

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

In the Matter of the Philadelphia Water Department's Proposed Change in Water, Wastewater and Stormwater Rates and Charges	Fiscal Years 2026-2027
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**PHILADELPHIA WATER DEPARTMENT OBJECTIONS
TO THE INFORMATION REQUESTS
PROPOUNDED BY THE PUBLIC ADVOCATE (SET II)**

The Philadelphia Water Department (“Department” or “PWD”) objects to Interrogatories and Requests for Production of Documents of the Public Advocate, Set II (collectively “PA Set II Information Requests” or “PA Set II”) which were submitted via email on February 18, 2025. The Department requests that the Philadelphia Water, Sewer and Storm Water Rate Board (“Rate Board”), by its Hearing Officer, sustain these Objections and strike or limit the subject discovery requests.

Clarifications

The Department will discuss PA Set II Information Requests and these objections with the Public Advocate (“Advocate”). Notwithstanding and without waiver of the Department’s objections to PA Set II Information Requests, the Department will endeavor to further respond to the PA Set II on or about Friday, February 28, 2025.

Objections

The Department’s objections to the PA Set II Information Requests are grouped together in an effort to minimize the repetition of objections.

External Funding Opportunities

- PA-II-1.** Please provide a copy of all studies or other written documents prepared **by or on behalf of the City of Philadelphia**, or used by the City of Philadelphia, including but not limited to PWD, **for the years 2015 through 2024**, demonstrating that the City as a whole, or some sub-component of the City, is: (a) A low-income community for purposes of either Pennsylvania’s Clean Water State Revolving Fund (CWSRF) or Pennsylvania’s Drinking Water State Revolving Fund (DWSRF); (b) Is a “disadvantaged” community for purposes of either Pennsylvania’s CWSRF or Pennsylvania’s DWSRF. [emphasis added]
- PA-II-2.** Please provide a **copy** of all applications submitted **by or on behalf of the City of Philadelphia**, including but not limited to PWD, **for the years 2015 through 2024**, for: (a) A loan from Pennsylvania’s CWSRF; (b) A loan from Pennsylvania’s DWSRF; (c) A loan with “**additional subsidization**” from Pennsylvania’s CWSRF; and (d) A loan with “**additional subsidization**” from Pennsylvania’s DWSRF. [emphasis added]
- PA-II-3.** Please provide a copy of all **written** decisions from the Commonwealth of Pennsylvania **for the years 2015 through 2024**: (a) regarding an application **by Philadelphia** for a loan from Pennsylvania’s CWSRF; (b) regarding an application **by Philadelphia** for a loan from Pennsylvania’s DWSRF; (c) regarding an application **by Philadelphia** for “**additional subsidization**” from Pennsylvania’s CWSRF; (d) regarding an application **by Philadelphia** for “**additional subsidization**” from Pennsylvania’s DWSRF. [emphasis added]
- PA-II-4.** Please provide a copy of all applications submitted **by or on behalf of the City of Philadelphia**, including but not limited to PWD, **for the years 2015 through 2024**, for specific funding: (a) For Lead Service Line Replacement; (b) For Lead Service Line Replacement with **additional subsidization**; (c) For treatment of emerging contaminants; (d) For treatment of emerging contaminants with additional subsidization. [emphasis added]
- PA-II-5.** **For the years 2015 through 2024**, please provide a copy of all written decisions [received by who] from the Commonwealth of Pennsylvania regarding an application **by Philadelphia** for funding: (a) For Lead Service Line Replacement; (b) For Lead Service Line Replacement with **additional subsidization**; (c) For treatment of emerging contaminants; (d) For treatment of emerging contaminants with **additional subsidization**. [emphasis added]
- PA-II-6.** Please provide a copy of all written documents prepared **by or on behalf of the City of Philadelphia**, including but not limited to PWD, **for the years 2015 through 2024**, setting an assessment of the status of the City, or some sub-component of the City, as a low-income or disadvantaged community for purposes of either the Pennsylvania CWSRF or DWSRF, which assessment is based in whole or in part on: (a) The Environmental Protection Agency’s EJ screening tool; (b) The Council on Environmental Quality’s Climate and Economic Justice screening tool; (c) The Center for Disease Control’s Social Vulnerability Index. [emphasis added]
- PA-II-7.** Please provide a complete list of any use **by the City of Philadelphia**, including PWD, of “**additional subsidization**” from the Commonwealth of Pennsylvania’s CWSRF or DWSRF during the state fiscal **years 2015 through 2024**. Distinguish use of funds from Pennsylvania’s regular capitalization grant, from the IJA, or from some other source (specifying what the “other” is). [emphasis added]

PA-II-8. By year for the **years 2015 through 2024**, please provide a complete list of loans received **by the City of Philadelphia**, including but limited to PWD, from the CWSRF and/or DWSRF disaggregated by the term in years of the loan. Specify the capital projects which the loan was received to fund. [emphasis added]

OBJECTIONS:

The Department objects to PA-II-2, PA-II-3, PA-II-4, PA-II-5, and PA-II-7 insofar as they are vague and ambiguous. The term “additional subsidization” is not defined. The lack of a definition makes it unclear what information and documents are being requested by the Public Advocate.

The Department objects to PA-II-1 through PA-II-8 because they are overly broad. To the extent that these discovery requests refer to any and all information and documents “by Philadelphia” or “by or on behalf of the City of Philadelphia,” they are overly broad and beyond the scope of this base rate proceeding before the Board. Having the Department search for any and all information and documents by the City will cause undue burden and expense to the Department.

The Department also objects to PA-II-1 through PA-II-8 because the Advocate is seeking information and documents over an extended period of time, ten years. That period of time is unreasonable and neither relevant nor material to the prospective rates and charges for the Rate Period (Fiscal Year 2026 and Fiscal Year 2027).

The Department further objects to PA-II-1 through PA-II-8 because the Advocate is seeking information and documents that are unrelated to the proposed changes in PWD rates and charges as set forth in the rate filing, and as such, are not reasonably calculated to lead to the discovery of admissible evidence. The issues related to external funding opportunities as well as the requested information and documents would be better dealt with in the Residential Customer Assistance and Services (“RCAS”) Committee, as opposed to this base rate proceeding. The Rate Board has limited jurisdiction and limited time to address relevant issues in a general rate case. The proper scope of this proceeding is limited to the rates and charges proposed by the Department. The requested information and documents are not pertinent to the prospective rates and charges for the Rate Period (Fiscal Year 2026 and Fiscal Year 2027).

Documents Provided to Federal and State Governments

- PA-II-9.** Please provide a copy of all documents provided **by or on behalf of the City of Philadelphia**, including but not limited to PWD, to the EPA’s National Information Management System (NIMS) **for the years 2015 through 2024**. [emphasis added]
- PA-II-10.** **For the years 2015 through 2024**, please provide a copy of all documents provided **by or on behalf of the City of Philadelphia**, including but not limited to PWD, to the Commonwealth of Pennsylvania, intended to inform Pennsylvania’s development of its annual Intended Use Plan (IUP) for the CWSRF and/or DWSRF. [emphasis added]

OBJECTIONS:

The Department objects to PA-II-9 and PA-II-10 because they are overly broad. To the extent that these discovery requests refer to any and all information and documents “by Philadelphia” or “by or on behalf of the City of Philadelphia,” they are overly broad and beyond the scope of this base rate proceeding before the Rate Board. Having the Department search for any and all information and documents provided by the City will cause undue burden and expense to the Department.

The Department also objects to PA-II-9 and PA-II-10 because they are seeking information and documents over an extended period of time, ten years. That period of time is unreasonable and neither relevant nor material to the prospective rates and charges for the Rate Period (Fiscal Year 2026 and Fiscal Year 2027).

The Department further objects to PA-II-9 and PA-II-10 because they are seeking information and documents that are unrelated to the proposed changes in PWD rates and charges as set forth in the rate filing, and as such, are not reasonably calculated to lead to the discovery of admissible evidence. These discovery requests seek copies of information and documents provided to the U.S. Environmental Protection Agency (“EPA”) or the Commonwealth of Pennsylvania. Requests for copies of such information are better dealt with as a right-to-know request or before the RCAS Committee, as opposed to this base rate proceeding. The Rate Board has limited jurisdiction and limited time to address relevant issues in a general rate case. The proper scope of this proceeding is limited to the rates and charges proposed by the Department. The requested information and documents are not pertinent to the prospective rates and charges for the Rate Period (Fiscal Year 2026 and Fiscal Year 2027).

Service Disconnections; Raise Your Hand (Shutoff Exemptions)

- PA-II-11.** Please provide the month and year in which the City of Philadelphia’s “Raise Your Hand” program was first used to restrict the use of service disconnections for nonpayment of PWD bills.
- PA-II-12.** By month for the twelve months prior to the month in which the Raise Your Hand program was first used through the most current month available, please provide the following: (a) The number of Raise Your Hand customers; (b) The number of nonpayment disconnect notices issued to Raise Your Hand customers; (c) The number of nonpayment disconnections to Raise Your Hand customers; (d) The number of reconnections after a disconnection to Raise Your Hand customers; (e) The number of bills issued to Raise Your Hand customers; (f) The number of payments received from (or on behalf of) Raise Your Hand customers; (g) The dollars of bills for current service issued to Raise Your Hand customers; (h) The dollars of payments received from (or on behalf of) Raise Your Hand customers; (i) The number of Raise Your Hand customers charged a late payment charge; (j) The dollars of late payment charges billed to Raise Your Hand customers. (k) The total number of Raise Your Hand customers with arrears; (l) The total dollars of arrears billed to Raise Your Hand customers.
- PA-II-13.** Please provide the same information as requested in the immediately preceding data request (PA-II-12), except limited to residential customers who were not identified as Raise Your Hand customers.
- PA-II-14.** Please indicate whether the total for PWD for each response to the questions in PA-II-12 is equal to the data provided in response to PA-II-12 plus the data provided in response to PA-II-13. If not, please provide the total for residential customers for the information requested in PA-II-12.
- PA-II-15.** By month for the twelve months prior to the month in which the Raise Your Hand program was first used through the most current month available, please provide the following: (a) The number of Staff positions devoted to performing residential nonpayment disconnections; (b)The dollars of salary and benefits paid to staff positions devoted to performing residential nonpayment disconnections; (c) The dollars of overhead associated with staff positions devoted to performing residential nonpayment disconnections; (d) The dollars of administrative and general expenses associated with staff positions devoted to performing residential nonpayment disconnections.
- PA-II-16.** By month for the twelve months prior to the month in which the Raise Your Hand program was first used through the most current month available, please provide the number of residential customers whose service, in the absence of having been identified as a Raise Your Hand customer, would have been disconnected for nonpayment.
- PA-II-17.** By month for the twelve months prior to the month in which the Raise Your Hand program was first used through the most current month available, please provide the following: (a) The residential dollars written off as uncollectible; (b) The number of residential accounts written off as uncollectible.
- PA-II-18.** Please provide a complete copy of any and all internal PWD policies regarding the percentage of bill, or dollar amount, that will be reserved for write-offs or uncollectibles based on: (a) The size of arrears in dollars; (b) The age of arrears in months.

- PA-II-19.** Please provide the average number of residential disconnections for nonpayment per day per individual field personnel doing disconnections for nonpayment: (a) During the 12 months prior to adoption of the Raise Your Hand program. (d) During the time period after adoption of the Raise Your Hand program.
- PA-II-20.** Please explain and describe in detail the **job description** for each employee whose reasonably expected typical duties would include the process of disconnecting service for nonpayment. Please include any documents, analyses or reports that address, concern or refer to the **job description**. [emphasis added]
- PA-II-21.** For the 12 months prior to adoption of the Raise Your Hand program, as well as for the time period subsequent to adoption of Raise Your Hand, for a typical field staff person that performs residential disconnections for nonpayment, please provide: (a) The percent of a typical day spent on performing disconnections for nonpayment; (b) The percent of a typical week spent on performing disconnections for nonpayment; (c) The percent of a typical month spent on performing disconnections for nonpayment. If this data differs by month or season, indicate the differences and then identify the month or season to which the difference applies.
- PA-II-22.** By month, for each month since the adoption of the Raise Your Hand program, please provide the number of budgeted Company job positions whose job description would or may include the task of disconnecting residential service for nonpayment. If a count of budgeted job positions is available on some periodic basis other than by month, identify the count by the most frequent period available (e.g., provide annual data, but only if a count on something more frequent than annually is not available). [emphasis added]
- PA-II-23.** By month, for each month since the adoption of the Raise Your Hand program, please provide the number of actual Company job positions whose job description would or may include the task of disconnecting residential service for nonpayment. If a count of [actual] job positions is available on some periodic basis other than by month, identify the count by the most frequent period available (e.g., provide annual data, but only if a count on something more frequent than annually is not available). [emphasis added]
- PA-II-24.** Please provide a copy of any and all labor agreements that include any reference to the disconnection of service for nonpayment by company personnel.
- PA-II-25.** By month, for each month since the month in which Raise Your Hand was first implemented, of the residential service disconnection notices issued, please provide the number of accounts that received a service disconnection notice in: (a) 6 or more consecutive months without a disconnection of service; (b) 5 or more consecutive months without a disconnection of service; (c) 4 or more consecutive months without a disconnection of service; (d) 3 or more consecutive months without a disconnection of service.

OBJECTIONS:

The Department objects to PA-II-11 through PA-II-25 because they are seeking information and documents that are unrelated to the proposed changes in PWD rates and charges as set forth in the rate filing, and as such, are not reasonably calculated to lead to the discovery of admissible evidence. These

discovery requests seek copies of information and documents related to service disconnections. Requests for such information and documents is better dealt with before the RCAS Committee, as opposed to this base rate proceeding. The Rate Board has limited jurisdiction and limited time to address relevant issues in a general rate case. The proper scope of this proceeding is limited to the rates and charges proposed by the Department. The requested information and documents are not pertinent to the prospective rates and charges for the Rate Period (Fiscal Year 2026 and Fiscal Year 2027).

The Department objects to PA-II-20 because it is seeking information and documents that are unrelated to the proposed changes in PWD rates and charges as set forth in the rate filing, and as such, are not reasonably calculated to lead to the discovery of admissible evidence. This discovery request seeks any and all “documents, analyses or reports that address, concern or refer to the **job description**” (emphasis added) of any and all employees whose reasonably expected typical duties would include the process of disconnecting service for nonpayment. The Rate Board has limited jurisdiction and limited time to address relevant issues in a general rate case. The proper scope of this proceeding is limited to the rates and charges proposed by the Department. The requested information and documents are not pertinent to the prospective rates and charges for the Rate Period (Fiscal Year 2026 and Fiscal Year 2027).

WHEREFORE, the Department formally objects to the PA Set II Information Requests and requests that its Objections be sustained and that it be relieved of the requirement of any further response to same except as described above.

Respectfully submitted,

/s/ Andre C. Dasent

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