

Online Comment

Name: Norman Fetterman

Address: 1890A Palm Dr

City, State Zipcode: Charleston, WV 25312

County: Kanawha

Subject: Comment in ~~Request~~ of Case No.

Date of Comment: 10/03/2024 02:04 PM

60 188.52

Date Email Confirmed: 10/03/2024 02:05 PM

Date Printed: 10/03/2024 03:38 PM

Comment

Fire hydrant color coding should be done by NFPA State Fire code by which color code should be by GPM on flow testing. Green 1000 gpm or more top and all three caps. Red for 999 to 500 gpm and orange for 499 or less. That lets Fire dept know how much water they have from the hydrant.

Online Comment

Name: Erin Gaertner

Address: 18 Cashmere Drive

City, State Zipcode: Martinsburg, WV 25404

County: Berkeley

Subject: Comment in Support of Case No. GO 188.52

Date of Comment: 10/04/2024 08:48 AM

Date Email Confirmed: 10/04/2024 08:48 AM

Date Printed: 10/04/2024 10:28 AM

1 Support Original (s)

Comment

I urge the Public Service Commission to carefully consider the financial burden already placed on West Virginia's water customers. We are already paying some of the highest water bills in the nation, and the expectation that fire hydrants are properly maintained and tested should already be part of what we are paying for. Increasing these costs further will make essential services unaffordable for many.

Equity and public safety is at stake here. Some water systems, like Berkeley County, are already conducting some testing and ensuring reliability without additional costs to customers. Systems statewide must meet these standards, but without imposing higher rates on those who can least afford it. There's also room for improvement in testing and reporting across all water systems in the state, and every community deserves the same level of safety and oversight and why I support this. However to be clear not with increasing costs to residential West Virginia customers.

When the Legislature passed the law requiring these new rules, it did so without providing funding, creating another unfunded mandate. This isn't just an issue for water utilities—agencies, systems, and departments across the state have faced similar challenges. Despite this, many have found ways to comply without increasing costs to the public, and water systems should do the same to ensure safety while protecting ratepayers from further financial strain.

Thank you for your consideration and care for West Virginians in this matter.

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-Comment

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Comment ID: 12995
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Comment Category: General
Comment Type: Comment On Policy
Date Added: 10/06/2024 10:28 AM
Service County: Putnam
Regulated Entity Type: Other
Regulated Entity Name: Teays Valley Fire Department

GO 188.52

Subject: General Order No. 188.52 - Public Penalties
Comment: Please consider adding in fines that local departments can enforce when it is found that citizens are blocking or hiding access to Fire Hydrants. A local Teays Valley Fire Department resident has taken it upon themselves to restrict access to fire hydrant or block it from view. Their latest method is placing a large mound of mulch directly between the fire hydrant and roadway. Driving through our neighborhood, it would be easy to miss the fire hydrant. Attempts to get them to change behavior only causes them to make it worse. Need to include teeth in these rules that would allow the local fire department to enact fines on these individuals and others with all money going to the local fire department.

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Online Comment

Name: C. R. Jennings

Address: 1532 Lewis Street Apt. B

City, State Zipcode: Charleston, WV 25311

County: Kanawha

Subject: Comment in Protest of Case No. GO 188.52

Date of Comment: 10/07/2024 06:51 PM

Date Email Confirmed: 10/07/2024 07:00 PM

Date Printed: 10/08/2024 09:03 AM

1 **Protest Original (s)**

Comment

In no instance should the cost of bringing fire hydrants up to code or maintained be passed along to utility (water) users. Fire hydrants are a necessity for the public good and should be maintained by a public government entity - either municipal, county or state and funded by taxes. Responsibility (critical need) for public fire hydrants should never be given to utility or especially privately owned water companies.

JACKSONKELLY^{PLLC}

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Public Service Commission of West Virginia EFS Cover Sheet (G.O. 262.8)

Filing Date: November 6, 2024 NOV 06 2024 04:08 PM EXEC SEC DIV

Case Number(s): General Order No. 188.52

Case Name(s): Rulemaking to Amend the Rules for the Government of Water Utilities, 150 C.S.R. 7

Filing Party/Parties: West Virginia-American Water Company

Title of Document: Initial Comments of West Virginia-American Water Company

Attachments: None

Confidential Materials: None

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Copied Persons: Service List

Certificate of Service: The signature on the enclosed pleading certifies service on the date above by electronic mail to the parties listed above (omitting counsel for all other water utilities).

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November 6, 2024

Via EFS

Ms. Karen Buckley
Executive Secretary
Public Service Commission
201 Brooks Street
Charleston, West Virginia 25323

NOV 06 2024 04:08 PM EXEC SEC DIV

Re: General Order No. 188.52
Rulemaking to Amend the Rules for the Government
of Water Utilities, 150 C.S.R. 7

Dear Ms. Buckley:

West Virginia-American Water Company appreciates the opportunity to offer these limited comments on the Commission's October 3, 2024 proposed amendments to the Water Rules.

Proposed Rule 12.7.2.a (required contents of hydrant master records)

This provision, which specifies the required contents of a hydrant master record, appears to be missing the word "and" before the word "log" in the first sentence. The Company recommends that the provision be modified to read as follows:

12.7.2.a Hydrant Master Record. A hydrant master record containing hydrant manufacturer information, historical data, and a log of inspection, maintenance, and flow testing information. The hydrant master record must provide the location of a hydrant with specificity, including the GPS coordinates (Latitude and Longitude) of a hydrant, and a photo.

Although the omission of the word “and” may seem minor, it has a potentially substantive impact. Including the word “and” allows water utilities to maintain a consolidated log of maintenance and flow information. Omitting the word “and,” on the other hand, could be read to mean that something more than a log of maintenance and flow testing is necessary. This additional source of data could be voluminous and of little benefit to utility employees, whereas a consolidated log would provide a more streamlined, coherent presentation of data. The Company recommends adding the word “and” as shown above.

Proposed Rule 12.10.1.a (deletion of anti-insurer language)

In Section 7.1.1 of the Hydrant Task Force’s proposed rules filed by Commission Staff counsel on July 1, 2024 (Bates 11), the task force proposed the following underlined provision:

7.1.1 The marking of fire hydrants is based on a flow test conducted at a single point-in-time. Water utilities are not in any manner insurers of property or persons by virtue of providing and labelling hydrants.

In the rules proposed on October 3, 2024, the Commission retained the first sentence of this provision (identified as Rule 12.10.1.a), but deleted the underlined sentence.

The Company believes the underlined sentence is absolutely necessary (i) to prevent excessive liability being imposed on water utilities for providing fire hydrants and flow labelling and (ii) to avoid disincentivizing the installation of hydrants—and the corresponding expansion of fire service protection to new areas—and the timely and appropriate labelling of hydrants as required in the rule. The task force agreed to include this language as part of its overall productive dialogue, which included a series of stakeholder compromises forged through thoughtful policy discussions, and therefore excluding it is highly problematic.

The Commission should observe that the deleted sentence mirrors language that already exists in Water Rule 6.1.7.e pertaining to private fire protection:

6.1.7.e. The extent of the rights of the private fire protection service customer is to receive, but only at times of fire on his premises, the available water supply.

The utility shall not be considered an insurer of property or persons, or to have undertaken to extinguish fire or to protect any persons or property against loss or damage by fire or otherwise, and shall be free and exempt from any and all claims for damages on account of injury to property or persons by reason of fire, water, failure to supply water or pressure, or for any other cause whatsoever.

(Emphasis added.) Indeed, the sentence deleted from proposed rule 12.10.1.a is a great deal less protective of water utilities than Water Rule 6.1.7.e.

The Company also observes that its own tariff includes Commission-approved language governing the provision of **public fire service** that is substantively consistent with both the deleted sentence and Water Rule 6.1.7.e. The Company's water service tariff at Section 6.4 (Original Sheet No. TC-6, effective June 18, 2018) reads as follows:

6.4 The Company will undertake to use reasonable care and diligence in order to prevent interruptions and fluctuations in service, but it cannot and does not guarantee that interruptions or fluctuations in service will not occur. The OPA customer is entitled to receive, but only at times of fire, the supply of water that is then available at the hydrant, and no other or greater supply. The OPA customer agrees that ***the Company is not considered in any manner an insurer of property or persons, or to have undertaken to extinguish fires or to protect any persons or property against loss or damage by fire, or otherwise.***

(Emphasis added.)

There is no logical basis to omit the task force's recommended protective language from the Water Rules in the context of **public fire hydrants** when the same concept has existed for decades in the context of **private fire hydrants** in Water Rule 6.1.7.e. Likewise, there is no logical basis to omit the task force's recommended protective language when its knowing omission would create a substantive conflict between the Water Rules and the Company's existing tariff (and perhaps the tariffs of other water utilities).

The Company submits that the deleted sentence is fully consistent with the Commission's mission to balance the needs the public and those of water utilities in general, particularly when considered in light of the extensive new regulations regarding fire hydrants proposed in the rule. The Commission should include the omitted language in the final version of Water Rule 12.10.1.a, or in another appropriate location in the new Water Rule 12.

In this docket, Robert O. Passmore and I will serve as the Company's counsel. Our contact information follows:

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Please contact me if you have any questions or comments. As always, we appreciate your assistance.

Sincerely,



Christopher L. Callas

cc: Service List

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02:32 PM NOV 25 2024 EXEC SEC DIV

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60 188.52

Comment ID: 13156
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Phone: 3046699703

Comment Category: General
Comment Type: Comment On Policy
Date Added: 11/07/2024 10:30 AM
Service County: Barbour
Regulated Entity Type: Water
Regulated Entity Name:

Subject: 188.52 Fire Hydrants
Comment: Would like for all fire hydrants be flow tested within in the 12 months, then go to once every 5 years.

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