

Philadelphia Water, Sewer, and Storm Water Rate Board  
Meeting Notes  
10/1/15

Present:

Bernard Brunwasser, Chair  
Lee Huang  
Sonny Popowsky  
Michael Chapman  
Frances Beckley, Esquire

Also Attending:

Steve Hann via conference call  
Scott Schwartz  
Jaclyn Rogers  
Melissa LaBuda  
Marie McNeill  
Rob Ballenger

The Board reviewed a draft of new regulations distributed prior to the meeting. Mr. Popowsky asked for the Philadelphia Water Department (PWD) to provide the engineering and financial reports used to develop a new rate proposal. The reports will provide greater clarification to the Board and public. Ms. Beckley will add a new section to the regulations stating the supporting documentation must be posted with the preliminary filing for a rate increase.

The section on technical review hearings will be modified with language to allow all parties to the case an opportunity to question one another. There will be a requirement for the PWD to highlight any changes made between the initial notice of intent to file and the formal filing of a proposed rate change with the Department of Records. PWD must summarize the changes and put them in a separate announcement. Testimony at technical hearings is not done under oath, and was not presented under oath in past rate cases.

Section 5 (b) (1) in the regulations discusses exchange of information. Any existing information must be made available to all parties, but no party is required to create new reports in response to a request. The Hearing Officer will have the authority to make a determination for any exceptions. Rob Ballenger of Community Legal Services (CLS) believes the PWD should answer all requests and explain the calculations done in the rate study. Mr. Ballenger asked the Board to reconsider this procedure, and submitted a letter with other factors for the Board to take into account during the development of the new regulations. Mr. Brunwasser, Mr. Lee, and Mr. Chapman voted to keep the regulation as it is currently written. Mr. Popowsky voted against it.

The Hearing Officer will have the discretion to limit oral testimony at public hearings when there are a large number of people interested in speaking. A court reporter will be present at all public hearings, including those in neighborhood settings, and transcripts will be available for any Board member that cannot attend the hearing.

The new regulations for the rate process are similar to those in existence throughout Pennsylvania, particularly in regard to testimony, time limits and technical reviews. The public advocate is unique to the city of Philadelphia.

A section for documents was added to the Rate Board web site. The requests for proposal are displayed here, as well as the letter from CLS. This feature enables document sharing among members and promotes transparency.

The Rate Board or a subcommittee will conduct public interviews for the Hearing Officer, Public Advocate, and Technical Expert in October. The Board hopes to make selections by October 24.

Another draft of the regulations will be reviewed at the next Board meeting scheduled for October 22, 2015.