

Philadelphia Water, Sewer and Storm Water Rate Board  
August Special Meeting Notes  
8/11/2021, by Zoom (Online and Telephone) Only

Board Members Present

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

Non-Board Members Present

Daniel W. Cantú-Hertzler  
Danielle Lavery  
Ji Jun  
Patty Rogalski  
Robert Ballenger  
Andre Dasent  
Steven Liang

1. Mr. Popowsky called the meeting to order at 3:02 p.m. Mr. Popowsky opened the meeting up to members of the public to raise issues and give input. There were none raised by the Public in attendance.

2. Board Secretary Johnson introduced the draft minutes for the June 9, 2021 monthly meeting and the June 16, 2021 Special Meeting. There were no corrections or additions to the minutes. Ms. Pozefsky moved to approve both sets of minutes. Mr. Ewing seconded the motion. The minutes were approved unanimously.

3. The Board turned to discussion of issues that arose due to the settlement agreement between the Water Department and the Public Advocate in the 2021 General Rate Proceeding. The first issue was the potential amendments to the Board’s Regulations regarding Special Rate Proceedings. Mr. Dasent and Mr. Ballenger presented language for an amendment to add the following to the definition of “special rate proceeding” (Section I(t)):

A proceeding **(a)** concerning a proposed change in rate structure, which has not more than a de minimis impact on residential customer bills, arising from a City Council ordinance, or a change in State or Federal law, that, due to factors beyond the Department’s ability to control, cannot reasonably be addressed in a General Rate Proceeding **or (b) required to be initiated as a Special Rate Proceeding pursuant to a Rate Determination.**

Any amendments to Board regulations would first need to be agreed upon by the Board, promulgated, and advertised. Afterwards, any members of the public could request a public hearing on the amendments to make comments; or the Board could preschedule a hearing without awaiting a request.

Ms. Pozefsky commended the Department and the Public Advocate for coming to a consensus but stated that more time was needed to review the language. Mr. Ewing echoed Ms. Pozefsky’s sentiment.

Mr. Cantú-Hertzler asked whether the amendments would give the Board the ability to decide in a Rate Determination that the next General Rate Proceeding would be a Special Rate Proceeding. Mr. Ballenger responded that the Advocate and the Department viewed the three types of proceedings as mutually exclusive and that only the Department could initiate a General Rate Proceeding. The intention is that the Board could determine in a General Rate Proceeding to address a narrow set of circumstances in a Special Rate Proceeding. The Advocate and Department would both likely take issue if the Board proposed to decide a General Rate Proceeding using a Special Rate Proceeding process. To the question whether there were specific criteria for a Rate Proceeding to become a Special Rate Proceeding under the amendment, Mr. Dasent responded that the Board would have some discretion, but the Participants could argue against such designations in the prior Rate Proceeding.

4. Mr. Popowsky asked if the Water Department and the Public Advocate could make a formal schedule for the reports required under their Settlement Agreement in the 2021 General Rate Proceeding and what to expect from such reports. Mr. Dasent responded that the Department had been exchanging ideas about the reports, was working on creating a template, and expected to be able to present something to the Board by mid-September. Mr. Popowsky asked if the documents reported by the Department could be made public, Mr. Dasent affirmed that reports and documents furnished by the Department could be made public, perhaps on a section of the Rate Board's website. In the unlikely event that the Department believed any of the data should not be made public, it would ask the Board to decide that matter.

5. Mr. Popowsky asked the Board for authorization for him and Mr. Cantú-Hertzler to negotiate and enter into renewal contracts to maintain the services of the Public Advocate, Hearing Officer, and Technical Consultant for another year, effective after their contracts expire on December 1, 2021. To Ms. Pozefsky's question, Mr. Cantú-Hertzler responded that funds currently remaining in the contracts appear sufficient to carry through the fiscal year and that the contracts would be drafted to stay within the Water Rate Board's budget.

Mr. Ewing asked at what point would the contracts no longer be renewable and when they would return to a public bid process. Mr. Cantú-Hertzler replied that the contracts were for a single year but offered the Board in its discretion up to three one-year renewals, of which these would be the second, subject to needed increases in funds. Mr. Ewing moved to approve the authorization. Ms. Johnson seconded the motion, which was approved unanimously.

6. The Board scheduled future meetings. for 3:00 p.m. on September 8, October 13, November 10, and December 8, 2021. The Board asked Mr. Liang and Mr. Cantú-Hertzler to advertise them appropriately.

The meeting adjourned at 3:52 p.m.