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The Pipeline

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Is It Possible to Disconnect Sewer Service?

By: Sylvie Steranka, Technical Analyst, PSC Engineering Division

Rule 4.8 of the Public Service Commission's Rules and Regulations for the Government of Sewer Utilities (150 C.S.R. 5) clearly explains the steps to terminate water service to a customer with delinquent sewer bills. So, what do you do if your customer has a well or a cistern? Can you plug the lateral line after giving proper notice?

Physical disconnection should be viewed as a last resort due to health and environmental problems, not just for the delinquent customer, but for his/her family, neighbors, and the community. Therefore, approval of the Commission must be obtained prior to disconnecting sewer service for non-payment of sewer bills. *Sewer Rule 4.8.a* requires the utilities to make use of all legal remedies available to collect the delinquent amounts prior to petitioning the Commission for consent and approval to terminate sewer service.

The following documents are routinely requested for Staff's review of each petition:

1. Customer's billing history for the period of the delinquency or for the past two years, whichever is longer.
2. Evidence that the sewer utility has followed *Sewer Rule 4.8* regarding termination notices.
3. Termination notice.
4. Attempted deferred payment arrangement.
5. Other legal remedies taken to collect payment such as:
 - a. Abstract of judgment from a Magistrate Court evidencing monetary judgment against the customer.
 - b. Lien on the customer's property. This is a simple process if the utility is a municipality or a public service district.
 - c. Copy of Suggestee Execution from a Magistrate Court to withhold from the customer's wages.

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Additionally, the delinquent customer should be made a party to the case and be required to answer the petition and show cause why his/her sewer service should not be terminated for habitual non-payment of sewer service. The county's health department should also be named as a respondent.

If the complaint is still not resolved, Technical Staff may schedule a field visit with a county health department sanitarian to evaluate the situation and make a recommendation concerning physical termination of sewer service.

Obtaining permission to terminate sewer service by physically plugging or disconnecting a customer's sewer lateral is somewhat strenuous and costly. In most cases, the Commission will find it reasonable to allow a utility to terminate sewer services only if the following three conditions are met:

1. The customer is physically connected to the utility collection system, and
2. The utility has obtained judgments and recorded liens against the delinquent customer,
and
3. The customer has not entered into a deferred payment agreement with the utility.

The Commission has allowed physical sewer disconnection in the past, but this should be viewed as a last resort. Most cases are solved or avoided through the use of common sense and good customer relations.

This approach will facilitate Staff's investigation and will produce an evidentiary record supporting a final resolution of the matter.***

WV Water/Wastewater Agency Response Network in the Works

West Virginia is joining other states across the country in implementing WARN (Water (and) Wastewater Agency Response Network). WV WARN will provide a way for public and private water and wastewater utilities to quickly receive and provide assistance to one another during a disaster or emergency. Membership in WARN is voluntary, free and makes help available to the participants in various emergency situations or disasters.

The Mutual Aid and Assistance agreement defines the terms and conditions under which assistance can be requested and provided. By having this signed agreement in place, utilities in the network can reduce administrative conflict and be proactive in emergency and disaster recovery planning.

Participants will be able to access a database of personnel, equipment, materials and other associated services that can potentially be made available to them in their time of need. According to WV WARN Steering Committee Chairperson Bonnie Serrett, "WV WARN is for all water and wastewater utilities no matter what size, large or small. Every system has something they can contribute in an emergency."

The initiative supporting the development of WARNs is based on a joint policy statement by 8 major water organizations (AWWA, NRWA, AMWA, NACWA, NAWC, ASIWPCA, ASDWA, WEF) endorsing the AWWA white paper *Utilities Helping Utilities: An Action Plan for Mutual Aid and Assistance Networks for Water and Wastewater Utilities*. This white paper provides the framework and guidance to start a mutual aid and assistance network.

Several states now have an active WARN. Check out other state WARN initiatives such as Fla-WARN.org, CALWARN, and TXWARN.org. (Watch for our WV WARN website now being developed.) **To learn more about WV WARN see the brochure on the next page of the *Pipeline***

5 Benefits of WV WARN

- Increased planning and coordination.
- Enhanced access to specialized resources
- Expedited arrival of aid.
- Reduced administrative conflict.
- No cost to participate.

For more information, contact:

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Dave Peters (WV American Water)

Secretary

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 West Virginia Department of Environmental Protection
 West Virginia Division of Homeland Security and Emergency Management
 West Virginia Public Service Commission
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 West Virginia Section American Water Works Association
 West Virginia Rural Community Assistance Program
 West Virginia Rural Water Association
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 Monumental PSD
 Parkersburg Utility Board
 West Virginia American Water



West Virginia Water/Wastewater Agency Response Network

Utilities Helping Utilities

About WV WARN

What is WV WARN?

WV WARN is a Water/Wastewater Agency Response Network (WARN) of utilities helping utilities.

Why Do Water/Wastewater Utilities Need WV WARN?

Lessons learned from past disaster response tell us that utility operations are specialized. Utilities must be self-sufficient and fill the gap between the onset of a disaster and the arrival of other government aid.

Communities can live with power and phone interruptions, but they cannot function without water. Water/wastewater restoration provides hope.

What Can WV WARN Do For You?

In order to be eligible for federal grants and reimbursements before, during, and after an emergency, all community

water/wastewater systems are to:

- Adopt the National Incident Management System (NIMS).
- Support the development of intrastate mutual aid programs.
- Integrate response at the field, local, and state levels of government.

WV WARN will help facilitate meeting these requirements.

What Will WV WARN Do?

WV WARN will provide water and wastewater utilities with:

- A mutual assistance agreement and process for sharing emergency resources among water and wastewater agencies statewide.
- A mutual assistance program consistent with other statewide mutual aid and assistance programs and the National Incident Management System (NIMS).
- Resources to respond and recover more quickly from a manmade or natural disaster.
- A forum for developing and maintaining emergency contacts and relationships.

Who Can Become A Member?

Membership in WV WARN is open to all public and private water and wastewater utilities in the state.

How Much Will It Cost?

There is no cost to participate.



Staff from South Putnam Public Service District provided assistance following the massive 2001 floods in southern West Virginia.

Utilities Helping Utilities

It's what WV WARN is all about

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Steering Committee
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THE LEAK ADJUSTMENT INCREMENT

by Bill Nelson, Utilities Manager, PSC

The Leak Adjustment Increment is used to calculate charges for consumption over and above the customer's historical average usage. This rate is equivalent to the rate per thousand gallons of water sold or sewage treated charged to customers whose bills reflect unusual consumption attributable to eligible leakage on the customer's side of the point of service. However, there have been some misunderstandings regarding the incremental cost for water and sewer utilities and its applicability in accordance with water and sewer rules.

All water and sewer utilities (see Water and Sewer Rule 4.4.c.1) shall develop and implement a written leak adjustment policy. The Commission, at the time it promulgated and enacted its leak adjustment policy requirement, established average or "typical incremental costs" of \$0.75 per thousand gallons for water utilities and \$1.00 per thousand gallons for sewer utilities. These Commission established leak adjustment increments (in accordance with both Water and Sewer Rule 4.4.c.3) may be used as an alternative to the water or sewer company's incremental cost of producing water or treating sewage. The rules further state that the Commission shall, from time to time, establish its estimate of "typical incremental cost" by order.

The other method for determining the leak adjustment increment is through a rate case proceeding. Water and Sewer Rules 4.4.c.4 state that, in future rate cases, the utility's incremental cost of water and sewer treatment be placed in the appropriate water or sewer tariff as the leak adjustment rate. It is important to note that once this leak adjustment charge is determined in a rate case, the water or sewer utility company will not have the option of using the Commission's estimate of "typical incremental cost" found in both Water and Sewer Rule 4.4.c.3.

Some utilities have reverted back to charging the Commission's "typical increment cost" after the company's charge has been determined in a rate case. Clearly this is a violation of the applicable water and sewer rules. It is important for water and sewer utilities to understand these rules and apply them accordingly. ****



IN MEMORIAM

Sherry Lynn Blankenship, 46, of Rhodell, died at her home following a long and courageous battle with cancer. Sherry attended the Rhodell Church of God. She enjoyed turkey hunting, going to the beach, fishing on the big rock at Sandstone Falls and dressing up for Halloween. Sherry served as the mayor of Rhodell for 12 years. Additionally, she served as the chief water commissioner for the Towns of Rhodell and Mount Hope. She was an outstanding citizen and always wanted to make a difference for the community in which she lived.

INTRODUCTION TO ASSET MANAGEMENT

EDITOR'S NOTE: The following is an excerpt from the book *Guide to Water & Wastewater Asset Management*, which is published by Benjamin Media Inc.

Continued from previous issue:

Asset Management Challenges

When it comes to managing assets and infrastructure, communities throughout North America are facing complex challenges in the face of government's desire to minimize rate and tax increases. Ultimately, this equates to engineering and public works departments having to do more with less. Some of the issues that make this a complex problem include:

Increasing and aging infrastructure inventories coupled with rapid urban growth. Agencies and municipalities are adding or replacing infrastructure annually.

Decreasing or static operating budgets. Maintenance and operating budgets continue to fall behind the amount of new inventory being added. Infrastructure maintenance and operating expenditures are one of the largest costs to a municipality next to protective services.

Downloading of services by upper levels of government. Higher levels of government are downloading services to agencies and municipalities related to infrastructure maintenance by decreasing the transfer payments related to current infrastructure maintenance and by transferring ownership of infrastructure to the municipalities without funding.

A lack of a framework for managing infrastructure life-cycle costs. Comprehensive data about the full life-cycle costs of infrastructure management (planning, design, construction, maintenance, operations and replacement) does not usually exist in a usable fashion, which affects the decisions related to effective operations and maintenance.

A lack of a comprehensive infrastructure information system. Agencies cannot move to an asset life-cycle management model without a comprehensive asset management system. Costs in an emergency or reactive maintenance environment are 3 to 5 times more expensive.

The priority of infrastructure maintenance relative to other municipal services. Infrastructure maintenance does not always receive the highest priority when competing against protective and recreation services. Municipal administrators have difficulty explaining the implications of infrastructure-related service level reductions to the elected officials and justifying the costs attributed to these services.

If agency and municipal executives are to optimize the utilization of their infrastructure to meet these challenges, then they will need to take advantage of the opportunity to implement a comprehensive management framework for asset performance and it must include an integration of life-cycle asset management with a sustainable funding model.

The Vision

Imagine an environment where financial information, asset performance information and field information are available real-time, where all staff in the organization understand the meaning of the key performance indicators, and expenditure information is available within 72 hours instead of after the financial books are closed. Imagine a community where engineering, operations and finance all read from the same book and share the same information; where new innovations are identified through the use and reporting of performance indicators; and where teamwork and collaboration are the norm.

One of the key characteristics of the proposed environment is an agency that has a comprehensive decision-making model where all infrastructure investments are oriented toward satisfying specific paybacks. Decisions are made based on a combination of economic, environmental and social outcomes. Payback periods — financial, environmental and social — are used to assess the relative merit of capital and operating expenditures. Operating an agency in this manner, results in one of the best utilization of the ratepayers' and taxpayers' dollars.

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To understand payback, tangible and intangible indicators need to be developed and tracked. This indicator information can be used as the basis for improvement. As an organization increases its knowledge base, it is better able to make informed decisions.

Benefits

An organization that implements the proposed management model, business processes and accompanying information technology should obtain the following results:

Asset life will be increased and average unit cost of maintenance and operations will be decreased. By tracking infrastructure performance information, asset life would be extended through directed maintenance and replacement. Sharing of information with other municipalities will produce a collection of the best methods and materials. Records may justify a more costly original investment in the infrastructure while leading to reduce long-term maintenance costs.

Taxpayers and elected officials will gain an understanding of what is being provided for their tax dollars. The administration can be confident that they are providing the right services.

As municipalities reorganize, infrastructure performance information such as cost per unit will be left intact. Infrastructure performance measures are left independent of the municipality's organizational structure.

As administrations and elected officials change, the infrastructure repository (a collection of valuable information) will remain intact for the next generation.

Infrastructure assets and information can be easily shared across departments and municipalities.

Conclusions

Asset management is made up of more than just the individual parts that we are familiar with. Most AM programs initiated by utilities in the United States to date have focused on familiar activities and measures that fall into the tactical and operational planning levels. A comprehensive and ultimately successful long-term asset management program must also include the strategic planning needed to tie the various tactical and operational parts together into a coherent and workable whole. A thorough review of the utility's culture, and the need for changes in that culture, are critical components of the strategic planning process.

Utilities must begin to address strategic issues as part of their asset management programs. A vital element of any strategic plan must be to educate the political leadership, and the public, on the realities of utility operations and the revenues needed to return our communities' public assets to the condition we deserve and expect, and to keep them there. This must include a frank public discussion of the costs of providing high-quality drinking water and of keeping our water environment safe and clean and the need for realistic rate structures.

The two most critical influences on the culture of a utility are the short-term perspectives of the elected bodies that govern public utilities and the resulting emphasis on keeping rates artificially low, thus starving utilities of needed revenues. Political realities suggest that this influence is not likely to change any time soon, especially on economic issues. However, if utilities are to be successful in improving management of their physical assets for the long term, the economics of utility operations must be addressed and that must mean addressing rate structures that do not provide adequate revenues to sustain proper system management, operation and maintenance.

Copper Theft Prevention & Infrastructure Security Tips

*By: Jeremy C. Wolfe
Loss Control Manager*

West Virginia Board of Risk and Insurance Management

The worldwide demand for copper has risen and supply has been unable to keep pace, increasing prices significantly upward. In 2003, the price for a pound of copper was approximately \$.70 per pound. The price has since escalated to as high as \$4.00 per pound. Tight supplies and the price increase have led to an increase in copper recycling, which has created a market for used copper and made the material a more attractive target for theft.

Some of the major contributing factors for this increase in copper theft include:

- High dollar payouts from scrap dealers;
- The ease of which copper can be stolen;

Insufficient punishment for perpetrators.

Additionally, copper is readily available for theft. Below are some of the common targeted areas for copper thieves:

- Abandoned buildings, formerly used for business as well as residences;
- Existing buildings and new construction sites;
- Electrical substations;
- Telecommunication products and towers;
- Roof top air conditioning units;

Utility stockyards and site preparation areas.

These types of thefts create significant undesirable effects, including the obvious economic impact, business interruptions, service disruptions, rise in insurance claims and increase in insurance cost; as well as personal injury or death for persons involved in the theft and in recovery efforts following the theft. Reducing and eliminating copper theft can be accomplished; however, for it to occur, an organization needs to assess its vulnerability to such theft to determine what countermeasures to implement to control such business risk. The following list of countermeasures should be considered by an organization that is faced with this risk or is concerned about suffering the undesirable effects listed above.

COUNTERMEASURES:

Consideration of cut-resistant perimeter fencing to control unauthorized entry, especially in abandoned structures;

Adequate lighting at points of entry should be maintained to deter and hinder unauthorized entrance;

If structure is unoccupied, all valuable contents should be removed from the building;

Points of entry, such as windows, doors, and other openings should be properly secured and locked;

A foliage assessment should be conducted to remove the opportunity for coverage or shielding of unauthorized individuals attempting to gain access into a structure;

Use of security/burglary alarm systems should be utilized to help prevent unauthorized entrance into a structure;

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Coordination with local law enforcement to gain heightened patrols of areas of risk;
Search for new style locking hardware to replace old chain locks utilized in many structures;
Installation of intrusion detection and alarm equipment to detect, record, and alert intruders with camera and infrared lighting (for night imaging);

Replace copper with copperweld, copper-covered steel, or PVC piping. This material is much less expensive with little value to thieves;

Stamping and marking copper with entity logos or other identifying labels to identify owned entity owned copper and alert recycling dealers of potential stolen materials;

Post “No Trespassing” signs;

Consider working through Neighborhood Watch Programs and establishing toll-free hotlines to report and alert law enforcement to suspicious behaviors around areas of risk;

If perpetrators are caught by law enforcement, resist plea bargains which might allow alleged criminals to strike again;

Copper theft prevention is an issue of service/business delivery, reliability and safety. Businesses should take steps to protect and prevent against this risk. Please do your part to protect your assets and the needs of your clients against copper theft.

Reference:

United States Department of Energy. [An Assessment of Copper Wire Thefts From Electric Utilities](#)
April 2007: 1-20.****

NEW EMPLOYEE NEWS

Versie P. Hill, is a Utilities Analyst in the Water & Wastewater Division, Assistance Section Prior to relocating to this area, Versie worked as a finance manager for Verizon Communications in Arlington, VA. She has a Bachelor of Science degree in Business Administration from Virginia State University and graduate studies at Strayer University.

Versie and her husband Ralph (a former HR Manager for Union Carbide / Dow) reside in Teays Valley. She has 2 daughters from a previous marriage who both live in Clinton MD and he has 2 daughters from a previous marriage, one in Charleston WV & one in Charlotte NC.

Pam Latocha is a Utilities Analyst in the Water and Wastewater Division, Case Control Section. Before coming to the PSC, Pam worked at the West Virginia Treasurer’s Office. She lives in Sissonville, but grew up in St. Albans and graduated from St. Albans High School. Pam received her Bachelor’s Degree in Business Administration from Fairmont State College in 2002 and her Master’s of Business Administration from Marshall University in 2007.

Pamela is the proud mother of a 2 year old boy and enjoys spending time with her family, jogging and reading.

Sandy Mitchell is a Utilities Analyst in the Water and Wastewater Division. Previously, she was employed by Little Sycamore Oil Field Services.

She earned her Bachelor’s Degree in Accounting and Business Management from the West Virginia University Institute of Technology in 1991.

Sandy lives in Clay County and enjoys fishing, hunting, softball and volleyball.

NEW EPA DBE PROGRAM



By: Carrie Grimm and Rose Brodersen, WV DEP CWSRF

Effective May 27, 2008, the Environmental Protection Agency's (EPA) policy for recipients of EPA financial assistance changed. The EPA Office of Small Business Programs (OSBP) is responsible for establishing policy and providing procedural guidance for the utilization of minority and women-owned businesses under the Agency's financial assistance programs through its Disadvantaged Business Enterprise (DBE) Program (formally the Minority-/Women-Owned Business Enterprises Program M/WBE).

The DEP and its Clean Water State Revolving Fund (CWSRF) loan recipients must make a good faith effort to award a "fair share" of subagreements to minority and women-owned businesses. Each of these business entities is to be given the opportunity to participate in subagreements. This applies to **ALL** subagreements for equipment, supplies, construction, and services under all EPA grants (and DEP CWSRF loans).

The DBE Program is an outreach, education, and goaling program designed to increase the participation of DBEs in procurements funded by EPA assistance agreements. The EPA DBE Program encompasses many of the components of the former M/WBE Program and includes several new features.

Recipients of EPA financial assistance agreements are **required to seek**, and **encouraged to utilize** minority and women-owned businesses for their procurement needs under the financial assistance agreement. This will be emphasized through the inclusion of terms and conditions in the plans and specifications and/or financial assistance agreement.

The major changes under the new program that apply to DEP CWSRF loan recipients are as follows:

- * Fair Share Objectives – loan recipients receiving a total of \$250,000 or less in EPA financial assistance may be exempt. At this time, this will be evaluated on a case-by-case basis.
- * Six Good Faith Efforts & Contract Administration Requirements – Three new forms will be required to be filled out by the prime contractors to prevent "bait and switch" tactics.
- * M/WBE Reporting – MBEs and WBEs must be certified in order to be counted toward a recipient's accomplishments.
- * M/WBE Certification – MBEs and WBEs must be certified by EPA, Small Business Administration (SBA), Department of Transportation (DOT), or by state, local, or private entities whose certification criteria match EPA.

DEP CWSRF does not have the staff to certify M/WBE firms. Therefore, we will continue to obtain

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our list of M/WBE firms from the Central Contractor Registration website (www.ccr.gov/default.aspx). SBA certification information is available on this site. As requests are made and as time allows, our database will be updated to include only SBA certified firms. Effective October 1, 2008, ONLY SBA certified firms will be included in our database. DBE firms that wish to be included on the DEP CWSRF database need to contact the SBA about their certification process. If you are seeking funding from a source other than the DEP CWSRF program, you need to check with that agency regarding their program's DBE requirements. Should you have any questions regarding the DEP CWSRF DBE Program requirements, you can contact Carrie Grimm at 304/926-0499 ext #1605 or Carrie.L.Grimm@wv.gov.****

ON SITE LOAN PROGRAM



By: John Tingley and Rose Brodersen, WV DEP CWSRF

In December of 2007, the West Virginia Department of Environmental Protection (WVDEP) and the West Virginia Housing Development Fund (WVHDF) made the first loan under a revised program, which provides low interest loans to eligible borrowers to install, repair or replace existing onsite septic tanks.

Homes with failing or non-existent systems are eligible for consideration. Other uses of the funds include covering the cost of hooking into publicly owned sewer treatment systems once they become available and decommissioning the old systems once hookup is complete. The general program terms from WVHDF and SHED are 2 percent interest for up to 10 years term with a maximum loan amount of \$10,000.

The program will cover all types of systems except Home Aeration Units with a surface discharge. Additionally, new homes in subdivision developments are not eligible.

Applicants must own a home or land within West Virginia and suffer from some type of ground or surface water issue. Another eligibility requirement stipulates that a centralized collection system is or will not be available within the next five years.

The criterion for approval of a loan is based on the credit scores reviewed by the HDF. The WVHDF charges a one time fee of \$250 to cover their costs, which can be rolled into the loan.

County Sanitarians are critical to ensure the program's success. They are the on the front line dealing with failing, or in some cases non-existent systems and must approve the type of system that will be installed.

Prior to December 2007, the program required legislative changes so that the WVDEP could loan money to the WVHDF or other non-profit agencies. The WVDEP set aside \$1 million to fund this program in FY 2008.

The Safe Housing & Economic Development Center, Inc. (SHED), a non-profit Agency located in Kimball, WV, is participating in the same type of program with \$250,000 available.

The program will be reviewed for effectiveness and proposed changes in January 2009.

For more information you can contact the WV Housing Development Fund through its website www.wvhdf.com or by telephone at (800) 933-9843 and ask for Loan Origination at Extension 240 to find a contact in your area. You can also contact WVDEP at (304) 926-0499 extension 1603 and speak to John Tingley.****



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