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File #: 139007

February 2, 2010

VIA E-FILE AND HAND DELIVERY

James J. McNulty, Secretary
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

**RE: Robert Lynyak v. Superior Water Company, Inc.
Docket No. C-2009-2124527
DISMISSAL OF THE COMPLAINT**

Dear Secretary McNulty:

Superior Water Company, Inc. ("Superior") hereby requests that the above-referenced complaint be dismissed in its entirety and that the Prehearing Conference presently scheduled for February 5, 2010, be canceled.

On August 5, 2009, Complainant Robert W. Lynyak ("Complainant") filed a Formal Complaint against Superior. Said Complaint was served on August 14, 2009. On August 27, 2009, Superior filed and served, together with a Notice to Plead, Preliminary Objections and an Answer with New Matter. Complainant failed to file any response to Superior's Preliminary Objections or New Matter and, therefore, Superior filed a request that the Complaint be dismissed. By Order, dated, January 11, 2010, Superior's Preliminary Objections were granted in part, and its request for dismissal of the Complaint was denied.

On January 14, 2010, Your Honor issued a letter requesting, among other things, that Complainant submit a request for a hearing on or before January 26, 2010. Said letter further advised that if Complainant fails to request a hearing by January 26, 2010, then the Formal Complaint would be deemed withdrawn and the matter would be closed.

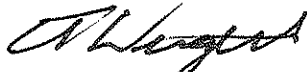
As of the date of this correspondence, Complainant has failed to serve a request for a hearing upon Superior as required per Your Honor's January 14, 2010 letter. Further, a review of the relevant docket indicates that Complainant has not filed the required request for a hearing with

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the Commission. Accordingly, pursuant to the terms of Your Honor's January 14, 2010 letter, Superior respectfully requests that the above-captioned Complaint be deemed withdrawn, and that the matter be closed.

If you have any questions regarding this filing, please direct them to me. Please date-stamp the extra copy and return it with our courier. Thank you for your attention to this matter.

Respectfully Submitted,



Christopher T. Wright

CTW/ctw

Enclosures

cc: Honorable Marlane R. Chestnut
Per Certificate of Service

CERTIFICATE OF SERVICE

I, Christopher T. Wright, hereby certify that I have this day served a true copy of the foregoing letter to ALJ Marlane R. Chestnut to dismiss the Complaint of Robert W. Lynyak for failure to request a hearing, upon the party, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA FIRST CLASS MAIL

Robert W. Lynyak
118 Birdsong Way
Pottstown, PA 19464

Complainant Pro Se

DATED: February 2, 2010



Christopher T. Wright