

**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 VIII)**

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

Objections

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

Customer Information

PA-VIII-3. On a quarterly basis for the most recently completed three Fiscal Years, and for the current Fiscal Year (year-to-date), please provide a list of the 50 PWD

accounts (residential or otherwise) that have the highest dollar value of unpaid arrears. For each account, provide:

- a. The **service address**; and,
- b. The dollars of unpaid balance as of the date they were listed.

[emphasis added]

OBJECTIONS:

The Department objects to PA-VIII-3 because the Advocate is seeking confidential and protected information. This request involves the production of protected information i.e., addresses and debts of customers. PWD is committed to protecting the privacy of every customer, especially when the request is not reasonably calculated to lead to evidence relevant to this proceeding. This discovery request raises significant privacy concerns, including individual rights of privacy related to personally identifiable information. See, *Pennsylvania Liquor Control Board v. Beh*, 215 A.3d 1046 (Pa. Cmwlth. 2019).

Raise Your Hand Program

PA-VIII-18. By month for the most recent twelve months available, please provide the following:

- a. The number of month-end Raise Your Hand customers;
- b. The number of nonpayment disconnect notices issued to customers who have since been identified as Raise Your Hand customers;
- c. The number of nonpayment disconnections to customers who have since been identified as 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-VIII-19. Please provide the same information as requested in the immediately preceding data request, except for residential customers as a whole.

OBJECTIONS:

The Department objects to PA-VIII-18 through PA-VIII-19 because they are seeking information and documents related to the **Raise Your Hand Program**. These requests are related to service disconnections/reconnections and the performance of a program. They 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. 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).

Municipal Liens

PA-VIII-26. By year for the years Fiscal Year 2020, 2021, 2022 and 2023 (YTD), in Excel format, please provide:

- a. The number of **perfected liens** satisfied;
- b. The number of **perfected liens** vacated;
- c. The dollars of **perfected liens** satisfied;
- d. The dollars of **perfected liens** vacated.

[emphasis added]

PA-VIII-27. By year for the years Fiscal Year 2020, 2021, 2022, and 2023 (YTD), in Excel format, please provide:

- a. The number of active TAP accounts for which a new lien was perfected while the customer was an active TAP participant;
- b. The number of active TAP accounts for which a new lien was perfected prior to the time the customer became an active TAP participant;
- c. The number of active TAP accounts whose perfected lien was satisfied while the customer was an active TAP participant;
- d. The number of active TAP accounts whose perfected lien was vacated while the customer was an active TAP participant;
- e. The dollars of TAP accounts for which a new lien was perfected while the customer was an active TAP participant;
- f. The dollars of TAP accounts whose perfected lien was satisfied while the customer was an active TAP participant;
- g. The dollars of TAP accounts whose perfected lien was vacated while the customer was an active TAP participant.

[emphasis added]

PA-VIII-28. Please provide by month since July 2022:

- a. The number of TAP customers whose arrears pre-existing as of the date they enrolled in TAP were sufficient to qualify them for imposition of **a municipal lien** according to PWD policy;
- b. The number of TAP customers identified immediately above for whom PWD **perfected a lien** for those preexisting arrears;
- c. For TAP customers identified in response to subparagraph “b” above, the number of **liens perfected** on the associated service addresses following enrollment in TAP;
- d. The aggregate dollars of unpaid bills underlying **the liens** identified in response to subparagraph “c” above;
- e. The number of TAP customers identified in response to subparagraph “b” above for whom **the lien** based on pre-existing arrears was later satisfied by payment of the underlying debt;
- f. The aggregate dollars of unpaid bills associated with **the liens** identified in response to subparagraph “c” above for which the lien was removed as having been paid in full subsequent to PWD filing the lien;

- g. Regarding the liens identified in response to subparagraph “c” above, the aggregate dollars of fees charged to customers with those pre-existing debts which fees reflected the cost of filing **the lien**;
- h. Regarding liens identified in response to subparagraph “c” above, the cost basis for any/all charges imposed on customer accounts associated with the perfection of **the lien**;
- i. The number of TAP customers for whom **the liens** identified in subparagraph “c” above was subsequently cancelled or otherwise removed for reasons other than the payment of the underlying debt.

[emphasis added]

OBJECTIONS:

The Department objects to PA-VIII-26, PA-VIII-27, and PA-VIII-28 as the Advocate is seeking information and documents related to the **docketed municipal liens** and their disposition. To remain in compliance with the Municipal Claims and Tax Lien Act, the City (Law Department) automatically files liens with the First Judicial District every quarter when the water debt reaches a threshold of \$1,000 and is more than 90 days old. The lien fees are set by the court and added to the customer’s account. Liens are handled by the Law Department and paid by the Department of Revenue. This request 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. Requests for such information and documents are better dealt with before the RCAS Committee, as opposed to this base rate proceeding.

The Department also objects to PWD-VIII-26, PA-VIII-27, and PA-VIII-28 because the Advocate is seeking information and documents for a time period that is well outside the scope of this proceeding. This proceeding is for FY 2026 and FY 2027. The Advocate is seeking information as far back as FY 2020. Use of this extended period of time is unreasonable and neither relevant nor material to the prospective rates and charges for the Rate Period (FY 2026 and FY 2027). PWD submits that information for the requested historic period 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 (FY 2026 and FY 2027).

Tiered Assistance Program (TAP)

PA-VIII-50. In an active Excel spreadsheet, by year for each year Fiscal Year 2017 to Fiscal Year 2022: please provide a restatement of RFC-7 (non-stormwater only) for:

- a. Residential customers not on a Customer Assistance Program;
- b. TAP-only customers;
- c. Low-income customers who are not TAP participants;
- d. Senior citizen discount recipients;
- e. All other Customer Assistance Program recipients.

OBJECTIONS:

The Department objects to PA-VIII-50 because the Advocate is seeking information and documents for a time period that is well outside the scope of this proceeding. This proceeding is for FY 2026 and FY 2027. The Advocate is seeking information for FY 2017 to FY 2022. That period of time is unreasonable and neither relevant nor material to the prospective rates and charges for the Rate Period. PWD submits that information for the requested historic period 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 (FY 2026 and FY 2027).

PA-VIII-51. By year for each fiscal year for which TAP-R revenue has been collected since FY2021 (as well as the current Fiscal Year to date), please provide the collection factor applied to TAP-R billings.

PA-VIII-52. By year for each fiscal year for which TAP-R revenue has been collected since FY2021, as well as the current Fiscal Year to date, please provide for TAP-R billings:

- a. The dollars of billing of TAP-R revenue;
- b. The dollars of receipts of TAP-R revenue.

PA-VIII-53. By year for each fiscal year for which TAP-R revenue was collected, please provide, for TAP-R billings, what the TAP-R receipts would have been had the collectability factor for TAP-R billings been:

- a. 100%;
- b. 96%;
- c. 95%;
- d. 90%;
- e. 88%;
- f. 82%.

OBJECTIONS:

The Department objects to PWD-VIII-51 through PA-VIII-53 because the Advocate is seeking information and documents related to the **TAP**. These requests are related to the performance of program. They 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. Requests for such information and documents are better dealt with before the RCAS Committee, as opposed to this base rate proceeding.

The Department also objects to PWD-VIII-51 through PA-VIII-53 because the Advocate is seeking information and documents for a time period that is well outside the scope of this proceeding. This proceeding is for FY 2026 and FY 2027. The Advocate is seeking information as far back as FY 2021. That historic period of time is unreasonable and neither relevant nor material to the prospective rates and charges for the Rate Period. PWD submits that information for the requested historic period 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 (FY 2026 and FY 2027).

The Department further objects to PWD-VIII-51 through PA-VIII-53 because the Advocate is seeking information and documents related to the **TAP-R revenues** in this base rate proceeding. TAP-R revenues are reconciled each year in the separate TAP proceeding. Projected and historic information and documents are publicly available on the Rate Board's website. The Department should not be required to compile information for the Advocate for FY 2021 to the present. Nor should the Department be required to create projections (using historical data or otherwise) of different collectability factors proposed by the Advocate. The Advocate has hired its own experts to formulate its position. In addition, these requests are particularly burdensome given the shortened period allotted to compile discovery responses in this proceeding.

WHEREFORE, the Department formally objects to the PA Set VIII 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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