

Philadelphia Water, Sewer and Storm Water Rate Board
February 12, 2025, Monthly Public Meeting Notes
In Person (Conference Room 17D of One Parkway Building, 1515 Arch Street)
and by Zoom (Online and Telephone)

Board Members Present

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

Others Present

Alexandra Athanasiadis
Robert Ballenger
Kevin Birriel
Dan Cantú-Hertzler
Marcy Chestnut
Brooke Darlington
Andre Dasent
Lance Haver
J. McGinley
Ryan McSherry
Neal Sellers
Carl Shultz
Matthew Webster
Deland L. Bryant (Zoom Administrator)

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

1. Mr. Popowsky asked for any corrections or additions to the draft minutes from the Board’s meeting of December 11, 2024. None were requested. Ms. Pozefsky introduced the minutes and moved to approve them. Ms. McCarty seconded the motion. The minutes were approved 2-0, with Mr. Popowsky abstaining and Mr. Ewing not yet present.

2. Mr. Popowsky asked when the Water Department planned to file advance notice of the upcoming rate proceedings, so that planning for the proceedings could begin. Mr. Dasent stated that the filing date was likely to be February 18, 2025, given that the City was closed February 14 (and 17), meaning the formal notice would come on March 20 and the Board’s 120-day deadline for rate determinations would be July 16, which Mr. Ballenger and Mr. Popowsky corrected to July 18, 2025. Mr. Dasent said these dates would apply to the TAP-R proceeding as well as the General Rate Proceeding.

3. Mr. Cantú-Hertzler noted that the Department could file electronically on the 14th; Mr. Dasent said the Water Commissioner had directed that the filing be on the 18th, in part because Department employees would not be in the office. Mr. Dasent said the Department had hoped to file in January but that an AMI demand study, requested by the Board, had taken longer than expected. The demand study would be helpful and indicative of rates for the future.

4. Mr. Popowsky asked that the Department email copies of the notices to all participants in the previous 2024 TAP-R Reconciliation Proceeding, to all Board members, and to the Hearing Officer and Technical Consultant. Mr. Dasent agreed, but said the emails would contain links to

Dropbox that would not require a password. Mr. Popowsky stated that the Board would then post all documents on the Board's website as soon as possible.

5. Mr. Popowsky recognized Mr. Ewing in attendance, thanked him for chairing the December meeting, and told him that the Board had approved the minutes and learned that the Department intended to file advance notice on February 18 and the Board's determination deadline would be July 18.

6. Mr. Popowsky asked when Ms. Chestnut would hold a pre-hearing conference for participants. She said at least 10 days after the formal notice, so likely March 31, April 1, or April 3; and said that as usual she would direct the Department and the Public Advocate to propose the parameters of a schedule for the proceedings for discussion at the conference before she entered a scheduling order. Mr. Popowsky noted that the Board's regulations require at least four public hearings in a General Rate Proceeding, and suggested a combination of in-person and virtual hearings to maximize participation.

7. Ms. McCarty asked whether anyone had identified potential locations for in-person public hearings. Mr. Cantú-Hertzler replied that the Law Department was working on the possibility of a room on the 18th floor of One Parkway, among other possibilities, also depending on whether Councilmembers requested specific locations.

8. Board members having declined to raise any further questions or matters, Mr. Popowsky noted the presence of a number of participants from the last proceeding and invited comments from them.

Mr. Haver asked what the Public Advocate was required to do to find out what the public wants in a rate proceeding, or specifically with community organizations, labor unions, civic groups, or clergy. Mr. Popowsky stated that he did not recall the specific contract terms on this issue, but that the Public Advocate must follow their contract to zealously represent the interests of small customers in Philadelphia.

Mr. Haver said that Mr. Cantú-Hertzler had stated over the years that the Public Advocate contract would be posted on the Board's web page, which it still is not. Mr. Cantú-Hertzler denied saying this; he said the contract is available and a public record but that the City does not post any contracts on its web pages. Mr. Haver asked whether the Board would post it anyway, in the absence of any legal prohibition. Mr. Cantú-Hertzler said he would confer with others and advise the Board, and Mr. Popowsky said the Board would take it under advisement.

Mr. Ballenger stated that the Public Advocate would file its customary outreach report; would take its guidance from the members of the public who interact with CLS or come to public input hearings; would encourage robust participation in those public input hearings; and was confident that they would satisfy the terms of the contract and zealously represent independently the interests of all residential and small commercial customers as a group and not any particular subset of them. Mr. Haver and Mr. Ballenger disputed whether Mr. Ballenger had ever met or tried to meet with him or his community group about what positions to take.

Mr. Haver also asked for the Hearing Officer's contract. Mr. Cantú-Hertzler again confirmed that City contracts are public record and are available with a Right-to-Know request, and in response to a comment from Ms. McCarty also noted that Requests for Proposals soliciting contractors are posted on a City website. Mr. Haver said his prior request had not been honored, and he again asked that the Board's contracts be posted on its website. Ms. Pozefsky replied that Mr. Cantú-Hertzler was taking this under advisement.

9. Mr. Popowsky noted that the Board would next meet on March 12, 2025. Nobody raised any other comments or questions.

10. The Board voted 4-0 to approve Ms. Pozefsky's motion to adjourn, which had been seconded by Ms. McCarty. The meeting was adjourned at 3:30 p.m.