



The Pipeline

News and Views from the Public Service Commission of West Virginia, West Virginia Board of Risk and Insurance Management, and West Virginia Department of Environmental Protection

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Please note:

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Filing a 30B Rate Case with a High Level of Unaccounted-for Water

By Sylvie Steranka, Technical Analyst Associate, Engineering Division, Public Service Commission of West Virginia

So you filed a 30B rate case and while reviewing the data filed, Commission staff found that you are experiencing an unaccounted-for water loss of more than 15%. As a result, you are ordered to file a report evaluating and explaining your high level of unaccounted-for water loss (UFWL) and a plan to reduce the losses in a cost effective way. It is also very likely that you will be directed to further report on the condition of your system until the amount of unaccounted for water meets the Commission’s Water Rule 5.6, which limits the UFWL to less than 15% of the gross production on an annual basis. Water Rule 1.7.g defines the unaccounted for water as: “The volume of water introduced into the distribution system less all metered usage and all known non-metered usage which can be estimated with reasonable accuracy.”

Staff opines that this should be viewed as an opportunity for a water utility to review and evaluate the condition of its distribution system and maintenance practices.

It may be time to take a closer look at the following items:

- Number and location of known mainline breaks
- Location and condition of shut-off valves (Are valves installed before creek crossings? Are the valves exercised regularly?)
- Location and condition of water hydrants and usage by fire department
- Practices involving line flushing and backwashing
- Installation of meters to isolate branches
- Conditions of main components (pumps, PRV valves, water tanks and appurtenances)
- Accuracy of master meters and customers’ meters
- Timeliness to perform needed maintenance.
- Purchase of leak detector, monitoring and testing of distribution lines.
- Review of billing practices.

You may want to follow these steps to lower the amount of UFWL:

- Calibrate or replace meters exceeding an accuracy limit of 2% fast or slow per Commission's Water Rule 6.3.
- Test meters periodically per the schedule outlined in Commission's Water Rule 6.4.
- Make sure the master meters are tested annually and calibrated.
- Read resale meters and master meters monthly to coincide with reading of customers' meters.
- Install leak detection meters throughout the distribution system to better isolate branches in the system and pinpoint problem areas.
- Measure and monitor average pressure in the system for each pressure zone.
- Monitor the levels of main storage tanks electronically to detect major line losses faster.

When filing your response regarding your high level of UFWL, Engineering staff suggests that qualitative information be filed. Staff suggests that these reports should contain the following information:

- Monthly amount of water purchased
- Monthly amount of water used and billed (If minimum bills were rendered for some customers, report on the exact amount of water used and not on the amount of water billed.)
- Monthly amount of billed unmetered consumption (If any, indicate the number of customers who are billed without being metered.)
- Monthly amount of unbilled authorized consumption with breakdown for each use, *e.g.*: fire fighting, main flushing, district use, etc.
- Monthly amount of known water losses (These losses include leakage on transmission and distribution mains; leakage and overflows at storage tanks, if any; leakage on the utility's service lines up to the point of the customers' meter pits.)
- Monthly amount of unknown water losses
- Percent UFWL
- Percent of non-revenue water
- Number of meters tested and results
- Number of meters replaced
- Number of leaks detected and fixed
- Size and linear footage of main line replaced
- Abnormal condition of tanks, such as leaking or overflowing
- Date and result of meter test for purchased-water master meter



The responses to the items listed above are a way for a utility to gain better knowledge of its system, thus helping it to report the amount of UFWL and real losses with greater accuracy. It can also help the utility submit a plan to address its losses by prioritizing areas that need to be taken care of.

For further help on the subject, utility operators may want to consult a method developed by the International Water Association and the American Water Works Association detailed in Manual M36 titled *Water Audits and Loss Control Programs, Manual of Water Supply Practices M36*.

The utility may also get help finding main leaks by contacting the Commission's field inspectors and/or the West Virginia Rural Water Association.

State Legislature Adds Civil Penalties to the 811 One-Call System

By Karen Hall, Public Information Specialist, Communications Section, Public Service Commission of West Virginia

Earlier this year the West Virginia Legislature made changes in the West Virginia Damage Prevention Law (WV Code Section XIV, Chapter 24-C) and the One-Call (811) system. Those changes are now in effect. Now anyone, including excavators, contractors and even homeowners, who fails to call 811 at least two business days before digging or excavating, could be subject to civil penalties. The 811 service is free, but the penalties range from violators being required to complete a training course to a fine of up to \$5,000 for repeat offenders.

The updated law also eliminates an exemption that was previously extended to privately-owned water companies. Now operators of all water and wastewater utilities must be members of 811 and must respond when they get notice that excavation has been planned in their area. Each operator must provide the following information to the One-Call system on forms provided by the system:



- The name of the member
- The geographic location of the member's underground facilities as prescribed by the One-call system
- The member's office address and telephone number to which inquiries may be directed regarding the locations of the operator's underground facilities

The law requires you to call 811 two workdays before beginning the excavation. "Workday" means Monday through Friday, excluding federal or state holidays. When you call, be prepared to provide the following information:

- Name of the individual making the notification
- Company name
- Telephone number
- Company address
- Work site location; including county, nearest city or town, street location, nearest cross street and landmarks or other location information
- Work to be performed
- Whether or not use of explosives is planned
- Name and telephone number of individual to contact
- Starting date and time

Also be aware that all operator-owned underground facilities installed on or after July 1, 2018, must be installed in a manner that will make those underground facilities locatable using a generally accepted locating method.

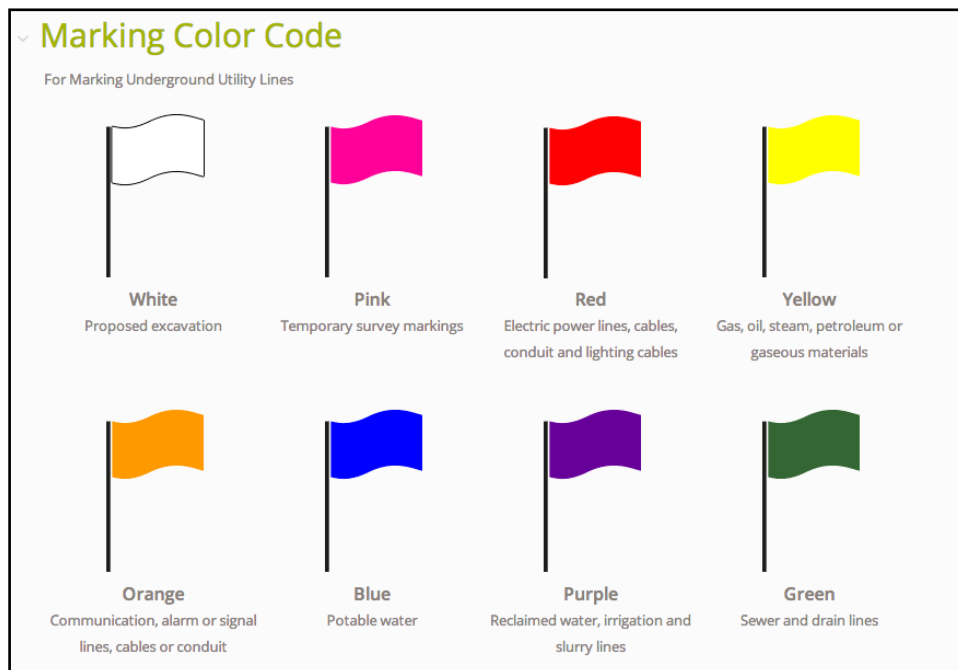
Compliance with the notification requirements of this code is not required if you are engaging in excavation or demolition in the event of an emergency provided that you give notification of the emergency work to the One-Call system as soon as reasonably practicable.

During an emergency, excavation or demolition may begin immediately. However, reasonable precautions must be taken to protect underground facilities, and those precautions may not serve to relieve the excavator from liability for damage to underground facilities.

Other changes in the One-Call law include the creation of the Underground Facilities Damage Prevention Board, which will investigate damage to underground facilities and recommend actions for violators of the One-call law. Actions of the board will be focused on damage prevention, public awareness, training and educational programs promoting the proper use of the One-Call system.

All funds collected by the board will be deposited into the Underground Damage Prevention Fund. Expenditure from the fund will be at the discretion of the board to carry out its duties. Excess funds will be used for purposes related to damage prevention, including, but not limited to, public awareness programs, training, and educational programs for excavators, operators and line locators to reduce the number and severity of violations of the law.

You can read the full text of the new law here: <https://wv811.com/resources/dig-law>. If you have questions or need clarification, call 811.



Negative Effects of Overtime

By Kimberly Hensley, Risk & Insurance Analyst II, West Virginia Board of Risk and Insurance Management

Overtime can be advantageous for employees and companies. It can give the company flexibility to cover unforeseen absences and give the employee premium pay. However, overtime can have negative effects as well. Many employees are happy to take the additional overtime, but there is scientific proof that too much overtime can be detrimental. Long hours can contribute to the following health problems:

- Lower-back injuries with manual lifting
- High blood pressure with white-collar workers
- Elevated mental health issues
- High lost workday accident rates
- Smaller birth weight or gestational age in babies whose mothers work overtime
- Increased suicide rates

A Cornell University study indicates nearly 10% of employees working 50-60 hours a week report severe work/family disruptions. For employees who work more than 60 hours a week, this percentage increases to 30% and the divorce rate rises. Workers whose hours increased above 40 hours a week, consume more alcohol and tobacco, as well as seeing weight problems in men and an increase in depression in women.

Overtime hours have been associated with increased safety risks, such as unsafe performance practices, decreased attention, increased errors in the medical field and a rise in accident rates. Safety issues are likely due to worker exhaustion, which can be a result of a single long day or multiple days of excessive hours. Shift work is also linked to a rise in exhaustion, which can be a result of long hours affecting sleep quantity and quality. A German study notes that doctors who work more than 48 hours a week are five times more likely to have a car accident. As exhaustion sets in, drivers can be less cautious, causing erratic driving.



Reduced productivity can also be a result of overtime hours. Performance reduces by nearly 25% with a week of 60 hours or more. Production processes can be greatly affected by this decrease. An employee may physically be at work, but can mentally be somewhere else.

Increased overtime can lead to absenteeism due to declining health and exhaustion. Often the shifts are covered by overtime employees, making the problem self-perpetuating. Excessive overtime can also cause poor employee morale and labor issues, which can increase turnover rates. High turnover is likely to cause more overtime to fill vacant positions; again, making this a self-perpetuating problem.

Solutions can differ based on industry, size, work environment and other factors. Address the root cause of the problem by doing the following:

- Implement and review procedures and policies to prevent excessive overtime
- Schedule appropriate staffing levels
- Take means to raise productivity during the normal workweek

Determining and sustaining optimal staff and crew levels are vital to efficiency. Utilization of appropriate staffing technologies can help reduce overtime, minimize time lost, cover the correct number of employees and class of skilled positions, reduce health care cost, minimize turnover and increase productivity.



References: National Institute for Occupational Safety and Health (www.cdc.gov/niosh)
 Circadian 24/7 Workforce Solutions (www.Circadian.com)

Inter-Utility Agreements

By Versie Hill, Utilities Analyst III, Water and Wastewater Division, Public Service Commission of West Virginia

Utilities often obtain products and services from other utilities through some type of inter-utility agreement. The reason is normally a lack of resources (employees, equipment, etc.) to provide adequate services to their customers. The expense in providing such services is identified and passed on to the receiving utility, ensuring that there is no subsidizing from one customer base to another.

Prior to services being rendered, approval of the proposed inter-utility agreement must first be granted by the Public Service Commission through a formal case process called Petition for Consent.

The process for filing a Petition for Consent includes the following basic steps:

- The terms of the agreement are negotiated by the utilities involved.
- Once all terms have been agreed upon and outlined in a contract/agreement, the document is sent to the Commission (unsigned) for review and approval, accompanied by a signed letter of intent, which is signed by an officer from each utility. Send the documents to:

Public Service Commission of West Virginia
 Office of the Executive Secretary
 P.O. Box 812
 Charleston, WV 25323
 Fax Number 304-340-0325

- Commission staff will review the terms of the agreement and make a recommendation.
- If approved, the Commission's Final Order will typically contain language granting its consent to enter into the agreement without approving the specific terms and conditions of the agreement.

- If approved by the Commission, a copy of the fully executed agreement should then be filed with the Commission.

Language within the agreements should include, but not be limited to, the date of the agreement, names and title of both utilities involved, specific terms, length of time of the agreement, services to be provided and agreed upon fees.

It is always useful to include provisions for future revisions and required reports. Any revisions to the terms of the agreement and/or termination of the agreement will follow the same Commission approval process as the original agreement.



For complete information on case filings, see Public Service Commission Rules Title 150 Procedure Rules Series 1 “Rules of Practice and Procedures.” <http://apps.sos.wv.gov/adlaw/csr/>

Common Types of Inter-Utility Agreements

Water Service Termination: With this type of inter-utility agreement, a sewer utility is requesting termination of water service for non-payment of sewer service. The Commission Rules and Regulations for discontinuance of service are applicable, to include a timeframe for the written request to be received by the water utility for termination. Fees for the disconnection and reconnection of water service should be included in the agreement. Administrative fees would be applicable if collection at the door is performed. (Collection at the door is no longer a Rule/Code requirement.)

Commission Rules and Regulations for the Government of Water Utilities

4.8.f. In the event that any utility, (whether public, private, city, incorporated town, municipal corporation or public service district) owns and operated either water or sewer facilities, and a separate utility owns and operates the other kind of facilities, either water or sewer, then the two utilities shall covenant and contract with each other to shut off and discontinue the supplying of water service for the non-payment of sewer service fees and charges; provided that proper notice is given and procedures are followed as set forth in paragraphs 4.8.a.1. through 4.8.12.

Operations & Maintenance (O&M): With this type of inter-utility agreement a utility agrees to operate and maintain another utility’s system in a similar manner as it currently operates its own. The assets and customer base continue to belong to the utility being billed.

Meter Readings: With this type of inter-utility agreement, (normally between a sewer utility and a water utility) the service being provided is a report of customer readings by a water utility to be used by a sewer utility to bill its customers.

The most common misconception is that the billing utility's meter reader's labor cost should be split 50/50. The meter reading expense is part of the O&M cost of the water utility. The service being provided to the sewer utility is a report, normally based on a per customer fee of 25 cents.

Billing & Collections: With this type of inter-utility agreement a utility is contracted to perform billing services and collection of revenue for another utility. Customer billing for a utility for which service is provided is based on the tariff of the utility for which service is provided. Revenues collected are deposited directly in the bank of the utility for which service is provided or remitted to that utility by check. Revenues collected for another utility should be accounted for separately and never used by the utility providing the service for its own utility expenses unless so designated in the agreement.

Water Purchase: With this type of inter-utility agreement a utility purchases water from another utility to serve its customers. The water provided is measured by a master meter, owned by the provider utility, and should be tested in accordance with the Commission's Rules. The rate used for billing is typically not the same tariff rate that the provider uses for its other customer classes. The rate is developed from the computed cost associated with providing water to another utility. The cost should be included in the agreement.



In lieu of an inter-utility agreement, many utilities include a resale rate in their tariffs.

Sewer Treatment: Similar to a water purchase agreement, a utility is contracted to treat the sewage of another utility. Cost to do so is included in an agreement or billed via a resale rate in the provider's tariff.

Post-Contract Issues / Disputes: There are occasions when one party to the agreement is not adhering to the terms of the agreement. This could include not performing duties as agreed upon or not meeting the financial obligations of the agreement.

Just as disputes between customers and utilities can be referred to the Commission for resolution, so can disputes between utilities. Unsuccessful attempts at resolution should be referred to the assistance staff of the Water and Wastewater Division for another attempt at resolution. If still unresolved, a utility has the option of filing a formal complaint with the Commission against another utility. In those instances, the Commission will ultimately issue an Order addressing the situation.

Bill Adjustments for Dead or Fast Meters

By Vicki Lemley, Consumer Affairs Technician, Water and Wastewater Division, Public Service Commission of West Virginia

A common issue raised or complained about by water utility customers who contact the Public Service Commission's (Commission) Water and Wastewater Division is that their respective bills and corresponding usages are not consistent with normal billed amounts. Upon investigating the matter and fact finding with the complainant and the utility, it can often be attributed to a dead or non-functioning meter. With these types of issues, the customers usually inquire about their eligibility to receive an adjustment and how the Commission's Water Rules apply to utilities attempting to collect for under reported or prior usages.

The issue of dead meters is addressed in the Commission's Water Rule 4.4.b., which states:

"If a meter is found not to register, or that remote metering equipment has failed, for any period, the utility shall compute the water used by taking the average of the water used for the meter-reading period preceding and the meter-reading period following the date when the meter was found to be dead, which amount shall be assumed to be the amount of water used by the customer during the billing period in which the meter was found dead. Exceptions will be made to this rule in case the facts clearly show that the above method does not give the correct consumption for the period.

A utility may backbill the customer for the difference between the amount previously billed and the customer's estimated usage for a maximum of three (3) months preceding the date the dead meter is repaired or replaced. The utility should fix or replace dead or malfunctioning meters within thirty (30) days of the utility's discovery that a meter is dead or malfunctioning."



A customer whose water meter is classified as dead, and who also has public sewer service, should be granted a sewer adjustment as well. The Commission's Sewer Rule 4.4.b., states:

"At any time that a water utility calculates water usage and bills for water service pursuant to the provisions in subdivision 4.4.b. of the Commission's *Rules for the Government of Water Utilities*," 150CSR7, the sewer utility will bill for sewer service for the corresponding time period based on the water usage calculated and billed by the water utility. Thus, the customer should see an adjustment for sewage consumption correlating with the adjusted amount of consumption billed by the water utility."

The Commission’s rules also address how water and sewer utilities should handle fast meters and the billing associated with them. The Commission’s Water Rule 4.4.a., states:

“If, upon test of any meter, the meter is found to have an average error of more than two percent (2%) fast, the utility shall refund to the customer the overcharge, based upon the corrected meter reading for a period equal to one-half (½) the time elapsed since the last previous test, but not to exceed six (6) months. If it can be shown that the error was due to some cause, the date of which can be fixed, the overcharge shall be computed back to but not beyond such date. If the meter has not been tested in accordance with subsection 6.4, the period for which it has been in service beyond the regular test period shall be added to the six (6) months in computing the refund.”

In regards to the sewer bill and adjusting for a fast water meter, the Commission’s Sewer Rule 4.4.a, states:

“If the water utility makes a refund to the customer pursuant to subdivision 4.4.a. of the Commission’s “*Rules for the Government of Water Utilities*,” 150CSR7, the sewer utility will make a corresponding adjustment to the sewer charges associated with the same period of time based on the corrected meter reading and the applicable sewer rates.”

Whenever these issues with water meters are found, the water utility should contact the customer and advise them of the situation. The utility can offer a deferred payment plan to the customer if they need assistance with paying the bill. If the customer is not in agreement with the amount, or the utility refuses to adjust the bills, the customer should be advised of their right to file an informal or formal complaint with the Commission regarding the reasonableness of the utility’s actions.

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West Virginia CWSRF Program Status

By Kathryn Emery, P.E., CWSRF Program Manager, West Virginia Department of Environmental Protection

The 2018 state fiscal year is behind us and the DEP has issued its FY 2019 Intended Use Plan (IUP). There were no major changes since last year, and I want to use this article to cover the highlights as well as the status of funds within the Clean Water State Revolving Loan Fund (CWSRF).

This year’s capitalization grant from EPA is \$25,020,000 and the state match is \$5,004,000. The repayment of principal and interest coming into the fund annually is approximately \$32 million. The CWSRF will allocate an additional \$5,004,000 in debt forgiveness and the program is still required to fund green projects. As always, our funds are issued on a first-come, first-served basis, and a binding commitment for funds will not be issued until the project is within six months of construction and at least has an approved facility plan and plans and specifications.

Terms of the loans will be determined by the following range of user rates as a percentage of median household income (MHI) using the 2015 Census data:

- Less than 1.5% MHI: 2.5% interest, 0.5% admin fee, 20 year term
- 1.5% to 1.74% MHI: 1.5% interest, 0.5% admin fee, 21-30 year term
- 1.75% to 2.0% MHI: 0.5% interest, 0.5% admin fee, 21-30 year term
- Greater than 2% MHI: 0% interest, 0.5% admin fee, 31-40 year term.



The point system to qualify for debt forgiveness funds will be based upon the user rates as a percentage of MHI using the 2015 Census data and the State’s 2016 Unemployment and Population data. This information and data can be found in the IUP.

The green categories that are eligible for debt forgiveness (regardless of the MHI) are Energy Efficiency, Water Efficiency, Storm Water/Green Infrastructure and Environmentally Innovative. The first three categories are eligible for debt forgiveness to the lesser of 50% of the total eligible green CWSRF costs or \$500,000. Decentralized sewer systems, which fall under the Environmentally Innovative category, are eligible for 100% debt forgiveness. Please contact us for verification if you believe that you have a project that may qualify as green.

We are still offering funds under the Agricultural Water Quality Loan Program and the Onsite Systems Loan Program. Reserves of \$150,000 and \$300,000, respectively, have been set aside for these programs. These loans have a 2% interest rate with a term that will not exceed 10 years.

The primary points of interest in the IUP have been included in this article, but there are other things that may be of interest to you. I encourage you to read our 2019 IUP. It can be found on the DEP’s website at <https://dep.wv.gov/WWE/Programs/SRF/Pages/default.aspx>.

As always, feel free to contact me or any other employee of the CWSRF program with questions.

Tapper Says



Leak Adjustment Policy

Does your utility have a written leak adjustment policy? If not, contact the Public Service Commission’s Water & Wastewater Division for assistance.



Obituary: Ronald E. Robertson, Jr., Esq.

By Caryn Watson Short, Director, Legal Division, Public Service Commission of West Virginia

The Public Service Commission is saddened to inform readers that Ronald “Ron” E. Robertson, Jr., Esq., Staff Attorney, passed away on Saturday, July 28, 2018, at Cleveland Clinic in Cleveland, Ohio. Attorney Robertson began employment with the Commission in June of 1988. For more than 30 years he worked diligently on all manner of public utility informal and formal cases.

Ron’s legal work touched every county in West Virginia. For the last 25 years he taught the legal presentation for the Board Members Seminar. Over the years he provided informed updates of the changing utility laws. Those who worked with Ron consistently described him as “always professional, kind and in search of solutions for utilities and ratepayers.” Ron took the time to answer questions from utility owners, operators and ratepayers. He offered practical solutions. Ron’s professional patience and encouragement to parties in difficult contested cases often led them to settlements that were in the best interest of all parties.



Ron was the Commission legal expert on water and sewer utility growth and development issues. He volunteered to take on these cases with emerging and complex legal issues from Hancock and Jefferson Counties to Putnam and Mason Counties. Ron made friends where he worked and built a rapport with customer groups and utility owners and operators.

Ron was adept at presenting the Staff position in Commission cases. He accomplished a lot as an attorney during his more than 30 years of service to the State of West Virginia. In his personal time Ron enjoyed every minute with Sarah, his wife of 16 years, and his son, Sam. His favorite pastime was mentoring and coaching young athletes from Bidley League through the Point Pleasant Junior/Senior High School basketball programs.



Along with his family, the Commission, his fellow workers and the citizens of the State of West Virginia will miss Ron immensely.

Public Service Commission of West Virginia

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