

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

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| 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 VII)**

The Philadelphia Water Department (“Department” or “PWD”) objects to Interrogatories and Requests for Production of Documents of the Public Advocate, Set VII (collectively “PA Set VII Information Requests” or “PA Set VII”) which were submitted via email on March 20, 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 VII Information Requests and these objections with the Public Advocate (“Advocate”). Notwithstanding and without waiver of the Department’s objections to PA Set VII Information Requests, the Department will endeavor to further respond to the PA Set VII on or about Monday, March 31, 2025.

Objections

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

Fiscal Year 2028

- PA-VII-17.** Reference PWD St. 3, page 9: Please provide a map of the water main replacements that will be done through the \$1,008 million budget in:
- a. FY2026;
 - b. FY2027;
 - c. **FY2028.** [emphasis added]

- PA-VII-18.** Reference PWD St. 3, page 9: Please provide a map of the failing sewer system components that will be replaced/repair through the \$990 million budget in:
- a. FY2026;
 - b. FY2027;
 - c. **FY2028** [emphasis added]
- PA-VII-19.** Reference PWD St. 3, page 12: Please provide a map of the 32 miles of water main replacements per year for:
- a. FY2026;
 - b. FY2027;
 - c. **FY2028.** [emphasis added]
- PA-VII-29.** Reference PWD St. 4B, page 8: Please provide the annual budget for FY2026, FY2027 and **FY2028** for service line replacements, assuming:
- a. 2,000 service line replacements per year;
 - b. 2,500 service line replacements per year. [emphasis added]

OBJECTIONS:

The Department objects to PA-VII-17, PA-VII-18, PA-VII-19, and PA-VII-29 because the Advocate is seeking information and documents for a time period that is beyond the scope of this proceeding. This proceeding is for FY 2026 and FY 2027. The Advocate is seeking information for FY 2028. 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). Any information for FY 2028 may change before FY 2028 and is unrelated to the proposed changes in PWD rates and charges as set forth in the rate filing, and as such, is not reasonably calculated to lead to the discovery of admissible evidence. 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).

Maps - Repairs, Replacement or Rehabilitation

PA-VII-20. Reference PWD St. 3, page 12 -13: Please provide a **map** of the water main breaks per year for the past five years underlying the calculation of a five-year average breaks per 100 miles of 24 breaks per year. [emphasis added]

PA-VII-21. Reference PWD St. 3, page 14: Please provide **maps** of:

- a. The 13 miles of sewer replacement or rehabilitation in FY2025;
- b. The 14 miles of sewer replacement or rehabilitation in FY2026;
- c. The 15 miles of sewer replacement or rehabilitation in FY2027. [emphasis added]

OBJECTIONS:

The Department objects to PA-VII-20 and PA-VII-21 because the Advocate is seeking **maps** related to **repairs, rehabilitation and replacements** that have been (FY 2025) or will be (FY 2026 and FY 2027) performed by the Department 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 requests are not seeking information related to the prospective rates and charges proposed for the Rate Period. The requested information will not assist the Rate Board in determining the prospective rates and charges for the Rate Period. No nexus has been established between the requested information and documents and the prospective rates and charges proposed for the Rate Period.

Lead Service Lines; HELP Loans

PA-VII-26. Reference PWD St. 4B, page 6: Please provide by year for the past three years the total number of **residential lead service line replacements** from the main through to the meter identifying (a) the number replaced through water main replacements, and (b) the number replaced through **HELP loans**. [emphasis added]

PA-VII-27. Reference PWD St. 4B, page 6: Please provide by year for the past three years the total number of **residential lead service line replacements** from the main to the curb stop (but not from the curb stop to the meter) identifying (a) the number replaced through water main replacements, and (b) the number replaced through **HELP loans**. [emphasis added]

OBJECTIONS:

The Department objects to PA-VII-26 and PA-VII-27 because the Advocate is seeking information and documents related to **number of residential lead service line replacements** for the past three years. The number of replacements already performed by the Department is 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 requests are not seeking information related to the prospective rates and charges proposed for the Rate Period. The requested information will not assist the Rate Board in determining the prospective rates and charges for the Rate Period. No nexus has been established between the requested information and documents and the prospective rates and charges proposed for the Rate Period.

The Department objects to PA-VII-26 and PA-VII-27 because the Advocate is seeking information and documents related to the **number of loans** under the HELP loan program for the past three years. The number of loans already made by the Department is unrelated to the proposed changes in PWD rates and charges as set forth in the rate filing, and as such, is not reasonably calculated to lead to the discovery of admissible evidence. These requests are not seeking information related to the prospective rates and charges proposed for the Rate Period. The requested information will not assist the Rate Board in determining the prospective rates and charges for the Rate Period. No nexus has been established between the requested information and documents and the prospective rates and charges proposed for the Rate Period.

City Budget Office; Capital Budget

PA-VII-23. Reference PWD St. 3, Schedule CP-1, page 265: Please provide all requests **from the City Budget Office** to PWD regarding new capital spending for quantitative and qualitative information about the impact of new funding on racial disparities.

- a. Separately provide all responses providing the requested quantitative and qualitative information about the impact of new funding on racial disparities.

[No other subparts] [emphasis added]

PA-VII-24. Reference PWD St. 3, Schedule CP-1, page 266: Please provide all PWD responses to the following questions stated to have been posed to PWD in the **city budgeting process**:

- a. Please briefly describe how the core functions of your agency intersect with the City’s vision for racial equity. What major areas of opportunity are there for you to advance racial equity as part of the core work your department performs?
- b. What critical programs, initiatives, or policies does your office administer with your current budget to improve racial equity? In briefly describing this program, initiative, or policy, please include (a) how you measure its success (including any performance measures and/or data/tools available), (b) observable strengths in advancing racial equity, and (c) observable challenges or opportunities for growth in advancing racial equity.
- c. Is there any critical unmet need within your budget that inhibits your department’s achievement of its greatest racial equity priorities? If so, briefly describe.
- d. How have you involved internal and external stakeholders, including marginalized communities of color, in your department’s budget process?

Note that this question is not asking PWD to develop new responses to these questions. Rather, the Appendix to the Capital Panel testimony states that “Departments were then asked to respond to the following questions. . .” We are asking for **PWD’s response to those questions**. [emphasis added]

OBJECTIONS:

The Department objects to PA-VII-23 and PA-VII-24 insofar as they are vague and ambiguous. The fiscal year(s) for which information and documents are being requested is not defined. The lack of a definition makes it unclear if the Advocate is seeking information for Fiscal Years before 2025, for Fiscal Year 2025, Fiscal Year 2026, Fiscal Year 2027 or Fiscal Years after Fiscal Year 2027.

- The Department further objects to PA-VII-23 and PA-VII-24 to the extent that they are seeking information for Fiscal Years before 2025 and/or Fiscal Year 2025. Such information and documents are publicly available from the City and 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 Department further objects to PA-VII-23 and PA-VII-24 to the extent that they are seeking information for Fiscal Year 2026. Such information and documents will be publicly available from the City. For Fiscal Year 2026, budget hearings are scheduled to begin on March 25 and end on May 14. The final Fiscal Year 2026 budget must be approved by June 30. Fiscal Year 2026 starts on July 1. There is no such information for Fiscal Year 2027. 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 Fiscal Year 2026.
- The Department further objects to PA-VII-23 and PA-VII-24 to the extent that they are seeking information for Fiscal Year 2027 and/or Fiscal Years after 2027. Such information and documents do not exist and are not available.

The Department further objects to PA-VII-23 and PA-VII-24 because the Advocate is seeking information and documents related to the **City budgeting process**. Such information and documents 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 rate filing is based on projections, not the actual budgets approved by the City. The issues related to city budgeting process as well as the requested information and documents do not control this 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).

Applications filed with the Pennsylvania Infrastructure Investment Authority

- PA-VII-34.** Reference: **West Philadelphia lead service line replacement application**: Please provide a copy of PWD’s October 24, 2024 **Lead Service Line Inventory**. [emphasis added]
- PA-VII-35.** Reference: **West Philadelphia lead service line replacement application**: Please provide the basis for estimating that there are 20,000 **lead service lines** in need of replacement. [emphasis added]

- PA-VII-36.** Reference: **West Philadelphia lead service line replacement application:** Please provide the basis for estimating the cost of \$232 million to \$382 million to replace **known lead service lines**. Separately explain the difference between the basis for the higher and lower cost estimates. [emphasis added]
- PA-VII-37.** Reference: **West Philadelphia lead service line replacement application:** Please provide a cost estimate for replacing **lead service lines** given a reasonable estimate of the proportion of lines with currently “unknown” composition that would need to be replaced. Provide the basis for the cost estimate(s). [emphasis added]
- PA-VII-38.** Reference: **West Philadelphia lead service line replacement application:** Please provide the most recent three submissions to the City Planning Commission and City Budget Office setting forth PWD’s proposed six year capital plan for:
- a. Replacing known **lead service lines** in need of replacement;
 - b. Replacing estimated **lead service lines** in need of replacement.
- [emphasis added]
- PA-VII-39.** Reference: **West Philadelphia lead service line replacement application:** Please identify and provide maps of the “historically underserved areas” referenced in this application. Separately define what constitutes a “historically underserved area.” [emphasis added]
- PA-VII-40.** Reference: **West Philadelphia lead service line replacement application:** Please identify and describe the extent to which **Lead Service Line Replacement** implementation is dependent upon PennVest SRF funds (“dependent” meaning that without which the replacements will not occur). [emphasis added]
- PA-VII-42.** Reference: **West Philadelphia lead service line replacement application:** Please explain how **Lead Service Line** Replacements will improve the situation for renters. [emphasis added]
- PA-VII-43.** Reference: **West Philadelphia lead service line replacement application:** Please provide a detailed description of how PennVest grants and/or loans devoted to **Lead Service Line** Replacements will be accessed by individual households in Philadelphia. [emphasis added]
- PA-VII-44.** Reference: **West Philadelphia lead service line replacement application:** Please provide a detailed description of the difference in the ways by which individual households will access **Lead Service Line** Replacement funds depending on whether they are renters or homeowners. [emphasis added]
- PA-VII-45.** **Application for project #512033182411**, page 22 of 27: Please provide the basis for:
- a. The 2023 average annual residential bill of \$339;
 - b. The estimate that 100% of residential bills levied will be collected in 2023;
 - c. The 2029 average annual residential bill of \$521;
 - d. The estimate that 100% of the residential bills levied will be collected in 2029.
- [emphasis added]

OBJECTIONS:

The Department objects to PA-VII-34 through PA-VII-40 as well as PA-VII-42 through PA-VII-45 because the Advocate is seeking additional information related to **applications filed with the**

Pennsylvania Infrastructure Investment Authority. The information and documents used to support loan applications 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 the requested information and documents are not relevant to this 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 further objects to PA-VII-34 through PA-VII-40 as well as PA-VII-42 through PA-VII-45 because the Advocate is seeking information and documents related **to lead service line replacements**. The proper scope of this proceeding is limited to the rates and charges proposed by the Department. The number of service lines previously examined by the Department is not pertinent to the prospective rates and charges for the Rate Period (Fiscal Year 2026 and Fiscal Year 2027). The Board has limited jurisdiction. The Rate Board is empowered to approve, modify or reject proposed rates and charges. See, Section 13-101, Philadelphia Code. The Rate Board does not have oversight authority over the Department. These interrogatories and requests are not seeking information related to the prospective rates and charges proposed for the Rate Period. The requested information will not assist the Rate Board in determining the prospective rates and charges for the Rate Period. No nexus has been established between the number of service lines previously examined by the Department and the prospective rates and charges proposed for the Rate Period.

WHEREFORE, the Department formally objects to the PA Set VII 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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