

CITY OF PHILADELPHIA  
PHILADELPHIA WATER DEPARTMENT PRESENTATION  
RATE BOARD HEARING  
Friday, November 18, 2016  
Minutes of Formal Hearing

- - - - -

LOCATION: Fumo Library of Philadelphia  
2437 S. Broad Street  
Philadelphia, Pennsylvania

REPORTED BY: Jessica Cameron

- - - - -

HELD BEFORE:  
Nancy Brockway - Hearing Officer  
Bernard Brunwasser - Chair  
Sonny Popowsky, Board Member

TIME HELD: 10:30 a.m. - 11:13 a.m.

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P R O C E E D I N G S

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MS. BROCKWAY: Okay. Folks, so -- okay. We're ready to go. Good morning. My name is Nancy Brockway. I'm the hearing officer engaged by the Philadelphia Water Sewer and Stormwater Rate Board to conduct hearings on its behalf. This is a hearing regarding the proposal by the Department to provide an exemption from stormwater charges to certain community gardens pursuant to an ordinance that was passed by Counsel last year or this spring, I think -- this past summer.

What we're going to do is -- we're going to have -- we've asked the Department, the Water Department, to give a brief presentation about what the proposal is and what they're asking for. And then we're going to open it up to comments from the public.

We have two members of the Board here and when Ms. Dahme is finished with her presentation, they will come around here and I will introduce them. Again, if you want to speak, it would be great if you could indicate

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Department and the Rate Board, thank you for attending this morning. This is a very brief presentation on the proposed stormwater rates for community gardens. We're providing a -- just a brief summary of the rates process, a little bit of background about the origin or the proposed -- criteria for the community gardens, which gardens will be eligible for the exemption, the rate impact to other customers, and general benefits that community gardens provide.

So in 2012 it was approved through a change in the City charter to create an independent rate-making body, the Philadelphia Water Sewer and Stormwater Rate Board. When the Water Department needs to increase or change charges, we have to provide this information to the Water Sewer and Stormwater Rate Board who reviews all of the evidence as the need for that change and also makes the determination as to what that change should be.

So who is on the Rate Board? The Rate Board consists of five members that are appointed by the Mayor. They are approved by

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that on the sign-in sheet.

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(Discussion was held off the record.)  
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MS. BROCKWAY: I was saying that the Board actually accepts items in writing. We're going to accept items up through the 24th, which is -- is that Thanksgiving? So it would be the Monday after then, Monday the 28th, that Monday.

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(Discussion was held off the record.)  
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MS. BROCKWAY: Again, I am Nancy Brockway. I am the hearing officer. I was just mentioning while we were off the record that we will accept written comments through Wednesday, November 30th. And as I mentioned before, we've asked the Water Department to provide a brief description of what it has asked the Board to approve.

Ms. Dahme?

MS. DAHME: Okay. Good morning, everyone. I am Joanne Dahme. On behalf of the Water

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City Counsel. They do have a website, as Nancy mentioned. It's Phila.Gov/water/rateboard. So all the information regarding this change is on that website. The email is also there if you want to email your testimony or comments that you would like the Rate Board to review.

The Public certainly has -- so it's very important that you're here today. The public has -- it's very important for the public to be involved. We want public comments. We want the public's opinion. You can do that by being here today and testifying, that becomes a part of the public record. You can also provide, as Nancy mentioned, letters, comments via the website, or by sending it to the Rate Board. That would become a part of the public testimony and information that the Rate Board will be able to review to determine the proposed exemption.

So the background, an ordinance was passed by City Counsel this past summer. It does provide for a special discounted stormwater charge, up to the amount of 100 percent, possibly for a stormwater fee exemption for a

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community garden. Mayor Kenney signed that ordinance this past June. Community garden representatives including PHS, Neighborhood Gardens Trust, sent a letter to the Department requesting that the Rate Board review this exemption request. The ordinance does state that exemption should become effective January 1st, so it is sort of a very quick timeline schedule.

Who would be eligible for this exemption? This are the major criteria, but there is other information in the ordinance itself. Essentially, the property's principal use has to be used for growing crops. Those crops can be edible or nonedible. But it certainly has to be a garden where there is -- you know, you're planting, you're raising. A lot of people get urban lots where they're growing leaves and things, that's not -- it has to be purposely tilled and managed as a farm.

It's managed for the public good. It can't be a profit-making venture. It has manage stormwater at least in 80 percent of the property, so that means it has to be pretty

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much covered by rain -- I am sorry, covered by soil or vegetation, which lets the rainwater to infiltrate into the soil and be managed in a sustainable way.

We are aware of approximately 300 gardens that are City owned. The City lots are not being charged the stormwater fee. They are exempted by the Philadelphia Code. We have received information from garden representatives that there are about 231 urban gardens, that we are aware of, that could possibly be eligible for this exemption. So these are the gardens that would be impacted by this proposed fee exemption.

The rate impact to other customers, so we are in our approved fiscal year '17, fiscal year '18 rates. These are the two years that we looked at to see how this proposed exemption would impact us. We see approximately 46,000 would be exempted in fiscal year '17, and approximately 48,000 in fiscal year '18. The small amount of revenue would not impact other customers during this rate period.

Benefits of the community gardens, so the

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Philadelphia Water Department sees the merits for this proposal for a number of reasons. Community gardens certainly preserve open space in very urban communities where you don't have a lot of green space. Gardens do have the potential to reduce stormwater runoff. It can possible take some off from public streets, public right-of-ways, and manage them in some gardens. They also provide an overall amenity to the community, reduces blight, overall a really great way to bring the community together to improve their neighborhood.

So that is my presentation. Thank you.

MS. JOHNSTON: Can you explain what parcel -- what the specs are for what a parcel is?

MS. DAHME: So you mean --

MS. JOHNSTON: Just what --

MS. BROCKWAY: Excuse me. Not to be fussy, but because we are taking everything down, if you have two people talking at once -- while we are waiting, I am going to ask -- the Board members are coming up. I would like to introduce Bernie Brunwasser, who is the Chair

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of the Board, and Sunny Popowsky, Board member.

We had a question from the audience. If you could state your name, ma'am, and then if Counsel for the Department wants to answer.

MS. JOHNSTON: Sure. My name is Abbey Johnston.

MR. SCHWARZ: So the City's properties are divided into parcels and most of the City has parcels. You can go on the Water Department's web page, and there is something called PWD parcel viewer and you can look at any address and see how many parcels are there.

I have been to a number of the gardens, and most gardens -- if you are just on a -- what used to be a row home, that is usually one parcel. But there are other areas where there are multiple parcels. So we have some testimony from the Spring Garden Community Garden, and that is 27 different parcels.

There are parts of the City where there are no parcels. And what comes to mind is the oldest part of Fairmount Park, the East and West Park. They were developed before we adopted the parcel-base system that most of the

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City, including FDR Park, are part of parcels. But I would direct you to the web page called PWD parcel viewer. If you have a question about a specific garden and how many parcels are there.

MS. BROCKWAY: At this time, we are opening it up for comments. What I have been doing in the past is taking the sign-in sheet and going in order, no particular order.

So the first one that I have is Joseph Fahay.

MR. FAHAY: First of all, I just want to reiterate some information some people may or may not know. The purpose of the EPA mandate was for cities to do something to control the rain and stormwater runoff into streams, creeks, and rivers. The City, in response, instituted the stormwater tax, supposedly to create infrastructure to correct, store, and filter stormwater prior to discharge into natural water sources.

Now, I want to state that I am personally for community gardens being tax exempted from rainwater tax. Gardens, by the very nature,

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conservation.

The City should provide an exemption for each tree on the property. Now, this information I am giving you now is from About.com. An average maturing tree under optimal conditions can use up to 10,000 gallons of water. About 1,000 gallons is used for their own production of food and adding to its biomass, this is called transpiration ratio.

The other 9,000 gallons is dispersed into the atmosphere through its leaves and such. This is all water that never enters the streams, rivers, or sewage system, thus contributing to fulfilling the EPA's mandate of rainwater control. My name is Joseph Fahay, and I am also a member of the Feltonville Community Organization.

MS. BROCKWAY: Thank you, Mr. Fahay.

The ordinance did not go as far as you are requesting. We don't have a proposal for what you are requesting before us. So I don't think the Board is going to be able to do that in this proceeding. So perhaps you could talk to your councilperson.

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have no impervious surfaces, and therefore do not contribute to stormwater surge.

Now, I am going to get into my personal reason for why I came. There are no -- let's not limit the exemption to community gardens alone. What about residential properties with lawns? Many property owners have planted and cared for trees, greens, and gardens, for years before the EPA mandated that the City do something about rainwater runoff. Yet, when the City decided to tax people for the rain that falls on their property, the City never gave them consideration for past and future benefits they provided.

For instance, I am charged for my entire property even though I have a sidewalk green, a front lawn, a side breezeway green, and a rear lawn. My property has a total of five trees and multiple flowers, as well as greens that are manicured every month, yet I am charged the full rain tax fees. I feel property owners with wide expanses of greens should have an exemption from that section for the rain tax, because we too contribute to water

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MR. FAHAY: From the moment that rainwater tax was instituted, there was never any opportunity for the population to have a say. This is the first opportunity I have had to talk to the Water Board, so --

MS. BROCKWAY: Thank you, Mr. Fahay.

The Commissioner of the Water Board would like to answer that.

MS. MCCARTY: I would like to point out that actually back in 2006 -- we have always been paying for stormwater in our water bills, but we broke it out in the bill for residential and commercial so you would see what the stormwater charge is.

We bill all residential the same. So if you are a little row house, you get billed the same as if you're a property that you've described. What we did do, though, is make it fair, and that is that commercial properties now pay their fair share based on impervious and pervious surfaces. And that's the big change. And that, in and of itself, is a lot to manage. As Scott Schwarz mentioned earlier, on the parcel viewer, you can see how it's

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broken out for the commercial properties as well as the residential. But residential is all charged the same, and that is through a program. We believe it is a fair way, a more cost effective way to bill it. And it is that much. Some people pay less than they should and some people pay maybe more than they should, but it works out.

MS. BROCKWAY: I want to interrupt. I am sorry. We have to let others speak. But I do want to point out, the Commissioner of the Department came here, and there is others from the Department. I think she would invite you to speak with her after the meeting. We have taken down your point and have it in mind.

MR. FAHAY: Thank you.

MS. BROCKWAY: The next person I have here is Carla Pippin.

MS. PIPPIN: Bel Arbor Community Garden is located on the 1000 block of Kimball Street, one block north of Washington Avenue. The garden is preserved under the Neighborhood Gardens Trust. Our gardeners' annual dues cover the purchase of tools, plants, and other

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surface that provides superb stormwater absorption on-site. Had we not been able to preserve the garden when we did in 1999, we know for a fact that much of it would have been paved over for an impervious surface or an asphalt parking lot for the adjacent CVS or for an equally impervious surface of townhomes.

All community gardens are great stormwater retention and management surfaces. We gardeners don't work on concrete or asphalt, we work in soil. Please put into place a 100 percent stormwater charge exemption for approved community gardens so that our gardens remain affordable for all. Thank you.

MS. BROCKWAY: Thank you.  
Tom Hardenbergh?

MR. HARDENBERGH: I am here representing the Southwark/Queen Village Community Garden. We are, if not the oldest, one of the oldest community gardens in Philadelphia. We take up about a half of a block, which is about the equivalent of about half of an acre of land. We have many, many things in our garden that we have done over the years. We keep bees. We

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gardening materials, as well as the cost of actual water use. Should we be required to also pay the stormwater fees, we would need to raise our dues 100 percent.

We want to be able to make our garden dues affordable to all who are currently in the garden and to any future gardeners, and such an increase would create a real burden. Our garden consist of 23 individual plots, several communal areas, including a small orchid area, a small wildflower/grass area, two permeable brick gathering areas planted with trees.

About 45 people of all ages are involved, and we have enjoyed watching our children grow up together over the course of the 20 years since we started the garden. We participate in the Pennsylvania Horticultural City Harvest Program whereby we dedicate one plot to growing vegetables that we donate to Ready, Willing & Able here in our neighborhood.

Our garden is a green productive space in the midst of a densely developed and paved-over neighborhood. Bel Arbor Community Garden covers 13,500 square feet, all of it pervious

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have a composting toilet. We have solar electricity, which produces electricity for the grid, and we grow things.

In order to grow things, you need water. Water is, other than the ownership of the land, probably the most important thing that all community gardens in the City of Philadelphia have to deal with. We, right now, have a back bill for stormwater runoff in excess of \$3,000.00. This is a large amount of money that is hanging over our heads like the sword of Damocles. We could probably get this paid off because we have a rainy-day fund for such a thing. But we are an old and established garden because our area has been gentrified. But I know from visiting a lot of other gardens in Philadelphia that they don't have near the resources that we have available to us, and that includes money to pay something that we are not contributing to. On the other hand, we are actually taking water out of the system.

Everyone who is going to come up here and talk to you guys is going to tell you that gardens take water and use it. We collect

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water from our green roof and use it and reuse it. We have running water in our garden, and when we use that it is pumped out into the water as greywater and is used again for irrigation. We are not contributing to the problem. We are helping to solve the problem, as our garden does in a lot of different ways. I invite the Board any anybody else who is interested to come and visit our garden and see a sustainable model that should be emulated by a lot of other parts of the city. And for that we need your help to keep our finances so that people, normal people, can afford to be there.

Thank you very much.

MS. BROCKWAY: Thank you.  
Jenny Greenburg?

MS. GREENBURG: My name is Jenny Greenburg. I serve as the executive director of the Neighborhood Gardens Trust. I'm here to share testimony that was written by one of the gardeners from one of the gardens that is preserved by NGT who couldn't attend today, her name is Barbara Wolf.

"I am writing in opposition to stormwater

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to absorb rainwater in the immediate far eastern-end of our community.

In this sense, we are a benefit to the City and the Water Department in reducing stormwater runoff. With only a few -- a limited number of due-paying gardeners, the proposed stormwater fees would be a very high cost and significantly raise our current dues. As I am the one responsible for collecting our fees, paying our bills for electric and water, I know increased fees would make it harder for a number of our longer-time gardeners to handle financially, and certainly harder for me to collect dues.

I cannot believe the revenue that the Water Department would gain by charging stormwater fees to community gardens is significant enough to warrant the negative impact these additional costs would have on the gardens. Given the positive effect gardens have in reducing stormwater, this charge seems to be short-sighted. I do hope the Water Department will reconsider and fully exempt community gardens from stormwater fees.

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fees for community gardens. And the community gardener of the North Street Garden, a garden we started almost 25 years ago, initially to make a garden in place of empty, trash-driven lots where prostitutes and drug dealers hung out. We are currently a small mixed flower, vegetable garden on three combined City lots, 1521, 1523, and 1525 North Street in the far eastern-end of the Spring Garden Neighborhood.

Since the beginning, our garden has served a limited and diverse number of black, white, and Hispanic gardeners. We have also served a larger band of the neighborhood by having groups of neighbors get together, clean up, and beautify the neighborhood, to make social connections from cookouts, and potlucks, and to bring neighbors together to discuss community concerns on nearby blocks.

Given the current high density of housing in our small pocket of Spring Garden and several large asphalt-covered parking lots along the 600 block of North 15th Street and along the 1500 block of North Street, our garden is really the only open, non-paved area

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Sincerely, Barbara M. Wolf."

MS. BROCKWAY: Thank you.

I should note, that it sounded to me that there was perhaps a misunderstanding in Ms. Wolf's statement in that, the proposal here is to exempt community gardens from charges that are now in effect, not to impose any new charges.

Mary Ward-Bucher?

MS. WARD-BUCHER: Good morning. I am happy to be here today to represent my garden. My name is Mary Ward-Bucher, and I am the coordinator for the Hick Street Garden, which is actually really close to here. It's a NGT preserved garden. The Hick Street Garden is a small community sitting garden located near 15th and Mifflin. It was founded ten years ago which was then a struggling neighborhood in South Philly.

It has been an important part of the revitalization of the 1800 block of Hick Street and of the surrounding community as a whole. When we started, the lot was full of trash and weeds and was creating a lot of problems.

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Contractors were dumping illegal waste. It was an outdoor restroom for people and cats and other negative activities, like drug use and prostitution, were happened regularly. Now it is a flourishing space with trees, flowers, and a peaceful sitting area.

We have taught people of all ages how to garden and use resources wisely, including water. Several of our neighbors and volunteers have started their own public and private gardens in the City after working with us. Other than the newly renovated Di Silvestro Playground, which is at Broad and Morris or 15th and Morris, the Hick Street Garden is the only public green space in the southern half of the East Point Breeze Neighborhood. So it doesn't sound like a huge space, but it really is. There really isn't a whole lot of land down there. We really have the only parcel right in that immediate vicinity. We are in a very densely populated part of Philadelphia.

We keep the garden open and unlocked for most of the year, except for the winter. We have experienced very few problems with having

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lot of community business partners. A lot of people have worked on this garden over the ten years that we have existed.

Most of your regular gardeners are on a fixed income or are children. Kids can't pay dues. We don't have garden dues, so any regular charge would impact us significantly. We operate on a donation-only basis. Having a fundraiser, even for a very small amount -- and this is significant for us, because we do not grow crops, I noticed that was part of the PowerPoint, would be very burdensome for us and would detract from the other work that we are doing. So I hope that you will consider the exemption for other gardens as well, not just the ones that are there for strictly edible agriculture purposes.

Moreover, our garden actually saves a large amount of stormwater from ever entering the sewer system. The garden is almost completely permeable, except for the sidewalk out front, which actually has two cutouts for trees and plants, and a very, very small patio in the back. It used to be someone's backyard,

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open access. I think this shows just how much this garden is respected and very valued in our community. All ages and ethnicities have worked in and used the garden. Neighbors are often seen having a quiet moment in the garden or eating lunch. Parents with young children like to visit, since we have a sandbox and a gate that keeps the little people from wondering off. It's handy. I have two kids.

Hundreds of people have donated their time to building and sustaining this community green space. I personally have spent hundreds of hours organizing events and working in the garden, even when I was pregnant and had a three-year-old, that was fun. Some of it actually was. Local businesses, such as Beneficial Bank, South Philly Tap Room, Weavers Way, and Primo Hoagies have donated supplies and funds to our garden. All labor and materials, including plants, structures, and artwork have been donated. And Neighborhood Gardens Trust and PHS has helped us preserve our garden's land and provided us necessary grants and resources. So we definitely have a

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and if you have ever been to a South Philly row house and seen a backyard, you know it's like the size of a pool table, so it's pretty small.

We also do not have water access. We do not have a water hookup at all, so we are not using a water system. Instead we have a rain barrel system, which collects rainwater from the neighbor's roof, which further eliminates stormwater runoff on the block. So it's not just one but two properties that impact the stormwater runoff management there. We put three large drums of collected rainwater. We were actually able to collect so much rainwater that we rarely need to bring in outside water. In fact, this has also become an educational tool as we have taught others the effectiveness of this system and taught others how to build their own water-saving systems.

So even though the area is very small, our impact has been very big as far as it being an educational tool. So in conclusion, I hope you can see that our garden's impact is not just for its beauty, although that is important. Even a garden, such as ours, can have a

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tremendous impact promoting sustainable practices, including the very important effort of stormwater runoff reduction. Our garden not only saves hundreds of gallons of stormwater runoff per year, maybe more than that, I never actually measured it, that is done on its own real estate, but it has prevented stormwater runoff elsewhere as we taught others to do the same.

I urge you to allow the exemption for stormwater fees for gardens such as ours. We really should be receiving a credit, not a bill. However, we are not asking for money, just your support to continue to serve our neighbors and our region. Thank you.

MS. BROCKWAY: I am going to read from the definition in the ordinance of what type of gardens qualify. And this might be another situation where you would want to talk with the Water Department, because this particular proceeding can only deal with qualifying gardens. And I couldn't tell from what you were saying whether yours would qualify. But a question came up, which I am not in the

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property.

The entire property is fully water permeable. We will also be looking into using the adjacent houses to contribute through the rain check rain barrel program. And 20 years ago, this garden was started by a woman on this block, and it helped to revitalize that small area of Graduate Hospital, similar to what many people have echoed. 20 years has seen an incredible amount of growth in Philadelphia. And specifically this plot was contributing to an atmosphere of high drug use, high crime rate. And the institute of the garden has really drastically altered that and has allowed other developers to come in, allowed people to move to this block and the surrounding blocks.

Through all volunteer services we have been able to coordinate community events where we come and clean up. We get to know our neighbors, which is also incredibly important in an area that is gentrifying. We also have families who have been there for 20 plus, 40 plus years making sure that those -- that community can flourish together and having the

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position to answer, but let me just read: "The parcel's principal use must be devoted to regularly planted crop bed and such other related uses as are reasonable and necessary to growing such crops and maintaining the garden."

So there is a definite tie to crop beds.

But again, the Board is not in a position to give any advice about whether a particular garden applies. If you want to talk, the first place to go would be the Department. We have representative of the Department here.

I have just one other name, Addey Johnston.

MS. JOHNSTON: I will be speaking for me and reading an email.

So yes, I'm here for a garden located at 2124 Fitzwater Street. It's also owned by the Neighborhood Garden Trust. And we are very similar to what the last speaker just stated. We are donation based. We have no source of water on the land. We are -- I recently came in this year and kind of attempted to take over in a leadership position. So we will this coming year be incorporating crops onto the

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garden be a central location of that.

The stormwater fees would greatly affect us, and I believe we would see a decrease in participation. And in terms of funds, I am not quite sure that we would be able to meet that successfully.

So this is from a friend of mine who could not be here today. He is the founder and owner of Mosaic Landscape Restoration Company, which is also -- it's a local landscaping and ecological design company, and also a member of the GSI, the Green Stormwater Initiative Partners. So he writes that -- his name is Jacob Kuklick.

So he says that he is writing in support of the garden that I mentioned. He thinks that not only it shouldn't pay fees, but it is kept so well that it infiltrates all of the water that falls into it. So that's just -- really briefly, I have had him come out multiple times as I have been planting crops this year, making sure that everything is sustainable, making sure everything is natural, you know -- weeding out invasive species and replanting with native

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<p style="text-align: right;">Page 30</p> <p>species. So I think that's all that I would like to say. Thank you.</p> <p>MS. BROCKWAY: Thank you.</p> <p>Those were all of the people who signed up.</p> <p>Is there anyone else who would like to speak?</p> <p>MR. DUFFY: Gregory Duffy. I am at the law firm of Duane Morris. I am also on the Board of NGT. So two things, the first is I would like to just go back to the point of crops and the definition from the ordinance. The ordinance does spell out that -- it does qualify the definition of crops. If you look at the ordinance, it actually says: It's for growing crops, whether food or non-food. So it is not bound to edible crops. Second, and more importantly, I would like to read into the record written testimony from Chris Nicholson, who is the garden coordinator at Church Lane, which is a garden about 15,000 square feet in Germantown. Chris could not join us, but he wanted to make sure that his testimony was read into the record.</p>	<p style="text-align: right;">Page 32</p> <p>with raised beds on three terraces to reduce erosion.</p> <p>Each year the gardeners pay a small fee which is used for tools, water, hoses, lawn mowers, weed whackers, and other equipment. We keep the fees low so that anyone in the community can participate if interested. Gardeners take responsibility for maintaining the garden as well as their assigned plot. Many of the improvements to the garden have mitigated stormwater runoff, so we do not think it is appropriate for us to pay a monthly fee for runoff. Thank you for your interest and help, Chris Nicholson, garden coordinator.</p> <p>MS. BROCKWAY: Thank you.</p> <p>I have been looking up the definition of "crop" online. Luckily, I don't have to interpret the ordinance or the regulations.</p> <p>It's there anybody else who would like to speak?</p> <p style="text-align: center;">- - - - - (No response.) - - - - -</p> <p>MS. BROCKWAY: Not seeing any hands up, I</p>
<p style="text-align: right;">Page 31</p> <p>It begins as follows, "Our garden started in 1978 after the site was cleared in anticipation of the Belfield Bypass. The bypass was opposed by many neighborhood groups, as it would have brought a six-lane highway through the middle of Germantown. We had a yearly lease from the Redevelopment Authority, but each year the City said they needed to sell the property for development. We had no money and started a garden fund. In 1990, with help from the Neighborhood Gardens Association, now the Neighborhood Gardens Trust, we were able to purchase the land with the title belonging to NGA. About 27 individuals or families have participated each year in activities. And we now have an active program that produces hundreds of pounds of produce, including donations that we make to the City Harvest Program. Over the years, NGT and the Pennsylvania Horticultural Society have helped us establish a sitting garden, and they have provided a shed, tools, wheelbarrows, topsoil, water line, plants, advice, encouragement, and in 2015 a complete rebuilding of the garden</p>	<p style="text-align: right;">Page 33</p> <p>want to thank you all for coming on behalf of the Board.</p> <p>This is the last of four public hearings. The schedule calls for, as I said earlier, written comments. The record closes on November 30th. And then there is a process where I draft up a report and registered participants, Mr. Duffy can explain what that means, get a chance to correct, point out things that need to be corrected, and then it goes to the Board. Currently, they plan to meet on December 21st to consider the proposal. And assuming that -- assuming that the Board approves what has been filed, it would go into effect January 1st.</p> <p>Again, thank you very much for coming.</p> <p>MS. WHITE: Susan White.</p> <p>So is there still an opportunity for people to submit more letters?</p> <p>MS. BROCKWAY: Yes. As I said -- you were not here when I announced -- we will take submissions up through November 30th.</p> <p>MS. WHITE: Okay. So we can still submit things? Thank you.</p>

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MS. BROCKWAY: Okay. We will close the hearing then. Thank you again.

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(Hearing ended at 11:13 a.m.)  
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CERTIFICATION

I, Jessica Cameron, Court Reporter, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

\_\_\_\_\_  
Jessica Cameron  
Court Reporter  
and Notary Public

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