page are you at?

8 MR. DASENT: Page 15 of Exhibit 2.
9 And if you look at the table that's presented
10 there, it looks like it's labeled line 20.

11 MR. BALLENGER: I'm not sure I'm on
12 the same -- I'm not sure I'm on the same
13 exhibit. It says 2024 TAP reconcilable
14 writer reports and projection model at the
15 top?

16 MR. DASENT: Yeah, yeah. And PDF
17 page 15 on the bottom.

18 MR. BALLENGER: Okay.

19 MR. DASENT: Okay. Now as a part
20 of that page, because I've just excerpted
21 part of your work papers. So what I want to
22 do is establish that your work papers show
23 that projections of 21,900, 24,038, and
24 29,738 for new TAP enrollments for January,

1 February, and March 2024, respectively. Am I
2 right? Just looking at the numbers on page
3 15?

4 MR. MORGAN: You are correct.

5 MR. DASENT: Okay. Now would you
6 agree also that the actual number of TAP
7 enrollments shown in PWD's Exhibit RFC-3
8 updated for January, February, March or
9 higher than your projection?

10 MR. BALLENGER: Subject to check
11 perhaps?

12 MR. DASENT: Yeah, that's fine.
13 Okay.

14 MR. MORGAN: Yes.

15 MR. DASENT: Okay. Now let's talk
16 a little bit about the average discount for
17 IDEA participants. In calculating the
18 average discount for IDEA participants, I
19 take it you would agree that it would be
20 correct to compare the participants bill
21 prior to the TAP discount with the income-
22 based TAP bill? I think that's the lesson
23 that I learned, at least in this proceeding,
24 and you probably knew it for a whole long

1 time, am I right?

2 MR. MORGAN: That sounds correct.

3 MR. DASENT: Okay. And for
4 purposes of this proceeding, would you also
5 agree that the income based top bill is
6 received after enrollment?

7 MR. MORGAN: After enrollment, yes.

8 MR. DASENT: Yes, perforce, that
9 has to be true. And just to be clear, the
10 income-based bill for a top participant is
11 appropriately compared with their prior bills
12 to determine the average discount.

13 MR. MORGAN: For the individual
14 customer?

15 MR. DASENT: Yeah. Well, you have
16 to sort of -- you have to do it all and then
17 it'll come up with an average discount. Yes.

18 For the individual customer. And
19 we would extrapolate from there, though. But
20 let me focus on the individual customer. The
21 answer is yes?

22 MR. MORGAN: Yes.

23 MR. DASENT: Okay. Let me look at
24 February, March data. Let me refer you to

1 PWD Exhibit 4, sort of. That one came late.
2 That's the last one, but it's not many pages.
3 Okay. And just say you got it when you get
4 it. And I'm flipping to it as well.

5 Okay. Now, would you agree that
6 the data provided in response to the
7 discovery request PA TAP 3, question 3
8 included IDEA TAP participants through March.

9 And I'm just sort of looking at the
10 table there on page 2. But I like page 3
11 actually better. So, because you can see --

12 MR. BALLENGER: Just to clarify,
13 you're talking about the two tables in
14 hearing Exhibit 4?

15 MR. DASENT: Yes.

16 MR. BALLENGER: But you're
17 referring to data from PA set 2 number 3, the
18 consumption data.

19 MR. DASENT: Yeah.

20 MR. BALLENGER: Okay.

21 MR. DASENT: Which I'm recounting
22 there or trying to accurately show there. On
23 the left, the work paper numbers, and on the
24 right, additional calculations. Okay.

1 Now, would you agree that the data
2 provided in the response to this data request
3 or the information shown PA TAP 3-3 included
4 IDEA TAP participants through March. And you
5 can see it on its face, just read down to
6 the, the box.

7 MR. BALLENGER: Just a point of
8 clarification, that is PA 2 3.

9 MR. DASENT: Oh, I'm sorry.

10 MR. BALLENGER: That's 2. Yeah.

11 MR. DASENT: Yeah, you're right.

12 MR. BALLENGER: That's where I'm
13 getting mixed up, going back and forth
14 throughout the exhibits.

15 MR. DASENT: Yeah, you're right.
16 This is two. You asked so many questions.
17 Okay. But it's PA 2-3. But if you look at
18 that table on that page, on page 3, you see
19 that the March data is reported there.
20 Correct?

21 MR. MORGAN: Let me --

22 MR. DASENT: As well as February.

23 MR. MORGAN: The work papers, what
24 you provided in PWD here in Exhibit 4 on the

1 left side, appear to be excerpted from my
2 work papers.

3 MR. DASENT: Yeah.

4 MR. MORGAN: And I think it's PDF
5 page 3 that's related to 2-3.

6 MR. DASENT: Okay. And it included
7 IDEA TAP participants through March. Am I
8 right?

9 MR. MORGAN: In that data, yes.

10 MR. DASENT: And that data also
11 includes IDEA TAP participants enrolled in
12 February.

13 MR. MORGAN: Correct.

14 MR. DASENT: Okay. Now, would you
15 also agree that the average billings and
16 resulting average discount calculations using
17 the PA TAP 2-3 data would reflect the
18 influence of February IDEA TAP enrollment?

19 MR. MORGAN: If it's in the data,
20 yes.

21 MR. DASENT: Okay. And when I look
22 down at the bottom, and I can also see
23 something that just jumped out at me. The
24 average bill change is sort of significantly

1 or noticeably from February to March. Isn't
2 that true?

3 MR. MORGAN: Where on that page are
4 you referring to?

5 MR. DASENT: It's under average
6 bill right in the middle. It's the last
7 column that's from your work paper. Then
8 read all the way down.

9 MR. MORGAN: Okay.

10 MR. DASENT: And you can see
11 February 7,865 and March 5,650. And that
12 drop sort of tells you something there. And
13 I think it confirms what you just mentioned.

14 MR. MORGAN: Correct. I see that.

15 MR. DASENT: Okay. Now concerning
16 the senior discount, it's my understanding
17 that in developing the estimate of the
18 average TAP discount per IDEA participant
19 that you made an adjustment for the senior
20 discount. I'm correct, am I not?

21 MR. MORGAN: You are correct.

22 MR. DASENT: Okay. And did your
23 adjustment for the senior discount evaluate
24 whether the IDEA TAP participant was

1 receiving the senior discount prior to TAP
2 enrollment?

3 MR. MORGAN: When I look at the
4 data, I considered that it was not part of it
5 and that's why we reflected the discount.

6 MR. DASENT: Okay. But you relied
7 on the data you were presented with,
8 basically.

9 MR. MORGAN: That is correct.
10 Okay. Now, the overall average discount
11 participant. Let me talk a little bit about
12 that. Let me turn your attention to PWD
13 Exhibit 2 at 11. When you get there, just
14 say got it.

15 MR. MORGAN: PDF page 11?

16 MR. DASENT: Yes.

17 HEARING OFFICER CHESTNUT: I'm
18 sorry, you said the PA hearing Exhibit 2?

19 MR. DASENT: Yes. No, PWD --

20 HEARING OFFICER CHESTNUT: Page 11?

21 MR. DASENT: Yeah. Water
22 Department. Yeah, hearing Exhibit 2, page
23 11. And it's the PDF page on the bottom
24 right.

1 MR. BALLENGER: I don't want to
2 object, but I don't think we have seen this
3 in this, at least not in this format.

4 MR. DASENT: Yeah. I excerpted
5 from RFC-3 and I pulled out the numbers that
6 would allow you to calculate 5,324. But that
7 number, 5,324 is emblazoned in the summary
8 document for RFC-3 updated.

9 I mean, that's the number. We talk
10 about it a lot. And there's a 702 number
11 which is the consumption also reported on
12 that. I didn't capture that here.

13 But that's all I'm -- that's really
14 the sum and substance of what I'm doing,
15 trying to show here's the number that was
16 calculated based upon the most recent data.
17 Isn't that true, Mr. Morgan? And --

18 MR. MORGAN: I would have to say
19 subject to check because I haven't --

20 MR. DASENT: That's fine, yeah.

21 MR. MORGAN: I don't see the 702 on
22 this page.

23 MR. DASENT: No, but you see the
24 5324, which is really the import of my

1 question here.

2 MR. MORGAN: That's correct.

3 MR. DASENT: Okay. Now, let's look
4 at page 10. Now, this will get Rob's
5 attention.

6 MR. BALLENGER: So yes, it seem --
7 I just want to note the same issue. This is
8 not something that we've seen prior to the
9 hearing.

10 MR. DASENT: Yeah, I'll make it a
11 little easier though.

12 MR. BALLENGER: It's --

13 MR. DASENT: I can make it a little
14 easier.

15 MR. BALLENGER: I just want it
16 clear on the record because I just.

17 MR. DASENT: Let me refer you to
18 page 9, Mr. Morgan of PWD hearing Exhibit 2.
19 There we show the average TAP discount 3,473,
20 which is for all participants.

21 And this is your recommendation,
22 basically. I see a lot \$20, a little more or
23 29.06 in the filing. But if you look at the
24 average table TAP discount for all customers,

1 the 34.73 is the number. Isn't that true?

2 MR. MORGAN: That's what it shows.

3 MR. DASENT: Okay. Now, just some
4 housekeeping. When I look at -- I can refer
5 you to it. It'll make it easier. Pages 13
6 and 14 of PWD hearing Exhibit 2, 13 and 14.

7 There it shows page 5 of your
8 testimony there's a table. And that table is
9 replicated in your work papers. But let me
10 ask the question.

11 Would you agree that the table
12 shows different amounts than the schedule LKM
13 TAP-R 1 appended to your testimony? And
14 except that subject to check, because I think
15 if you eyeball it, all the numbers except the
16 last two lines are the same, right? All the
17 numbers are different, excuse me, except for
18 the last two lines.

19 And if you compare the two, I think
20 there's an errata here. And I'm assuming
21 that you'll first of all visually compare
22 pages 13 and 14 and see that I've recorded
23 the information accurately and the numbers
24 are different.

1 And then you'll confirm with me
2 which are correct. Which number is correct.
3 I assume it's the work paper. And it's
4 equivalent to a type, Mr. Morgan?

5 MR. MORGAN: Yeah.

6 MR. DASENT: Yeah. And just like -
7 -

8 MR. MORGAN: They're also
9 different.

10 MR. DASENT: Yeah. They're
11 different. Yeah. And the work paper
12 represents your position?

13 MR. MORGAN: Let me -- if you just
14 bear with me, let me look at my actual. That
15 is correct. The work paper, the one hearing
16 Exhibit 2 that has scheduled LKM TAP-R-1.
17 That's what my work paper said.

18 MR. DASENT: And with that, we are
19 concluded. Thank you, Mr. Morgan. Always
20 good to talk to you.

21 MR. MORGAN: You're welcome.

22 HEARING OFFICER CHESTNUT: Hey, Mr.
23 Haver. Did you have questions for Mr.
24 Morgan?

1 MR. HAVER: Am I unmuted? My
2 computer said you muted me.

3 MR. DASENT: I can hear you.

4 MR. HAVER: Thank you. Good
5 afternoon, Mr. Morgan.

6 MR. MORGAN: Good afternoon.

7 MR. HAVER: Do the public hearings
8 matter?

9 MR. MORGAN: Yes.

10 MR. HAVER: How so?

11 MR. MORGAN: We provide evidence.

12 The judge gets a chance to listen to the
13 evidence and it aids in her decision making.

14 MR. HAVER: Did you file your
15 testimony before the public hearing today?

16 MR. MORGAN: Yes.

17 MR. MORGAN: Did the public hearing
18 -- therefore the public hearing had no impact
19 on your testimony. Is that correct?

20 MR. MORGAN: The initial question
21 that was asked to me was, is the process that
22 I go through data driven? My answer was yes.
23 So as of today's hearing, I have not heard of
24 any data that changes my position.

1 MR. HAVER: Well, a very eloquent
2 answer, sir. But my question was, did any of
3 the public testimony given today have any
4 impact on the testimony you filed prior to
5 the hearing?

6 MR. MORGAN: I think I answered --

7 MR. BALLENGER: Objection. That's
8 been asked and answered.

9 HEARING OFFICER CHESTNUT: Yes, he
10 answered it. There was no data.

11 MR. HAVER: I'll ask it another
12 way.

13 MR. BALLENGER: I'll make the same
14 objection.

15 HEARING OFFICER CHESTNUT: Well,
16 let him ask it.

17 MR. BALLENGER: Okay.

18 MR. HAVER: How could you have
19 included today's public testimony in the
20 testimony you filed prior to today?

21 MR. MORGAN: As I stated, just to
22 be clear. My testimony is data driven. If
23 there were anything that was presented that
24 was data related, the Hearing Examiner would

1 have heard it, and if necessary, we would
2 make changes. But as I said, there's nothing
3 that was presented that changes my testimony.

4 MR. HAVER: So nothing you heard
5 today changed your testimony, I understand.

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1 MR. MORGAN: For this proceeding --
2 for this proceeding, nothing presented --

3 MR. HAVER: Thank you.

4 MR. MORGAN: -- changed it.

5 MR. HAVER: Are you appearing here
6 today as a witness for the public advocate?

7 MR. MORGAN: Yes.

8 MR. HAVER: So it's your
9 responsibility to represent the public
10 interest?

11 MR. BALLENGER: Objection. I don't
12 think that's quite right. The board's
13 regulations define the small user customers
14 whose interests are represented as a group in
15 this proceeding. It is a group of
16 residential and small commercial customers as
17 defined in the board's regulations.

18 HEARING OFFICER CHESTNUT: That's
19 correct.

20 MR. HAVER: So again, my question
21 is, is it your responsibility at this hearing
22 to represent the public interest as defined
23 by Mr. Ballenger?

24 HEARING OFFICER CHESTNUT: That is

1 not the public interest. Mr. Ballenger
2 explained what the public advocate's role is.

3 MR. HAVER: So the answer is no,
4 it's not your responsibility to represent the
5 public interest.

6 HEARING OFFICER CHESTNUT: That's a
7 misleading question. I think you should --

8 MR. HAVER: It's either --

9 HEARING OFFICER CHESTNUT: --
10 formulate your question in accordance with
11 what the regulations outline.

12 MR. HAVER: I've asked it as
13 directly as I can. I'll try again. Sir, is
14 it your responsibility to represent the
15 public interest?

16 MR. BALLENGER: I'm objecting.
17 There are oftentimes conflicting public
18 interests. As you well know, we represent
19 the combined interests of residential and
20 small commercial customers defined as the
21 small users in this proceeding, pursuant to
22 the board's regulations and our contract.

23 HEARING OFFICER CHESTNUT: Okay.
24 Move on, Mr. Haver. You've already gotten a

1 response to your question.

2 MR. HAVER: I don't believe I did,
3 Your Honor.

4 HEARING OFFICER CHESTNUT: Yes, you
5 did. There was an objection which was
6 sustained.

7 MR. HAVER: I do not agree with
8 you. If you're going to tell me I can't ask
9 it again, that's fine. But do not tell me
10 that I am satisfied with an answer. I am not
11 satisfied.

12 MR. BAKARE: Your Honor, this is
13 Mr. Bakare. If I may be able to offer
14 clarification to help Mr. Haver, if you don't
15 mind.

16 HEARING OFFICER CHESTNUT: Sure.

17 MR. BAKARE: Mr. Haver, I represent
18 a group of institutional customers in this
19 rate case. I think what Mr. Ballenger was
20 trying to say was that he represents the
21 interests of the residential and smaller
22 customers.

23 The public interest would involve
24 all customers, including larger customers

1 which Mr. Ballenger does not represent.

2 MR. HAVER: Thank you.

3 HEARING OFFICER CHESTNUT: That is
4 exactly correct. Yeah.

5 MR. HAVER: So, Mr. Morgan, how do
6 you know what the group you're supposed to
7 represent wants? Do you meet with them? Do
8 you have an open discussion with them? How
9 do you know what they want?

10 MR. BALLENGER: Excuse me, but I'm
11 going to object again. I think this is the
12 same, or substantially the same as a pending
13 discovery request.

14 And I don't want to put Mr. Morgan
15 in the position of giving two answers to the
16 same question. And so I'm going to object.
17 This is not a discovery hearing, and we're
18 not going to answer questions for which there
19 are pending responses and objections.

20 HEARING OFFICER CHESTNUT: Okay.

21 Then I guess you'll need to move on.

22 MR. HAVER: Again, Your Honor, I am
23 not satisfied with that answer. I would like
24 a direct answer to my question. How does Mr.

1 Morgan know what the public wants?

2 MR. BALLENGER: So, again --

3 HEARING OFFICER CHESTNUT: Okay.

4 First off, that's outside the scope of his
5 testimony. And for that reason alone, the
6 question is disallowed.

7 MR. HAVER: I'm sorry, I didn't
8 hear you. Did you say it's outside the scope
9 of his expertise?

10 HEARING OFFICER CHESTNUT: No, I
11 said it's outside the scope of his testimony
12 in this proceeding.

13 MR. HAVER: How he knows what the
14 public wants is outside the scope of his
15 knowledge.

16 MR. BALLENGER: That's not what she
17 said.

18 HEARING OFFICER CHESTNUT: That's
19 not at all what anybody said. Please stop
20 mischaracterizing things, Mr. Haver. You
21 know, it's just not worthy of you. You don't
22 have --

23 MR. HAVER: I appreciate your
24 honest thoughts about me, but once again, all

1 Your Honor's trying to do is stop the truth
2 from coming out. Belittling me won't change
3 what I do, ma'am. I don't really care very
4 much what you think of me. I do think of you
5 as rather insignificant in terms of your
6 judgment. So if you're going to rule me out
7 of order, rule me out of order. But
8 suggesting that what you --

9 HEARING OFFICER CHESTNUT: I'm
10 saying --

11 MR. HAVER: -- think of me matters.

12 HEARING OFFICER CHESTNUT: Okay.

13 Then you need to listen and understand what
14 I'm saying.

15 MR. HAVER: Again, you've
16 interrupted me, which you said you were not
17 doing, but all right.

18 HEARING OFFICER CHESTNUT: Do you
19 have a question for Mr. Morgan related to his
20 testimony --

21 MR. HAVER: I do.

22 HEARING OFFICER CHESTNUT: --
23 specifically related to his testimony?

24 MR. HAVER: Yes.

1 HEARING OFFICER CHESTNUT: Okay.

2 MR. HAVER: Do you agree with the
3 numbers presented earlier today about the
4 size of the combined rate increase that the
5 Water Department was seeking? Combined
6 meaning the base rates and the increase in
7 the TAP fee.

8 MR. BALLENGER: I want to just
9 object this to form because the department's
10 not seeking a base rate proceeding here.
11 We're only focused on the TAP-R. And if the
12 question is whether Mr. Morgan agrees with
13 the Water Department's proposed TAP-R, the
14 answer is in his testimony and the answer is
15 no.

16 MR. HAVER: Again, my question is,
17 does Mr. Morgan agree with what the Water
18 Department's witnesses said about the average
19 bill? Does he agree with the numbers that
20 the Water Department put out earlier today,
21 saying that the increase would be 14 percent?

22 The combined increase of the base
23 rates and the combined increase of the TAP
24 would be a 14 percent increase. Does Mr.

1 Morgan agree that that is an accurate number
2 based on the Water Department's assessment?

3 MR. BALLENGER: I'm just going to
4 object. In real time, we're being asked to
5 respond to something shared earlier in the
6 hearing today. If you want to refer to some
7 testimony or something like that by Mr.
8 Morgan, we could potentially answer your
9 question.

10 I think I already did tell you that
11 he doesn't agree with the proposed TAP-R
12 filed by the Water Department, and that's in
13 his testimony. But I don't think it's really
14 fair to ask him to respond to or rebut
15 factual presentations from other witnesses in
16 real time here today.

17 HEARING OFFICER CHESTNUT: Well, I
18 think a way to reformulate the question
19 though, would be that to ask Mr. Morgan, is
20 he aware that in its formal notice, the Water
21 Department reflected the combined impact of
22 the base rate increase already approved along
23 with what would be the impact of the total
24 approval of its TAP-R rate filing? Is that

1 what you're trying to ask, Mr. Haver?

2 MR. HAVER: I'll accept that as an
3 answer.

4 HEARING OFFICER CHESTNUT: Okay.
5 If you can answer that, Mr. Morgan, you can.
6 If not, then say you can't.

7 MR. MORGAN: I think Mr. Yuck
8 (phonetic) gave an answer to the question. I
9 did not -- I have not independently verified
10 that, though. That's the extent of my
11 answer.

12 HEARING OFFICER CHESTNUT: Okay.

13 MR. HAVER: Thank you. Based on
14 your testimony and your numbers, what would
15 be the size of the combined rate increase,
16 the base rate increase, and your recommended
17 TAP increase on the average water bill?

18 MR. BALLENGER: Just going to
19 check, because I think you're asking him to
20 do calculations on the spot. I think he can
21 answer as to the proposed TAP-R what his
22 testimony says. Although you can also read
23 it. Mr. Morgan?

24 HEARING OFFICER CHESTNUT: Just say

1 the impact of your TAP-R proposal, because
2 the board's base rate decision is what it is.
3 I mean, that's already established.

4 MR. BALLENGER: If you know Mr.
5 Morgan, I'm not sure that you actually --

6 HEARING OFFICER CHESTNUT: Yeah, do
7 you know? I mean --

8 MR. BALLENGER: I think you made a
9 revenue adjustment as opposed to a bill
10 adjustment. Isn't that correct?

11 MR. MORGAN: That is correct. That
12 is outside the scope of my engagement here.

13 MR. HAVER: Just to make sure I
14 understand. So it's outside of your scope of
15 your engagement to know how much the average
16 bill will go up based on your recommendation?

17 MR. BALLENGER: Well, I think we
18 can take that if you'd like, as a TR.

19 MR. HAVER: No, I would like --

20 HEARING OFFICER CHESTNUT: Well let
21 him finish.

22 (Cross talk.)

23 MR. HAVER: I would like Mr. Morgan
24 to answer the question.

1 MR. BALLENGER: Stop. You had his
2 discovery since we -- or his testimony since
3 we filed it. You could have asked this
4 question. We'll take it as a TR if you'd
5 like. Mr. Morgan are you satisfied with
6 that.

7 MR. HAVER: No, I do not want it as
8 a transcript. I want to know right now if
9 Mr. Morgan has an answer. If he does not, he
10 does not.

11 HEARING OFFICER CHESTNUT: Well, do
12 you?

13 MR. BALLENGER: Well, it can be
14 calculated as follows.

15 MR. HAVER: I'm not asking you,
16 sir.

17 MR. BALLENGER: You can ask
18 together.

19 MR. HAVER: I'm not asking you to
20 testify.

21 MR. BALLENGER: And I'm not
22 testifying.

23 MR. HAVER: I'm asking the expert
24 witness to testify.

1 HEARING OFFICER CHESTNUT: He's not
2 testifying. Mr. Haver, he's clarifying this.

3 MR. HAVER: He's not clarifying.
4 He is trying to --

5 HEARING OFFICER CHESTNUT: Well, he
6 is.

7 MR. HAVER: -- put words in Mr.
8 Morgan's mouth. He is not supposed to be
9 testifying. He can raise objections, he can
10 think whatever he thinks.

11 But I have a direct question to Mr.
12 Morgan. What is the direct impact of his
13 recommendations on the average bill? If he
14 doesn't know, he doesn't know.

15 MR. BALLENGER: Mr. Morgan, subject
16 to check that would be calculated by adding
17 2.55 plus --

18 MR. HAVER: Madam Hearing Examiner,
19 here you are. You're just letting him answer
20 the question for the witness. Shame on you.

21 HEARING OFFICER CHESTNUT: He's
22 clarifying the question for the witness to
23 answer.

24 MR. HAVER: No, he's not. He is

1 absolutely not.

2 HEARING OFFICER CHESTNUT: No.

3 MR. HAVER: You are allowing him to
4 avoid having Mr. Morgan have to tell the
5 truth. Which he's done just now.

6 HEARING OFFICER CHESTNUT: No, he's
7 clarifying the question for Mr. Morgan
8 answer. I don't understand why you don't
9 understand that. He's clarifying the
10 question so Mr. Morgan can formulate a
11 response.

12 MR. HAVER: No, what I understand
13 is that you're helping cover up a very large
14 hole in the public advocate's testimony.
15 That their own witness can't say how much the
16 average bill will go up based on their
17 recommendation.

18 HEARING OFFICER CHESTNUT: That's
19 not true.

20 MR. HAVER: You are just aiding and
21 abetting another rate increase, as you have
22 for the past four years.

23 HEARING OFFICER CHESTNUT: Okay.

24 MR. BALLENGER: So if you refer to

1 schedule LKM TAP-R-1, you will find there the
2 volumetric rates based on MCFs, which is
3 thousand cubic feet.

4 MR. HAVER: I object to the --

5 MR. BALLENGER: And if you total to
6 them --

7 MR. HAVER: I object to the Water
8 Rate Board's public advocate providing
9 testimony.

10 MR. BALLENGER: I'm directing you
11 to the answer to your question.

12 MR. HAVER: I didn't ask you a
13 question.

14 MR. BALLENGER: I'm directing you
15 to the answer which is that if you --

16 MR. HAVER: I did not ask you, for
17 the record anything.

18 HEARING OFFICER CHESTNUT: Mr.
19 Haver, we're not playing got you here. We're
20 here to establish information on the record.

21 MR. HAVER: So you can --

22 HEARING OFFICER CHESTNUT: We're
23 not playing games.

24 MR. HAVER: So you can do it

1 however you want.

2 But all you are doing is covering
3 up a very important fact that the public
4 advocate cannot put on the record what the
5 average -- the public advocate's witness
6 cannot put on the record right now, today,
7 what the average bill will go up based on his
8 recommendation. He said it's outside the
9 scope of --

10 HEARING OFFICER CHESTNUT: Mr.
11 Morgan, can you do that without reference to
12 Mr. Ballenger? I mean, it's obvious -- well,
13 I won't say it's obviously, but.

14 MR. MORGAN: There's --

15 HEARING OFFICER CHESTNUT: But
16 obviously that was not what you -- well, go
17 ahead.

18 MR. MORGAN: There is an amount
19 that is presented by PWD. There are two
20 components there. The base rate that's been
21 predetermined and TAP rate.

22 At this point, it's irrelevant what
23 the base rate component is because that's
24 been predetermined. My -- the scope of my

1 review was to look at the TAP component. So
2 it was necessary for me to make sure that
3 that piece is correct.

4 And so it's not -- unlike what Mr.
5 Haver might think it's not like I would look
6 at the number and change it based on what the
7 total bill will be. The truth is the truth.
8 And that's what I did.

9 MR. HAVER: Okay. Earlier today,
10 the Water Department's witnesses said they
11 were going to get new data from enrollees in
12 the program every four years. Is that your
13 understanding?

14 HEARING OFFICER CHESTNUT: That's
15 not what they said. Please be accurate in
16 your characterization.

17 MR. HAVER: That is what they said.
18 They were going to have --

19 HEARING OFFICER CHESTNUT: No, they
20 were talking about recertification.

21 MR. DASENT: Yes.

22 MR. HAVER: Right. That's what I'm
23 saying. Is that your understanding, sir?

24 There'll be recertification every four years.

1 MR. BALLENGER: Objection. This is
2 beyond the scope of testimony. If you know
3 Mr. Morgan, it's fine if you'd like to, but I
4 don't think this is part of your testimony.

5 MR. MORGAN: I don't know that.
6 I've heard what they said, and I have no
7 reason to doubt them.

8 MR. HAVER: But in your analysis,
9 you did not build in a model for how often,
10 or how frequently or how infrequently an
11 enrollee in the TAP program would be
12 recertified. Is that correct?

13 MR. MORGAN: Again, outside the
14 scope of my review. If you look at what
15 we're looking -- at the data that we're
16 looking at this year, it doesn't matter how
17 often the recertification takes place.

18 It's just that with each TAP filing
19 to make sure that the data is accurate and
20 participants are certified. And as long as
21 that is done, it's completely outside the
22 scope of my testimony.

23 MR. HAVER: In studying for your
24 recommendations, is one of the things you

1 consider the attrition rate of the TAP
2 enrollees?

3 MR. MORGAN: Yes.

4 MR. HAVER: And is part of the
5 reason why people withdraw or are removed
6 from the program based on certifications?

7 MR. BALLENGER: If you know, Mr.
8 Morgan.

9 MR. MORGAN: I don't know. There's
10 several reasons that were stated by PWD in
11 response to our data request. Again, I have
12 no reason to doubt them.

13 MR. HAVER: Okay. Are you aware of
14 the University of Chicago study of how often
15 low-income families move?

16 MR. MORGAN: No.

17 MR. HAVER: Okay. Do you believe
18 that the TAP program is a program that helps
19 low-income families?

20 MR. BALLENGER: I believe this is
21 likewise virtually identical to some
22 discovery that is pending.

23 HEARING OFFICER CHESTNUT: If you
24 want to give an answer to it, you can, I

1 mean.

2 MR. BALLENGER: Well, again, I have
3 a partial -- I have a draft set of responses.
4 So I don't want to put Mr. Morgan in the
5 position of saying something inconsistent
6 here.

7 That's our objection. I also don't
8 think it's really within the scope of this
9 proceeding.

10 HEARING OFFICER CHESTNUT: It's not
11 within the scope of this proceeding. It's
12 also not within the scope of his testimony.
13 And I don't think that any kind of answer
14 would be helpful. But if you want to answer
15 it, I'll let you. I mean, there won't be any
16 point to it in this context. Do you remember
17 the question?

18 MR. MORGAN: It can be helpful.

19 MR. HAVER: Thank you. Is it
20 correct that the TAP program is paid for by a
21 surcharge water basic necessity of life.

22 MR. MORGAN: Could you repeat the
23 question?

24 MR. HAVER: Is it correct that the

1 TAP program is paid for by a surcharge on
2 water and sewer rates basic necessities of
3 life?

4 MR. MORGAN: It's based as a
5 surcharge on the water and sewer rates.

6 MR. HAVER: Are you disagreeing
7 that water is a basic necessity of life?

8 MR. MORGAN: I'm not disagreeing
9 with it. I'm telling you. I gave you my
10 answer.

11 MR. HAVER: I was just curious why
12 you didn't just say yes. But all right.

13 MR. MORGAN: Well, because you made
14 it sound as if the surcharge is -- the only
15 time it's a problem is when it's a surcharge.
16 Customers have to pay for water and sewer
17 services as it is. So I felt no need to
18 repeat what you said.

19 MR. HAVER: Okay. If you're aware,
20 is LIHEAP paid for by a surcharge on other
21 utilities?

22 MR. MORGAN: I'm not --

23 MR. BALLENGER: I'm going to
24 object. This is totally irrelevant.

1 HEARING OFFICER CHESTNUT: I'll
2 overrule the objection because it is kind of
3 irrelevant, but it is a utility-based
4 program. So overruled.

5 MR. BALLENGER: It also overlaps
6 with the discovery. Again, there is a
7 question about funding other programs, like
8 federal assistance programs, and we have a
9 prepared response to that question.

10 So, again, I reiterate that this is
11 not a discovery hearing, and this is really
12 totally irrelevant. But Mr. Morgan, I am
13 preparing a response to that question for you
14 to review.

15 HEARING OFFICER CHESTNUT: Okay.
16 So you'll get a response with the answer
17 then.

18 MR. BALLENGER: Well, and an
19 objection.

20 HEARING OFFICER CHESTNUT: Well, I
21 don't have a problem if he wants to answer
22 that question.

23 MR. MORGAN: What was the question?

24 MR. DASENT: Thank you.

1 MR. HAVER: If you know, is the
2 LIHEAP program paid for by a surcharge on
3 utility bills?

4 MR. MORGAN: I don't know for sure.
5 I --

6 HEARING OFFICER CHESTNUT: Okay.

7 MR. MORGAN: I know there's ways
8 that is funded. That's not my area
9 expertise.

10 MR. HAVER: Thank you. When you
11 calculate your formula for how much the TAP
12 rate should increase this year, do you take
13 into consideration the cost of operating the
14 program?

15 MR. MORGAN: The cost of operating
16 the program is the cost that we are
17 recovering.

18 MR. BALLENGER: I believe he's
19 talking about administrative costs, Mr.
20 Morgan, as opposed to the discount costs.

21 MR. MORGAN: That was not part of
22 the formula that we follow.

23 MR. HAVER: Just to be clear so it
24 can be my question. You don't take into

1 consideration in your formula the
2 administrative cost of the TAP program in
3 making your recommendations for the increase
4 in the TAP program?

5 HEARING OFFICER CHESTNUT: Wait, I
6 need to clarify here. When you say "your
7 formula," you mean the Rate Board formula,
8 right?

9 MR. HAVER: I'm specifically
10 talking about the formula he has used to
11 arrive at the --

12 HEARING OFFICER CHESTNUT: Which is
13 the Rate Board's approved formula.

14 MR. HAVER: I'm not disagreeing
15 with that. He may be adapting theirs or he
16 may be adapting someone else's. I'm just
17 limiting him so he can answer very
18 specifically a question.

19 The formula that he used, whether
20 he got it from the Rate Board, he got it from
21 the Old Testament, or he got it someplace
22 else. The formula that he used, does that
23 consider overhead costs, administrative costs
24 of the TAP program.

1 MR. MORGAN: You said my formula
2 it's not my formula. So I want to be clear.
3 The formula is a formula that is
4 board determined and so following that
5 formula, there's no variable for the
6 operating cost, administrative cost of the
7 program.

8 MR. HAVER: I actually asked about
9 the formula you used, but okay. Do you
10 think, in your expert opinion, that the
11 overhead cost should matter?

12 MR. MORGAN: The overhead cost
13 should matter, but it's not something that is
14 part of this proceeding. We look at that in
15 the base rate proceeding.

16 MR. HAVER: Okay. According to
17 your CV or your resume, you've worked for
18 other utilities, is that correct?

19 MR. MORGAN: I've worked for one
20 utility.

21 MR. HAVER: Okay. Working for that
22 utility, did you review their low-income
23 plan?

24 MR. MORGAN: That was not my -- no.

1 MR. HAVER: Okay. Your
2 recommendations are based on your
3 projections, is that correct?

4 MR. MORGAN: The projections that I
5 made with respect to the changes that I made
6 to the IDEA of participants, yes. The other
7 projections were adopted from PWD's board
8 papers.

9 MR. HAVER: Is one of the ways to
10 judge how accurate one's projections of the
11 future would be by looking at how accurate
12 other projections have been in the past?

13 MR. MORGAN: That's -- I wouldn't
14 say that's the ultimate way to judge whether
15 it's accurate, because you can have the best
16 set of data and if there's something that
17 disrupts the economy or disrupts the service
18 area the projection can go through -- could
19 be inaccurate.

20 So simply by looking at whether it
21 was accurate or inaccurate, or how off the
22 old projections were, is not the determining
23 factor for whether it's a good set of
24 projections or not.

1 MR. HAVER: Is it a factor?

2 MR. MORGAN: It's something that
3 you look at, yes.

4 MR. HAVER: All right. Then I'd
5 like to look at your past projections. You
6 have been the public advocate's witness both
7 in rate cases and TAP proceedings. Is that
8 correct?

9 MR. MORGAN: That's correct.

10 MR. HAVER: When it comes to the
11 projection for how much money was in the rate
12 stabilization fund, how accurate were your
13 projections?

14 MR. BALLENGER: I'm just going to
15 object here because in fact, the rates are
16 not set based on Mr. Morgan's projections.

17 Mr. Morgan takes a position in the
18 proceeding, and the board sets the rates
19 based on its own determination of what
20 appropriate reserves are to be maintained
21 during the rate period by PWD, which they may
22 or may not have, as Mr. Haver is certainly
23 aware.

24 But is not Mr. Morgan's projections

1 which result in any balances in the rate
2 stabilization fund.

3 MR. HAVER: I'm simply trying to
4 find out how accurate his projections have
5 been in the past.

6 MR. BALLENGER: Well, he said his
7 projections are not determinative.

8 HEARING OFFICER CHESTNUT: Yeah, he
9 just explained it doesn't make any
10 difference. That that's just not a question
11 that can be answered that way.

12 MR. HAVER: So it doesn't matter
13 how wrong he's been in the past?

14 MR. BALLENGER: Objection to the
15 question. His projections are not utilized
16 to determine the balances in the rate
17 stabilization fund. They don't connect in
18 that way because Mr. Morgan does not operate
19 the utility.

20 MR. HAVER: Again, my question to
21 Mr. Morgan, is --

22 HEARING OFFICER CHESTNUT: Also not
23 relevant to this proceeding. So why don't
24 you -- I'm not going to allow that question

1 because it just has no relevance whatsoever
2 to this proceeding. Why don't you just move
3 on?

4 MR. HAVER: Mr. Morgan has already
5 said it is within reason to judge his future
6 projections based on his past projections.
7 And I am investigating how accurate his past
8 projections were.

9 HEARING OFFICER CHESTNUT: But Mr.
10 Ballenger has just explained how you can't do
11 that with that particular issue.

12 MR. HAVER: Mr. Ballenger is not
13 here to testify.

14 MR. BALLENGER: I'm here to object.
15 And I did.

16 HEARING OFFICER CHESTNUT: Yes, and
17 the objection sustained.

18 MR. HAVER: Okay. Just, again, to
19 be clear, you're not allowing me to ask that
20 question.

21 HEARING OFFICER CHESTNUT: That's
22 right.

23 MR. HAVER: How accurate have your
24 projections been about enrollment in the TAP

1 program?

2 MR. MORGAN: I don't think there's
3 ever been a case where all my recommendations
4 were accepted, so you can't judge my
5 projections on that. There's never --

6 MR. HAVER: So again, whether they
7 were accepted or not, my question was in past
8 TAP adjustment proceedings, you made
9 projections of how many people would be
10 enrolled in the TAP program. Is that
11 correct?

12 MR. MORGAN: And that is correct.
13 But they've not been adopted as I -- as I
14 recommend it. So how am I to measure the
15 accuracy of my projections if all my
16 recommendations were not adopted? There's no
17 way you can --

18 MR. HAVER: Okay.

19 MR. MORGAN: There's no way you can
20 make an accurate measurement of accuracy.

21 MR. HAVER: Well, sir, if you
22 projected 10,000 people being in it, and
23 there are 8000 people in it, it's very
24 obvious that your projection was 2,000

1 consumers wrong.

2 What you're saying is it's not your
3 fault that your projections were wrong. And
4 I haven't asked about fault, I'm asking just
5 sheerly about numbers.

6 MR. BALLENGER: Just going to
7 object that it's been asked and answered
8 multiple times at this point.

9 HEARING OFFICER CHESTNUT: Well,
10 I'll let Mr. Morgan take another stab at it,
11 but yeah.

12 MR. MORGAN: He acts as though the
13 participant -- the projection of the number
14 of participants is the sole determinant of
15 the accuracy. And there are other factors.

16 So I will repeat, there's no way
17 you can measure whatever I have recommended
18 in the past to compare that to what actually
19 happened. There's no way you can measure
20 that. So I disagree with the premise of your
21 question.

22 MR. HAVER: Can we extrapolate that
23 answer to the future? That there's no way to
24 know --

1 MR. MORGAN: I don't -- I don't
2 honestly understand your question.

3 MR. HAVER: I'll explain it.
4 You're saying that there's no way to know how
5 accurate your projections were in the past
6 because they were not determined.

7 And I'm now asking you, can we
8 extrapolate that answer to how accurate your
9 projections will be in the future if there's
10 no way to know?

11 MR. BALLENGER: I'm going to object
12 to the line of questioning here. Mr.
13 Morgan's projection is not based on some
14 guess about the future enrollment. It's
15 based upon the data provided on the record in
16 this proceeding that consists of both
17 historical enrollment and projected
18 enrollments, and actual enrollments since the
19 proceeding began, and information that was
20 provided in discovery.

21 It's not based on a prediction of
22 future events. It's a projection based on
23 the information that all relates back to
24 usage and billing amounts and discounts that

1 are calculated for participants and projected
2 participants who have been IDEA prequalified.
3 That's all on the record.

4 HEARING OFFICER CHESTNUT: Okay. I
5 think that's an answer.

6 MR. HAVER: Again, Mr. Ballenger is
7 not the witness. I had a direct question.
8 If you're not going to allow the witness to
9 answer my question, that's fine. But Mr.
10 Ballenger is not a witness.

11 MR. BALLENGER: It was an objection
12 with an explanation.

13 MR. HAVER: He does not have the
14 right to provide testimony at today's
15 proceeding.

16 HEARING OFFICER CHESTNUT: He
17 wasn't testifying. He was objecting and
18 explaining the basis for his objection. And
19 I think that clarification is always a good
20 idea, frankly. I don't know. I think that
21 question's already been asked numerous times,
22 and you're obviously not getting the answer
23 you want. So why don't you move on, Mr.
24 Haver?

1 MR. HAVER: I'm not getting any
2 answer. Again, I'm going to continue to ask
3 it until you tell me that I don't have a
4 right to ask him. If we should expect his
5 past experience at estimations to be
6 extrapolated into his future.

7 HEARING OFFICER CHESTNUT: Then
8 I'll disallow the question. It's already
9 been asked. It's already been answered.

10 MR. HAVER: All right. Mr. Morgan,
11 are you familiar with Black & Veatch's
12 testimony when it initially filed for the
13 rate adjustment?

14 MR. BALLENGER: I'm just going to
15 also object again, because Black & Veatch
16 didn't file testimony at the outset of this
17 proceeding. There was an advance notice and
18 then a formal notice, but there was no
19 testimony as I recall. Mr. Dasent can
20 correct me.

21 MR. DASENT: No, you're right.

22 HEARING OFFICER CHESTNUT: Well,
23 can you clarify what you're referring to, Mr.
24 Haver?

1 MR. HAVER: This was the Black &
2 Veatch's attachment to the water
3 commissioner's announcement of the rate
4 increase.

5 HEARING OFFICER CHESTNUT: Wait,
6 wait, wait. Let me make sure I know what
7 you're talking about here. Are you talking
8 about the formal or the --

9 MR. HAVER: The formal.

10 HEARING OFFICER CHESTNUT: --
11 advance notice?

12 MR. DASENT: Is he talking about BV
13 Schedule 1?

14 HEARING OFFICER CHESTNUT: Yeah.
15 What are you talking about so we know what
16 you're referring to?

17 MR. HAVER: Page 5.

18 HEARING OFFICER CHESTNUT: I'm
19 sorry.

20 MR. HAVER: Of the initial filing
21 that was accompanying the water
22 commissioner's official notice.

23 HEARING OFFICER CHESTNUT: I'm
24 sorry.

1 The overview.

2 HEARING OFFICER CHESTNUT: You're
3 talking the formal notice?

4 MR. HAVER: Yes.

5 HEARING OFFICER CHESTNUT: Okay.
6 Hold on. Let me pull that up.

7 MR. HAVER: Paragraph beginning
8 with IDEA enrollments.

9 HEARING OFFICER CHESTNUT: Okay.
10 Hold on, hold on. Let me make sure I got it.

11 MR. MORGAN: Yeah, I'm sure.

12 HEARING OFFICER CHESTNUT: I'm
13 sorry, we're talking the formal notice,
14 right? And where on there? Was it like a
15 page or page 5?

16 MR. HAVER: Page 5.

17 MR. BALLENGER: Though it says PDF
18 page number 6 on my screen.

19 HEARING OFFICER CHESTNUT: What
20 exactly is it we're looking for? Is it the -
21 -

22 MR. DASENT: Sounds like the
23 overview.

24 MR. BALLENGER: It is.

1 HEARING OFFICER CHESTNUT: Is it
2 the overview?

3 MR. DASENT: Yeah.

4 MR. BALLENGER: Yes.

5 HEARING OFFICER CHESTNUT: Okay.

6 So where in the overview introduction -- is
7 it in the introduction to the overview?

8 MR. HAVER: It's page 5, and it
9 begins with IDEA enrollments. But we could
10 probably save a lot of time if Mr. Morgan's
11 not familiar with it, he's not familiar with
12 it.

13 HEARING OFFICER CHESTNUT: Hold on,
14 hold on. Well, I want to make sure we're
15 talking about the same thing here. Page 5.
16 You're talking about the Black & Veatch state
17 memo in the formal notice?

18 MR. HAVER: Yes.

19 HEARING OFFICER CHESTNUT: Okay.
20 There's an introduction. Then the proposed
21 rates. Right? Then what? Where are you?

22 MR. HAVER: On page 5. On my
23 pagination on my computer. The paragraph --

24 HEARING OFFICER CHESTNUT: I have

1 page 5 of the actual document. My pagination
2 is different.

3 MR. HAVER: Then it may be page 6.
4 It's a paragraph -- and I'm happy to read it
5 into the record if you want to.

6 HEARING OFFICER CHESTNUT: If you
7 start it I can find it. I mean, it speaks
8 for itself, so.

9 MR. HAVER: Again, it starts with
10 IDEA enrollments began on February 13th,
11 2024.

12 HEARING OFFICER CHESTNUT: Okay.
13 I'm having trouble finding that, but I'll
14 accept your representations what they're
15 saying here, because I think I'm going too
16 fast here.

17 MR. BALLENGER: Mr. Morgan, did
18 you locate that in the formal notice?

19 MR. MORGAN: Yes, this is PDF.
20 What I am looking at is PDF page 6 on my
21 computer under the subheading projections.

22 MR. BALLENGER: And it's the last
23 paragraph on that page, correct?

24 MR. MORGAN: Correct.

1 HEARING OFFICER CHESTNUT: Well,
2 okay. I got that.

3 MR. HAVER: Mr. Morgan, are you
4 familiar with this?

5 MR. MORGAN: I'm familiar with that
6 page, yes.

7 MR. HAVER: Based on this page, how
8 many people should be enrolled in the TAP
9 program as of May 1st of this year?

10 MR. BALLENGER: Just going to again
11 object. I don't believe Mr. Morgan's
12 testimony is based on the statement on this
13 page.

14 MR. MORGAN: I can't answer that
15 question.

16 MR. HAVER: Mr. Morgan, when was
17 the last date that you received information
18 as to how many people were enrolled in the
19 TAP program?

20 MR. MORGAN: I think probably
21 yesterday. When the company filed their
22 delayed information.

23 MR. HAVER: So I'm looking for a
24 date, sir.

1 MR. MORGAN: Yesterday.

2 MR. HAVER: Okay.

3 MR. MORGAN: May 9th.

4 MR. HAVER: And as of May 9, how
5 many people were enrolled?

6 MR. MORGAN: I have to go back to
7 that document. I don't recall it off the top
8 of my head.

9 MR. BALLENGER: And I would just
10 note my objection to him stating how many
11 were actually enrolled. He can explain what
12 the response said, but he does not have
13 access to CAMP and TAP enrollment information
14 directly.

15 But Mr. Morgan, if you can locate
16 the latest information from the Water
17 Department and share that, that's fine.

18 HEARING OFFICER CHESTNUT: Is that
19 RFC-3 updated?

20 MR. DASENT: The best place to look
21 is the hearing exhibit. I think it's the
22 last page. There's a chart. I think it's
23 hearing Exhibit 2. It's easy to find.

24 HEARING OFFICER CHESTNUT: Okay.

1 MR. MORGAN: I will accept that.

2 MR. HAVER: I'm sorry, I did not
3 hear a number, sir.

4 MR. MORGAN: Oh, okay. Let me pull
5 it up.

6 MR. BALLENGER: What page was it?
7 Was hearing exhibit -- I don't see it in
8 hearing Exhibit 2.

9 MR. DASENT: It's 3. I'm sorry, 3.
10 Last page. You see we've given you a data in
11 terms of enrollments week by week.

12 MR. BALLENGER: Weekly enrollment
13 data, correct? Yes.

14 MR. DASENT: And the last number
15 gives you the answer.

16 MR. BALLENGER: And that's the --
17 that's the number who've been prequalified?

18 MR. DASENT: Yes.

19 MR. BALLENGER: Not total
20 enrollment, but it would be higher than that
21 by about 18,000 to 20,000. Somewhere in that
22 neighborhood?

23 MR. DASENT: Yeah.

24 HEARING OFFICER CHESTNUT: Is there

1 a question at this point?

2 MR. HAVER: I'm still waiting for
3 the number.

4 MR. DASENT: 35,386 if you look at
5 that particular table, Exhibit 3, PDF page 7.
6 And these are not currently participating.
7 But these are enrolled, is that correct?

8 MR. DASENT: Those are enrollments.

9 MR. BALLENGER: And those are, to
10 be clear, the IDEA prequalified customers.

11 MR. DASENT: Yes.

12 MR. MORGAN: I have lots of windows
13 open, so.

14 MR. DASENT: Yeah.

15 MR. BALLENGER: That's okay. I
16 think --

17 MR. DASENT: If you need to check.

18 MR. BALLENGER: I think I provided
19 an answer.

20 MR. DASENT: It's there.

21 MR. HAVER: Mr. Morgan. Moving on
22 so I don't keep you longer than I want to.

23 Is part of your responsibility as a witness
24 for the -- or the Rate Board's public

1 advocate to review, read, and analyze
2 academic studies of low-income plans?

3 MR. MORGAN: Not for this project.
4 No.

5 MR. HAVER: Thank you. Are you
6 familiar with Dr. Teodoro's from the La
7 Follette School of Public affairs at the
8 University of Wisconsin Madison, writing
9 about TAP?

10 MR. BALLENGER: And I'm going to
11 object here again. We're getting into
12 questions that have been asked in Mr. Haver's
13 late discovery, for which I have both
14 objections and partial responses to,
15 including a very strong critical article
16 explaining why Professor Teodoro's
17 assumptions are fundamentally flawed and
18 incorrect.

19 MR. HAVER: It wasn't my question.
20 My question was, is he familiar with it?

21 HEARING OFFICER CHESTNUT: Yeah,
22 I'll allow the question, but it's subject to
23 your --

24 MR. BALLENGER: It's irrelevant,

1 but it's beyond -- sorry. Mr. Morgan, are if
2 you're familiar with Manny Teodoro.

3 MR. MORGAN: I'm not familiar with
4 him.

5 MR. HAVER: Sir, are you aware of
6 any law that prohibits the Philadelphia Water
7 Department from raising money from other
8 sources other than surcharge on water and
9 sewer bills to cover the cost to TAP?

10 MR. BALLENGER: I would just again
11 object. Mr. Morgan's not here as a legal
12 witness. But if you're familiar and want to
13 answer Mr. Morgan.

14 MR. MORGAN: It's outside the scope
15 of my work. So the answer is no.

16 MR. HAVER: Thank you. That
17 concludes my questions.

18 HEARING OFFICER CHESTNUT: Okay.
19 Thank you. You want to take a short break?
20 Think about it or? I think I need to break
21 anyway, frankly. Why don't we --

22 MR. BALLENGER: Yeah. Let's take
23 five maybe.

24 HEARING OFFICER CHESTNUT: We'll

1 resume at 3:15?

2 MR. BALLENGER: Perfect. Thank
3 you.

4 (Off the record.)

5 HEARING OFFICER CHESTNUT: Okay.
6 We ready to resume. Looks like everybody's
7 back. Okay. I think that takes us to the
8 end. Did you have redirect for your witness,
9 Mr. Ballenger?

10 MR. BALLENGER: Thank you for the
11 opportunity, but we do not have redirect.

12 HEARING OFFICER CHESTNUT: Okay.
13 That takes us to the end of the witnesses.
14 Did you want to go over your responses to
15 your data request, Mr. Haver or not?

16 MR. DASENT: He's on mute.

17 HEARING OFFICER CHESTNUT: Yeah,
18 Deland, can you unmute him or if he's not
19 muted himself?

20 MR. BRYANT: Yes, he's available.

21 MR. HAVER: I'd be happy to do so.

22 HEARING OFFICER CHESTNUT: Okay.

23 MR. HAVER: I believe you have all
24 the objections in front of you.

1 HEARING OFFICER CHESTNUT: Go
2 ahead.

3 MR. HAVER: So I believe it is
4 germane to understand projections by looking
5 at past projections. And therefore all the
6 discovery or all the data requests looking
7 back at how accurate past projections have
8 been, has value.

9 HEARING OFFICER CHESTNUT: All
10 right. Well, let's go through these one by
11 one. I will note that the department did
12 make a good faith effort to answer your
13 information request despite objections.

14 So I'm kind of surprised that you
15 want to pursue this. But okay let's go
16 through them.

17 MR. HAVER: I want --

18 HEARING OFFICER CHESTNUT: Back to
19 the first one.

20 MR. HAVER: I want, not the
21 department. I want the consultants being
22 used. I want their projections.

23 HEARING OFFICER CHESTNUT: Now
24 let's talk about -- now before we do that,

1 let's go through this. That right one is the
2 rate stabilization fund.

3 MR. HAVER: Yes.

4 HEARING OFFICER CHESTNUT: That's
5 irrelevant to this procedure.

6 MR. HAVER: Right. And I was
7 arguing again that what it speaks to directly
8 is how accurate the projections of the
9 consultants have been in the past.

10 Because as we heard, the
11 consultants themselves have said past
12 predictions and the accuracy of them has a
13 bearing on how much we should expect the
14 accuracy of their projections.

15 HEARING OFFICER CHESTNUT:
16 Questions relating to the rate stabilization
17 fund are outside the scope of this
18 proceeding.

19 MR. HAVER: It has actually --

20 HEARING OFFICER CHESTNUT: Despite
21 that, they gave you a link to it so you could
22 look for yourself. But let's move on. That
23 takes care of number 1. The objection
24 sustained. Number 2. Now, the last five

1 years of projected enrollment. Again, if I
2 see that maybe marginally relevant. In terms
3 of the weight, to be accorded to prior
4 projections. The problem here is the nature
5 of this case, which is the surge in
6 enrollment, which kind of makes past
7 projections almost irrelevant. But with
8 respect to number 2.

9 MR. HAVER: It has to do with the
10 accuracy of the consultants' ability to
11 predict the future. What we are discussing
12 here is the predictions of what future
13 behavior will be like.

14 To understand how good those
15 projections are, we have the tool of their
16 past projections. If their past projections
17 were very accurate, then I think we can make
18 a safe leap of faith that their current
19 projections will be very accurate.

20 If their past projections were
21 exceedingly inaccurate, then I think we can
22 make a leap of faith that their current
23 projections will be inaccurate. That is the
24 basis of the question. It is how do we weigh

1 the merit of their projections going forward?

2 Not whether there's an intervening variable

3 this year that wasn't there last year.

4 That's not the issue.

5 HEARING OFFICER CHESTNUT: I think
6 five years is a long time.

7 MR. HAVER: I'll settle for three
8 years.

9 MR. SHULTZ: And this is Mr.
10 Schultz. And I believe we provided links to
11 where Mr. Haver can view the information on
12 what they've projected from past enrollments.

13 MR. HAVER: So again, it's not just
14 projections. It's projections and accurate
15 numbers.

16 MR. SHULTZ: I think the actual
17 numbers are also part of those schedules.

18 HEARING OFFICER CHESTNUT: Yeah,
19 the actual numbers are there. I think what
20 he's trying to compare it to is the
21 projections. Right?

22 MR. HAVER: Then simply provide
23 them. If they're there, just simply provide
24 them.

1 MR. SHULTZ: We provided the link.

2 MR. HAVER: Or you just want to
3 make this -- want to make it difficult? Is
4 that it? That's the point of this, to make
5 it difficult?

6 MR. SHULTZ: You asked for what's
7 the information? And we said you can find
8 the information here.

9 MR. HAVER: If you have the
10 information, just provide it. What's the
11 problem?

12 MR. SHULTZ: It's there.

13 MR. HAVER: Right. Just provide
14 it. Just copy the number down and send it to
15 me for it to be a testimony.

16 HEARING OFFICER CHESTNUT: Mr.
17 Shultz, can you do that? Can you do that for
18 the last three years?

19 MR. SHULTZ: That's capable of
20 being done by Mr. Haver himself.

21 HEARING OFFICER CHESTNUT: Yes, it
22 could be but can you do it?

23 MR. SHULTZ: But I think other
24 people can do it as well.

1 MR. BALLENGER: If I could just add
2 in a slight nuance here, which is that the
3 data changed just recently, as we discussed
4 earlier in the hearing.

5 So next month we may find that
6 actual enrollment in a prior month was not
7 exactly the same as what's reported, because
8 sometimes the department gets information
9 that someone is no longer eligible, but it's
10 after the fact.

11 Adjustments like that that happen
12 to the billing system, I understand, result
13 in people sometimes being removed from a
14 prior period. So I don't know. I don't know
15 that PWD has an annual number available, but
16 I know that the numbers that we have are
17 monthly numbers.

18 MR. DASENT: The filing itself also
19 --

20 HEARING OFFICER CHESTNUT: That's
21 why we have annual reconciliations.

22 MR. BALLENGER: Correct.

23 MR. DASENT: That's exactly right.

24 And this reconciliation record can explain

1 some of the answers Mr. Haver is seeking.

2 He's got to be directed to the schedule.

3 HEARING OFFICER CHESTNUT: Okay.

4 Can you put like an answer together for him?

5 MR. DASENT: Yes.

6 HEARING OFFICER CHESTNUT: Okay.

7 Even though the information is available.

8 Okay, that takes us to 3. I don't really see
9 any kind of probative weight to it, but if
10 you can provide it. Did you do it?

11 MR. DASENT: No. No. Our argument
12 there is it doesn't -- it's irrelevant to
13 this proceeding.

14 HEARING OFFICER CHESTNUT: Again,
15 it has no probative weight.

16 MR. DASENT: Yeah.

17 HEARING OFFICER CHESTNUT: But if
18 he can provide it, do it.

19 MR. DASENT: Well, and for what
20 period of time are we talking about?

21 HEARING OFFICER CHESTNUT: Three
22 years. Well, that takes us to four, which,
23 again, not relevant to this proceeding. I
24 don't think you need to answer that at all.

1 MR. HAVER: I don't have it called
2 up in front of me. My computer technology
3 doesn't allow me to have more than one screen
4 open at a time. So if you could just refresh
5 my memory, what 4 is.

6 HEARING OFFICER CHESTNUT: Sure.

7 MR. HAVER: I don't have it
8 memorized.

9 HEARING OFFICER CHESTNUT: It's the
10 cost of enrolling consumers in the TAP
11 program in the last fiscal year. Not
12 relevant. That would be relevant in the base
13 rate case.

14 MR. HAVER: So again, I would like
15 to argue that that is a number that is
16 incredibly relevant, and knowing how much it
17 actually costs to enroll a single person has
18 bearing on the TAP program.

19 HEARING OFFICER CHESTNUT: That's
20 absolutely true. I couldn't agree more. But
21 that is the issue to be addressed in the base
22 rate case. There's no provision for that in
23 the formula that's applied to calculate the
24 surcharge here. I don't want any further

1 discussion --

2 MR. HAVER: Madam Hearing Officer -

3 -

4 HEARING OFFICER CHESTNUT: -- on

5 that. We've already talked around about

6 this. But let's move on to five, which is

7 the number of people enrolled in the TAP

8 program in the last fiscal year. That's

9 pretty available, isn't it?

10 MR. SHULTZ: Yes. Let's link that

11 up too.

12 HEARING OFFICER CHESTNUT: Isn't

13 that in the report, I mean? Six, again, I

14 don't understand. I think that's a mistake.

15 It's not PGW. We don't care about their CPR

16 program.

17 MR. HAVER: Well, again, I

18 absolutely do care about it. I think that

19 there are industry standards that are worth

20 exploring.

21 HEARING OFFICER CHESTNUT: Okay.

22 Irrelevant to this proceeding. That takes us

23 to seven.

24 MR. HAVER: Again, what you're

1 saying is the overhead cost compared from
2 utility has no bearing in this case?

3 HEARING OFFICER CHESTNUT: In this
4 case, that's correct. But in the base rate
5 case, yes. Yes. Seven. Industry standard.
6 I'm not sure there's even an answer to that.
7 Again, not relevant.

8 That would be relevant in the base
9 rate case. These are not irrelevant. I
10 mean, these are not bad questions or issues.
11 They're just not the appropriate ones for
12 this proceeding.

13 That takes us to eight, which is
14 PWD's goal of what it should cost to enroll a
15 consumer in its TAP program. Same ruling.

16 Nine provide how PDW created its
17 goal of the cost of enrollment. Again,
18 irrelevant to this proceeding. Relevant in
19 the base rate case. That takes us to 10,
20 which is what other rate payers can do to
21 limit the cost of the TAP program.

22 That's not answerable. Certainly
23 not within the context of this reconciliation
24 proceedings. So the objection is sustained.

1 Doesn't have to be further answered. 11,
2 which is other rate payers have created the
3 poverty or unjust distribution of wealth.

4 That doesn't need to be answered.
5 That's irrelevant to this proceeding. Social
6 welfare program. Again, outside the scope of
7 this proceeding. Relevant in a base rate
8 proceeding.

9 13, cost of the TAP program.
10 That's an issue in the base rate case. The
11 cost of the program, the design of the
12 program, the operation of the program,
13 whether there should be a program, relevant
14 in a base rate proceeding. Not here.

15 14, goes along with 13, which is
16 funding from other sources. Fighting
17 poverty. Again, outside the scope of this
18 proceeding. Relevant in a base rate
19 proceeding. Living wage jobs, outside the
20 scope of this proceeding.

21 MR. HAVER: But I want to be heard
22 on that. The number of participants in the
23 TAP program matters in these proceedings,
24 does it not?

1 HEARING OFFICER CHESTNUT: The
2 number, yes. The cause of their
3 participation in the program, no.

4 MR. HAVER: So inquiring about what
5 can be done to lessen the number of people
6 who need the help from the TAP program is
7 legitimate concern.

8 HEARING OFFICER CHESTNUT: A
9 legitimate concern in the base rate case,
10 yes.

11 MR. HAVER: In this case as well
12 because we're basing all of the surcharge on
13 people based on who needs the help. And if
14 the Water Department were to take those
15 contracts they give to companies that are
16 outside of our region and move them into
17 Philadelphia and hire Philadelphians, it
18 would draw down the number of people who need
19 the TAP program.

20 HEARING OFFICER CHESTNUT: That may
21 well be true, but that's not a factor in this
22 case. Reviewing academic literature, you
23 asked that already. PWD employees
24 responsible for reviewing Dr. Teodoro's work.

1 That's been answered.

2 MR. HAVER: No. No, it hasn't
3 actually.

4 HEARING OFFICER CHESTNUT: Okay.
5 Then in that case, it's irrelevant to this
6 proceeding.

7 MR. HAVER: So again, the review --

8 HEARING OFFICER CHESTNUT: That
9 takes us to 21 about written critiques of
10 work by the department. Not relevant to this
11 particular proceeding.

12 I mean, there is a specific formula
13 that is being applied in this case. Issues,
14 I mean, and the factors that go into that
15 formula are what is relevant. I already read
16 out the scope of that and I'll be happy to do
17 it again.

18 MR. HAVER: The Hearing Examiner
19 has already acknowledged that the rules and
20 regulations are not being followed for the
21 enrollment in the TAP program. This is a
22 hypocrisy. You allow the Water Department to
23 violate its own rules and guidelines to help
24 it, but you say that to try and hold the

1 Water Department accountable for its waste
2 and mismanagement. Then you uphold the rules
3 that say you can't ask about that.

4 HEARING OFFICER CHESTNUT: Right.

5 MR. HAVER: The fact that you can't
6 see the hypocrisy is an indication of how
7 much you are in their pocket.

8 HEARING OFFICER CHESTNUT: Okay.
9 Thank you. That was helpful.

10 MR. BALLENGER: If I may just
11 interject. And Andre may be aware of this.
12 I know that water --

13 MR. DASENT: Yeah. We changed the
14 regs.

15 MR. BALLENGER: Yeah. The
16 regulations were posted with the Department
17 of records. They may not be reflected on the
18 Water Department's website, but there were
19 amendments to the regulations that were
20 proposed.

21 My understanding is no one -- the
22 charter process holds them open for 30 days
23 for potential objections, and then they
24 become final. My understanding is there were

1 no objections.

2 But in any event, that's why I
3 didn't think it was appropriate for me to
4 opine on the legality of this. But certainly
5 the Water Department can explain or direct
6 anyone to their new regulations.

7 MR. DASENT: And we will respond to
8 that in the public hearing answers and
9 written responses that we will provide the
10 coming days.

11 HEARING OFFICER CHESTNUT: Okay.
12 Thank you. All right. Is there anything
13 further? I want to thank everybody all.
14 This was the most productive hearing. Let's
15 talk about -- well, actually, before I talk
16 about this. Yeah. The schedule. Let's talk
17 about the record.

18 The Rate Board's regulations,
19 excuse me, indicate what should be part of
20 the record in this TAP-R reconciliation
21 proceeding, which again, is a Section C
22 proceeding, not a Section B proceeding.

23 And I will follow that according to
24 2.C-3. The record will consist of the

1 advanced informal notice, including
2 supporting documents, evidence of proper
3 advertising and posting. I'm not quite sure
4 the format for that. I think is that
5 something supplied by the department?

6 MR. DASENT: Yes, and appended to
7 our, I think it's hearing Exhibit 1 are some
8 of the ads that we found in the Daily News
9 and Inquirer.

10 HEARING OFFICER CHESTNUT: Okay.
11 Well, obviously your hearing exhibits will be
12 part of the record. When I say part of the
13 record, it means will be posted on our
14 website because everything is pretty much in
15 the record.

16 But I wanted to be specific here.
17 Information accepted into the record at the
18 public and technical review hearings. That's
19 all part of it.

20 And the transcript for today, the
21 public and technical hearings, my report, any
22 pleadings you may file, settlement petitions,
23 briefs, statements and opposition submitted
24 by participants. Certainly that will be

1 included.

2 Again, I know there's a bit of a
3 lag sometimes in posting items to our
4 website. It's a little more cumbersome
5 process than maybe people realize, but I
6 think Deland does a good job generally of
7 keeping up with that.

8 Unfortunately, he was on vacation,
9 so it was a bit of a lag. But now that he's
10 back, things will be posted promptly, I hope.
11 If you see something that isn't posted,
12 please bring it to my attention so that we
13 can be sure it is.

14 Talk about the schedule that was
15 contained in prehearing conference order
16 number 1. I will note one change, which is
17 that the date of June 19th, which had been
18 established for the Rate Board's adoption of
19 its rate determination, turns out that the
20 19th -- as this was talked about and voted on
21 at the Rate Board's last regular meeting,
22 that is a city holiday.

23 So the Rate Board determination
24 will be adopted at the following week.

1 They'll have a special session on June 26th.
2 But they will maintain the schedule of
3 discussing the case at the regular meeting of
4 June 12th. I'll try -- let me back up.

5 According to the schedule,
6 settlement petitions or briefs are due May
7 20th. On or before May 20th. Please provide
8 a Word copy as well as a PDF. Whatever you
9 file.

10 Objections to a settlement
11 petition, if one is filed, are due on May
12 24th, and if there is not a settlement
13 petition, then you may -- if you wish to file
14 a reply brief, you may.

15 I will try and have my hearing
16 report issued by June 3rd and then exceptions
17 will be due on June 7th. If I do it earlier,
18 then that will move up the exception period
19 because we want to give the Rate Board as
20 much time as possible to make its
21 determination.

22 The board will consider this matter
23 at its regular meeting on June 12th, and
24 again, as I said, will adopt its final

1 determination on June 26th. Any questions or
2 comments about the schedule?

3 MR. DASENT: Not from PWD.

4 HEARING OFFICER CHESTNUT: Okay.

5 MR. BALLENGER: Not from the public
6 advocate, although I do have one housekeeping
7 issue. Typically we don't do this, I don't
8 believe in TAP-R, but I saw that the Water
9 Department submitted a hearing exhibit with
10 its outreach report.

11 I could do the same if that would
12 be helpful as a post hearing exhibit. And
13 I'm glad I didn't do it before the hearing
14 because I actually got some correspondence
15 during the hearing and forwarded something to
16 Deland early this morning to include on the
17 record. So we will prepare something as well
18 if that's okay, sometime next week.

19 HEARING OFFICER CHESTNUT: That's
20 fine.

21 MR. BALLENGER: Okay.

22 HEARING OFFICER CHESTNUT: Okay.

23 Mr. Haver, anything further from you?

24 MR. BRYANT: Oh, he was muted. I'm

1 sorry.

2 HEARING OFFICER CHESTNUT: Mr.

3 Haver?

4 MR. HAVER: I was muted by your
5 coworkers there.

6 MR. BRYANT: I'm sorry.

7 MR. HAVER: It's all right. It's
8 understandable. You got to do what you're
9 told to do. I have nothing further to ask.

10 MR. DASENT: Thank you.

11 HEARING OFFICER CHESTNUT: Ade, are
12 you still here?

13 MR. BAKARE: Yes.

14 HEARING OFFICER CHESTNUT: I don't
15 see you.

16 MR. BAKARE: Yes.

17 HEARING OFFICER CHESTNUT: Okay
18 then. If there's nothing further, then this
19 hearing is adjourned and will not need to be
20 continued on Monday. I look forward to
21 hearing from you. Have a nice weekend,
22 everybody.

23 MR. DASENT: Thank you.

24 MR. BALLENGER: Thank you.

1 MR. BAKARE: Thank you.

2 MR. HAVER: Thank you.

3 THE REPORTER: Ms. Chestnut.

4 MS. LOCKLEAR: Thank you.

5 THE REPORTER: Hi, Ms. Chestnut.

6 Oopsie, she's gone.

7 MR. BRYANT: Oh, yeah. I'm sorry,
8 she's gone.

9 THE REPORTER: She did say it
10 earlier. I just wanted to reiterate, but she
11 did mention that she wanted this a three-day
12 turnaround --

13 MR. BRYANT: Yes.

14 THE REPORTER: -- for the
15 transcript. Okay.

16 MR. BRYANT: Yes.

17 THE REPORTER: Thank you very much.
18 I appreciate that.

19 MR. BRYANT: Thank you.

20 THE REPORTER: Have a great
21 weekend.

22 (Proceedings concluded at 3:38 p.m.)

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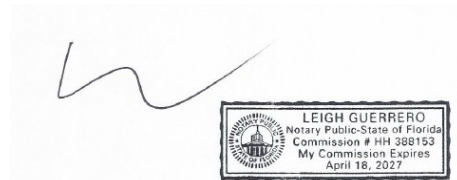
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the outcome of this matter.

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Leigh Guerrero, Notary
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