

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 25th day of November 2014.

CASE NO. 14-0872-W-GI
GENERAL INVESTIGATION PURSUANT TO W.VA. CODE §24-2-7 INTO THE ACTIONS OF WVAWC IN REACTING TO THE JANUARY 9, 2014 CHEMICAL SPILL.

COMMISSION ORDER

The Commission (i) requires West Virginia-American Water Company to provide redacted versions of certain documents, (ii) permanently protects the Vulnerability Assessment and the blueprints, and (iii) cancels the current procedural schedule.

BACKGROUND

On January 9, 2014, Freedom Industries, Inc., suffered a significant leak in its storage tank facility allowing the unpermitted discharge of crude 4-methylcyclohexane methanol (MCHM) into the Elk River. This leak occurred about one mile from the raw water intake of the West Virginia-American Water Company (WVAWC).¹ That MCHM found its way into the raw water intake structure and ultimately into the finished water supply of WVAWC produced at its Kanawha Valley Treatment Plant. The finished water went into the WVAWC transmission, distribution, and storage systems and into the systems of some sale for resale customers of WVAWC (for ease of convenience we will refer to the affected water systems collectively as the Kanawha Valley System). After detection of the MCHM, WVAWC entered a “do not use” notice for WVAWC customers that ran from January 9, 2014, and was lifted by zones throughout the Kanawha Valley System beginning January 13, 2014. While it was in place, the “do not use” notice

¹ The leak has most commonly been referred to as the “spill.” We will use that term to identify this event in this Order without attempting to characterize what happened as a “spill.”

impacted most of the 100,000 customers of WVAWC served from the Kanawha Valley System.

On May 21, 2014, the Commission entered an Order (i) initiating a focused general investigation into this matter, (ii) holding the formal complaint cases related to the chemical spill in abeyance, (iii) setting a procedural schedule, (iv) requiring WVAWC to file direct testimony responsive to specific questions of the Commission, (v) requiring WVAWC to provide public notice of the focused general investigation, and (vi) providing a brief overview of the rules of practice before the Commission.

The Commission granted petitions to intervene by the Consumer Advocate Division (CAD), Advocates for a Safe Water System (ASWS), and the Business Intervenors. Commission orders of June 4, 2014 and July 10, 2014.

On August 5, 2014, and in the wake of motions to compel responses to discovery responses filed by several of the intervenors, the Commission issued an order holding the then current procedural schedule in abeyance and scheduling a discovery conference. The discovery conference was held on August 18, 2014.

On August 20, 2014, WVAWC filed a document titled Supplemental Memorandum on Dissemination of Certain Documents wherein the WVAWC described the sensitive nature of some of the data responses addressed during the discovery conference.

On August 22, 2014, the Commission issued an Order ruling on the motions to compel. Therein, the Commission described the asserted sensitive nature of certain of the documents, noting “we have established a procedure that is both cautious and preserves the other parties’ right to respond. This Commission Order will allow such information to be provided pursuant to protective agreement and filed under seal. WVAWC will also file a motion for protective treatment to which the other parties may respond,” and that “the issue of confidential and sensitive material has been raised by WVAWC. This is a significant issue, involving critical utility infrastructure. That issue must be taken seriously by the Commission and the parties.” Order at 8 and 9.

To that end, the Commission directed the parties to enter into a protective agreement that would prevent a party from publicly releasing the sensitive documents and

place restrictions on use of the documents in this Commission proceeding. After a party had entered into the protective agreement, WVAWC was directed to provide the documents to the party, file the documents with the Executive Secretary's Office under seal, and file a motion for an order granting permanent protective treatment. If there were confidential portions of the documents that were part of an otherwise non-confidential response, WVAWC was told to provide and file a redacted response that would appear in the public docket and a non-redacted copy to be retained under seal. Regarding Freedom of Information Act (WV FOIA) requests pursuant to the West Virginia Freedom of Information Act, W.Va. Code §§29B-1-1 et seq., the Commission stated:

In the event that a Freedom of Information Act request or other similar request is made for disclosure of any of the Confidential Information provided pursuant to this Protective Agreement, the Commission will provide the Disclosing Party with prompt notice of such request, in sufficient time for the Disclosing Party to take steps to respond to the requested disclosure.

* * *

As discussed above, WVAWC has argued that some of the information and data requested should be protected from public disclosure in the interest of security of its system. The Commission agrees with WVAWC that information that falls into that category must be protected and the receiving party must enter into a Protective Agreement. We direct WVAWC to determine which responses it believes should be protected and WVAWC may mark those responses as confidential. Final determination of the confidentiality of any information so marked will be made by the Commission as discussed above.

Order at 9 and 10.

On August 29, 2014, the parties to this proceeding submitted an agreed-to protective agreement.

On September 2, 2014, WVAWC filed supplemental responses to several data

requests, as required by the August 22, 2014 Order. Fifteen of those documents were filed under seal (Sealed Documents).

On September 10, 2014, WVAWC filed a motion for protective order applicable to the Sealed Documents, asking that the Commission “maintain the confidentiality of the Confidential Information and rule it is exempt from public disclosure under WV FOIA and applicable federal law.” Motion at 22. Further, because of asserted federal statutory protections, WVAWC fully redacted one, and partially redacted three, of the Sealed Documents provided to the other parties through the Protective Agreement; specifically,

- a. the Risk-Based Vulnerability Assessment West Virginia-American Water Company Kanawha Valley District System Report March 2003 (document ID GI0000003),
- b. the West Virginia American Water Emergency Preparedness Manual (document ID GI0000001),
- c. the Finished Water Storage Security Practice (document ID GI0000289), and
- d. the Treatment Chemical Receiving Practice (document ID GI0000295).

(These four Sealed Documents will be referred to collectively as the Sealed Documents-Highly Sensitive Confidential Information, or Sealed Documents-HSCI.) Only the Commission was given fully unredacted copies of the Sealed Documents-HSCI. The remaining eleven Sealed Documents were given in unredacted format to the parties in this case pursuant to the Protective Agreement. (The remaining eleven Sealed Documents will be referred to herein as Sealed Documents-Confidential, or Sealed Documents-C.) Additionally, WVAWC sought permanent protective treatment of blueprints of its Kanawha Valley Treatment Plant (herein, Blueprints), requested by CAD data request A-5.

On September 11, 2014, Ken Ward, Jr., a reporter for the *Charleston Gazette* newspaper, filed a FOIA request seeking “any and all materials submitted to the commission by West Virginia American Water Company as part of their filing on Sept. 2 of records responding to the commission’s Aug. 22 procedural order.” Effectively, Mr. Ward requested the Sealed Documents and the Blueprints through the WV FOIA that

were covered by the September 10, 2014 motion for protective order.

On September 12, 2014, the Commission issued an Order citing the August 22, 2014 Order regarding WV FOIA filings, and allowing WVAWC the opportunity to submit supplemental support for its September 10, 2014 motion for protective order. The parties to this case were given the opportunity to respond to the WVAWC filings.

On September 16, 2014, WVAWC filed in response to the September 12, 2014 Order. WVAWC cited State ex rel. Garden State Newspapers, Inc., v. Hoke, 205 W. Va. 611, 520 S.E.2d 186 (1999) in support for its position that the press does not enjoy greater access to confidential information than that afforded to the general public. Citing State ex rel. Brooks v. Zakaib, 214 W.Va. 253, 588 S.E.2d 418, 430-431 (2003), WVAWC argued that both the sealing of records and FOIA requests are contemplated in West Virginia's Trial Court Rules 10.03 and 10.04, and that this Commission adopted Rule 26(c) of the West Virginia Rules of Civil Procedure as the basis for issuing protective orders exempting documents from public disclosure under FOIA. WVAWC asserted that its September 10, 2014 motion satisfies the Commission's requirements, providing sufficient basis for the relief requested and, by consequence, the denial of Mr. Ward's request.

On September 17, 2014, by its General Counsel, the Commission responded to Mr. Ward, noting that owing to the resignation of one Commissioner and recusal from this case of the Chairman leaving only one voting Commissioner, the Commission was unable to rule on the WVAWC motion to protect and Mr. Ward's FOIA filing until a Commissioner was appointed.

On September 22, 2014, CAD, ASWS, Business Intervenors, and Staff (Advocates) filed a combined motion to compel expedited enforcement of the August 22, 2014 Commission Order and response to the WVAWC motion for protective order. The Advocates noted that the redactions of the Sealed Documents-HSCI comprised approximately 160 of 298 pages.

The Advocates requested that the Commission order that WVAWC produce to the Advocates the Sealed Documents-HSCI, in their entirety. The Advocates further requested that they be permitted to view, in their entirety, any and all blueprints or other similar documents, regardless of whether these documents are afforded confidential

treatment by the Commission.

On September 22, 2014, ASWS, joined by the Business Intervenors, filed a supplemental response to the WVAWC motion for a protective order. ASWS asserted that WVAWC had defied the August 22, 2014 Commission Order and the Protective Agreement entered into by the parties by redacting portions of the Sealed Documents-HSCI.

On September 25, 2014, WVAWC filed the Supplemental Direct Testimony of Jeffrey L. McIntyre, noting that several attached exhibits were subject to the September 10, 2014 WVAWC motion for protective treatment and were accordingly submitted under seal.

On September 26, 2014, WVAWC filed a reply brief in support of its motion for a protective order.

On September 30, 2014, the Advocates filed comments in response to the WVAWC reply brief in support of its motion for protective treatment.

On October 1, 2014, WVAWC filed a letter responding to the timing of discussions among the parties regarding redactions to the Sealed Documents-HSCI.

On November 6, 2014, Staff and the intervenors filed testimony.

On November 6, 2014, all parties except WVAWC filed a joint motion to modify the procedural schedule.

DISCUSSION

Before the Commission are (i) a motion for protective treatment filed by WVAWC, (ii) a WV FOIA request, (iii) a motion by the Advocates to compel expedited enforcement of the August 22, 2014 Commission Order, and (iv) a motion to modify the current procedural schedule.

Motion for Protective Treatment and Redaction of Public Versions of Documents

Although WVAWC filed the Sealed Documents that are the subject of its motion for protective treatment under seal, WVAWC did not file public versions of the documents with confidential portions redacted. As further explained below, WVAWC did not follow established Commission procedure for the submission of information that is claimed to be confidential. The Supreme Court of Appeals of West Virginia requires a public body to redact or separate exempt from non-exempt information. Farley v. Worley, 599 S.E.2d 835, 215 W.Va. 412 (2004). Additionally, Rules 4.1.e and f of the Commission Rules of Practice and Procedure, (Procedural Rules) 150 CSR 1, require, in part:

4.1.e. ... If a filer believes that a filing contains sensitive or confidential information, then the filer shall make two separate filings, one of which shall be redacted, and the other shall be un-redacted and filed under seal.

4.1.f. All filings of information under seal shall include an original and 2 copies in a sealed envelope, with a cover letter attached to the outside of the sealed envelope generally identifying the sealed information and stating that the filer intends to file the enclosed information under seal. All such filings must be accompanied by a statement that the filer will file its motion for protective treatment within one week.

In Regional Development Authority of Charleston-Kanawha County, et al. v. West Virginia-American Water Company, Case No. 11-1451-W-C (February 17, 2012) the Commission remarked on WVAWC neglecting to timely file the redacted versions of its sealed filings and a request for protective treatment. Regarding those failings the Commission stated: “WVAWC, however, should work to diligently comply with these rules in the future.” Order at 5.

The Commission requires that WVAWC submit redacted public versions of all of the Sealed Documents except for the Vulnerability Assessment and the Blueprints, as noted below.

WVAWC Arguments for Protection of the Vulnerability Assessment under the State and Federal Bioterrorism Amendments

The Vulnerability Assessment (VA) was required by U.S. Code 2011, Title 42, Chapter 6A, Subchapter XII, Part D, Section 300i-2(a) Vulnerability Assessments. That federal statute provided for protection of the VA:

(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.

(4) No community water system shall be required under State or local law to provide an assessment described in this section to any State, regional, or local governmental entity solely by reason of the requirement set forth in paragraph (2) that the system submit such assessment to the Administrator.

(5) Not later than November 30, 2002, the Administrator, in consultation with appropriate Federal law enforcement and intelligence officials, shall develop such protocols as may be necessary to protect the copies of the assessments required to be submitted under this subsection (and the information contained therein) from unauthorized disclosure. Such protocols shall ensure that—

(A) each copy of such assessment, and all information contained in or derived from the assessment, is kept in a secure location;

(B) only individuals designated by the Administrator may have access to the copies of the assessments; and

(C) no copy of an assessment, or part of an assessment, or information contained in or derived from an assessment shall be available to anyone other than an individual designated by the Administrator.

(6)(A) Except as provided in subparagraph (B), any individual referred to in paragraph (5)(B) who acquires the assessment submitted under paragraph (2), or any reproduction of such assessment, or any information derived

from such assessment, and who knowingly or recklessly reveals such assessment, reproduction, or information other than—

- (i) to an individual designated by the Administrator under paragraph (5),
- (ii) for purposes of section 300j-4 of this title or for actions under section 300i of this title, or
- (iii) for use in any administrative or judicial proceeding to impose a penalty for failure to comply with this section, shall upon conviction be imprisoned for not more than one year or fined in accordance with the provisions of chapter 227 of title 18 applicable to class A misdemeanors, or both, and shall be removed from Federal office or employment.

(B) Notwithstanding subparagraph (A), an individual referred to in paragraph (5)(B) who is an officer or employee of the United States may discuss the contents of a vulnerability assessment submitted under this section with a State or local official.

WVAWC also asserted that the VA includes both “specific or unique vulnerability assessments” and “risk assessments” that are exempt from WV FOIA disclosure under W.Va. Code §29B-1-4(a)(10) and (14), respectively.

Advocates Arguments Regarding Protection of the VA under the State and Federal Bioterrorism Amendments

In its September 22, 2014 filing, ASWS argued that the Bioterrorism Amendments to the Federal Safe Drinking Water Act require community water systems to prepare a vulnerability assessment, evaluating “the vulnerability of its system to a terrorist attack or other intentional acts intended to substantially disrupt the ability of the system to provide a safe and reliable supply of water.” 42 U.S.C. § 300i2(a). The vulnerability assessment is required to be submitted to the EPA and is specifically excluded from the Federal Freedom of Information Act under 42 U.S.C. §§ 300i2(a)(3) and (5). ASWS asserted that protections of the Bioterrorism Act are intended to apply to the EPA, and not meant to apply to everything mentioned in the VA. ASWS agreed that some portions of the VA should be permanently excluded but stated a concern regarding the WVAWC interpretation regarding the amount of information to be excluded.

In its September 22, 2014 filing, ASWS asserted that the WV FOIA subsections cited by WVAWC may apply to a narrow portion of the documents, but should not apply to the entire documents.

Commission Decision Regarding Protective Treatment of the VA

The federal statutes develop comprehensive protections for the VA that are required to be prepared and filed with a federal agency. The VA describes vulnerabilities in the WVAWC system and could be used by nefarious individuals to carry out attacks on the infrastructure of the WVAWC system and on the finished water supplied to its customers. Furthermore, Congress was explicit in defining individuals to whom, and the circumstances under which, the VA could be made available. Violations of these provisions constitute a federal class A misdemeanor. The Commission concludes that Congress intended the VA to not only be exempt from federal FOIA requests, but also that its use be severely restricted.

The WV FOIA provides that the public has the right to inspect or to copy any documents or information held by a public body, unless the information falls within one of the categories of the WV FOIA exemptions listed in W.Va. Code §§29B-1-4 and 29B-1-3(1). In accordance with the standard established in AT&T v. Public Service Commission, 188 W.Va. 250, 423 S.E. 2d 859 (1992) any documents and information held by the Commission is available for public inspection unless a specific exemption under WV FOIA applies.

WV FOIA, at W.Va. Code §§29B-1-4(a)(9) - (17) provide exemptions for public safety information as follows:

- (9) Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the public health;
- (10) Those portions of records containing specific or unique vulnerability assessments or specific or unique response plans, data, databases and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of

law enforcement or emergency response personnel;

- (11) Specific intelligence information and specific investigative records dealing with terrorist acts or the threat of a terrorist act shared by and between federal and international law-enforcement agencies, state and local law enforcement and other agencies within the Department of Military Affairs and Public Safety;
- (12) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;
- (13) Computing, telecommunications and network security records, passwords, security codes or programs used to respond to or plan against acts of terrorism which may be the subject of a terrorist act;
- (14) Security or disaster recovery plans, risk assessments, tests or the results of those tests;
- (15) Architectural or infrastructure designs, maps or other records that show the location or layout of the facilities where computing, telecommunications or network infrastructure used to plan against or respond to terrorism are located or planned to be located;
- (16) Codes for facility security systems; or codes for secure applications for such facilities referred to in subdivision (15) of this subsection;
- (17) Specific engineering plans and descriptions of existing public utility plants and equipment;

The Commission concludes that the VA qualifies for permanent protective treatment under both the federal statute and WV FOIA, W.Va. Code §29B-1-4(a)(9), (10), (14), and (17).

In consideration of the national security interests involved and the provisions of the federal and state statutes, the Commission will apply permanent protective treatment to the entirety of the VA. Furthermore, because of the unique protection granted by the federal statute to the VA, the Commission concludes that it would be counter-productive to require that WVAWC produce a public redacted version of the VA.

Commission Decision Regarding Blueprints

WVAWC asserted that the Blueprints qualify for (i) WV FOIA exemption under W.Va. Code §29B-1-4(a)(17) as “specific engineering plans and descriptions of existing public utility plants and equipment,” (ii) confidential treatment under the West Virginia’s Water Resources Protection Act, W.Va. Code § 22-26-4(b)(3), because their disclosure would potentially “[p]resent a threat to the safety and security of any water supply...”, (iii) protection as a “trade secret” under WV FOIA because the blueprints are non-public, proprietary technical descriptions (through the means of engineering drawings and descriptions) for the Kanawha Valley Treatment Plant, prepared at substantial expense, to which other industry competitors have no access and from which they could gain substantial value.

The Commission concludes that the Blueprints (Document IDs GI0000237, GI0000245, GI0000247, GI0000263, GI0000264, GI0000269, GI0000270, GI0000277, and GI0000281) qualify for WV FOIA exemption under W.Va. Code §29B-1-4(a)(17) as “specific engineering plans and descriptions of existing public utility plants and equipment.” Because of the national security concerns inherent in content of the Blueprints, and the unique physical nature of blueprints in general, the Commission will not require WVAWC to produce redacted versions of those documents.

Redaction of Selected Documents

As described above in this Discussion, WVAWC is required to redact and submit public versions of all of the Sealed Documents except for the VA and the Blueprints.

The Commission has addressed the proper method of redacting documents in prior cases. Recently, the Commission described the method in Monongahela Power Company and The Potomac Edison Company dba Allegheny Power, Case No. 09-1485-E-P (October 28, 2010), stating:

The Commission emphasizes that the Companies need to file both a public version of the documents and a confidential version, each showing plainly where the material that is claimed to require exemption from disclosure is contained. In the public version, the redacted section(s) should be clearly marked with brackets to identify the location of the redacted material, such as [[Redacted Material]] or [[*****]]. The document filed under seal should be clearly marked as "Confidential" on its cover and each page. The confidential material in the document filed under seal should also be identified with markings such as double brackets [[-]] at the beginning and end of such confidential material so that the Commission, upon review of the document, can easily identify the scope and extent of the actual publically redacted material. See, Jefferson Utilities, Inc., Case No. 08-0544-W-42A (Commission Order, December 21, 2009) at 14 (directing parties to redact content sparingly and stating the expectation that public documents be understandable, albeit with blank spaces identifying redacted material); See, Hope Gas, Inc., Case No. 08-1783-G-42T (Commission Order, November 20, 2009 at 42 denying protective treatment request for data publicly available and unsupported by affidavit). In the document filed under seal, the publicly redacted information should appear between the brackets, whereas in the public version of the redacted document, that information will be absent.

Redaction in the publicly available documents should be limited to specific words and phrases that provide confidentiality to data or statements to be protected. This redaction must leave the overall context of the filed material as complete and readable as possible. Spacing and formatting of both the publicly available redacted version of documents and the protected or confidential unredacted version should be done in such manner as to maintain consistency as to the pages of the document. Unredacted portions of the public and confidential documents should match page by page. Finally, the portions of the confidential documents that are redacted in the public documents should be clearly identifiable by typographical symbols such as brackets, braces or other markings that are clearly not part of the original text.

In performing the required redactions the parties should heed the charge set forth by the Legislature in W.Va. Code §29B-1-1:

Pursuant to the fundamental philosophy of the American constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the state of West Virginia that all persons are, unless otherwise expressly provided by law, entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public

officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government they have created. To that end, the provisions of this article shall be liberally construed with the view of carrying out the above declaration of public policy.

In light of this, WVAWC should use a light hand in redacting its documents. The Commission will not hesitate to require WVAWC to perform a subsequent redaction if it appears to the Commission that WVAWC has redacted more than is necessary.

The parties should be aware that the Commission prefers not to hold in camera sessions unless it is absolutely necessary. The parties should prepare their cross-examination questions accordingly.

FOIA

Resolution of the FOIA request must await Commission review of the redactions performed by WVAWC and ruling on the motion for protective treatment.

Advocates Request to Compel Enforcement of the August 22, 2014 Order

The Commission will address the Advocates request to compel enforcement of the August 22, 2014 Order by a subsequent order.

Motion to Modify the Current Procedural Schedule

On November 6, 2014, all parties except WVAWC filed a joint motion to modify the procedural schedule. Noting the WVAWC decision to redact as to the Advocates the majority of the contents of the Sealed Documents-HSCI, the Advocates requested that the Commission enter an order modifying the August 27, 2014 procedural schedule to expressly permit supplemental testimony on behalf of the Advocates, and modify other dates and deadlines, including the February 10-12, 2015 hearing, if necessary.

The current procedural schedule (i) requires the parties to file simultaneous rebuttal testimony on January 20, 2015, (ii) requires an agreed order of witnesses and written opening statements on February 4, 2015, and (iii) sets the hearing in this case for February 10-12, 2015. Because ruling on the motion for protective treatment and request

to compel enforcement will take additional time, and because the request to compel enforcement may result in requests to file supplemental testimony, the Commission will cancel the current procedural schedule. The Commission will issue a new procedural schedule by a subsequent order.

The parties should specifically note that the deadline for issuing discovery has passed. No new requests for discovery may issue.

FINDINGS OF FACT

1. On September 10, 2014, WVAWC filed a motion for protective order seeking protection of Sealed Documents, as filed September 2, 2014.
2. On September 11, 2014, the Commission received a WV FOIA request for the Sealed Documents.
3. WVAWC has not filed public versions of the Sealed Documents, as required by Procedural Rules 4.1.e and f.
4. The deadline for issuing discovery requests has passed.

CONCLUSIONS OF LAW

1. WVAWC should be required to file public redacted documents as required by this order to facilitate a decision regarding the motion to protect and the WV FOIA.
2. A ruling on the motion to compel enforcement of the August 22, 2014 Order should await resolution of the motion to protect and the FOIA.
3. The VA qualifies for permanent protective treatment under both the federal statute and WV FOIA, W.Va. Code §29B-1-4(a)(9), (10), (14), and (17).
4. The Blueprints (Document IDs GI0000237, GI0000245, GI0000247, GI0000263, GI0000264, GI0000269, GI0000270, GI0000277, and GI0000281) qualify for WV FOIA exemption under W.Va. Code §29B-1-4(a)(17).

5. Because of the national security nature of the content of the VA, and the unique nature of the protections afforded the VA by the federal statute, the Commission will not require WVAWC to file a public redacted version of the VA.

6. Because of the national security concerns inherent in content of the Blueprints, and the unique physical nature of blueprints in general, the Commission will not require WVAWC to produce redacted versions of those documents.

7. The current procedural schedule should be cancelled.

ORDER

IT IS THEREFORE ORDERED that on or before 4:00 p.m., Friday, December 5, 2014 West Virginia-American Water Company should file public redacted versions of all of the Sealed Documents except for the Vulnerability Assessment and the Blueprints.

IT IS FURTHER ORDERED that the Vulnerability Assessment is granted permanent protective treatment.

IT IS FURTHER ORDERED that the Blueprints are granted permanent protective treatment.

IT IS FURTHER ORDERED that the current procedural schedule in this case is cancelled, including the hearing scheduled for February 10-12, 2015. Parties may not issue new discovery in this case.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this order by electronic service on all parties of record who have filed an e-service agreement, by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Staff by hand delivery.

Chairman Michael A. Albert is recused.

A True Copy, Teste,



Ingrid Ferrell
Executive Secretary

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