

Brief submitted by Michael Skiendzielewski, pro se participant in WRB hearings

Re: Violation of Procedural Order established by Hearing Officer, Marlane Chestnut on 3/7/23

Section of Procedural Violated by Hearing Officer:

Objections to information requests will be communicated orally or via email to the propounder as soon as practicable upon receipt. The participants are directed to confer, by telephone or e-mail, and attempt to resolve the objections. If the objection is not resolved, a written objection may be filed within three business days after receipt of the information request, pursuant to the Rate Board's regulations at II.B.5.(b).

Hearing Officer, when notified by PWD counsel that he would be reaching out to this participant and follow-up re document request, replied that she would be sending out an order, which directive impeded and/or rendered irrelevant any follow-up discussion to compromise and resolution that may have been considered or possible should both the participant and PWD representative follow-up on the directive the Hearing Officer declared on 3/7/23 and which she ignored or violated in email correspondence to this participant, PWD counsel and all participants in the WRB proceedings.

On Sat, Apr 29, 2023 at 9:41 AM Andre Dasent

<andre.c.dasent@gmail.com> wrote:

Dear Judge Chestnut,

Mr. Skiendzielewski and I will discuss the pending PWD Objections on Monday and report back to you.

-Andre Dasent

Mr. Dasent -

April 29, 2023 10:24AM

That is not necessary. I am drafting an order now.

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Good morning, all - May 1, 2023 9:05AM

Attached please find my Order Sustaining Objections to Discovery: Skiendzielewski.

mrc
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The procedural violation is significant, factual, supported in the record and is detrimental to the efforts of this participant in the WRB forum who welcomes any legitimate, sincere and genuine opportunity to discuss the outstanding issues with PWD management and counsel.

The fact that PWD engages in accurate, realistic and viable discussions and alternatives to resolution is of the utmost importance. In the last set of WRB hearings, a similar opportunity for discussions toward resolution and PWD submitted options or alternatives for this participant to seek out and employ the mechanisms in city management that were presented in PWD correspondence sent to this participant.

However, the paths and methods presented for resolution were bogus, out-dated, inappropriate and not relevant to the issues, facts and circumstances of the issues in my case. PWD was aware of these fallacious and futile options for resolution and compromise and yet when I attempted to raise and share the false and disingenuous nature of such unprofessional conduct on the part of PWD, I was blocked by WRB management because of a claim that discussions between parties in such a hearing were confidential.

I share what I consider very important, serious and troubling details from the last effort for discussions, resolution and compromise and if such an opportunity and effort presents itself once again, for which I am hopeful, PWD management and counsel must and need to be genuinely, honestly and professionally committed to just such discussions, compromise and final resolution to the issues in the case.

Any similar attempt for PWD to act in such a manner as in the last attempt at discussion and resolution will simply not be tolerated and I am prepared to take the critical issue in this brief to other forums for review and consideration.

The brief I am filing here represents a serious breach of professional conduct, trust and impartiality and I simply cannot believe that WRB management and counsel, who can clearly see from the facts and record, that a serious error was committed re procedure, told me that I would have to file a brief for this issue to be reviewed and addressed. So, the professionals responsible for conducting, managing and insuring an impartial and independent WRB process rely on another party to address the error.

Finally, if in fact this brief and other decisions by WRB personnel make possible a serious, factual and committed effort on the part of PWD for discussion, compromise and resolution, I would participate and the elements for discussion, review, consideration and compromise will primarily focus on the facts, decisions, work, investigation, planning and intervention by PWD at my residence that spanned several years without a professional, comprehensive and thorough investigation and diagnosis of the entire issues impacting on long lateral sewer failures, which necessitated my repeatedly reaching out to PWD management until they finally returned to diagnose faulty and failed systems that were PWD RESPONSIBILITY. There are a variety of facts, details, and messages that corroborate the fact that there was no overall plan and mechanism in place by PWD to professionally resolve the water sewer issues at my residence. The site is still sinking and deteriorating both on my property as well as in the street.

For professionals involved in the WRB process and procedure to assert that such a matter as this is not relevant to the setting of water and sewer rates is simply without merit. Excavation work is a large part of PWD operations and the methods, review, evaluation, monitoring and follow-up for certain is a critical matter in the establishment of new water and sewer rates.

Michael Skiendzielewski

Submitted May 15, 2023