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July 24, 2014

Via Hand Delivery

Ingrid Ferrell, Director
Executive Secretary Division
Public Service Commission of West Virginia
201 Brooks Street
Charleston, WV

12:06 PM JUL 24 2014PSC EXEC SEC DIV

Re: Case No. 14-0872-W-GI - West Virginia-American Water Company

Dear Ms. Ferrell:

Pursuant to Procedural Rule 13.6.c, we enclose one copy of the Company's objections and response(s) to the following data request(s):

Data Request(s):	Consumer Advocate Division's Second Request for Information
Designations:	All
Confidential Responses Filed Under Seal:	None.

Please file this letter and the enclosed response(s). We also ask that you date stamp the extra copy provided and return it with our messenger. As always, we appreciate your assistance.

Sincerely,

Christopher L. Callas

CLC/mrv
Enclosures

- c: Tom White, Esq. (w/enc.)
- Anthony J. Majestro, Esq. (w/enc.)
- William V. DePaulo, Esq. (w/enc.)
- Paul R. Sheridan, Esq. (w/enc.)

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 14-0872-W-GI

12:06 PM JUL 24 2014PSC EXEC SEC DIV

GENERAL INVESTIGATION PURSUANT TO W. VA.
CODE § 24-2-7 INTO THE ACTIONS OF WVAWC IN
REACTING TO THE JANUARY 9, 2014 CHEMICAL SPILL

COMPANY'S OBJECTIONS AND RESPONSES TO CAD'S
SECOND REQUEST FOR INFORMATION

West Virginia-American Water Company provides objections and, where applicable, partial or complete responses to the CAD's July 11 discovery requests.

a. Where no objection is stated, the Company does not object to the request and has fully responded.

b. Where no response is provided, the Company stands on its objection(s).

c. Where the Company both objects and provides information, the Company maintains its objections with respect to any interpretation of the request that would require additional information. The Company hopes its willingness to provide some information, notwithstanding and without waiving its objections, will eliminate or narrow any discovery disputes that may need to come before the Commission.

d. References in this document to "Exhibits" refer to the Company's July 2 prefiled testimony and its alpha-numerically identified exhibits.

e. The Company incorporates by reference its general objections, filed July 7, to the discovery requests of the Business Intervenors, three of which apply to some of the Advocates' requests and require no additional explanation. For brevity's sake, the Company will reference the following grounds in its specific objections:

Objection A. Requests for the Purposes of Civil Litigation. Requests that will develop information to be used in civil litigation filed against the Company, now pending in the United States District Court for the Southern District of West Virginia. Allowing such evidence to be developed in this general investigation would frustrate and evade the orderly development of discovery and other pretrial litigation under the Federal Rules of Civil Procedure and the Local Rules of the District Court and place the Company at an unfair tactical disadvantage in the civil litigation. *See generally* the Company's July 7 objections at 1-2. In addition, the Commission observed in its May 21 Order that it is not a court of general jurisdiction, cannot award damages of the kind sought in the pending civil litigation, and is limited to exercising only that authority granted to it by the Legislature. (May 21 Order at 7.) The Commission should not permit its processes to be used to garner discovery responses to support civil claims that would be outside the Commission's own jurisdiction.

Objection B. Requests Outside the Scope of the General Investigation. Requests that elicit information about the Company's facilities, operations, and/or compliance with applicable regulatory standards at the Kanawha Valley Treatment Plant prior to the Company's first notification of the Freedom Industries spill on January 9, 2014. In its Orders of May 21, 2014 and June 10, 2014, the Commission stressed that the general investigation would be "focused" in scope. The Commission's investigation would evaluate the Company's actions:

- ***In reaction to*** the spill (May 21 Order at 6);
- ***At the time*** of the spill (*id.*); and
- ***Under the circumstances*** presented by the spill (*id.*).

In the same discussion, the Commission emphasized that the investigation's purpose would be "limited to the WVAWC reaction to the spill . . ." (*id.* at 7) and then, on the next page, that its examination would "focus on the actions and activities of WVAWC ***following the spill*** . . ." (*id.*

at 8) (emphasis added). The Commission also made clear that it did not intend to permit the general investigation to be used to “evaluate” quality standards for public drinking water supplies, the jurisdiction over which is vested in the statutory and regulatory authority of the Bureau for Public Health of the West Virginia Department of Health and Human Resources. (*Id.*) The five specific topics the Commission directed the Company to address in its prefiled direct testimony all related to the Company’s response to the spill, at and after the time it occurred and under the circumstances it presented. (*Id.* at 17-18, ordering paragraph 6.) The Commission reiterated these limitations in its July 10 Order (July 10 Order at 4-5) and cautioned the Business Intervenors that the Commission’s decision to grant their petition to intervene “does not expand the scope of this proceeding” as described in the May 21 Order (*id.* at 5). These limitations are appropriate and constrain the scope of the general investigation and, in consequence, all discovery efforts undertaken in this case. See the Company’s July 7 objections at 2-3.

Some requests violate these Commission limitations on the scope of this proceeding by seeking information about (i) the Company’s facilities, operations, activities, practices, and/or compliance with applicable regulatory standards in respect of the Company’s treatment of water at the Plant before the spill and/or (ii) the adequacy of those regulatory standards before the spill. These requests do not inquire about the Company’s activities in reaction to the spill, are not limited to the time at or after the spill, and do not relate to the circumstances presented by the spill; they are outside the scope of the general investigation, irrelevant to the purposes of the general investigation, and thus objectionable.

Objection C: Requests that are burdensome or needless in light of Company testimony.

Requiring the Company to respond further would be needless and/or unduly burdensome, especially in view of the limited scope of the general investigation and the 100+ pages of direct testimony the Company filed a few days after the requests were propounded.

The Company on July 18, 2014, filed objections and responses to discovery of the Business Intervenors. Some of those objections and responses will be incorporated here by reference.

OBJECTIONS AND RESPONSES

A-2 Please refer to the attached Source Water Assessment Report dated April 2002¹ by the WV Bureau for Public Health, p. 7 “NEXT STEP – SWAP Protection Plan.”

- a. Please state whether, on January 9, 2014, there was a “SWAP Protection Plan” in place for the Company’s Charleston treatment plant pursuant to the Source Water Assessment Report recommendations shown on p. 7.
- b. If so, please provide a copy; if not, please explain why not.
- c. To the extent not otherwise provided in response to subparts a. and b. above, please state what measures, if any, the Company took to comply with the SWAP recommendations referred to on p. 7 of the Source Water Assessment Report referenced above.

OBJECTION(S):

The Company objects to this request because it seeks to develop evidence that could be used in pending civil litigation by counsel for the Business Intervenors or others (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant (Objection B), and is needless given the Company’s prefiled testimony and the general investigation’s limited scope (Objection C).

Materials responsive to this request, in whole or in part, may constitute sensitive information entitled to protection from public disclosure under the Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act).

¹ There is a second report dated July 2002 with additional lists of potential contamination sources. The narratives are the same. <http://www.wydhhr.org/oehs/eed/swap/results.cfm?mode=ps>

A-3 Please refer to the attached Emergency/Contingency and Land Management Plan dated August 2006 for the West Virginia American Water – Kanawha Valley District system, Question 4, which states that the Plan will be reviewed every five (5) years and that the revised plan will be dated and distributed to plant staff and selected management staff.

- a. Has this plan been reviewed or revised since it was submitted in August 2006?
- b. If so, please provide all documentation of such review(s) and revision(s), including the actual revised Plan(s), documentation of distribution to plant staff and management staff, and all other materials related to the Plan review(s) or revision(s).

OBJECTION(S):

The Company objects to this request because it seeks to develop evidence that could be used in pending civil litigation by counsel for the Business Intervenors or others (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant insofar as it seeks information about activities before the spill on January 9, 2014 (Objection B), and is needless given the Company's prefiled testimony and the general investigation's limited scope (Objection C).

Materials responsive to this request, in whole or in part, may constitute sensitive information entitled to protection from public disclosure under the Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act).

A-4 Please refer to the attached Emergency/Contingency and Land Management Plan dated August 2006 for the West Virginia American Water – Kanawha Valley District system, Question 10, which documents current and planned local source water protection management activities.

- a. Please provide all risk management plans that were current at the time that the 2006 Emergency/Contingency and Land Management Plan was submitted.
- b. Please provide all risk management plans developed after the 2006 Emergency/Contingency and Land Management Plan was submitted.
- c. Please provide all emergency response plans that were current at the time that the 2006 Emergency/Contingency and Land Management Plan was submitted.
- d. Please provide all emergency response plans developed after the 2006 Emergency/Contingency and Land Management Plan was submitted.
- e. Please provide documentation and results from all stream monitoring beyond the normal regulatory requirements that were current at the time that the 2006 Emergency/Contingency and Land Management Plan was submitted.
- f. Please provide documentation and results from all stream monitoring beyond the normal regulatory requirements developed after the 2006 Emergency/Contingency and Land Management Plan was submitted.
- g. Please provide documentation of all public education and outreach activities that were current at the time that the 2006 Emergency/Contingency and Land Management Plan was submitted.
- h. Please provide documentation of all public education and outreach activities after the 2006 Emergency/Contingency and Land Management Plan was submitted.
- i. Please provide documentation of all participation in local source water or watershed committees that were current at the time that the 2006 Emergency/Contingency and Land Management Plan was submitted.
- j. Please provide documentation of all participation in local source water or watershed committees after the 2006 Emergency/Contingency and Land Management Plan was submitted.
- k. Please provide documentation of all reviews of your watershed for potential contaminant sources that were current at the time that the 2006 Emergency/Contingency and Land Management Plan was submitted.
- l. Please provide documentation of all reviews of your watershed for potential contaminant sources after the 2006 Emergency/Contingency and Land Management Plan was submitted.

OBJECTION(S):

The Company objects to this request because it seeks to develop evidence that could be used in pending civil litigation by counsel for the Business Intervenors or others (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant insofar as it seeks information about activities before the spill on January 9, 2014 (Objection B),

and is needless given the Company's prefiled testimony and the general investigation's limited scope (Objection C).

Materials responsive to this request, in whole or in part, may constitute sensitive information entitled to protection from public disclosure under the Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act).

A-5 For the Kanawha Valley System, other than the 2002 Source Water Assessment Report and 2006 Emergency/Contingency and Land Management Plan mentioned above, please provide all reports, plans, documents, and agreements with other agencies or organizations in WVAWC's possession on or before January 9, 2014:

- a. that identify any potential threats or risks presented by upstream facilities or other threats to the water supplied by the Elk River to the water treatment plant;
- b. that perform management planning, including presenting steps that WVAWC can take alone or in partnerships to minimize the risk that contamination could occur from potential threats or risks presented by upstream facilities or other threats to the water supplied by the Elk River to the water treatment plant;
- c. that protect WVAWC's intake from chemical releases or spills;
- d. that include contingency plans and/or relate to emergency or disaster planning for WVAWC, including emergency response training materials, policies, and protocols;
- e. that include hazard summaries;
- f. that include vulnerability assessments;
- g. that list WVAWC employees or agents responsible for monitoring warnings and emergency notifications and conveying this information to management and staff at WVAWC;
- h. that include instructions prepared by WVAWC detailing how customers, water system personnel, agencies and third-parties should report water system emergencies;
- i. that include communication plans, including communication charts;
- j. that document training of WVAWC staff related to contingency plans, communication plans, and emergency or disaster response;
- k. that include analysis or implementation of an early warning monitoring system;
- l. that analyze WVAWC's reserve water, including (1) the minimum reserve water volume to have on hand in case of an emergency or disaster that necessitates closing of the intake, including calculations based on seasonal customer demand and variations in water supply, (2) calculations related to the amount of time that the reserve water volume could continue to supply WVAWC's customers, and (3) policies, protocols, schedules, or procedures for pumping water into or from the reserve water storage; and
- m. that identify the role that interconnections with neighboring water systems can play in providing clean water during an emergency, including any agreements with neighboring water systems and any calculations related to volumes of water that can be provided by neighboring systems and pressure zones that can be supplied by neighboring systems.

OBJECTIONS/RESPONSES:

a. – l. *See* the Company's objections and responses to BI Requests for Production ## 6-15, 20, 22, 24, 25, 29-33, each of which is identical or nearly so to subparts (a) through (l) of this request.

m. The Company objects to this request because it seeks to develop evidence that

could be used in pending civil litigation by counsel for the Business Intervenors or others (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant insofar as it seeks information about activities before the spill on January 9, 2014 (Objection B), and is needless given the Company's prefiled testimony and the general investigation's limited scope (Objection C). Notwithstanding and without waiving these objections, see generally Exhibit BWM-D (pages 9-10).

A-6 For all other treatment plants shown on Exhibit BWM-1 of Mr. Morgan's direct testimony, please provide all reports, plans, documents, and agreements with other agencies or organizations in WVAWC's possession on or before January 9, 2014:

- a. that identify any potential threats or risks presented by upstream facilities or other threats to the water supplied by the Elk River to the water treatment plant;
- b. that perform management planning, including presenting steps that WVAWC can take alone or in partnerships to minimize the risk that contamination could occur from potential threats or risks presented by upstream facilities or other threats to the water supplied by the Elk River to the water treatment plant;
- c. that protect WVAWC's intake from chemical releases or spills;
- d. that include contingency plans and/or relate to emergency or disaster planning for WVAWC, including emergency response training materials, policies, and protocols;
- e. that include hazard summaries;
- f. that include vulnerability assessments;
- g. that list WVAWC employees or agents responsible for monitoring warnings and emergency notifications and conveying this information to management and staff at WVAWC;
- h. that include instructions prepared by WVAWC detailing how customers, water system personnel, agencies and third-parties should report water system emergencies;
- i. that include communication plans, including communication charts;
- j. that document training of WVAWC staff related to contingency plans, communication plans, and emergency or disaster response;
- k. that include analysis or implementation of an early warning monitoring system;
- l. that analyze WVAWC's reserve water, including (1) the minimum reserve water volume to have on hand in case of an emergency or disaster that necessitates closing of the intake, including calculations based on seasonal customer demand and variations in water supply, (2) calculations related to the amount of time that the reserve water volume could continue to supply WVAWC's customers, and (3) policies, protocols, schedules, or procedures for pumping water into or from the reserve water storage; and
- m. that identify the role that interconnections with neighboring water systems can play in providing clean water during an emergency, including any agreements with neighboring water systems and any calculations related to volumes of water that can be provided by neighboring systems and pressure zones that can be supplied by neighboring systems;
- n. Please provide any source water assessment reports and source water protection plans.

OBJECTION(S):

The Company objects to this request because it seeks to develop evidence that could be used in pending civil litigation by counsel for the Business Intervenors or others (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant (Objection B), and is needless given the Company's prefiled testimony and the general

investigation's limited scope (Objection C). This request is also overbroad and burdensome in seeking information on all of the Company's other treatment plants.

Materials responsive to this request, in whole or in part, may constitute sensitive information entitled to protection from public disclosure under the Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act).

A-7 In Mr. McIntyre's Direct Testimony of July 2, 2014, pp. 42-43, he refers to eight protocols, all of which were developed on or after January 9, 2014. Please disclose all protocols developed prior to January 9, 2014 that WVAWC utilized from January 9 through March 31 in its response to the leak and spill.

RESPONSE: The operating procedures and protocols the Company used in its response to the spill were developed on or after January 9, 2014. In some instances, the Company built upon or incorporated existing systems or capabilities (such as the auto-dialer system to alert customers to the do not use order), databases (its GIS database), operating procedures, or protocols. See generally Exhibit JLM-D (pages 42-44). The Company also acted in accordance with protocols specified in its Emergency Preparedness Manual, which in whole or in part may constitute sensitive information entitled to protection from public disclosure under the Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act).

A-8 In Mr. Morgan's Direct Testimony of July 2, 2014, Exhibit BWM-2, pp. 1-2, he presents calculations related to the number of hours that the water stored on January 9 could have lasted. Calculations are presented separately for the 850 gradient tanks and for the entire set of tanks. Please explain why the same water system demand (42 MGD) was used for the calculation for the 850 gradient tanks and for the calculation for the entire set of tanks.

RESPONSE: The Plant pumps directly and immediately into the 850' gradient. This gradient gauges system demand and is used for setting the Plant's discharge rate. All water demand from all other pressure gradients within the Kanawha Valley distribution system is fed by the 850' gradient. Therefore all of the Plant's pumpage on January 9 passed through the 850' gradient prior to being used/consumed in the 850' gradient or delivered to other pressure gradients within the Kanawha Valley distribution system.

A-9 Please explain how you distinguished between 4-MCHM and crude MCHM in all aspects of your spill response, including but not limited to your review of MSDSs and your determination regarding the potential health threats posed by the leak and spill.

RESPONSE: The Company made no distinction between 4-MCHM and crude MCHM in its response efforts. The Company made no independent determination of the potential health threats posed by the spill or specifically by 4-MCHM or crude MCHM, relying on the decisions made by the U.S. Centers for Disease Control and Prevention, the U.S. Environmental Protection Agency, and the Bureau for Public Health. See generally Exhibits JLM-D (page 44) and BJS-D (page 10).

A-10 Were MSDSs for crude MCHM, 4-MCHM, or any other chemicals stored at the Freedom Industries site on file or maintained at the water treatment plant before January 9, 2014?

OBJECTION(S)/RESPONSE:

As to 4-MCHM, see the Company's objection(s) and response (if any) to BI interrogatory # 5, to which this request is identical or nearly so. The same objection(s) and responses apply to crude MCHM.

As to any other chemical stored at the Freedom Industries site, see the Company's objection(s) to CAD 2-A-11.

A-11 Were MSDSs for any known chemicals stored in any facility upstream from the WVAWC intake on file or maintained at the water treatment plant before January 9, 2014?

OBJECTION(S):

The Company objects to this request because it seeks to develop evidence that could be used in pending civil litigation by counsel for the Business Intervenors or others (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant (Objection B), and is needless given the Company's prefiled testimony and the general investigation's limited scope (Objection C).

A-12 Please provide all analyses conducted on or before January 9, 2014 related to calculating or predicting the flow and velocity of the Elk River.

OBJECTION(S)/RESPONSE: See the Company's objection(s) and response (if any) to BI interrogatory # 8, to which this request is identical or nearly so.

A-13 Please identify all water quality parameters routinely monitored by WVAWC on and before January 9, 2014 in the Elk River and in WVAWC's finished water, including laboratory methods and method detection limits.

OBJECTION(S)/RESPONSE: See the Company's objection(s) and response (if any) to BI interrogatory # 14, to which this request is identical or nearly so, and its response to BI interrogatory # 41.

A-14 Was an early warning monitoring system in place on or before January 9, 2014?

OBJECTION(S):

The Company objects to this request because it seeks to develop evidence that could be used in pending civil litigation by counsel for the Business Intervenors or others (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant (Objection B), and is needless given the Company's prefiled testimony and the general investigation's limited scope (Objection C). This request is also vague and ambiguous in its reference to "early warning monitoring system," which is susceptible to multiple interpretations.

A-15 Please state the exact distance between where the chemical spill entered the Elk River and the water treatment plant intake?

OBJECTION(S)/RESPONSE: See the Company's objection(s) and response (if any) to BI interrogatory # 5, to which this request is identical or nearly so.

A-16 Before January 9, 2014, had WVAWC made any assessment or did it have any knowledge as to whether 4-MCHM was a LNAPL chemical or a DNAPL chemical? If so, set forth who performed that assessment and PRODUCE any documents related to that assessment, including any emergency procedures or protocols developed based on the knowledge of whether 4-MCHM was a LNAPL or DNAPL chemical.

OBJECTION(S)/RESPONSE: See the Company's objection(s) and response (if any) to BI interrogatory # 7, to which this request is identical or nearly so.

A-17 Please identify any “spill plume” modeling or analysis conducted by or on behalf of WVAWC for the upstream Elk River before, during, or after January 9, 2014, including:

- a. the entity and persons performing the analysis or modeling;
- b. the date of any such analysis or modeling;
- c. the results of any such analysis or modeling; and
- d. any protocols or procedures developed based on the results of such analysis and modeling.

OBJECTION(S)/RESPONSE: See the Company’s objection(s) and response (if any) to BI interrogatory # 9, to which this request is identical or nearly so.

A-18 On January 9, 2014 please state (a) what was the average daily water use by WVAWC's customer base, and (b) what was the volume of water pulled from the Elk River intake. Please PRODUCE any records or data upon which these numbers were based at the time.

RESPONSE: See the Company's response to BI interrogatory # 26, to which subpart (a) of this request is identical or nearly so. In response to subpart (b), the Company withdrew 42.430 million gallons from the Elk River on January 9, 2014. See Attachment BI-1-41-A, page 2.

A-19 Please identify any process, protocol, structures, components, machines or equipment which, on January 9, 2014, would allow the water treatment plant to intake water from the Elk River at higher or lower depths in the river based on the characteristics of any threatening substances in the Elk River to float at higher or lower levels in the water.

OBJECTION(S)/RESPONSE: See the Company's objection(s) and response (if any) to BI interrogatory # 29, to which this request is identical or nearly so.

A-20 On January 9, 2014, did WVAWC maintain an inventory of powdered activated carbon (PAC) for use in the event of chemical spills? If so, how much PAC was available for use at the time WVAWC was first aware of the Freedom Industries spill?

OBJECTION(S)/RESPONSE: See the Company's objection(s) and response (if any) to BI interrogatory # 32, to which this request is identical or nearly so.

A-21 For each such granular activated carbon (GAC) filter bed, please identify:

- a. the last date on which the GAC had been regenerated in each filter bed;
- b. the person/entity who regenerated the GAC; and
- c. the manufacturer of the virgin/new GAC.

OBJECTION(S)/RESPONSE: See the Company's objection(s) and response (if any) to B1 interrogatory # 43, to which this request is identical or nearly so.

A-22 Please identify on January 9, 2014, what was the average daily, weekly and/or monthly water loss in the WVAWC distribution system/Kanawha Valley system? Please PRODUCE all documents related to water loss monitoring and calculation in the WVAWC Kanawha Valley distribution system.

OBJECTION(S)/RESPONSE: See the Company's objection(s) and response (if any) to BI interrogatory # 49, to which this request is identical or nearly so.

A-23 Set forth the amount of reserve water in the WVAWC system for each day for the one year period before January 9, 2014. Please PRODUCE all documents or data showing the water reserves for that period.

OBJECTION(S)/RESPONSE: See the Company's objection(s) and response (if any) to BI interrogatory # 53, to which this request is identical or nearly so.

A-24 Please identify and describe what process, if any, was in place on Jan. 9, 2014 to test, monitor or analyze raw water *coming into* the Elk River plant. Please also state if this has changed in any fashion since the spill.

RESPONSE:

See the Company's response to BI Interrogatory #41. Other than conducting sampling and testing for MCHM, PPH, and DiPPH and an increased frequency of testing, raw water testing and monitoring has not changed since January 9, 2014.

A-25 To the extent not addressed above, please state what steps or efforts, if any, WVAWC made to identify, assess and prepare to respond to the risk of a chemical contamination incident *specifically* from the Freedom Industries tank farm (formerly Pennzoil).

OBJECTION(S):

The Company objects to this request because it seeks to develop evidence that could be used in pending civil litigation by counsel for the Business Intervenors or others (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant (Objection B), and is needless given the Company's prefiled testimony and the general investigation's limited scope (Objection C).

A-26 In the 24-hour period from 9 a.m., Jan. 8, 2014 to 9 a.m., Jan. 9, 2014, please state whether the Elk River treatment plant was fully staffed or whether it was at any time operating under any form of automated operator system permit. Please include title, duties and shift of employees on duty during this period.

OBJECTION(S):

The Company objects to this request because it seeks to develop evidence that could be used in pending civil litigation by counsel for the Business Intervenors or others (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant (Objection B), and is needless given the Company's prefiled testimony and the general investigation's limited scope (Objection C).

INSURANCE

I-1 Please identify all policies of insurance on which WVAWC is an insured, whether as a named insured or otherwise, and which were in effect on January 9, 2014. As to each, state the insurer thereon, the policy number, the effective dates of coverage and whether WVAWC is a named insured or an insured in another capacity. For those policies identified herein on which WVAWC is not a named insured, please identify the named insured(s).

OBJECTION(S):

The Company objects to this request because it is propounded for the purpose of developing evidence to be used in pending civil litigation or to assist plaintiffs and their counsel (Objection A), is outside the scope of the general investigation and is therefore inappropriate and irrelevant (Objection B), and is unduly burdensome and needless given the Company's prefiled testimony and the general investigation's limited scope (Objection C). The Company's liability insurance coverage has no relevance to a Commission assessment of the Company's response to the Freedom Industries spill, and is relevant only to those seeking to ascertain the extent of insurance coverage available to pay monetary damages awarded against the Company in civil litigation. And, as the Commission indicated in its May 21 Order (page 7), this proceeding is not intended to pass through any portion of the Company's costs of spill response or recovery to customers, nor are any of those costs embedded in the Company's cost of service.

I-2 Please identify all insurance carriers who have been put on notice of claims or potential claims against WVAWC arising out of the events of January 9, 2014.

OBJECTION(S):

See the Company's objection to CAD 2-I-1.

I-3 Please produce complete copies of all insurance policies that may provide coverage for the events of January 9, 2014, and/or for claims of any type arising out of said events.

OBJECTION(S):

See the Company's objection to CAD 2-I-1.

1-4 Please produce copies of all communications to or from any insurer regarding the events of January 9, 2014, and/or claims of any type arising out of said events, specifically including, but not limited to, all Reservations of Rights and denials of coverage.

OBJECTION(S):

See the Company's objection to CAD 2-I-1. In any event, any communications between the company and its insurers regarding the January 9, 2014 chemical leak from Freedom Industries are protected from disclosure under the work product doctrine and the quasi attorney client privilege (particularly since the first civil actions were filed on January 10, 2014 at 7:59 a.m.). See, *State ex rel. Medical Assurance v. Recht*, 213 W.Va. 457, 583 S.E.2d 80 (2003).

BILLING

B-1 Please refer to Mr. McIntyre's direct testimony, p. 47, line 17-18. Please explain the nature of the "billing glitches" referenced here and exactly what the Company is doing to "resolve" them.

RESPONSE:

As part of the implementation and stabilization of its new systems, the Company has identified several issues that have resulted in billing errors and consecutive estimated bills to customers.

A problem that caused the Company to estimate consecutive customer bills occurred as a result of system interface issues during meter installations or replacements. The Company discovered interface issues between remote devices used for meter installations and replacements (Click) and the new billing system (SAP CIS). In some cases radio frequency identifications weren't properly carrying over into from on new meter installations. When a Company field service representative installs or replaces a meter, one of the actions the employee performs is to enter the meter number on his computer. But when Click interfaced with SAP, it would sometimes install a different serial number that would not match the correct meter assigned to the district's inventory, and therefore the subsequent meter readings would not be recognized by the remote (radio frequency) meter reading device.

Another problem that may have resulted in a customer receiving an inaccurate bill or consecutive estimated bills arose from problems with the outsourcing process that results in the generation of implausible bills (e.g., from inaccurate manual meter readings). The outsourcing process, which occurs after billing or invoicing, places the outsourced documents/orders on an exception list. The employee must check the documents/orders and either release them explicitly before invoicing or printing, or reverse them. We identified a training issue in which employees could release an implausible outsourced document without review, and therefore, no edit was

generated on the billing side. In many of these instances our billing and invoice outsort thresholds weren't capturing these bill/invoice documents. This may have resulted in customers receiving inaccurate bills, which required the Company to cancel the inaccurate bills and rebill the customer with estimates until updated accurate meter information was obtained. Once the problem was identified, root cause analysis was performed, employee training has been revised, and reporting has been enhanced.

The Company has had an issue with consecutive estimates being automatically closed in error which had slowed identification of some of the other problems that may result in consecutive bill estimates. The Company identified the problem through root cause analysis and will implement solutions in an upcoming release of system enhancements.

WEST VIRGINIA-AMERICAN WATER COMPANY
By Counsel



John Philip Melick (WV #2522)
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CERTIFICATE OF SERVICE

I certify service of COMPANY'S OBJECTIONS AND RESPONSES TO CONSUMER ADVOCATE DIVISION'S SECOND REQUEST FOR INFORMATION on July 24, 2014, by United States First Class Mail, postage prepaid upon:

Tom White, Esq. Consumer Advocate Division 700 Union Building 723 Kanawha Blvd., East Charleston, WV 25301	Anthony J. Majestro, Esq. Powell & Majestro, PLLC 405 Capitol Street, Suite P1200 Charleston, WV 25301 <i>Ms. Groovy, LLC dba Ms. Groovy's Café & Catering, Cornucopia, Inc., Double Vision, Inc. dba Visions Day Spa, Blue's BBQ, LLC, DJT LLC dba Bruno's, and West Virginia Sustainable Business Council</i>
William V. DePaulo, Esq. 179 Summers Street, Suite 232 Charleston, WV 25301 <i>Advocates for a Safe Water System</i>	Paul R. Sheridan, Esq. 429 McKinley Avenue Charleston, WV 25314 <i>Advocates for a Safe Water System</i>



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