

# RECEIVED

FEB 7 2011

499 North Duffy Road  
Butler, PA. 16001-1141

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

February 7, 2011

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor North  
Harrisburg, PA 17120

**Certified Mail**

Re: Robert C. Brandon v. Pennsylvania-American Water Company  
**Docket No. C-2011-2219828**

Dear Secretary Chiavetta:

I'm in receipt from February 2, 2011 the response from counsel for the Pennsylvania American Water Company (PAWC) concerning my complaint on how the water company violated our property rights and generally failed to properly manage the extension of a water line in our neighborhood this past summer.

Attorney Knipe made a number of untrue statements in his response to you dated January 31<sup>st</sup>, 2011, and for that reason I urge you to not dismiss this case or end further discussion. Counsel would have the Commission believe that every aspect of this project was totally proper and every courtesy was extended to the neighborhood. In reality, it became an appalling situation. The written statements from Attorney Knipe I am correcting are addressed below. He will receive this response by certified mail, as well.

Two weeks ago, (1/11/2011) I received a call from a representative of the PAWC asking if there was any remedy that could be worked out during said call that would bring me to satisfaction and halt these proceedings. A monetary offer was suggested by the water company to, quote; "replace the cement at the end of your driveway using your own choice of contractor". I made it clear that I was not interested in any money from PAWC .... I was only interested in making sure they don't repeat their reckless behavior in someone else's neighborhood at later dates. I hope this gives a clear indication of my intentions, and I would be more than willing to drive to Harrisburg to give sworn testimony if necessary. This conduct must be stopped.

With that being said, I am not disqualifying myself from filing a driveway damage claim at a later date should the unsatisfactory driveway repair show premature concrete deterioration. Such a filing is very possible as the method of sectioning and framing clearly did not match the original design.

With all due respect for Attorney Knipe, he made the following errors in his response to your office, obviously doing minimal investigation:

**1. NEW MATTER - 11.** Counsel states " .... *completed the project over the course of one month.*" My complaint made it clear the project "dogged" along and went well into a second month, an unacceptable length of time for this short water line extension. My frontage (about 400') was approximately 1/5<sup>th</sup> the project, and heavy equipment was in my private lawn for a full month in itself. The exact dates for unauthorized equipment parking - September 10<sup>th</sup> through October 11<sup>th</sup>, 2010. (Refer to item 3 - below)

**2. NEW MATTER - 12.** Counsel states ".... *contractor needed to dig into Complainant's yard and driveway, within the public right-of-way to install .....* " In fact, with no advance discussion from PAWC, the contractor dug up over 6 cu/yds of our cement driveway coming approximately eight (8) feet beyond the right-of-way onto our private property. No permission requested ... No discussion from them on plans to repair.

**3. NEW MATTER - 13.** Attorney Knipe is grossly untruthful in this matter. Counsel states "... contractor left equipment on Complainant's property, within the right-of-way." As I suspected and it was confirmed by Center Township officials at their board meeting on December 6, 2010, the right-of-way is 16.5 feet from the centerline of Duffy (and Mercer Roads). This gives the water company less than 3 feet of work area to bury their line, between the edge of the road pavement and outer limit of the right-of-way. The contractor had heavy equipment parked during many non-work hours and days, not partially on the right-of-way ... but 100% in my private property and lawn for exactly 30 days (listed above). A heavy, cut piece of water pipe was also carelessly tossed 10 feet beyond the right-of-way onto my private property and left abandoned for three days the weekend of October 9<sup>th</sup>, 2010.

**4. NEW MATTER - 17.** Counsel is correct that I did not personally call the PAWC until October 8<sup>th</sup>, 2010. However, on two occasions between 9/13/2010 and 10/11/2010, I called the Center Township office and spoke to their manager, Anthony Amendolea. He acted on my behalf, calling PAWC about the unreasonable delays that were occurring. Weather was not an issue during this period.

The water line was buried under Mercer Road (at the corner of my property) on October 7<sup>th</sup> ... a Thursday. I thought, "Good ... this will all be finished tomorrow." Friday, October 8<sup>th</sup> was a beautiful, sunny day and not one member of the PAWC contractor team was at the work site. Mid-afternoon that day, when it was evident three (3) pieces of heavy equipment (plus the piece of cut pipe) would be 100% on my private property all weekend, I called the PAWC toll free number. I told the PAWC operator, quote - "After a full month of bad behavior by your company, I'm going to still be reasonable. All equipment must be off my property by noon Monday, October 11<sup>th</sup>". She was very professional and verbalized extreme concern about my information.

**5. NEW MATTER - 18.** Counsel misrepresented as "efficient", "safe", "reasonable notice", "working within public right-of-ways", "restoring yards and driveways in a timely manner" the standard construction procedures dictated to contractors by PAWC.

**Efficient** - An employee of PAWC informed me a line of this size is normally installed at a rate of 500 feet per day. What happened with this project in Center Township and the efficiency here? 2000 feet = only 4 work days v. nearly 2 months.

**Safe** - My initial mailing of the complaint to the P.U.C. included a letter from our neighbors, the Donnell's at 485 N. Duffy Road. They wrote of having very limited visibility every time they tried to exit their driveway while equipment was parked on the lower part of my property. What liability would my wife and I have faced if they were "T-boned" and the Donnell's or their young children were seriously injured or killed?

**Reasonable Notice** - There was absolutely no advance notice given to any of the homeowners impacted by this construction. I learned it was "a water company project" from T.W. Phillips Gas, as their men were putting yellow flags in our yard.

No notice was given in advance of driveways being disrupted. While I was out of town, my wife had to drive through our lawn twice (the week of September 20<sup>th</sup>) to exit our property. Two of those mornings, the contractor had trucks parked down our driveway making no request for permission nor offering to move them out of her way for exiting.

Mrs. Donnell, next door could not get onto her property after work the day her driveway was "patched" ... absolutely no advance repair notice given. They told her to "come back in a half hour", as she was eager to begin making dinner for her family.

**Working within public right-of-ways** - The PAWC obviously had no idea the right-of-way was only 16.5 feet from the road centerline or they just didn't care.

Ms. Rosemary Chiavetta, Secretary  
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Considering the width of the digging machine used on this project, some part of the machine was always on private property, outside the right-of-way.

**Restoring yards and driveways in a timely manner** - As part of these proceedings, I am asking the PUC to establish a rule that states; improved (blacktop, cement, brick, etc) driveways must not be dug up in the fall if repairs are not possible before spring. (Modify wording on the PAWC door knob hanger notice is needed)

In our case, after waiting 30 days - taking us into the month of November and reading their door tag which indicated a possible spring repair, I began preparing a complaint against PAWC for filing before District Justice Stoughton. Two days before I planned to file, without notice the contractor came to our door and said, "We want to dig up and repair your driveway starting tomorrow".

Secretary Chiavetta, Attorney Knipe claims in his response that no property rights were violated. With the information I have presented, it is quite evident they were violated. I sincerely hope during your continuation of these proceedings someone from the PAWC will explain to me where they have the right to come on my private property and take down a Congressional campaign sign I put up for a personal friend running for (and won) this important federal office. PAWC clearly displayed a lack of concern, as our campaign sign was pulled up out of the ground, carelessly discarded in the grass and not simply repositioned. I take this intrusion very seriously, and the sign was not on the public right-of-way.

I was told during the January 11<sup>th</sup>, previously mentioned phone call from PAWC, .... "We need to talk to our contractor". In reality, the PAWC needs to stop passing the buck and get a PAWC employee out on these jobs, daily if necessary and know what's going on!

Counsel would be doing his client a favor by advising PAWC to contact Mr. Mark A. Lauer, the Public Works Manager for Center Township and ask his opinion of their business methods. The Donnell's also need a PAWC contact about the substandard repair done to their new black topped driveway.

I believe the arrogant and ignorant, obviously unmonitored construction policies of the PAWC as witnessed this summer are enough for the Commission to take some type of action on behalf of the people. It's hoped your panel will ask themselves, "Would I want this happening on my property?" We have no idea what authority the Commission has over the PAWC, but we hope your action will be something swift and firm with on-going monitoring. The Pennsylvania American Water Company has the resources to do much better.

Thank you.

Respectfully yours,

  
Robert C. Brandon

Cc:

Brian J. Knipe, Esq. - Certified Mail  
Buchanan Ingersoll & Rooney  
Center Township  
Board of Supervisors  
Mr. & Mrs. Todd Donnell  
845 N. Duffy Rd.

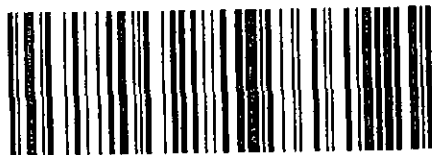
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**Robert C. Brandon**  
 499 N Duffy Rd.  
 Butler, PA 16001-1141



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Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street, 2<sup>nd</sup> Floor North  
 Harrisburg, PA 17120

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499 North Duffy Road  
Butler, PA. 16001

February 7, 2011

Brian J. Knipe, Esq.  
Buchanan Ingersoll & Rooney, PC  
17 North Second Street  
15<sup>th</sup> Floor  
Harrisburg, PA.  
17101-1503

Certified Mail

**Notice of No Trespassing**

Dear Attorney Knipe:

In a recent filing with the Pennsylvania Public Utility Commission under Docket # C-2011-2219828 you are counsel for the Pennsylvania American Water Company (PAWC).

Notice is hereby given that from the above date forward, any employee of the PAWC and/or a designated contractor for PAWC coming onto my private property at 499 North Duffy Road, Center Township, Butler County, PA. will be considered trespassing. I will expect an advance phone call at 724-282-4942 from every PAWC representative seeking access to my private property and a full discussion of purpose.

If not, we will immediately contact the Pennsylvania State Police, as they provide law enforcement in Center Township and trespass charges will be sought. A copy of this correspondence will be provided to the investigating officer.

The water company should be reminded the public right-of-way ends and our private property line is established less than two (2) feet from the new PAWC line installed in the summer/fall of 2010 along North Duffy Road. They should give this fact careful and full consideration during future maintenance and tap-ins.

Thank you in advance for your cooperation.

Sincerely,



Robert C. Brandon

Cc: PA. - P.U.C. ✓  
Center Township Supervisors  
Mr. & Mrs. Todd Donnell

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