



CONSUMER ADVOCATE DIVISION  
STATE OF WEST VIRGINIA  
PUBLIC SERVICE COMMISSION  
700 Union Building  
723 Kanawha Boulevard, East  
Charleston, West Virginia 25301  
(304) 558-0526

July 30, 2014

03:48 PM JUL 30 2014 PSC EXEC SEC DIV

Ingrid Ferrell  
Executive Secretary  
Public Service Commission of West Virginia  
201 Brooks Street  
Charleston, West Virginia 25301

RE: WEST VIRGINIA-AMERICAN WATER COMPANY  
CASE NO. 14-0872-W-GI

Dear Ms. Ferrell:

Enclosed for filing in the above-styled and numbered case, please find the original and twelve (12) copies of the *Consumer Advocate Division's Reply*. Copies have been served upon all parties of record.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom White", with a large "W" or "B" flourish to the right.

Tom White  
Counsel for Consumer Advocate  
State Bar No. 6393

Enclosures

cc: Parties of record

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON

RE: GENERAL INVESTIGATION pursuant to W.Va. Code §24-2-7  
Into actions of WVAWC in reacting to the Jan. 9, 2014 chemical spill  
CASE NO. 14-0872

**CONSUMER ADVOCATE DIVISION'S REPLY**

The Company can take offense, but the facts in the public domain so far are that the Company took no steps to prepare for the possibility of a water crisis such as occurred on Jan. 9, 2014 and how to respond to same. None. This is what the CAD's discovery requests are about.<sup>1</sup> All we really have right now is Mr. McIntyre's testimony that the Company thought its treatment processes could handle the spill.<sup>2</sup> If the Company took no steps to investigate what major risks lay upstream and how to respond to a potential contamination event, then it should just say so and be done with it. The Company's real problem with CAD's discovery requests appear to be that CAD's interest in emergency planning aligns in part with that of some of the civil litigation plaintiffs. That may be true, but it is hardly reason to preclude discovery.

Finally, the Company's proposal in Section C that CAD defer its discovery requests until the next base rate case makes little sense. Is the Company suggesting that CAD simply cut and paste the discovery request at issue in this proceeding into a data request in next year's rate case? Will the Company resist then as well?

The CAD believes that the planning documents cited in its Motion to Compel are not mere formalities, but tools to be used to protect public water supplies and the Company's customers. CAD's discovery requests are intended to discover what the Company did to

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<sup>1</sup> The Company is correct that CAD 5(f) and 6(f) includes the term "vulnerability assessments." CAD used this term generically and does not seek vulnerability assessments in the custody of the EPA pursuant to the Bioterrorism Act. Regardless, response plans are not covered as previously stated, and the Company does not appear to contest that.

<sup>2</sup> McIntyre direct, p. 11, line 5-7.

accomplish that, and how what they did, if anything, affected the Company's response to the Freedom Spill.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Tom White', written over a horizontal line.

Tom White  
Deputy Consumer Advocate

## CERTIFICATE OF SERVICE

I, Tom White, counsel for the Consumer Advocate Division of the Public Service Commission of West Virginia, hereby certify that I have served a copy of the foregoing *Consumer Advocate Division's Reply* upon all parties of record by First Class, U.S. Mail, postage pre-paid.



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Tom White  
Counsel for Consumer Advocate  
State Bar No. 6393

Dated: July 30, 2014