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Governor Proposes Public Financing for Supreme Court

by Julie Archer, julie@wvcag.org

Acting on the recommendations of his Commission on Judicial Reform, Governor Manchin announced in his State of the State address that he plans to introduce legislation to establish a public financing pilot project for the two 2012 Supreme Court races. Clean Elections supporters were encouraged last fall when the Commission recommended public financing as part of its reform package, however, we were unsure if the governor intended to pursue legislation based on its recommendations.

Although the Commission recommended that a pilot project be established for **one** of the 2012 Supreme Court races, clean elections coalition partners met with the governor's legal and policy advisors in December to push for a pilot project for both seats. Making the pilot project available to all candidates in both races will provide a more accurate picture for how such a program will work. We're pleased that the Governor appears to have gotten our message and legislative leaders have indicated that the reform is likely to have widespread support.

In addition to the Governor's bill, long-time legislative supporters have also indicated they may introduce similar legislation of their own.

All this has us excited about the possibilities. We'll continue to keep you posted.

Want Paperless?

If you would like to receive the *Capital Eye* on-line, please send an e-mail to linda@wvcag.org and we'll add you to our e-mail list!

Hear It Straight From the Source

The House of Delegate is now broadcasting its floor sessions and committee meetings on the web. You can check it out at <http://www.legis.state.wv.us/live.cfm>.

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.

AP Predicts Do-Noting Session

by Gary Zuckett, garyz@wvcag.org

That was the headline in the *Sunday Clarksburg Exponent-Telegram* as I returned to Charleston this week. Not a good omen. There are several reasons for this prediction from the Associated Press Capitol crew (also printed in the *Charleston Gazette* on January 10, 2010 - <http://www.wvgazette.com/News/201001090174>

One is that in 2012 there is an open seat for governor and several legislators in key leadership positions are already jockeying to fill that coveted position. Another is that this year is also an election year. Every seat in the House and half of the state Senate seats are up for re-election. This means that any bill dealing with election reform will be tabled using the excuse that it's an election year. The exception here may be the governor's call for a pilot project on public financing for our Supreme Court. See previous article.

One thing is certain, the bad guys will not hesitate to push their agendas during this vacuum in policy making. And, to be fair, the modest progressive caucus at the legislature has several initiatives they'll be floating but the outlook for passage in this climate is doubtful.

Regardless of these gloomy predictions, our lobby team will push the envelope for progressive changes needed here in WV. One of our big issues is passage of Surface Owners Rights' legislation to make oil and gas drillers play fair with property owners. In addition, the DEP will be working to pass rules to deal somewhat with the millions of gallons of toxic fluids produced by the new Marcellus Shale drilling. The governor didn't mention this when he sounded like a Chesapeake Energy commercial in his State of the State speech.

As usual, we'll be working closely with the WV Environmental Council's lobby team on the myriad fights for clean air and water and against erosion of existing protections. We'll also be fighting for expanded incentives for renewable energy and energy conservation.

Other election laws on our agenda, in addition to Supreme Court public financing, include phasing out "touch screen" voting machines in favor of having voters make a mark on a piece of paper (sometimes the old ways are better). We are also hoping for another look at expanding same-day voting where voters would be allowed to both register and vote during early voting. Anything that makes it easier to vote and to vote securely strengthens our democracy.

We'll also work with the WV Association for Justice (trial lawyers) to create an independent Insurance Consumer Advocate who will go to bat for folks being shafted by big insurance. This would be modeled after the successful PSC Advocate whose position we helped create over twenty years ago. It's about time!

Stay tuned for lots of (citizen) action!

Why Consumers Should Oppose Verizon Sale

by Gary Zuckett, garyz@wvcag.org

I've been a little surprised at the response to our call for action on the Verizon sale. Maybe I shouldn't have been since I've been angry with them for years over the glossy ads they send on a regular basis enticing me to sign up for their wonderful bundled package of broadband, telephone, and whatever. Problem is every time I call in to order it – "Sorry you are out of our service area for that offer."

It's clear Verizon does not want to service its land lines. It's a dinosaur in the space age of wireless and satellite communications. It has let its copper infrastructure rot with a purpose - to make customers so mad that they will holler for approval of a sale that is not really in their best interest.

However, if you look into this proposed sale, it really begins to stink to the tops of the telephone poles. If it goes through as planned, Verizon will walk away with \$4 billion tax-free and Frontier will be several billion in debt while quadrupling its responsibilities in West Virginia.

Here are some highlights of my Public Service Commission testimony given this week:

"The WV Citizen Action Group (WV-CAG) agrees with the PSC Consumer Advocate's office in opposing the proposal to approve the sale of Verizon's West Virginia land line telephone service to Frontier. WV-CAG feels strongly that this proposal will not provide better service to Verizon's customers and has a very high potential to harm both these and present Frontier customers.

There are several reasons we have taken this position:

#1. Years of diminishing investment by Verizon in its physical operations and cuts in service personnel has left its lines and other equipment in disrepair, providing poor service to its customers. This sale would leave Frontier deep in debt. Where will it obtain the resources to make the needed repairs and upgrades in order to provide adequate service to its customers?

#2. Other similar Verizon deals such as the sales to FairPoint in New England and TelCom in Hawaii have resulted in these utilities filing for bankruptcy protection. However, there was no protection for the customers of these failing telephone companies who "bit off more than they could chew" and whose customers experienced service outages, billing issues, call center problems, and 911 emergency system failures.

#3. In this deal Frontier will attempt to instantly quadruple its size in West Virginia. If Frontier ends up like FairPoint and TelCom, where will that leave West Virginia consumers?

#4. Many rural West Virginia telephone customers are totally dependent on land lines because they are not serviced by cable or wireless services. They are the ones most at risk when telephone service is interrupted for long periods and must be protected from such outages. In an emergency this situation could be deadly.

#5. This deal is structured so that any additional transitional costs incurred by Verizon, even those required by this Commission to make the transition workable, would be reimbursed by Frontier – further draining the resources of the

receiving company and making the deal even riskier for West Virginia consumers. Compare this to the sale of a house. Normally the seller is required to make repairs or modifications at their expense when deficiencies are found. The Verizon deal is backwards in this regard. Verizon must fix up its house before its sold and make sure that Frontier doesn't end up with the bill.

In closing, although its apparent that Verizon has no desire to properly service its land line customers and would like to be rid of them, if this proposal is approved by the Commission West Virginia consumers stand to receive even worse service from an overly ambitious company seeking to grow through broad acquisition of existing customers without an adequate financial or employee base to take such a "big bite." If Frontier "chokes" on this deal all of West Virginia will suffer."

To learn more, check out www.bad4wv.org. You can also visit www.wvcag.org to click on media links to voice your opinion in the press. Consider contacting the *Charleston Gazette* vent line at 304-357-4451 or readersvoice@wvgazette.com or write a letter to the editor of your local paper (you can do this quickly from www.wvcag.org) Thanks!!



Contact Us:

If you want to talk to someone in person about one of our campaigns, give us a call. You can reach us at 304-346-5891 or 1-866-WVB-FAIR (toll-free). Here's who we are and what we are working on this session – we'd love to hear from you!

- Gary Zuckett, Executive Director/lead lobbyist
- Julie Archer, Project Manager – organizer for campaign finance reform, civic engagement and surface owners rights issues.
- Linda Frame, *Capital Eye* editor
- Norm Steenstra III, organizer for WV-Surface Owners Right Organization
- Lisa Diehl, organizer for the Reform Immigration For America
- Marge Michau, office assistant

Oil & Gas Drilling Issues: A Primer

by Norm Steenstra III, norm@wvsoro.org

The Surface Owners' Rights Organization (WV-SORO) works to address problems related to the increase in natural gas drilling in West Virginia and surrounding states in recent years. Here is a quick breakdown of the issues:

- **Property Rights** - In West Virginia, just because you own property, it doesn't mean you control how it's used. We are one of only 6 states that has "split estates" -- where owning the surface doesn't mean you own the minerals beneath -- and we have the weakest laws to protect surface owners. If someone else owns or has leased the minerals, they have the right to do what is "fairly necessary" to get at them. In practice, this means that the drillers can currently get away with what they want.
- **Environmental** - There are a number of environmental issues related to drilling of wells to the Marcellus Shale formation such as where the large quantities of water required to drill these wells will come from, what ends up in the water when it is used in hydraulic fracturing and where drillers dispose of that water afterward. As a result, state regulators have proposed some changes to the rules regulating oil and gas drilling, but these fall short of being protective of the threats to our land and water resources.
- **Economic** -- Many of the companies that are profiting from the current drilling boom are based out-of-state and typically bring in their own workers. Additionally, West Virginia foots the bill for road and bridge repair, and, of course, your taxes pay for that. If it weren't for the damage caused by these corporations, those monies could be spent on schools or emergency services.
- **Safety** - Those who live outside city limits have to deal with damaged roads, oversized trucks, drilling equipment, and muddy roads that can swallow a car up to its tires. In some areas of the state with heavy drilling activity, residents have had to wait long periods for another vehicle to come and pull out a water or fuel truck that has gotten stuck in the mud.
- **Quality of Life** - Try going to sleep with a well being drilled within sight of your home. During the actual drilling process, many landowners have reported the rigs running for 24 hours a day, for up to three weeks straight.

If you can imagine how any of these issues might affect your life, you know how many of West Virginia's rural residents feel and what they go through on a daily basis. Please tell your legislators what you think of this mess. Encourage them to support legislation that would protect West Virginia residents and their land. You can learn much more at www.wvsoro.org or call us at 304-346-5891. We need your help to get reforms passed.

Comprehensive Immigration Reform

by Lisa Diehl, lisadiehl@zoominternet.net

Last month, WV Citizen Action joined 700 local, state, and national organizations that have united behind the Reform Immigration FOR America campaign (RI4A). The campaign is partnering with Americans in nearly every state to make 2010 the year that Congress finally delivers comprehensive immigration reform that works for the economy, for taxpayers, and for families.

WV-CAG held a press conference on Tuesday to call on Senator Rockefeller to support much-needed reforms that will help the American economy, and the American tax-payer. According to a report released this week by the Center for American Progress and the Immigration Policy Center, even during a recession, a path to legalization for immigrants would add \$1.5 trillion to the U.S. economy, raise the wage floor of all U.S. workers, and generate up to \$5.4 billion in new tax revenues.

WV Citizen Action is the lead organization in the Mountain State. For more information, contact Gary Zuckett or Lisa Diehl or visit www.reformimmigrationforamerica.org.



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. Be sure to type the legislators' names in the subject line so your e-mail can be delivered.

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@wvgov.org

You can also visit www.wvcag.org, type in your zip code and find info on all your federal and state representatives. **Make your voice heard!**



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Upcoming Events and Actions!

January 19: WVEC's Annual "Legislative Kick Off Blast" Benefit. WVEC Office, 2206 Washington Street East, Charleston. 7:00 PM - 10:30 PM. Live music, refreshments, and great people. Join us as we kick off the session in style with the WVEC lobby team, friends, and some legislators will be stopping by!

January 16: Sludge Safety Project Kick-Off, 2PM, Senate Judiciary Room 208W
2nd floor in the West Wing of the main Capitol building. Help pass a statewide ban on slurry production! **Inspiration, food and fun.** Just bring pictures, water samples, or water filters you may have that illustrate water problems in streams or wells, and your concerns, questions, and ideas. For more info, call 304-360-2110.

January 20: 8:00 AM: Join us for this year's first Sludge Safety Project (SSP) Lobby Day at the State Capitol to lobby for a Ban Slurry Bill! Throughout the legislative session, WV community residents and concerned citizens will come to Charleston to lobby for a law protecting our state's water, health and communities from toxic slurry! Help us demand that our Representatives step up and work for community health, safety and clean water! Please contact Stephanie for more information at: Stephanie@sludgesafety.org. Sludge Safety is a project of the Ohio Valley Environmental Coalition, Coal River Mountain Watch and West Virginia communities working for clean water and community safety near toxic coal waste injections and impoundments.

Save the Date! April 16, 2010: WV-CAG Spring Fundraiser at the Charleston Woman's Club.

Keep Kennedy's seat progressive!

Conservatives are pouring big bucks into the special election to fill Senator Kennedy's seat with a Republican in order to derail legislation such as Health Reform, Jobs Act, and Immigration Reform. They have even gone so far as to enlist a Tea Party type with the last name of Kennedy to run as an independent! If you'd like to help keep Martha Coakley in Kennedy's Senate seat go to <http://my.barackobama.com/CoakleyN2N> to find out how to make calls for their Tuesday election!



We Need Your Support
We can't do it without you!

Please renew your membership or send a donation.

Name: _____

Address: _____

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!