

PHILADELPHIA WATER, SEWER AND STORM WATER RATE BOARD

In the Matter of the Philadelphia | 2025 General Rate Proceeding:  
Water Department's Proposed | Rates and Charges Effective  
Changes in Rates and Charges | Beginning 9/1/2025 and 9/1/2026

**RATE BOARD RESPONSE TO HAVER 2<sup>ND</sup> SET OF DISCOVERY**

On March 30, 2025, Lance Haver sent a document entitled "Haver 2<sup>nd</sup> Set of Discovery Requests & Requests for Production of Documents" to the Participants registered to date in the 2025 General Rate Proceeding. He addressed that document to the Philadelphia Water, Sewer and Storm Water Rate Board.

The Board is not a proper object of such requests in rate proceedings, and will not provide information in response.

Mr. Haver timely notified the Board under Section I(m) of the Board's [Regulations](#) that, as a person affected by the Water Department's proposed rates and charges, he desires to participate in technical review hearings. This makes him a Participant in the 2025 General Rate Proceeding.

Pursuant to Section II.B.5(b)(1)-(3) of the Regulations, like all Participants, Mr. Haver has a right to "propound information requests regarding any matter, not privileged, that is relevant to the proceeding," by sending such requests to Participants in writing, with responses to be provided to all Participants, the Board, and the Hearing Officer. But per Section II.B.6(b)(3), the only responses to information requests that become part of the Hearing Record are "Participant responses" – and the Board is not a Participant.

Under Section II.B.5(b)(5), procedural standards applicable to information exchange and its intended use in technical review hearings are to be "analogous to those utilized in utility ratemaking proceedings at the Pennsylvania Public Utility Commission." The PUC does not allow parties to serve discovery requests on the PUC. Indeed, the undersigned is aware of no rate proceedings anywhere that permit

participants or parties to seek discovery from the independent rate-determining body itself.

The Board's Regulations permit Participants to use information requests to seek documents and other information only from other Participants, not from the Board. Thus the Board will not provide documents or other information in response to Mr. Haver's 2<sup>nd</sup> Set of Discovery Requests and Requests for Production of Documents.

As Board counsel has previously informed Mr. Haver with respect to another issue, some documents from or concerning the Rate Board are available by submitting a request under the Right-to-Know Law using the procedures set forth in the City of Philadelphia's [Open Records Policy](#). Counsel is not opining in this response on any particular request.<sup>1</sup>

Respectfully,

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for the Philadelphia Water, Sewer and Storm Water Rate Board

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<sup>1</sup> Mr. Haver used the caption "Fiscal Years 2026 – 2027 / Rates to Become Effective September 1, 2025 and September 1, 2026." His request thus appears to pertain to the 2025 General Rate Proceeding rather than the 2025 TAP-R Rate Proceeding, which concerns rates to become effective only on September 1, 2025. However, the response is the same whether the request includes either or both proceedings. See *also* Regulation Section II.C.2(b).