

Philadelphia Water, Sewer and Storm Water Rate Board
March Monthly Meeting Notes
4/14/2021, by Zoom (Online and Telephone) Only

Board Members Present

Irwin “Sonny” Popowsky, Chair
Abby Pozefsky
Tony Ewing, Vice Chair
Rasheia Johnson

Also Present

Daniel W. Cantú-Hertzler
Lance Haver
Marlane Chestnut
Susan Crosby
Danielle Lavery
Robert Ballenger
Scott Schwarz
Ji Jun
Andre Dasent
Steven Liang

Mr. Popowsky called the meeting to order at 3:02 p.m.

1. Mr. Ewing moved to approve the minutes of the March 10, 2021 monthly meeting. Ms. Johnson seconded the motion. The minutes were approved unanimously.

2. Mr. Popowsky noted that Folasade Olanipekun-Lewis had resigned from the Rate Board effective March 31. He read aloud a draft resolution thanking her for her long-time service and contributions to the City and the Rate Board. Mr. Popowsky, Ms. Johnson, and Ms. Pozefsky all related anecdotes concerning Ms. Olanipekun-Lewis’s decades of service to the City. Ms. Pozefsky moved, and Mr. Ewing seconded the adoption of the following resolution, which passed unanimously:

**Resolution Thanking Folasade (Sade) A. Olanipekun-Lewis
for Her Service on the Philadelphia Water, Sewer and Storm Water Rate Board
and for Her Continued Service to the City of Philadelphia**

WHEREAS, Sade Olanipekun-Lewis was instrumental in the creation of the Philadelphia Water, Sewer and Storm Water Rate Board and served on the Board from its inception until her resignation on March 31, 2021; and

WHEREAS, Sade previously served the City of Philadelphia and related governmental entities in a wide array of positions, including City Treasurer, Deputy Commerce Director, Chief Administrative Officer at the Philadelphia International Airport, Chief Financial Officer for the Philadelphia City Council, Director of Finance for the Philadelphia Parking Authority, and Chief Financial Officer for the Philadelphia School District; and

WHEREAS, Sade has also served as a lecturer at the Fels Institute of Government at the University of Pennsylvania as well as serving on the Boards of Trustees of the Pennsylvania Ballet and the Free Library of Philadelphia; and

WHEREAS, Sade was recently elected to serve as the Chair of the Board of Trustees of the Free Library of Philadelphia; and

WHEREAS, upon her election to serve as Chair of the Board of Trustees of the Free Library, Mayor Jim Kenney stated that “Philadelphia has long benefitted from Folasade’s commitment to public service”; and

WHEREAS, her fellow members of the Philadelphia Water, Sewer and Storm Water Rate Board have greatly benefitted from Sade’s expertise and joyful presence as a Member of the Board and as Board Secretary; therefore

BE IT RESOLVED, that the Philadelphia Water, Sewer and Storm Water Rate Board hereby thanks Folasade Olanipekun-Lewis for her service to the Board and for her continued lifetime of service to the City of Philadelphia, and wishes her success in her new position as Chair of the Board of Trustees of the Free Library of Philadelphia; and further,

BE IT RESOLVED, that the Chair of the Board is directed to convey a copy of this resolution to Ms. Olanipekun-Lewis.

Dated: April 14, 2021

2. Ms. Olanipekun-Lewis had served as Secretary of the Rate Board. Ms. Pozefsky moved to nominate Ms. Johnson to the position of Board Secretary, and Mr. Ewing seconded the motion. Ms. Johnson accepted the nomination and the Board voted to approve her unanimously.

4. Ms. Chestnut then asked Mr. Dasent and Mr. Ballenger for the status of the pending Rate Proceedings. Mr. Dasent reported that the Water Department had, that day, filed Formal Notice of the TAP-R proceeding, and noted that the deadline for Participant registration as of right was therefore April 21 under the Rate Board’s Regulations (Section I(m)), after which Hearing Officer would hold a Pre-Hearing Conference.

5. As for the General Rate Proceeding, Mr. Dasent reported that the Department and the Public Advocate were in settlement discussions and that he was optimistic about the chances of a settlement. Mr. Ballenger elaborated that while the Public Advocate hoped for a complete settlement agreement, a partial settlement was possible and so time was being reserved for technical hearings.

Mr. Lance Haver spoke in objection to the Water Department’s handling of the settlement discussions. Mr. Haver said that Counsel for the Water Department had shut out the other Participants in the Proceeding from settlement discussions. Mr. Dasent then responded that the Department was following a process established by the Public Utility Commission, in which a

utility first speaks with the statutory parties (here the Public Advocate), then branches out to speak with other parties.

Mr. Popowsky said that he hoped that all parties would have the opportunity to have meaningful input. Ms. Chestnut affirmed that Mr. Dasent was following the standard process, and reiterated her expectation, expressed in a directive, that all participants would have opportunity for meaningful input.

Mr. Haver stated that meaningful input required more than a short period of time to react to whatever settlement materials were produced by the Public Advocate and the Department, and that he feared he would have no choice but to object and attempt to stop the settlement. Ms. Chestnut said that she expected all participants would be given a chance to review and analyze the materials, provide meaningful input and have their issues addressed.

6. Ms. Pozefsky then asked whether there would be a fifth Rate Board member in time for the Board's Rate Determinations. Mr. Cantú-Hertzler responded that the Mayor was considering a candidate for nomination, though there could be no guarantee as to when City Council would vote on a nominee.

7. Mr. Popowsky asked for discussion concerning Mr. Haver's Appeal to Hold the Rate Proceeding in Abeyance, pending more information on the funds that become available to the Water Department under the American Rescue Plan Act. Mr. Haver said that without knowing what funds will become available to the Department, it was impossible to do meaningful analysis, so any Rate Determination would be invalid.

Mr. Dasent responded that, in response to the Department's requests, the City Finance Director had stated that the City would allocate no discretionary ARPA funds to the Water Department, in light of other City needs, and that it did not appear that the federal government would mandate the expenditure of ARPA funds for water and sewer infrastructure. Mr. Dasent thus argued that Mr. Haver's appeal should be denied.

Mr. Ballenger stated that the situation was indeed difficult due to the various moving parts, but noted that the City Finance Director's word should not necessarily be taken as final. Given City Council's final say in appropriations and its influence on allocations, the Public Advocate did not agree that it is necessarily a reasonable assumption that the Department would receive no additional stimulus funds. However, Mr. Ballenger stated that successful settlement negotiations could make a decision on a delay in the proceedings unnecessary.

Mr. Haver offered to withdraw his motion in light of the settlement discussions, reserving the right to refile it if his issues were not materially addressed. Mr. Popowsky, with unanimous consent from the Board, accepted Mr. Haver's offer, allowing him to withdraw the appeal without prejudice. Mr. Ewing and Ms. Pozefsky thanked Mr. Haver for his flexibility in the matter.

Ms. Chestnut expressed confidence that the Public Advocate and Department would give Mr. Haver and other participants the opportunity to have meaningful input.

The meeting adjourned at 3:30 p.m.