

PHILADELPHIA WATER, SEWER AND STORMWATER
RATE BOARD PREHEARING CONFERENCE

Wednesday, February 24, 2021
Philadelphia, Pennsylvania

TIME: 10:00 a.m.
LOCATION: Virtually
HELD BEFORE: MARLANE R. CHESTNUT
Hearing Officer

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2 HEARING OFFICER CHESTNUT: This is the
3 prehearing conference to address
4 scheduling, procedural matters in the rate
5 filing of the Philadelphia Water Department
6 for Fiscal Years 2022 and '23. I will note
7 that I am Hearing Officer Marlane R.
8 Chestnut. And I would like the
9 participants to identify yourselves for the
10 record by stating your name, your address,
11 your email address and on whose behalf you
12 are appearing.

13 And I am going to go in order of the
14 gallery view here. And do keep in mind
15 that I am doing this on my iPad, so the
16 gallery view is not great. So if we have
17 more participants, I might not get to you
18 in a while.

19 So, we will start with your,
20 Mr. Dasent. Can you identify yourself for
21 the record, please.

22 MR. DASENT: Yes, Your Honor. I'm
23 Andre Dasent for the Philadelphia Water
24 Department. My address is 1500 Market

1 Street, Twelfth Floor, Philadelphia 19102.
2 My office is very empty though. My email
3 address is andre.c.dasent@gmail.com.

4 HEARING OFFICER CHESTNUT: Thank you.
5 And you also have Mr. Shultz here.

6 MR. DASENT: Yes. Also with me Carl
7 Shultz from Eckert Seamans. And I have his
8 Philadelphia address as opposed to his
9 Harrisburg address, but he'll have to get
10 off mute.

11 HEARING OFFICER CHESTNUT: That's
12 okay. That's fine.

13 Mr. Ballenger?

14 MR. BALLENGER: Thank you, Your Honor.
15 Robert Ballenger for the Public Advocate.
16 My street address, office address is 1424
17 Chestnut Street, Philadelphia, PA 19102.
18 My email address is
19 rballenger@clsphila.org.

20 HEARING OFFICER CHESTNUT: Thank you.
21 Mrs. Lavery.

22 MS. LAVERY: Good morning. Danielle
23 Lavery on behalf of WRB. Our address is
24 1401 John F. Kennedy Boulevard, Fifth

1 Floor, Philadelphia, PA 19120. Sorry.

2 Forgot my ZIP code for a second.

3 My email address is

4 Danielle.Lavery@phila.gov.

5 HEARING OFFICER CHESTNUT: Thank you.

6 Mr. Holtzman?

7 MR. HOLTZMAN: Thank you. Good

8 morning, Your Honor. This is Anthony

9 Holtzman. I am here on behalf of PECO

10 Energy Company. I'm with the firm of K&L

11 Gates. My street address there is 17 North

12 2nd Street, Harrisburg, PA 17101.

13 And my email address is

14 anthony.holtzman@klgates.com.

15 HEARING OFFICER CHESTNUT: Thank you.

16 Ms. Thompson?

17 MS. THOMPSON: Good morning, Your

18 Honor. This is Jo-Anne Thompson on behalf

19 of Philadelphia Large Users Group. I work

20 for the firm of McNeese, Wallace and Nurick.

21 Our work address in Harrisburg is 100 Pine

22 Street, Harrisburg, Pennsylvania 17101. My

23 email address is JThompson@mcneeslaw.com.

24 HEARING OFFICER CHESTNUT: Okay.

1 Thank you. I will note that some other
2 participants/individuals did indicate that
3 they were intending to join us but are not
4 currently present.

5 Oh, wait. Who is Brooke Darlington?

6 MR. DASENT: WRB.

7 HEARING OFFICER CHESTNUT: Okay.

8 MR. DASENT: With Danielle.

9 HEARING OFFICER CHESTNUT: Oh, I think
10 that takes care of everybody that I have
11 listed here. Let me check. Okay.

12 The -- obviously, the first issue to
13 address is the schedule. I received a
14 proposed schedule that Mr. Dasent and
15 Mr. Ballenger, I guess, worked on jointly.
16 Generally, I don't have a problem with it.
17 I think we need to clarify some -- you
18 know, nail down some specific dates. But
19 it seems okay in terms of the general
20 allocation of time to ensure that there is
21 time for a hearing process, briefing,
22 decision by me, a decision by the Board,
23 and time for the Water Department to do its
24 compliance filing and the parties to

1 respond.

2 Mr. Haver, I see you are with us. You
3 are muted.

4 MR. DASENT: Still muted.

5 HEARING OFFICER CHESTNUT: Mr. Haver?

6 MR. HAVER: Excuse me, Your Honor.

7 Good morning. And just a note of warning,
8 I have not changed.

9 HEARING OFFICER CHESTNUT: That's
10 okay. We can't smell you from here.

11 (Laughter)

12 MR. HAVER: And I -- I see your wit
13 remains the same.

14 HEARING OFFICER CHESTNUT: Could yo --
15 we will go back a little bit.

16 Can you identify yourself for the
17 record, please, by stating your name, your
18 address, your email address and on whose
19 behalf you're appearing?

20 MR. HAVER: My name is Lance Haver.
21 My address is 735 South 12th Street,
22 Philadelphia, Pennsylvania 19147. I am Pro
23 Se representing myself. My email is
24 Lance@lancehaver.com.

1 HEARING OFFICER CHESTNUT: Okay,
2 great. Thank you.

3 We had just started to talk about the
4 proposed schedule. And I indicated that I
5 don't have a problem with it on an overall
6 basis. But I think we do need to nail down
7 some actual dates and the format for the
8 hearings and the public hearings.

9 Is there anything preliminary anybody
10 wants to say then before we talk about
11 specifics?

12 (No replies.)

13 Okay. Let's go through it then. We
14 have the Prehearing Conference today. I
15 see that you have indicated public hearings
16 for some time during the period March 8 to
17 the 22nd.

18 MR. DASENT: Yes.

19 HEARING OFFICER CHESTNUT: Uh,
20 Obviously, not that entire period.

21 MR. DASENT: No, we were --

22 HEARING OFFICER CHESTNUT: How many
23 public hearings? There has to be a minimum
24 of four. And I was wondering what kind of

1 format you had anticipated?

2 I was wondering if it wouldn't be a
3 good idea to have not just -- obviously,
4 they have to be remote. All hearings are
5 going to have to be remote, but should they
6 all be video? Should one or more be
7 telephone? I mean, video there is the
8 option for phone. But I am thinking to
9 have the best access for people possible,
10 maybe we need to have a telephonic one
11 scheduled specifically.

12 What do you think? I will leave this
13 up to Mr. Dasent and Mr. Ballenger. But
14 anybody else that has a comment, that's
15 fine.

16 MR. DASENT: I think the more
17 accessible the better for public hearings.
18 And the telephonic hearings, at least that
19 I've been surveying, I sat in on a Pike
20 County Water Department or Water Company
21 hearing recently. And they -- administered
22 by the PAC, and it went very well as a
23 telephonic hearing. And it was very
24 orderly and everyone got their say. And

1 they even complimented each other in terms
2 of interacting with one another. It was a
3 very positive development.

4 I'm hoping that we can look to
5 telephonic hearings as much as possible.
6 If a Zoom hearing is in the mix as opposed
7 for some folks, that's fine. But for most,
8 particularly our poorest customers,
9 telephonic hearings, I think, will work. I
10 defer to Mr. Ballenger.

11 MR. BALLENGER: Typically, the -- the
12 Zoom format accommodates some participation
13 by telephone. So, I'm not sure that it
14 needs to be specifically telephonic only.
15 I think we could have participants call in
16 using the -- to a Zoom call. So -- and I
17 don't know as much about the technology, of
18 course, as Steven would.

19 But that's been my experience that you
20 had people call in to Zoom meetings and
21 their phone numbers appear. And we would
22 ask them to identify themselves based on
23 the phone number so that they are prepared
24 to speak when -- when called upon. That's

1 worked in the past.

2 MR. LIANG: That's usually my
3 experience. Member pops up, and then we
4 can just ask.

5 HEARING OFFICER CHESTNUT: Well, I got
6 to tell you, I conducted hundreds of
7 telephonic input hearings as well as
8 thousands of in-person hearings. And when
9 it -- when they go well, in-person public
10 hearings are tremendous. You know, really
11 you interact. There is energy. People
12 can -- it's just, they are great. Of
13 course, there are bad ones, too. Where
14 people kind of seize control of the agenda,
15 but they are rare.

16 I have found that telephonic public
17 info hearings go very well mainly because
18 the OCA did a great job of educating
19 people. They will have people call to
20 register, have their names put on the list.
21 And when they did that, they took the
22 opportunity to tell them the best way to
23 present what it is they wanted to present.
24 So, it's a very good opportunity which I

1 think had an effect in terms of making it
2 such a productive use of everybody's time.

3 Now, how do you anticipate that people
4 would hear to sign up on the Rate Board's
5 website without any kind of --

6 MR. DASENT: That's what I
7 anticipated. But I think we need
8 instructions and the logistics needed to be
9 talked about perhaps as a sidebar with
10 Mr. Ballenger and myself as to what are the
11 instructions for signing up in advance,
12 what are the deadlines for signing up and
13 getting in the queue.

14 And whether it's a Zoom or telephonic
15 hearing, that could work, I think, as a
16 very orderly process as long as people
17 understand there's one at a time. But the
18 muted control by Steve Liang should help
19 us, you know, just sort of keep people
20 talking.

21 And then the one thing I did observe
22 that was a negative in the Pike County
23 Hearings, was they didn't set up a time in
24 advance as to, you know, who should be

1 speaking and how long people would speak.
2 And I think that does help, particularly if
3 there are a lot of folks participating. It
4 didn't negatively impact that particular
5 hearing.

6 HEARING OFFICER CHESTNUT: Uh,
7 Mr. Haver, did you want to say something?
8 I see that with the hand.

9 MR. HAVER: First, do you like, want,
10 to be called Your Honor, Madam Hearing
11 Examiner?

12 HEARING OFFICER CHESTNUT: No.

13 MR. HAVER: How do you want to be
14 addressed?

15 HEARING OFFICER CHESTNUT: (Laughs)

16 Ms. Chestnut is fine.

17 MR. HAVER: Ms. Chestnut, I think any
18 discussion about public hearings have to
19 include outreach as to -- so people can
20 know that they are happening. And while
21 whatever form you kick, I'm sure will be
22 great. The problem is doing the outreach
23 especially now where many of the people who
24 might be most impacted are also most

1 isolated.

2 HEARING OFFICER CHESTNUT: I totally
3 agree. I'm not sure in terms of how to
4 publicize this other than by posting
5 notices on the website. And I don't know
6 what else the Water Company can do. You
7 know, normally you would post it in the
8 newspaper or general circulation. I'm not
9 sure people even read papers if there are
10 papers anymore.

11 If you have ideas about to publicize,
12 that's fine.

13 MR. HAVER: If I may be so bold, both
14 the City and Council keep email lists that
15 could be -- we could request be accessed.
16 The City keeps a civic engagement email
17 lists. The Water Department, Health
18 Department both keep, I believe, their own
19 email lists. And while it's not perfect,
20 it is a start. And then depending upon
21 Ms. Chestnut's taste, we could ask both the
22 Republican party, Democratic party and
23 Green party to use their texting abilities
24 to let people know about the hearing.

1 While, obviously, we have no control or
2 ability to require them to do so, we
3 certainly have the ability to ask them to
4 do so.

5 HEARING OFFICER CHESTNUT: I'm not
6 sure if I'm real comfortable with that
7 political aspect, but certainly the other
8 sources you talked about. Why don't I let
9 Mr. Dasent, Mr. Ballenger and Mr. Haver
10 talk about this because we do want to
11 publicize it.

12 MR. BALLENGER: Yeah.

13 I mean, we will make use of --
14 obviously, we can't put posters up, Ms.
15 Chestnut, as we normally would and
16 distribute flyers. We will make robust use
17 of social media and our contacts. And I
18 think one of the places to go for this, in
19 particular, is going to be the neighborhood
20 energy centers in Philadelphia where people
21 go when they have difficulty affording
22 their utility bills. I think that is
23 probably one of the key outreaches that we
24 can do.

1 But I agree with Mr. Haver that, for
2 example, Council and different services
3 staff need to know about these dates. And
4 we need to put together a very clear
5 instruction for people to register to
6 participate and how to do so in the easiest
7 possible way.

8 I think -- I think we need to have a
9 sidebar to put together that. And I'm
10 hopeful that the City will also be very
11 engaged in doing outreach as it will be a
12 very different type of proceeding for a lot
13 of low-income Philadelphians at this time.

14 HEARING OFFICER CHESTNUT: Okay.

15 MR. DASENT: We will certainly work
16 together on that.

17 HEARING OFFICER CHESTNUT: I think we
18 can set the dates now. And then I will --

19 MR. DASENT: I'm hoping you will give
20 us some time, though.

21 HEARING OFFICER CHESTNUT: Yeah. I
22 think that's fine.

23 MR. DASENT: Week of the 15th.

24 HEARING OFFICER CHESTNUT: We don't

1 have to worry about transportation issues.

2 Let me -- let me pause for a second.

3 Note that Mr -- and I'm going to apologize
4 for how to say your name.

5 Do you say it like it's spelled
6 Mr. Skiendzielewski?

7 MR. DASENT: Skin-da-lew-ski.

8 HEARING OFFICER CHESTNUT: Skin-da-lew
9 -ski. Can you hear me?

10 MR. DASENT: He may not be able to
11 hear.

12 HEARING OFFICER CHESTNUT: Looks like
13 he's in a car.

14 MR. BALLENGER: Yeah. Mr. S.

15 HEARING OFFICER CHESTNUT: Okay. He's
16 gone now -- oh, there you are.

17 Mr. Skiendzielewski?

18 MR. LIANG: He doesn't appear to be
19 muted.

20 HEARING OFFICER CHESTNUT: No. But
21 his audio may not be --

22 MR. LIANG: Okay. Now he is connected
23 to audio. I guess he was connected via
24 video.

1 MR. DASENT: Now he's muted.

2 HEARING OFFICER CHESTNUT:

3 Mr. Skiendzielewski, do you want to
4 unmute yourself?

5 Okay. Should we give him a few
6 minutes to speak; is that right?

7 MR. LIANG: You have been unmuted, Mr.
8 Skiendzielewski.

9 MR. SKIENDZIELEWSKI: I'm just
10 listening in.

11 HEARING OFFICER CHESTNUT: Okay.

12 For the record, I had people present
13 identify themselves. Could you do that,
14 please, by stating your name, your address,
15 your email address and on whose behalf
16 you're appearing.

17 MR. SKIENDZIELEWSKI: Michael
18 Skiendzielewski. Email is
19 skiadboact@aol.com. Address is 516 Park
20 Hollow Lane, Philadelphia 19111.

21 HEARING OFFICER CHESTNUT: Okay.
22 Thank you. We have been talking about the
23 schedule. And at this point, we are
24 talking about the public hearings.

1 And did you want to set a date now
2 Mr. Dasent, Mr. Ballenger? You want to --
3 three of you talk, and then we can get the
4 specific dates? I'm just trying to get my
5 schedule clear.

6 MR. DASENT: Right. I was hoping the
7 week of the 15th, if possible, because it
8 gives us a little more time to do the
9 outreach and the things that rob usually
10 asks that we do logistically.

11 Again, got to keep it a little bit
12 away from this deadline for participant
13 testimony.

14 HEARING OFFICER CHESTNUT: Right.
15 Okay. That sounds good then. So then, we
16 will get back on that one.

17 MR. DASENT: Yes.

18 MR. BALLENGER: And I think we also --
19 I think the outreach really needs to start
20 with some dates in mind, so we need to kind
21 of both be cognizant of the fact that those
22 dates are approaching, and make sure we
23 have enough time to actually do the
24 outreach.

1 There is very frequently and somewhat
2 unfortunately requests for additional
3 hearings. And I am hopeful that can be
4 minimized all virtual. But I just wanted
5 to alert you to that, Ms. Chestnut, that we
6 do -- sometimes the Board hears directly
7 from the powers that be. And I don't know
8 if that will be the case this time. But we
9 need to bear in mind that there is
10 probably -- we need to be a little
11 flexible.

12 HEARING OFFICER CHESTNUT: I
13 understand that, believe me. I have
14 certainly be in that position where elected
15 officials request one. And of course, we
16 accommodate -- try to accommodate
17 everybody, actually, not just politicians.
18 But we will see.

19 I will leave it up to you to keep
20 these factors in mind. And I hope you will
21 come up with something that does maximize
22 outreach while still being able to be
23 efficient in terms of our proceeding. So,
24 we will leave that open in terms of the

1 actual dates for the public hearings, okay?

2 MR. DASENT: Okay.

3 HEARING OFFICER CHESTNUT: Unless
4 anybody else has anything to add to that?

5 Okay. Let's go on to March 22 for the
6 written testimony from other non-company,
7 non-Water Department participants, excuse
8 me.

9 March 22, any problem with that for
10 anybody?

11 MR. DASENT: That's the Public
12 Advocates date, and we're just working
13 around it. And I think he recognized we
14 had a lot of other things to juggle in
15 there. And so, that's one of the
16 accommodations to the schedule.

17 HEARING OFFICER CHESTNUT: Okay. And
18 to be clear, that's not just the Public
19 Advocate testimony. That's any other
20 participant, written testimony like the
21 Large Users Group or an individual, okay?

22 MS. THOMPSON: Ms. Chestnut?

23 HEARING OFFICER CHESTNUT: Sure.

24 MS. THOMPSON: I would just like to

1 say in terms of confirming these dates, I
2 have not had a chance yet to review these
3 with the client. And I would request to
4 confirm agreement after this conference if
5 possible.

6 HEARING OFFICER CHESTNUT: Right. But
7 you understand that this is pretty
8 advanced?

9 MS. THOMPSON: Yes.

10 HEARING OFFICER CHESTNUT: Unless you
11 have some really major problem, this is
12 what it's going to be. You could have --
13 you could have participated at an earlier
14 point and had access to this proposed
15 schedule before now and run it by your
16 client, so.

17 MS. THOMPSON: Understood.

18 HEARING OFFICER CHESTNUT: I
19 understand that, but on the other hand I
20 don't have a lot of sympathy for your
21 either.

22 We are going to through, then, and
23 continue the next date that is really
24 relevant is all party rebuttal. And not

1 putting any limitations on that at this
2 point.

3 MR. DASENT: I think it's to our
4 advant -- I'm sorry.

5 HEARING OFFICER CHESTNUT: Go ahead.

6 MR. DASENT: I think it's to our
7 advantage to use rebuttal as much as
8 possible because the remote hearings will
9 be harder to navigate if we don't have our
10 positions memorialized we have for April 5
11 there. If that could be moved to the 7th,
12 that might be an accommodation that doesn't
13 hurt anyone.

14 I mentioned it before to Rob, but we
15 didn't reach an agreement on that. That
16 also may help PLUG coming in late, assuming
17 they are putting in rebuttal testimony as
18 opposed to direct. And so, I throw that
19 out there for consideration.

20 HEARING OFFICER CHESTNUT: Do you have
21 a problem with that, Mr. Ballenger?

22 I mean, it's your rebuttal, too. I
23 mean.

24 MR. BALLENGER: I was just trying to

1 juggle on the screens here looking at the
2 calendar and looking at my team's schedule.

3 If I could just have one second.

4 HEARING OFFICER CHESTNUT: Sure. I
5 mean, I don't have a problem with it
6 obviously. In fact, I would encourage more
7 time before you rebuttal because perhaps
8 you can resolve issues and avoid the
9 necessity for rebuttal. Because I hope
10 your settlement discussions are ongoing and
11 not just held till a specific date.

12 MR. DASENT: Right.

13 HEARING OFFICER CHESTNUT: Because you
14 don't want to get locked into it either.

15 MR. BALLENGER: The -- the only sort
16 of potential tension with moving it back is
17 the start date for the technical hearings
18 and having an opportunity to ask any
19 discovery that we may have based on
20 rebuttal. I think that would be a shared
21 concern among the parties that we have time
22 to get responses based on that rebuttal.

23 So, I'm a little concerned that that
24 is going to push back the start date for

1 technical hearings. And consequently,
2 start pushing back all of the following
3 deadlines.

4 HEARING OFFICER CHESTNUT: I'm not
5 sure that's necessary. If we do the
6 rebuttal April 7, I was going to suggest
7 that we change the discovery end date from
8 the 7th to maybe a later date because
9 that's still a week.

10 MR. BALLENGER: And the 7th does work
11 for me. Just confirming on my calendar,
12 that time would be okay.

13 HEARING OFFICER CHESTNUT: Then we
14 could push the prehearing, the discovery
15 end date back. You can still have your
16 settlement discussions, and we can still
17 have the technical hearings the week of the
18 13th to -- the period the week of the 13th
19 to the 21st. And I don't see that that
20 would be a problem.

21 I am encouraging anybody to be -- I
22 really like an upfront type of schedule,
23 that you do as much preparation and
24 resolution as possible before we actually

1 have to have a technical hearing. So --

2 MR. HAVER: Ms. Chestnut, you are
3 going a little too fast for me.

4 HEARING OFFICER CHESTNUT: Oh, I'm
5 sorry.

6 MR. HAVER: Take one issue at a time,
7 and put down the date so I can keep notes.

8 HEARING OFFICER CHESTNUT: Well, at
9 this point, where I am in favor of moving
10 the rebuttal testimony due date to the 7th
11 as requested by Mr. Dasent.

12 MR. HAVER: Got it. And then you were
13 talking about --

14 HEARING OFFICER CHESTNUT: But that
15 affects -- that effects the discovery
16 deadline.

17 MR. HAVER: Okay.

18 HEARING OFFICER CHESTNUT: Because I
19 don't think you want it on the same day.

20 Mr. Dasent or Ballenger, how do you
21 feel?

22 MR. DASENT: Well, particularly from a
23 selfish standpoint, I would like to be done
24 discovery requests because I am writing my

1 rebuttal and trying to get my own case in
2 place. But for Mr. Ballenger's standpoint,
3 he wants to discover what whoever is
4 rebutting him is saying and trying to get
5 to the bottom of it.

6 I see both sides of it, and have to
7 defer to you.

8 MR. BALLENGER: We are not the only
9 two parties in the case. So, there is
10 possibility that other parties would have
11 discovery based on rebuttal. And we would
12 have discovery based on rebuttal of other
13 parties.

14 HEARING OFFICER CHESTNUT: Ms.
15 Thompson, are you planning to present
16 witnesses in this case?

17 MS. THOMPSON: We have not yet
18 determined whether we will do so. But we
19 will let the parties know as soon as
20 possible.

21 HEARING OFFICER CHESTNUT: How about
22 you, Mr. Holtzman?

23 MR. HOLTZMAN: Your Honor, we are not
24 actually planning to submit testimony at

1 this point. Of course, we reserve the
2 right to do so as the case unfolds. But we
3 currently don't plan to submit testimony.

4 HEARING OFFICER CHESTNUT: Mr. Haver,
5 are you expecting to do discovery?

6 MR. HAVER: I want -- envision
7 discovery on specific items. And I also
8 envision one witness who can't pay their
9 water bill.

10 HEARING OFFICER CHESTNUT: So, you
11 would present written testimony about
12 witnesses as opposed to presenting the
13 witness at a public hearing?

14 MR. HAVER: I would do both. I would
15 have people show up at public hearings.
16 But I would want one person where we would
17 have the time to look at their budget,
18 especially now that they are out of work.
19 And we would call attention to the fact
20 that while the bond people may want more,
21 there is no more to get from this person.

22 HEARING OFFICER CHESTNUT: Okay.

23 MR. HAVER: But yes, I envision
24 discovery on specific items. And again, I

1 was a little unclear what the discovery
2 schedule was. I was hoping we'd go step by
3 step, but it seems we are skipping around.

4 HEARING OFFICER CHESTNUT: I don't
5 think we are skipping around. I think we
6 are going step by step.

7 MR. HAVER: Okay, good.

8 HEARING OFFICER CHESTNUT: Discovery
9 is ongoing. I mean, discovery is happening
10 now.

11 MR. DASENT: Right. We have 350 data
12 requests that have been propounded so far.
13 Roughly that number. And --

14 MR. HAVER: I was looking for the
15 discovery deadline.

16 MR. DASENT: We are trying to set it
17 now. It's something like April 7. And the
18 question is, would it be extended. And I
19 think it's tied to when we start the
20 hearings or perhaps the settlement
21 conference, that might be the date for the
22 cutoff Judge Chestnut.

23 HEARING OFFICER CHESTNUT: I will
24 leave that up to you. I mean, that doesn't

1 really effect me. So, I'm not real sure
2 what you are suggesting there Mr. Dasent.

3 Are you saying keep it the 7th or push
4 it back?

5 MR. DASENT: I prefer that it be the
6 7th. But Mr. Ballenger indicated an
7 interest for it to be extended. And we
8 have been so consensus driven, I have sort
9 of been listening for a compromise. And
10 perhaps that will be some time before --
11 well, it will be the 8th or before the
12 technical hearings begin on the 13th.

13 MR. BALLENGER: We have to have time
14 to actually read the rebuttal before
15 issuing discovery on the rebuttal if we
16 have discovery. But we have to read it
17 first. And I can't -- I mean, unless you
18 want to waive rebuttal, Andre, I can't
19 agree to the 7th. I think we have to find
20 another date and push back both that
21 deadline and the settlement discussions.

22 MR. DASENT: Well, then something like
23 the 13th -- I don't have a -- let me pull a
24 calendar up. The 13th might be a date for

1 ending discovery, and then start the
2 hearings a little later. But we are also
3 pushing into the briefing schedule because
4 the hearings now take three or four days.
5 And after --

6 HEARING OFFICER CHESTNUT: I'm not
7 going to let you push back -- I'm not
8 letting you push back the technical
9 hearings.

10 MR. DASENT: No, no. I get that, but
11 it's like a fixed target. If you use more
12 time on the front end as you are
13 advocating, Judge Chestnut, to have all the
14 logistics done and have everything
15 organized. It means at the back end
16 selfishly, Rob and me and Jo-Anne will be
17 considered what briefing looks like -- what
18 briefing looks like and the time that's
19 allotted for that because there is only so
20 much for all of this.

21 So, I would just suggest the 13th at
22 the outside for ending discovery, and have
23 in mind that we need to get into the
24 hearing room very quickly thereafter.

1 MR. BALLENGER: We had -- we had
2 agreed on two days between rebuttal and the
3 last day of discovery and the proposed
4 schedule. So, I would target end of week,
5 which would be April 9. That would be
6 consistent with what we have scheduled so
7 far.

8 That being a Friday, I think, you
9 know, typically we have a Friday Rule here.
10 That rule is going to have to not apply to
11 the discovery requests. I mean, if I can
12 get them out at three o'clock on a Friday
13 two days after rebuttal, I think they got
14 to be deemed issued on a Friday and not
15 pushed off to the following Monday for
16 purposes of getting a response.

17 Alternatively, if you wanted to make
18 the deadline the 12th, you know, then I
19 think we could schedule the settlement
20 discussions immediately following that.
21 But I think this is a consequence of
22 pushing that rebuttal deadline out, that we
23 are feeling some compression at this part
24 of the schedule.

1 MR. DASENT: I would certainly
2 compromise with the 9th and waive the
3 Friday Rule if that's what it takes to make
4 this process move along.

5 HEARING OFFICER CHESTNUT: All right.
6 So, we have April 7 for rebuttal. We have
7 end discovery April 9. And I do expect you
8 to use your best efforts. I mean, if you
9 need a little more time, then you do. But
10 I don't expect anybody is going to be
11 delaying things or acting unreasonably.

12 I expect good faith from everybody in
13 this proceeding, and so far you have. I
14 mean, I've really -- I've been very
15 impressed with your level of
16 professionalism and reasonableness. I
17 think we all want the same result, which is
18 a good result and an equitable and
19 efficient process to get us there.

20 So, are we still talking about
21 settlement discussions on the 8th, or are
22 you pushing that back, too? I mean,
23 obviously, is that going to be the 9th now?
24 I'm a little confused.

1 MR. DASENT: Well, if we end on the
2 9th for discovery --

3 HEARING OFFICER CHESTNUT: For
4 discovery, I think you need to push your
5 settlement discussion.

6 MR. DASENT: Well, that means it will
7 land in the week of the 12th and perhaps on
8 the 12th. Does that work, Rob?

9 MR. BALLENGER: Yeah, I think we um --

10 HEARING OFFICER CHESTNUT: You can't
11 do it on the 9th?

12 MR. DASENT: We might be able to start
13 something on the 9th. As far as
14 memorializing something, certainly the
15 12th. I don't know if we're working
16 weekends.

17 MR. BALLENGER: Our settlement
18 discussions weren't conditioned upon
19 responses to that last round of discovery
20 anyway. We won't have it by then. I would
21 be okay starting it certainly on the 9th as
22 long as we can, you know, continue on for
23 at least another business day if there is
24 stuff to talk about. I -- you know, I

1 don't quite know what is on the table from
2 the department's end. And obviously, my
3 witnesses haven't prepared their testimony
4 yet.

5 If we can have the 9th with the
6 carryover to the 12th, I think that would
7 be helpful. And then perhaps, you know,
8 report back to the Hearing Officer, to
9 Ms. Chestnut the following day on the
10 status of the negotiations.

11 MR. DASENT: That would be fine.

12 HEARING OFFICER CHESTNUT: Because I
13 don't think we need -- you know, obviously,
14 we don't know how many technical hearing
15 days we are going to hear until we see how
16 much testimony there is. But I can't
17 imagine it would be anything more than what
18 we have in the schedule there.

19 So if necessary, we can always cancel
20 the first couple days and give you more
21 time to talk settlement or resolve
22 outstanding issues.

23 MR. DASENT: Okay.

24 HEARING OFFICER CHESTNUT: So just to

1 make sure I understand here, we are talking
2 about rebuttal April 7, end discovery the
3 9th, settlement discussions the 9th and
4 thereafter. Technical hearings, then we
5 are talking 13th through the 21st. And
6 there will be specific days when I think we
7 see how many days we need to have for
8 those.

9 Is that okay, or do you want to go
10 ahead and put specific days in here. I
11 will be honest, as you know, this is my
12 only job. So, I don't have to juggle
13 other -- other hearings or other dates.
14 I'm pretty flexible in terms of these
15 dates. I don't know about you folks,
16 though. If you are going to nail down
17 specific dates now, or just wait and see
18 how it develops.

19 MR. DASENT: I think it's prudent to
20 wait. And we anticipate three to four days
21 of hearings based upon prior rate cases.
22 And seems like the fourth day is the clean
23 up. And I don't know when we will start.
24 But assuming we start fairly close to the

1 13th, it would be nice if that week, you
2 know, we were able to do most of the
3 hearings, maybe have the cleanup on the
4 Monday. But most of that week would be
5 nice if we just sort of worked our way
6 through it and tried to get all of the
7 technical -- get all the testimony of the
8 technical hearings completed.

9 HEARING OFFICER CHESTNUT: Okay. I
10 don't care when we start, but I do finish
11 by the 21st.

12 MR. DASENT: Yeah. It's our incentive
13 to move a little more quickly so we have a
14 little more time for briefing.

15 HEARING OFFICER CHESTNUT: Okay.

16 MR. BALLENGER: I agree with
17 Mr. Dasent on all of that. I think we need
18 to have a sense of what's in play in terms
19 of issues for hearing. And we should try
20 to maximize our window for briefing.

21 HEARING OFFICER CHESTNUT: Okay. I'm
22 fine with keeping it a little flexible.
23 Like I said, I encourage you to resolve as
24 much as you can. Obviously, you will not

1 need as much time for briefing.

2 MR. HAVER: Ms. Chestnut, I would just
3 like to put a place marker that I intend to
4 question two of the witnesses that have
5 provided testimony so far.

6 HEARING OFFICER CHESTNUT: Okay.
7 That's fine.

8 MR. HAVER: Just didn't want you --

9 HEARING OFFICER CHESTNUT: Later on in
10 the process. My normal -- I don't know how
11 familiar most of you -- some of you are
12 with how I conduct cases. But as we go
13 further in the proceeding, I will be
14 issuing orders, procedural orders. One
15 will be directed to the hearings.

16 And one thing that I do is I always
17 circulate -- I used to call it a matrix,
18 but that's not the right word -- to see if
19 there are no witnesses for whom no party
20 has cross-examination. And then, we don't
21 need to have them here except we can move
22 in their testimony and exhibits.

23 As we get further into it, I will be
24 asking who has cross for what witnesses, so

1 we can take it from there. Fully an
2 opportunity to do that. I, also, will be
3 issuing, jumping ahead here a little bit, I
4 will be issuing a brief order, too, with
5 specific directives for briefing. Again,
6 further in the proceeding when we have more
7 of a feel for what's involved.

8 But there will be specific directives.
9 We don't have to talk about that in detail
10 now. But obviously, everybody will have
11 the chance to do whatever cross-examination
12 or briefing they feel is necessary, okay?

13 MR. DASENT: Yes.

14 HEARING OFFICER CHESTNUT: Satisfy
15 you, Mr. Haver?

16 MR. HAVER: I was unmuting. Yes,
17 Ms. Chestnut. I just didn't want it to go
18 without me saying it, and then you be
19 surprised later.

20 HEARING OFFICER CHESTNUT: Oh, I'm not
21 surprised by --

22 MR. HAVER: Okay, fair enough. I just
23 wanted to make it clear. That's all.

24 HEARING OFFICER CHESTNUT: No. Every

1 party has every opportunity to participate
2 fully in this, and that's fine.

3 I don't like -- as you know, though, I
4 think you all know me enough to know that I
5 don't like surprises, and I don't like game
6 playing. So, I don't like people to try to
7 manipulate the schedule or the regs or
8 other parties. So, that's something that
9 is not acceptable to me.

10 But in terms of how you pursue your
11 case, that's up to you.

12 MR. HAVER: At the risk of telling
13 tales out of school, you were the only ALJ
14 that I always found to be, even ruling
15 against me, reasonable and rational. I
16 would not say that about most of the public
17 service, public utility commissioners or
18 ALJs, especially the ones that had me
19 arrested.

20 HEARING OFFICER CHESTNUT: I hope I
21 don't get to that point.

22 MR. BALLENGER: Okay. Forthcoming
23 discovery of Mr. Haver.

24 (Laughter.)

1 MR. DASENT: Want to get to the bottom
2 of that.

3 HEARING OFFICER CHESTNUT: You know,
4 my objective was to be cruel but fair, so.
5 Just joking there. I don't think I'm
6 cruel.

7 MR. HAVER: I would point out we are
8 not Texas, in part, because of you.

9 HEARING OFFICER CHESTNUT: Well, thank
10 you. Boy, I won't even get into that
11 story.

12 But anyway, we are going to leave the
13 technical hearings as scheduled. For
14 purposes of schedule, I guess at this
15 point, we are going to say the 13th to
16 21st?

17 MR. DASENT: Yes.

18 HEARING OFFICER CHESTNUT: We are,
19 then -- whatever the last day of hearing
20 is, the last day is the day that we will
21 close the record. But the Rate Board's
22 regulations about the record are different
23 from the Public Utility Commission's.
24 Because the Public Utility Commission is

1 pretty much what you discover or do
2 whatever you want, but then you have to
3 affirmatively move things into the record.
4 And I think the Rate Board's regulations
5 actually specify what is part of the record.
6 And it's pretty much everything, I think,
7 in terms of discovery -- testimony, exhibits,
8 discovery responses.

9 So, I don't think we -- I think it's
10 something to keep in mind. And I also
11 think it's something to keep in mind in
12 terms of discovery, too. Because I always
13 was very liberal about allowing discovery.
14 The expectation that not all of it would be
15 admissible but would lead to the discovery
16 of admissible material. But I think it's a
17 little bit different here.

18 But yes, we will close the record. We
19 will see about transcript requests.
20 Hopefully, there will be none. But
21 obviously, that may be necessary, but we
22 will see. Briefs, I think April 30 is
23 generous to you because you should be
24 starting your brief now. I started the

1 decision. Then like I say, hopefully, you
2 will resolve so much out of it that your
3 briefing will be quick and easy, and that
4 it will be something I can incorporate
5 directly into my hearing report and that
6 the Board can use for its deliberations.

7 So, I'm not going to change the
8 briefing schedule unless somebody has an
9 issue with it. Now when I say not changing
10 the schedule, that's for purposes of the
11 order I'm going to issue. There may be
12 modifications that may be necessary. But
13 if so, everybody will have a chance to talk
14 about it, and they will be notified.

15 I'm not going to be unilaterally
16 changing the schedule. But I think we have
17 to have some idea in mind at this point so
18 that people know, the public knows, where
19 we are and how this case is progressing,
20 okay?

21 MR. DASENT: Yes.

22 HEARING OFFICER CHESTNUT: I will try
23 to have my -- I see you don't have reply
24 briefs in here, which is okay.

1 MR. BALLENGER: No time for that.

2 HEARING OFFICER CHESTNUT: Yeah. My
3 report I will try to have on the 24th. But
4 I hope you all understand, that's not a
5 hard and fast date. In part will depend on
6 how many issues there are to be addressed
7 and how contentious they are.

8 And if it is on the 24th, then the
9 other dates seem okay to me. And we will
10 try to comply with them recognizing that
11 there may be some slippage. Or they may be
12 early. It may be that you resolve enough,
13 your briefs are good enough that I can have
14 the report done early. The Board can start
15 its deliberations earlier and issue its
16 determination. And the Department can do
17 its compliance filing earlier, which also
18 includes the opportunity for participants
19 to comment on that compliance filing, okay?

20 Is anybody have any comments or
21 concerns or change they want to this?

22 MR. DASENT: Not to the schedule, but
23 we don't have everything on the timeline
24 for discovery established in terms of seven

1 calendar days for answering discovery
2 requests.

3 HEARING OFFICER CHESTNUT: I was going
4 to talk about that when we were talking --
5 I, actually, have a separate issue about
6 Mr. Ballenger's request. But we can talk
7 about it now obviously.

8 Are there -- I mean, the regs are
9 pretty clear. I expect you to do better
10 than the regs, frankly. That you will use
11 your best efforts to, A, not propound
12 discovery you know you are not entitled to;
13 and B, not answer discovery you know you
14 need to respond to. And in terms of the
15 time to respond, I just assume people will
16 do their best efforts regardless of the
17 regulations required.

18 Is that okay? Is that sufficient for
19 you, Mr. Ballenger? Do you want something
20 more.

21 MR. BALLENGER: The regulations set a
22 three-day timeframe or three business days,
23 I believe, for objections which is fine.

24 MR. DASENT: That's right.

1 MR. BALLENGER: That's fine for us.
2 And I would note that Mr. Dasent did reach
3 out to me about the discovery that he
4 objected to in advance of filing the
5 written objections to it. And that was
6 the -- the basis for our agreement, to
7 delay that round and the responses.

8 And now, of course, that issue has
9 been resolved. I think it just helps to
10 have a time set so that there is an
11 expectation for when responses should be
12 provided, understanding that not all
13 discovery is the same. Some stuff is very
14 easy to answer. Some stuff is a little
15 harder.

16 And I just want to make sure that we
17 have a clear expectation that there will be
18 a response. And if not, at least that I
19 will get a phone call or an email saying
20 why not as I would do with Mr. Dasent if he
21 had discovery of our -- of our witnesses.

22 HEARING OFFICER CHESTNUT: Okay. I
23 certainly don't mind requiring parties that
24 if you do have an objection, that you

1 notify the other party orally within, I
2 don't know, a day, thirty minutes. I mean,
3 I don't know how you guys do this. I would
4 expect that is the practice that you would
5 give a heads up saying we have a problem
6 with this. We have to work it out before
7 you have to file something.

8 The point is to funnel your concerns
9 and objections so you don't have to have a
10 formal objection to it. Because a lot of
11 times, it is just something you can
12 clarify, you can narrow, you can work it
13 out. And I think you have done a good job
14 so far. I think we do have to recognize
15 that this is a very compressed time
16 schedule. And I know it's hard for people,
17 but that's -- that's the way it is.

18 MR. DASENT: In some instance --

19 HEARING OFFICER CHESTNUT: This is a
20 very expedited proceeding. And that does
21 require some flexibility and hard work,
22 okay? Is that sufficient? Do you want me
23 to, like, say anything more Mr. Ballenger.

24 MR. BALLENGER: Well, I just -- in the

1 past, we have had a seven-day time period
2 to respond to provide answers to discovery.
3 And I would like to live within that unless
4 there is some basis for extending it. So,
5 I would like that to be the standard that
6 we aim for.

7 HEARING OFFICER CHESTNUT: That's the
8 time period in the regs now, isn't it?

9 MR. DASENT: No.

10 MR. BALLENGER: It's not in the
11 regulation, Madam Hearing Officer.

12 MR. DASENT: That's up to you.

13 HEARING OFFICER CHESTNUT: We will say
14 seven days then. I mean --

15 MR. BALLENGER: That is what we have
16 done in the past.

17 HEARING OFFICER CHESTNUT: I didn't
18 realize that that wasn't in there.

19 MR. BALLENGER: Yeah. Seven calendar
20 days. Three business day for objections,
21 seven calendar days for responses.

22 HEARING OFFICER CHESTNUT: Okay. From
23 now on, everything is -- everything is
24 calendar day. On an expedited schedule,

1 you can't take off.

2 MR. DASENT: The objections are a
3 little harder, though, when they come in on
4 a Friday.

5 HEARING OFFICER CHESTNUT: Yeah.

6 MR. DASENT: That's why we have the
7 Business Day Rule for that, just to give us
8 time to either work it out before it gets
9 to you, Your Honor.

10 HEARING OFFICER CHESTNUT: Well -- and
11 I was wondering because this was mentioned
12 in the last case that you withdrew about.
13 Has the timing been affected by the fact
14 that people are working from home. I know
15 that was --

16 MR. DASENT: It does.

17 HEARING OFFICER CHESTNUT: -- it with
18 the Revenue Bureau. And I think people
19 have to recognize that that does complicate
20 things, too, especially in terms of
21 responding to discovery.

22 MR. DASENT: And on Friday afternoon
23 when discovery requests show up in that
24 particular timeline, we would like the date

1 for response to start being counted
2 beginning on Monday as opposed to Friday
3 afternoon because nobody is there. We are
4 working remotely.

5 I get the question --

6 HEARING OFFICER CHESTNUT: Well, isn't
7 that the opposite, though, Mr. Dasent?
8 Everybody is there because they are in
9 their houses. I mean, nobody is in the
10 office that they, you know.

11 MR. DASENT: But it seems like access
12 to the data many times is in the office,
13 and can't be accessed remotely. We have
14 had a custom in the past if discovery
15 requests come in on Friday afternoon, we
16 start counting beginning calendar day on
17 Monday because those other two days are
18 wasted when no one is there.

19 I will work the weekend, but you don't
20 really want me to answer a lot of
21 questions.

22 HEARING OFFICER CHESTNUT: So, we will
23 say Friday after twelve o'clock will be
24 deemed --

1 MR. DASENT: Yes.

2 HEARING OFFICER CHESTNUT: -- served
3 on Monday?

4 MR. DASENT: Yes.

5 MR. BALLENGER: Cool with that with
6 the exception of the -- what we discussed
7 for the end date of discovery on April 9,
8 no Friday Rule would apply.

9 HEARING OFFICER CHESTNUT: Yeah. All
10 right. Let me make sure I understand this.

11 You want me to formalize that -- okay.
12 I'm going to formalize parties will be
13 expected to use their best efforts with
14 respect to discovery. That the response
15 time for responding to discovery is seven
16 calendar days. Discovery requests received
17 Friday after twelve o'clock will be deemed
18 as served as of Monday morning. Objections
19 to discovery will be communicated orally.

20 How is that?

21 MR. DASENT: Okay.

22 HEARING OFFICER CHESTNUT: As soon as
23 possible. And if written objections are
24 necessary, then they will be received

1 within -- was it three days?

2 MR. DASENT: Three business days.

3 HEARING OFFICER CHESTNUT: Three
4 business days after receipt of the
5 interrogatory. I will clean this up when I
6 write the order, but I just want to make
7 sure I understand what it is I'm agreeing
8 to.

9 MR. DASENT: Right.

10 MR. BALLENGER: Sounds good,
11 Ms. Chestnut. Thank you.

12 MR. DASENT: We've also had the
13 understanding in the past that if the
14 reports exist, it's easy to produce them
15 and meet the seven calendar day timeline.
16 If there is something that needs to be run,
17 we are hard pressed to do everything that
18 we would like to.

19 But in many instances, we will still
20 try to compile the data perhaps in a
21 different format because of our consultants
22 that run it one way. And you are asking it
23 in a different form, but it gives you the
24 same information. We try to provide that

1 as the accommodation. But just recognizing
2 seven-day timeline, the calendar days, it's
3 impossible to run new reports and vet them
4 and give you new accurate information. We
5 have to give you what we have. And in many
6 instances, we do have information that will
7 be responsive.

8 HEARING OFFICER CHESTNUT: Okay. I
9 think that's understood by everybody. And
10 I, also, don't know if it's appropriate to
11 touch base with Ed here. Because to the
12 extent that I'm going to be needing to rely
13 on some of your data, it's got to be in a
14 format that we can use. And hopefully,
15 you've been working with Ed here throughout
16 this to make sure that stuff is
17 standardized as much as possible, which I
18 think benefits everybody.

19 But I am just going to say that. I'm
20 not going to direct anything. Again, you
21 are used to working with Ed, I assume, and
22 your experts are.

23 MR. DASENT: Yes. Yes.

24 HEARING OFFICER CHESTNUT: With that

1 in mind, Ed, did you have anything you want
2 to add here?

3 MR. MARKUS: No. I've been listening
4 in, and figured you didn't want to see me
5 anymore without my tie, so I turned off the
6 video. But I've just been listening in.
7 And it's been a pleasure to work with Andre
8 in the past and with Bob. So, I am sure we
9 will continue in the future.

10 HEARING OFFICER CHESTNUT: Okay. Just
11 keep in mind that the end result here is
12 some kind of unified document.

13 MR. MARKUS: Yes.

14 HEARING OFFICER CHESTNUT: That
15 everybody is going to have to comply with
16 and live with, okay?

17 MR. MARKUS: Sounds great, Your Honor.

18 HEARING OFFICER CHESTNUT: Is there
19 anything else then with respect to the
20 schedule itself?

21 I don't -- I mean, like I said, some
22 of these other dates are going to depend on
23 the timing of my report which I think you
24 all know me, I will get to and not --

1 hopefully, not be late on.

2 MR. BALLENGER: I have a question not
3 directly related to but relevant to the
4 schedule. And it's probably, again, a
5 question for Steven as to when we can get
6 transcripts, what the turnaround time would
7 be? As with everything, it's very
8 compressed time frame. And I just wanted
9 to find out what we can expect in terms of
10 transcripts.

11 MR. LIANG: Ms. King might also be
12 able to answer this since she does work for
13 the transcribing service. It depends on
14 whether we need them expedited or not. I
15 think if we expedite, we can get them
16 within a week. If not, the timetable a
17 little longer.

18 HEARING OFFICER CHESTNUT: A week?

19 MR. DASENT: Technical hearings.

20 MR. BALLENGER: That's going to crush
21 us.

22 MR. DASENT: Technical hearings need
23 to be daily. Daily turnaround for
24 technical hearings.

1 MR. LIANG: Daily?

2 MR. DASENT: Yes.

3 MR. BALLENGER: Absolutely.

4 MR. LIANG: Oh, okay.

5 Ms. King, do you have any answers you
6 can provide for us?

7 MR. DASENT: At a price, she will
8 provide it.

9 THE STENOGRAPHER: That just -- that
10 gets done through the office. I'm just
11 assigned. However you do it, they will
12 assign the appropriate reporter.

13 MR. LIANG: Okay.

14 MR. DASENT: They have a daily rate.

15 THE STENOGRAPHER: As long as you tell
16 them what you need -- just tell them in
17 advance what you need, and they will get it
18 done.

19 MR. DASENT: Okay. The public
20 hearings can be longer, because this is
21 expensive.

22 MR. BALLENGER: Yes.

23 MR. DASENT: So Rob can tell us the
24 turnaround time he would like on that. If

1 it's three days, maybe that's enough.

2 MR. BALLENGER: I think that would be
3 fine. I'm most concerned about the
4 technical hearings and -- and using the --
5 that for the briefing. The public input is
6 less important, and it would have happened
7 earlier anyway.

8 MR. DASENT: Yeah.

9 MR. BALLENGER: So, I think that's
10 fair.

11 MR. DASENT: True. True.

12 HEARING OFFICER CHESTNUT: Okay. And
13 obviously they -- transcripts will be
14 posted on the Rate Board's website when
15 they are available.

16 Anything else, then, about the dates
17 or the schedule or the transcripts?
18 Because I did have one item that was
19 tangentially related to the schedule.
20 Which was Mr. Ballenger's guidelines for
21 public participation is that -- is there
22 anything else about the schedule before we
23 get to that, that anybody wants to raise?

24 MR. DASENT: No.

1 HEARING OFFICER CHESTNUT: Okay. Then
2 let's talk about that. I assume everybody
3 has had a chance to look at that.

4 I thought it was really well done.
5 Obviously, I would have made some changes
6 to it if I were writing it, but I liked it.
7 And did you want to say something about it,
8 Mr. Ballenger, before we --

9 MR. BALLENGER: No. I really just
10 sort of offered that, you know, more or
11 less for public consumption by any -- any
12 small user whose interest that --

13 HEARING OFFICER CHESTNUT: Were you
14 requesting that the Rate Board post its
15 link to it on its website? Because we can.

16 MR. BALLENGER: That would be fine. I
17 was going to probably do some social media
18 around it after this call. And once the
19 hearings are actually -- you know, once we
20 have dates for public input hearings, my
21 plan was to provide that and send it around
22 to social media.

23 HEARING OFFICER CHESTNUT: Okay.
24 Mr. Dasent, did you want to comment on

1 this?

2 MR. DASENT: I thought Rob was
3 reaching out to his constituents, and I
4 thought that was a constructive thing.

5 HEARING OFFICER CHESTNUT: Okay.
6 Because you know the Rate Board does have
7 its own guidelines for participation. And
8 I didn't know if you wanted us to post
9 this, as well. Because like I said, we
10 could. We would have to make clear it was
11 yours, though, that it was only your
12 perspective, you know.

13 MR. BALLENGER: It's -- my letterhead
14 is prominent on the first page there. So,
15 that should -- that should be clear.

16 HEARING OFFICER CHESTNUT: Well, I was
17 actually going to ask you to change the
18 title. I mean --

19 MR. BALLENGER: Okay.

20 HEARING OFFICER CHESTNUT: The
21 letterheads, yeah. But I think the text
22 should say instead of Rate Case Customer
23 Participation Guide, you should say Public
24 Advocates Guide or, you know, consumer --

1 Community Legal Services Guide or something
2 to make it clear that it is your document.
3 Because you're right, the letterhead does,
4 but that's a graphic.

5 MR. BALLENGER: Thank you. Yes,
6 Ms. Chestnut. I'm aware that the OCA
7 frequently does issue that type of
8 guidance. And they do acknowledge where
9 it's coming from. So, I take that point.

10 Thank you.

11 HEARING OFFICER CHESTNUT: Yeah. Like
12 I said, I'm all in favor of letting people
13 know about how to participate and how to do
14 it productively and not waste their time
15 and everybody else's time, too.

16 So, did you want us to link to it?

17 MR. BALLENGER: That would be
18 fantastic, yeah.

19 HEARING OFFICER CHESTNUT: I think we
20 would have to work out how and where to do
21 it. You can talk -- Steven can take care
22 of that like he does everything else.

23 MR. BALLENGER: And I will -- I will
24 take another look at it and recirculate it

1 with that edit and anything else I catch.

2 It came together at the last moment.

3 HEARING OFFICER CHESTNUT: Mr. Dasent,
4 not sure how you feel about it.

5 MR. DASENT: I think the public needs
6 instructions as to how to participate in
7 this sort of one way. And I know OCA would
8 do something similar to this. I'm not sure
9 they would do it on a PUC website. They
10 would do it through their own media.

11 But that would be my only observation.
12 I'm not objecting.

13 HEARING OFFICER CHESTNUT: Okay.
14 That's as much as I have gotten on my
15 agenda for today. Does anybody have any
16 issues? I will go through and ask people.

17 Mr. Dasent?

18 MR. DASENT: Nothing further, Your
19 Honor.

20 HEARING OFFICER CHESTNUT: Mr. Balleng
21 er?

22 MR. BALLENGER: Nothing further.
23 Thank you, Your Honor.

24 HEARING OFFICER CHESTNUT: Ms. Lavery?

1 Ms. Lavery?

2 MS. LAVERY: Sorry. I was on mute. I
3 have nothing further.

4 HEARING OFFICER CHESTNUT: That's
5 okay. You can wake up.

6 Mr. Holtzman.

7 MR. HOLTZMAN: Nothing further, Your
8 Honor. Thank you.

9 HEARING OFFICER CHESTNUT: Mr. Haver?

10 MR. HAVER: Nothing further. Thank
11 you.

12 HEARING OFFICER CHESTNUT: And
13 Ms. Thompson?

14 MS. THOMPSON: Nothing from me, Your
15 Honor.

16 HEARING OFFICER CHESTNUT: Uh,
17 Mr. Skiendzielewski? Are you still there?
18 It looks like he dropped off. Doesn't --

19 MR. DASENT: Yeah. He did drop off.

20 HEARING OFFICER CHESTNUT: I
21 apologize. Like I said, I'm doing this on
22 my iPad, not my computer. It's hard to see
23 everybody on the gallery view.

24 Okay, then. If there is nothing else,

1 then we will adjourn. I will memorialize
2 what I hope we have agreed to at this, then
3 an order that will be, obviously,
4 circulated to you and posted on the Rate
5 Board's website.

6 And keep in touch. If you -- well,
7 no, don't keep in touch. If issues come
8 up, I expect you to resolve them. But if
9 we can help -- if the Rate Board or me or
10 Steven can help in any way to assist you in
11 your conduct of this case, let me know,
12 okay?

13 MR. DASENT: Okay.

14 HEARING OFFICER CHESTNUT: All right.
15 Thank you, all.

16 MR. BALLENGER: Thank you.

17 HEARING OFFICER CHESTNUT: Talk to you
18 later. Take care.

19 (At this time, the Hearing
20 adjourned at 10:58 a.m.)

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22
23
24

C E R T I F I C A T I O N

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

ANGELA M. KING, RPR,
Court Reporter, Notary Public

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A	advance 11:11,24 45:4 55:17	answering 44:1	audio 16:21 16:23	beginning 49:2,16	calendar 23:2 24:11 29:24	6:5,9,14 7:1 7:19,22	62:4
a.m 1:9 62:20	11:11,24	answers 47:2	available 56:15	behalf 2:11	44:1 47:19	10:5 12:6	circulation 13:8
abilities 13:23	advanced 21:8	Anthony 4:8	avoid 23:8	3:23 4:9,18	47:21,24	12:12,15,16	City 13:14,16
ability 14:2,3	advant 22:4	anthony.ho... 4:14	aware 59:6	6:19 17:15	49:16 50:16	12:17 13:2	15:10
able 16:10	advantage 22:7	anticipate 11:3 35:20	B	believe 13:18	51:15 52:2	14:5,15	civic 13:16
19:22 33:12	Advocate 3:15 20:19	anticipated 8:1 11:7	B 44:13	19:13 44:23	call 9:15,16	15:14,17,21	clarify 5:17
36:2 54:12	Advocates 20:12 58:24	anybody 7:9	back 6:15	benefits 52:18	9:20 10:19	15:24 16:8	46:12
Absolutely 55:3	advocating 30:13	8:14 20:4	18:16 23:16	best 8:9	27:19 37:17	16:12,15,20	clean 35:22
acceptable 39:9	affirmatively 41:3	20:10 24:21	23:24 24:2	10:22 32:8	45:19 57:18	17:2,11,21	51:5
access 8:9	affording 14:21	32:10 43:20	24:15 29:4	44:11,16	called 9:24	18:14 19:5	cleanup 36:3
21:14 49:11	anymore 13:10 53:5	56:23 60:15	29:20 30:7	50:13	12:10	19:12 20:3	clear 15:4
accessed 13:15 49:13	anyway 33:20 40:12	anymore 13:10 53:5	30:8,15	better 8:17	cancel 34:19	20:17,22,23	18:5 20:18
accessible 8:17	apologize 16:3 61:21	13:10 53:5	32:22 34:8	44:9	car 16:13	21:6,10,18	38:23 44:9
accommod... 19:16,16	appear 9:21 16:18	13:10 53:5	bad 10:13	bill 27:9	care 5:10	22:5,20	45:17 58:10
accommod... 9:12	agree 13:3 15:1 29:19	13:10 53:5	Balleng 60:20	bills 14:22	36:10 59:21	23:4,13	58:15 59:2
accommod... 22:12 52:1	agenda 10:14 60:15	33:20 40:12	Ballenger 3:13,14,15	bit 6:15 18:11	62:18	24:4,13	client 21:3,16
accommod... 20:16	agreed 31:2 62:2	56:7	5:15 8:13	38:3 41:17	Carl 3:6	25:2,4,8,14	close 35:24
accurate 52:4	agreeing 51:7	apologize 16:3 61:21	9:10,11	Board 1:2	carryover 34:6	25:18 26:14	40:21 41:18
accurately 63:5	agreement 21:4 22:15	appearing 2:12 6:19 17:16	11:10 14:9	5:22 19:6	case 19:8	26:21 27:4	code 4:2
acknowledge 59:8	aim 47:6	2:12 6:19 17:16	14:12 16:14	42:6 43:14	26:1,9,16	27:10,22	cognizant 18:21
acting 32:11	ALJ 39:13	apply 31:10 50:8 63:15	18:2,18	57:14 58:6	27:2 39:11	28:4,8,22	come 19:21
actual 7:7	ALJs 39:18	approaching 18:22	22:21,24	62:9	42:19 48:12	30:13 32:5	48:3 49:15
20:1	allocation 5:20	18:22	23:15 24:10	Board's 11:4	58:22 62:11	33:3,10	62:7
add 20:4 53:2	allotted 30:19	appropriate 52:10 55:12	25:20 26:8	40:21 41:4	cases 35:21	34:9,12,24	comfortable 14:6
additional 19:2	allowing 41:13	45:1 46:23	29:6,13	56:14 62:5	37:12	36:9,15,21	coming 22:16
address 2:3	Alternatively 31:17	44:19,21	31:1 33:9	Bob 53:8	catch 60:1	37:2,6,9	comment 8:14 43:19
2:10,11,24	and/or 63:18	45:1 46:23	33:17 36:16	bold 13:13	centers 14:20	38:14,17,20	59:9
3:3,8,9,16	Andre 2:23	46:24 47:10	39:22 43:1	bond 27:20	certainly 14:3,7	38:24 39:20	comment 8:14 43:19
3:16,18,23	andre.c.das... 3:3	47:15,19	44:19,21	bottom 26:5	15:15 19:14	40:3,9,18	57:24
4:3,11,13	ANGELA 63:11	48:13,19	45:1 46:23	40:1	32:1 33:14	42:22 43:2	44:3 45:22
4:21,23	answer 44:13	59:5,17,23	46:24 47:10	Boulevard 3:24	33:21 45:23	46:19 47:7	46:19 47:7
5:13 6:18	45:14 49:20	60:22 62:16	47:15,19	Boy 40:10	certification 63:13	47:13,17,22	47:13,17,22
6:18,21	54:12	Ballenger's 26:2 44:6 56:20	50:5 51:10	brief 38:4	certify 63:3	48:5,10,17	48:5,10,17
17:14,15,19		47:4	54:2,20	41:24	certifying 63:19	50:2,9,22	50:2,9,22
addressed 12:14 43:6		base 52:11	55:3,22	briefing 5:21	chance 21:2	51:3,11	51:3,11
adjourn 62:1		based 9:22	56:2,9 57:8	30:3,17,18	38:11 42:13	52:8,24	52:8,24
adjourned 62:20		23:19,22	57:9,16	36:14,20	57:3	53:10,14,18	53:10,14,18
administered 8:21		26:11,12	58:13,19	37:1 38:5	change 24:7	54:18 56:12	54:18 56:12
admissible 41:15,16		35:21	59:5,17,23	38:12 42:3	42:7 43:21	57:1,13,23	57:1,13,23
		basis 7:6 45:6	60:22 62:16	42:8 56:5	58:17	58:5,16,20	58:5,16,20
		47:4	Ballenger's 26:2 44:6 56:20	briefs 41:22	changed 6:8	59:6,11,19	59:6,11,19
		bear 19:9	47:4	42:24 43:13	changes 57:5	60:3,13,20	60:3,13,20
			base 52:11	Brooke 5:5	changing 42:9,16	60:24 61:4	60:24 61:4
			based 9:22	budget 27:17	check 5:11	61:9,12,16	61:9,12,16
			23:19,22	Bureau 48:18	Chestnut 1:11 2:2,8	61:20 62:14	61:20 62:14
			26:11,12	business	3:4,11,17	62:17	62:17
			35:21	33:23 44:22	3:20 4:5,15	Chestnut's 13:21	circulate 37:17
			basis 7:6 45:6	47:20 48:7	4:24 5:7,9	circulated	circulated
			47:4	51:2,4			
			bear 19:9	C			
				C 63:1,1			

48:19 complimen... 9:1 comply 43:10 53:15 compressed 46:15 54:8 compression 31:23 compromise 29:9 32:2 computer 61:22 concern 23:21 concerned 23:23 56:3 concerns 43:21 46:8 conditioned 33:18 conduct 37:12 62:11 conducted 10:6 conference 1:2 2:3 7:14 21:4 28:21 confirm 21:4 confirming 21:1 24:11 confused 32:24 connected 16:22,23 consensus 29:8 consequence 31:21 consequently 24:1 considerati... 22:19 considered 30:17 consistent 31:6 constituents 58:3 constructive 58:4 consultants 51:21 consumer	58:24 consumption 57:11 contacts 14:17 contained 63:4 contentious 43:7 continue 21:23 33:22 53:9 control 10:14 11:18 14:1 63:17 Cool 50:5 correct 63:7 Council 13:14 15:2 counted 49:1 counting 49:16 County 8:20 11:22 couple 34:20 course 9:18 10:13 19:15 27:1 45:8 Court 63:11 cross 37:24 cross-exam... 37:20 38:11 cruel 40:4,6 crush 54:20 currently 5:4 27:3 custom 49:14 Customer 58:22 customers 9:8 cutoff 28:22 D daily 54:23 54:23 55:1 55:14 Danielle 3:22 5:8 Danielle.La... 4:4 Darlington 5:5 Dasent 2:20 2:22,23 3:6	5:6,8,14 6:4 7:18,21 8:13,16 11:6 14:9 15:15,19,23 16:7,10 17:1 18:2,6 18:17 20:2 20:11 22:3 22:6 23:12 25:11,20,22 28:11,16 29:2,5,22 30:10 32:1 33:1,6,12 34:11,23 35:19 36:12 36:17 38:13 40:1,17 42:21 43:22 44:24 45:2 45:20 46:18 47:9,12 48:2,6,16 48:22 49:7 49:11 50:1 50:4,21 51:2,9,12 52:23 54:19 54:22 55:2 55:7,14,19 55:23 56:8 56:11,24 57:24 58:2 60:3,5,17 60:18 61:19 62:13 data 28:11 49:12 51:20 52:13 date 18:1 20:12 21:23 23:11,17,24 24:7,8,15 25:7,10 28:21 29:20 29:24 43:5 48:24 50:7 dates 5:18 7:7 15:3,18 18:4,20,22 20:1 21:1 35:13,15,17 43:9 53:22 56:16 57:20	day 25:19 31:3 33:23 34:9 35:22 40:19,20,20 46:2 47:20 47:24 48:7 49:16 51:15 days 30:4 31:2,13 34:15,20 35:6,7,10 35:20 44:1 44:22 47:14 47:20,21 49:17 50:16 51:1,2,4 52:2 56:1 deadline 18:12 25:16 28:15 29:21 31:18,22 deadlines 11:12 24:3 decision 5:22 5:22 42:1 deemed 31:14 49:24 50:17 defer 9:10 26:7 delay 45:7 delaying 32:11 deliberations 42:6 43:15 Democratic 13:22 Department 2:5,24 5:23 8:20 13:17 13:18 20:7 43:16 department's 34:2 depend 43:5 53:22 depending 13:20 depends 54:13 detail 38:9 determinat... 43:16 determined 26:18	development 9:3 develops 35:18 different 15:2 15:12 40:22 41:17 51:21 51:23 difficulty 14:21 direct 22:18 52:20 63:17 directed 37:15 directives 38:5,8 directly 19:6 42:5 54:3 disco 41:7 discover 26:3 41:1 discovery 23:19 24:7 24:14 25:15 25:24 26:11 26:12 27:5 27:7,24 28:1,8,9,15 29:15,16 30:1,22 31:3,11 32:7 33:2,4 33:19 35:2 39:23 41:8 41:12,13,15 43:24 44:1 44:12,13 45:3,13,21 47:2 48:21 48:23 49:14 50:7,14,15 50:16,19 discussed 50:6 discussion 12:18 33:5 discussions 23:10 24:16 29:21 31:20 32:21 33:18 35:3 distribute 14:16 document 53:12 59:2	doing 2:15 12:22 15:11 61:21 driven 29:8 drop 61:19 dropped 61:18 due 25:10 E E 63:1 earlier 21:13 43:15,17 56:7 early 43:12 43:14 easiest 15:6 easy 42:3 45:14 51:14 Eckert 3:7 Ed 52:11,15 52:21 53:1 edit 60:1 educating 10:18 effect 11:1 29:1 effects 25:15 efficient 19:23 32:19 efforts 32:8 44:11,16 50:13 either 21:21 23:14 48:8 elected 19:14 else's 59:15 email 2:11 3:2,18 4:3 4:13,23 6:18,23 13:14,16,19 17:15,18 45:19 empty 3:2 encourage 23:6 36:23 encouraging 24:21 energy 4:10 10:11 14:20 engaged 15:11 engagement 13:16	ensure 5:20 entire 7:20 entitled 44:12 envision 27:6 27:8,23 equitable 32:18 er 60:21 especially 12:23 27:18 39:18 48:20 established 43:24 everybody 5:10 19:17 32:12 38:10 42:13 49:8 52:9,18 53:15 57:2 59:15 61:23 everybody's 11:2 evidence 63:4 Examiner 12:11 example 15:2 exception 50:6 excuse 6:6 20:7 exhibits 37:22 41:7 exist 51:14 expect 32:7 32:10,12 44:9 46:4 54:9 62:8 expectation 41:14 45:11 45:17 expected 50:13 expecting 27:5 expedite 54:15 expedited 46:20 47:24 54:14 expensive 55:21 experience 9:19 10:3 experts 52:22 extended	28:18 29:7 extending 47:4 extent 52:12 F f 3:24 41:5 63:1 fact 18:21 23:6 27:19 48:13 factors 19:20 fair 38:22 40:4 56:10 fairly 35:24 faith 32:12 familiar 37:11 fantastic 59:18 far 28:12 31:7 32:13 33:13 37:5 46:14 fast 25:3 43:5 favor 25:9 59:12 February 1:6 feel 25:21 38:7,12 60:4 feeling 31:23 Fifth 3:24 figured 53:4 file 46:7 filing 2:5 5:24 43:17 43:19 45:4 find 29:19 54:9 fine 3:12 8:15 9:7 12:16 13:12 15:22 34:11 36:22 37:7 39:2 44:23 45:1 56:3 57:16 finish 36:10 firm 4:10,20 first 5:12 12:9 29:17 34:20 58:14 Fiscal 2:6 fixed 30:11 flexibility
--	---	---	--	--	--	--	---

flexible 19:11 35:14 36:22	5:16 generous 41:23	58:24 59:1 guidelines 56:20 58:7	16:20 17:2 17:11,21	35:4,13,21 36:3,8	impact 12:4 impacted 12:24	44:5 45:8 59:7	13:7,24 15:3 19:7
Floor 3:1 4:1	getting 11:13 31:16	guys 46:3	18:14 19:12 20:3,17,23	37:15 40:13 54:19,22,24	important 56:6	issued 31:14 issues 16:1	26:19 31:9 31:18 33:15
flyers 14:16	give 15:19 17:5 34:20	<hr/> H <hr/>	21:6,10,18 22:5,20	55:20 56:4 57:19,20	impossible 52:3	23:8 34:22 36:19 43:6	33:22,24 34:1,7,13
folks 9:7 12:3 35:15	gives 18:8 51:23	hand 12:8 21:19	23:4,13 24:4,13	hears 19:6 held 1:11	impressed 32:15	60:16 62:7 issuing 29:15	34:14 35:11 35:15,23
following 24:2 31:15	go 2:13 6:15 7:13 10:9	happened 56:6	25:1,4,8,14 25:18 26:14	23:11 help 11:18	in-person 10:8,9	37:14 38:3 38:4	36:2 37:10 39:3,4,4
foregoing 63:6,13	going 2:13 8:5 14:19	happening 12:20 28:9	26:21 27:4 27:10,13,22	12:2 22:16 62:9,10	incentive 36:12	item 56:18 items 27:7,24	40:3 42:18 44:12,13
Forgot 4:2	hard 43:5 46:16,21	harder 22:9 45:15 48:3	28:4,8,23 30:6,24	helpful 34:7 helps 45:9	include 12:19 includes 43:18	<hr/> J <hr/>	46:2,3,16 48:14 49:10
form 12:21 51:23	10:17 14:18 14:21 20:5	Harrisburg 3:9 4:12,21	32:5 33:3 33:10 34:8	Hollow 17:20 Holtzman 4:6	incorporate 42:4	Jo-Anne 4:18 30:16	52:10 53:24 57:10,19
formal 46:10	22:5 28:2 35:9 37:12	4:22 Haver 6:2,5,6	34:12,14,24 36:9,15,19	4:7,9 26:22 26:23 61:6	indicate 5:2 indicated 7:4	job 10:18 35:12 46:13	58:6,8,12 58:24 59:13
formalize 50:11,12	38:17 60:16 going 2:13	6:12,20,20 12:7,9,13	36:21 37:6 37:9 38:14	61:7 home 48:14	individual 20:21	John 3:24 join 5:3	60:7 62:11 knows 42:18
format 7:7 8:1 9:12	8:5 14:19 16:3 21:12	12:17 13:13 14:9 15:1	38:20,24 39:20 40:3	honest 35:11 Honor 2:22	7:15 29:6 information 20:21	jointly 5:15 joking 40:5	<hr/> L <hr/>
51:21 52:14	21:22 23:24 24:6 25:3	14:9 15:1 25:2,6,12	40:9,18,19 42:5,22	hope 19:20 23:9 39:20	info 10:17 information 51:24 52:4	JThomпсо... 4:23	Lance 6:20 Lance@lan... 6:24
Forthcoming 39:22	28:6 30:7 31:10 32:10	25:17 27:4 27:6,14,23	42:5,22 43:2 44:3	43:4 62:2 hopeful 15:10	53:17 60:19 60:23 61:8	Judge 28:22 30:13	land 33:7 Lane 17:20
found 10:16 39:14	32:23 34:15 35:16 40:12	28:7,14 37:2,8	44:5,10,17 49:6,22	49:6,22 50:2,9,22	61:15 input 10:7	juggle 20:14 23:1 35:12	Large 4:19 20:21
four 7:24 30:4 35:20	40:15 42:7 42:11,15	37:2,8 38:15,16,22	47:7,11,13 47:17,22	51:3 52:8 52:24 53:10	56:5 57:20 instance 46:18	jumping 38:3	late 22:16 54:1
fourth 35:22	44:3 50:12 52:12,19,20	39:12,23 40:7 61:9	48:5,10,17 49:6,22	53:14,18 54:18 56:12	instances 51:19 52:6	<hr/> K <hr/>	Laughs 12:15 Laughter 6:11 39:24
frame 54:8	53:15,22 54:20 57:17	61:10 he'll 3:9	47:7,11,13 47:17,22	54:18 56:12 57:1,13,23	instruction 15:5	K&L 4:10 keep 2:14	Lavery 3:21 3:22,23
frankly 44:10	58:17 8:3 10:24	Health 13:17 hear 11:4	48:5,10,17 49:6,22	57:1,13,23 58:5,16,20	instructions 11:8,11	11:19 13:14 13:18 18:11	Large 4:19 20:21
frequently 19:1 59:7	18:15 28:7 32:12,18	16:9,11 34:15	49:6,22 50:2,9,22	59:11,19 60:3,13,20	60:6 intend 37:3	19:19 25:7 29:3 41:10	late 22:16 54:1
Friday 31:8,9 31:12,14	43:13 46:13 51:10	hearing 1:11 2:2,7 3:4,11	50:2,9,22 51:3 52:8	60:24 61:4 61:9,12,16	56:5 57:20 instance 46:18	41:11 53:11 62:6,7	Laughter 6:11 39:24
32:3 48:4	gotten 60:14 graphic 59:4	3:20 4:5,15 4:24 5:7,9	52:24 53:10 53:14,18	61:9,12,16 61:20 62:14	instances 51:19 52:6	62:6,7 keeping 36:22	leave 8:12 19:19,24
48:22 49:2	great 2:16 7:2 10:12	5:21 6:5,9 6:14 7:1,19	54:18 56:12 57:1,13,23	62:17,19 hearings 7:8	instruction 15:5	keeps 13:16 Kennedy 3:24	Lavery 3:21 3:22,23
49:15,23	10:18 12:22 53:17	7:22 8:21 8:23 9:6	57:1,13,23 58:5,16,20	7:8,15,23 8:4,17,18	instructions 11:8,11	51:19 52:6 52:14 54:1	60:24 61:1 61:2
50:8,17	Green 13:23 Group 4:19	9:5,9 10:7,8 10:10,17	59:11,19 60:3,13,20	8:4,17,18 9:5,9 10:7,8	60:6 intend 37:3	60:6 intending 5:3	61:2 lead 41:15
front 30:12	20:21 guess 5:15	10:5 11:15 12:5,6,10	60:3,13,20 60:24 61:4	10:10,17 11:23 12:18	56:5 57:20 instance 46:18	62:6,7 keeping 36:22	leave 8:12 19:19,24
fully 38:1 39:2 63:4	16:23 40:14 guidance 59:8	12:12,15 13:2,24	61:9,12,16 61:20 62:14	11:23 12:18 17:24 19:3	46:18 instances 51:19 52:6	keeps 13:16 Kennedy 3:24	28:24 40:12 Legal 59:1
funnel 46:8	Guide 58:23	14:5 15:14 15:17,21,24	62:17,19 hearings 7:8	17:24 19:3 20:1 22:8	51:19 52:6 instances 51:19 52:6	key 14:23 kick 12:21	let's 7:13 20:5 57:2
further 37:13 37:23 38:6		16:8,12,15	7:8,15,23 8:4,17,18	20:1 22:8 23:17 24:1	51:19 52:6 instances 51:19 52:6	kind 7:24 10:14 11:5	letterhead 58:13 59:3
60:18,22			9:5,9 10:7,8 10:10,17	23:17 24:1 24:17 27:15	51:19 52:6 instances 51:19 52:6	18:20 53:12 King 54:11	letterheads 58:21
61:3,7,10			10:10,17 11:23 12:18	24:17 27:15 28:20 29:12	51:19 52:6 instances 51:19 52:6	55:5 63:11 know 5:18	letting 30:8 59:12
future 53:9			11:23 12:18 17:24 19:3	28:20 29:12 30:2,4,9	51:19 52:6 instances 51:19 52:6	9:17 10:10 11:19,24	level 32:15 Liang 10:2
<hr/> G <hr/>			12:5,6,10 12:12,15	30:2,4,9	51:19 52:6 instances 51:19 52:6	12:20 13:5	16:22 17:7
gallery 2:14 2:16 61:23			13:2,24 14:5 15:14		51:19 52:6 instances 51:19 52:6		
game 39:5			15:17,21,24		51:19 52:6 instances 51:19 52:6		
Gates 4:11			16:8,12,15		51:19 52:6 instances 51:19 52:6		
general 5:19 13:8					51:19 52:6 instances 51:19 52:6		
Generally					51:19 52:6 instances 51:19 52:6		

54:11 55:1 55:4,13 liberal 41:13 liked 57:6 limitations 22:1 link 57:15 59:16 list 10:20 listed 5:11 listening 17:10 29:9 53:3,6 lists 13:14,17 13:19 little 6:15 18:8,11 19:10 23:23 25:3 28:1 30:2 32:9 32:24 36:13 36:14,22 38:3 41:17 45:14 48:3 54:17 live 47:3 53:16 LOCATION 1:10 locked 23:14 logistically 18:10 logistics 11:8 30:14 long 11:16 12:1 33:22 55:15 longer 54:17 55:20 look 9:4 27:17 57:3 59:24 looking 23:1 23:2 28:14 looks 16:12 30:17,18 61:18 lot 12:3 15:12 20:14 21:20 46:10 49:20 low-income 15:13 <hr/> M M 63:11	Madam 12:10 47:11 major 21:11 making 11:1 manipulate 39:7 March 7:16 20:5,9 marker 37:3 Market 2:24 MARKUS 53:3,13,17 Marlane 1:11 2:7 material 41:16 matrix 37:17 matter 63:6 matters 2:4 maximize 19:21 36:20 McNeas 4:20 mean 8:7 14:13 22:22 22:23 23:5 28:9,24 29:17 31:11 32:8,14,22 44:8 46:2 47:14 49:9 53:21 58:18 means 30:15 33:6 63:16 media 14:17 57:17,22 60:10 meet 51:15 meetings 9:20 Member 10:3 memorialize 62:1 memorializ... 22:10 memorializ... 33:14 mentioned 22:14 48:11 Michael 17:17 mind 2:14 18:20 19:9 19:20 30:23 41:10,11 42:17 45:23	53:1,11 minimized 19:4 minimum 7:23 minutes 17:6 46:2 mix 9:6 modificatio... 42:12 moment 60:2 Monday 31:15 36:4 49:2,17 50:3,18 morning 3:22 4:8,17 6:7 50:18 move 32:4 36:13 37:21 41:3 moved 22:11 moving 23:16 25:9 mute 3:10 61:2 muted 6:3,4 11:18 16:19 17:1 <hr/> N N 63:1 nail 5:18 7:6 35:16 name 2:10 6:17,20 16:4 17:14 names 10:20 narrow 46:12 navigate 22:9 necessary 24:5 34:19 38:12 41:21 42:12 50:24 necessity 23:9 need 5:17 7:6 8:10 11:7 15:3,4,8 18:20 19:9 19:10 30:23 32:9 33:4 34:13 35:7 36:17 37:1 37:21 44:14	54:14,22 55:16,17 needed 11:8 needing 52:12 needs 9:14 18:19 51:16 60:5 negative 11:22 negatively 12:4 negotiations 34:10 neighborho... 14:19 new 52:3,4 newspaper 13:8 nice 36:1,5 non-compa... 20:6 non-Water 20:7 normal 37:10 normally 13:7 14:15 North 4:11 Notary 63:11 note 2:6 5:1 6:7 16:3 45:2 noted 63:4 notes 25:7 63:5 notices 13:5 notified 42:14 notify 46:1 number 9:23 28:13 numbers 9:21 Nurick 4:20 <hr/> O O 63:1 o'clock 31:12 49:23 50:17 objected 45:4 objecting 60:12 objection 45:24 46:10 objections	44:23 45:5 46:9 47:20 48:2 50:18 50:23 objective 40:4 observation 60:11 observe 11:21 obviously 5:12 7:20 8:3 14:1,14 23:6 32:23 34:2,13 36:24 38:10 41:21 44:7 56:13 57:5 62:3 OCA 10:18 59:6 60:7 offered 57:10 office 3:2,16 49:10,12 55:10 Officer 1:11 2:2,7 3:4,11 3:20 4:5,15 4:24 5:7,9 6:5,9,14 7:1 7:19,22 10:5 12:6 12:12,15 13:2 14:5 15:14,17,21 15:24 16:8 16:12,15,20 17:2,11,21 18:14 19:12 20:3,17,23 21:6,10,18 22:5,20 23:4,13 24:4,13 25:4,8,14 25:18 26:14 26:21 27:4 27:10,22 28:4,8,23 30:6 32:5 33:3,10 34:8,12,24 36:9,15,21 37:6,9 38:14,20,24	39:20 40:3 40:9,18 42:22 43:2 44:3 45:22 46:19 47:7 47:11,13,17 47:22 48:5 48:10,17 49:6,22 50:2,9,22 51:3 52:8 52:24 53:10 53:14,18 54:18 56:12 57:1,13,23 58:5,16,20 59:11,19 60:3,13,20 60:24 61:4 61:9,12,16 61:20 62:14 62:17 officials 19:15 oh 5:5,9 16:16 25:4 38:20 55:4 okay 3:12 4:24 5:7,11 5:19 6:10 7:1,13 15:14 16:15 16:22 17:5 17:11,21 18:15 20:1 20:2,5,17 20:21 24:12 25:17 27:22 28:7 33:21 34:23 35:9 36:9,15,21 37:6 38:12 38:22 39:22 42:20,24 43:9,19 44:18 45:22 46:22 47:22 50:11,21 52:8 53:10 53:16 55:4 55:13,19 56:12 57:1 57:23 58:5 58:19 60:13 61:5,24	62:12,13 once 57:18,19 ones 10:13 39:18 ongoing 23:10 28:9 open 19:24 48:10,17 opportunity 10:22,24 23:18 38:2 39:1 43:18 opposed 3:8 9:6 22:18 27:12 49:2 opposite 49:7 option 8:8 orally 46:1 50:19 order 2:13 38:4 42:11 51:6 62:3 orderly 8:24 11:16 orders 37:14 37:14 organized 30:15 outreach 12:19,22 15:11 18:9 18:19,24 19:22 outreaches 14:23 outside 30:22 outstanding 34:22 overall 7:5 <hr/> P PA 3:17 4:1 4:12 PAC 8:22 page 58:14 papers 13:9 13:10 Park 17:19 part 31:23 40:8 41:5 43:5 participant 18:12 20:20 participants 2:9,17 9:15 20:7 43:18	participant... 5:2 participate 15:6 39:1 59:13 60:6 participated 21:13 participating 12:3 participation 9:12 56:21 58:7,23 particular 12:4 14:19 48:24 particularly 9:8 12:2 25:22 parties 5:24 23:21 26:9 26:10,13,19 39:8 45:23 50:12 party 13:22 13:22,23 21:24 37:19 39:1 46:1 pause 16:2 pay 27:8 PECO 4:9 Pennsylvania 1:6 4:22 6:22 people 8:9 9:20 10:11 10:14,19,19 11:3,16,19 12:1,19,23 13:9,24 14:20 15:5 17:12 27:15 27:20 39:6 42:18 44:15 46:16 48:14 48:18 59:12 60:16 perfect 13:19 period 7:16 7:20 24:18 47:1,8 person 27:16 27:21 perspective 58:12 Philadelphia
---	--	--	---	--	---	---	---

1:1,6 2:5,23 3:1,8,17 4:1 4:19 6:22 14:20 17:20 Philadelphi... 15:13 phone 8:8 9:21,23 45:19 Pike 8:19 11:22 Pine 4:21 place 26:2 37:3 places 14:18 plan 27:3 57:21 planning 26:15,24 play 36:18 playing 39:6 please 2:21 6:17 17:14 pleasure 53:7 PLUG 22:16 point 17:23 21:14 22:2 25:9 27:1 39:21 40:7 40:15 42:17 46:8 59:9 political 14:7 politicians 19:17 poorest 9:8 pops 10:3 position 19:14 positions 22:10 positive 9:3 possibility 26:10 possible 8:9 9:5 15:7 18:7 21:5 22:8 24:24 26:20 50:23 52:17 post 13:7 57:14 58:8 posted 56:14 62:4 posters 14:14 posting 13:4	potential 23:16 powers 19:7 practice 46:4 prefer 29:5 prehearing 1:2 2:3 7:14 24:14 preliminary 7:9 preparation 24:23 prepared 9:23 34:3 present 5:4 10:23,23 17:12 26:15 27:11 presenting 27:12 pressed 51:17 pretty 21:7 35:14 41:1 41:6 44:9 price 55:7 prior 35:21 Pro 6:22 probably 14:23 19:10 54:4 57:17 problem 5:16 7:5 12:22 20:9 21:11 22:21 23:5 24:20 46:5 procedural 2:4 37:14 proceeding 15:12 19:23 32:13 37:13 38:6 46:20 proceedings 63:3 process 5:21 11:16 32:4 32:19 37:10 produce 51:14 productive 11:2 productively 59:14 professiona... 32:16	progressing 42:19 prominent 58:14 proposed 5:14 7:4 21:14 31:3 propound 44:11 propounded 28:12 provide 47:2 51:24 55:6 55:8 57:21 provided 37:5 45:12 prudent 35:19 public 3:15 7:8,15,23 8:17 10:9 10:16 12:18 17:24 20:1 20:11,18 27:13,15 39:16,17 40:23,24 42:18 55:19 56:5,21 57:11,20 58:23 60:5 63:11 publicize 13:4,11 14:11 PUC 60:9 pull 29:23 purposes 31:16 40:14 42:10 pursue 39:10 push 23:24 24:14 29:3 29:20 30:7 30:8 33:4 pushed 31:15 pushing 24:2 30:3 31:22 32:22 put 10:20 14:14 15:4 15:9 25:7 35:10 37:3 putting 22:1 22:17	Q	question 28:18 37:4 49:5 54:2,5 questions 49:21 queue 11:13 quick 42:3 quickly 30:24 36:13 quite 34:1	R	R 1:11 2:7 63:1 raise 56:23 rare 10:15 rate 1:2 2:4 11:4 35:21 40:21 41:4 55:14 56:14 57:14 58:6 58:22 62:4 62:9 rational 39:15 rballenger... 3:19 reach 22:15 45:2 reaching 58:3 read 13:9 29:14,16 real 14:6 29:1 realize 47:18 really 10:10 18:19 21:11 21:23 24:22 29:1 32:14 49:20 57:4 57:9 reasonable 39:15 reasonable... 32:16 rebuttal 21:24 22:7 22:17,22 23:7,9,20 23:22 24:6 25:10 26:1 26:11,12 29:14,15,18 31:2,13,22 32:6 35:2	rebutting 26:4 receipt 51:4 received 5:13 50:16,24 recirculate 59:24 recognize 46:14 48:19 recognized 20:13 recognizing 43:10 52:1 record 2:10 2:21 6:17 17:12 40:21 40:22 41:3 41:5,18 regardless 44:16 register 10:20 15:5 regs 39:7 44:8,10 47:8 regulation 47:11 regulations 40:22 41:4 44:17,21 56:19 relevant 21:24 54:3 rely 52:12 remains 6:13 remote 8:4,5 22:8 remotely 49:4,13 replies 7:12 reply 42:23 report 34:8 42:5 43:3 43:14 53:23 reporter 55:12 63:11 63:19 reports 51:14 52:3 representing 6:23 reproduction 63:15 Republican	13:22 request 13:15 19:15 21:3 44:6 requested 25:11 requesting 57:14 requests 19:2 25:24 28:12 31:11 41:19 44:2 48:23 49:15 50:16 require 14:2 46:21 required 44:17 requiring 45:23 reserve 27:1 resolution 24:24 resolve 23:8 34:21 36:23 42:2 43:12 62:8 resolved 45:9 respect 50:14 53:19 respond 6:1 44:14,15 47:2 responding 48:21 50:15 response 31:16 45:18 49:1 50:14 responses 23:22 33:19 41:8 45:7 45:11 47:21 responsive 52:7 result 32:17 32:18 53:11 Revenue 48:18 review 21:2 right 17:6 18:6,14 21:6 23:12 27:2 28:11 32:5 37:18 44:24 50:10 51:9 59:3	62:14 risk 39:12 rob 18:9 22:14 30:16 33:8 55:23 58:2 Robert 3:15 robust 14:16 room 30:24 Roughly 28:13 round 33:19 45:7 RPR 63:11 rule 31:9,10 32:3 48:7 50:8 ruling 39:14 run 21:15 51:16,22 52:3	S	S 16:14 sat 8:19 Satisfy 38:14 saying 26:4 29:3 38:18 45:19 46:5 schedule 5:13 5:14 7:4 17:23 18:5 20:16 21:15 23:2 24:22 28:2 30:3 31:4,19,24 34:18 39:7 40:14 42:8 42:10,16 43:22 46:16 47:24 53:20 54:4 56:17 56:19,22 scheduled 8:11 31:6 40:13 scheduling 2:4 school 39:13 screens 23:1 Se 6:23 Seamans 3:7 second 4:2 16:2 23:3 see 6:2,12	7:15 12:8 19:18 24:19 26:6 34:15 35:7,17 37:18 41:19 41:22 42:23 53:4 61:22 seize 10:14 selfish 25:23 30:16 send 57:21 sense 36:18 separate 44:5 served 50:2 50:18 service 39:17 54:13 services 15:2 59:1 set 11:23 15:18 18:1 28:16 44:21 45:10 settlement 23:10 24:16 28:20 29:21 31:19 32:21 33:5,17 34:21 35:3 seven 43:24 47:14,19,21 50:15 51:15 seven-day 47:1 52:2 SEWER 1:1 shared 23:20 show 27:15 48:23 Shultz 3:5,7 sidebar 11:9 15:9 sides 26:6 sign 11:4 signing 11:11 11:12 similar 60:8 ski 16:9 skiadboact... 17:19 Skiendziele... 16:6,17 17:3,8,9,17 17:18 61:17 Skin-da-lew
--	--	--	----------	--	----------	---	---	---	--	----------	--	---

16:8 Skin-da-le... 16:7 skipping 28:3 28:5 slippage 43:11 small 57:12 smell 6:10 social 14:17 57:17,22 somebody 42:8 somewhat 19:1 soon 26:19 50:22 sorry 4:1 22:4 25:5 61:2 sort 11:19 23:15 29:8 36:5 57:10 60:7 sounds 18:15 51:10 53:17 sources 14:8 South 6:21 speak 9:24 12:1 17:6 speaking 12:1 specific 5:18 18:4 23:11 27:7,24 35:6,10,17 38:5,8 specifically 8:11 9:14 specifics 7:11 specify 41:5 spelled 16:5 staff 15:3 standard 47:5 standardized 52:17 standpoint 25:23 26:2 start 2:19 13:20 18:19 23:17,24 24:2 28:19 30:1 33:12 35:23,24	36:10 43:14 49:1,16 started 7:3 41:24 starting 33:21 41:24 stating 2:10 6:17 17:14 status 34:10 STENOGR... 55:9,15 stenographic 63:5 step 28:2,3,6 28:6 Steve 11:18 Steven 9:18 54:5 59:21 62:10 STORMW... 1:1 story 40:11 street 3:1,16 3:17 4:11 4:12,22 6:21 stuff 33:24 45:13,14 52:16 submit 26:24 27:3 sufficient 44:18 46:22 suggest 24:6 30:21 suggesting 29:2 supervision 63:18 sure 9:13 12:21 13:3 13:9 14:6 18:22 20:23 23:4 24:5 29:1 35:1 45:16 50:10 51:7 52:16 53:8 60:4,8 surprised 38:19,21 surprises 39:5 surveying 8:19 sympathy	21:20 <hr/> T T 63:1,1 table 34:1 take 25:6 30:4 38:1 48:1 59:9 59:21,24 62:18 taken 63:5 takes 5:10 32:3 tales 39:13 talk 7:3,10 14:10 18:3 33:24 34:21 38:9 42:13 44:4,6 57:2 59:21 62:17 talked 11:9 14:8 talking 11:20 17:22,24 25:13 32:20 35:1,5 44:4 tangentially 56:19 target 30:11 31:4 taste 13:21 team's 23:2 technical 23:17 24:1 24:17 25:1 29:12 30:8 34:14 35:4 36:7,8 40:13 54:19 54:22,24 56:4 technology 9:17 telephone 8:7 9:13 telephonic 8:10,18,23 9:5,9,14 10:7,16 11:14 tell 10:6,22 55:15,16,23 telling 39:12 tension 23:16 terms 5:19	9:1 11:1 13:3 19:23 19:24 21:1 35:14 36:18 39:10 41:7 41:12 43:24 44:14 48:20 54:9 testimony 18:13 20:6 20:19,20 22:17 25:10 26:24 27:3 27:11 34:3 34:16 36:7 37:5,22 41:7 Texas 40:8 text 58:21 texting 13:23 thank 3:4,14 3:20 4:5,7 4:15 5:1 7:2 17:22 40:9 51:11 59:5,10 60:23 61:8 61:10 62:15 62:16 thing 11:21 37:16 58:4 things 18:9 20:14 32:11 41:3 48:20 think 5:9,17 7:6 8:12,16 9:9,15 11:1 11:7,15 12:2,17 14:18,22 15:8,8,17 15:22 18:18 18:19 20:13 22:3,6 23:20 25:19 28:5,5,19 29:19 31:8 31:13,19,21 32:17 33:4 33:9 34:6 34:13 35:6 35:19 36:17 39:4 40:5 41:4,6,9,9 41:11,16,22	42:16 45:9 46:13,14 48:18 52:9 52:18 53:23 54:15 56:2 56:9 58:21 59:19 60:5 thirty 46:2 Thompson 4:16,17,18 20:22,24 21:9,17 26:15,17 61:13,14 thought 57:4 58:2,4 thousands 10:8 three 18:3 30:4 31:12 35:20 44:22 47:20 51:1 51:2,3 56:1 three-day 44:22 throw 22:18 tie 53:5 tied 28:19 till 23:11 time 1:9 5:20 5:21,23 7:16 11:2 11:17,23 15:13,20 18:8,23 19:8 23:7 23:21 24:12 25:6 27:17 29:10,13 30:12,18 32:9 34:21 36:14 37:1 43:1 44:15 45:10 46:15 47:1,8 48:8 50:15 54:6 54:8 55:24 59:14,15 62:19 timeframe 44:22 timeline 43:23 48:24 51:15 52:2	times 46:11 49:12 timetable 54:16 timing 48:13 53:23 title 58:18 today 7:14 60:15 totally 13:2 touch 52:11 62:6,7 transcribing 54:13 transcript 41:19 63:7 63:14 transcripts 54:6,10 56:13,17 transportat... 16:1 tremendous 10:10 tried 36:6 True 56:11 56:11 try 19:16 36:19 39:6 42:22 43:3 43:10 51:20 51:24 trying 18:4 22:24 26:1 26:4 28:16 turnaround 54:6,23 55:24 turned 53:5 Twelfth 3:1 twelve 49:23 50:17 two 26:9 31:2 31:13 37:4 49:17 type 15:12 24:22 59:7 typically 9:11 31:9	understand 11:17 19:13 21:7,19 35:1 43:4 50:10 51:7 understand... 45:12 51:13 understood 21:17 52:9 unfolds 27:2 unfortunat... 19:2 unified 53:12 unilaterally 42:15 unmute 17:4 unmuted 17:7 unmuting 38:16 unreasona... 32:11 upfront 24:22 use 11:2 13:23 14:13 14:16 22:7 30:11 32:8 42:6 44:10 50:13 52:14 user 57:12 Users 4:19 20:21 usually 10:2 18:9 utility 14:22 39:17 40:23 40:24	Wallace 4:20 want 12:7,9 12:13 14:10 17:3 18:1,2 23:14 25:19 27:6,16,20 29:18 32:17 35:9 37:8 38:17 40:1 41:2 43:21 44:19 45:16 46:22 49:20 50:11 51:6 53:1,4 57:7 57:24 59:16 wanted 10:23 19:4 31:17 38:23 54:8 58:8 wants 7:10 26:3 56:23 warning 6:7 wasn't 47:18 waste 59:14 wasted 49:18 water 1:1 2:5 2:23 5:23 8:20,20 13:6,17 27:9 way 10:22 15:7 36:5 46:17 51:22 60:7 62:10 we're 20:12 33:15 We've 51:12 website 11:5 13:5 56:14 57:15 60:9 62:5 Wednesday 1:6 week 15:23 18:7 24:9 24:17,18 31:4 33:7 36:1,4 54:16,18 weekend 49:19 weekends 33:16 went 8:22 weren't 33:18
--	---	--	--	--	--	---	--

wit 6:12	Zoom 9:6,12	<u>7</u>				
withdrew 48:12	9:16,20 11:14	7 24:6 28:17 32:6 35:2				
witness 27:8 27:13	<u>0</u>	735 6:21 7th 22:11				
witnesses 26:16 27:12 34:3 37:4 37:19,24 45:21	<u>1</u> 10:00 1:9 10:58 62:20 100 4:21	24:8,10 25:10 29:3 29:6,19				
wondering 7:24 8:2 48:11	12th 6:21 31:18 33:7 33:8,15 34:6	<u>8</u> 8 7:16 8th 29:11 32:21				
word 37:18	13th 24:18,18	<u>9</u>				
work 4:19,21 9:9 11:15 15:15 24:10 27:18 33:8 46:6,12,21 48:8 49:19 53:7 54:12 59:20	29:12,23,24 30:21 35:5 36:1 40:15 1401 3:24 1424 3:16 1500 2:24 15th 15:23 18:7 17 4:11 17101 4:12 4:22 19102 3:1,17 19111 17:20 19120 4:1 19147 6:22	9 31:5 32:7 50:7 9th 32:2,23 33:2,11,13 33:21 34:5 35:3,3				
worked 5:15 10:1 36:5						
working 20:12 33:15 48:14 49:4 52:15,21						
worry 16:1						
wouldn't 8:2						
WRB 3:23 5:6	<u>2</u>					
write 51:6	2021 1:6					
writing 25:24 57:6	2022 2:6 21st 24:19 35:5 36:11 40:16					
written 20:6 20:20 27:11 45:5 50:23	22 20:5,9 22nd 7:17 23 2:6 24 1:6 24th 43:3,8 2nd 4:12					
<u>X</u>	<u>3</u>					
<u>Y</u>	30 41:22 350 28:11					
yeah 14:12 15:21 16:14 33:9 36:12 43:2 47:19 48:5 50:9 56:8 58:21 59:11,18 61:19	<u>4</u> <u>5</u>					
Years 2:6	5 22:10					
yo 6:14	516 17:19					
<u>Z</u>	<u>6</u>					
ZIP 4:2						