

BEFORE THE
PHILADELPHIA WATER, SEWER
AND STORM WATER RATE BOARD

Re: Philadelphia Water Department : 2024 TAP-R Reconciliation
Proceeding
Proposed Changes in Rates and Charges :

OPPOSITION TO JOINT PETITION FOR SETTLEMENT OF TAP-R PROCEEDING
BY LANCE HAVER, Pro Se

Overview

The proposed settlement agreement is a collusion between PWD and the rate board's public advocate to cover up the impermissible actions of PWD in enrolling consumers in the TAP, without following the rules and regulations governing PWD. The chart provided with the settlement agreement does not show which costs were incurred during the time in which PWD did not have the legal right to enroll consumers in TAP, without affirmative permission, but did so any way without regard for the rule of law.

PWD should not be allowed to collect from consumers for actions it was not legally entitle to make. The rate board's advocate instead of colluding to cover up the malfeasance of PWD should stand for the rule of law.

Background

The facts are not in dispute. PWD in its letter to the President of City Council states: The Formal Notice of the rate increase is dated April 1st, 2024. ***"As discussed below, this year's TAP-R filing is unique because a large group of new pre-qualified TAP enrollments (approximately 34,000) are currently being added to the program and are expected to increase average monthly TAP participation to almost 56,000 before the Next Rate Period (September 2024 to August 2025). . .*** Page 6 of "Formal Notice of Proposed Changes in Rates and Charges; Annual Adjustment of Tiered Assistance Program Rate Rider Surcharge Rates (TAP-R); states: ***IDEA enrollments began on February 13, 2024 and the complete data set was pre-selected, reviewed and analyzed for accurate matches in the weeks before,***

Counsel for PWD puts on the record when the regulations were changed to allow PWD to enroll consumers without affirmative consent:

“PWD Public Input Hearing Response” # 2.

2. TAP Applications

Customer indicated that current regulations do not address auto-enrollment and appear to authorize only the more traditional customer-initiated applications.

Response:

*The Department’s regulations were recently amended so as to explicitly allow WRB to enroll or recertify a Low-Income Customer into TAP using “Verified Administrative Data.” The amended regulations were filed with the Department of Records on March 27, 2024 and **became effective (by operation of law) on April 29, 2024.***

The rate board’s public advocate in collusion with PWD asks the hearing examiner to ignore the violations and force consumers to pay for the illegal actions of PWD.

If the hearing examiner accepts the settlement agreement, she will be agreeing with PWD and the rate board’s public advocate that PWD does not have to follow the legal, authorize regulations; that PWD is free, without consequence or penalty to ignore the rules and regulations legally enacted to regulate PWD.

Argument

Among the building blocks of our society are equal protection under the law and the rule of law. The hearing examiner has ruled that any participant seeking actions outside the regulations governing the TAP proceedings is impermissible. To approve this settlement is to allow PWD to act outside the governing regulations. It would create a two-tiered justice system, limits for the poor and working people; and no limits for the powerful, their handmaidens and their apologists.

It is never in the public interest to allow a utility to ignore regulations and act with impunity. As water is a basic necessity of life where the decision not to have service is not a rational one, market forces cannot constraint the hubris and power of a water utility. It takes regulations to do so. Agreeing to this settlement is agreeing that PWD is not bound by regulations depriving the public of its rights under Philadelphia Home Rule Charter, the Pennsylvania and United States Constitutions. Depriving us of our rights, is never in the public interest.

Close

The facts are not disputed. PWD ignored and violated the rules and regulations that govern its operations. This is admitted to on the record by PWD and its counsel on numerous occasions.

The rate board's public advocate and PWD ask the hearing examiner to ignore this fact and cover it up by accepting the settlement agreement, so there will be no finding of facts. What they are asking the hearing examiner to do, ignore the law, regulations and legal precedents should be unacceptable to any person or institution that believes in the rule of law and equal protection under the law are a part of the bed rock of our aspirations and government.

The truth of what PWD and the rate board's public advocate are trying, a cover up of PWD's violations will come out. The only question remains, which side are you on, which side are you on?

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