

Philadelphia Water, Sewer and Storm Water Rate Board  
February Monthly Meeting Notes  
2/8/2023, by Zoom (Online and Telephone) Only  
Open for public participation via Zoom

Board Members Present

Irwin “Sonny” Popowsky, Chair  
Tony Ewing, Vice Chair  
Abby Pozefsky, Secretary  
Debra McCarty

Non-Board Members Present

Robert Ballenger  
Daniel W. Cantú-Hertzler  
Marcy Chestnut  
Andre Dasent  
Megan Kester  
Steven Liang  
Edward Markus  
Robert McDermott  
Joline Price  
Carl Shultz  
Michael Skiendzielewski

Mr. Popowsky called the meeting to order at 3:01 p.m.

1. Ms. Pozefsky, Board Secretary, introduced the draft minutes from the January 11, 2023 monthly meeting. There were no corrections or additions to the minutes. Mr. Ewing moved to approve the minutes. Ms. McCarty seconded the motion. The minutes were approved 4-0.

2. Ms. Chestnut then gave an update on the status of the 2023 Rate Proceedings. The Water Department had filed Advance Notice of both the General Rate Proceeding and the TAP-R Reconciliation Proceeding. The Department is likely to file a Formal Notice in each proceeding in late February, and Ms. Chestnut will schedule a pre-hearing conference ten days or so later to set the hearing schedule. For the General Rate Proceeding, public hearings would likely be held around mid-March, followed by the filing of testimony by Participants and rebuttal testimony. Technical hearings would likely be held in April. A Hearing Office Report for the Rate Board is anticipated for late May. The TAP-R Proceeding would follow a similar but truncated schedule.

Mr. Dasent added that he anticipated the Formal Filings will occur on February 23. The Public Advocate is in the process of reviewing the Water Department’s Advance Notice.

3. Mr. Popowsky asked if the Water Department anticipated any changes to the Department’s revenue requirements given the recently announced \$500 million in Federal Funding for Water Infrastructure projects. Mr. Dasent said that the Department would have a formal answer forthcoming.

Ms. Pozefsky commented that there would likely be public comment that there would not need to be a water rate increase given the additional available funding. Mr. Dasent said that the

Department would review what funds were available and be open to answering any questions it could about the new funding.

4. Mr. Skiendzielewski made comments to the Board. He stated that the comments he had made in the prior Rate Board Monthly Meeting regarding the services performed on his property by the Water Department related to conduct and were not ad hominem attacks. He stated that previous decisions by the Hearing Officer and the Board did not reflect the facts in evidence. He expressed his intention to present future motions based on facts, and to disseminate the results to neighborhood groups. He also discussed his First Amendment rights to protest. He stated that Water Rate Board counsel had conflicts of interest in representing the City of Philadelphia rather than the Rate Board and its members, in light of what Mr. Skiendzielewski called Mr. Cantú-Hertzler's influence, decision-making, and conduct relative to City procedures that impacted water rate customers before the Tax Review Board.

Mr. Popowsky stated that in his 40-year career in public service he had encountered few attorneys of higher integrity and conscientiousness than Mr. Cantú-Hertzler. Ms. Pozefsky said she had previously served in a similar position, was in a position to understand the role of board counsel and found Mr. Cantú-Hertzler's performance unimpeachable. She stated that Mr. Skiendzielewski had asked this question and been answered any number of times, and that further discussion would serve no purpose.

Mr. Skiendzielewski requested that the Board look again at the facts he had previously alleged and would allege again, and not deny requests for HELP loan records, which he said are available and not an undue burden.

5. Mr. Popowsky asked if there were any other matters to be brought before the Board. Hearing none, the meeting was adjourned at 3:27 p.m.