

Philadelphia Water, Sewer and Storm Water Rate Board
January Monthly Meeting Notes
1/9/2019, 1515 Arch Street, 18th Floor, Mayor's Media Room

Members Present:

Irwin "Sonny" Popowsky, Chair
Tony Ewing, Vice Chair
Folasade A. Olanipekun-Lewis
Rasheia Johnson
Abby Pozefsky (via conference line)

Also Present:

Daniel W. Cantú-Hertzler
Debra McCarty
Rob Ballenger
Melissa LaBuda
Scott Schwarz
Jaclyn Rogers
Dave Jagt
Cody Williams

Mr. Popowsky called the meeting to order at 3:07 p.m.

Mr. Ewing moved to approve the minutes from the December 12, 2018 meeting as presented. Ms. Pozefsky seconded the motion. The motion was approved with Mr. Popowsky, Mr. Ewing, and Ms. Pozefsky voting in favor, Ms. Olanipekun-Lewis and Ms. Johnson abstaining, and no members absent.

Thanking Messrs. Cantú-Hertzler, Schwarz, and Ballenger for their work and cooperation, Mr. Popowsky initiated a conversation about the proposed revisions to the Board's Regulations. The proposed Regulations re-organize the currently-enacted Regulations for General Rate Proceedings and Special Rate Proceedings, and establish new regulations for the implementation of the Tiered Assistance Program (TAP) Rate Rider which was approved by the Board in the last General Rate Proceeding.

The draft regulations were distributed to the Board and others in attendance.

With a view to the fact that the Tiered Assistance Program ("TAP") Rider consists of two separate charges, Mr. Schwarz asked that Section I ("Definitions") subsection (u) of the proposed Regulations be revised as follows:

(u) **TAP-R:** A Tiered Assistance Program Rate Rider Surcharge rates.

He also requested that Section I ("Definitions") subsection (v) of the proposed Regulations be revised as follows:

(v) **TAP-R Reconciliation Proceeding:** A proceeding concerning the review of a Reconciliation Statement filed by the Department with the Board for the TAP-R. A TAP-R Reconciliation Proceeding may be consolidated with a General Rate Proceeding.

These two changes to the proposed Regulations were accepted.

Under the proposed revision to the Regulations, Advance Notice for a TAP-R Reconciliation Proceeding must come at least 90 days before a proposed effective date, and the Formal Notice will be required to include a final proposed Reconciliation Statement. The proposed Regulations would give the Board the ability to set the number of Public Hearings, (although City Ordinance requires at least one), and to consider alternatives to a Hearing Officer. During a TAP-R Reconciliation Proceeding, the proposed

Regulations provide Participants the opportunity to participate in a technical review hearing or a technical conference. The latter is a procedure used at other agencies, for instance, the Federal Energy Regulatory Commission, and would give Board members the opportunity to question participants directly over any issues and disagreements.

Ms. Pozefsky noted that the provision of the proposed Regulations providing for flexibility in TAP-R Reconciliation Proceedings lacked a basis for comparison. Mr. Popowsky proposed II.C.2(a) ("Flexibility of Proceedings") be changed as follows:

The Board shall have flexibility in TAP-R Reconciliation Proceedings to set an expedited schedule **as compared to a General Rate Proceeding**; to schedule ~~fewer~~ **one or more** public hearings; to retain or consider appropriate alternatives to the appointment of a Hearing Officer, Public Advocate, and Technical Expert pursuant to Sections II.B.1-3 hereof, with adjustments in the scope of services as the Board may deem appropriate; and to establish (or delegate to the Hearing Officer to establish) appropriate procedures to ensure that the TAP-R Reconciliation Proceeding review process remains open and transparent.

These changes were accepted.

Mr. Cantú-Hertzler explained that when the Board adopts the proposed Regulations, they will be filed with the Department of Records, whereupon Records will publish a public notice. Within thirty days, members of the public may file comments on the proposed Regulations or request a hearing. He suggested that the Board pre-schedule a hearing on the Regulations to coincide with the Board's next regular monthly meeting on February 13, 2019. The Board will then vote again to either retain the existing proposed language or make changes in response to public comments or objections.

Ms. Olanipekun-Lewis moved to adopt the proposed Regulations. The motion was seconded by Ms. Johnson. The motion was approved, with Mr. Popowsky, Mr. Ewing, Ms. Olanipekun-Lewis, Ms. Johnson, and Ms. Pozefsky voting in favor, and no members opposed or abstaining.

Mr. Popowsky moved to adjourn the meeting. The motion was seconded by Ms. Olanipekun-Lewis. The motion was approved with Mr. Popowsky, Mr. Ewing, Ms. Olanipekun-Lewis, and Ms. Johnson voting in favor, no members opposed, and Ms. Pozefsky absent. The meeting was adjourned at 3:53 p.m.

Prepared by Cody Williams, Legal Assistant