

**Before the  
Philadelphia Water Commissioner**

In the Matter of the Philadelphia Water :  
Department's Proposed Increase in :  
Rates for Water and Wastewater : FY 2009-2012  
Utility Services :

**HEARING OFFICER ORDER NO. 10**

**AND NOW**, to wit, this 5th day of August, 2008, the Hearing Officer ORDERS the following:

1. The July 22, 2008 letter from Tony Cloyd, a citizen and customer of the Philadelphia Water Department, shall be marked as Public Hearing No. 10 and included as part of the record. A copy is attached hereto and marked accordingly.
2. The July 31, 2008 letter from Phil Lord, Executive Director of Tenant Union Representative Network ("TURN"), shall be marked as Public Hearing No. 11 and included as part of the record. A copy is attached hereto and marked accordingly.

**BY THE HEARING OFFICER**

  
\_\_\_\_\_  
HARRIS T. BOCK, ESQ.

July 22, 2008

Hearing Officer Harris T. Bock  
660 Two Logan Square  
Philadelphia, PA 19103

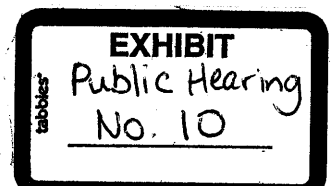
Re: PWD Rate Increase Request

Dear Hearing Officer Bock:

My name is Tony Cloyd. I am 54 years old and live at 1024 West Dauphin Street in Philadelphia. Each month I receive \$823 in Social Security Disability. I suffer from muscular dystrophy and because of that condition, I am homebound. Many times over the past few years I have experienced the Water Company billing department's poor customer service. Most of my contact with the Water Company is on the phone. I often must wait a long time on the phone before someone will answer. Sometimes, there is no answer at all or the phone just hangs up on me.

I first started having trouble with the Water Company in 2003, the year I bought the house where I live now. I was paying my water bills each month, and then six or seven months after I moved in, the Water Company told me that there was a \$6000 bill and lien on the property from the previous owner. By 2005 I was enrolled in WRAP, the Water Revenue Assistance Program for lower income customers. We worked out an arrangement where I would pay \$26 a month. I kept up on this agreement, but ran into problems in 2007.

In October 2007, I received a letter from the Water Company saying that my account was credited \$400, and that I did not need to pay the \$26 a month. I followed these directions, and stopped paying for a few months. In February 2008 I received a bill saying that I owed \$300. I was confused by this, since I did not yet use up more than \$400 in water or even \$300 in water. When I called the Water Company I was told to just send in \$70 and



request a new payment agreement, which I did. A few days later I received a letter saying that it was unnecessary to make another agreement. This was completely opposite of what the customer service representative had told me on the phone. After that I kept paying the \$26 a month according to the last agreement.

In June 2008 I received a bill saying that I owed \$4000, and I noticed that I was being charged a penalty of about \$25 a month even though I had been making regular monthly payments under the last payment agreement. On June 20, 2008 I received a shut off notice. When I called the Water Company to discuss it, I was told to disregard the shut off. In the beginning of July I called and asked to speak to a supervisor, hoping to clear up all of the questions I had about my water bill situation over the past months. I spoke to about five different people, before actually speaking with the supervisor as I had requested. She informed me that they had made a mistake by giving me a double credit one month. When I spoke to another supervisor, she told me that if I made one payment in full that she would reduce my bill by \$1000. She also told me that if I didn't hear back from her that she had taken care of the problem. That was the last contact I had with the Water Company, and recently I was sent a bill of \$30. Who knows if this is the correct amount I should be paying, or if something will change next time I speak to them?

I am providing input on behalf of myself and other people who have the same problems in trying to understand their water bills. Because I am homebound, the only way for me to get answers is over the phone. The Water Company makes customers wait too long on the phone before answering, if they answer at all. To make matters worse, I get different answers depending on who I talk to at the Water Company. I continue to be confused and frustrated. I still don't know exactly where I stand with my water bill. There is no way I can afford to pay the amount of the lien. I thought the WRAP program is meant to help people in my situation, but the Water Company needs to improve its communication with WRAP customers so that we understand our situations and aren't threatened and alarmed by shut off notices. As a person who lives on a fixed income, I have struggled with my water bills, and I have been disappointed at the Water Company's attempts at answering my questions and addressing my concerns. People like me are forced to spend a lot of

energy in dealing with problems that result from poor customer service. The Water Company should not be rewarded with higher rates until it greatly improves its services and communication with customers.

Thank you for the opportunity to provide input.

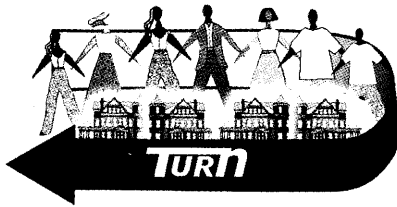
Sincerely,

A handwritten signature in cursive script that reads "Tony Cloyd Esq.".

Tony Cloyd

Cc: Philip A. Bertocci, Esq., Thu B. Tran, Esq.  
Public Advocate, Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102

Andre Dasent, Esq.  
1650 Market Street  
Philadelphia, PA 19103



Tenant Union Representative Network  
The Philadelphia Building  
1315 Walnut Street, 3<sup>rd</sup> Floor  
Philadelphia, Pennsylvania 19107  
telephone: 215-940-3900 fax: 215-940-3910

July 31, 2008

Harris T. Bock, Esq.  
Hearing Officer  
Two Logan Square, Suite 660  
Philadelphia, PA 19103  
[bock@disputeri.com](mailto:bock@disputeri.com)

*Transmittal via first-class mail and e-mail*

**Re: *In the Matter of the Philadelphia Water Department's Proposed Increase in Rates for Water and Wastewater Utility Services***

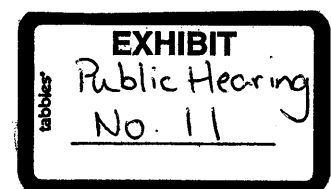
Dear Hearing Officer Bock:

I am Phil Lord, Executive Director of Tenant Union Representative Network ("TURN"). TURN is a not-for-profit advocacy organization composed of moderate and low income tenants, all either customers of the Philadelphia Water Department or dependent on water service that is the responsibility of the landlord or owner. Please accept this letter as the public input submission on behalf of TURN and its members.

The workers at TURN advocate on behalf of our tenant members. Our work often brings us into contact with tenants who are having difficulty with their utilities. We routinely receive requests for assistance because a tenant is experiencing difficulties in becoming a water customer or in obtaining recognition from the Water Revenue Bureau ("WRB") of the tenant's rights under the Utility Service Tenants Rights Act ("USTRA"). USTRA protects tenants from water shut off when the landlord is responsible for the bill but has not paid it. USTRA requires the utility to provide certain notices to tenants before shut off and allows tenants to keep water service on or restore service by paying the current bill and bills going forward.

WRB demands excessive documentation of tenancy. Tenants with oral leases have a hard time showing WRB that they are authorized occupants or tenants when the WRB insists on seeing a written lease. Oral leases are legal and enforceable in Pennsylvania. Rent receipts should be adequate proof of a tenancy. WRB should not be requiring evidence of written leases in order to show a tenancy exists. Similarly, when tenants do have written leases, WRB staff persons have demanded a more updated lease when it appears on its face to have expired, without checking to see if the lease renewed automatically, which is a common term in residential leases.

*Educating and Organizing to Promote Housing as a Human Right*



Some of our staff members at TURN no longer even bother with sending tenants to the WRB offices in the basement of the Municipal Service Building. Instead, they refer tenants to their other contacts at WRB who are more knowledgeable about tenancies and will not require unnecessary documentation of tenancy. All WRB customer service representatives should be properly trained regarding the documentation that is adequate to show a tenancy. There should be consistent customer service from all WRB representatives. A tenant's success in obtaining recognition of a tenancy should not differ depending on the WRB staff person or WRB office location.

In cases where there is a written lease, WRB staff persons have refused to deal with a tenant when there is outdated contact information on record for the landlord. Even when the tenant has had a long-time water account in the tenant's name, WRB requires the tenant to obtain the landlord's current street address. In many cases, WRB takes the bill out of the tenant's name and puts it back into the landlord's name, resulting in the tenant's being unable to make payment arrangements or apply for a low income agreement. Keeping contact information current with the Water Department or WRB is the landlord's responsibility. Many tenants send rent to a P.O. Box or have landlords who collect rent at the door of the rental unit. Landlords sometimes purposely avoid providing addresses to tenants to prevent personal contact off the rental site. These tenants should not be held hostage, sometimes with threat of shut off, as a means for obtaining the landlord's contact information. When a tenant presents him or herself to WRB and is willing to make payment arrangements for continued water service, WRB should not put improper barriers on the tenant because of the landlord's inaction or irresponsibility.

These over-documentation requirements place tenants in a difficult situation. In some cases, they cannot get the bill in their own name because WRB requires documentation they cannot provide. In some cases, they cannot assert their rights under USTRA, which protects tenants from water shut off when the landlord is responsible for the bill but has not paid it. When WRB refuses to accept valid proof of tenancy, requires over-documentation of tenancy, or requires the tenant to track down the landlord, then tenants are unable to exercise their right under USTRA or their other rights available to tenants under the Water Department's regulations.

Finally, TURN requests that an investigation be done into the Philadelphia Water Department's and Water Revenue Bureau's compliance with USTRA in terms of sending USTRA notices to landlords and tenants and recognizing when a tenant has USTRA rights. We have tenant members who have been unable to stop a shut off when the Philadelphia Water Department comes out to shut off water because of the landlord's non-payment. In some cases, the tenant shows the PWD worker the lease, but the PWD worker refuses to recognize the tenant's USTRA rights. Apparently, PWD workers are unaware that the tenants of the building scheduled for shut off should have been notified of the opportunity to assert USTRA rights and to pay current and future bills to continue water service.

Thank you for this opportunity to provide input. TURN would welcome an opportunity to work with the Philadelphia Water Department and the Water Revenue Bureau to improve procedures as they pertain to tenants.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Lord". The signature is fluid and cursive, with the first name "Phil" being more prominent than the last name "Lord".

Phil Lord  
Executive Director

cc: Public Advocate, CLS  
Andre Dasent, Esq.