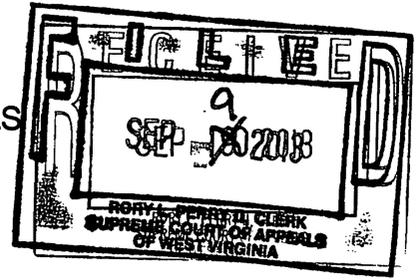


BEFORE THE SUPREME COURT OF APPEALS
STATE OF WEST VIRGINIA



THE SANITARY BOARD OF THE CITY OF CHARLESTON,
PETITIONER,

vs.) NO. 13-0727

THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA,
MARY LOU NEWBERGER, and JAMES MCCORMICK,

RESPONDENTS.

**RESPONDENT, MARY LOU NEWBERGER'S,
SUMMARY RESPONSE**

The Respondent, Mary Lou Newberger, has reviewed the Petition of the Petitioner, Sanitary Board of the City of Charleston, and the Order of the Public Service Commission in the case below which results in this Appeal. The Petition raises no additional legal argument that requires further discussion of precedent. The Commission order is both within the power of the Public Service Commission to regulate utilities and recognizes precedent of the Commission and of this Court. Additionally, the Commission Order correctly finds the facts of the case.

The Respondent believes, further, that this Appeal is moot since the mandated repairs have been made by the Petitioner.

For these reasons, the Commission Order should be upheld and the appeal dismissed.

MARY LOU NEWBERGER,

By Counsel.



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CERTIFICATE OF SERVICE

I, WILLIAM S. WINFREY, II, of counsel for the Respondent, Mary Lou Newberger, do hereby certify that the foregoing Respondent, Mary Lou Newberger's Summary Response has this day been served upon the following counsel and parties of record:

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Public Service Commission
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This the 9th day of September, 2013.



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