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June 22, 2015

Via Hand Delivery

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

04:20 PM JUN 22 2015 PSC EXEC SEC DIV

Re: West Virginia-American Water Company
2015 Consolidated Water and Wastewater Rate and Depreciation Filings
PSC Case Nos. 15-0674-WS-D, 15-0675-S-42T, and 15-0676-W-42T

Dear Ms. Ferrell:

Enclosed please find an original and twelve copies of *Response to ASWS Petition to Intervene* filed on behalf of West Virginia-American Water Company.

Please file this letter and provide the twelve additional copies to the appropriate parties at the Commission. We also ask that you date stamp the extra copy of the letter provided and return it with our messenger. As always, we appreciate your assistance in this matter.

Sincerely yours,

Christopher L. Callas

CLC/mv

c: Tom White
David A. Sade
Marc J. Slotnick and Andrew T. Gunnoe
Paul R. Sheridan

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 15-0676-W-42T

WEST VIRGINIA-AMERICAN WATER COMPANY

Rule 42T tariff filing to increase
rates and charges (water operations)

CASE NO. 15-0675-S-42T

WEST VIRGINIA-AMERICAN WATER COMPANY

Rule 42T tariff filing to increase
rates and charges (wastewater operations)

CASE NO. 15-0674-WS-D

WEST VIRGINIA-AMERICAN WATER COMPANY

Application for Change in Depreciation Rates
pursuant to Procedural Rule 20

COMPANY'S RESPONSE TO ASWS PETITION TO INTERVENE

The Company opposes intervention of Advocates for a Safe Water System ("ASWS") in these proceedings.

The Commission denies intervention in rate cases where the petitioner, whether an individual or a group, has interests that are indistinct from other customers and already effectively represented by the CAD. Here the CAD is an active participant in the case, and will effectively represent the interest of ASWS's members. Intervention is also to be denied where the petitioner seeks to advance arguments that are not "reasonably pertinent" to the subject matter of a rate case – the determination of a reasonable revenue requirement – and thus would

“unduly broaden” those issues. Procedural Rule 12.6.a.1. The ASWS petition to intervene falls into both of these categories.

Although the Company’s business is the provision of potable water meeting all water quality requirements, and thus maintaining its ability to continue this service should be the objective of a rate filing, ASWS’s interest in the particular facilities, practices, and policies related to water service is not directly relevant to the calculation of the Company’s revenue requirement and depreciation accrual rates in these cases. Thus, the Commission should deny the ASWS petition.

A. ASWS’s Grounds for Intervention

In its one-page petition filed on June 12, ASWS offers five bases for its request to intervene:

- Ground A “[T]o ensure that the Commission receives and considers all information relevant to protecting public access to safe drinking water.”
- Ground B “[T]o assist the Commission in its evaluation of the petition [*i.e.*, the Company’s rate and depreciation filings].”
- Ground C “[T]o ensure that WVAW customers are not burdened with inequitable or unnecessary costs.”¹
- Ground D “[T]o ensure that when the PSC takes action it is cognizant of and responsive to the concerns or interests of the water-consuming public.”
- Ground E “[T]o advocate that any changes in rates improve the safety of the water system and otherwise promote the public interest.”

To the extent they are germane to any of these cases, each ground falls within the CAD’s role as a representative of residential customers; ASWS offers no particular interest or ratemaking expertise distinct from that of the CAD that would justify its participation. Concerns about water

safety are not “reasonably pertinent” to the establishment of customer rates, and thus would unduly broaden the proceeding’s scope in violation of Procedural Rule 12.6.a.1.

B. ASWS Intervention Would Be Unnecessarily Cumulative of the CAD’s Statutory Representation of Residential Customers.

Because ASWS has not shown a “unique” or “particular” interest in the ratemaking process, and has no “particular background or expertise in utility ratemaking,” its participation would be cumulative of the CAD’s participation and would not assist the Commission in analyzing the Company’s rate and depreciation requests.

1. ASWS Grounds for Intervention – Rate Issues

ASWS Grounds B, C, and D are entirely subsumed in the CAD’s responsibilities to represent residential customers. The CAD is already assisting all residential customers, including the ASWS constituency, by informing the Commission’s evaluation of the rate filing (Ground B) to ensure that customers do not pay “inequitable or unnecessary costs” (Ground C). Ensuring that the Commission in its ratemaking is “cognizant of and responsive to” public concerns and interests (Ground D) also falls within the CAD’s representative role.

2. The Commission Regularly Denies Ratepayer Requests to Intervene in Rate Cases, By Individuals and Groups Alike.

The Commission routinely denies requests by individual customers and groups to intervene in utility rate cases because they are unable to show that their interests “cannot adequately be addressed by CAD.” *See, e.g., Monongahela Power Company and The Potomac Edison Company*, Case Nos. 06-0960-E-42T and 06-1426-E-D (Commission Order dated January 26, 2007) at 3-4, 6 (several individual petitions to intervene denied because CAD is

¹ Relatedly, ASWS says part of its mission is to advocate for “fair treatment of water customers.”

required by law to represent interests of residential ratepayers); Hope Gas, Inc., Case No. 08-1783-G-42T (Commission Order dated January 20, 2009) at 4 (intervention denied due to CAD participation).

ASWS's status as an "unincorporated non-profit association" does not assure its entitlement to intervene when its individual members – many of whom are the Company's customers – would not be permitted to intervene on their own. Under Procedural Rule 12.6.a.1, groups of customers are considered no differently than individuals. For example, the Commission denied intervention requests by homeowners associations seeking to intervene in an earlier proceeding to access information filed under seal in that case; their interest, the Commission found, was not "reasonably pertinent" to that proceeding and thus did not satisfy Procedural Rule 12.6.a.1. Jefferson Utilities, Inc., Case Nos. 08-0544-W-42A, 10-0974-W-PC and 10-1329-W-42T (Commission Order dated December 2, 2010) at 16-17, 21. *See also* Monongahela Power Company, The Potomac Edison Company, Trans Alleghany Interstate Line Company, and FirstEnergy Corp., Case No. 10-0713-E-PC (Commission Order dated September 9, 2010) at 4-5 (applying Procedural Rule 12.6.a.1 to deny request of "Jefferson County Intervenor Group," a group of customers opposed to a transmission line, to intervene in a utility merger approval case).²

3. ASWS Has Shown No "Unique" or "Particular" Interest Justifying Intervention.

To be eligible for intervenor status, the petitioner must show a "unique interest" in the rate proceeding, distinct from other ratepayers. Monongahela Power Company and The Potomac Edison Company, Case Nos. 14-0701-E-D and 14-0702-E-42T (Commission Order dated June 6, 2014) at 2; *see also* Mountaineer Gas Company, Case No. 11-1627-G-42T (Commission Order

dated February 22, 2012) at 6, 14 (no “particular interest apart from [petitioner’s] status as a residential ratepayer”). A “unique” or “particular” interest cannot merely be the petitioner’s interest in a particular aspect of the utility’s operations. In the Appalachian Power/Wheeling Power 2014 rate case, a petitioner named Linger sought intervenor status, contending that the utilities’ rates should not include any amount for vegetation management because he believed the utilities had previously neglected their responsibilities in this area. The Commission denied Mr. Linger’s request, also observing that vegetation management practices and cost recovery had been addressed in another recent proceeding involving APCo. Appalachian Power Company and Wheeling Power Company, Case No. 14-1152-E-42T (Commission Order dated September 18, 2014) (“APCo September 2014 Order”) at 2.³

In Berkeley County Public Service Sewer District, Case No. 93-0619-PSD-CN (ALJ Procedural Order dated July 26, 1994), a public service district sought a certificate to expand and upgrade its wastewater treatment plant. The district’s former executive director, Mr. Hansen, sought to intervene, contending he was interested in the water quality of Opequon Creek as a “volunteer water quality monitor” under W. Va. Code § 20-5A-8A, was a member of various environmental organizations concerned with the Potomac River Basin, and had technical knowledge of Opequon Creek and the waste water treatment facilities at issue. The ALJ found that Mr. Hansen’s interests and qualifications did not evidence a legal interest sufficient to justify

² For an extended discussion of this decision, *see* Section C.2 below.

³ For similar reasons, in the same order the Commission denied the intervention request of another putative intervenor who was especially concerned about the rate case’s potential impact on low-income customers.

intervention under Procedural Rule 12.6.a.1, especially as he did not reside in the district's service territory and was not a customer. *Id.* at 2-3.⁴

ASWS's claims that "safety of the water system" is a particular concern of its members, but fails to explain why this broadly defined concern is in any way unique to ASWS. Absent such an explanation, ASWS's stated interest in this one aspect of the Company's operations is not adequate grounds for intervention in the Company's rate and depreciation cases, any more than Mr. Linger's concerns about right-of-way clearance and related cost recovery justified his intervention in APCo's 2014 rate case, or Mr. Hansen's interest in Opequon Creek warranted his participation in Berkeley County PSSD's certificate case.

4. ASWS Claims No Ratemaking Background or Expertise that Might Assist the Commission, Making its Participation Cumulative of the CAD's.

In the APCo September 2014 Order, the Commission also noted that Mr. Linger had no "unique knowledge or expertise relevant to this rate proceeding" that may have supported his intervention request. APCo September 2014 Order at 2. Expertise in ratemaking has appeared in other Commission orders as a qualification for putative intervenors where, as here, their concerns were indistinct from other residential customers. The Commission's inquiry is whether the individual's participation as a party would assist the Commission in examining the rate filings; if it would not, then the petitioner's participation as intervenor would be cumulative of the CAD's participation, and therefore unwarranted. Monongahela Power Company and The Potomac Edison Company, Case Nos. 14-0701-E-D and 14-0702-E-42T (Commission Order

⁴ See also Greenbrier County Solid Waste Authority, Case No. 92-1282-SWF-CN (Recommended Decision dated May 25, 1993; Final Order dated June 24, 1993) at 4, 11-12 (intervenor status denied where petitioner in a solid waste certificate of need case stated no reason for intervention other than its having a pending application for a certificate of need in an adjacent county and a different watershed; not only did petitioner present no information that would assist the ALJ or the parties, it failed to state any "harm or benefit which it would experience if its petition was denied or granted").

dated August 8, 2014) at 2 (petitioner's request to intervene "did not suggest any particular background or expertise in ratemaking," and thus would be "cumulative" of the CAD's participation and unhelpful to the Commission).

Nothing in the ASWS petition suggests any particular background in ratemaking, nor any expertise that would assist the Commission in making ratemaking determinations. Given the lack of specific expertise and that its members' general legal interests in the rate and depreciation filings are indistinct from the interests of other residential customers, any participation by ASWS would be "cumulative" of the CAD's.

C. ASWS's Intervention Would Unduly Broaden the Scope of These Cases.

When ASWS's rate-related grounds for intervention are properly entrusted to the CAD, only ASWS's water safety concerns remain. Consideration of these is not only unnecessary to the Company's rate and depreciation filings, but would unduly broaden the issues under consideration, all in contravention of Procedural Rule 12.6.a.1.

1. ASWS Grounds for Intervention – Water Safety Issues

Only ASWS's Ground A relates uniquely to its water safety concerns: "To ensure that the Commission receives and considers all information relevant to protecting public access to safe drinking water." Although Ground E is principally devoted to rate-related advocacy, it also addresses safety concerns, contending that any change in rates "improve the safety of the water system and otherwise promote the public interest." Neither of these grounds warrants ASWS's intervention.

2. ASWS's Suggested Focus on Water Safety Would Not Be "Reasonably Pertinent" to Revenue Requirement and Depreciation Issues at Issue in These Cases.

The Commission has disallowed participants in one Commission proceeding from attempting to affect the outcome of that proceeding through intervention in another docket. A good example is presented in Monongahela Power Company, The Potomac Edison Company, Trans-Alleghany Interstate Line Company, and FirstEnergy Corp., Case No. 10-0713-E-PC (Commission Order dated September 9, 2010), where three West Virginia utilities sought approval for their common parent to become a wholly-owned subsidiary of another utility holding company. Jefferson County Intervenor Group ("JCIG"), which had intervened in a pending transmission line certificate application involving one of the utilities, also sought to intervene in the merger proceeding, contending that its members were "concerned about how the merger ... relates to, or will otherwise impact, the construction and operation of [the proposed transmission line] and future transmission facilities." *Id.* at 4. The Commission observed that JCIG had actively participated as an intervenor in the transmission line case, represented by the same counsel filing the petition to intervene in the merger case. Denying the petition, the Commission said that JCIG's intervention request "does not appear to focus on the matters that should be before the Commission in this proceeding," and appeared to be an effort to affect the Commission's determination in the still-pending transmission line case. Applying the intervention standards in Procedural Rule 12.6.a.1, the Commission concluded that JCIG's request sought to introduce matters "not reasonably pertinent" to the issues presented in the merger case, and that doing so would "unduly broaden" the issues there. For this reason, the transmission line case was "the appropriate forum" in which JCIG should pursue its issues. *Id.* at 4-5, 6 (Conclusion of Law 1).

A comparable situation arose in Cottageville Public Service District, Case No. 04-1647-PWD-19A (Recommended Decision dated June 3, 2005; Final Order dated June 23, 2005). There the petitioner, Mr. Fox, was also a complainant in a separate Commission proceeding against the district, where he advocated the construction of a water line project to make service available to his mother's property. While the district appealed the Commission's decision requiring that construction to the Supreme Court of Appeals, Mr. Fox also sought to intervene in the district's Rule 19A rate application. He contended, among other things, that although an interim order to implement the Staff-recommended rate increase was acceptable, the rate filing should remain open until rates were developed sufficient to support the cost of the water line. *Id.* at 3. Mr. Fox also asserted that the district's resistance to examining financial options to fund the line showed "dragging of its feet with respect to resolving service problems on its Dutch Ridge line." *Id.* at 6 (quoting Mr. Fox's counsel). Presented with these facts and applying the intervention standards of Procedural Rule 12.6.a.1, the ALJ found that addressing Mr. Fox's issues in the Rule 19A case would unduly broaden the scope of "what would be, but for Mr. Fox's attempt at intervention, a rather simple 19A rate increase case." Allowing Mr. Fox to present evidence from previous cases about the water line project would not have been "a prudent, sensible or efficient use of the Commission's [or] the respective parties' assets . . ." *Id.* at 8.

Like the petitioners in the Mon Power merger case and the Cottageville 19A case, ASWS is already an intervenor in a Commission docket more relevant to its concerns -- the Commission's general investigation of the Freedom Industries chemical spill, Case No. 14-0872-W-GI ("Spill GI"). And like those petitioners, ASWS now wants to intervene in an unrelated docket to advance those same issues, which are not reasonably pertinent to the issues under

consideration in the rate and depreciation cases. ASWS's claimed focus on "water system safety" does not justify intervention in cases designed and filed to set revenue requirement and depreciation accrual rates. To resolve these cases, the Commission will not be required to address any safety-related regulatory or policy issues; consequently, there is no reason to allow interventions motivated primarily by supposed water system safety concerns.

3. Intervention Would Unnecessarily Permit ASWS to Repeat Policy Positions It Is Already Advancing Elsewhere.

Through its intervention in the Spill GI, ASWS already has a forum to advance water safety concerns before the Commission, and has taken full advantage of that forum through extensive discovery, motion practice, and the presentation of direct testimony and exhibits on water treatment, water storage, and source of supply issues. In addition to its participation in the Spill GI regarding the Kanawha Valley system, ASWS has other avenues to pursue any more generalized policy recommendations, including addressing them to the Commission (e.g., by requesting a general investigation on water system safety), other regulators, or the Legislature.⁵ As the cases in Section C.2 above show, the Commission has not permitted intervention where, as here, an intervenor's participation would overlap or expand upon its participation in other Commission dockets, or where the intervenor seeks to influence one docket through its participation in another.

Moreover, the ASWS petition to intervene in this case has much in common with its petition in the Spill GI. Of the four grounds for intervention ASWS offered in that June 24, 2014 filing (attached as Exhibit 2), three are identical or similar to those expressed here: (i) to ensure

⁵ ASWS has recently noted in a judicial forum its objective to advocate for "a second raw water source for the Kanawha Valley's water system." See Mr. Sheridan's June 15, 2015 letter to Judge Copenhaver on behalf of ASWS in Crystal Good, et al., v. American Water Works Company, Inc., Case No. 2:14-CV-01374 (S. D. W. Va.), attached as Exhibit 1, at 1.

the Commission receives and considers “all information relevant to protecting public access to safe drinking water” (identical to Ground A here); (ii) to ensure that in any Commission decision, it is “cognizant of and responsive to the concerns and interests of the water-consuming public” (a verbatim repetition of Ground D); and (iii) to advocate requiring the Company to adopt practices, services, and improvements that will “best promote the public interest” (comparable to Ground E in its desire to promote the “public interest”).

These virtually identical statements of interests demonstrate the overlap between what ASWS would advocate for in the rate proceeding⁶ and the interests it has advanced through the direct testimony of Fred D. Stottlemeyer on water treatment, water storage, and source of supply issues, filed on November 6, 2014. Among other topics, Mr. Stottlemeyer’s testimony⁷ advances recommendations that he characterizes as relating to water supply protection, including the installation of certain monitoring equipment and a study on expansion of distribution storage capacity (page 15).⁸

Not surprisingly, Mr. Stottlemeyer’s criticism of the Company for lacking a “backup water source” (pages 14-15) dovetails with ASWS’s desire, stated plainly in its counsel’s

⁶ The Commission will note that ASWS’s water safety concerns, at least to the extent reflected in the Petition, apparently relate only to the Company’s Kanawha Valley distribution system. See Petition at 1 (“our mission is to advocate for a safe, effective and healthy water system in the Kanawha Valley . . .”).

⁷ Still pending in the Spill GI is the Company’s “Motion to Preclude Certain Evidence,” filed on November 26, 2014, in which the Company sought to preclude admission of those portions of Mr. Stottlemeyer’s testimony (and that of other Staff and intervenor witnesses) in areas that exceeded the substantive scope of the Spill GI, as the Commission established and reiterated it in that docket.

⁸ Perhaps because of its other opportunities to communicate its position and recommendations to the Commission, the ASWS petition does not indicate that it will be harmed if its intervention request is denied. This, too, weighs against its intervention here. See Greenbrier County Solid Waste Authority, Case No. 92-1282-SWF-CN (Recommended Decision dated May 25, 1993; Final Order dated June 24, 1993) at 4, 11-12, discussed at n.4 above, where petitioner’s failure to state any “harm or benefit which it would experience if its petition was denied or granted” was significant in denial of its intervention request).

correspondence to Judge Copenhaver (Exhibit 1), to develop historical information that “will inform the current discussion of whether and how to establish a second raw water source for the Kanawha Valley’s water system.” The Commission will recall, however, its admonition to the Spill GI participants, expressed in its May 21, 2014 order establishing that proceeding (page 7), that the investigation would be limited in scope and was “not intended to re-litigate past certificate proceedings regarding the intake, treatment, storage, distribution, or transmission plant that was in place in the Kanawha Valley System.”⁹ Likewise, the Commission warned the participants (page 8) that the investigation would not be used to “evaluate or develop quality standards for public drinking water supplies,” jurisdiction over which is reserved to the Bureau for Public Health (“BPH”).

In evaluating the ASWS petition to intervene here, the Commission should question whether ASWS’s intervention is intended to review late 1960s KVTP regulatory decisions, to advocate for a second raw water intake, or to pursue the development of more stringent standards for public drinking water supplies – all areas the Commission made off limits in the Spill GI, and would be just as irrelevant and inappropriate in the rate and depreciation cases. These efforts would contravene previous Commission decisions, like those highlighted in Section C.2 above, where it prevented intervention in a later, unrelated docket for the presumed purpose of offering evidence on issues the petitioner had already advanced through intervention in an earlier docket.

⁹ Amplifying on this limitation, the Commission asserted in its August 22, 2014 order (page 3) that it should not, “with the infallibility of 20/20 hindsight, undertake prudence reviews of prior construction projects certificated by this Commission.”

4. Water Safety Concerns Are Primarily the Province of the Bureau for Public Health, and Not the Commission.

As noted above, the Commission has clearly differentiated its role as an economic regulator with the jurisdiction and responsibilities of the BPH:

In addition, we wish to make it clear that this general investigation is not intended, and cannot be used, to evaluate or develop quality standards for public drinking water supplies. That jurisdiction is reserved to what is currently the Bureau for Public Health of the West Virginia Department of Health and Human Resources. With regard to the quality of water, the Commission is required, pursuant to W.Va. Code §24-2-5 to use the quality standards established in regulations governing public water supplies by the state Board of Health (currently the Bureau for Public Health).

May 21, 2014 order at 8.¹⁰ To the extent ASWS's "water safety" concerns, which it hopes to advance through intervention here, would address water quality or permitting (including BPH permitting for a second raw water intake), those concerns not only fail the "reasonably pertinent" standard of Procedural Rule 12.6.a.1, but are not even addressed to the appropriate agency.

¹⁰ The Commission reiterated this limited focus, quoting this language at length in its July 10, 2014 order in the Spill GI (page 5), again referenced it in the context of a discovery dispute in its August 5, 2014 order (page 5), and cited it yet again in its August 22, 2014 order (page 3).

5. The Company Has Declined to Seek Recovery of Spill-Related Costs in This Rate Case, So ASWS Opposition to Recovery of Those Costs Is Not Relevant.

Although ASWS does not expressly mention its opposition to the Company's recovery of costs incurred as a result of the Freedom Industries chemical spill, its public statements have made that opposition quite clear.¹¹ This is another area the Commission declared off limits in establishing the Spill GI:

The recovery of all or any portion of the costs imposed upon or borne by WVAWC as a result of the spill or to pass any portion of those costs to WVAWC's ratepayers can only be done through a specific request for rate relief by WVAWC approved by this Commission. This is not such a proceeding.

May 21, 2014 order at 7.

The Company elected to defer recovery of expenses incurred in response to the Freedom Industries chemical spill in this rate case, in part to simplify the case by separating Spill cost recovery issues. "Because the Freedom Industries chemical spill response and the recovery of associated costs will not be relevant, the rate case will not be burdened by spill-related intervention or discovery." April 30 filing letter in Case No. 15-0676-W-42T at 4. Permitting ASWS's intervention will only encourage it to advance its arguments that recovery of the

¹¹ Permanent, inalterable opposition to any Spill cost recovery (and not solely its advocacy for water system safety) has recently been the ASWS rallying cry, as evidenced by a May 8, 2015 meme posted to its Facebook page with this brash slogan:

WE WON'T PAY FOR
WEST VIRGINIA AMERICAN WATER'S
MISTAKES
NOT NOW, NOT EVER!

<https://www.facebook.com/AdvocatesForASafeWaterSystem/photos/a.142510567771522.1073741827.1425102091105214/1579150035700418/?type=1&theater>

Company's Spill-related costs is not appropriate in a case where the Company voluntarily took these issues off the table.

D. Conclusion

Recommendations on water safety issues are not "reasonably pertinent" to the Company's rate and depreciation cases, and ASWS's other grounds for intervention fall squarely within the CAD's responsibilities as the statutory advocate for residential ratepayers. ASWS has taken advantage of its opportunities in the Spill GI to advance its policy recommendations, and there is no basis to have those recommendations repeated or elaborated upon in these cases.

Because the Procedural Rules offer no opportunity for a putative intervenor to reply to other parties' responses to its petition to intervene, the petition is ripe for decision. The Commission should deny the ASWS petition at its first opportunity.

Respectfully submitted on June 22, 2015.

WEST VIRGINIA-AMERICAN WATER
COMPANY
By Counsel

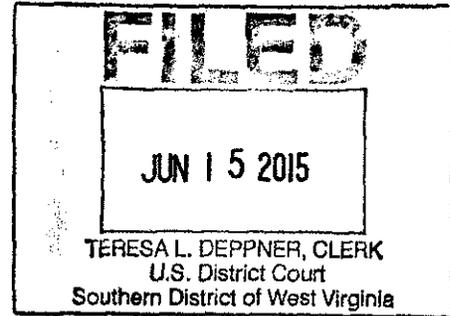


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JACKSON KELLY PLLC
Post Office Box 553
Charleston, West Virginia 25322
Counsel for West Virginia-American Water Company



June 15, 2015

The Honorable John T. Copenhaver Jr., Judge
U.S. District Court for the Southern District of W.Va.
Robert C. Byrd Federal Building
P.O. Box 2546
Charleston, WV 25329-2546



Re: Good v. American Water Works (Case 2:14-cv-01374)

Judge Copenhaver:

I am filing this letter on behalf of Advocates for a Safe Water System in response to your Order dated June 3, 2015 in the above-styled case.

Advocates for a Safe Water System is a non-profit association formed after the January 2014 water crisis. Our mission is to ensure a safe and healthy water system for the Kanawha Valley.

Advocate for a Safe Water System is an intervenor in the West Virginia Public Service Commission's ongoing investigation of West Virginia American Water's response to the January 9, 2014 Freedom Industries chemical leak. Advocates' interest in the Public Service Commission investigation is to ensure that the public and the Commission learn the lessons from the water crisis so that appropriate actions can be taken to prevent a similar incident in the future. This requires learning what steps were taken, or not taken, by West Virginia American Water Company to anticipate or prepare for a chemical spill into the Elk River.

Obviously the Public Service Commission General Investigation is not the only mechanism by which the public, and public policy makers can learn the important lessons from this event. It appears that information and representations which bear directly on these questions are now being presented by the parties in the proceeding before you. Among other things, it appears that representations and evidence presented to the Court in *Good vs. American Water Works* may shed light on the question of why no second intake along the Elk River at Coonskin was developed for the Elk River Treatment Plant.

We believe that the public has an important interest in, and a right to access, this information now being presented before your Court. The public also has a right to know in detail what representations are being made by the parties to the case before you. Apart from any questions of liability, the public has a right to know why there is only one intake for the public drinking water system serving 300,000 people. This history will inform the current discussions of whether and how to establish a second raw water source for the Kanawha Valley's water system.

Advocates For A Safe Water System
AdvocatesForASafeWaterSystem@gmail.com, 304-237-3802
<http://ASWS-WV.org>



On behalf of Advocates for a Safe Water System, I urge you, to the maximum extent possible, to reject requests for sealing of information which might help the public, and its political leaders, to understand the context and causes of the water crisis so as to effectively protect the public in the future.

Sincerely,

A handwritten signature in black ink that reads "Paul R. Sheridan". The signature is written in a cursive style with a large, sweeping initial "P".

Paul R. Sheridan
Attorney at Law
429 McKinley Ave.
Charleston, WV 25314

WEST VIRGINIA PUBLIC SERVICE COMMISSION

West Virginia American Water Company

Case No. 14-0872-W-GI

ADVOCATES FOR A SAFE WATER SYSTEM
PETITION TO INTERVENE

Pursuant to Rule 12.6 of Rules of Practice and Procedure before the West Virginia Public Service Commission (PSC), Advocates for a Safe Water System hereby petitions to intervene in the above-captioned proceeding

Advocates for a Safe Water System is an unincorporated non-profit association formed after the January 9, 2014 Elk River spill by West Virginians who were adversely impacted by the spill. It includes members who were consumers of water from West Virginia American Water Company's Kanawha Valley system at the time of the spill, and who continue to be consumers of water from this utility. Our mission is to advocate for a safe, effective and healthy water system in the Kanawha Valley and for fair treatment of water customers.

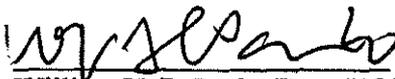
Advocates for a Safe Water System's interest in this proceeding is: (a) to ensure that the Commission receives and considers all information relevant to protecting public access to safe drinking water; (b) to assist the Commission in its investigation to determine whether there were practices, acts and services of West Virginia American Water Company which were unjust, unreasonable, insufficient, unjustly discriminatory and otherwise in violation of W.Va. Code, Chapter 24; (c) to ensure that when the PSC takes action it is cognizant of and responsive to the concerns and interests of the water-consuming public; and (d) to advocate that the PSC require West Virginia American Water Company to adopt practices, services, and improvements which will best promote the public interest.

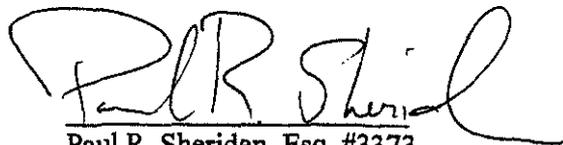
Advocates for a Safe Water System will be represented in this proceeding by the undersigned counsel who may be contacted at the addresses indicated below.

Respectfully submitted,

ADVOCATES FOR A SAFE WATER SYSTEM

By Counsel


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PUBLIC SERVICE COMMISSION
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CHARLESTON

CASE NO. 15-0676-W-42T

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CASE NO. 15-0674-WS-D

WEST VIRGINIA-AMERICAN WATER COMPANY

Application for Change in Depreciation Rates
pursuant to Procedural Rule 20

CERTIFICATE OF SERVICE

I certify service of Company's RESPONSE TO ASWS PETITION TO INTERVENE on

June 22, 2015, by United States First Class Mail, postage prepaid, as addressed:

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