

Philadelphia Water, Sewer and Storm Water Rate Board
May Monthly Meeting Notes
6/21/2023, 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

Others Present

Marcy Chestnut
Robert Ballenger
Andre Dasent
Daniel W. Cantú-Hertzler
Daniela Rakhlina-Powsner
Adriana Gonzalez
Edward Markus
Megan Kester
Michael Skiendzielewski
Maryn Lowell
Carl Shultz
Ade Bakare
Susan Crosby
Steve Furtek
Kevin Birriel
Steven Liang

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

1. Mr. Popowsky requested a vote on the adoption of the draft Rate Determination in the TAP-R Reconciliation Proceeding, drafted in light of the Board’s deliberations at its June 14 meeting and distributed to members before the June 21 meeting. No members asked to modify the draft, which would adopt the recommendation of the Hearing Officer to approve the proposed settlement between the Public Advocate and the Water Department and set the TAP-R rate at 15 cents per thousand cubic feet (MCF) for water and 24 cents per MCF for wastewater. Members voted 4-0 to adopt the draft TAP-R Rate Determination; Mr. Williams was absent and did not vote. Mr. Popowsky asked Mr. Cantú-Hertzler to explain the procedure going forward, regarding such orders. Mr. Cantú-Hertzler explained that he and Mr. Popowsky would file each Rate Determination with the City’s Records Department along with required cover memos.

2. Mr. Popowsky requested a vote on the draft Rate Determination in the General Rate Proceeding, which had been prepared and distributed to the members of the Board prior to the meeting based on the members’ deliberations at the Board’s June 14 meeting. The draft included a Table C-1A, the Board’s financial model, which set forth the proposed rate increases that the Board would approve, about \$61 million of the \$80 million originally requested by the Water Department for Fiscal Year 2024 and about \$132 million of the \$162 million above current rates requested for FY 2025. No members requested changes to the draft; Ms. McCarty agreed with Ms. Pozefsky’s comment that it captured very well what the Board members had discussed. The

Board adopted the draft Rate Determination for the General Rate Proceeding by a vote of 4-0, with Mr. Williams absent and not voting.

3. Mr. Popowsky opened the meeting to members of the public for comments. Mr. Skiendzielewski made a number of comments to the Board. First, he contended that the Public Advocate had not adequately represented the interests of customers in this proceeding. Second, he cited a prior letter from the Law Department that stated that in setting rates, the Rate Board could consider whether the Water Department was providing inadequate service to the public; he said it was impossible to determine whether rates were reasonable without assessing service levels. Third, he stated that he would no longer participate in matters before the Rate Board but would use other avenues to pursue his First Amendment rights that he said had been denied to him. Fourth, he reiterated his concern that the senior management at the Water Department had failed to address dangerous conditions that he had brought to their attention, and that the Tax Review Board had failed to address a procedural issue concerning rehearings.

4. Mr. Popowsky asked if there were any other matters to be brought before the Board. Mr. Dasent asked Mr. Popowsky when the Board would be able to file the TAP-R and General Rate Determinations so that the Department could produce its compliance filing as soon as possible. Mr. Popowsky and Mr. Cantú-Hertzler confirmed that a filing should happen today. Mr. Ballenger stated in response to prior comments that Community Legal Services takes pride in serving customers diligently as the Public Advocate in these proceedings.

5. Board members praised the Hearing Officer, Board counsel and the Board Chair for the preparation of the final orders as well as their work throughout the proceeding. Mr. Cantú-Hertzler noted that Mr. Liang was leaving City employment to pursue a legal career and thanked him for his service and everything he had done to make things go smoothly for the Board. Mr. Popowsky praised Mr. Cantú-Hertzler and Ms. McCarty for their service to the Board and to the city throughout their careers.

6. Mr. Ewing moved to adjourn, and Ms. McCarty seconded the motion. The meeting was adjourned at 3:28 p.m.