WILLIAM V. DEPAULO, ESQ.

August 1, 2014

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

12:06 PMAUG 01 2014PSC EXEC SEC DIV

Re: 14-0872-W-GI

Dear Ms. Ferrell:

On behalf of Advocates for a Safe Water System, I enclose for filing in the above-captioned proceeding, the original and twelve copies of Advocates for a Safe Water System's Motion to Compel.

Please call me if there are any questions regarding this filing.

Very truly yours,

William V. DePaulo

cc: Service List

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PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

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

ADVOCATES FOR A SAFE WATER SYSTEM

MOTION TO COMPEL

Advocates for a Safe Water System ("Advocates") moves pursuant to Rule 13.6 of the Public Service Commission's Rules of Practice and Procedure to compel discovery responses from West Virginia American Water Company ("Company").

On July 11, Advocates filed its first Request for Information, seeking information from the Company. Many of the requests sought clarification of the direct testimony submitted by the Company. On July 22nd, the Company filed the Company's Responses to "Advocates For A Safe Water System's First Request For Information" ("Company's Responses"), which were mostly objections and references to previously filed documents, including its Direct Testimony, filed on July 2nd, its general objections to discovery of the "Business Interveners", filed on July 7th, and its objections and responses to the Business Interveners, filed on July 18. The Company's objections and responses to the Business Intervenors sets out three objections: (A) "requests for the purposes of civil litigation"; (B) "requests outside the scope of the general investigation"; and (C) "requests that are burdensome or needless in light of Company testimony." These same three objections were repeatedly asserted to almost every request for information made by Advocates, including all of the requests for which Advocates is seeking to compel responses.

Civil Litigation

The Company has repeatedly objected that the information requests of Advocates "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." It is clear that there is some information which would be relevant to both the PSC's concerns and to the civil litigation. The issue raised by the Company's objection is how to treat information which is not *exclusively* of interest to the PSC. The Company would have the PSC willfully overlook any facts which might be of some relevance in another proceeding. Indeed, the Company seems to have invoked

this "civil litigation" objection almost reflexively, virtually everywhere details are sought, and has done do in response to numerous information requests which are not only relevant to the PSC's General Investigation ("GI"), but critical to the GI, if this GI is to have any hope of ascertaining a clear and detailed picture of what occurred on and after January 9th. If it were actually a legitimate objection that an information request "will develop evidence that could be used in pending civil litigation" then it would be pointless to proceed with this General Investigation at all.

There is no legal doctrine supporting the assertion of a civil litigation privilege. The existence of pending civil litigation does not limit the PSC's authority to pursue its own investigation within the bounds of its authority, which is broad. The PSC has the responsibility and the authority to regulate water utilities so that they safely and efficiently serve the public, and it has the duty and the authority to gather the information necessary for this regulatory function. Learning the lessons which this water crisis has to teach is well within the responsibilities of the Commission. The Company's "objection" is nothing more than an attempt to use the existence of other proceedings as a manufactured excuse for withholding vital and relevant information from this General Investigation.

The Commission has made clear in its Order that it will not take up the issues of civil liability and damages which are before the Courts, and the Commission's only duty with regard to the assessment of "blame" is to determine whether the Company's actions were "unjust, unreasonable, insufficient, or unjustly discriminatory, or otherwise in violation of any provisions of West Virginia Code, Chapter 24" (Commission Order of May 21st at p. 8). Advocates would suggest that even these issues of blame are not the most important purpose of this GI; that the most important purpose of the GI is forward-looking: to learn lessons rather than assess blame. But in order to learn the critical lessons, and to be able to "order reasonable practices or services to be followed or provided by the utility" (Commission Order of May 21st at p. 8), the Commission must not be deterred from its investigation of areas in which the Company's actions may have been unjust, unreasonable, insufficient, or unjustly discriminatory.

Scope

The Company has also repeatedly alleged that the information requests of Advocates go "outside the scope of the General Investigation." The Company has raised this objection to any request for information which would provide some

"context" for the moment of the crisis. In order to understand what happened, and what did not happen, during the Company's response to the chemical spill and water context, Advocates believes it is important for the Commission to understand the context in which decisions were made. It is impossible to understand a moment apart from its context. The Company demonstrates this point in its direct testimony: for example, when it tells the Commission that there had been cold weather in the days prior to January 9th (Exhibit JLM-D at 15), when it describes its normal practices for filtering water (Exhibit BWM-D at 5-6), and when it describes its existing computerized model of water flow through its distribution system (Exhibit BWM-D at 7). These facts go beyond the moment of crisis, but they are important facts because they supply important context for understanding that moment. But the Company would like the Commission to accept into the record only those contextual facts the Company deems convenient, and exclude all others.

An understanding of the context of the Company's response necessarily involves some understanding of what knowledge the Company had about potential contaminants as of January 9th, what the Company had been preparing to do in the event of a spill, what data the Company had been accustomed to receiving and acting on regarding water quality, and what the Company's normal practices had been for monitoring and testing its water.

But apparently it is the Company's position that whether or not the Company was completely unprepared on January 9, 2014 for what occurred on or before that date is of no concern to the West Virginia Public Service Commission.

It is the position of Advocates that this is a matter of central concern to the Commission and must be an important aspect of its General Investigation. There are undoubtedly lessons to be learned related to this, and it is of the utmost importance that they be learned, and that the lessons guide future decisions related to this and all water utilities in the state.

While the Company has referred to the odor of MCHM as a problem which is totally "unrelated" to "health concerns" related to this chemical, it appears fairly clear from the publicly known facts about this crisis that it is the odor which may have saved our community from a much worse fate. But for the powerful odor associated with the chemical, it might have gone officially undetected for days or longer, causing the health impacts of much more widespread and extensive consumption and contact. Had the chemical been odorless and more toxic, the impacts would have likely have been catastrophic. If the Company has not done effective planning to address these possibilities, whether the contaminants be from a

spill or from terrorism, this is a grave situation, and falls directly under the Commission's ability under Section 24-2-7 to determine whether a utility's practices are "unreasonable" or "insufficient."

While the Commission has made clear that the GI "is not intended to not re-litigate past certificate proceedings regarding the intake, treatment, storage, distribution or transmission plant," nor to take up any issue of damages or other matter before the civil courts and outside of the PSC jurisdiction, Advocates firmly believes that issues of the Company's ability to know of, monitor for, and develop emergency response plans for chemicals manufactured and stored upstream of its intake is within the scope of this proceeding.

Advocates further agrees with the Consumer Advocate Division in its motion to compel that this general investigation is likely to be the only opportunity that parties will have to determine whether the Company's actions reflect a reasonable evaluation of the risks of a potential contamination event. A determination in this case that the Company followed reasonable utility practice will make it virtually impossible to raise this issue of risk, and the sharing of costs between ratepayers and shareholders, in a future proceeding. To quote the CAD:

> If the Company took little or no steps to anticipate and plan for such a catastrophe it suggests that the Company was taking a risk that such a spill would never happen. CAD suggests that is the type of risk that should be borne by shareholders, not ratepayers. In other words, this is the type of risk-taking that is an "unreasonable practice," and ratepayers should not be asked to pay for it. If the point of this General Investigation is to determine whether the Company acted reasonably, CAD will almost certainly be precluded from revisiting that question in the upcoming rate case. This proceeding, therefore, presents the only opportunity for CAD, the Commission, Staff or anybody else to explore this question of risk-taking by the Company (CAD Motion to Compel at 2-3)

Finally, Advocates notes that one of the purposes of the general investigation is to expeditiously resolve the large number of formal complaints that have been filed against the Company, which generally dealt with the question of whether or not it was appropriate for the Company to bill customers for water after the Do Not Use order was lifted. The Commission noted that it established the present investigation in the interest of "judicial economy" because of the number of substantively similar complaints (Commission order May 21st at 16). The complaints call into question the

commitment of the Company to deliver the product for which the Commission allows it to bill ratepayers, namely "pure, wholesome [and] potable water" (150 CSR 7 § 5.9). As such, requests for information that address the Company's ability to know whether the water it provides actually meets these criteria are relevant to the Commission's investigation.

The Company has pointed out that "the Commission ... 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." But nowhere has the Commission indicated any disinclination to face up to its responsibility to protect the public, and to ensure that the water utilities over which it has broad regulatory control, are acting in accordance with Chapter 24 of WV Code and following reasonable utility practices.

In short, if the Commission wants to takes steps to avoid repetition of the January 9th debacle in the future, it needs to understand clearly, and in detail, what in fact happened. Hypertechnical objections based on a wooden reading of the GI's scope must give way to the overriding purpose of this inquiry.

"Needless and burdensome"

As a third often-invoked excuse for not providing complete answers to Advocates' information requests the Company has asserted the requests "are needless and/or burdensome... in view of the limited scope of the general investigation and the 100+pages of direct testimony the Company filed." (Company's Responses. p. 4). In the Company's response to the CAD's motion to compel (at p. 4), it suggests that its 100+ pages of testimony should be sufficient. The problem is that the Company's 100+pages of self-serving testimony is short on specifics and details, and raises as many questions as it answers. Discovery, like cross examination, is a critical component of the adversary system's effort to ferret out the truth; does this objection signal the Company's intent to object to cross examination of its testimony at the final hearing in this matter?

Advocates respectfully suggests that the Company has attempted to make overly broad use of this objection, applying it to information requests that seek information beyond the limited details provided in the Company's testimony.

Advocates suggests that there is no apparent undue burden involved in providing complete responses to its information requests and that, if there is some type of unforeseen burden, the Company should be required to articulate and explain this before this objection be given any weight.

In conclusion, Advocates urges the Commission to disallow the Company from using these broad objections as a cloak for concealing its activities under the vague rubric of burden and inconvenience. In the context of an event that burdened and inconvenienced 300,000 citizens, it hard to imagine what, if any, burden associated with answering an interrogatory could ever be deemed unreasonable; surely these questions do not fail under that criteria.

Advocates asks that the Company be ordered to provide complete and appropriate responses to request numbers 1-4, 6, 8, 13, 17 and 18, as detailed below.

Interrogatory 1

In its first request, Advocates asked that the Company "list and identify (including job title) each *and every employee or agent of* West Virginia-American Water that was on duty at the KVTP at any time during January 8 and/or January 9, 2014, and for each person, indicate each period of time during which such person was on duty at the plant."

In response, the Company has merely referred to its objection(s) and response to BI Interrogatory #45 (which was a similar request for the 24 hour period of January 9th), wherein the company objected that the requested information was sought for the purpose of civil litigation and was needless and burdensome. The Company further asserted that it had adequately covered this in its direct testimony by "providing the names of the Company personnel at the Plant who were the *most substantially* involved in the matters within the scope of this general investigation on the afternoon of January 9, 2014." (BI Responses, p. 51, emphasis in the original.)

Advocates respectfully suggests that the information provided by the Company in its direct testimony on the question of who was at the plant and at what points in time is vague and general, and apparently incomplete, since there may have been unidentified individuals whom the Company considers less than "most substantially involved" in spill-related activities. Additionally, it is not clear from the direct testimony whether there were time periods in which no employee was on duty at the plant during the time frame specified. It is highly relevant to a thorough understanding of the events of January 9th to know, in reasonable detail, who was on site for the entire period during which the first evidence of the chemical spill might have appeared and the first response to the chemical might have occurred. Advocates would also point out that while January 9th has been used as the date of on-set for this crisis, because it is the day on which the Do Not Use order went into effect, it has not been clearly established when actually MCHM began leaking from the tank at Freedom Industries, or when the spill actually began to contaminate the water system. Indeed, a recent Chemical Safety Board presentation states that, given the degree of corrosion in Freedom Industries' tanks, the tanks may have been leaking prior to January 9th.[1] It would be very premature to make a determination about the precise beginning of the crisis. As a result, Advocates believes that questions dealing with the operation of WV American Water's treatment plant on the day(s) prior to January 9th are relevant to this investigation, and indeed, in light of the recent CSB information may be *underinclusive.*

[1] http://www.wvgazette.com/article/20140717/GZ01/140719373/1101

Interrogatory 2

In its second request, Advocates asked that the Company "describe with particularity (including what, who, and when) each and every action taken by any agent or employee of West Virginia-American Water at any time during the during the 24 hours prior to 12:30 pm January 9, to determine or verify the quality of water, going into, in, or coming out of the KVTP."

In response, the Company has merely referred to its objection(s) and responses to BI Interrogatory No. 14 (which asked about water quality parameters which the Company routinely monitored on and before January 9th, and to which the Company objected) and BI Interrogatory No. 41 (which asked about details of testing for January 9th, wherein the company objected that the requested information was sought for the purpose of civil litigation and was needless and burdensome). The response to BI Interrogatory No. 41 provided water testing results for standard water quality parameters and for MCHM.

The Company's attempt to dodge the provision of specifics on the claim that this information is for the purpose of the civil litigation is absurd, as is its claim that this information is unduly burdensome. If the Company is unable to obtain the details of the requested information, or there is no more detailed information which can be ascertained for some reason, the Company should at least be obliged to state this and explain why this is so.

Advocates notes that no information has been provided about the period from 12:30 pm to midnight on January 8th, which is included in the period for which Advocates asked. As previously noted, it has not been clearly established when actually MCHM began leaking from the tank at Freedom Industries, or when Freedom actually began to contaminate the water system. As a result, understanding the conditions at the Treatment Plant and water quality measurements taken on January 8th is critical to gaining a better understanding of when the Company should have begun responding to the spill.

The Company should be required to provide a complete response to this request.

Interrogatory 3

In its third request, Advocates asked that the Company "produce any Operators Log or similar record for the KVTP for all period between December 1, 2013 and March 31, 2014. The Company objected that this request "will develop evidence that could be used in pending civil litigation..., is outside the scope of the general investigation and is therefore inappropriate and irrelevant..., and is unduly burdensome and needless given the Company's prefiled testimony and the general investigation's limited scope." Notwithstanding its objections, the Company refers to its response to BI Interrogatory # 41, which contains the Operators log, but only for the single day of January 9, 2014.

The Company's objection is preposterous. If the information on the Operators Log is "outside the scope of the general investigation," then it is difficult to imagine the point of such an "investigation." Advocates believes that a detailed understanding of actions taken at the treatment plant is necessary to determine whether the Company's actions were in accordance with reasonable utility practice and is within the scope of the Commission's first request to the Company to provide "the pertinent actions taken by WVAWC personnel". And it should be noted that the direct testimony filed by the Company provides none of the information which would be in the Operators Log.

Advocates believes that its own request for a more extended period is appropriate to a thorough examination of the crisis. Advocates notes that the water crisis in question here did not begin and end on January 9, 2014. The entire system was under a "Do Not Use" Order for days after the 9th, and the State of Emergency declared by the Governor was not lifted until February 28th. Indeed, the end date of March 31st for which Advocates has requested the Operators Log is exactly the time period specified by the Commission in its first Request to the Company, in which the Commission requested "a chronological description of the pertinent actions taken by WVAWC personnel beginning when any employee of WVAWC, its parent company, or service company became aware of the spill, through March 31, 2014." The begin date of December 1st is appropriate given the need for a base line and the possibility that the Freedom Industries tank farm may have started leaking prior to January 9th.

The Company should be required to provide a complete response to this request.

Interrogatory 4

In its fourth request, Advocates asked that the Company "indicate whether WVAW was able to measure the concentration of MCHM or other organic contaminants generally at its intake on January 9th and at what frequency such measurements were being made. If the capability to measure the presence of chemical contaminants at its intake did not exist at WVAW, please explain why. If the capability did exist but the measurements were not being made, please explain why." The Company responded only by referring to "the Company's objection(s) and response to BI Interrogatory ## 6, 7, 41, BI Request for Admission # 5."

The objections made to those referenced requests are the same meritless objections. The information contained there, in BI Admission 5 in particular, pertains generally to one aspect of Advocates' question, where it establishes that the Company had "not developed or implemented any daily monitoring or testing for 4-MCHM before January 9, 2014." However, nowhere in the answers to these other questions has the Company addressed its ability or inability to "measure MCHM or *other organic contaminants* generally *at its intake*."

Advocates believes that the general emergency preparedness of the Company, including its ability to monitor for other organic contaminants at its intake, is within the scope of this proceeding for reasons outlined in pages 2-5 above.

The Company should be required to provide a complete response to this request.

Interrogatory 6

In its sixth request, Advocates asked that the Company "explain in detail how personnel at the plant first detected MCHM in the finished water, and at what times they did so, and in your answer indicate what means were used to detect and/or confirm the presence of MCHM." In response, the Company said only that "personnel at the Plant first detected MCHM in the filtered water," (essentially parroting the question) and then said to "see generally Exhibits JLM-D (pages 8-18) and BJS-D (pages 7-10) and response to BI Interrogatory #41."

Between lines 9 and 14 on p.11 of Exhibit JLM-D, Mr. McIntyre tells us MCHM was *not* detected in the filtered water until after 4 pm, and on p. 12 at lines 3-4 he tells us that it *was* detected "shortly after 4:00 p.m., [when] water quality personnel at the Plant *observed an indication* that at least some MCHM was present in the filtered water beyond the GAC filters." Ms. Snyder adds (Exhibit BJS-D p. 8) that she was "personally involved" in monitoring taste and odor of filtered water (lines 6-7), and tells us that about 4 pm some unidentified "water quality staff first *detected indications* that some amounts of MCHM had passed through the treatment processes; they reported to me that they observed the characteristic odor of MCHM *in the filtered water.*" (lines 12-14) In response to BI Interrogatory No. 41, the Company has stated that it collected samples at approximately 5 pm and 10:25 pm, for the purpose of "measuring the presence or absence of a volatile compound and any peaks." (p. 47)

Advocates acknowledges that on pages 11 and 12 of JLM-D, page 8 of BJS-D and page 47 of the BI Response there is some very limited information on the Company's initial detection and confirmation of MCHM in its filtered water, but there has been no effort by the Company to "explain in detail" or indication of "what means were used." Similarly, while the response to BI Interrogatory #41 provides information about sampling conducted for laboratory testing at 5pm and 10:25pm, it contains no further information about the means used to monitor the water or "to detect and/or confirm the presence of MCHM" by personnel at the plant during the afternoon of January 9th. Indeed, the only "means" mentioned in the direct testimony was water company personnel smelling the "characteristic odor" of MCHM.

Advocates believes it is relevant to know whether the only means that the Company employed for determining the presence of this contaminant in its finished water were taste and sniff tests, particularly when considering the possibility of a future spill involving a non-odoriferous chemical.

Interrogatory 8

In its eighth request, Advocates pointed out that "Jeffrey L. McIntyre, in his written testimony of July 2, 2014 (p. 11), indicated that Jon Jarvis, prior to departing the KVTP for the Freedom Industries site shortly before 12:30 pm on January 9, 2014, 'investigat[ed] whether there were any signs at the KVTP that water quality was being affected and determined that there was none.'" Advocates requested that the Company "describe everything that Jon Jarvis did to investigate and make this determination."

The Company responded with nothing more than a reference to "the Company's objection(s) and response to BI Interrogatory ## 1, 41." In BI Interrogatory No. 1, the Company was asked to provide information related to testing or analysis conducted by the Company on January 9th, to which the Company offered its standard meritless objections, and referred to its direct testimony, including the very McIntyre quote provided in the question from Advocates, and for which Advocates was seeking clarification. Some of the responses to BI Interrogatory No. 41 may relate to efforts to determine "whether there were any signs at the KVTP that water quality was being affected," but this is far from clear, and in any event there is no simple way to determine from the information provided what if any actions Jon Jarvis had taken to "investigate" and "determine" as Mr. McIntyre testified.

Far from being outside the scope of the GI, as the Company's objections allege, this interrogatory goes directly to the Commission's first request to the Company to provide "a chronological description of the pertinent actions taken by WVAWC personnel beginning when any employee of WVAWC, its parent company, or service company became aware of the spill, through March 3 1,2014." Advocates is merely seeking more detail on what exactly Mr. Jarvis did, once he became aware of the spill, to "investigate" whether water quality was being affected and how he "determined" that it was not.

The Company's objections are meritless and its responses are inadequate, and it should be directed to provide a complete response to the interrogatory.

Interrogatory 13

In its thirteenth request, Advocates asked that the Company " provide all emergency plans and/or emergency response protocols developed by West Virginia American Water prior to January 9, 2014, relating to a potential contamination of its distribution system and in effect on January 9,2014."

In response the Company said nothing other than "See the Company's objections(s) and responses to BI Request for Production ##7, 10-16, 22-27, 29-30." In its response to those 16 separate document requests the Company provided nothing but objections, and provided no documents and no other substantive information. In response to Business Intervenors Request for Production #7, which was substantively very similar to Advocates' request ("PRODUCE all documents in your possession on and before January 9, 2014, which relate to emergency or disaster planning for WVAWC"), the Company replied with its standard three objections and added that, "[m]aterials responsive to this request, in whole or in part, may constitute sensitive information entitled to protection from public disclosure under Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act)."

See p. 2-5 above for Advocates' explanation of why it believes that issues pertaining to emergency preparedness are within the scope of this general investigation.

That the Company would view a lack of preparedness as being of no concern to the Commission is bad enough. But to invoke the laws designed to protect the public from bioterroism an excuse to persist in a state of unpreparedness is outrageous. Moreover, the Bioterrorism Act adds a new section, 1433, to the Safe Drinking Water Act, which provides in section (a)(3) that confidential information provided under the Bioterrorism Act is "exempt from disclosure under Section 552 of Title V of the United States Code [the Freedom of Information Act]."[2] As the Commission well knows, the Freedom of Information Act itself does not ban any public disclosure of information; it merely authorizes an agency to withhold information if the information falls within an exemption from the FOIA, all of which exemptions may be waived. Surely the Bioterrorism Act does not ban the filing of any information with this Commission, nor the redistribution of that information to

[2] Section 1433(a)(3) of the Safe Drinking Water Act provides in its entirety as follows: "(3) Except for information contained in a certification under this subsection identifying the system submitting the certification and the date of the certification, all information provided to the Administrator under this subsection and all information derived therefrom shall be exempt from disclosure under section 552 of title 5 of the United States Code."

intervenors, like Advocates, who are willing to sign an appropriate protective agreement.

The Company's objections are meritless and its responses are inadequate, and it should be directed to provide a complete response to the interrogatory.

Interrogatory 17

In its seventeenth request, Advocates asked that the Company "list all complaint(s) which have been made directly to West Virginia American Water (excluding complaints to the Public Service Commission of which WVAW may have been given formal notice), which complaints relate in any way to the MCHM spill or its aftermath, ...[listing] the name of each customer and a summary of the complaints."

The Company offers the same meritless objections: that this request "will develop evidence that could be used in pending civil litigation..., is outside the scope of the general investigation and is therefore inappropriate and irrelevant..., and is unduly burdensome and needless given the Company's prefiled testimony and the general investigation's limited scope." The Company further asserts that this request "has no discernible purpose other than to enable civil and administrative litigation against the Company," and that "providing the information requested without their permission would also violate the privacy of third parties who have chosen not to publicly file their complaints."

The purpose of this request is to insure that the Commission is able to accurately assess and gauge the nature and extent of this crisis. It would be useful for the Commission to know of the complaints of customers. To the extent that there are legitimate privacy concerns, and there may be some basis to this, this can be addressed though a protective order. The Commission cannot assume, as the Company would, that all customers who have complained to the Company rather than to the PSC have "chosen" this course based on information and preference, anymore than the Commission can assume that any customer who has not complained to the PSC has not been impacted by the water crisis.

The purpose of this information has nothing to do with "enabling litigation." Regarding administrative litigation, the Commission has put in abeyance all individual PSC complaints regarding the water crisis, and indicated that relief for these is likely to be addressed in a comprehensive way as an outgrowth of the General Investigation. This leaves little reason for additional persons to file administrative litigation through the PSC, and no real impact to the Company if they would. The Company should be directed to provide a complete response to the interrogatory.

Interrogatory 18

In its eighteenth request, Advocates asked that the Company "describe all activities undertaken by WVAW between January 1, 2010 and January 8, 2014 to identify and/or access potentially significant contaminant sources in the zone of critical concern of the Elk River drinking water intake."

The Company offers the same meritless objections: that this request "will develop evidence that could be used in pending civil litigation..., is outside the scope of the general investigation and is therefore inappropriate and irrelevant..., and is unduly burdensome and needless given the Company's prefiled testimony and the general investigation's limited scope." The Company makes no specific objections to this request, and so no specific objections should be presumed.

While this request does make inquiries regarding a time period before the spill on or about January 9th, it is reasonably designed to gain a picture of the state of preparedness *at the time of the spi*ll. The preparedness of the Company on January 9, 2014, or the lack of preparedness, and the details related thereto, should be a matter of central concern to the Commission in this General Investigation, as explained in more detail at p. 2-5 above.

The Company's objections are meritless and its responses are inadequate, and it should be directed to provide a complete response to the interrogatory.

Conclusion

For all the reasons set forth above, Advocates respectfully requests that the West Virginia Public Service Commission Compel West Virginia American Water to provide complete responses to Information Requests Numbers 1-4, 6, 8, 13, 17 and 18.

Respectfully submitted,

ADVOCATES FOR A SAFE WATER SYSTEM

By Counsel

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PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the Motion to Compel of Advocates for a Safe Water System were mailed, postage pre-paid, via the US Postal Service, this 1st day of August, 2014 to the following persons:

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