

## INSTRUCTIONS FOR FILING FORM 1 - FORMAL COMPLAINT

The Commission's Rules of Practice and Procedure, 150 CSR1, contain specific provisions relating to formal complaint. These instructions are intended to provide general instruction. The reader is referred to those rules for more specific detail of rights and responsibilities.

Any person, firm, association of person or entity may complain to the Commission substantially in the form hereinafter prescribed (See Form No. 1) of anything done or omitted to be done by any public utility in violation of any of the provisions of the Public Service Commission Law of West Virginia.

Two or more complainants may join in one complaint if their respective causes of action are against the same defendant or defendants and involve substantially the same violation of law and a statement of facts. When any defendant is operated by a receiver or trustee, both the utility and its receiver or trustee must be made defendants.

**The names of all parties, complainant and defendant, must be printed and stated in full without abbreviation and the address and phone number of each complainant must be given.** If the complainant is represented by an attorney, the attorney's name and address must be given.

Formal Complaints should be written to fully and completely advise the defendant or defendants and the Commission wherein the provisions of the law have been, are, or will be violated. Each distinct charge should be stated concisely in a separate paragraph.

The complaint should state specifically the relief sought. If the complainant is also seeking **emergency** or **interim relief**, this should be clearly stated. The complaint must explain the need for interim relief and specify the interim relief sought, for example, that service be restored while the complaint is pending. The complaint must allege extraordinary facts of immediate and irreparable injury or public interest as would justify the Commission granting interim relief.

All Formal Complaints must be typewritten or printed on **ONE SIDE** of the paper only, on paper no more than 8½ inches wide and 11 inches long, and must be signed in ink. Additional information on separate one-sided sheets may be attached to the complaint.

**The Formal Complaint Form 1 MUST BE NOTARIZED to be processed.** Send Form 1 to the attention of: Ingrid Ferrell, Executive Secretary, Public Service Commission of West Virginia, 201 Brooks Street, P.O. Box 812, Charleston, West Virginia 25323 or by fax to

304-340-0325 and follow-up by mailing the hard copy to the above address.

### WHAT HAPPENS WHEN THE PSC RECEIVES YOUR FORM 1?

When a Formal Complaint is filed in the Secretary's Office, it is then assigned a **case number** and placed on the Commission's docket of active cases. A copy of the complaint is served upon each defendant, together with a copy of the Commission's order requiring the defendant or defendants to satisfy the said complaint or file a written answer to the complaint within 10 days from the date it is received by the defendant/defendants.

Instructions for filing Form 1 (continued page 2 of 2)

The complainant will be sent a letter acknowledging receipt by the Commission and stating the case number assigned to the formal complaint. It is important to **have the case number ready** if you call the Commission regarding the formal complaint. The Complainant is also sent a "Notice to Complainant" form that explains responsibilities and procedures.

### DEFENDANT'S ANSWER

Within ten (10) days from the date of service of the Complaint and order described above, the defendant or defendants complained against shall file a typewritten answer or answers, **duly verified**. This period may be shortened or extended by the Commission when it deems advisable.

The original answer and twelve (12) copies thereof must be filed with Ingrid Ferrell, the Executive Secretary of the Commission, **and, at the same time, a copy of said answer shall be served by the defendant upon each complainant or his Attorney**. The defendant shall certify to the Secretary that said service has been made. All attorneys must provide their WV State Bar ID number on all pleadings.

All answers should fully and completely advise the parties and the Commission of the nature of the defense, and should admit or deny specifically and in detail each material allegation of the complaint being answered.

If a defendant satisfies a Formal Complaint, either before or after answering, a statement to the effect signed by the complainant and defendant must be filed setting forth when and how the complaint has been satisfied. The proceeding may then be dismissed by Commission order.

Attached: FORM 1 - FORMAL COMPLAINT FORM

COMPLAINT  
State of West Virginia  
Public Service Commission  
Charleston

TYPE OR PRINT CLEARLY USING BLACK INK

CASE NO. \_\_\_\_\_ (leave blank), Complainant  
(Mr./Mrs./Ms.) \_\_\_\_\_ (your name)  
\_\_\_\_\_ (your full address)  
\_\_\_\_\_ (your county)

vs.

\_\_\_\_\_, Defendant

The petition of the above-named \_\_\_\_\_ (your name), complainant, respectfully shows:

1. That the above-named \_\_\_\_\_ (name of defendant), is a public utility engaged in the business of \_\_\_\_\_ (state the public utility business of the defendant, i.e. gas, electric telephone, etc.) at \_\_\_\_\_ (their address), in the State of West Virginia, and as such is subject to the provisions of Chapter 24 (or 24A) of the Code of West Virginia, 1931, as amended, and the provisions thereof applicable to said class of public utilities.

2. That the said defendant has violated the laws of the State of West Virginia, governing said public utility business, in the following particulars, to-wit:

(a) [Here state concisely the matters complained of.] \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Here state the remedy you seek  
\_\_\_\_\_  
\_\_\_\_\_

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Wherefore, the complainant prays that the said defendant \_\_\_\_\_ (defendant's name) be required to answer the charges herein above set out, and that, after due investigation, an order may be made commanding the said defendant to cease and desist from the wrongful conduct aforesaid, and for such other and further order as the Public Service Commission of West Virginia may deem necessary, reasonable and just in the premises.

[Prayer may ask for the ascertainment of lawful rates of practices, and an order requiring the defendant to conform thereto.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

(Signed) \_\_\_\_\_, Signature of Complainant

(Your Full Address) \_\_\_\_\_

(Phone) \_\_\_\_\_ (Fax) \_\_\_\_\_

(If you have an attorney, his/her name) \_\_\_\_\_, Attorney, if applicable.

Attorney's Address: \_\_\_\_\_

**THIS FORM MUST BE NOTARIZED**

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Official signature and official seal of notary)

[If Complainant is signing out-of-state, please use verification Form No. 12]

**PLEASE NOTE:**

**It is extremely important to notify the Commission of any changes to your address and to promptly retrieve Certified Mail upon notification of such.**