It Can Happen to Anyone
By Charlotte R. Lane, Chairman, Public Service Commission of West Virginia

Anyone can be targeted for a utility scam – including the Chairman of the Public Service Commission!

That’s right, recently I was at home when my phone rang. My caller ID indicated the call was coming from Scott Depot, West Virginia. When I answered, the caller told me I was behind on my electric bill and unless I made payment over the phone the power company was going to terminate my service in 45 minutes!

I was so shocked and startled I actually questioned myself whether I could be delinquent on my bill. When I told the caller I was sure I had paid the bill he hung up on me. I then called the power company and was told my bill was current and I had been the intended victim of a scam they are seeing all too frequently in our area.

So let’s go over the basic steps to take to avoid being a victim.

Don’t ever give out your Social Security number, birthdate, mother’s maiden name, credit card or bank account numbers, driver’s license number or any personal identifying information to an unsolicited caller.

If you have not had any prior notice of an outstanding bill and someone calls claiming to represent your utility company, says your bill is seriously past due and threatens to shut off your service if you don’t pay immediately, hang up. It’s a scam.

If someone asks for payment on a prepaid debit or gift card, hang up. It’s a scam.

If someone threatens you on the phone, hang up. If they come to your door and threaten you, don’t let them in. Lock the door and call the police.

These criminals are ruthless and, unfortunately, the practice is becoming all too common. Protect yourself. If you believe you have been the victim of a utility scam, immediately report it to the police and then contact your utility company.
Per- and Polyfluoroalkyl Substances (PFAS) Related to West Virginia Public Water System Sourcewater
By Brian A. Carr, P.G., Manager, West Virginia Department of Health and Human Resources, Bureau for Public Health, Source Water Assessment and Protection Program

Per- and polyfluoroalkyl substances (PFAS) are a large group of synthetic chemicals that have been manufactured and used by many different types of industries since the 1940s. There are thousands of types of PFAS, some of which have been more widely used than others. Of this large group of PFAS chemicals, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) have been the most extensively produced and studied.

PFAS can be found in many different consumer, commercial and industrial products. Because of the number of different types of PFAS and lack of data on many of the chemicals, it is challenging to assess their potential human health and environmental risks. The public can be exposed to PFAS from some consumer products, food and drinking water where these chemicals have contaminated the water, soil and air. Such contamination is typically localized and associated with a specific industrial facility where these chemicals were produced or used. Some potential sources could include, but are not limited to:

- Certain types of food
- Food packaging
- Household cleaning products
- Personal care products
- Drinking water
- Landfills and waste sites
- Firefighting foam at airports, military bases and training facilities
- Manufacturing or chemical production facilities
- Wastewater treatment discharges

Current scientific research has shown links between exposure to some PFAS chemicals and adverse health outcomes. Research is underway to better understand the health effects associated with low level exposure to PFAS over long periods of time, especially in children, [https://www.epa.gov/pfas](https://www.epa.gov/pfas). Drinking, consuming, inhaling and using consumer products that contain PFAS represent the primary exposure pathways for the general population. Current United States Environmental Protection Agency (EPA) studies indicate that exposure to PFAS over certain levels may result in adverse health effects including:

- Heart issues due to increased cholesterol levels
- Decreased vaccine response in children
- Changes in liver enzymes
- Increased risk of high blood pressure or pre-eclampsia during pregnancy
- Small decreases in infant birth weights
- Increased risk of kidney or testicular cancer

Individuals who are concerned about PFAS in their wells or in their homes may consider in-home water treatment filters that are certified to lower the levels of PFAS in water. You can find more about these filters at: [https://www.epa.gov/sciencematters/epa-researchers-investigate-effectiveness-point-usepoint-entry-systems-remove-and](https://www.epa.gov/sciencematters/epa-researchers-investigate-effectiveness-point-usepoint-entry-systems-remove-and)

Additional research will likely enhance our understanding of the relationship between exposure to PFAS and human health effects. The EPA set a provisional health advisory (HA) in 2009 of 400 nanograms per liter (ng/L) or parts per trillion (ppt) for PFOA and 200 ng/L for PFOS. In 2016, the EPA significantly lowered the HA for PFOA from 400 to 70 ng/L.
The West Virginia Legislature recognized the potential health risks associated with certain PFAS and during the 2020 legislative session required a statewide PFAS study to be conducted by the West Virginia Department of Environmental Protection (DEP) and West Virginia Department of Health and Human Resources (DHHR). The general intent of this study was to determine if PFAS contamination could impact the state’s public water systems. The recognized health-based guideline in 2020, which was utilized for this study, was 70 ng/L.

The DHHR and DEP collaboratively contracted the United States Geological Survey (USGS) to collect raw-water samples at 279 public-water systems, including daycares and schools that operate their own water systems, across West Virginia. Raw source water was sampled for both groundwater and surface-water sites at the first available tap in the public-water system, prior to any treatment. One hundred seventy-three samples were collected from groundwater sources and 106 samples were collected from surface-water sources. Parameters collected at the time of sampling included pH, specific conductance, water temperature, dissolved oxygen, turbidity and alkalinity. Twenty-eight types of PFAS were analyzed at all 279 sites, major ions and trace elements were analyzed at 272 sites and nutrients were analyzed at 270 sites.

Out of the 279 sites sampled for this study, 212 sites (76 percent) had no PFAS detected above the laboratory reporting level. Sixty-seven sites (24 percent) had a detection above the laboratory reporting levels (the lowest concentration of analyte that can be quantified by the testing method) for at least one of the 28 PFAS analyzed. Forty-seven of these sites were from groundwater sources and 20 were from surface-water sources. Although higher PFAS concentrations were found in groundwater than surface-water sources, PFAS was rarely detected in groundwater sites in fractured-rock aquifers or abandoned underground coal-mine aquifers.

From these 67 sites, 37 had detections above the reporting level for PFOA, PFOS or both. Five of these 37 sites exceeded the EPA health advisory at the time of this study for combined PFOA and PFOS concentrations of 70 ng/L. These sites are in the highly susceptible karst regions of the Eastern Panhandle and along the Ohio River alluvial groundwater aquifers on the west side of the state. Four of these five sites already had treatment for PFAS installed at the time of this study and one discontinued use of the groundwater well and is working to install treatment for PFAS.

Figure: The 279 sites tested and range of results for PFOA+PFOS (USGS SIR 2022-5067)
The full USGS Scientific Investigations Report 2022–5067: Occurrence of per- and polyfluoroalkyl substances and inorganic analytes in groundwater and surface water used as sources for public water supply in West Virginia and associated data can be downloaded from the USGS websites included in the citations below.

The DHHR has initiated another USGS study to test the finished drinking water at the 37 sites that had detectable levels of PFOA+PFOS. The finished drinking water sampling is underway, and the results are expected to be posted in a USGS data release later this year.

On June 15, 2022, the EPA issued an interim HA for PFOA of 0.004 ng/L, PFOS of 0.02 ng/L and a final HA for perfluoro-2-propoxypropanoate (HFPO-DA or GenX) of 10 ng/L and perfluorobutanesulfonate (PFBS) of 2,000 ng/L. None of the 279 sites tested exceeded the current final HA for GenX or PFBS. Additional studies are needed to understand exposure to private homeowners with domestic-water sources, variability of PFAS concentrations over time and PFAS in finished drinking water as evaluated by current and future drinking-water regulations.

**USGS Scientific Investigations Report 2022–5067:**

**Associated USGS data release:**

**Tapper Says:**
“Pursuant to West Virginia Code §16-13A-3, any vacancy on a Public Service District board shall be filled for the unexpired term within 30 days; otherwise, successor members of the board shall be appointed for terms of six years and the terms of office shall continue until successors have been appointed and qualified.”
Water Loss and Its Impact
By Kaitlyn Shamblin, Utilities Analyst, Water and Wastewater Division, Public Service Commission of West Virginia

Operating a water utility is an ongoing challenge/battle – once one issue is resolved another issue arises. One pervasive issue constantly faced by water utilities is what is deemed “Water Losses,” previously known as “Unaccounted for Water.” Water Rule 3.17. defines Water Losses 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.” Essentially, it is the difference between the amount of water the utility produces and or purchases from another utility, less the amount of water sold to its customers, plus any known amount of water that can be estimated for flushing or fire purposes, etc.

Water Rule 7.6.1. states,
Each utility shall determine either by actual measurement or by estimate the amount of “Water Losses” as defined in Water Rule 3.17. in each division of its system and report, separately, to the Commission in its annual report. If the reported Water Losses are in excess of fifteen percent (15%) of the water supply delivered into the transmission and distribution system on an annual basis, the utility will state. A utility may seek assistance from the Commission regarding remediation of water losses in excess of fifteen percent (15%).

Why is water loss such a big deal? When a utility experiences a high level of water loss, it can have a serious and costly effect on the utility and its customers. It is an unfortunate chain of events – a utility pumps and treats or purchases water, which is then sent to the distribution system where it is “lost” via leaks, water theft, malfunctioning or dead meters or accounting errors. The cost of pumping and treating or purchasing water is still included in a utility’s total cost, but the number of gallons over which the cost can be recovered via rates is much lower, thereby causing the cost per gallon to be higher.

Water loss can be minimized. One way it can be minimized is by a utility taking a proactive stance by continuously monitoring its system. Monitoring its system can include watching for water on roads and sidewalks coming from possible leaks, encouraging people to notify the utility when they see water from a possible leak, utilizing a leak detection water loss management process, and checking the meters at homes/businesses where water service has been terminated to ensure water is not being stolen. In addition, a utility should make it a habit to test its meters. Water Rule 8.4.1. requires meters to be tested as follows:
• 3/4" or less in size at least once every 10 years
• 1" in size at least once every 7 years
• 1-1/4", 1-1/2", 2" in size at least once every 5 years
• 3" in size at least once every 3 years
• 4" and larger in size at least once each year

Keep in mind that known non-metered usage (flushing, firefighting, etc.) that can be estimated with reasonable accuracy should not be included when calculating water losses. Thus, maintaining a reasonable and manageable level of water loss is important to minimize the financial and operational impact as well as help preserve water rather than waste it.

Should you have any questions regarding water losses, please feel free to contact a member of the Water and Wastewater Division or the Engineering Division of the Public Service Commission.
WV CWSRF Program Status
By Katheryn Emery, P.E., CWSRF Program Manager, West Virginia Department of Environmental Protection

The 2022 state fiscal year is behind us, and we have issued our FY 2023 Intended Use Plan (IUP). There have been a lot of changes since last year’s IUP, so 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).

In case you aren't aware, with the passage of the Bipartisan Infrastructure Law (BIL), the CWSRF program is gaining two additional funding streams to our normal allotment. We now have our normal base funding that requires a 20% state match, BIL funding that requires a 10% state match, and an emerging contaminant set aside that must be awarded as either a grant or principal forgiveness that does not require a state match.

This year's base capitalization grant from EPA is $18,037,000 and the state match is $3,607,400. The BIL funding allotment is $27,745,000 and the state match is $2,774,500. The emerging contaminant grant is $1,457,000. The repayments of principal and interest coming into the fund annually is approximately $40 million. The CWSRF will allocate $7,214,800 in principal forgiveness from the base allotment and, since the BIL funding requires that 49% of the allotment be in the form of grants or principal forgiveness, this will add an additional $13,595,050 in principal forgiveness to the fund.

The CWSRF program is still required to make every effort 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 has at least an approved facility plan and plans and specifications.

This year, the terms of the loans listed in the IUP for the less than 1.5% MHI category changed slightly. The terms for all CWSRF loans are listed below.

- Less than 1.5% MHI: Terms will be based upon the 25-Bond Revenue Index.
- At BCL issuance, the CWSRF will use the last published rate less five basis points (.05) for a 20-year term. At no point will the terms exceed 2.75% interest rate, .25% annual admin fee, 20-year term.
- For collection system only projects, a 30-year term will be considered if a substantial rate impact can be documented.
- 1.5% to 1.74% MHI: 1.75% interest, 0.25% admin fee, 21-30 year term
- 1.75% to 2.0% MHI: 0.75% interest, 0.25% admin fee, 21-30 year term
- Greater than 2% MHI: 0.25% interest, 0.25% admin fee, 31-40 year term

The CWSRF is required to provide below market rate loans, and this will result in an effective interest rate below 3% on the 20-year loans. The IUP will provide the cap, so they will not exceed 3%.

The point system to qualify for principal forgiveness funds has undergone a substantial change and is as follows:
• Income based upon %MHI – Based upon the 2020 Census data for 3,400 gallons of water usage. See Appendices D and D1 in the IUP.

<table>
<thead>
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<th>MHI</th>
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<td>1.25% - 1.74%</td>
<td>20</td>
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<tr>
<td>1.75% - 1.99%</td>
<td>30</td>
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<tr>
<td>2.0% - 2.4%</td>
<td>40</td>
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<tr>
<td>2.5% or greater</td>
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• Unemployment Data – As published by WorkForce West Virginia, the State’s average unemployment rate was 4.0% in 2022. See Appendix G in the IUP.

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<thead>
<tr>
<th>Locality’s Unemployment Rate (UR)</th>
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<tr>
<td>UR &lt; West Virginia’s UR</td>
<td>0</td>
</tr>
<tr>
<td>UR 0% - 2% above West Virginia’s UR</td>
<td>10</td>
</tr>
<tr>
<td>UR &gt; 2% above West Virginia’s UR</td>
<td>20</td>
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• Population Trends – Based upon the percentage change for the period from 2015 to 2020 (calendar years) by county as published by the 2020 Census. See Appendix H in the IUP.

<table>
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<tr>
<th>Change in Population</th>
<th>Points</th>
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<td>0 to +2%</td>
<td>10</td>
</tr>
<tr>
<td>Less than 0%</td>
<td>20</td>
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• Consolidation and extensions to serve unserved areas and failing systems: 10 Points

• Poverty Rate greater than or equal to 20% as found on the following Census site: 10 Points (https://data.census.gov/cedsci/)

• For applicants that receive at least 40 points, the project is eligible for the lesser of 50% of the total eligible CWSRF project costs or $1,500,000 in principal forgiveness.

• For applicants that receive at least 70 points, the project is eligible for the lesser of 100% of the total eligible CWSRF project costs or $2,000,000 in principal forgiveness.

The green categories that are eligible for principal 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. There has been a lot of interest recently in funding stormwater projects. The loan terms mentioned above, based upon the sewer rates for 3,400 gallons, will be used for stormwater projects. 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 $500,000 each 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 2023 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 any questions.
Public Service District Sewer Adjustments for Privately-Owned Swimming Pools
By Markita Black, Consumer Affairs Technician, Water and Wastewater Division, Public Service Commission of West Virginia

The West Virginia Legislature passed House Bill 2370, which became effective on April 10, 2021. This provided sewer public service district (district) customers an exemption from sewer charges for the water required to fill the swimming pool, if the water is not discharged into the sewer system.

Specifically, West Virginia State Code now states:
(a) A public service district shall provide the owner of a privately-owned swimming pool with an exemption from sewer charges for the water required to fill the swimming pool, if the water is not discharged into the sewer system.
(b) In order for the owner of a privately-owned swimming pool to qualify for the exemption, the owner shall provide the dimensions of the swimming pool that is being filled to the public service district within 30 days of filling the swimming pool.
(c) The public service district shall calculate the volume of the swimming pool and allow the owner of the privately-owned swimming pool to use the amount of water necessary to fill the pool without charging the owner for the corresponding sewer charges that would normally be associated for that amount of use.
(d) The public service district may inspect the swimming pool of the owner of a privately-owned swimming pool applying for the exemption to verify the dimensions of the swimming pool submitted by the owner.

As stated, this Code section only applies to sewer public service districts and is not applicable to municipal or private sewer systems. Municipal or private sewer systems are currently not required to provide, nor prohibited from providing, exemptions from sewer charges for the water required to fill a swimming pool. Municipal or private sewer systems should have a policy regarding whether pool adjustments are provided.

Customers and utilities alike are encouraged to contact the Water and Wastewater Division with any questions and/or concerns regarding this matter.
Carbon Monoxide Poisoning Prevention Tips
By Carl Baldwin, Risk and Insurance Analyst II, West Virginia Board of Risk and Insurance Management

Carbon monoxide (CO) poisoning happens more often than people think. CO is a toxic gas that is colorless and odorless, which interferes with the oxygen-carrying capacity of blood. Being overcome by CO is serious, as severe CO poisoning causes neurological damage, illness, coma and death. CO can overcome a person without warning, usually while using gasoline powered tools or generators inside of buildings or semi-enclosed spaces without adequate ventilation. Since so many tools and equipment produce CO, it’s important to understand the symptoms of CO exposure and how it can be prevented. Take a moment and review this list to better understand CO exposure:

Some examples of CO producing sources
- Portable generators/generators in buildings
- Concrete cutting saws
- Power trowels
- Floor buffers
- Space heaters
- Gasoline powered pumps

Symptoms of CO exposure
- Headaches
- Dizziness
- Drowsiness
- Nausea
- Vomiting
- Tightness across the chest

CO exposure prevention
- Never use generators in enclosed or partially enclosed spaces such as garages, crawl spaces and basements. Opening windows and doors in an enclosed space may prevent CO buildup.
- Make sure there are three to four feet of clearance on all sides of the generator (including above) to ensure adequate ventilation.
- Make sure generators are not placed outdoors near windows, doors or vents, which could allow CO to enter indoor occupied spaces.
- Make sure space heaters are in good working order before use to reduce CO buildup, and never use in enclosed spaces or indoors.
- When possible, consider using tools powered by electricity or compressed air.
- Immediately get to fresh air and seek medical attention if you experience symptoms of CO poisoning.

Remember, CO poisoning is serious. Steps should always be taken to prevent CO exposure. Your health and safety are important to your organization’s mission. Being familiar with how to prevent CO exposure can eliminate an unnecessary accident or injury. Let’s do our part to look out for each other and accomplish tasks without incident.

Reference: OSHA Quick Card 3282-10N-05, Protect Yourself Carbon Monoxide Poisoning
During a recent site visit, I was asked about two issues the utility was dealing with and both concerned property transactions (sale/purchase) and how the property was served.

The first issue involved a dwelling that was served by a long service line. The utility did not record/attach the long service line agreement to the deed, but had record on file. In this case the previous customer/owner did record the long service line easement, but it was attached to the utilities easements and not to the property served. The purchaser was not made aware of the conditions of service (i.e.: long service line) during the closing of the sale due to how the easement was recorded. In this case, the problem was easily resolved, given the recorded easement in place and that an agreement was not required but recommended recording.

In the second case, the property served had a low pressure waiver in place as a condition of utility service and the previous owner installed a booster system within the dwelling. The customer-installed booster system developed a problem and the new owner wanted the utility to correct the problem at its expense. The utility had a copy of the waiver on file, but it was not recorded with the deed, making the waiver binding in the event of a property sale. Thus the waiver was not disclosed during the course of the sale, which prompted the customer complaint to the utility. In this case, after discussion the new customer accepted the conditions of service, had his booster system repaired and signed a low pressure agreement, which the utility recorded.

Over the years I have dealt with many situations that could have been easily resolved if the utility or, in some cases, the customer had filed the correct paperwork with the appropriate county clerk’s office, which in turn recorded and attached that information to the property deed. Many squabbles concerning utility service and the old handshake method of recording easements could have been easily and cheaply resolved if this had been done. Although not required in many situations, I strongly recommend that this be considered when normal service cannot be achieved or when a long service line is used.

Also, easements for mains, associated utility facilities (e.g.: electric power and telecommunication service for pumping facilities and storage tanks) installed on private lands and access or ingress/egress rights-of-way to utility facilities where private land must be traveleed must be written and formally recorded to eliminate possible future problems in case the property changes ownership or a property owner decides to dishonor the agreement.

Service by means of a long service line or unperfected service (Water Rule 5.4.), which I do not like and rarely recommend, should only be by written agreement. This agreement should contain language that informs the customer of the requirements and responsibilities associated with their service line. The easement or utility service right-of-way for the customer service line that crosses property other than that being served requires recording and attachment to the deed of the property being served, and is the responsibility of the
customer. The utility should request proof of recording prior to installation of the service (i.e.: metering equipment).

Although it is not required, the long service line agreement should be recorded and attached to the deed of the property being served in order to disclose the method of service. This will eliminate potential problems if the dwelling is sold because it will inform the new owner of the agreement.

In instances where a potential long service line customer intends to use an existing right-of-way across an adjoining property to lay the long service line, verify that the right-of-way addresses the right of utility service prior to acceptance. In most cases a standard right-of-way only allows ingress/egress or right of travel. The right of utility service is negotiated at the time of need, meaning that a separate utility service right-of-way/easement will be required and also needs to be recorded by the party requesting service. Water Rule 5.8.b., with regard to low pressure waivers, is not required, but if the utility intends for the waiver to be binding on future customers served at the same location, it must be recorded and attached to the deed.

I recommend in all cases of low or high pressure, where waivers exist as a condition of service, that the waiver be recorded and attached in order to disclose the existence of such a waiver if the property is ever sold. In instances requiring a utility to extend a main in order to serve, a line extension agreement and the new service user agreement(s) should be recorded in order to be binding and prevent a possible complaint if the dwelling is sold while the agreement is still in effect.

Sewer service, on the other hand, is somewhat different from water service with regard to utility responsibility. Over the years, I have addressed many complaints in which a utility has allowed a customer to install sewer service via a long service line over an adjoining property, then attempted to avoid responsibility when a problem occurs. Being that there are no provisions within the Sewer Rules that allow a utility to provide service by means of a long service line, as is the case with water, there is only perfected service, meaning that the utility takes responsibility at the customer’s property line.

With sewer service there are only utility mains of a minimum line size of six inches for gravity service, (i.e.: utility service/lateral pipe and gravity lines serving 15 dwellings or 30 mobile homes; see Health Dept. Design Standards 4.2.f.). For the most part, utility gravity mains are eight inches or larger. Where sewer service is concerned, when a dwelling cannot be served by gravity flow, but the property owner will agree to install and maintain a pump station at their cost as a condition of service, I recommend that this be done in the form of an agreement and that the agreement be recorded and attached to the property deed so that this is disclosed if the property is ever sold.

I am sure there are additional situations that should be recorded and attached to property deeds, but these are the ones I see most often from a field perspective. In essence, the goal is to prevent future complaints, which can be costly to resolve and can be easily prevented. It is also recommended that the utility consult with its attorney for guidance in this situation.
Public Service Commission of West Virginia

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(Our Area Code is 304)

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# Engineering Division

(Our Area Code is 304)

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