



Capital Eye

Volume 10, No. 3 ~ January 29, 2010

Consumer Advocate Nixes Verizon's Claims of Service Improvements ~ Join Petition Drive to Block Sale to Frontier

by Gary Zuckett, garyz@wvcag.org

Wednesday's *Charleston Gazette* reports that the PSC Consumer Advocate is refuting Verizon's claims of reduced consumer complaints of bad service. The Advocate's office said that the investment in equipment upgrades and new technicians "have had very little, if any effect on reducing Verizon's network trouble, contrary to assertions otherwise." The Consumer Advocate's office claims that Verizon has artificially inflated numbers to make it look like the company has met service standards required in their Retail Service Quality Plan which runs through July 2011. This Plan was required by the PSC because of the high number of customers filing complaints against the company.

I don't know about you, but when the consumer protection arm of the PSC says it doubts claims by Verizon that its service problems are fixed, I tend to believe them. Verizon is hoping to cut and run by selling us out to Frontier in a deal that would garner it \$6 billion (tax-free) and leave Frontier deep in debt and responsible for fixing Verizon's mess. Other similar Verizon deals have resulted in the purchasing company going belly-up and creating a disaster for customers. This proposed sale should be scrapped until Verizon has indeed done what it promised and made the necessary upgrades to its equipment and service in West Virginia.

Check out www.badforwestvirginia.org and if you agree we need to hold Verizon accountable, send a message to the governor and write a letter to the editor. Next week we will have a petition available for you to ask your friends and neighbors to sign to oppose the sale. It's time to let the Public Service Commission and Governor Manchin know that this sale is designed to benefit Wall Street, not West Virginia's consumers. Make your voice heard today!

Compassion is not weakness, and concern for the unfortunate is not socialism.
-Hubert Humphrey

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.

State of the Nation – Get 'Er Done!

by Gary Zuckett, garyz@wvcag.org

I watched President Obama's speech this week at a local Organizing for America gathering and was again impressed with his command of the English language and the issues he raised. He repeatedly referred to bills passed by the House that are now jammed up or need more work in the Senate such as the Jobs bill, Health Reform, Financial Reform and more.

I'm pleased that President Obama understands the urgency in passing health care reform this year, but disappointed that he did not propose a jobs program that is as massive and robust as the problem he inherited. Our jobless recovery is dragging down families while Wall Street doles out billions in bonuses.

I must also disagree with his proposed freeze on domestic spending while expanding our already-bloated military budget. **Spending caps never created a single job, cared for a sick child or kept a family in its home by staving off home foreclosure.** The money saved by his freeze will be miniscule compared to the hundreds of billions to be spent on escalation in Afghanistan.

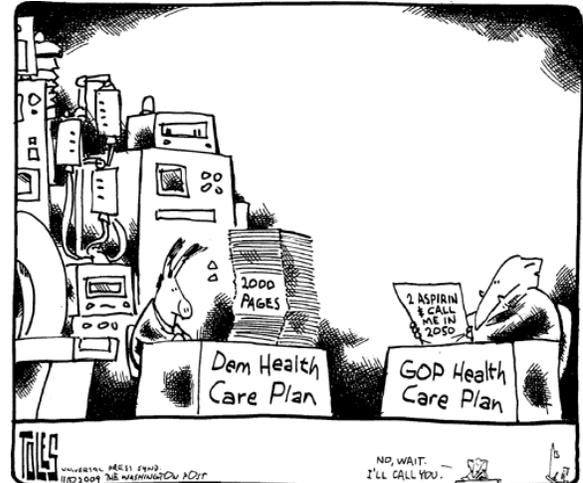
What kind of priorities are these?

I know last week was bad for progressives - Mass delusion in Massachusetts, Supreme Court Carnage of our elections, and Health Reform on the ropes. The answer is not for progressives to head for the hills but to regroup and make our voices even louder. We can't let the Tea Party Panderers define the debate. We can and must let our elected officials know we expect results, not excuses. The 2008 election was a mandate for change, not cringe. The majority party needs to get the right message from last week – get a backbone and fight! The opposition will not concede, they must be outmaneuvered and outsmarted.

This is what the opposition says about health care reform: *"What we have to do today is make a covenant, to slit our wrists, be blood brothers on this thing. This will not pass. We will do whatever it takes."* –Rep. Michele Bachmann (R-MN), on what is needed to defeat health care reform, Aug. 31, 2009 (*Colorado Independent*)

Mark Fiore, one of the animators of the movie *Avatar*, has a great political cartoon blog with some of the best "truth in humor" cartoons around. Check out his on Obama's speech and other timely topics at www.markfiore.com.

Meanwhile, check out the action items in this issue and become part of the "Action" in Citizen Action!



Surface Owners Bill Reintroduced

by Norm Steenstra III, norm@wvsoro.org

We have a lot of SORO news for you this week. First, thanks go out to Delegate Mike Manypenny of Taylor County for taking the lead on our surface owners' rights issues. Our Surface Owners' Bill of Rights (HB 3023) was reintroduced and, with Delegate Manypenny's help, we are looking for sponsors for a slightly pared down bill that we are calling the Surface Owners' Rights Recognition Act. We are hoping the latter will have a better chance of passing. We knew that we would have a tough battle with the oil and gas industry this legislative session, so we are hoping for a reasonable compromise so that we can gain some rights for surface owners without fighting industry tooth and nail to treat West Virginia like a colony state ready for easy exploitation. Please thank Delegate Manypenny and the cosponsors for their efforts and keep calling **your** legislators to make sure they know your concerns and how important this issue is to you. Particularly if you live in a rural county, please take the time to encourage your delegates to sign onto the bill or support it. They need to hear from their constituents.

On Wednesday, Governor Joe Manchin was quoted in *the Charleston Daily Mail* telling the industry at the Independent Oil and Gas Association's winter meeting, "We want you to do well. Call me if you don't think you're being treated right. I want to make sure 'retail government' works for you." We already knew that the governor supported big oil and gas companies in their defrauding of West Virginians on their royalty payments. Now he's offering the industry his support to continue to let them do as they please. Correct me if I'm wrong, but the governor is elected by the people of the state to represent them, yet, throughout his term, Manchin has proven, by being "open for business," that selling off citizens' rights is OK with him.

Also this week, the Environmental Protection Agency announced the creation of the "Eyes on Drilling" tip line for citizens to report non-emergency suspicious activity related to oil and natural gas development. **The agency is asking citizens to call 1-877-919-4EPA (toll-free) if they observe what appears to be illegal disposal of wastes or see other suspicious activity.** Reports may also be sent via email to eyesondrilling@epa.gov. Citizens may provide tips anonymously. It looks like we might finally get some national help, where the state has continued to fail us. More information is available at www.wvsoro.org.

If you want to come to Charleston to lobby or meet with your legislators, please contact Julie or me and we'll be happy to arrange meetings with your legislators. A face-to-face meeting and hearing first hand of your difficulties can have a big impact. Since the oil and gas lobby is several times larger than our team, it will also help offset their numbers.

Remember that it is an election year for all the delegates and half of the Senate. You are their bosses -- come and remind your legislators of that.

Election Protection

by Julie Archer, julie@wvcag.org

We are all too aware of West Virginia's dismal history of stolen elections - ballot boxes being dumped into the nearest stream and individual votes bought for a pint. However, since the 1990s, our state has taken regulation of elections more seriously, and has even adopted measures to ensure that in the age of electronic voting we have a way to verify our election results. Unfortunately, we took a step backward last fall when the legislature passed a law authorizing a pilot program to allow our troops and other overseas voters to cast their ballots over the internet. And according to a *New York Times* editorial published this week, similar programs are being adopted across the country in response to a new federal law, the Military and Overseas Voter Empowerment (MOVE) Act, that requires greater efforts to help military and other overseas voters cast ballots.

We recognize that our military men and women, particularly those serving overseas, face challenges to casting their votes that are not experienced by those of us at home. However, we concur with the computer technologists and security experts who feel that it is inappropriate to "enfranchise" voters by providing them with a system that may allow their votes to be lost or stolen undetectably. The way to respect and support our troops overseas is to respect their right to vote on a system at least as verifiable and recountable as the one being used here at home. They should not have to use a second-class voting system.

Fortunately, all experts feel electronic transmission of blank ballots is acceptable, so blank ballots can be delivered in a timely manner. The MOVE Act does **not** require voted ballots to be returned electronically -- only electronic options for blank ballot delivery. We would be much for comfortable with a system where paper ballots are returned securely by regular post office mail, military mail, diplomatic pouch or special Fed Ex arrangement, arriving in West Virginia in plenty of time to be counted. That is what our service men and women deserve. We understand that the Secretary of State's office is considering this type of system for West Virginia's long-term solution and we hope it chooses this option rather than expanding the use of internet voting.

WV-CAG member Hedda Haning and I wrote an op-ed on this issue published in *the Charleston Gazette* last week. It, along with *the New York Times'* recent piece, is available in the news section on our home page (www.wvcag.org).

Paperless.....

If you've contacted us about getting the *Capital Eye* on-line but are still getting the paper version, please give us a week or so to update our database -- thanks! To receive the on-line version instead of a paper newsletter, contact linda@wvcag.org.

Support Tobacco Tax Increase

Currently under consideration by the House Health and Human Resources Committee is HB 2746 which would raise the tax on cigarettes by 65 cents a pack and increase the rate on other tobacco products from 7% to 14% of the wholesale price. Contact committee members and urge their strong support of HB 2746. A significant increase in the tobacco tax would reduce tobacco use, generate much-needed revenue and save lives in West Virginia. This proposed tax increase would generate nearly \$100 million in new revenue and save the state nearly \$300 million in long-term health care costs.

To access a list of all House, Health and Human Resources Committee members, visit the West Virginia Tobacco Policy Blog at www.sfwvc.com. You will also find updates on other tobacco-related bills, information and other resources at this site.

Follow the Coalition for a Tobacco-Free WV on Facebook at www.facebook.com/CTFWV and at Twitter at <http://twitter.com/TobaccoFreeWV>. Information posted on these sites is the most current information available.

The Coalition for a Tobacco-Free WV website, www.ctfwv.com, has additional information and links to all of the sites mentioned above.

Support for Public Financing Strong

by Julie Archer and Carol Warren

The Governor's proposal to establish a pilot project to provide public financing to Supreme Court candidates has been introduced as HB 4130 and SB 233. Legislative leaders have indicated they expect the pilot project to have widespread support and we understand that the House Judiciary Committee will tackle the bill first. We'll keep you posted. In the meantime, here is a bullet-point summary of the bills' provisions:

Supreme Court Public Financing Pilot Project Summary

Qualifying:

File Declaration of Intent with Secretary of State
Exploratory contributions

- contributions from individuals up to \$1,000
- candidate may make a contribution of up to \$1,000
- no more than \$20,000 in the aggregate
- report all contributions and receipts to Secretary of State's Office

Qualifying contributions

- one per individual
- contributions between \$10 and \$100
- candidate must collect no less than \$35,000 and no more than \$50,000
- at least 500 contributions
- 10% must be from each Congressional district
- receipts with statements of understanding from contributor
- candidate and family members who are registered voters in WV may each make one contribution
- report all contributions and receipts to Secretary of State's Office

State Election Commission determines eligibility

Funds Available to Candidates:

Primary election - \$200,000 - rescue funds up to \$400,000

General election - \$350,000 - rescue funds up to \$700,000

Uncontested primary - 25% of initial grant available

Uncontested general - 10% of initial grant available

Rescue funds for spending by non-participating candidate and for independent expenditures when either reaches 20% more than initial grant

Reporting:

Participating Candidates: Monthly reports during exploratory and qualifying periods. As specified for regular campaign reporting in present code thereafter, except post election reports are due within 5 days of the election

Non-Participating Candidates: As specified for regular campaign reporting in present code. Additional reports required on specific dates for spending that would trigger rescue funds.

Independent Expenditures: Any independent expenditures in excess of \$1,000 must be reported within 48 hours, or 24 hours during the last 15 days before an election.

Program Funding:

- Excess exploratory or qualifying contributions
- Money returned due to withdrawal of candidate
- Unspent funds after election
- Civil penalties for violations
- Voluntary donations to fund
- Interest income
- Tax check-off program (from refunds)
- Money appropriated for the fund
- Fees from licensed attorneys (\$50-\$75)
- Fees from certain parties in lawsuits (\$10-\$100)
- Three increments of \$1 million from Unclaimed Property Trust Fund over two years

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!**

WV Citizen Action
1500 Dixie Street
Charleston, WV 25311

NON-PROFIT ORG
AUTO
U.S. POSTAGE PAID
CHARLESTON, WV
PERMIT NO. 1440

*"Some problems are so complex that you have to be highly intelligent and well informed just to be undecided about them."
- Laurence J. Peter (1919 - 1990)*

Upcoming Events and Actions!

February 2: 11:00 a.m. to 12:30 p.m. Ferrell Hall Auditorium, West Virginia State University. Nationally recognized gay rights advocate Judy Shepard will speak at West Virginia State University as part of the school's annual Human Rights Conference. Mrs. Shepard has been a tireless advocate for the LGBT community ever since her son, Matthew Shepard, was brutally murdered because of his sexual orientation. In 2009, President Obama signed the Matthew Shepard Hate Crimes Prevention Act, adding sexual orientation and gender identity as protected statutes under federal hate crimes laws, a feat do in no small part to Mrs. Shepard's tireless activism. This event is sponsored by Fairness West Virginia and West Virginia State University.

February 7: A National Legislative Overview. Presented by Wes Macleod-Ball, Director of ACLU's Washington Legislative Office. 2PM. Charleston Woman's Club, 1600 Virginia Street East, Charleston. This free presentation is part of the ACLU's Annual Membership Meeting and is open to everyone. This overview will be followed with an update on current events at the Legislature and an assessment of civil liberties in the Mountain State. Light hors d'oeuvres and refreshments will be served. Please RSVP by February 4 at mail@acluwv.org or call 304-345-9246.

February 8: ACLU-WV Lobby Day at the Legislature. Join the ACLU of WV Staff to visit your legislators and make your voice heard on individual liberty issues. Meet at 9AM at the State Capitol Rotunda. Please RSVP by February 4 at mail@acluwv.org or call 304-345-9246.

February 24: E-Day at the Capitol. 9 AM till 2 PM. Lower Rotunda. This is the Environmental Lobbying Day - a perfect opportunity to "go ye out and lobby" for everyone. Booth displays, announcements, press conference and more. **For more information, or for table/booth reservations:** contact Kevin Smith at a_clean_wv@yahoo.com

February 24: E-Day Benefit Dinner & Awards Ceremony. Woman's Club of Charleston. 5:30 PM - 8:30 PM. Celebrate achievements and honor recipients of WVEC awards. Homemade Soup & Salad buffet. Admission is a donation of \$15 to WVEC. **E-Day After Party!** Live music at the Empty Glass, 410 Elizabeth Street, Charleston. Admission only \$5 per person.

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



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!