

Public Service Commission  
of West Virginia

000001

201 Brooks Street, P.O. Box 812  
Charleston, West Virginia 25323



Phone: (304) 340-0300  
Fax: (304) 340-0325

September 11, 2025

Karen Buckley  
Executive Secretary  
Public Service Commission  
P. O. Box 812  
Charleston, WV 25323

SEP 11 2025 02:51 PM EXEC SEC DIV

RE: **CASE NO. 25- 0810 -E-P**  
Staff Petition to the Commission to Institute a General Investigation  
of Black Diamond Power Company

Dear Ms. Buckley:

Enclosed is a copy of the "*Staff Petition to the Commission to Order a General Investigation of Black Diamond Power Company*" in the above-referenced proceeding.

A copy has been served upon all parties of record in this proceeding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victoria L. Wilson".

Victoria L. Wilson  
Staff Attorney  
WV State Bar I.D. No. 10607

VLW/pw

Enclosures

s:\\_staff\_files\vwilson\cases\2025 cases\petition for gi of black diamond.docx

**TABLE OF CONTENTS**

Staff Petition to the Commission to Order a General Investigation of Black  
Diamond Power Company..... 3

Certificate of Service..... 14

SEP 11 2025 02:51 PM EXEC SEC DIV

CASE NO.25- 0810 -E-P

**STAFF PETITION TO THE COMMISSION TO ORDER A GENERAL  
INVESTIGATION OF BLACK DIAMOND POWER COMPANY**

**PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON**

**CASE NO. 25-** 0810 **-E-P**

Staff Petition to the Commission to Institute a General Investigation  
of Black Diamond Power Company

---

**STAFF PETITION TO THE COMMISSION TO ORDER  
A GENERAL INVESTIGATION  
OF BLACK DIAMOND POWER COMPANY**

---

Comes now the Staff of the West Virginia Public Service Commission (Staff) by Counsel and respectfully submits this Staff Petition to the Commission to Order a General Investigation of Black Diamond Power Company's ("Black Diamond") regulations, practices, acts, and service. Black Diamond provides electric service to customers in Clay, Raleigh and Wyoming Counties. Staff asserts that the electric service provided by Black Diamond is inadequate and unreasonable. The Commission is vested with broad authority to remedy unreasonable and inadequate regulations, practices, acts, and service, and Staff requests the Commission enter an order establishing a General Investigation and requiring a remedy on an interim basis.

In support of its petition, Staff asserts the following:

1. Black Diamond provides electric service to approximately 4,886 customers as reported on its most recent Annual Report on file with the Commission for year ending December 31, 2023.

2. Since September 2024, 48 informal complaints have been filed against Black Diamond alleging unusual and irregular billing practices, two informal complaints regarding initiation of service, and 10 informal complaints regarding safety, reliability or quality of service issues.
3. Staff is greatly concerned about the recent increase in cases involving Black Diamond. Since September 1, 2025, nineteen informal complainants and two formal complaints have been filed against Black Diamond.
4. The first formal complaint, Case No. 25-0783-E-C, involves fees charged to the Wyoming County Board of Education for initiation of service to a new school that is under construction. The second formal complaint, Case No. 25-0791-E-C involves serious safety allegations at a health care facility.
5. An electric utility is required to furnish safe, adequate, and sufficient electric facilities and service. W. Va. Code § 24-3-1, Commission Rules for the Government of Electric Utilities, Rules 7 and 8.
6. Further, electric utilities are required to maintain rates and charges that are just, reasonable and non-discriminatory. Rates should not be changed without Commission approval. W. Va. Code §§ 24-3-1 and 24-3-2.

7. Due to the recent escalation in the number of informal and formal complaints an investigation is needed to determine if Black Diamond's acts, services, and practices are inadequate, insufficient, and unreasonable.
8. The number of complaints regarding the quality, reliability and safety of service, especially to a health care facility creates a risk of irreparable harm to the public health and the Commission should order an interim remedy to this risk and allow for adequate and safe electric service during the pendency of the investigation of Black Diamond.

**THEREFORE**, Staff requests that the Commission enter an order granting relief, as follows:

1. The Commission enter an order establishing a general investigation of Black Diamond's regulations, practices, acts, and service to determine whether it is able to adequately serve its customers, whether its management is grossly and willfully inefficient and unresponsive to the needs of its customers for adequate electric service, such as to require appointment of a receiver, in accordance with W. Va. Code § 24-2-7(b);
2. If the Commission determines that Black Diamond does not require receivership, the Commission should prescribe a plan of correction to

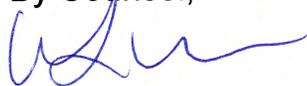
aid Black Diamond in providing reasonable, adequate, and safe electric service.

3. The Commission name Black Diamond Power Company as a Respondent to this case and afford them notice and an opportunity to be heard;
4. To order any other relief the Commission deems necessary to address this ongoing issue.

Respectfully submitted this 11<sup>th</sup> day of September 2025.

STAFF OF THE PUBLIC SERVICE  
COMMISSION OF WEST VIRGINIA

By Counsel,



Victoria L. Wilson,  
Staff Attorney

West Virginia Bar I.D. #10607

**CASE NO. 25-\_\_\_\_\_ -E-P**

**CERTIFICATE OF SERVICE**

**PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON**

**CASE NO. 25-\_\_\_\_\_ -E-P**

Staff Petition to the Commission to Institute a General Investigation  
of Black Diamond Power Company

**CERTIFICATE OF SERVICE**

I, Victoria L. Wilson, Counsel for Staff of the Public Service Commission of West Virginia, do hereby certify that a copy of the foregoing "*Staff Petition to the Commission to Order a General Investigation of Black Diamond Power Company*" has been served upon the following parties of record by First Class, United States Mail; postage prepaid this the 11th day of September 2025.

David P. Musser, President  
Black Diamond Power Company  
P.O. Box 2109  
Charleston, WV 25328-2109



Victoria L. Wilson  
Staff Attorney  
WV State Bar I.D. No. 10607