

Philadelphia Water, Sewer and Storm Water Rate Board  
May Monthly Meeting Notes  
5/12/2021, by Zoom (Online and Telephone) Only

Board Members Present

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

Also Present

Daniel W. Cantú-Hertzler  
Lance Haver  
Marlane Chestnut, Hearing Officer  
Susan Crosby  
Danielle Lavery  
Robert Ballenger  
Scott Schwarz  
Ji Jun  
Andre Dasent  
Steven Liang  
Michael Skiendzielewski  
Edward Markus, Technical Consultant

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

1. Ms. Pozefsky moved to approve the minutes of the April 14, 2021 monthly meeting. Mr. Ewing seconded the motion. The minutes were approved unanimously.

2. Ms. Chestnut reported that the General Rate Proceeding was going according to schedule. The proposed settlement had been submitted, as were statements of support for the proposed settlement and Participant Briefs. Public Comments on the proposed settlement were still being accepted, after which Ms. Chestnut would submit her Hearing Officer Report and then the participants could file Exceptions and Reply Exceptions before the Board deliberated on its Rate Determination.

3. Mr. Popowsky moved to the scheduling of future Board meetings directly related to the General Rate Proceeding. In prior Proceedings the Board held two Public meetings, one to discuss issues raised in the Proceeding and another to vote for the final Rate Determination. The June Monthly Meeting, set for June 9<sup>th</sup>, would serve as the first meeting and Mr. Popowsky tentatively scheduled June 16<sup>th</sup> as the date of the second meeting. Mr. Popowsky could schedule a potential third June meeting if necessary.

4. Ms. Chestnut reported that the TAP-R proceeding was also going according to schedule. A Public Hearing and a Technical Hearing were scheduled for May 21<sup>st</sup>, after which would come Briefs, if necessary, a final Hearing Officer report, and a final vote by the Board. Mr. Dasent

added that the Water Department and the Public Advocate were in an ongoing conversation about a possible settlement and shared optimism about it.

5. Mr. Popowsky opened the meeting to the concerns of the public. Mr. Haver inquired about the procedure for posting items onto the Water Rate Board's website in relation to the Rate Proceeding. He stated that he had not been given equal representation compared to the Department and the Public Advocate. Mr. Haver made specific reference to a document that had been posted on the website announcing the proposed settlement between the Water Department and the Public Advocate, which he believed linked to objectionable content that he opposed.

Ms. Chestnut acknowledged that a document had been posted and that the announcement had a link that, when clicked through, incorrectly arrived at a press release published by the Department. This was an error and once it was discovered, the announcement was corrected so that it linked instead to the settlement documents that had been submitted by the parties. Seeing no discernable confusion arising from the document, the Hearing Officer stated that she believed no further actions were necessary. Mr. Haver responded that he believed that more needed to be done to "un-ring that bell." Mr. Popowsky said that Mr. Haver could bring up the issue in the filing of Exceptions.

6. Mr. Skiendzielewski expressed his discontent about proposals offered to him by the Water Department, which he believed to be unviable from their outset. Mr. Popowsky responded that the Hearing Officer was aware of Mr. Skiendzielewski's issues and objections and would address them in her Hearing Officer Report. Ms. Chestnut noted however that Mr. Skiendzielewski had never formally submitted objections and any objections that he wished to have ruled upon would need to be labeled as such and formally submitted.

7. Mr. Skiendzielewski brought up his Motion for Recusal of the Water Rate Board's Counsel, which had already been ruled upon by the Hearing Officer. Mr. Popowsky stated that if Mr. Skiendzielewski had any issues with the decisions of the Hearing Officer, he could raise them by filing Exceptions.

There being no further matters to discuss, the meeting adjourned at 3:21 p.m.