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HANNA & HANNA PLLC

Attorneys at Law

1206 VIRGINIA STREET EAST, SUITE 201
CHARLESTON, WV 25301

MAILING ADDRESS:
P.O. BOX 3967
CHARLESTON, WV 25339

TELEPHONE (304) 342-1687
FAX (304) 342-8761
www.hannalawpllc.com

August 20, 2026

VIA E-FILING

Karen Buckley
Executive Secretary
Public Service Commission
201 Brooks Street
Charleston, WV 25301

Re: CASE NO. 26-0075-E-CN
NEXTERA ENERGY TRANSMISSION
MIDATLANTIC, INC.

Application of NextEra Transmission
MidAtlantic, Inc. for a Certificate of Public
Convenience and Necessity and Related
Relief

Dear Ms. Buckley:

On behalf of West Virginians Against Transmission Injustice, enclosed for filing is the **Response of West Virginians Against Transmission Injustice to Staff Motion to Require NEET MA to Request a Tolling or in the Alternative to Dismiss.**

A copy has been served on all parties of record as indicated by the attached certificate of service.

If you have any questions, please contact me.

Sincerely,

/s/ David B. Hanna

WV State Bar # 8813
dhanna@hannalawpllc.com

DBH/dh
Enclosure
cc: Certificate of Service

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

CASE NO. 26-0075-E-CN

**NEXTERA ENERGY TRANSMISSION
MIDATLANTIC, INC.**

**Application of NextEra Transmission
MidAtlantic, Inc. for a Certificate of Public
Convenience and Necessity and Related Relief**

**RESPONSE OF WEST VIRGINIANS AGAINST TRANSMISSION INJUSTICE
IN SUPPORT OF STAFF MOTION TO REQUIRE NEET MA TO REQUEST A
TOLLING OR IN THE ALTERNATIVE TO DISMISS**

West Virginians Against Transmission Injustice (“WATI”), by counsel, submits this Response in support of Staff’s August 19, 2026 Motion to Require NEET MA to Request a Tolling or, in the Alternative, to Dismiss (“Staff Motion”). In support, WATI states as follows:

In its Motion, Staff asks the Commission to require NEET MA to toll this case for at least sixty (60) days or, alternatively, to dismiss the application. Staff asserts that additional time is needed to address due process issues regarding the newly affected landowners, NEET MA’s late route revisions, unresolved constructability concerns, and recent FERC/PJM developments that create uncertainty regarding need, cost allocation, and impacts on West Virginia ratepayers.

WATI agrees that NEET MA’s July 30, 2026 Route Revision Supplement presents material modifications to the project. Dismissal without prejudice is the

most appropriate remedy because the route, affected landowners, and other material aspects of the Application remain uncertain. WATI also agrees with Staff that the FERC Order introduces significant issues requiring further evaluation before this case proceeds.

NEET MA's route revisions are material, not minor. The route revisions add three newly affected landowners months after the initial filing of the Application and after key procedural deadlines have passed. Merely extending the intervention deadline cannot cure that prejudice. These landowners missed the public comment hearings, Staff's investigation, discovery activity, and the early development of the record. Due process requires meaningful participation from the outset, not after the record has substantially developed.

The Route Revision Supplement also supports Staff's constructability concerns. Route Revision 4 ("RR4") was not requested by a landowner. Rather, RR4 resulted from NEET MA's later recognition of terrain and routing issues. That late change suggests the routing analysis underlying the Application may not be complete or reliable. If NEET MA identified a material constructability issue this late, other constructability, environmental, property impact, access road, or engineering issues may also require further review. Further, any additional route changes would again affect landowners, costs, and the evidentiary record. That uncertainty makes dismissal of the Application more appropriate than tolling alone. Dismissal without prejudice would allow NEET MA to complete its review, finalize

the route, identify all affected landowners, and refile a complete application based on a stable record.

The federal issues identified by Staff similarly make dismissal of the Application more appropriate than tolling. WATI supports Staff's analysis of the FERC and PJM developments and agree they raise material uncertainty regarding transmission planning, cost allocation, large-load customers, and the need for the MARL Project. These uncertainties are likely to persist for the foreseeable future. In addition, the reliability of PJM's demand projections is further called into question by increasing evidence that data-center power demand in Northern Virginia is leveling off.

Accordingly, the late addition of affected landowners, unresolved routing and constructability issues, potential future route changes, and Staff's FERC-related concerns show that material aspects of the Application remain unsettled. Dismissal without prejudice is the cleaner and fairer course because any future application can begin with a fully vetted route, proper notice to all affected landowners, resolution of the FERC and PJM issues and a complete record.

WHEREFORE, WATI respectfully requests that the Commission grant Staff's Motion and dismiss the Application without prejudice.

**WEST VIRGINIANS AGAINST
TRANSMISSION INJUSTICE**

By Counsel

/s/ David B. Hanna

David B. Hanna, Esq. (WVSB # 8813)

Hanna & Hanna, PLLC

P.O. Box 3967

Charleston, WV 25339

dhanna@hannalawpllc.com

CERTIFICATE OF SERVICE

I, David B. Hanna, counsel for West Virginians Against Transmission Injustice, hereby certify that copies of the foregoing **Response of West Virginians Against Transmission Injustice to Second Further Joint Staff Memorandum** have been served upon the following, by electronic mail, this 20th day of August 2026:

Christopher L. Callas, Esq.
Nicklaus A. Presley, Esq.
Alex Worrell, Esq.
Kristi Gennette, Esq.
Counsel, NextEra
Jackson Kelly PLLC
PO Box 553
Charleston, WV 25322
callas@jacksonkelly.com; napresley@jacksonkelly.com;
alex.worrell@jacksonkelly.com; kristi.gennette@jacksonkelly.com

Edward J. George, Esq.
Clayton T. Harkins, Esq.
Dinsmore & Shohl, LLP
Counsel, Intervenor Group
PO Box 11887
Charleston, WV 25339-1887
Email Address: edward.george@dinsmore.com; clayton.harkins@dinsmore.com

Carrie H. Grundmann, Esq.
Spilman Thomas & Battle PLLC
Counsel, West Virginia Energy Users Group
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
Email Address: cgrundmann@spilmanlaw.com

Derrick P. Williamson, Esq.
Spilman Thomas & Battle, PLLC
Counsel, West Virginia Energy Users Group
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
Email Address: dwilliamson@spilmanlaw.com

James M. Bailey, Esq.
Spilman Thomas & Battle PLLC
Counsel, West Virginia Energy Users Group
300 Kanawha Boulevard, East
Charleston, WV 25301
Email Address: jbailey@spilmanlaw.com

Jamie L. Martines
Spilman Thomas & Battle, PLLC
Counsel, West Virginia Energy Users Group
301 Grant Street, Suite 3440
Pittsburgh, PA 15219
Email Address: jmartines@spilmanlaw.com

Eric W. Strite
Hampshire County Commission
Hampshire County Clerk
P.O. Box 806, 19 E. Main Street
Romney, WV 26757
Email Address: estrite@hampshirewv.com

Hunter Thomas
Preston County Commission
President
106 West Main Street
Kingwood, WV 26537
Bryan Albin Hockman
1449 Zion Church Road
Augusta, WV 26704
Email Address: hockman@live.com

Delegate Rick Hillenbrand
House of Delegates West Virginia Legislature
Room 218E, Building 1
1900 Kanawha Blvd., East
Charleston, WV 25305-0470
Email Address: rick.hillenbrand@wvhouse.gov

John R. McGhee, Jr., Esq.
Cynthia L. Wilson, Esq.
Kay Casto & Chaney PLLC
Counsel, Lake O' Woods Club
PO Box 2031

Charleston, WV 25327

Email Address: jmcghee@kaycasto.com; cwilson@kaycasto.com

Myers Lantz Evans

590 Goldsborough Road

Springfield, WV 26763

Email Address: Sevans1@frontiernet.net

Sarah Louise Evans

590 Goldsborough Road

Springfield, WV 26763

Email Address: Sevans1@frontiernet.net

Sheryl Brown

3786 Horseshoe Rd.

Keyser, WV 26726

Email Address: sherylbrwn28@gmail.com

George Hott

366 Old Martinsburg Grade Rd

Augusta, WV 26704

Email Address: george@Edwardsinsco.com

Jeffery Dominick

11 Short Hollow Road

Springfield, WV 26763

Email Address: jpdominick@msn.com

Mary Dominick

11 Short Hollow Road

Springfield, WV 26763

Email Address: marycdominick@msn.com

Chelsea O'Brien

7733 Cold Stream Road

Capon Bridge, WV 26711

Rebecca Hott

366 Old Martinsburg Grade Rd

Augusta, WV 26704

Email Address: hottinsgirl@hotmail.com

Deborah J. Campbell
951 Patriot Dr.
Fort Ashby, WV 26719
Email Address: debbie12006@gmail.com

Roger Brown
3786 Horsehoe Rd
Keyser, WV 26726
Email Address: Brownviewfarms@gmail.com

Deborah Hinrichs
234 E Riggs Hollow
Augusta, WV 26704
Email Address: ReservesUnlimited@gmail.com

Mark Haynes
3090 N. River Rd
Augusta, WV 26704
Email Address: mqhaynes@gmail.com

David Cannon
99 Redhaven Dr.
Romney, WV 26757
Email Address: dcannon1337@gmail.com

Ken Reed
11348 Martinsburg Road
Hedgesville, WV 25427
Email Address: kenreed59th@gmail.com

Karl & Carolyn Loper
191 Fawn Drive
PO Box 591
Springfield, WV 26763
Email Address: Carolyn.d.loper@gmail.com

Douglas & Tyra Voit
174 School Street
Romney, WV 26757
Email Address: tyravoit23@gmail.com

Benjamin Lambert-Ranson
1203 Grants Drive
Morgantown, WV 26505
Email Address: benran977@icloud.com

Thomas Charles Matthes
109 Crab Apple Ct.
Capon Bridge, WV 26711
Email Address: tmatthes@citlink.net

Anne Marie Matthes
109 Crab Apple Ct.
Capon Bridge, WV 26711
Email Address: amatthes@ymail.com

Mark Summers
163 Madera Drive
Slanesville, WV 25444
Email Address: msummers61@gmail.com

Billie Summers
163 Madera Drive
Slanesville, WV 25444
Email Address: billiesummers34@gmail.com

Kent C. Hunter
1558 Point Marion Road
Morgantown, WV 26508
Email Address: kentongrp@aol.com

Richard & Linda Blancato
60 Crab Apple Court
Capon Bridge, WV 26711
Email Address: linda@accurate411.com

Karen G. Trueblood
108 Crab Apple Court
Capon Bridge, WV 26711
Email Address: karengtrueblood@gmail.com

Ian Marlier
123 Rugh Lane
Morgantown, WV 26508

marlier@gmail.com
Maticia Poland
680 Chas Deremer Road
Fort Ashby, WV 26719

Craig Poland
680 Chas Deremer Road
Fort Ashby, WV 26719

Amy Weaver
PO Box 769
Fort Ashby, WV 26719

William E. Eimers
296 Sine Pl.
Bruceton Mills, WV 26525
Email Address: weimers@outlook.com

Gregory M Bonat
2925 J.R. Rannells Rd.
Romney, WV 26757
Email Address: gbonat@gmail.com

Karen G. Trueblood
108 Crab Apple Court
Capon Bridge, WV 26711
Email Address: karengtrueblood@gmail.com

Cathy Lynne Berry
634 Horseshoe Road
Keyser, WV 26726
Email Address: wdb@frontiernet.net

Lauren Ellifritz
Mineral County Commission
Mineral County Clerk
150 Armstrong St.
Keyser, WV 26726
Email Address: countyclerk@mineralwv.org

Stephen L. Davis
862 Goldsborough Road

Springfiled, WV 26763
Email Address: stephen.davis@courtswv.gov
Craig E. See
My Four Onions, LLC
5569 Slanesville Pike
Points, WV 25437
Email Address: craig@pioneerridgerealty.com

Jennifer L. See
My Four Onions, LLC
5569 Slanesville Pike
Points, WV 25437
Email Address: jennysee@frontier.com

Amy Leaberry
32 Great Plains Drive
Capon Bridge, WV 26711
Email Address: mamaschickenranch@gmail.com

Janice C. Anderson
3 14th Fairway Court
Morgantown, WV 26508
Email Address: janice.c.anderson@gmail.com

Linda Allen
107 Black hawk Dr.
Morgantown, WV 260508
Email Address: myla2780@gmail.com

Mary Margaret Major
9626 Jersey Mountain Road
Points, WV 25437
Email Address: majormarym@gmail.com

Toni Quesenberry
9526 Frankfort Hwy
Fort Ashby, WV 26719
Email Address: toniquesenberry@yahoo.com

Jonathan Trueblood
213 Springhill Drive
Oakdale, PA 15071
Email Address: jonathantrueblood@gmail.com

Michael W. Clower
78 Moccasin Rocks Rd.
Bruceton Mills, WV 26525
Email Address: clower2clower@yahoo.com

Derek Leaberry
32 Great Plains Drive
Capon Bridge, WV 26711
Email Address: leaberryd@gmail.com

Daniel Litten
1711 Horseshoe Rd.
Keyser, WV 26726
Email Address: 2spanyard@gmail.com

Charles Hunter
1568 Point Marion Rd.
Morgantown, WV 26508
Email Address: kentonprg@aol.com

Tammi J. Ray
4494 Compressor Station Road
Bruceton Mills, WV 26526
Email Address: Tammijray@aol.com

Heather Trueblood Wills
8000 Snook Hook Trail
Austin, TX 78729
Email Address: wills.heathert@gmail.com

Greg & Michelle Wilkins
Beeline Hill Honey
893 Sirbaugh Rd.
Capon Bridge, WV 26711
Email Address: gmssbaybilly@aol.com

Gary Hartzell Riggleman
355 Timber Mountain Rd.
Augusta, WV 26704
Email Address: riggleman_gl@yahoo.com

Linda Susan Rigglesman
355 Timber Mountain Rd.
Augusta, WV 26704

Alex Ross Sowers
4752 Bloomery Pike
Augusta, WV 26704
Email Address: asowers1969@gmail.com

Marsha Ann Sowers
4752 Bloomery Pike
Augusta, WV 26704
Email Address: masowers12@yahoo.com

Lisa Marie Roeper
3496 Dillions Run Rd.
Capon Bridge, WV 26711
Email Address: lisa.roeper@gmail.com

Eric Hartwig
856 Millerwood Lane
Green Spring, WV 26722
Email Address: ehartwig@bendbroadband.com

Fred R. Kleibacker
323 Poland Farm Lane
Augusta, WV 26704
Email Address: fritzrk@verizon.net

Erika D. Kleibacker
323 Poland Farm Lane
Augusta, WV 26704

Ellsworth A. Jones
Laurel Ridge Property Owner's Association
President
549 N. Laurel Ridge Rd.
Capon Bridge, WV 26711
Email Address: Eaj4444@verizon.net

Ellsworth A. Jones
549 N. Laurel Ridge Rd.
Capon Bridge, WV 26711

Madeline M. Jones
549 N. Laurel Ridge Rd.
Capon Bridge, WV 26711
Email Address: Mmbj4444@gmail.com

Kevin L. Morrison
542 Chas Deremer Rd.
Fort Ashby, WV 26719
Email Address: Klmorrison72@gmail.com

Terry Raymond Ashby
2562 Graysons Gap Rd.
New Creek, WV 26743
Email Address: terryrashby1953@gmail.com

Dr. Russell Tritapoe
PO Box 1372
Fort Ashby, WV 26719
Email Address: drtritapoe@gmail.com

Dr. Teal Tritapoe
PO Box 1372
Fort Ashby, WV 26719
Email Address: tealgrady@gmail.com

Connie Grady
PO Box 337
Fort Ashby, WV 26719
Email Address: conniegrady@gmail.com

Alex V. Hockman
1449 Zion Church Rd.
Augusta, WV 26704
Email Address: avhockman@citlink.net

Juanita M. Cutler
159 Finding Way
Romney, WV 26757
Email Address: windyinw@yahoo.com

Brian C. Trueblood
2401 Gist Lane

Myrtle Beach, SC 29588
Email Address: truebloodbc@gmail.com

Amie P. Neighbors
225 Ski Slope Lane
Fort Ashby, WV 26719
Email Address: jbean967@gmail.com

Rebecca J. Kimble
247 Ski Slope Lane
Fort Ashby, WV 26719
Email Address: rkimble_us@yahoo.com

Charles W. Kimble
247 Ski Slope Lane
Fort Ashby, WV 26719
Email Address: ckimble_us@yahoo.com

Richard Miller
300 Georges Run Road
Keyser, WV 26726
Email Address: jeanandrick88@gmail.com

Janet Curtis
241 White Pine Lane
Fort Ashby, WV 26719
Email Address: jancurtis3b@gmail.com

Wendy Odden
778 South Laurel Ridge Road
Capon Bridge, WV 26711
Email Address: kleinwendy89@gmail.com

Elizabeth Floyd
1032 Floyd Farm Lane
Romney, WV 26757-7221

David Floyd
HC 79
Romney, WV 26757
Email Address: davidfloyd300@gmail.com

Juliet Marlier
123 Rugh Lane
Morgantown, WV 26508

Duane Walther
643 Old Fire Tower Rd.
Capon Bridge, WV 26711
Email Address: dwalther92@yahoo.com

Heather J. Fike
316 White Pine Lane
PO Box 724
Capon Bridge, WV 26711
Email Address: heather.robey@yahoo.com

Sandra K. Morrison
542 Chas Deremer Rd.
Fort Ashby, WV 26719
Email Address: skmorrison2015@gmail.com

Pam Bell
1802 Hollow Rd.
Gore, VA 22637
Email Address: bellpamela299@gmail.com

Jean Miller
300 Georges Run Rd.
Keyser, WV 26726
Email Address: jeanandrick@yahoo.com

Henery C. Edwards, Jr.
representative on behalf of Deborah F. Edwards and J. Stephen Fox
251 Wildflower Lane
Ellijay, GA 30540
Email Address: henryellijay@gmail.com

Todd Fedak
6 Maple Street
Smithfield, PA 15478
Email Address: toddfedak@gmail.com

Juliet Marlier
123 Rugh Lane

Morgantown, WV 26508
Email Address: jlmarlier@verizon.net

Seleena Puffinburger
773 Mills Run Road
Fort Ashby, WV 26719
Email Address: dscp@frontiernet.net

Nathan Marinkovich, Esq.
Cohen, Seglias, Pallas, Greenhall, & Furman PLLC
Counsel, James E. Rockis, and J.E. Rockis Rental and Supply
626 Washington Place Suite 1902
Pittsburgh, PA 15219
Email Address: nmarinkovich@cohenseglias.com

Susan Sauter
1932 Girl Scout Camp Road
Bruceton Mills, WV 26525
Email Address: stsauter@frontiernet.net

John Bra Wotring
PO Box 407
40 Capon River Road
Capon Bridge, WV 26711
Email Address: john.wotring83@gmail.com

Cynthia S. Corbin
PO Box 566
Capon Bridge, WV 26711
Email Address: ccorbin@k12.wv.us

James A. Mowery
3166 Delray Rd.
Augusta, WV 26704
Email Address: cynthiascorbin@gmail.com

Skylar Wotring
310 Chesapeake Ave. Apt 3
Charleston, WV 25311
Email Address: skylarwotring@gmail.com

Debra Hileman
100 Maple Grove St.

Westover, WV 26501
Email Address: Hileman4@comcast.net

Kathy Sue Wotring
on behalf of Skylar Wotring Trust
PO Box 407
Capon Bridge, WV 26711

Carl E. Feather
Feather Cottage Media
6 Seaford Lane
Bruceton Mills, WV 26525

Christopher L. Douthitt
PO Box 185
Fort Ashby, WV 26719
Email Address: cldouthitt104@gmail.com

Kevin Evans
201 Harris Court
Augusta, WV 26704
Email Address: kevans3@frontier.com

Renee Douthitt
PO Box 185
Fort Ashby, WV 26719
Email Address: rsdouthitt104@gmail.com

Teresa Evans
201 Harris Court
Augusta, WV 26704
Email Address: tdevans3@gmail.com

Thomas Steadman
1772 Hanlin Rd.
Bruceton Mills, WV 26525
Email Address: tombsteadman@gmail.com

Ruth E. Feather
6 Seaford Lane
Bruceton Mills, WV 26525
Email Address: ruth@buccivision.com

Gage B. Reckart
783 Laurel Run Rd
Bruceton Mills, WV 26525
Email Address: gbreckart@gmail.com

Troy Odden
778 S. Laurel Ridge Rd
Capon Bridge, WV 26711
Email Address: troy.oddan@hotmail.com

Kevin Burkett
22907 Northwestern Pike
Romney, WV 26757
Email Address: kburkett@breezeline.net

Doris M. Mowrey
3166 Delray Rd.
Augusta, WV 26704
Email Address: mowreydoris@gmail.com

Derek Alt
754 Georges Run Rd.
Keyser, WV 26726
Email Address: derekvearlalt@gmail.com

Donna Brooke-Alt
369 Georges Run Rd.
Keyser, WV 26726
Email Address: donnadaisy1618@gmail.com

Megan Alt
754 Georges Run Rd.
Keyser, WV 26726
Email Address: megan.e.dixon926@gmail.com

Lynn Cookson
321 McGuire Rd
Winchester, VA 22603
Email Address: cooksonl10@gmail.com

Sarah Hott
399 Edwards Rd.

August, WV 26704
Email Address: shott94@gmail.com

James Victor
625 White Pine Ln.
Capon Bridge, WV 26711

Bradley W. Stephens, Esq.
Stephens Law Office
Counsel, Monongalia County Commission, Preston County Commission, and
Ponderosa Pastures Corp.
PO Box 490
Morgantown, WV 26507
Email Address: stephens.law.office@gmail.com

Gregory Moyers
1689 Hanlin Road
Bruceton Mills, WV 26525
Email Address: Gremo2010@gmail.com

Andrea Funyak
6 Maple Street
Smithfield, PA 15478
Email Address: andrea_funyak@yahoo.com

Joseph P. Scrip, Sr.
994 Cherry Run Rd.
Bruceton Mills, WV 26525
Email Address: jscrip63@verizon.net

Kristi Gruber
PO Box 421
Capon Bridge, WV 26711
Email Address: kg1929@startmail.com

Michael & Amy Newcome
892 Wagon Chase Trail
Capon Bridge, WV 26711
Email Address: dukenewcome00@gmail.com

Susan L. Marteney
301 Gobbler Dr.

Springfield, WV 26763
Email Address: smarteney@hotmail.com

William Scott Marteney
201 Gobbler Dr.
Springfield, WV 26763
Email Address: wsmarteney@hotmail.com

Joseph F. John
104 Hunting Hills Rd.
Greensboro, PA 15338

Betty Jo Jenkins
76 Shumac Trail
Augusta, WV 26704
Email Address: wyjonme@gmail.com

Wyatt B. Johnson
76 Shumac Trail
Augusta, WV 26704
Email Address: wyattjenkins618@gmail.com

Scott Dicken, Esq.
Dicken Law
Counsel, Spinsaddle, LLC
PO Box 305
Morgantown, WV 26507
Email Address: scott@dickenlaw.com

Joli B. Jenkins
76 Shumac Trail
Augusta, WV 26704
Email Address: joliejjenkins00@gmail.com

Thomas John Bozek III
6427 Hileman Rd.
Bruceton Mills, WV 26525
Email Address: tommyguitar4@aol.com

Felicia Peacemaker
7912 Northwestern Pike
Augusta, WV 26704
Email Address: f.a.peacemaker@gmail.com

Florence Wolfe-Sharpe
215 Sunshine Dr.
Saint Augustine, FL 32086
Email Address: fyrbyrd@gmail.com

Mike Ryan
408 S. Laurel Ridge Rd.
Capon Bridge, WV 26711
Email Address: mcryan1958@gmail.com

Kimberly Ryan
408 S. Laurel Ridge Rd.
Capon Bridge, WV 26711
Email Address: kim_ryan66@yahoo.com

Lester D. Grady
PO Box 337
Fort Ashby, WV 26719
Email Address: 18gradydale@gmail.com

Eric Friend
21382 N. Preston Hwy
Bruceton Mills, WV 26525
Email Address: ejfriend@frontiernet.net

Caroline Haynes
3090 North River Rd
Augusta, WV 26704
Email Address: chaynesarmn@gmail.com

Brandon Reckart
783 Laurel Run Rd.
Bruceton Mills, WV 26525
Email Address: bgwcorporation@gmail.com

Laura Reckart
783 Laurel Run Rd.
Bruceton Mills, WV 26525
Email Address: avabugsmomma@yahoo.com

Trampes Jenkins
76 Shumac Trail

Augusta, WV 26704
Email Address: trampjenkins@gmail.com

Rebecca Keiver
1922 Christian Church Rd.
Highview, WV 26808
Email Address: rebeccakeiver@gmail.com

Owen and Cynthia Watkins
1467 Mack Rd.
Augusta, WV 26704
Email Address: Owatkins.nemo@gmail.com

Bo Boyer
895 White Pine Lane
Capon Bridge, WV 26711
Email Address: bo@shenandoahelevator.com

Shannon Boyer
895 White Pine Lane
Capon Bridge, WV 26711
Email Address: Shanboyer1020@gmail.com

Judy Friend
21382 N. Preston Hwy
Bruceton Mills, WV 26525
Email Address: judyfriend86@gmail.com

Timothy C. Schafer
1497 Hampshire Ridge
Moorefield, WV 26836
Email Address: just4schaf@aol.com

Elizabeth Fairchok
1115 Red Fern Lane
Capon Bridge, WV 26711

Karen Fasulo
6011 Old Martinsburg Grade Road
Augusta, WV 26704
Email Address: karenfasulo@mac.com

Chrystal Sunshine Hauser
PO Box 82
Markleyburg, PA 15459
Email Address: naturalremedydoctor@gmail.com

Jacqueline Mier
264 Lubuck Lane
Morgantown, WV 26508
Email Address: jcmier2@gmail.com

Hunter Bennett
The Monongah Foundation
President
125 Springbrook St.
Morgantown, WV 26505
Email Address: huntainbennett@gmail.com

Maya Mier-Thomas & Charles Thomas
714 Venture Dr. #151
Morgantown, WV 26508
Email Address: mmiertho@gmail.com

John Douthitt
187 N Old Mill Dr.
Fort Ashby, WV 26719
Email Address: sedgardouthitt@protonmail.com

Dennis Allen Shepherd
207 Glenco School Rd.
Hampshire, WV 26808
Email Address: shepherds_farm@yahoo.com

Anna Elfenbein
351 Cornell Avenue
Morgantown, WV 265050
Email Address: aself@wvu.edu

Mary Alice Dunn
2594 Stewardstown Rd.
Morgantown, WV 26508
Email Address: mndunn@retiree.wvu.edu

Robert F. Williams, Esq. – Director

John Auville, Esq.
Heather B. Osborn, Esq.
Consumer Advocate Division
300 Capitol Street, Ste. 810
Charleston, WV 25301
rwilliams@cad.state.wv.us; jauville@cad.state.wv.us; hosborn@cad.state.wv.us

Lucas Head, Esq.
Victoria Wilson, Esq.
Kathryn Campbell, Esq.
Legal Division
Public Service Commission
201 Brooks Street
Charleston, WV 25301
Email Address: lhead@psc.state.wv.us; vwilson@psc.state.wv.us
kcampbell@psc.state.wv.us

/s/ David B. Hanna
DAVID B. HANNA