

Philadelphia Water, Sewer and Storm Water Rate Board  
December Monthly Meeting Notes  
12/12/2018, 1515 Arch Street, 18<sup>th</sup> Floor, Mayor's Media Room

Members Present:

Irwin "Sonny" Popowsky, Chair  
Tony Ewing, Vice Chair  
Abby Pozefsky

Also Present:

|                         |                |
|-------------------------|----------------|
| Daniel W. Cantú-Herzler | Melissa LaBuda |
| Debra McCarty           | Jaclyn Rogers  |
| Robert Ballenger        | Brian Merritt  |
| Scott Schwarz           | Cody Williams  |
| Susan Crosby            |                |

Mr. Popowsky called the meeting to order at 3:06 p.m.

Ms. Pozefsky moved to approve the minutes from the October 10, 2018 meeting as presented. Mr. Ewing seconded the motion. The motion was approved with Mr. Popowsky, Mr. Ewing, and Ms. Pozefsky in favor, no members opposed or abstaining, and Ms. Olanipekun-Lewis and Ms. Johnson absent.

Mr. Ewing moved to adopt the proposed Procedures of the Water, Sewer and Storm Water Rate Board. Ms. Pozefsky seconded the motion. The motion was approved with Mr. Popowsky, Mr. Ewing, and Ms. Pozefsky voting in favor, no members opposed or abstaining, and Ms. Olanipekun-Lewis and Ms. Johnson absent. Mr. Popowsky asked that the Procedures be posted on the Rate Board's website. A copy is appended to these minutes.

Mr. Popowsky requested authorization to enter into contracts or Miscellaneous Purchase Orders for the upcoming Tiered Assistance Program ("TAP") Rider proceeding. He explained that Miscellaneous Purchase Orders can be initiated for work up to \$34,000; beyond that limit, a Professional Services contract must be executed, which would require issuing a Request for Proposals. Mr. Popowsky went on to explain that amendments to the current contracts with the Public Advocate and the Board's technical consultant are currently being finalized, but that their scopes of work will be limited to issues that emerged from the 2018 Rate Proceeding. Amawalk Consulting Group, LLC, as the Board's technical consultant, will be creating a simplified rate model revenue and revenue requirements worksheet, and Community Legal Services, the Public Advocate provider, is participating in the creation of rules and procedures for the upcoming TAP Rider Rate Proceeding as well as participating in the development of the simplified rate model and revenue requirements worksheet. These amendments will not cover work for the TAP Rider Proceeding itself, however. For this, Mr. Popowsky requests authorization to approve contracts, if needed, with a technical consultant, a Public Advocate, and a Hearing Officer; it is anticipated and hoped that the work provided for the TAP Rider Proceeding will be kept to a modest level as the issues are limited, and not as extensive as a full rate proceeding.

Ms. Pozefsky stated that she would support such an authorization, bearing in mind her desire that any contract or Miscellaneous Purchase Order be kept to a reasonable possible amount and that the TAP Rider Proceeding be as unburdensome as possible.

Ms. Pozefsky moved to authorize the Chair, with the help of the Law Department, to solicit, negotiate and execute contracts or Miscellaneous Purchase Orders for the upcoming TAP Rider Proceeding, limited to a Public Advocate, Hearing Officer, and technical consultant. Mr. Ewing seconded the motion. The motion was approved, with Mr. Popowsky, Mr. Ewing, and Ms. Pozefsky voting in favor, no members opposed or abstaining, and Ms. Olanipekun-Lewis and Ms. Johnson absent.

Mr. Popowsky proposed to schedule monthly meetings through the end of the fiscal year in June 2019. Stating that the pattern of meetings on the second Wednesday afternoon of the month seemed to be workable, and noting that the January 2019 meeting was already scheduled for January 9<sup>th</sup>, he suggested calendaring meetings in 2019 for February 13<sup>th</sup>, March 13<sup>th</sup>, April 10<sup>th</sup>, May 8<sup>th</sup>, and June 12<sup>th</sup>, all at 3 p.m. Ms. Pozefsky moved to approve the dates and to authorize Mr. Popowsky to revise them as necessary. Mr. Ewing seconded the motion. The motion carried, with Mr. Popowsky, Mr. Ewing, and Ms. Pozefsky voting in favor, no members opposed or abstaining, and Ms. Olanipekun-Lewis and Ms. Johnson absent.

Mr. Popowsky turned the discussion to the revisions to the Board's Regulations proposed to make provision for the TAP Rider Proceeding. Mr. Popowsky stated that his goal was for a consensus to be reached among the Board members, the Water Department, the Public Advocate, and the Law Department on a draft, for which promulgation can be voted upon by Board members at the January 9, 2019 meeting and subsequently filed with the Department of Records. After soliciting public comment, a Public Hearing can be held concurrently with the February 13<sup>th</sup>, 2019 meeting, after which the Board can take a final vote on the proposed Regulation revisions, which, if approved, would take effect ten days after the final Regulations are filed with the Department of Records.

Ms. LaBuda explained that in order for the outcome of the TAP Rider Proceeding to come into effect on September 1, 2019, the Water Department intends to make its Advance Notice filing in April; the decision must be reached by July 1 so that the billing system can be modified and tested.

Mr. Ewing commented that he had reviewed the drafts of revised Regulations, that he believes them to be good work product, and that he appreciated the effort that Mr. Cantú-Hertzler, Mr. Popowsky, Mr. Schwarz, and Mr. Ballenger had expended on this matter thus far.

There was a discussion concerning the various proposed revised provisions to the Regulations for the TAP Rider Proceeding, which have not yet been finalized. Plans were made for informal discussions during the coming weeks in order to overcome differences so that a finalized document can be produced and presented to the Board at its meeting on January 9<sup>th</sup>, 2019.

Mr. Ewing moved to adjourn the meeting, which was seconded by Ms. Pozefsky. The motion was approved with Mr. Popowsky, Mr. Ewing, and Ms. Pozefsky voting in favor, no members opposed or abstaining, and Ms. Olanipekun-Lewis and Ms. Johnson absent. The meeting was adjourned at 4:56 p.m.

*Prepared by Cody Williams, Legal Assistant*