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1 **Q. PLEASE STATE YOUR NAME AND ADDRESS.**

2 A. My name is Roger Colton. My address is Fisher, Sheehan & Colton, Public Finance and
3 General Economics, 34 Warwick Road, Belmont, Massachusetts, 02478.

4

5 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

6 A. I am a principal in the firm of Fisher Sheehan & Colton, Public Finance and General
7 Economics of Belmont, Massachusetts. In that capacity, I provide technical assistance to a
8 variety of federal and state agencies, consumer organizations and public utilities on rate and
9 customer service issues involving telephone, water/sewer, natural gas and electric utilities.

10

11 **Q. FOR WHOM ARE YOU TESTIFYING IN THIS PROCEEDING?**

12 A. I am testifying on behalf of Community Legal Services (“CLS”) of Philadelphia, which has
13 been appointed the Public Advocate to represent the interests of residential customers of the
14 Philadelphia Water Department/Water Revenue Bureau (“PWD”).

15

16 **Q. PLEASE DESCRIBE YOUR PROFESSIONAL BACKGROUND.**

17 A. I work primarily on utility issues involving low-income customers. This involves
18 regulatory work on rate and customer service issues, as well as research into low-income
19 usage, payment patterns, and affordability programs. At present, I am working on various
20 projects in the states of New Hampshire, New Jersey, Maryland, Pennsylvania, North
21 Carolina, Ohio, Indiana, Iowa, Arkansas, Colorado, New Mexico, Oregon and Washington.
22 My clients include state agencies (*e.g.*, Pennsylvania Office of Consumer Advocate,
23 Maryland Office of Peoples Counsel, North Carolina Department of Justice, Iowa

1 Department of Human Rights), federal agencies (*e.g.*, U.S. Department of Health and
2 Human Services), community-based organizations (*e.g.*, Community Action of New
3 Mexico, Coalition to Keep Indiana Warm, Community Action Partnership of Oregon), and
4 private utilities (*e.g.*, Entergy Services, Tacoma Public Utilities). In addition to state- and
5 utility-specific work, I engage in national work in the United States and Canada.

6
7 **Q. HAS YOUR WORK INVOLVED WORK SPECIFICALLY WITH CUSTOMER**
8 **SERVICE ISSUES INVOLVING MUNICIPAL UTILITIES?**

9 A. Yes. At present, I am currently working on a national study of the responses of water
10 utilities to the payment troubles of residential customers for the American Water Works
11 Association Research Foundation. In addition, one of my clients is the Tacoma municipal
12 utility, a municipal utility delivering both energy and water/wastewater service in Tacoma
13 (Washington). My charge with Tacoma is to help them develop a short-term, moderate-
14 term and long-term action plan to address payment troubled customers on their municipal
15 system.

16
17 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.**

18 A. After receiving my undergraduate degree from Iowa State University (1975), I obtained
19 further training in both law and economics. I received my law degree from the University of
20 Florida in 1981. I received my Masters Degree (economics) from the McGregor School
21 (Antioch University) in 1993.

1 **Q. HAVE YOU AUTHORED ARTICLES ON PUBLIC UTILITY REGULATORY**
2 **ISSUES?**

3 A. Yes. I have published more than 80 articles in scholarly and trade journals, primarily on
4 low-income utility and housing issues. I have published an equal number of technical
5 reports for various clients on energy, water, telecommunications and other associated low-
6 income utility issues. A list of my professional publications is appended as Attachment RC-
7 1.

8
9 **Q. HAVE YOU EVER TESTIFIED BEFORE THE WATER COMMISSIONER OR**
10 **OTHER UTILITY COMMISSIONS?**

11 A. Yes. I have previously testified before the Philadelphia Water Commissioner on a variety of
12 occasions involving customer service, collections, and low-income issues. In addition, I
13 have testified in regulatory proceedings in more than 30 states and various Canadian
14 provinces on a wide range of low-income water, telecommunications and energy issues.
15 Proceedings in which I have previously appeared as an expert witness are listed in
16 Attachment RC-1.

17
18 **Q. PLEASE EXPLAIN THE PURPOSE OF YOUR TESTIMONY.**

19 A. I have been asked to review the delivery of customer service by the Philadelphia Water
20 Department (“Department” or “PWD”).¹ My testimony will consider the implications of
21 the adequacy of customer service from the perspective of a rate case. More specifically,
22 my testimony has the following objectives:

¹ Throughout my testimony, the delivery of customer service by the Department (or “PWD”) is intended to include the service delivered by the Water Revenue Bureau.

1 take service under reasonable terms and conditions. PWD may not, in other words,
2 choose as a matter of policy not to serve certain customers.

3
4 **Q. IS THERE A FURTHER ASPECT TO THE OBLIGATION TO SERVE?**

5 A. Yes. PWD has the further obligation to provide equitable customer service. Equitable
6 service involves addressing and meeting the disparate customer service needs of the
7 utility provider's customer service base. PWD has a customer service obligation to use
8 the tools available to it to respond to the needs of its customer base. As a municipal
9 utility, PWD has a further particular obligation to act in an open, transparent, reasonable
10 manner toward its customers.

11
12 The duty to serve of a public utility is unquestioned under the common law. It arises
13 from two different attributes of a utility. First, the monopoly control over an essential
14 service is one attribute of a utility that has been cited as a basis for the utility's obligation
15 to serve. Given that there is no possible substitute for water/sewer service, and given that
16 there is no substitute supplier for water/sewer service, a utility such as PWD has had
17 imposed upon it a special obligation to make service available to those who seek it.
18 Second, the potential for harm arising from the abuse of the monopoly control of an
19 essential service has been cited as a basis for the obligation to serve. The potential for
20 harm is particularly acute with a water utility such as PWD in that housing is universally
21 considered to be uninhabitable (or virtually so) if the housing unit does not have access to
22 water and wastewater service in an urban area such as Philadelphia.

1 **Q. WHAT ARE THE IMPLICATIONS OF A PUBLIC UTILITY’S COMMON LAW**
2 **DUTY TO SERVE?**

3 A. The primary implication of the special obligations imposed upon PWD as a public utility
4 is that PWD does not stand in the same capacity vis a vis its customers as do other
5 retailers. With respect to its payment-troubled customers, PWD does not stand in the
6 same position as other creditors. PWD is not a provider of commercial credit. It is not a
7 tax collector. There is a special relationship between a utility and its customers when it
8 comes to customer service.

9
10 **Q. CAN YOU DEFINE WHAT YOU MEAN TO INCLUDE WHEN YOU USE THE**
11 **TERM “CUSTOMER SERVICE” FOR PWD?**

12 A. Yes. The “service” provided by PWD is more than the delivery of gallons (or CCF) of
13 water. The “service” involves the entire range of supplier-consumer transactions
14 throughout the customer cycle. That cycle begins with an application to become a
15 customer; continues through the delivery of the physical goods; continues with the
16 metering and billing of those physical goods; continues through the conversion of those
17 billings into revenue (including collections as well as addressing customer inquiries and
18 disputes); and ultimately ends when the customer leaves the PWD system. A graphical
19 display of the customer cycle for a typical public utility is set out in Schedule RDC-1.

20
21 As can be seen, PWD delivers “service” at each step through the customer cycle. The
22 service can be analogized to a sale of an office desktop computer. Frequently (if not
23 generally), what is being delivered to the consumer is more than simply the machine.

1 What is being delivered also includes delivery and set-up of the machine; trouble-
2 shooting (system debugging); and often post-sales repair work. To the extent that a good
3 has been bought using time payments, the analogy extends further to water service. If a
4 customer does not make payment because of a failure to pay for service that was not
5 delivered, the customer can lose access to the underlying good.

6
7 **Q. WHY IS THE ADEQUACY OF CUSTOMER SERVICE AN ISSUE IN A RATE**
8 **CASE?**

9 A. The adequacy of customer service is not unique to a PWD rate case. The adequacy of
10 customer service is considered a legitimate rate case issue primarily because ratepayers
11 have *paid* for adequate customer service throughout the customer cycle in their rates.
12 Having paid for such service, PWD customers have the right to be assured that they are
13 receiving the service for which they have paid before they are called upon to pay even
14 more. In this respect, the “just and reasonable” constitutionally-based standard considers
15 the quality of service to be an integral part of a just and reasonable rate.

16
17 **A. A Data-Based Overview: Cause for Concern.**

18 **Q. DOES PWD HAVE REASON TO BELIEVE THAT ITS CUSTOMER SERVICE**
19 **CAN BE SIGNIFICANTLY IMPROVED?**

20 A. Yes. One stated objective of the Philadelphia Water Department is to “provide superior
21 service to customers in a timely manner.” (PA-RDC-IV-2, Mayor’s Report on City
22 Services: FY2007, at 33). According to the Mayor’s Report, amongst the utility’s
23 “primary responsibilities” is not simply to provide the infrastructure, but to provide the

1 organization necessary to deliver superior service. In order to do this, the Mayor's
2 Report commits PWD to "embracing financial, organization, and operational best
3 practices." While the Mayor's Report articulates these glowing objectives, it does not
4 establish or measure any customer service metrics other than the percentage of "customer
5 calls abandoned." Nor does it otherwise document any performance metrics relating to
6 customer service outside of a general "customer satisfaction" mark in the summary
7 statistics presented.

8
9 The City historically has undertaken a customer satisfaction survey with respect to
10 particular aspects of the Water Department's customer service, but that measurement has
11 been largely abandoned. (See, Attachments to PA-RDC-IV-2). Beginning in 2005, the
12 City no longer asks water customers why they might be dissatisfied with water and sewer
13 billing and collections. This discontinuance arose even though 1-of-4 PWD customers
14 reported that they were not "very satisfied" -- or even "somewhat satisfied"-- with the
15 way in which water and sewer billing and collections are handled (75.4% very satisfied
16 or somewhat satisfied). In the most recent year for which data was collected (2004), of
17 those customers who were "dissatisfied":

- 18 ○ 17% said PWD exhibited poor customer service in person or on the telephone;
- 19 ○ 11% reported that the bill itself was confusing; and
- 20 ○ 9% said that the collections process was confusing.

21 In the previous year (FY2003), the last year in which such questions were asked, 4.4%
22 said they were dissatisfied with PWD billing and collections either because the

1 Department could not answer questions or because the Department took too long to
2 resolve a problem.

3
4 **Q. WHAT IS THE SIGNIFICANCE OF THESE PWD CUSTOMER SATISFACTION**
5 **SURVEYS?**

6 A. While customer satisfaction surveys are not ideal tools for measuring the quality of
7 customer service, some insights can be obtained. PWD experienced a slight up-tick in
8 the proportion of all customers who were either very or somewhat satisfied (from 67.4%
9 in 2003 to 75.4% in 2005). The Department, however, experienced a much greater
10 increase in those who were either very or somewhat *dissatisfied*. Indeed, the Department
11 experienced a near doubling of the proportion of customers who were “very” dissatisfied
12 from FY2003 (3.6%) to FY2007 (6.5%). The results of the City Services survey (relating
13 to PWD) are set forth in Schedule RDC-2.

14
15 **Q. IS THERE OTHER QUANTIFIABLE DATA INDICATING THAT PWD’S**
16 **CUSTOMER SERVICE IS NOT WHAT IT SHOULD BE?**

17 A. Yes. RKS Research and Consulting prepared a study for the Philadelphia Water
18 Department benchmarking “big-city water” customer satisfaction. (PA-RDC-IV-1, “Big-
19 City Water Customer Satisfaction Benchmark Study, June 2008). One of the project
20 goals was to gauge the perception of PWD’s “pricing, billing and customer service.” The
21 benchmark study looked at the water providers in the 10 largest U.S. cities. The
22 Philadelphia Water Department ranked the 8th lowest of the 10 cities studied in “overall

1 satisfaction.” Philadelphia ranked the 9th lowest amongst the 10 cities studied in “overall
2 trust” in the Water Department.

3
4 As with the Mayor’s report, it is, however, the more specific customer service issues that
5 identify real problems with PWD. Philadelphia was, for example, dead last (10th lowest
6 out of 10) in whether it provides convenient access to a customer service representative.
7 Moreover, while 65% of PWD customers had had no contact with the Department, 25%
8 of PWD’s customers had had two or more contacts with the Water Department. Contacts
9 related to issues ranging from starting/stopping service, paying the customer’s bill, to
10 resolving a billing question. PWD again ranged dead last (10th lowest out of 10) in the
11 overall contact experience. As RKS notes, “PWD customers are the least satisfied with
12 their contact experience.” RKS found that “customers reporting a water problem or
13 service interruption record the lowest overall satisfaction ratings.” (5.3 out of 10). RKS
14 concluded in June 2008 that “customer service needs strengthening.”

15
16 **Q. CAN YOU GIVE AN EXAMPLE OF HOW PWD’S CUSTOMER SERVICE**
17 **APPEARS TO BE FAILING?**

18 A. Yes. While I will discuss this issue in more detail below, let me note one quantifiable
19 example at this point. PWD largely relies on the process of issuing shutoff notices as a
20 collection process.

1 In reaching this conclusion, I start with the recognition that PWD issues roughly 350,000
2 written shutoff notices each year and disconnects between 30,000 and 35,000 accounts.²

3 ○ In FY2006, PWD issued 322,556 disconnect notices and disconnected 30,875
4 accounts;

5 ○ In FY2007, PWD issued 348,851 shutoff notices and disconnected 34,809
6 accounts.

7 ○ In FY2008, PWD issued 203,456 shutoff notices through the first six months and
8 disconnected 33,754 accounts.³

9 The problem presented by this reliance is that the Department issues shutoff notices when
10 it has no intention of actually disconnecting service to a customer. As a result, PWD
11 “teaches” its customers from the very beginning of its collection process that what the
12 Department says is likely to be different from what the Department will do.

13
14 I am not suggesting that PWD should begin to disconnect more accounts for nonpayment.
15 What I am suggesting is that, as both the Mayor’s Report and the RKS research
16 documented, PWD has a trust problem. When the Department threatens to take
17 collection action that it does not take, it contributes to this problem. The remedy is not to
18 disconnect more customers –the number of accounts being disconnected is limited by
19 available staff and transportation resources as well as by the extent to which such
20 disconnection is cost-effective—but rather to sharpen the decision rule for when to issue
21 a disconnect notice in the first instance. When PWD issues ten disconnect notices that it
22 does not follow-up on, customers can understandably begin to discount the efficacy of

² PWD’s reporting makes no distinction between residential and non-residential activities in this regard.

³ No data on the number of shutoff notices was available for January 2008 through June 2008. Accordingly, these numbers are mismatched as compared to prior years.

1 such notices. Those customers can further understandably be skeptical of the good faith
2 of the Department in those instances where service is really disconnected.

3
4 I do not seek to justify nonpayment by a customer in any sense. From a customer service
5 perspective, however, one understandable response of PWD customers to the over-
6 noticing of shutoffs (i.e., sending a notice of an impending disconnect with no follow-up)
7 is that they have a bad experience, with which to begin, in discerning when PWD *really*
8 “means what it says.” The problem ramifies and magnifies throughout the customer
9 cycle in those instances where customers with payment troubles needing to contact PWD
10 find the Department to be unavailable, uncooperative, or uninformative, all problems
11 identified by the Mayor’s report and the RKS research.

12
13 **Q. HOW DOES THIS PROBLEM PRESENT ITSELF IN COLLECTION**
14 **STATISTICS?**

15 A. To the extent that PWD’s lack of customer service manifests itself in the ultimate
16 disconnection of service to customers -- either because customers did not “believe” a
17 shutoff notice or because the customer service process broke down when the customer
18 sought assistance or a deferred payment arrangement from the Department -- the odds are
19 high that not all such customers will be reconnected. In no quarter did PWD reconnect as
20 many customers as were disconnected. On a quarterly basis, PWD reconnected between
21 30 and 80 customers for each 100 customers it disconnected. The data is presented in
22 Schedule RDC-3.⁴

⁴ It is important to understand what RDC-3 does not show. It does not show that of 12,801 disconnected customers, 8,270 were reconnected. The reconnections may, but are not necessarily, a subset of the disconnections. RDC-3

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B. A Specific Review of Selected Components of PWD Customer Service.

Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I have selected specific components of PWD customer service to review in an effort to assess the adequacy of service delivery in the City of Philadelphia. The specific components I address below are not intended to be a comprehensive review of PWD customer service delivery, but rather components that are illustrative of the most profound customer service problems that PWD faces.

While I find that PWD frequently has paper processes that address the myriad of issues that the complex urban life of Philadelphia presents to PWD as the local supplier of water and wastewater service, the Department has room for substantial improvement in the translation of those paper processes into the actual delivery of adequate and appropriate customer service to Philadelphia water customers.

1. Deferred Payment Plans—Non-Low-Income.

Q. DOES PWD OFFER A FULL RANGE OF PAYMENT PLANS BY WHICH CUSTOMERS CAN AVOID THE DISCONNECTION OF SERVICE?

A. On paper, PWD has a full range of payment plans through which water customers can retire their arrears. It does not appear, however, that the Department truly makes that full range of payment plans available to its customers. In addition, the Department does not

shows simply that in a particular quarter, the stated number of disconnections occurred and the stated number of reconnections occurred.

1 appear to make available the process by which customers who cannot afford to use a
2 standard payment plan may seek relief through the Water Revenue Bureau Conference
3 Committee (“WRBCC”). The Department can report, for example, the total number of
4 agreements entered into by PWD customers each month. (PA-RDC-II-1). The
5 Department can *not* report, however, what types of agreements were made available. (Id.)
6 Nor can the Department report the downpayments that were required from customers.
7 Nor can the Department report the number of installments required. (PA-II-18). The
8 Department cannot report the number of customers who asserted that they were unable to
9 meet the payment plan offered by the Department and who then were referred to the
10 WRBCC for relief. (PA-RDC-II-18).

11
12 **Q. HAVE YOU HAD OCCASION TO REVIEW WHAT INFORMATION IS**
13 **PROVIDED TO PWD CUSTOMERS OF THEIR PAYMENT PLAN OPTIONS?**

14 A. Yes. The Public Advocate asked a series of discovery questions seeking copies of
15 written information that is provided to PWD customers that lay out what the customer’s
16 payment plan options are. The Public Advocate expressly asked, for example, for all
17 written notices, instructions, or written materials of any nature *provided to a customer*
18 informing the customer of the payment agreement options available pursuant to PWD
19 regulation (PA-RDC-III-5). The only document provided by PWD states simply that “a
20 variety of payment agreements and low-income programs are available to help you pay
21 your water and sewer bills.” This statement is provided under a heading “payment
22 assistance programs.” (PA-RDC-III-3, PA-RDC-III-5). No information is given on the
23 specific options that are available in the event that a customer cannot pay his or her bill.

1 PWD does not inform customers of their range of options when those customers need
2 more time over which to pay an arrears.

3
4 **Q. HAVE YOU HAD OCCASION TO REVIEW WHAT INFORMATION IS**
5 **PROVIDED TO A CUSTOMER OF HIS OR HER RIGHT TO SEEK A MORE**
6 **AFFORDABLE PAYMENT PLAN IF THE CUSTOMER CANNOT AFFORD A**
7 **PLAN OFFERED BY PWD STAFF?**

8 A. Yes. The Public Advocate explicitly asked for all written materials of any nature, again,
9 *provided to the customer*, informing that customer that if he or she cannot meet the
10 standard agreement offered, an alternative plan based on disposable income is available.
11 (emphasis added). The Department could not supply a specific document provided to the
12 customer, but rather made a generic reference to its WRAP Assistance Training Manual.
13 (PA-RDC-III-8). The WRAP manual, of course, is usually inapplicable for any customer
14 that has income above 100% of the Federal Poverty Level.⁵ The WRAP manual, itself,
15 tells department staff that WRAP “allows qualified customers to make special *low-*
16 *income* payment agreements. . .” (emphasis added). The WRAP manual tells PWD staff
17 that the program is not available if:

- 18 ➤ The customer is a tenant (only limited assistance is available);
- 19 ➤ The customer lives in a building with more than three units;
- 20 ➤ The customer has income over 100% of the Federal Poverty Level.

⁵ There are some inconsistencies in the use of terminology and percentage of poverty levels for the various payment plans available to water customers. For our purposes here, I note simply that different options are available based on whether a customer has income at or below 100% of the Federal Poverty Level, between 100% and 150% of Poverty Level, or over 150% of Poverty Level.

1 (WRAP Training Manual, at 27). The Training Manual does note that a customer with
2 income over 100% of Poverty may be eligible for WRAP in the event of “extreme
3 hardship,” though it provides no guidance on what might constitute “extreme hardship.”
4

5 More importantly for purposes here, there is no copy of any notice of any type in the
6 WRAP manual cited by PWD providing notice to a Water Department customer who
7 cannot afford to pay his or her water bill of the availability of a variety of payment plan
8 options, let alone specifying what those available payment plan options might be.
9

10 **Q. DID YOU REVIEW ANY OTHER MATERIALS?**

11 A. Yes. The Public Advocate specifically requested a copy of all notices or any written
12 materials of any nature *provided to the customer* (emphasis added) informing the
13 customer that if he or she cannot meet the agreement terms offered, the customer has the
14 right to request a hearing to obtain an agreement to which they might be entitled. (PA-
15 RDC-III-14). The Department could not provide a copy of any such specific notice
16 provided to customers, but simply provided a generic cross-reference to the Department’s
17 WRAP manual. As with any references to available payment plan options, the WRAP
18 manual lacks any type of notice of any sort to be provided to a customer seeking a
19 payment plan of that customer’s right to seek further review of payment plan options that
20 might provide a more affordable payment should the payment plan offered by the
21 Department *not* be affordable.
22

1 Moreover, customers are not informed of their right to seek an informal review if they
2 believe a payment plan offered to them does not adequately address their payment needs.
3 The Public Advocate specifically asked for all forms, notices or other written materials of
4 any nature provided to the customer informing that customer of his or her right to an
5 informal review if the customer does not believe a payment plan option is affordable.
6 The Department could not provide any such notice, but provided a cross-reference to a
7 generic bill insert describing a procedure “if I disagree with my bill.” (PA-RDC-III-4,
8 cross-referencing PA-RDC-I-24).

9
10 The Public Advocate asked for a copy of any form, notice, or written material of any
11 nature provided to a customer informing that customer that if he or she cannot meet the
12 agreement terms offered, the customer may apply to the Conference Committee for
13 extended agreement terms. (PA-RDC-III-7). No such notice or written information is
14 made available to PWD customers.

15
16 **Q. DOES THE PAYMENT PLAN AGREEMENT, ITSELF, INFORM CUSTOMERS**
17 **OF THE AVAILABILITY OF OPTIONS?**

18 A. No. In response to the Public Advocate’s request for any form, notice, instructions or
19 other written material of any nature provided to the customer setting forth the terms of a
20 payment agreement, the Department provided a copy of a “Payment agreement terms and
21 downpayment bill.” All that bill says is that “by making payment of the down payment
22 amount on this bill, you agree to accept the terms shown, and will continue to make the
23 monthly payments until the balance is paid in full.” (PA-RDC-III-6). The back of that

1 bill has a statement titled “payment agreement rights and responsibilities.” Of the eight
2 bullet points on that list, only one is a “right.” The right to modification in the payment
3 agreement, in the future, if the customer can provide “reliable evidence” of a change in
4 income. Otherwise, the Department merely informs the customer that payments not
5 made in a full and timely fashion will be a breach, that a breach will accelerate all
6 remaining payments to become due immediately, that a breach may result in the
7 termination of service, and that entering into the agreement terminates the customer’s
8 right to challenge the bill.

9
10 **Q. WHAT DO YOU NOT FIND IN ANY OF THE MATERIALS PROVIDED TO**
11 **THE CUSTOMER?**

12 A. What I do not find is a clear and cogent statement provided to a customer seeking a
13 payment plan that “you have the right to a payment plan that is based on your ability to
14 pay.” I do not find a clear and cogent statement to the customer that “PWD offers a
15 variety of payment plan options that take into account your ability to make these
16 payments. Make sure that you understand your options and select the option that fits your
17 budget.” I do not find any clear and cogent statement telling the customer, “if you cannot
18 afford to make the payments presented in this payment plan, do not agree to it. You have
19 the right to informal and formal reviews within the Water Department to find a payment
20 plan that fits your budget.”

1 **Q. DO YOU HAVE AN OPINION AS TO THE ROOT CAUSE OF THIS FAILURE**
2 **TO INFORM CUSTOMERS OF THEIR FULL RANGE OF PAYMENT PLAN**
3 **OPTIONS?**

4 A. Yes. The root cause of this failure, in my opinion, is that staffpersons interacting with
5 payment-troubled customers have been inculcated with the message that their obligation
6 is to collect money, not to address the underlying payment-trouble. The Department
7 provided, for example, its “enforcement” staff training manual to the Public Advocate.
8 (PA-RDC-I-10). That enforcement manual makes the collection obligation explicit.
9 Customer service staff are told that “it is a function of interviewers to collect monies
10 owed to the City of Philadelphia for delinquent water and sewer bills.” (Enforcement
11 Manual, at 10). Indeed, the very term used for customer service staff – PWD customer
12 service staff are referred to as “CCRs” (Customer Collection Representatives) rather than
13 Customer Service Representatives (“CSRs”) is indicative of the collection culture in the
14 Water Department. The Water Revenue Bureau is a collection agency, not an agency
15 designed to provide a full array of customer service to water consumers in Philadelphia.
16

17 *2. The Water Revenue Conference Committee.*

18 **Q. IS THERE A PARTICULAR ASPECT OF PAYMENT PLANS ABOUT WHICH**
19 **YOU HAVE SUBSTANTIVE CONCERNS?**

20 A. Yes. Aside from my “process” concerns expressed above regarding the Department’s
21 treatment of the use of deferred payment plans through which to retire arrears, I have
22 substantive concerns about the implementation and operation of the Water Revenue
23 Bureau Conference Committee (“WRBCC” or “Conference Committee”). According to

1 the Department's own regulations "the Water Revenue Bureau Conference Committee"
2 has been formed to establish payment agreements for those customers who cannot afford
3 the standard payment plans" provided for under Department regulations. (WRB
4 Regulation 100.9(m)).

5
6 If a customer believes that none of the standard payment plans will address the
7 customer's ability to pay, the customer has the right to seek redress from the Water
8 Revenue Bureau Conference Committee for extended payment agreements under the
9 terms of the Department's regulations. All customers with income below 100% of the
10 Poverty Level will be referred to the Conference Committee. Customers with income
11 between 100% and 150% of Poverty Level must furnish proof of income and expenses to
12 be eligible for a Conference Committee agreement. Customers with income above 150%
13 of Poverty must be referred to the Conference Committee by the Water Revenue Bureau
14 because of extraordinary expenses. Any decision of the Conference Committee is subject
15 to the dispute processes that I have previously discussed.

16
17 **Q. DID THE DEPARTMENT MAKE AVAILABLE THE FULL RANGE OF**
18 **PAYMENT AGREEMENT OPTIONS TO CUSTOMERS WITH INCOME**
19 **BELOW 100% OF POVERTY LEVEL?**

20 A. I will address a series of issues involving the Department's Water Revenue Assistance
21 Program (WRAP) later in my testimony. At this point, however, I simply note that the
22 Department does not make available the full range of payment agreement options to
23 customers with income at or below 150% of the Federal Poverty Level. Under the Water

1 Department's regulations, some customers with income between 100% and 150% of
2 Poverty Level are entitled to a full WRAP agreement, with the suspension of arrearages
3 and a city grant to help reduce the bill for current services. Other customer are entitled to
4 a 10/5 plan (10% down, 5% a month), while other customers are entitled to a plan based
5 on disposable income. The standards for when each plan is offered, and who is entitled
6 to receive one plan or the other, are unclear at best. No information is available on the
7 total number of payment plan referrals to the WRBCC (PA-RDC-II-18, PA-RDC-II-20),
8 nor on the number of WRBCC agreements that were provided by any income level. (PA-
9 RDC-I-25). No information is available on the number of 10/5 plans or on the number of
10 disposable income plans ("DI plans"), irrespective of the income of the customer.

11
12 **Q. DOES THE WRBCC APPROPRIATELY ADDRESS THE PAYMENT PLAN**
13 **NEED OF CUSTOMERS WITH INCOME IN EXCESS OF 100% OF THE**
14 **FEDERAL POVERTY LEVEL?**

15 A. It is impossible to tell how the Conference Committee addresses the needs of these
16 customers. The Public Advocate asked the Department to provide the number of
17 customers, having income greater than 150% of Federal Poverty Level, who applied to
18 the Conference Committee alleging that there were unable to meet the offered payment
19 agreements. No information was available. (PA-RDC-II-25). Nor does the Department
20 track the number of customers with income between 100% and 150% of Poverty Level
21 who had payment plans established by the Conference Committee. (PA-RDC-II-25).

22

1 **Q. GIVEN THIS LACK OF SUBSTANTIVE RESULTS FROM THE CONFERENCE**
2 **COMMITTEE, DO YOU HAVE PROCESS CONCERNS ABOUT THE**
3 **OPERATION OF THAT COMMITTEE?**

4 A. Yes. The Conference Committee operates in an environment in which it lacks openness
5 and accountability. The Public Advocate asked for the names and titles of the persons
6 who constitute the Conference Committee, but the Water Department would not provide
7 those. (PA-RDC-III-17(a)). The Water Department could not (or would not) provide any
8 documents setting forth the operating procedures of the Conference Committee. (PA-
9 RDC-III-17(e)). Finally, the Conference Committee does not meet to deliberate. It has no
10 meeting agendas. It has no meeting minutes. (PA-RDC-III-17(c) - (d)). The Water
11 Department could not (or would not) provide a listing of staff that supports the
12 Conference Committee’s work. (PA-RDC-III-17(f)).

13
14 It is not clear at all to me how the Conference Committee can “develop flexible payment
15 plans,” exercise “its discretion [to] suspend all or a portion of any arrearages in the
16 establishment of payment plans,” or “review payment plans at anytime [and] based on
17 that review. . .modify, rescind or revoke any payment plan previously established,” with
18 no meetings, no operating procedures, and no records of decisionmaking.

19
20 ***3. The Water Revenue Assistance Program (WRAP).***

21 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**
22 **TESTIMONY.**

1 A. In this part of my testimony, I review the operation of the Water Revenue Assistance
2 Program (WRAP) to determine whether the program is being implemented in a
3 reasonable manner. In this review, I do not seek to assess whether the structural elements
4 of WRAP should be modified in any substantive way. Rather, I accept for purposes of
5 this proceeding the program's basic structure and examine its operation.

6

7 **Q. WHAT DID YOU FIND?**

8 A. I find that the PWD needs to improve its operation of WRAP in the following ways:

- 9 ➤ WRAP is not being offered to all low-income customers who are payment-troubled
10 and who are likely to be eligible for the program;
- 11 ➤ The WRAP application process is unduly complex and burdensome, thus leading to
12 the unnecessary and unreasonable exclusion of eligible customers;
- 13 ➤ The WRAP application process fails to provide a reasonable opportunity for a WRAP
14 applicant to appeal a denial of his or her application.

15

16 **Q. UPON WHAT DO YOU BASE YOUR CONCLUSION THAT WRAP IS NOT**
17 **OFFERED TO ALL THOSE PAYMENT-TROUBLED CUSTOMERS WHO**
18 **QUALIFY FOR IT?**

19 A. The City of Philadelphia has roughly one-in-four households that live with income at or
20 below 100% of the Federal Poverty Level. Nearly one-in-three households in the City
21 live with income at or below 150% of the Federal Poverty Level. With a residential
22 customer base of more than 310,000 customers in December 2007,⁶ with more than

⁶ The 310,000 customers are calculated by adding 14,455 residential-tenant customers with 295,949 residential-owner customers. (December 2007: PA-RDC-II-3).

1 40,000 in arrears, it is likely that a substantial portion of those customers in arrears are
2 low-income. The Pennsylvania PUC has estimated that 40% of households with income
3 less than 150% of the Federal Poverty Level are payment-troubled at any given time.
4 This figure is consistent with the Census Bureau's estimate of 32% of households at or
5 below Poverty Level being in payment-trouble. Using those figures to bracket the
6 potential population, PWD could expect to have between 23,000 and 29,000 low-income
7 payment-troubled customers. Despite this expectation, PWD has only 11,300 low-
8 income customers enrolled in WRAP on the last day of FY 2008. While there were
9 11,844 WRAP participants at the end of FY 2005, that participation rate had decreased to
10 11,314 by FY 2006, and to 11,032 in FY 2007, before increasing somewhat to 11,318 in
11 FY 2008. (PA-RDC-II-23). In contrast, the Philadelphia Gas Works (PGW) had an
12 average of 53,000 customers enrolled in the two lowest tiers of its Customer
13 Responsibility Program (CRP) through the 12 months ending August 2006. PGW
14 enrolled an average of 15,780 payment troubled customers with income below 50% of
15 the Federal Poverty Level, while enrolling 37,592 payment troubled customers with
16 incomes between 50% and 100% of the Federal Poverty Level.

17
18 **Q. IS INCREASING THE ENROLLMENT OF INCOME-ELIGIBLE CUSTOMERS**
19 **IN WRAP AN OBJECTIVE UNTO ITSELF?**

20 A. No. Enrollment of low-income customers into WRAP is a means to an end, not an end
21 unto itself. Nonetheless, with more than 40,000 residential customers in arrears, and with
22 only 11,000 WRAP participants, it would appear that low-income payment-troubled
23 customers are under-represented in the WRAP program enrollment. With PWD

1 disconnecting 34,809 accounts in FY 2007, and 33,754 accounts in FY 2008 (PA-RDC-
2 II-2),⁷ I conclude that there is room for considerable improvement in the enrollment of
3 low-income payment-troubled customers in the WRAP program.

4
5 The availability of the WRAP program is particularly important in a large, diverse urban
6 area such as Philadelphia. Philadelphia, with its largely low-income population, presents
7 circumstances in which WRAP is often the program that stands between a customer and
8 the loss of his or her home. The multi-generational transfer of property without the
9 exercise of formal legal processes, the various forms of lease/rental arrangements, and the
10 presence of lease-purchase agreements, all are examples of where a low-income
11 homeowner may well face thousands of dollars in unexpected water bills that come
12 forward from the prior owner, subject to enforcement through the forced sale of a home.
13 WRAP presents the most affordable – if not the only affordable – mechanism to address
14 those underlying arrears.

15
16 **Q. DO YOU HAVE AN OPINION OF ANY CAUSE OF THE UNDER-**
17 **ENROLLMENT IN WRAP?**

18 A. Yes. The WRAP enrollment process is unduly complex. The process not only
19 discourages customers from initiating the enrollment process, but the complexity of the
20 process impedes the successful completion of enrollment of customers into WRAP as
21 well. Testimony about the undue complexity of the WRAP application process was

⁷ PWD could not provide a breakdown between residential and non-residential accounts that had been disconnected for nonpayment. (PA-RDC-II-2).

1 recorded at the public input hearings. In addition, my own review of the documented
2 WRAP application process confirms that public input testimony.

3
4 The WRAP procedures manual provided by PWD in response to Public Advocate
5 discovery reports that low-income payment-troubled customers seeking to enroll in
6 WRAP do not work with PWD staffpersons to fill-out WRAP applications. Instead, a
7 payment-troubled customer is simply provided a WRAP “packet” if a customer either
8 calls for a packet or stops by a PWD office for a packet. (PA-RDC-I-5).

9
10 **Q. WHAT TYPES OF ASSISTANCE IS PROVIDED FOR CUSTOMERS WHO**
11 **SEEK TO COMPLETE A WRAP APPLICATION?**

12 A. No particular notice is provided to customers of their right to request admission into the
13 WRAP program. Instead, “eligibility for WRAP due to the inability to afford to maintain
14 the terms of a standard agreement is currently relayed verbally.” (PA-RDC-III-9).
15 Moreover, the Public Advocate requested all notices informing the customer of the
16 availability of the WRAP program, but no such notice could be provided. (PA-RDC-III-
17 10).

18
19 **Q. WHAT IS NECESSARY FOR AN APPLICANT TO SUBMIT A COMPLETE**
20 **APPLICATION?**

21 A. For a WRAP application to be complete, a WRAP applicant, must, within ten days of
22 receiving the application packet, collect significant written materials. Amongst the
23 written documentary materials that must be submitted with the WRAP application are:

- 1 ➤ Proof of income for each household member;
- 2 ➤ Social security cards for each household member;
- 3 ➤ A form or letter showing whether the household has applied for a grant to pay the
- 4 household’s gas, electric or oil bill;
- 5 ➤ Proof of monthly household expenses, including copies of the “entire bill” for
- 6 electricity, natural gas, fuel oil, telephone, rent receipts, mortgage, and real estate
- 7 taxes within the last 30-days;
- 8 ➤ Proof of child support covering the last 30 days;
- 9 ➤ Proof the household (if with zero income) has applied for public assistance benefits
- 10 such as social security, SSI, or unemployment compensation;
- 11 ➤ Documentation that the household member is in school (if applicable);
- 12 ➤ In certain cases, a photocopy of the recorded deed for the customer’s property;
- 13 ➤ A UESF client information release form allowing UESF to, among other things,
- 14 “release the information on my application for fundraising. . .”

15
16 The written documentation that must be submitted with a WRAP application is daunting.
17
18 On the basis of my work with the application processes for low-income utility assistance
19 programs throughout the country, I find that the documentation requirements are unduly
20 burdensome and unnecessary. I recommend that the WRAP application process be
21 modified in the ways I describe below.

22 **Q. IS EITHER THE INCOME OR EXPENSE DOCUMENTATION USED IN**
23 **CALCULATING A WRAP PAYMENT PLAN?**

24 A. No. The WRAP manual provides a description for “calculating the monthly payment.”
25 The manual provides that the staffperson is to “look at the billing history on the database
26 and use current billing totals to project the amount billed for the next twelve months. .
27 .Subtract the City grant total from the 12 month total. . .Divided the difference by 12 to
28 determine the customer’s monthly payment. . .” (WRAP manual, at 52). No further
29 guidance is provided on when a payment calculated in this fashion is unacceptable or on
30 how or when to develop an alternative payment based on disposable income.

31

1 **Q. IS THERE A CULTURE ENCOURAGING THAT ASSISTANCE BE PROVIDED**
2 **TO CUSTOMERS APPLYING FOR WRAP ASSISTANCE?**

3 A. No. Various examples of the lack of assistance with WRAP applications were provided
4 in this proceeding through the public input hearings. In addition, my review of the
5 WRAP processes confirms that there is not a culture of assistance, but one of remoteness
6 and exclusion. The form says that customers are given 10 days to return a “complete”
7 application. If the return of an application is untimely, or if the application is deemed to
8 be incomplete, the application for WRAP enrollment is denied.

9
10 Moreover, I have attached a copy of the page from the PWD WRAP manual articulating
11 “reasons for rejecting WRAP applications” as Attachment RC-2. (PA-RDC-III-10). Not
12 only do the graphics on this page indicate the exclusionary PWD attitude toward PWD
13 applications, but the page states: “Listed above are the only acceptable reasons for
14 rejecting a WRAP application. If the list does not provide a reason to meet your needs,
15 please refer to the Low-Income Unit’s Supervisor or Manager.” The page does not
16 explain how or why, if the reasons listed are “the only acceptable reasons for rejecting a
17 WRAP application,” a PWD staffperson not finding an “acceptable reason for rejecting a
18 WRAP application” on that list may need further assistance to find “a reason to meet
19 your needs.”

20
21 **Q. DOES PWD PROVIDE ASSISTANCE WITH THE WRAP APPLICATION**
22 **PROCESS?**

1 A. No. A customer receiving a WRAP application is discouraged from contacting the Water
2 Department inquiring about the status of his or her WRAP application. WRAP applicants
3 are told that “it is not necessary to contact the Water Revenue Bureau, you will receive a
4 letter stating if the application has been granted or denied.” Applications lacking all
5 required documentation may simply be denied. The WRAP application clearly states
6 “your application will not be accepted if documents are missing.” While a customer may
7 request a new packet in order to submit a new application, hopefully with more complete
8 documentation, that customer would face the same challenges in that second application
9 process. In addition, PWD limits customers to the submission of two WRAP applications
10 in any given year. The WRAP manual, at 55, includes a form letter that appears to be a
11 request for additional information or documentation for the pending WRAP application.
12 There are, however, no instructions in the manual as to when (or whether) this letter is
13 sent. Maria Adames, a former CLS paralegal working with utility problems, testified on
14 July 31, 2008 that customers were frequently denied WRAP benefits with no reason
15 stated or because the customer could not meet burdensome documentation requirements.

16

17 **Q. ARE ADEQUATE APPEALS PROCEDURES PROVIDED FOR THOSE**
18 **OCCASIONS WHEN A REJECTED WRAP APPLICANT MAY WISH TO**
19 **DISPUTE THE REJECTION OF THE APPLICATION?**

20 A. No. Quite aside from my review of the appeals and disputes procedure provided
21 immediately below, I conclude that the WRAP application process does not provide an
22 adequate or appropriate appeals and dispute procedure for the WRAP program in
23 particular. Particular instances of difficulties with appealing (or disputing) the rejection

1 of a WRAP application can be found in the transcripts of the public input hearings for
2 this proceeding.

3
4 **Q. WHAT IS THE PRIMARY PROBLEM WITH THE APPEALS PROCESS**
5 **UNIQUE TO WRAP APPLICATIONS?**

6 A. The primary problem with the appeals process, as applied in the WRAP situation, is the
7 failure to adequately inform customers of the existence of that process. I discuss in some
8 detail the broader problems with the appeals and dispute processes within the Water
9 Department further below. My comments here relate to the primary problem I find with
10 respect to the appeal (or dispute) of the denial of a WRAP application, the removal from
11 the WRAP program, or the denial of WRAP recertification.

12
13 PWD does not systematically provide notice to the customer denied enrollment into the
14 WRAP program of his or right to appeal or to dispute that decision. The Department
15 provided a sample letter denying an applicant entry into the WRAP program. No notice
16 is provided to the customer in that letter of denial of his or her right to appeal this
17 decision. (PA-RDC-III-10). Moreover, the Public Advocate requested a copy of all
18 forms, instructions, notices or other written materials “informing that customer of the
19 right to appeal the denial of a WRAP application and describing how such an appeal
20 should be pursued.” The response to that discovery said that “WRB *verbally*
21 communicates the customer’s ability to perfect his or application in order to qualify *at the*
22 *time of decision.*” (PA-RDC-III-11) (emphasis added). This response, however, is
23 directly contrary to the instructions given to WRAP applicants, as cited above, saying: “it

1 is not necessary to contact the Water Revenue Bureau, you will receive a letter stating if
2 the application has been granted or denied.” (WRAP Training Manual) (emphasis added).
3 When the Public Advocate asked for all forms, notices or instructions provided to a
4 customer of the customer’s right to seek an alternative payment plan based on disposable
5 income, rather than providing a copy of any such notice, a general reference was made to
6 the WRAP training manual. No such notice, however, is included in that manual. (PA-
7 RDC-III-8). The Public Advocate requested a copy of all forms, notices, instructions or
8 other written materials of any nature provided to a customer telling the customer that if
9 he or she cannot meet the terms of a payment agreement offered, the customer may
10 request a WRB hearing to obtain an agreement to which they may be entitled under PWD
11 regulations. Again, no notice could be provided. Instead, the response was a general
12 reference to the WRAP training manual. However, no such notice is included in that
13 manual. Indeed, no mention is made in the WRAP training manual telling staff of the
14 need to provide notice of an appeals process, or informing that staff of the timing or
15 content of such notice.

16
17 Even if a “notice” is communicated verbally, however, such communication does not
18 meet constitutional standards. A verbal notice of an appeals process does not convey
19 effective knowledge of the right to appeal, or of the process by which such an appeal can
20 be taken.

21
22 **Q. WHAT DO YOU CONCLUDE?**

1 A. I conclude that an appeal process through which a customer can dispute the denial of his
2 or her WRAP application is effectively non-existent. Even to the extent that a paper
3 procedure might exist, PWD customers whose WRAP applications are denied (or who
4 are suspended from WRAP upon recertification) are not provided an effective means
5 through which to access that appeals procedure.

6
7 The lack of adequate notice is a fatal flaw in any appeals process through which a PWD
8 customer might dispute the denial of his or her WRAP application. The lack of adequate
9 notice is a particular problem under circumstances where there is a time deadline on the
10 filing of appeals and disputes. PWD provides a copy of the denial letter provided to a
11 WRAP applicant in the situation where his or her WRAP application is denied. (PA-
12 RDC-II-10). That denial letter is flawed in that it provides no notice of the write to appeal
13 the denial decision, or of the process through which such an appeal must be taken.

14
15 In addition, however, the WRAP appeals process lacks efficacy when the *specific* reason
16 for the denial of WRAP eligibility is not provided. In the illustrative WRAP denial letter
17 provided in response to Public Advocate discovery, for example, the customer was told
18 that you are “not eligible” for WRAP because of a “failure to supply requested
19 information.” (PA-RDC-II-10). The notice of denial does *not* identify the specific
20 information which the applicant “failed to supply.” Nor does the notice of denial indicate
21 whether the information was missing altogether, whether the information was merely
22 incomplete, or whether the information was present, but in a form not acceptable to the
23 Department. Different reasons for a denial give rise to different grounds for an appeal.

1 Income documentation, for example may be deemed to be “untimely” by PWD, even
2 though that documentation was appropriate when the WRAP application was first
3 submitted but became untimely as the application was being processed. Pay checks may
4 have been thought to have been adequate by the customer attaching them to a WRAP
5 application, but have been deemed “non-consecutive” by WRAP staff. There is a
6 difference, in other words, between “failing to supply information” and failing to supply
7 information in the precise form, and for the precise timeframe, required by the
8 Department’s WRAP application. The WRAP denial letter provides no information to
9 the customer about the specific failing of the WRAP application.

10
11 Given the unduly and unnecessary complexity of the application process as I have
12 already described, the notice of denial is inadequate in its lack of specificity. It is further
13 inadequate not only in its failure to notify the denied applicant of his or her right to
14 appeal or dispute the denial, but in its failure to inform the denied applicant of the steps
15 the applicant must take to submit such an appeal or dispute. It is finally inadequate in its
16 failure to notify the denied applicant of the time constraints placed on the right to submit
17 an appeal or dispute. The denial letter provided in response to Public Advocate discovery
18 (PA-RDC-III-10) is appended to my testimony as Attachment RC-3.

19
20 While I discuss the more general failings of the appeals and dispute process further
21 below, the specific failures of the WRAP process identified above largely make moot the
22 discussion below as applied to WRAP. The WRAP process fails in allowing denied
23 WRAP applicants an adequate opportunity to invoke any dispute and appeals process.

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4. Appeals and Disputes.

Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I review the customer service provided by PWD with respect to a residential customer’s right to challenge the decision of a PWD staffperson regarding a payment plan or the right to obtain or maintain service. I find that there is considerable room for improvement.

Q. PLEASE EXPLAIN THE PROCESS THAT A PWD CUSTOMER HAS THE RIGHT TO INVOKE TO CHALLENGE A DECISION OF A PWD STAFFPERSON WITH RESPECT TO PAYMENT PLANS OR THE LOSS OF, OR ACCESS TO, SERVICE.

A. A PWD customer has two levels of redress that, at least on paper, may be invoked in any dispute with the Department. At the first level, if a customer wishes to dispute findings by the Department relating to rate and customer service issues he or she may take that dispute through an “informal hearing” before the Water Revenue Bureau. In addition, if the customer is still not satisfied with he the Water Revenue Bureau’s decision, the customer may take a further appeal to the Tax Review Board (“TRB”). Common issues subject to dispute involve basic access to service: whether a customer is entitled to a suspension of collections based on a medical certificate; whether a customer is entitled to receive a WRAP grant; whether a person is entitled to have their application for service

1 granted (as a tenant, occupant or owner); whether a payment plan offers appropriate
2 affordable payment terms.

3
4 **Q. WHAT ARE THE CRITICAL COMPONENTS OF THE APPEALS AND**
5 **DISPUTE PROCESSES THAT YOU HAVE REVIEWED?**

6 A. I have reviewed two aspects of the PWD's appeals and dispute processes in particular: (1)
7 the information provided to the customer in furtherance of that appeal/dispute process;
8 and (2) the maintenance and utilization of records generated by the appeals and dispute
9 process.

10
11 **Q. PLEASE EXPLAIN THE CONCERNS YOU HAVE WITH RESPECT TO THE**
12 **PROCEDURES PROVIDED TO CUSTOMERS TO PURSUE A DISPUTE WITH**
13 **THE WATER DEPARTMENT.**

14 A. PWD does not appear to have a standard operating procedure that it has memorialized, or
15 committed to writing, on how to implement the informal hearing procedure. The Public
16 Advocate requested any training manual or "staff procedures manuals" that describe and
17 explain the way in which the Department processes a request for an informal hearing.
18 The Department could not provide such a procedure or process, let alone any manual
19 describing the process. (PA-RDC-I-27).

20
21 Moreover, the Public Advocate requested any training manual or staff procedures manual
22 that described whether the WRB itself would provide the informal hearing using WRB
23 personnel; whether the customer is afforded an opportunity to appear before WRB

1 personnel in person concerning his or her dispute; whether the hearing is conducted by an
2 employee of the city who is knowledgeable about water usage, billing practices and
3 procedures; and whether referral of a customer to the Tax Review Board is considered
4 substantial compliance with the requirements for an informal hearing. The Department
5 could not provide any such procedure or process, let alone any manual describing the
6 process. (PA-RDC-I-28).

7
8 When asked for a “staff procedures manual” that describes and explains the
9 circumstances under which a customer may seek an informal hearing before the WRB,
10 the Department simply said that any customer dispute is referred “to the Account
11 Analysis Unit for a detailed review of the customer’s complaint. After completion of its
12 review, a final determination is transmitted to the customer.” (PA-RDC-1-26). The
13 incomplete, undocumented process which the Department appears to utilize in
14 responding to customer disputes does not adequately respond to the customer’s right for
15 the informal hearing process identified in the Department’s own regulations.

16
17 **Q. DO YOU HAVE ANY FINAL CONCERN WITH RESPECT TO THE**
18 **IMPLEMENTATION OF THE INFORMAL HEARING PROCESS?**

19 A. Yes. The informal dispute process provided by the Water Department is not conducive to
20 resolution of concerns by affected water customers. In particular, the Water Department
21 provides inadequate information to a customer upon which to pursue a dispute. The
22 Public Advocate requested a “typical computer printout” provided to a customer, which
23 printout would provide a record of billings, charges and payments. In its response, the

1 Department indicated that the information provided to the customer is simply a printout
2 of the computer screen available to the Department customer service staff. (PA-RDC-III-
3 3). I have reviewed that printout, along with the printout provided by Eluterio Lopez in
4 comments at the public input hearings in this proceeding. These printouts do not provide
5 meaningful information to a typical consumer. Indeed, the printouts provided to
6 customers such as Lopez are virtually incomprehensible to me, despite the fact that I have
7 routinely worked with billing reports from various utilities. This is particularly disturbing
8 since through my professional work, I am familiar with the types of information that may
9 be presented with respect to billing, payments, adjustments, penalties, and consumption.

10
11 I have appended a copy of the “screen” attached to the Department’s response to the
12 Public Advocate’s discovery, as Attachment RC-4. (PA-RDC-III-3). I find that there is
13 information that is unnecessary and unduly complex on this information provided to the
14 consumer. The information not only fails to help the customer with the dispute process,
15 but the information affirmatively impedes the ability of the customer to appropriately
16 pursue his or her dispute through the informal hearing process. Moreover, this “screen”
17 differs from the computer printout supplied by Mr. Lopez in the public input hearing
18 process.

19
20 **Q. DOES PWD USE THE INFORMAL APPEALS AND DISPUTE RESOLUTION**
21 **PROCESS TO IMPROVE THE DELIVERY OF ITS CUSTOMER SERVICE?**

22 A. PWD does not even record or track its informal appeals and dispute resolution process, let
23 alone use the data that might be available through that process to improve its customer

1 service. The Public Advocate asked for data on the number of informal disputes filed
2 with the Department, broken down by the subject matter of the complaint. (PA-RDC-II-
3 8). While the Department could provide the number of appeals to the Tax Review Board
4 (TRB), it did not provide any data on the number of informal hearings, let alone data on
5 the number of informal hearings broken down by subject matter. (PA-RDC-II-8). Nor
6 does the Department record or track the number of complaints filed with the Department,
7 let alone the subject matter of those complaints. (PA-RDC-II-8).

8
9 In particular, the Public Advocate requested the number of disputes processed as an
10 informal hearing for such customer concerns as the customer's responsibility for the
11 charges on a water or sewer bill; the amount due or errors in computer charges on a bill;
12 whether the agreements terms have been properly applied; and other common concerns
13 brought to the attention of the Public Advocate. No such data was available to be
14 provided. (PA-RDC-II-12). Nor does the Department track whether or not informal
15 hearings are provided within the timeframe designated by the Department's own
16 regulations. (PA-RDC-II-13).

17
18 Corresponding to this failure to even track informal hearings, as well as its failure to track
19 complaints filed with the Department (about the Department), the Water Department does
20 not seek to use these appeals and complaints as the critical source of data on customer
21 service that they represent. The Public Advocate requested a copy of any report,
22 evaluation or similar document containing a "methodology, procedure or process
23 designed to systematically review, study or assess the records of residential customers

1 making complaints or filing appeals from PWD/WRB actions to determine patterns of
2 payment or other behavior that will be used to determine appropriate customers service
3 actions. . .” No process or procedure of studying complaints and appeals to identify and
4 respond to patterns that might appear has been adopted. (PA-RDC-IV-8). Nor has the
5 Department, in light of any process or procedure, undertaken any study or review of those
6 customers filing complaints, or pursuing appeals, to determine whether those customer
7 actions reveal patterns that might be helpful in assessing and planning Water Department
8 customer service.

9
10 ***5. Internal Compliance with Department Regulations.***

11 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
12 **TESTIMONY.**

13 A. In this section of my testimony, I identify one area of customer service in which the
14 Department’s actions are in clear violation of the Department’s own regulations. The
15 regulations that I have reviewed involve the extension of water service to a rental tenant.
16 Under the Department’s regulations, when a tenant applies for water service in his or her
17 own name, the Department shall send a notice of such application to the owner of the
18 property providing an opportunity to the owner to object. The Department’s regulations
19 clearly state that “should the owner or his agent fail to object and request a hearing. .
20 .service will be provided to the applicant unless the water is currently off and the
21 applicant has no evidence of a current lease.” (Regulation 100.2(d)(3)) (emphasis added).
22 The Department’s regulations continue: “An applicant otherwise eligible shall be entitled
23 to become a customer for his dwelling unit. . .unless: (B) water service is currently off,

1 the applicant has not presented evidence of a current lease, and the owner has not given
2 his express written consent to the provision of service in the applicant's name."
3 (Regulation 100.2(e)(1)) (emphasis added). As is evident, in order for a tenant to be
4 denied service in his/her own name, two conditions must be met at the same time: (1) the
5 service must be "off"; and (2) the tenant must have failed to present evidence of a current
6 lease. Otherwise, the tenant is eligible for service in his or her own name.

7
8 **Q. PLEASE DESCRIBE THE PROBLEM WITH THE WATER DEPARTMENT'S**
9 **TREATMENT OF TENANTS IN THIS RESPECT.**

10 A. In response to Public Advocate discovery, the Water Department affirmed that it is its
11 policy that:

- 12 ○ PWD may refuse a tenant application on the grounds that the owner of the
13 property has an existing outstanding balance for service to the tenant's dwelling
14 that the owner has not paid or arranged to pay the outstanding balance; and
- 15 ○ PWD may refuse a tenant applicant on the grounds that at the time a lease was
16 executed by the tenant, water service at the property had been terminated for
17 nonpayment and that the owner has not paid or arranged to pay the outstanding
18 balance.

19 Both such policies are in clear contravention of the Department's own regulations
20 discussed above. Moreover, the Department can provide no data on its compliance with
21 Regulation 100.2(d). (PA-RDC-II-34).⁸

⁸ In addition, irrespective of the Water Department's regulation, the common law provides that a utility may not deny access to service for an ancillary matter. Nonpayment of the debt of a third party is considered such an ancillary matter. The Water Department would not be allowed to abrogate its common law obligations merely by adopting a regulation to the contrary.

1
2 *6. Lessons from the Public Input Hearings.*

3 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
4 **TESTIMONY.**

5 A. In this section of my testimony, I present my review of the testimony elicited during the
6 public input hearing part of this rate case procedure. My objective in this review is not
7 simply to regurgitate the problems that surfaced in the public input hearings, but rather to
8 take those problems and determine whether some “structure” can be placed around those
9 individual stories. One of the impacts of PWD’s lack of review and planning processes
10 that I have identified elsewhere in my testimony is that individual stories tend to be
11 viewed exclusively as individual problems. My analysis reveals that rather than being a
12 set of individual problems, they are indicators of more systemic problems that should be
13 recognized as systemic problems and addressed in that fashion. While the circumstances
14 of each individual must be addressed, PWD should recognize the broader implications of
15 the individual stories.

16
17 The themes that emerged from the public input hearings should not be surprising given
18 the more statistical data that is collected and reported in the Mayor’s Annual Report on
19 City Services and the RKS study I discuss above. Consider the following:

20 **The Lack of Information**

- 21
22 ➤ Ms. Jan Horne stated at a public input hearing that this year she started
23 receiving bills for over \$1000. Her bills had typically been under \$100.
24 Despite asking WRB, she has not been told why the bill increased. July 24,
25 2008.
26

- 1 ➤ Mr. Eluterio Lopez testified that he believed he was taking care of his
2 outstanding water balance by paying on a payment agreement or court
3 settlement. He was, however, suddenly hit with a \$6000+ bill that he could
4 not understand. And when he went to the WRB for a record of his payments
5 or receipts, he was not provided with information that he could understand.
6 Mr. Lopez submitted a copy of the printout he received from the WRB along
7 with recent copies of his bills reflecting recent payments. The 6-page printout
8 provided by WRB, at Exhibit Lopez 1, is incomprehensible with abbreviated
9 or coded headings and no key or guide is provided to decipher the printout.
10 The printout reflects an end balance of \$6,647.29. But his June 2008 bill, also
11 in Exhibit Lopez 1, reflects that he owes \$364.65. July 21, 2008.
12

Inability to Resolve Problem

- 13
14
15 ➤ Ms. Lillian Mingo reported at a public hearing that she had been receiving
16 bills under \$50; in March 2008, she received an \$1,100 bill. She reported that
17 she went to WRB every month for 5 months with no resolution. "I went to the
18 municipal building [WRB] and talked to different ones down there. Every
19 month I got the runaround. I've been going there for five months trying to get
20 this straightened out and every month it's something different, it's in review,
21 it's in review, you'll be hearing from us in a few days. I haven't heard
22 nothing yet." July 24, 2008.
23
24 ➤ Rosemary Lee testified that she is a tenant with an unpaid water bill. When
25 she sought to resolve her arrears, she was given inconsistent explanations of
26 her eligibility for WRAP or a payment agreement. She testified that she still
27 does know her agreement status and continues to face the threat of shut off.
28 July 31, 2008.
29
30 ➤ Luella Williams reported that she has a problem with WRB she has been
31 trying to "straighten out" for over a year concerning two properties she and
32 her husband own. According to Ms. Williams, "I've gone through the process
33 and every time I get through with the process, I keep going back through the
34 process. . . July 21, 2008.
35

Failure to Offer Alternatives

- 36
37
38 ➤ Maria Adames testified that she worked is a former paralegal for Community
39 Legal Services (CLS), where she worked for more than 29 years. Ms. Adames
40 testified that one of her primary responsibilities at CLS was to work with low-
41 income customer service utility issues. She said that in her work, water
42 customers were often not provided WRAP applications at WRB, just an
43 unaffordable payment agreement. She further testified that many customers
44 who were her clients were denied WRAP with no reason provided. She said
45 that WRAP documentation requirements were hard to meet. July 31, 2008.
46

1 the WRB June 2007 and the WRB agreed to make payment arrangements for those
2 applicants referred through CLS. To date, however, there is still no policy in place to
3 provide a fair process for these heirs and tenants.

4
5 Similarly, prior to this proceeding, Community Legal Services had made attempts to
6 work with WRB to address the issue of unnecessary loss of homes due to water Sheriff's
7 Sale, when WRAP or another payment agreement would resolve the matter of the
8 delinquent water/sewer charges. In particular, as a July 25, 2007 letter from CLS to the
9 Revenue Commissioner and the Deputy Revenue Commissioner of Water Revenue
10 Bureau indicates, occupants of properties in line for Sheriff's Sale proceedings have been
11 refused opportunities to apply for WRAP or another payment agreement under
12 PWD/WRB regulations. Although, such practice may not be WRB policy, the heirs and
13 tenants listed in the letter were refused such opportunities and were at very close risk of
14 losing their homes were it not for the intervention of CLS. WRB has made payment
15 arrangements for the individual cases referred by CLS. But to date, WRB still does have
16 a policy as to how to handle these cases generally.

17
18 **Q. WHAT DO YOU CONCLUDE?**

19 A. I conclude that the individual stories received from individual PWD customers in the
20 public input hearings in this proceeding support the need for substantial improvement in
21 the delivery of PWD customer service. It is one thing to recognize the individual
22 problems presented by these clients. The need, however, is to place these stories into the
23 context framed not only by my testimony above, but by the statistical work developed by

1 the Mayor’s Report and RKS customer service research. The problems identified by
2 these individual customers are not merely individual problems that should be individually
3 resolved. They are further evidence of the need for overall systematic improvement.
4

5 *7. Basic Planning and Internal Improvement Processes.*

6 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
7 **TESTIMONY.**

8 A. In this section of my testimony, I identify ways in which the Philadelphia Water
9 Department could improve the planning and review of its customer service operations.
10 Appropriate planning and review of customer service operations would involve
11 articulating objectives, establishing goals, collecting and reviewing data, and
12 incorporating that data into an assessment of whether (and if not, why not) the
13 Department’s customer service objectives have been achieved. In addition, good
14 customer service would be based upon a comprehensive understanding of the
15 Department’s customer base.
16

17 **Q. DOES THE PHILADELPHIA WATER DEPARTMENT ESTABLISH**
18 **CUSTOMER SERVICE OBJECTIVES FOR ITS STAFF?**

19 A. No. The Public Advocate requested copies of reports, evaluations and the like
20 “containing an articulation of performance indicators on which empirical data has been
21 collected” with respect to a variety of customer service topics. While the Department’s
22 response references the annual Mayor’s report on city services, as described earlier in my
23 testimony, the data collection regarding the Water Department in that report has been

1 largely discontinued. Nor does the cited RKS study establish performance indicators for
2 the Department and measure the extent to which that performance is being achieved.
3 Other than the Mayor’s Report and RKS report, “no other data is available.” (PA-RDC-
4 IV-2).

5
6 The Public Advocate requested copies of any documents setting out “performance
7 indicator targets” to be met within a one-year, two-year or three-year planning horizon
8 regarding customer satisfaction, debt prevention, debt management, or the treatment of
9 low-income and/or vulnerable customers. No such performance indicator targets have
10 been established. (PA-RDC-IV-3).

11
12 Not only does the Department fail to look forward, by establishing performance indicator
13 targets against which future actions will be measured, the Department does not review its
14 ongoing track record either. For example, the Department does not track billing errors, or
15 ways in which billing errors might be prevented. (PA-RDC-IV-9).

16
17 Nor does the Department engage in any type of quality assurance review with respect to
18 its own internal customer service processes. The Public Advocate requested documents
19 setting forth a methodology, procedure or process designed to systematically obtain a
20 quality assurance review regarding:

- 21 ○ The offer of payment plans;
- 22 ○ The treatment of low-income customers;
- 23 ○ The treatment of tenant customers;

- 1 ○ The process of preventing termination of service for nonpayment; or
- 2 ○ Compliance with PWD regulations regarding “customer rights and
- 3 obligations” for residential customers (Regulations 100.0 through 10014).

4 No such quality assurance review occurs.

5

6 **Q. DOES THE PHILADELPHIA WATER DEPARTMENT ENGAGE IN ANY TYPE**
7 **OF INTERNAL USE OF ITS OWN DATA RECORDS IN AN EFFORT TO**
8 **IMPROVE ITS CUSTOMER SERVICE?**

9 A. No. I have previously discussed the Department’s lack of any effort to systematically
10 record, let alone review, the informal appeals occurring within the Department, as well as
11 any complaints filed about the Department, in an effort to ascertain patterns of behavior
12 or patterns of dissatisfaction that might be addressed in a proactive fashion. In addition
13 to this lack of information tracking and analysis, neither does the Department engage in
14 any sort of process to improve its identification and treatment of nonpayment. The
15 Public Advocate requested documents setting forth a methodology, procedure or process
16 to systematically study or assess the Department’s own billing and payment records in an
17 effort to: characterize patterns of nonpayment; identify the characteristics of nonpayers;
18 identify predictors of nonpayment; identify strategies to reduce nonpayment; or to
19 identify early indicators of nonpayment. The Department does not engage in such an
20 internal review process. (PA-RDC-IV-13).

21

22 Nor does the Department engage in any sort of external data collection and analysis in an
23 effort to improve its customer service. The Public Advocate requested all reports or

1 evaluations setting forth a methodology, procedure or process designed to systematically
2 review, study or assess the records of low-income and/or vulnerable residential customers
3 “to determine patterns of payment or other behavior that will be used to determine
4 appropriate customer service actions. . .” No such systematic review, data collection or
5 planning occurs. (PA-RDC-IV-7).

6
7 **Q. DOES YOUR TESTIMONY ABOVE ENCOMPASS THE FULL RANGE OF**
8 **YOUR REVIEW OF PWD’S CUSTOMER SERVICE DELIVERY?**

9 A. No. I do not intend for my testimony above to be construed as the complete findings of
10 my review of PWD’s delivery of customer service. Instead, my testimony above is
11 intended to identify particular aspects of PWD’s customer service that I believe are
12 illustrative of the need for improvement on the PWD system.

13
14 I wish to note, also, that I am not unsympathetic to the fact that PWD serves a large and
15 complex urban population. Having worked not only with Philadelphia Water over more
16 than a decade, as well as with the Philadelphia Gas Works (PGW) and Philadelphia
17 Electric Company (now know as PECO Energy, an Exelon Company), I understand that
18 the Department faces a host of circumstances each month the response to which cannot
19 all be placed in some written documented procedures manual. Having said that, however,
20 I urge that PWD can, should and must do better than it is doing today to respond to the
21 needs of its residential population, particularly its payment-troubled residential
22 population. The interests of the payment-troubled customers call out for such improved
23 performance, as do the interests of the remaining customer base.

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Q. WHAT DO YOU CONCLUDE?

A. The story that emerged from my review of the various aspects of customer service by the Philadelphia Water Department that I have set forth above is remarkably consistent. The customer satisfaction benchmark study performed by the PWD documents that PWD is one of the least trusted big-city water suppliers in the country. PWD data shows that it consistently misleads its payment-troubled customers, sending notices of an imminent disconnection of service even though, in fact, no intent to disconnect service exists at the time the notice is issued. The Department’s procedures reveal that PWD does not notify or inform their payment-troubled customer of the options that are available to them under the Department’s regulations.

The situation facing Philadelphia appears to involve a Water Department that is either unaware of, or indifferent to, the full dimensions of its customer service obligations as a public utility. Because of the structure and operation of the delivery of water service, billing for that service, and collection of those billings in Philadelphia, a culture has developed with respect to water bills that is more the culture of a tax collection agency or collection agency rather than a municipal utility in a customer-oriented business. The actions and procedures of the Department consistently evidence a culture of facelessness and lack of accountability. The Department consistently fails to inform customers of their options. The Department consistently is dismissive of procedures through which its actions and decisions may be subject to challenge. The Department does not engage in internal quality assurance review involving the implementation of its own policies; does

1 not track the information needed to determine patterns and practices that might be subject
2 to improvement; and does not establish measurable performance goals against which it
3 might be held accountable in a future review. The Department tracks no information and
4 implements no procedures or processes that hold staff persons accountable for what staff
5 does or does not do in the implementation of the consumer processes and procedures
6 designed to ensure customer rights to essential water service.

7
8 Overall, I conclude that there is substantial room for improvement in the delivery of
9 customer service with respect to payment-troubled customers.

10
11 **Part 2. Recommended Customer Service Remedies for PWD.**

12 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**
13 **TESTIMONY.**

14 A. In this section of my testimony, I outline a two-year action plan that will help move
15 PWD's delivery of customer service toward the level of customer service that might be
16 considered adequate for a municipal water public utility. The action plan that I identify
17 includes action steps that should be taken immediately, in the near-term and in the
18 moderate-term. Each aspect of the action plan is necessary for PWD to move toward the
19 adequate and reasonable delivery of service to ratepayers. I limit my recommendations to
20 the near and moderate-term so that the specific action steps can be accomplished by the
21 time of the next rate increase request as I discuss below.

22

1 **A. The Immediate Action Steps.**

2 **Q. PLEASE DESCRIBE THE IMMEDIATE ACTION STEPS THAT SHOULD BE**
3 **TAKEN TO IMPROVE PWD'S CUSTOMER SERVICE.**

4 A. Two immediate action steps are warranted in light of the information and analysis I have
5 presented above. The first action step is an agreement to implement a Basic Consumer
6 Compact. This Basic Consumer Compact is not aspiratory in nature. Instead, the
7 Compact presents five concrete steps that PWD can and should take to address many of
8 the problems that I identify above.

9
10 **Q. WHAT COMPRISES THE BASIC CONSUMER COMPACT?**

11 A. The Basic Consumer Compact consists of the following four agreements.

12 (1) First, PWD agrees to abide by its own regulations with respect to the offer of
13 water service to tenant applicants. Tenants who apply to take service in their own
14 name cannot be denied such service merely because the underlying property
15 owner may have an unpaid bill for which the owner has not arranged payment.
16 Indeed, even if the property owner has an unpaid bill that has led to the
17 disconnection of service for nonpayment, the tenant applicant under PWD
18 regulations has the right to take service so long as the owner does not object and
19 the tenant can provide evidence of a lease of the property. This first part of the
20 Basic Consumer Compact involves PWD merely agreeing to abide by its own
21 regulations in this area.

22 (2) The second part of the Basic Consumer Compact involves immediate reforms in
23 the WRAP application process. Through the Basic Consumer Compact, PWD

1 agrees that by a date certain, not to exceed 90 days from the date of the final
2 decision in this proceeding, to submit an amended WRAP intake and application
3 process. The amended process will abandon WRAP's current focus on the
4 extensive documentary materials that are currently required to be produced by a
5 WRAP applicant. At a minimum, PWD should agree that if a customer can
6 document his or her participation in either the Philadelphia Gas Works (PGW)
7 Customer Responsibility Program (CRP) or the federal Low-Income Home
8 Energy Assistance Program (LIHEAP) in the most recent federal program year,
9 the customer will be enrolled in WRAP. It would not seem unreasonable for one
10 of Philadelphia's municipal utilities (PWD) to work with the other Philadelphia
11 municipal utility (PGW) in a collaborative effort to identify customers that are
12 income eligible for municipal benefits. Moreover, PWD should agree to enter into
13 immediate good faith discussion with PGW and the state LIHEAP office to
14 implement a data-sharing process under which those entities will exchange
15 information on program participants to determine the eligibility for their
16 respective programs. Finally, PWD should enter into good faith discussions with
17 the Public Advocate to develop an appropriate application denial letter and notice
18 of right to appeal. Based upon this denial letter, an applicant denied application to
19 WRAP for a "failure to provide requested information" should be given a
20 reasonable time period within which this failure, specified in the denial letter,
21 might be cured.

22 (3) The third part of the Basic Consumer Compact involves immediate reforms in
23 PWD's appeals and hearing process. PWD should provide basic consumer

1 information to customers disputing (or appealing) customer rate and service
2 related issues. A form containing the information set forth in schedule RDC-5
3 would seem reasonable. As a final part of the revised appeals process, PWD
4 should designate a number of internal individual staff, not involved with credit
5 and collections, to serve as hearing officers for the informal hearing process
6 described in PWD regulation 100.7. The number will be sufficient to serve as
7 hearing officers for the number of disputes and complaints that are reasonably
8 expected each month. The Department should collect and report each month data
9 on the number of disputes heard by each hearing officer, whether the resolution of
10 the dispute upheld the consumer's position, and the nature of the dispute.

11 (4) The final part of the Basic Consumer Compact involves immediate reforms in the
12 Department's payment plan process. For customers with income at or below
13 150% of the Federal Poverty Level, PWD should accept surrogates for household-
14 provided certification of both household income and the number of members in a
15 customer's household. If a PWD customer, in other words, has adequately
16 documented his or her income and household size to an entity such as LIHEAP or
17 PGW, to require the customer to engage in the process outlined in the PWD
18 WRAP manual is an unnecessary, inappropriate, and unreasonable impediment to
19 participation in an extended PWD payment plan. PWD should further adopt a
20 standardized default budget, differentiated by household size, to be used in
21 determining whether the household's disposable income will support a proposed
22 payout term. Each deferred payment agreement entered into with a customer
23 whose income is at or below 150% of the Poverty Level will be accompanied by a

1 Schedule, signed by the PWD staffperson who has determined the reasonableness
2 of the agreement; this schedule should present: (a) the customer's household
3 income; (b) the customer's household size; (c) the customer's default budget; (d)
4 the disposable income available to retire PWD arrears (b minus d); (e) whether
5 the customer chooses to accept the default budget or seeks to present information
6 on the actual household budget; (f) the monthly payment to PWD, broken down
7 by the expected payment for current bills and the payment toward arrears; and (g)
8 the term (in months) of the deferred payment agreement (total arrears divided by
9 payment toward arrears). The schedule shall be retained by PWD for a term of
10 months not less than the term of the plan. Finally, the initial bill for each payment
11 plan shall state, in clear and conspicuous language: "If you cannot afford to make
12 the payments in this payment plan, do not agree to it. Instead, immediately return
13 the form below asking for an extended payment agreement."

14 PWD should maintain, by Poverty Level, aggregate statistics on the number of payment
15 plans by the term in months of the payout period, and whether the customer accepted the
16 proposed plan or sought further review.

17
18 This payment plan reform addresses the immediate concerns with PWD's treatment of
19 payment plans. It introduces transparency to the consumer and accountability to the
20 PWD staff.

21
22 **Q. WHAT IS THE SECOND IMMEDIATE STEP TO BE ADOPTED IN THE**
23 **IMPROVEMENT OF PWD CUSTOMER SERVICE.**

1 A. Beyond the Basic Consumer Compact, PWD should limit the pending rate increase to a
2 two-year period. As I discussed above, the reasonableness of any rate increase is
3 dependent upon the delivery of reasonably adequate service. This service is more than
4 the delivery of gallons (ccf) of water. It includes the delivery of adequate customer
5 service as well. I have documented throughout my testimony that PWD's customer
6 service has considerable room for improvement. It would be unreasonable to
7 acknowledge this need for improvements but to postpone any further formal review of
8 that improvement beyond two years. Accordingly, I recommend that the PWD step rate
9 increase, at a maximum, be limited to two years. At the time of the next rate filing, PWD
10 should be required to file its compliance documents not only with respect to the Basic
11 Consumer Compact but also with the intermediate action steps I identify below. This
12 recommendation introduces fundamental accountability to PWD through the rate-setting
13 process. It creates a reporting and review process that cannot occur without going
14 through a rate case at the conclusion of the two-year period.

15

16

B. The Near-Term Action Steps.

17

**Q. PLEASE DESCRIBE THE ACTION STEP YOU RECOMMEND THAT PWD
TAKE IN THE NEAR TERM.**

18

19

A. The action step that I recommend PWD take in the "near-term" involves an action that
20 can be accomplished within six months of the final decision in this docket. In the near
21 term, I recommend the creation of a dedicated staffing section with the Department to
22 address the customer service needs of vulnerable customers.

22

23

1 **Q. PLEASE DESCRIBE THE CREATION OF A DEDICATED UNIT TO ADDRESS**
2 **THE NEEDS OF VULNERABLE CUSTOMERS.**

3 A. A dedicated Special Needs Unit should be devoted to addressing the payment and service
4 issues of vulnerable PWD customers. A vulnerable customer is not synonymous with a
5 “low-income” customer. A vulnerable customer is one who, by reason age, health,
6 disability or severe financial insecurity is unable to safeguard their personal welfare or
7 the personal welfare of other members of their household.

8
9 The dedicated staff of the Special Needs Unit should be an independent office directly
10 accountable to the Revenue Commissioner. The Unit would not be charged as a
11 collection entity. Clearly, translating the Water Department’s billings into revenue is not
12 unrelated to customer service. However, as documented throughout my testimony, the
13 need for this Special Needs Unit is for a unit that lacks the collection ethos of the WRB.
14 There is a need for a Special Needs Unit with a cultural change from WRB, with its
15 primary focus being on assistance customers to obtain and maintain affordable service.

16
17 Rather than being a collection agency, the charge of the Special Needs Unit instead
18 would be to identify vulnerable customers and to address those issues that might arise
19 with those customers. Issues might range from enrollment of low-income customers onto
20 WRAP; to untangling issues involving ownership, occupancy and tenancy; to addressing
21 high bills attributable to unusually high consumption.

22

1 The Special Needs Unit would be clothed with the authority needed to enter into payment
2 plans; engage in data sharing with other entities (whether those entities be PGW, PECO,
3 state or local agencies, or some private entity); commit usage reduction resources; engage
4 in outreach and public education; and make billing adjustments as appropriate. The
5 Special Needs Unit would have a dedicated staff, whose exclusive job would be to
6 operate within the Special Needs Unit.

7
8 The Special Needs Unit should be charged as a problem-solving unit. The Special Needs
9 Unit should further be charged with developing the specialized knowledge needed to
10 effectively and efficiently operate. Such knowledge might include knowledge of the low-
11 income assistance resources (beyond LIHEAP and UESF); the existence of multilingual
12 resources; typical patterns of occupancy; typical financial patterns and practices of low-
13 income customers; and the like. The Special Needs Unit should finally be charged with
14 developing community-based contacts appropriate to the problems the Unit typically
15 faces, whether those contacts are income-based, age-based, culturally-based, language-
16 based, or based on some other attribute associated with an identifiable customer need.

17
18 **Q. DO OTHER UTILITIES OPERATE SUCH SPECIAL NEEDS UNITS?**

19 A. Yes. Pennsylvania's energy utilities frequently have dedicated universal service staff
20 through which the utility administers its rate affordability, usage-reduction, crisis
21 intervention, and customer-referral programs.

22

1 **Q. DO YOU PROPOSE A SPECIFIC BUDGET FOR THIS SPECIAL NEEDS UNIT**
2 **IN THIS PROCEEDING?**

3 A. No. It is not my role in this proceeding to staff and commit resources to the Special
4 Needs Unit. It is for this reason that I have included the creation of the Special Needs
5 Unit as a near-term action step, to be implemented within a six month time period.
6

7 **C. The Intermediate-Term Action Steps.**

8 **Q. PLEASE DESCRIBE THE INTERMEDIATE STEPS YOU RECOMMEND FOR**
9 **PWD CUSTOMER SERVICE IMPROVEMENT.**

10 A. I recommend a two-step action plan for PWD to implement in the intermediate term. In
11 offering this three-step plan, I define the “intermediate term” to include the two years
12 between the date this rate case is resolved and the date of the Department’s next rate case
13 filing (or two years from the date of the decision in this proceeding, whichever comes
14 sooner). The two-step intermediate-term action plan includes:

- 15 ○ The development of a Customer Service Improvement Plan; and
- 16 ○ The convening of a Customer Service Improvement Work Group.

17

18 **Q. PLEASE DESCRIBE THE DEVELOPMENT OF A CUSTOMER SERVICE**
19 **IMPROVEMENT PLAN.**

20 A. The development, with the assistance of an outside consultant, of a Customer Service
21 Improvement Plan for submission with the next rate case. The Customer Service
22 Improvement Plan should identify the following necessary ingredients to the
23 improvement of customer service by PWD: (a) the necessary changes in policies; (b) the

1 necessary staff, both in terms of expertise and in terms of staffing levels; (c) the
2 necessary staff training, both with respect to new or modified policies and with respect to
3 compliance with existing policies and law; (d) the necessary technology; (e) the
4 necessary processes and procedures; and (f) the necessary financial resources.

5
6 The development of the Customer Service Improvement Plan should, as with any such
7 plan, identify quantifiable objectives to be sought by PWD with respect to its delivery of
8 customer service; should articulate an overall strategy through which those objectives can
9 be achieved; and recommend an evaluation protocol, including necessary data collection,
10 through which actual PWD performance can be tracked and compared to the stated
11 objectives; discrepancies between desired and actual performance identified; and
12 remedies developed. The Customer Service Improvement Plan should be submitted as
13 part of the Department's next rate case filing as one element of the Department's
14 evidentiary documentation of its attention to improving customer service.

15
16 **Q. IS THERE ANY PARTICULAR OBSERVATION THAT YOU WISH TO MAKE**
17 **ABOUT THE CONTENT OF THE RECOMMENDED CUSTOMER SERVICE**
18 **IMPROVEMENT PLAN?**

19 A. Yes. Two critical observations need to be made about this plan. First, the Plan must
20 address the issues of the entire spectrum of customer service activities involved with
21 delivering water in Philadelphia. The Plan, in other words, must address those issues and
22 problems which arise whether resolution of those issues lies with the Water Department,
23 with the Water Revenue Bureau, or with some other municipal entity (e.g., the Tax

1 Review Board, which hears appeals of PWD disputes). Indeed, it is quite possible that
2 the disparate silos in which the provision of goods, the rendering of bills, and the
3 collection of revenues is pursued in Philadelphia is found to impede the improvement of
4 customer service rather than to contribute to such improvement.

5
6 Second, the Customer Service Improvement Plan must articulate specific performance
7 goals. These performance goals should identify specific areas for improvement;
8 articulate quantifiable goals toward the achievement of which PWD will strive; identify
9 specific metrics by which PWD commits to measuring progress toward those goal; and
10 propose a data collection protocol through which specific information will be collected,
11 archived, accessed and analyzed in PWD's actions to measure its performance. The
12 Customer Service Improvement Plan should describe the process by which the
13 Department will compare the actual performance of PWD against the performance goals;
14 measure any discrepancy between actual and desired performance; identify the root
15 causes should performance fall short; and propose remedies for any lack of performance
16 (should performance fall short).

17
18 **Q. ARE THERE SPECIFIC AREAS OF IMPROVEMENT THAT YOU**
19 **RECOMMEND THAT THE PLAN ADDRESS?**

20 A. While the specific areas of improvement that the Customer Service Improvement Plan
21 should address should be identified through the Planning Process, as guided by the
22 Customer Service Working Group I recommend above, the following four areas appear to
23 be among the critical issues that need to be addressed:

- 1 ➤ The operation of PWD’s affordability program (WRAP). The performance
2 question for PWD are two-fold: (1) are all customers that qualify for WRAP
3 being enrolled in WRAP; and (2) are WRAP payment plans succeeding in
4 generating full an timely payments toward current bills.
5
- 6 ➤ The operation of PWD’s payment plan process. The performance questions for
7 PWD are, again, two-fold: (1) are customers that qualify for PWD’s various
8 payment plan structures being placed on the payment plan appropriate to their
9 income levels; and (2) are customers that enter deferred payment plans successful
10 in those plans, in that they retire their arrears while making current monthly bill
11 payments.
12
- 13 ➤ Tenant access to water service. PWD appears to be continuously challenged by
14 tenant-related issues. Compliance with PWD regulations regarding tenant access
15 to service when landlords are delinquent; identification of acceptable evidence of
16 tenancy that reflects the complexity of an urban, multi-cultural, largely low-
17 income population; addressing distinctions between tenants and occupant all pose
18 continuing conflicts and challenges. Performance goals should be established
19 with respect to ensuring compliance with the Department’s obligation to serve.
20 There should be a near zero tolerance for the denial of service to tenants
21 qualifying for service due to mistakes in the application of relevant regulations.
22
- 23 ➤ Disputes and informal appeals. PWD needs to improve its informal dispute
24 resolution system. Tracking the number of complaints, along with the number of
25 requests for informal hearings; recording the resolution of such complaints and
26 hearings; providing adequate information to customers engaged in the complaint
27 and informal hearing process; and evaluating both the subjects of
28 complaints/informal hearing requests and the resolution of such
29 complaints/informal hearing requests for the identification of systemic issues, all
30 represent areas for improvement.
31

32 Again, I emphasize that this list is not intended to be comprehensive. The full list of
33 customer service areas to be addressed in the Customer Service Improvement Plan should
34 be developed by the planning process itself assisted and guided by the Customer Service
35 Working Group I recommend below.

36

37 **Q. PLEASE DESCRIBE YOUR RECOMMENDATION FOR A CUSTOMER**
38 **SERVICE WORKING GROUP.**

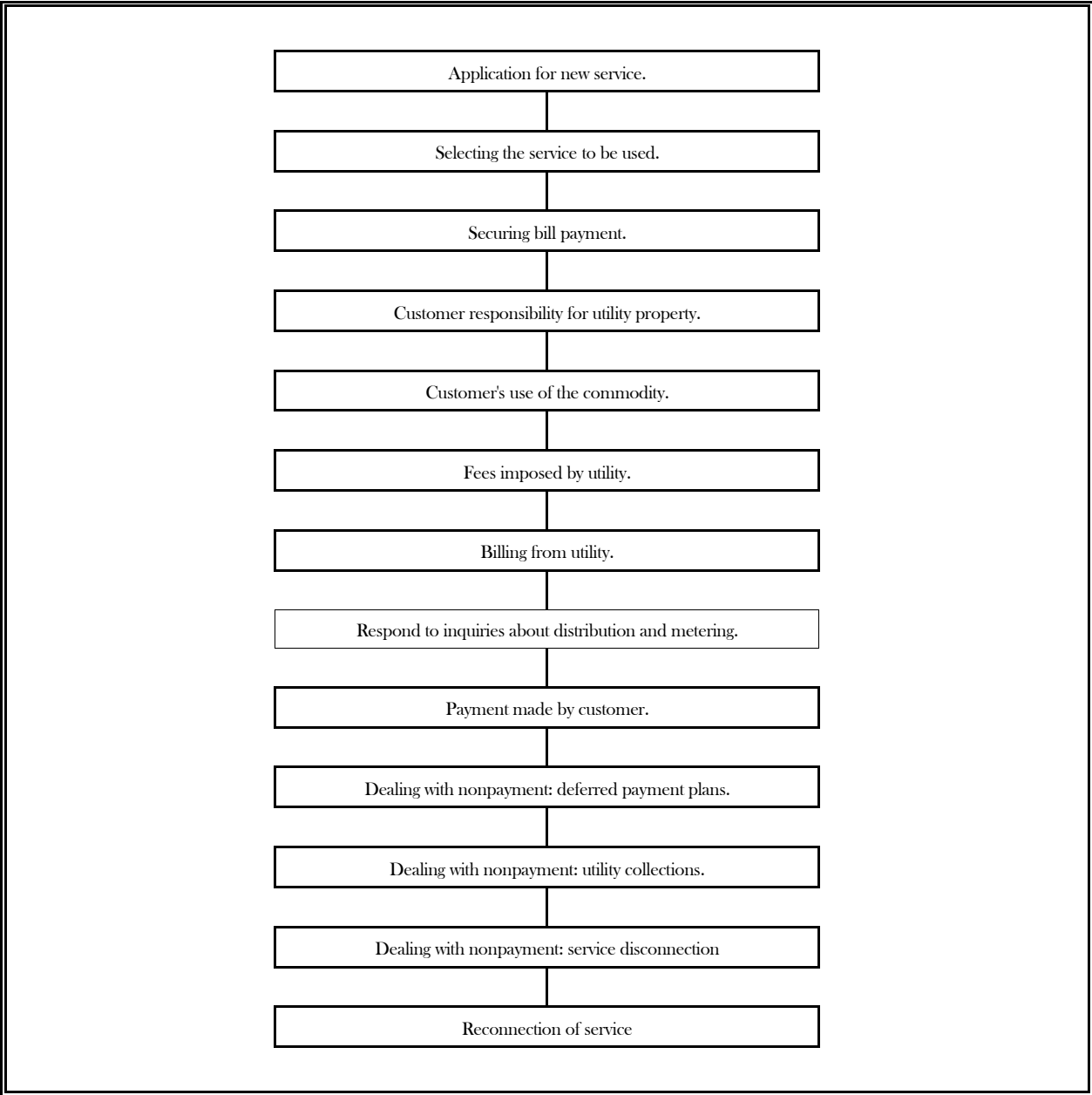
1 A. The convening of a Customer Service Working Group, consisting of affected
2 stakeholders including both the Department, the Public Advocate, and others as identified
3 by the Department, to both advise the development of the Customer Service
4 Improvement Plan and to make recommendations for customer service improvements
5 outside the four corners of the plan. Improvement of PWD's customer service cannot
6 occur in a vacuum. PWD lacks the expertise, as well as the insights into the multiple
7 communities making up the City of Philadelphia, to determine on its own the specific
8 long-term steps that need to occur to improve the Department's customer service.
9 Accordingly, I recommend that PWD's Customer Service Improvement process be
10 guided and advised by a Customer Service Working Group consisting of representatives
11 of the Department, the Public Advocate, and other community-based stakeholders.

12
13 The process should be staffed by an alternative dispute resolution professional. The
14 process should include adequate resources for the Public Advocate to participate, with
15 appropriate technical assistance, as well as resources for the Department, itself, to retain
16 customer service technical professional assistance.

17
18 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

19 A. Yes, it does. However, I reserve the right to supplement my testimony should new or
20 modified information become available.

FLOW OF CUSTOMER THROUGH A UTILITY SYSTEM



Schedule RDC-2

Mayor's Report on City Services: Customer Satisfaction (FY 2007) Water Department and Water Revenue Bureau					
	FY03	FY04	FY05	FY06	FY07
Aside from cost, how satisfied are you with the way your water and sewer billing and collections are handled?					
Response rate (of total surveyed)	100%	100%	100%	---	---
Very/somewhat satisfied	67.4%	71.9%	75.4%	---	---
Very satisfied	34.1%	29.6%	37.9%	---	---
Somewhat satisfied	33.3%	42.3%	37.5%	---	---
Neither satisfied nor dissatisfied	24.3%	19.1%	12.9%	---	---
Somewhat dissatisfied	4.6%	4.5%	5.3%	---	---
Very dissatisfied	3.6%	4.5%	6.5%	---	---
Very/somewhat dissatisfied	8.3%	9.1%	11.7%	---	---
Why are you dissatisfied with water and sewer billing and collections? Not asked in 2005					
Response rate (of total surveyed)	8.3%	90.8%	---	---	---
(who were dissatisfied)	100%	100%	---	---	---
Cost is too high	44.0%	57.0%	---	---	---
Poor customer service in person or on the telephone	22.0%	17.0%	---	---	---
Meter readings are estimated and/or inaccurate	9.9%	14.0%	---	---	---
Bill itself is confusing	5.5%	11.0%	---	---	---
Collection process is confusing	9.9%	9.0%	---	---	---
Inconvenient payment option/payment centers	---	2.0%	---	---	---
Poor water quality	---	1.0%	---	---	---
Incorrect billing	7.7%	---	---	---	---
Water Department can't answer questions	3.3%	---	---	---	---
Don't like change in frequency	2.2%	---	---	---	---
Too long to resolve problem	1.1%	---	---	---	---
Refused	1.1%	---	---	---	---
Other	3.3%	---	---	---	---
SOURCE: Attachment to Response to PA-RDC-IV-2.					

Schedule RDC-3

Disconnects and Reconnects: Philadelphia Water Department (2006 – 2008)				
	Fiscal Year 2006			
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Disconnections	9,759	14,407	1,765	12,784
Reconnections	6,321	4,505	1,185	8,111
Percent reconnected	64.8%	31.3%	67.1%	63.4%
	Fiscal Year 2007			
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Disconnections	10,068	16,647	2,013	13,790
Reconnections	6,306	5,386	1,291	8,947
Percent reconnected	62.6%	32.4%	64.1%	64.9%
	Fiscal Year 2008			
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Disconnections	8,770	19,858	1,626	12,801
Reconnections	6,896	6,749	1,342	8,270
Percent reconnected	78.6%	34.0%	82.5%	64.6%
SOURCE: PA-RDC-1-4.				

Schedule RDC-4

WRAP Applicants and WRAP Grantees (2005 – 2008) /a/								
	2005		2006		2007		2008 (YTD June)	
	# of Applicants	# of Grantees	# of Applicants	# of Grantees	# of Applicants	# of Grantees	# of Applicants	# of Grantees
Annual	9,473	6,976	8,538	6,872	9,967	6,397	3,691	3,449
/a/ Calendar year reference.								
SOURCE: PA-RDC-II-24.								

Schedule RDC-5

Without intending to show the *form* of the information, the following information should be available:

For year ending December 31,					
	Bills	Date Bill Issued	Payments	Date Payment Received	Consumption
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
Total for year		xxx		xxx	

<u>Date of most recent statement:</u> _____	
Current bill due at time of most recent statement:	
Arrears due at time of most recent statement:	
Total due at time of most recent statement:	
Payments received since last statement:	

<u>Date of most recent payment received:</u> _____	
Amount of last payment received:	
Balance outstanding after last payment posted:	
Total bills incurred since date of last payment:	

<u>Pending shutoff:</u> _____ (yes/no)	
Minimum payment needed to stop shutoff:	\$
Date by which minimum payment must be made:	
Total payment needed to retire arrears:	\$

Attachment RC-1

ROGER D. COLTON

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Public Finance and General Economics
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EDUCATION:

J.D. (Order of the Coif), University of Florida (1981)

M.A. (Economics), McGregor School, Antioch University (1993)

B.A. Iowa State University (1975)

PROFESSIONAL EXPERIENCE:

Fisher, Sheehan and Colton, Public Finance and General Economics: 1985 - present.

As a co-founder of this economics consulting partnership, Colton provides services in a variety of areas, including: regulatory economics, poverty law and economics, public benefits, fair housing, community development, energy efficiency, utility law and economics (energy, telecommunications, water/sewer), government budgeting, and planning and zoning.

Colton has testified in state and federal courts in the United States and Canada, as well as before regulatory and legislative bodies in more than three dozen states. He is particularly noted for creative program design and implementation within tight budget constraints.

National Consumer Law Center (NCLC): 1986 - 1994

As a staff attorney with NCLC, Colton worked on low-income energy and utility issues. He pioneered cost-justifications for low-income affordable energy rates, as well as developing models to quantify the non-energy benefits (*e.g.*, reduced credit and collection costs, reduced working capital) of low-income energy efficiency. He designed and implemented low-income affordable rate and fuel assistance programs across the country. Colton was charged with developing new practical and theoretical underpinnings for solutions to low-income energy problems.

Community Action Research Group (CARG): 1981 - 1985

As staff attorney for this non-profit research and consulting organization, Colton worked primarily on energy and utility issues. He provided legal representation to low-income persons on public utility issues; provided legal and technical assistance to consumer and labor organizations; and provided legal and technical assistance to a variety of state and local governments nationwide on natural gas, electric, and telecommunications issues. He routinely appeared as an expert witness before regulatory agencies and legislative committees regarding energy and telecommunications issues.

PROFESSIONAL AFFILIATIONS:

- Member: Board of Directors, Belmont Housing Trust, Inc.
- Member: Advisory Board: Fair Housing Center of Greater Boston.
- Past Member: Fair Housing Committee, Town of Belmont (MA)
- Past Member: Aggregation Advisory Committee, New York State Energy Research and Development Authority.
- Past Member: Board of Directors, Vermont Energy Investment Corporation.
- Past Member: Board of Directors, National Fuel Funds Network
- Past Member: National Advisory Committee, U.S. Department of Health and Human Services, Administration for Children and Families, Performance Goals for Low-Income Home Energy Assistance.
- Past Member: Editorial Advisory Board, International Library, *Public Utility Law Anthology*.
- Past Member: ASHRAE Guidelines Committee, GPC-8, *Energy Cost Allocation of Comfort HVAC Systems for Multiple Occupancy Buildings*
- Past Member: National Advisory Committee, U.S. Department of Housing and Urban Development, Calculation of Utility Allowances for Public Housing.
- Past Member: National Advisory Board: Energy Financing Alternatives for Subsidized Housing, New York State Energy Research and Development Authority.

PROFESSIONAL ASSOCIATIONS:

- National Association of Housing and Redevelopment Officials (NAHRO)
- Association for Enterprise Opportunity (AEO)
- Iowa State Bar Association
- Energy Bar Association
- Association for Institutional Thought (AFIT)
- Association for Evolutionary Economics (AEE)
- Society for the Study of Social Problems (SSSO)
- International Society for Policy Studies
- Association for Social Economics

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COLTON EXPERIENCE AS EXPERT WITNESS

1988 - PRESENT

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
I/M/O National Grid	Witness	New Hampshire Legal Assistance	Low-income rate assistance	New Hampshire	08
I/M/O EmPower Maryland	Witness	Office of Peoples Counsel	Low-income energy efficiency	Maryland	08
I/M/O Duke Energy Carolinas Save-a-Watt Program	Witness	NC Equal Justice Foundation	Low-income energy efficiency	North Carolina	08
I/M/O Zia Natural Gas Company	Witness	Community Action New Mexico	Low-income/low-use rate design	New Mexico	08
I/M/O Universal Service Fund Support for the Affordability of Local Rural Telecomm Service	Witness	Office of Consumer Advocate	Telecomm service affordability	Pennsylvania	08
I/M/O Philadelphia Water Department	Witness	Public Advocate	Credit and Collections	Philadelphia	08
I/M/O Portland General Electric Company	Witness	Community Action--Oregon	General rate case	Oregon	08
I/M/O Philadelphia Electric Company (electric)	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	08
I/M/O Philadelphia Electric Company (gas)	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	08
I/M/O Columbia Gas Company	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	08
I/M/O Public Service Company of New Mexico	Witness	Community Action New Mexico	Fuel adjustment clause	New Mexico	08
I/M/O Petition of Direct Energy for Low-Income Aggregation	Witness	Office of Peoples Counsel	Low-income electricity aggregation	Maryland	07
I/M/O Office of Consumer Advocate et al. v. Verizon and Verizon North	Witness	Office of Consumer Advocate	Lifeline telecommunications rates	Pennsylvania	07
I/M/O Pennsylvania Power Company	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	07
I/M/O National Fuel Gas Distribution Corporation	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	07
I/M/O Public Service of New Mexico--Electric	Witness	Community Action New Mexico	Low-income programs	New Mexico	07
I/M/O Citizens Gas/NIPSCO/Vectren for Universal Service Program	Witness	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	Low-income program design	Indiana	07
I/M/O PPL Electric	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	07
I/M/O Section 15 Challenge to NSPI Rates	Witness	Energy Affordability Coalition	Discrimination in utility regulation	Nova Scotia	07
I/M/O Philadelphia Gas Works	Witness	Office of Consumer Advocate	Low-income and residential collections	Pennsylvania	07
I/M/O Equitable Gas Company	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	07

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
I/M/O Section 11 Proceeding, Energy Restructuring	Witness	Office of Peoples Counsel	Low-income needs and responses	Maryland	06
I/M/O Citizens Gas/NIPSCO/Vectren for Universal Service Program	Witness	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	Low-income program design	Indiana	06
I/M/O Public Service Co. of North Carolina	Witness	North Carolina Attorney General/Dept. of Justice	Low-income energy usage	North Carolina	06
I/M/O Electric Assistance Program	Witness	New Hampshire Legal Assistance	Electric low-income program design	New Hampshire	06
I/M/O Verizon Petition for Alternative Regulation	Witness	New Hampshire Legal Assistance	Basic local telephone service	New Hampshire	06
I/M/O Pennsylvania Electric Co/Metropolitan Edison Co.	Witness	Office of Consumer Advocate	Universal service cost recovery	Pennsylvania	06
I/M/O Duquesne Light Company	Witness	Office of Consumer Advocates	Universal service cost recovery	Pennsylvania	06
I/M/O Natural Gas DSM Planning	Witness	Low-Income Energy Network	Low-income DSM program.	Ontario	06
I/M/O Union Gas Co.	Witness	Action Centre for Tenants Ontario (ACTO)	Low-income program design	Ontario	06
I/M/O Public Service of New Mexico merchant plant	Witness	Community Action New Mexico	Low-income energy usage	New Mexico	06
I/M/O Customer Assistance Program design and cost recovery	Witness	Office of Consumer Advocate	Low-income program design	Pennsylvania	06
I/M/O NIPSCO Proposal to Extend Winter Warmth Program	Witness	Northern Indiana Public Service Company	Low-income energy program evaluation	Indiana	05
I/M/O Piedmont Natural Gas	Witness	North Carolina Attorney General/Dept. of Justice	Low-income energy usage	North Carolina	05
I/M/O PSEG merger with Exelon Corp.	Witness	Division of Ratepayer Advocate	Low-income issues	New Jersey	05
Re. Philadelphia Water Department	Witness	Public Advocate	Water collection factors	Philadelphia	05
I/M/O statewide natural gas universal service program	Witness	New Hampshire Legal Assistance	Universal service	New Hampshire	05
I/M/O Sub-metering requirements for residential rental properties	Witness	Tenants Advocacy Centre of Ontario	Sub-metering consumer protections	Ontario	05
I/M/O National Fuel Gas Distribution Corp.	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	05
I/M/O Nova Scotia Power, Inc.	Witness	Dalhousie Legal Aid Service	Universal service	Nova Scotia	04
I/M/O Lifeline Telephone Service	Witness	National Ass'n State Consumer Advocates (NASUCA)	Lifeline rate eligibility	FCC	04
Mackay v. Verizon North	Witness	Office of Consumer Advocate	Lifeline rates—vertical services	Pennsylvania	04
I/M/O Philadelphia Gas Works	Witness	Office of Consumer Advocate	Credit and collections	Pennsylvania	04

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
I/M/O Citizens Gas & Coke/Vectren	Witness	Citizens Action Coalition of Indiana	Universal service	Indiana	04
I/M/O PPL Electric Corporation	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	04
I/M/O Consumers New Jersey Water Company	Witness	Division of Ratepayer Advocate	Low-income water rate	New Jersey	04
I/M/O Washington Gas Light Company	Witness	Office of Peoples Counsel	Low-income gas rate	Maryland	04
I/M/O Washington Gas Light Company	Witness	Office of Peoples Counsel	Low-income gas rate	Maryland	03
Golden v. City of Columbus	Witness	Helen Golden	EOCA disparate impacts	Ohio	02
Huegel v. City of Easton	Witness	Phyllis Huegel	Credit and collection	Pennsylvania	02
I/M/O Universal Service Fund	Witness	Public Utility Commission staff	Universal service funding	New Hampshire	02
I/M/O Philadelphia Gas Works	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	02
I/M/O Washington Gas Light Company	Witness	Office of Peoples Counsel	Rate design	Maryland	02
I/M/O Consumers Illinois Water Company	Witness	Illinois Citizens Utility Board	Credit and collection	Illinois	02
I/M/O Public Service Electric & Gas Rates	Witness	Division of Ratepayer Advocate	Universal service	New Jersey	01
I/M/O Pennsylvania-American Water Company	Witness	Office of Consumer Advocate	Low-income rates and water conservation	Pennsylvania	01
I/M/O Louisville Gas & Electric Prepayment Meters	Witness	Kentucky Community Action Association	Low-income energy	Kentucky	01
I/M/O NICOR Budget Billing Plan Interest Charge	Witness	Cook County State's Attorney	Rate Design	Illinois	01
I/M/O Rules Re. Payment Plans for High Natural Gas Prices	Witness	Cook County State's Attorney	Budget Billing Plans	Illinois	01
I/M/O Philadelphia Water Department	Witness	Office of Public Advocate	Credit and collections	Philadelphia	01
I/M/O Missouri Gas Energy	Witness	Office of Peoples Counsel	Low-income rate relief	Missouri	01
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Witness	Division of Ratepayer Advocate	Telecommunications universal service	New Jersey	01
I/M/O T.W. Phillips Gas and Oil Co.	Witness	Office of Consumer Advocate	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O Peoples Natural Gas Company	Witness	Office of Consumer Advocate	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O UGI Gas Company	Witness	Office of Consumer Advocate	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O PFG Gas Company	Witness	Office of Consumer Advocate	Ratemaking of universal service costs.	Pennsylvania	00
Armstrong v. Gallia Metropolitan Housing Authority	Witness	Equal Justice Foundation	Public housing utility allowances	Ohio	00

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Witness	Division of Ratepayer Advocate	Telecommunications universal service	New Jersey	00
I/M/O Universal Service Fund for Gas and Electric Utilities	Witness	Division of Ratepayer Advocate	Design and funding of low-income programs	New Jersey	00
I/M/O Consolidated Edison Merger with Northeast Utilities	Witness	Save Our Homes Organization	Merger impacts on low-income	New Hampshire	00
I/M/O UtiliCorp Merger with St. Joseph Light & Power	Witness	Missouri Dept. of Natural Resources	Merger impacts on low-income	Missouri	00
I/M/O UtiliCorp Merger with Empire District Electric	Witness	Missouri Dept. of Natural Resources	Merger impacts on low-income	Missouri	00
I/M/O PacifiCorp	Witness	The Opportunity Council	Low-income energy affordability	Washington	00
I/M/O Public Service Co. of Colorado	Witness	Colorado Energy Assistance Foundation	Natural gas rate design	Colorado	00
I/M/O Avista Energy Corp.	Witness	Spokane Neighborhood Action Program	Low-income energy affordability	Washington	00
I/M/O TW Phillips Energy Co.	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O PECO Energy Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O National Fuel Gas Distribution Corp.	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O PFG Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O UGI Energy Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
Re. PSCO/NSP Merger	Witness	Colorado Energy Assistance Foundation	Merger impacts on low-income	Colorado	99 - 00
I/M/O Peoples Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
I/M/O Columbia Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
I/M/O PG Energy Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
I/M/O Equitable Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
Allerruzzo v. Klarchek	Witness	Barlow Allerruzzo	Mobile home fees and sales	Illinois	99
I/M/O Restructuring New Jersey's Natural Gas Industry	Witness	Division of Ratepayer Advocate	Universal service	Pennsylvania	99
I/M/O Bell Atlantic Local Competition	Witness	Public Utility Law Project	Lifeline telecommunications rates	New Jersey	99
I/M/O Merger Application for SBC and Ameritech Ohio	Witness	Edgemont Neighborhood Association	Merger impacts on low-income consumers	Ohio	98 - 99
Davis v. American General Finnce	Witness	Thomas Davis	Damages in "loan flipping" case	Ohio	98 - 99
Griffin v. Associates Financial Service Corp.	Witness	Earlie Griffin	Damages in "loan flipping" case	Ohio	98 - 99
I/M/O Baltimore Gas and Electric Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
I/M/O Delmarva Power and Light Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Electric Power Co. Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Edison Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
VMHOA v. LaPierre	Witness	Vermont Mobile Home Owners Association	Mobile home tying	Vermont	98
Re. Restructuring Plan of Virginia Electric Power	Witness	VMH Energy Services, Inc.	Consumer protection/basic generation service	Virginia	98
Mackey v. Spring Lake Mobile Home Estates	Witness	Timothy Mackey	Mobile home fees	State ct: Illinois	98
Re. Restructuring Plan of Atlantic City Electric	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Jersey Central Power & Light	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Public Service Electric & Gas	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Rockland Electric	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Appleby v. Metropolitan Dade County Housing Agency	Witness	Legal Services of Greater Miami	HUD utility allowances	Fed. court: So. Florida	97 - 98
Re. Restructuring Plan of PECO Energy Company	Witness	Energy Coordinating Agency of Philadelphia	Universal service	Pennsylvania	97
Re. Atlantic City Electric Merger	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97
Re. IES Industries Merger	Witness	Iowa Community Action Association	Low-income issues	Iowa	97
Re. New Hampshire Electric Restructuring	Witness	NH Comm. Action Ass'n	Wires charge	New Hampshire	97
Re. Natural Gas Competition in Wisconsin	Witness	Wisconsin Community Action Association	Universal service	Wisconsin	96
Re. Baltimore Gas and Electric Merger	Witness	Maryland Office of Peoples Counsel	Low-income issues	Maryland	96
Re. Northern States Power Merger	Witness	Energy Cents Coalition	Low-income issues	Minnesota	96
Re. Public Service Co. of Colorado Merger	Witness	Colorado Energy Assistance Foundation	Low-income issues	Colorado	96
Re. Massachusetts Restructuring Regulations	Witness	Fisher, Sheehan & Colton	Low-income issues/energy efficiency	Massachusetts	96
Re. FERC Merger Guidelines	Witness	National Coalition of Low-Income Groups	Low-income interests in mergers	Washington D.C.	96
Re. Joseph Keliikuli III	Witness	Joseph Keliikuli III	Damages from lack of homestead	Honolulu	96

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
Re. Theresa Mahaulu	Witness	Theresa Mahaulu	Damages from lack of homestead	Honolulu	95
Re. Joseph Ching, Sr.	Witness	Re. Joseph Ching, Sr.	Damages from lack of homestead	Honolulu	95
Joseph Keaulana, Jr.	Witness	Joseph Keaulana, Jr.	Damages from lack of homestead	Honolulu	95
Re. Utility Allowances for Section 8 Housing	Witness	National Coalition of Low-Income Groups	Fair Market Rent Setting	Washington D.C.	95
Re. PGW Customer Service Tariff Revisions	Witness	Philadelphia Public Advocate	Credit and collection	Philadelphia	95
Re. Customer Responsibility Program	Witness	Philadelphia Public Advocate	Low-income rates	Philadelphia	95
Re. Houston Lighting and Power Co.	Witness	Gulf Coast Legal Services	Low-Income Rates	Texas	95
Re. Request for Modification of Winter Moratorium	Witness	Philadelphia Public Advocate	Credit and collection	Philadelphia	95
Re. Dept of Hawaii Homelands Trust Homestead Production	Witness	Native Hawaiian Legal Corporation	Prudence of trust management	Honolulu	94
Re. SNET Request for Modified Shutoff Procedures	Witness	Office of Consumer Counsel	Credit and collection	Connecticut	94
Re. Central Light and Power Co.	Witness	United Farm Workers	Low-income rates/DSM	Texas	94
Blackwell v. Philadelphia Electric Co.	Witness	Gloria Blackwell	Role of shutoff regulations	Penn. courts	94
U.S. West Request for Waiver of Rules	Witness	Wash. Util. & Transp. Comm'n Staff	Telecommunications regulation	Washington	94
Re. U.S. West Request for Full Toll Denial	Witness	Colorado Office of Consumer Counsel	Telecommunications regulation	Colorado	94
Washington Gas Light Company	Witness	Community Family Life Services	Low-income rates & energy efficiency	Washington D.C.	94
Clark v. Peterborough Electric Utility	Witness	Peterborough Community Legal Centre	Discrimination of tenant deposits	Ontario, Canada	94
Dorsey v. Housing Auth. of Baltimore	Witness	Baltimore Legal Aide	Public housing utility allowances	Federal district court	93
Penn Bell Telephone Co.	Witness	Penn. Utility Law Project	Low-income phone rates	Pennsylvania	93
Philadelphia Gas Works	Witness	Philadelphia Public Advocate	Low-income rates	Philadelphia	93
Central Maine Power Co.	Witness	Maine Assn Ind. Neighborhoods	Low-income rates	Maine	92
New England Telephone Company	Witness	Mass Attorney General	Low-income phone rates	Massachusetts	92
Philadelphia Gas Co.	Witness	Philadelphia Public Advocate	Low-income DSM	Philadelphia	92
Philadelphia Water Dept.	Witness	Philadelphia Public Advocate	Low-income rates	Philadelphia	92
Public Service Co. of Colorado	Witness	Land and Water Fund	Low-income DSM	Colorado	92
Sierra Pacific Power Co.	Witness	Washoe Legal Services	Low-income DSM	Nevada	92

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
Consumers Power Co.	Witness	Michigan Legal Services	Low-income rates	Michigan	92
Columbia Gas	Witness	Penn. State Office of Consumer Advocate (OCA)	Energy Assurance Program	Pennsylvania	91
Mass. Elec. Co.	Witness	Mass Elec Co.	Percentage of Income Plan	Massachusetts	91
AT&T	Witness	TURN	Inter-LATA competition	California	91
Generic Investigation into Uncollectibles	Witness	Penn OCA	Controlling uncollectibles	Pennsylvania	91
Union Heat Light & Power	Witness	Kentucky Legal Services (KLS)	Energy Assurance Program	Kentucky	90
Philadelphia Water	Witness	Philadelphia Public Advocate (PPA)	Controlling accounts receivable	Philadelphia	90
Philadelphia Gas Works	Witness	PPA	Controlling accounts receivable	Philadelphia	90
Mississippi Power Co.	Witness	Southeast Mississippi Legal Services Corp.	Formula ratemaking	Mississippi	90
Kentucky Power & Light	Witness	KLS	Energy Assurance Program	Kentucky	90
Philadelphia Electric Co.	Witness	PPA	Low-income rate program	Philadelphia	90
Montana Power Co.	Witness	Montana Ass'n of Human Res. Council Directors	Low-income rate proposals	Montana	90
Columbia Gas Co.	Witness	Penn. OCA	Energy Assurance Program	Pennsylvania	90
Philadelphia Gas Works	Witness	PPA	Energy Assurance Program	Philadelphia	89
Southwestern Bell Telephone Co.	Witness	SEMLSC	Formula ratemaking	Mississippi	90
Generic Investigation into Low-income Programs	Witness	Vermont State Department of Public Service	Low-income rate proposals	Vermont	89
Generic Investigation into Dmnd Side Management Measures	Consultant	Vermont DPS	Low-income conservation programs	Vermont	89
National Fuel Gas	Witness	Penn OCA	Low-income fuel funds	Pennsylvania	89
Montana Power Co.	Witness	Human Resource Develop. Council District XI	Low-income conservation	Montana	88
Washington Water Power Co.	Witness	Idaho Legal Service Corp.	Rate base, rate design, cost-allocations	Idaho	88

Attachment RC-2



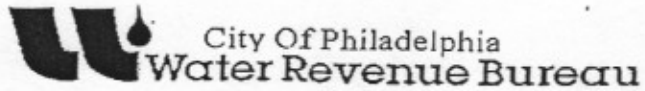
REASONS FOR REJECTING WRAP APPLICATIONS

1. **OVER INCOME**
2. **NOT THE WATER CUSTOMER**
3. **FAILURE TO SUPPLY REQUESTED INFORMATION**
(Specific information is noted on the WRAP financial screen comment line)
 - ◆ Copies of SS cards not included
 - ◆ Proof of income not included
4. **CURRENT BALANCE ONLY**
5. **COMMERCIAL PROPERTY**
6. **PROOF OF INCOME UNACCEPTABLE**
 - ◆ Pay stubs more than 30 days old or non-consecutive
 - ◆ SS/SSI award letter not current year
 - ◆ DPA letter not current month
7. **NO INCOME REPORTED**
 - ◆ Customer declares \$0 income.
8. **PROPERTY BILLED AS VACANT**
9. **REQUIRES AUTOMATIC METER READING DEVICE (AMR)**

* Listed above are the only acceptable reasons for rejecting a WRAP application. If the list does not provide a reason to meet your needs, please refer to the Low-Income Unit's Supervisor or Manager. *



Attachment RC-3



Customer Services Division
Municipal Services Building
1401 John F. Kennedy Boulevard
Philadelphia, PA 19102-1663
Phone: (215) 686-6880

Account Number

Date: 7/16/2008

Dear Customer:

You are **not eligible** for the Water Revenue Assistance program for the following reason(s)

Failure to supply requested information.

The outstanding balance of your account is due.

If you have any questions about this decision you may discuss them with one of the WRB Representatives by telephone at 686-6880 from 8:30 AM to 5:00 PM, or in the office, Monday through Friday 8:30 AM to 5:00 PM.

Sincerely,

Water Revenue Bureau
Assistance Program Unit

Attachment RC-4

**Philadelphia Water Department
2009-12 Rate Hearings
Water Revenue Bureau
Interrogatory Response**

- PA-RDC-III-3.** For the Philadelphia Water Department – or Water Revenue Bureau or WRBCC as appropriate – please provide a copy of all forms, instructions, notices or other written materials of any nature provided to a customer informing that customer of his/her rights and procedures through which to dispute the amount of an outstanding balance on a bill. These documents should include, but not be limited to:
- a. A typical computer printout (providing a record of billings, charges, and payments) provided to a residential customer.
 - b. All written instructions provided to the customer concerning how to interpret documents provided in response to a question regarding the account balance and/or a billing dispute.

Response Prepared By: Water Revenue Bureau

Response: Attached, please find (a) the screen notice provided to a customer disputing his/her bill, and (b) written notice of rights and procedures supplied with a customer's water bill. See also, response to PA-RDC-I-24

Account Transaction History

Customer: Installation:
 Account: Supply Type: **WATER**
 Balance: **USD 387.31** Unpaid Invoices: **387.31** Unallocated Cr: **0.00**

Created	Task	Reference	Tran Date	Amount	Disc/Rebt/Adj	Inter Account	Running Bal	Unallocated
06/30/2008	PNLTYINT	DI00828812	06/30/2008	5.96	0.00	0.00	387.31	5.96
06/27/2008	BILL	BL003251623	06/27/2008	104.23	0.00	0.00	381.35	104.23
05/29/2008	BILL	BL002689661	05/29/2008	111.23	0.00	0.00	277.12	111.23
05/28/2008	PNLTYINT	DI00663258	05/28/2008	4.25	0.00	0.00	165.89	4.25
05/01/2008	PNLTYINT	DI00497291	05/01/2008	3.65	0.00	0.00	161.64	3.65
04/28/2008	BILL	BL002130081	04/28/2008	84.92	0.00	0.00	157.99	84.92
03/31/2008	BILL	BL001587352	03/31/2008	73.07	0.00	0.00	73.07	73.07
03/18/2008	POS	REC0001029460	03/18/2008	-344.75	0.00	0.00	0.00	0.00

Bill No: Outsort Code: Operator: **DANNER.DUBC**
 Description:

Transaction Details

- Account Transaction History -

Customer Installation
 Account Supply Type **WATER**
 Balance **USD 387.31** Unpaid Invoices **387.31** Unallocated Cr **0.00**

Created	Task	Reference	Tran Date	Amount	Disc/Rebt/Adj	Inter Account	Running Bal	Unallocated
03/18/2008	POS	REC0001029460	03/18/2008	-344.75	0.00	0.00	0.00	0.00
02/29/2008	BILL	BL001037512	02/29/2008	73.07	0.00	0.00	344.75	0.00
02/21/2008	CA	CN00015453	01/22/2008	-0.49	0.00	0.00	271.68	0.00
01/30/2008	BILL	BL000498434	01/30/2008	77.02	0.00	0.00	272.17	0.00
01/22/2008	PNLTYINT	D100090459	01/22/2008	0.49	0.00	0.00	195.15	0.00
12/20/2007	BILL	MB2007120002138	12/20/2007	53.31	0.00	0.00	194.66	0.00
11/28/2007	BILL	MB2007110002138	11/28/2007	69.11	0.00	0.00	141.35	0.00
11/07/2007	PNLTY-MC	MBF200710000059	11/07/2007	2.07	0.00	0.00	72.24	0.00

Bill No **80013964454** Outsort Code Operator **DAVID.FISHER**
 Description **POS Account 000032303**

Transaction Details