

Philadelphia Water, Sewer and Storm Water Rate Board
April 9, 2025, Monthly Public Meeting Notes
In Person (Conference Room 17D, One Parkway Building, 1515 Arch Street)
and by Zoom (Online and Telephone)

Board Members Present

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

Others Present

Robert Ballenger
Dan Cantú-Hertzler
Marcy Chestnut
Brooke Darlington
Andre Dasent
Adriana Gonzalez
Ryan McSherry
Carl Shultz
Keitshawna Williams
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 March 12, 2025. None were requested. Ms. McCarty moved to approve the minutes as drafted, and Mr. Ewing seconded the motion. The minutes were approved 4-0, with Ms. Pozefsky abstaining since she had been absent from the March 12 meeting.
2. Mr. Popowsky asked for an update on the pending rate proceedings, for which schedules had been set at a pre-hearing conference held on April 8, 2025. Mr. Popowsky informed the Board that public input hearings had been scheduled for the General Rate Proceeding on April 22 and April 23 – two in person and two virtual. Mr. Popowsky said that notices of these public input hearings will be published imminently. Mr. Popowsky asked Mr. Dasent whether the Water Department would include notice of the pending public hearings in the emails sent out to customers on the Department’s mailing list. Mr. Dasent said he would ask the Department’s Public Affairs unit to do so. Mr. Dasent also indicated that the Water Department had been including notice of these public input hearings in its other email communications, as well as through other social media outreach, blogs and other postings.
3. Mr. Popowsky indicated that he would preside at the first public input hearing on April 22, which would be held in-person at 1515 Arch Street, Room 18031 (the Gas Commission meeting room) at 1:00 p.m. Ms. Chestnut would preside at the virtual public input hearings that same day at 6:00 p.m. and at 1:00 p.m. on April 23; and Mr. Popowsky would preside at an additional in-person public input hearing that would be held on April 23 at 6:00 p.m. at Zion Baptist Church, located at 3600 North Broad Street.
4. Mr. Popowsky asked Ms. Chestnut to provide an overview of the two rate proceedings, one being the limited scope TAP-R Reconciliation Proceeding and the other being the General Rate

Proceeding. Ms. Chestnut noted that each proceeding would have separate schedules, Hearing Officer reports, and rate determinations made by the Board.

5. In the TAP-R Proceeding, Ms. Chestnut stated her expectation that the Board would need one public input hearing and one technical hearing, customarily held successively on the same day, scheduled for May 8, with May 9 also reserved as a contingency. She indicated that she expected to issue her Hearing Officer report in the TAP-R proceeding on June 18, 2025. Following exceptions by the participants, the Board would have an opportunity to discuss the reports and deliberate on July 16, 2025 and make a final determination on July 23, 2025.
6. In the General Rate Proceeding, Ms. Chestnut indicated that the technical hearings were scheduled for the week of May 20-23, 2025. May 20 would be used to address procedural issues and could be considered a further pre-hearing conference, with the substantive technical hearings occurring May 21 through May 23. The target date for her report would be July 1, 2025, allowing sufficient time for the Board's review and discussions.
7. Ms. Chestnut indicated that—historically—the technical hearings have been conducted remotely. She acknowledged that there had been a request to conduct these in-person this year but determined that this would not be practical. She indicated that further thought would need to be placed into whether it would be possible to hold the technical hearings in a hybrid (virtual and in-person) fashion.
8. Ms. Chestnut said it would not be appropriate in any case to alter the hearing schedule addressed on April 8 as there were numerous factors that went into developing it, such as witness availability, coordination with the TAP-R proceeding, and other elements.
9. Mr. Popowsky stated that he would ensure that the members of the Board receive copies of all of the testimony filed and any orders filed by Ms. Chestnut. After each of Ms. Chestnut's reports, the participants would have an opportunity to file exceptions. The Board would have until July 16 to review those reports and exceptions, and could deliberate on July 16 and adopt final rate determinations on July 23.
10. Mr. Popowsky asked if there were any questions regarding the schedule. Ms. McCarty asked if technical hearings for the TAP- R proceedings were still scheduled for May 7 and 8. Ms. Chestnut replied that it had been changed to May 8 and 9. Mr. Cantú-Hertzler acknowledged that a question had been raised at the pre-hearing conference with respect to whether the law or City policy required that hearings—including the technical hearings— be in-person. He said the answer was no; it is within the Board's discretion to hold hybrid hearings. Mr. Popowsky indicated that he would have no objection to having a hybrid option available. Ms. McCarty indicated that she believes that a virtual or hybrid format would provide cost savings over an in-person hearing as witnesses would not need to be reimbursed for travel expenses. Ms. Pozefsky agreed with Ms. McCarty.
11. Mr. Popowsky asked for any comments from participants. Mr. Dasent represented that the Water Department's preference was for the hearings to be held virtually and expressed its concerns with the logistics of hybrid-hearings. Mr. Ballenger represented that the public advocate feels strongly that public input is extremely important to this process. He recognized that there are multiple ways of getting public input to the Board in writing, in person, and

otherwise for people to be heard in this process. He represented that he has no concerns about members of the public observing the technical hearings, but he expressed concern that a hybrid format could give members of the public an expectation and a misunderstanding that they are able to participate in the technical hearings in a greater role than just observing. Mr. Cantú-Hertzler indicated that he didn't believe the attendees of any hybrid-hearing would have the ability or right to speak, but—if a hybrid option is offered—it would be prudent to add language to any public notices making it clear that there would be no option for observers to speak.

12. Ms. Chestnut stated that she would issue a Pre-Hearing Conference Order in both Proceedings which would include whether there would be a hybrid option. She recognized the possibility of confusion amongst members of the public as to the nature of the hearing if there were a hybrid option.
13. Ms. McCarty recognized that there were several complications with offering a hybrid option and agreed that it was important that any public notices are clear that the only those individuals who registered as participants by April 7 would be allowed to actively participate.
14. Mr. Popowsky asked if there were any other questions regarding the schedules. Mr. Dasent indicated that public notices would need to be issued soon if substantive technical hearings were to be held on May 22 and May 23. Mr. Cantú-Hertzler indicated that notices would be issued on April 9.
15. Mr. Popowsky represented that he believed the Board had already scheduled its next meeting for May 14. Mr. Popowsky asked the Board to authorize the meeting and for Mr. Cantú-Hertzler to schedule meetings for June 11, July 16 and July 23. He asked the Board whether it wanted to tentatively schedule July 29 as an additional meeting as it was the 120-day deadline. Mr. Popowsky asked the Board to authorize additional alternative dates, if necessary, and to proceed with the June schedule. Mr. Ewing moved that the Board schedule meetings for June 11, July 16, and July 23, and authorize Mr. Popowsky to call additional meetings if necessary. Mr. Williams seconded the motion, which passed 5-0.
16. Mr. Popowsky asked if there were any other matters to be brought before the Board. There were no comments from the Board members, participants, or other members of the public.
17. Mr. Williams moved to adjourn and Ms. Pozefsky seconded the motion, which carried 5-0. The meeting was adjourned at 3:52 p.m.