



Capital Eye

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CAG Fights AEP Rate Hike

by Gary Zuckett, garyz@wvcag.org

WV-CAG has formally intervened in the electric rate increase now being reviewed by the WV Public Service Commission (PSC). The \$440 million, 43% increase is the largest utility rate increase ever proposed in our state.

The two companies requesting the rate hike are both wholly-owned subsidiaries of American Electric Power (AEP) which operates in 11 states and is the largest consumer of coal in the Western Hemisphere.

WV-CAG is proposing that the PSC require APCO/Wheeling Power to engage in "Demand-Side Management and Energy-Efficiency" (DSM/EE) programs that could reduce customer electricity energy demand by 20-30% over the next ten to twenty years. Experience in other states finds DSM/EE programs can save energy at a fraction of the cost that expensive new power plants produce. This would reduce the need to burn more coal and help stabilize the electric grid.

What WV-CAG is asking of the WV Public Service Commission:

- Order APCO and Wheeling Power to submit DSM/EE plans by January 1, 2010 including a timetable to implement the plan with targeted annual reductions in customer demand.
- The DSM/EE plans will describe how the companies will reduce electric power demand with such programs as household and commercial energy audits; industrial customer efficiency centers; and special low-cost, long-term financing so efficient lighting, weatherizing and Energy Star appliances can be purchased by residents and businesses more quickly.

Studies by both the Appalachian Regional Commission and the American Council for an Energy Efficient Economy clearly show the potential energy savings available through DSM/EE programs and describe the best examples from 14 cutting-edge states that currently engage in aggressive utility-based conservation practices. One New England state has actually reduced power usage by 1% last year instead of the normal annual expansion of electricity demand.

All this would not have been possible without the Calwell Law Group and, in particular, counsel Tom Rodd, who agreed to work on our case without any initial funding in sight. Also critical to this greening effort was Mike Harman, whose diligent research yielded both leads for start-up funding and expert testimony that we could afford. A big thanks to both is due from us all.

Another big thanks to the Covenant House for organizing the other wing of this action – the protection of low-income consumers from the burden of higher electric rates. Along with Mountain

State Justice, they added PSC testimony proposing additional programs the utilities should develop to support low-end users.

This effort is the beginning of the Mountain State Energy Efficiency Campaign, a joint project of WV-CAG and Mountain State Education & Research to help lessen our state's dependence on fossil fuels through slowing our demand for power

The PSC is taking public comments now. You can send a statement in support of WV-CAG's intervention to the WV PSC, 201 Brooks Street, Charleston, 25301, reference case # 09-0177. All testimony and related documents can be found on the PSC web page under the case number # 09-0177: www.psc.state.wv.us. THANKS!

Hey Congress! Health Care Can't Wait!

by Jeremy Brannon, jeremy@wvcag.org

On Thursday, June 25, over 200 West Virginians, including folks from Citizen Action Group and many labor and faith groups, gathered at Senate Park in Washington, DC to rally for health care reform. Health Care '09-"Health Care Can't Wait," was sponsored by Health Care for America Now, a national organization pushing for an all-inclusive public health care option.

The rally brought together over 10,000 people from across the United States to demand a public health care option from Congress. Actress Edie Falco ("Nurse Jackie", "The Sopranos") and former Vermont Governor Dr. Howard Dean addressed the crowd, along with several people with health care (or lack of) horror stories.

After the rally, West Virginians attended a Town Hall meeting with Senator Jay Rockefeller and aides to Representatives Nick Rahall and Alan Mollohan. Rockefeller spoke about his health care plan that includes a public health care option and assured the crowd he's fighting hard for health care reform this year.

Gary Zuckett and I spent months organizing the DC trip and want to thank those of you who could join us on our DC endeavor. Thanks to the Communications Workers of America Local 2001 for graciously sponsoring the three buses.

This is a pivotal time for health care reform and we need you to call Congress and demand action now while the momentum is high.

Please call Senators Byrd and Rockefeller and your Representative today at 1-877-264-4226 and tell them to support quality, affordable health care for all and the creation of a public health insurance plan. Also, please sign our online petition at (http://www.wvcag.org/temp/hcan_form.htm).

Keep an eye out on our YouTube channel (www.youtube.com/user/WVCAG) for footage of the rally and Town Hall. We should have video of the event up and running soon.

Capital Eye is published by WV-Citizen Action, a nonprofit membership organization founded in 1974 and dedicated to increasing citizen participation in economic and political decision-making. Our members work for progressive changes in federal, state, and local policies by educating people about key public interest issues ranging from environmental protection and consumer rights to good government. Learn more about us at www.wvcag.org.

Some Election Reforms Passed During Session, Others to be Studied

by Julie Archer, julie@wvcag.org

We were disappointed that several bills on our election reform agenda — most notably proposals for clean, publicly financed elections, banning the use of touch screen voting machines and allowing same day registration — stalled or were not taken up. Still, during the 2009 legislative session, more than half a dozen election related bills passed and were signed by the governor. We previously wrote about those bills of the most interest to WV-CAG members. These include:

Satellite or Commuter Voting – HB 2464 would allow counties to designate additional early voting locations in places such as libraries and even the local mall. Kanawha County is already exploring the option and hopes to have locations and other logistics in time for the 2010 elections. Hopefully other counties will follow suit and make it more convenient for voters to cast early ballots.

Voting by Mail – HB 3134 authorizes the Secretary of State to select five municipalities for participation in a vote-by-mail pilot project and adopts rules governing the elections by mail. The bill would also allow West Virginia's class IV cities — those with fewer than 2,000 residents — to conduct early voting by mail.

The Secretary of State is currently accepting comments on proposed rules related to these bills. Comments are due on July 20, 2009 on the satellite voting rules and on July 27, 2009 on the vote-by-mail rules. Comments may be submitted by snail mail, or e-mail to DNichols@wvsos.com. For more information and to view the rules visit www.wvsos.com.

Although there was no action taken on HB 2864, which would have phased-out the use of direct record electronic (DRE) voting machines, a subcommittee of the Joint Judiciary Committee will look at the issue during the interims. The same committee will also look at other election issues, including vote-by-mail, judicial elections and disclosure of 527 and other third-party campaign expenditure.

Judicial elections are also being looked at by Governor Manchin's recently appointed commission on judicial reform. You may recall that during the session, the Senate Finance Committee meeting was scheduled to take up judicial public financing legislation (SB 311), but the bill was abruptly pulled from the agenda at the request of the governor, who thought the legislation might "interfere" with the commission's work.

Unfortunately, clean elections supporters were unable to get representation on the commission. However, we will attend its meetings and follow its progress. The commission's first meeting is July 10, 2009 and it is to present its findings to the governor on November 15, 2009.

When will our consciences grow so tender that we will act to prevent human misery rather than avenge it? ~ Eleanor Roosevelt

New Jobs & New Energy

by Robin Wilson, robin@wvcag.org

The Green Jobs concept of creating economic opportunity plus saving our environment is taking off with the help of the Recovery and Reinvestment Stimulus Money from the Obama administration and the West Virginia's green incentives. Here's a brief recap of some of the initiatives that are available:

- Tax incentives for Energy Efficiency Retrofits and Renewable Energy Applications. Most applications are funded at 30% or up to \$1,500 of US income taxes. Please check out www.wvcag.org for more information.
- There is a Sales Tax Holiday from September through November 2009 & 2010 for Energy Star products.
- The Kanawha Valley Green Team is a group of students on the Charleston's East End learning about the new Green Job economy. Please contact Robin Wilson robin@wvcag.org if your group would like to have a presentation and displays on ways to save money and energy.
- AmeriCorps VISTAs are now working with CAG, SEAC (Student Environmental Action Coalition) in Charleston, and JOBS (Just Open Businesses that are Sustainable) in Mingo County providing a transition from a coal dominated economy.
- A list of green contractors for retrofits and solar instillation will soon be available at www.kvc-fair.org. If you know of any West Virginia green contractors who should be added, please let us know.

We Want To Be Your Friend

You can become a CAG Facebook Friend, at the following link. From there we will keep you posted about upcoming events and more!

<http://www.facebook.com/group.php?sid=b6491c921921b381f7f4008289faea95&gid=148899005356>

Contact Your Representatives!

WV Senators and Delegates:

The Honorable _____
West Virginia Senate/House of Delegates
Building 1, State Capitol Complex
Charleston, WV 25305
Call toll-free: 1-877-565-3447

On the web: www.legis.state.wv.us where you can find legislators' e-mails. Or e-mail any legislator at cglagola@mail.wvnet.edu. Type the legislators' names in the subject line.

The Governor's office:

The Honorable Governor Joe Manchin
1900 Kanawha Blvd East
Charleston, WV 25305

Call toll-free: 1-888-438-2731
e-mail: governor@wv.gov

Industry Blocks Surface Owners' Protections

by Norm Steenstra III, norm@wvsoro.org

The 2009 session was pretty frustrating for many issues. The Surface Owners' Rights Organization team was expecting more in our second attempt to pass the Surface Owners' Bill of Rights, however, industry basically scared legislative leadership into doing nothing, due to the recession. So the bill died along with so many other good pieces of legislation this year.

We did have some success in blocking some bad industry-sponsored bills. SB 753 would have eliminated a county's ability to make ordinances that prevent "the complete use of natural resources" (coal, oil, gas, and timber). It shot through the Senate, easily passed out of House Political Subdivisions, but was thankfully not taken up by House Judiciary. Please thank your delegates and Chairwoman Webster for stopping this bill.

Thanks primarily to Dave McMahon, we managed to get the really bad Well Spacing Bill (SB 474) killed. At least for the moment we don't have to worry about getting Marcellus Deep Wells classified as shallow wells.

Even though our Surface Owners' Bill of Rights did not get its fair shot, we succeeded in keeping things from getting worse. During the interims, the oil and gas industry declared it liked the status quo, yet it still tried to get several bad bills passed that would have further encroached on surface owners. It convinced leadership that nothing needed to be done to protect landowning and tax-paying West Virginians. We need to hold leadership accountable and continue to educate our legislators about these issues. Please contact them, tell them your story and remind them that they are elected to represent you.

Upcoming SORO dates and actions:

July 14, 2009 ~ Public Hearing and Comments Due on Oil & Gas Rules

The West Virginia Department of Environmental Protection (DEP) is proposing significant changes to the agency rule that regulates "Oil and Gas Wells and Other Wells." These proposed rule changes will be sent to the Legislature for its consideration in 2010.

This is the public's first – and only – opportunity to comment on these oil and gas rules before they are sent to the Legislature.

We encourage everyone to look at the proposed rules and file comments or attend the public hearing, as you feel necessary.

An increase in drilling in recent years has revealed serious deficiencies and problems with the regulation of oil and gas drilling in West Virginia. The drilling of wells to the Marcellus Shale formation takes these existing problems to a new level, and heightens the need to address existing problems with the rules and to address new concerns about surface disturbance, water use and waste disposal.

WV-CAG and WV SORO are part of an informal coalition of statewide groups concerned about oil and gas issues. The coalition has developed "talking points" to assist individuals in

commenting on this rule. For more information visit www.wvsoro.org.

Take Action ~ Support the "FRAC ACT"

The Fracing Responsibility and Awareness of Chemicals Act (FRAC ACT) is aimed at protecting drinking water from oil and gas development -- including ending hydraulic fracturing's exemption to the Safe Drinking Water Act (SDWA). In addition to closing the loophole in the SDWA that exempts hydraulic fracturing, the FRAC ACT would also require public disclosure of the chemicals used in hydraulic fracturing.

Congress has returned from their July 4th recess and we have learned that there may be votes on the FRAC ACT in both houses during the week of July 13. Please call or email your Representative and Senators today in support of the FRAC-ACT (HR2766 and S1215).

Quick link to your Representative:
<https://writerep.house.gov/writerep/welcome.shtml>

Quick link to your Senators:
http://www.senate.gov/general/contact_information/senators_cfm

For more information on the inadequate regulation of hydraulic fracturing and efforts to close the "Halliburton loophole," visit <http://www.earthworksaction.org/halliburton.cfm>.

Pixs from June 25 HCAN Rally



WV Senator Jay Rockefeller Rallies His Health Care for America Now Constituents at the US Capitol



Mr. Jeremy Brannon Goes to Washington and meets Edie Falco at Health Care for America Now Rally!

WV Citizen Action
1500 Dixie Street
Charleston, WV 25311

Upcoming Events and Actions!

July 13: Marmet Town Hall Meeting on Health Care Reform. 6PM at the Marmet Community Center. Sponsored by the Kanawha Valley Labor Council. Speakers include WV-CAG's Gary Zuckett and Larry Matheney with the WV AFL-CIO.

July 14: People Concerned about MIC planning meeting. 6PM. Davis Fine Arts Building on the WV State University Campus. This is an important meeting to help the group focus its upcoming efforts. Please come and bring your neighbors. For more information, call 304-389-6859.

July 18: WVEC Summer Blast - Capitol Region benefit. The Empty Glass, 410 Elizabeth Street, Charleston. 6 PM - 9 PM. Live Music, refreshments, auction, great friends! For more information, contact Greg Carroll at: greg.carroll@wvculture.org or call the WVEC office: (304) 414-0143.

August 2: Turn Around America Rally. 1PM at the state Capitol. Featured guest speaker Rich Trumka, AFL-CIO Secretary-Treasurer. Join working families from across West Virginia in a fun-filled afternoon with music, free food and children's activities. For more info, contact 304-344-3557 or wvalfcio@wvalfcio.org.

September 25 – 27: 20th WVEC Fall Conference
Holly Gray Park, Sutton WV
\$15 adults, \$10 Senior, low income, students.
Lodging includes bunk beds in cabins (\$10 per bed each night), and unlimited camp sites (\$5 per tent each night). Meals: Saturday & Sunday breakfasts, \$5. Saturday & Sunday lunches, \$5. Saturday night pot luck - please bring a dish to share.
Highlights: 20th Anniversary of WVEC Celebration & Program, setting 2010 legislative priorities, workshops on enviro issues, silent auction, live music, booths, nature outings & recreation. Please visit WVEC website: www.wvecouncil.org, for complete agenda and updates!

Settlement on Defective Drug Paxil

We're looking for a WV Citizen Action member to join a nationwide settlement concerning Paxil CR[®], a drug commonly prescribed for depression. If you took this medication anytime between April 1, 2002 and March 4, 2005, you may be eligible to file a claim worth \$50 - \$150 and be able to help improve a settlement affecting millions of Paxil CR consumers nationwide. If you fit this description, please call us before July 15 at 304-346-5891.

Save the Date! April 16, 2010: WV-CAG Spring Fundraiser at the Charleston Woman's Club. Our May 1, 2009 event was a huge success in terms of \$\$ raised and fun had! We honored Delegate Barbara Fleischauer and OVEC's Vivian Stockman, boogied to the tunes of the VooDoo Katz and had one of our best silent auctions ever thanks to donations from our members and sponsors. We'll keep you posted as next year's event comes together but, in the meantime, save the date!



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We can't do it without you!

Please renew your membership or send a donation.

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E-mail: _____ Phone: _____

Here's my donation of: ___\$25 ___\$50 ___\$100 Other \$___

Clip and mail with your check to West Virginia Citizen Action Group, 1500 Dixie St., Charleston, WV 25311 -
THANKS!

Donate quickly & securely at www.wvcag.org!