

ROSEMARY CHIAVETTA

SECRETARY

PA. PUC

COMMONWEALTH KEYSTONE BLDG.
400 NORTH STREET, 2ND FLOOR
HARRISBURG, PA. 17120

DEAR SECRETARY CHIAVETTA,

① PLEASE FIND ENCLOSED
MY WRITTEN RESPONSE(S) TO
THE PAWCO'S PRELIMINARY
OBJECTIONS. (ORIGINAL)

② PREVIOUSLY, YOU HAVE RECEIVED
A COPY, UNDER DATE OF
JULY 18, 2011 AS SUBMITTED
BY ME.

③ LATER, MY WRITTEN RESPONSE(S) TO PAWCO'S
ANSWER(S) AND NEW MATTER WILL BE SENT TO YOUR OFFICE.

④ SHOULD YOU (PERSONALLY) HAVE ANY QUESTIONS OR
COMMENTS, PLEASE CONTACT ME AT (412) 884-8426.

ENCLOSURES:

① TRANSMITTAL LETTER & FOUR(4)
PAGES OF WRITTEN RESPONSE

② EXHIBIT A - TRAVELERS INS.
LETTER OF
SEPTEMBER 23, 2008

CC: SHAUN SPARKS
ATTORNEY

RE: PA. PUC

FORMAL COMPLAINT
OF
THOMAS V. OLUP, P.E.
c/o 719 AGNEW ROAD
PGH, PA. 15227

DOCKET NO. C-2011-2247941

WRITTEN RESPONSE(S)
TO
PRELIMINARY OBJECTIONS
OF
PA-AMERICAN WATER CO.
BY
STEVENS & LEE
(MICHAEL A. GRUIN)

RESPECTFULLY SUBMITTED,
AND

VERY TRULY YOURS,

Thomas V. Olup, P.E.
THOMAS V. OLUP, P.E.

JULY 15, 2011

RECEIVED DATE OF
PRELIMINARY OBJECTIONS
PA. AMER. WATER CO.

WRITTEN RESPONSE (1 OF 4)
(TO PUC / OTHERS
BY T.V. OLUP, P.E.)

I. INTRODUCTION

1. ADMITTED AS TO COMPLAINT AND LETTER OF TRANSMITTAL, EXHIBIT 1. CLAIMANT HAS NO KNOWLEDGE ON WHEN THE PAWCO (COMPANY) WAS SERVED WITH THE NOTICE OF THE FORMAL COMPLAINT.
2. PAWCO'S NARRATION APPEARS TO BE A LEGAL OPINION OF THE COMPANY. AS SUCH, THE RESPONSE SHOULD BE ADDRESSED BY LEGAL COUNSEL FOR THE PUC AND/OR OTHERS FOR THE CLAIMANT.
3. SAME - SEE ANSWER NO. 2
4. DENIED. CLAIMANT UNDER FORMAL COMPLAINT, PAGE 8 - PARAGRAPH ① STATES: PENNSYLVANIA AMERICAN WATER CO. - SHOULD MAKE ANY OR ALL REPAIRS / FIXES / ETC. TO THE PRE-EXISTING (CONDITION) MAJOR DELUGE ON OR ABOUT JUNE 14, 2008 - TO THE DWELLING / ENVIRONMENT AND FRENCH DRAIN (STORM SYSTEM). IN ADDITION, THE WHOLE OF PAGE 8 IS HEREBY CERTIFIED AS TRUE AND CORRECT BY THE CLAIMANT.

JULY 15, 2011

RESPONSE TO
PRELIMINARY OBJECTIONS
OF
PAWCO
BY
THOMAS V. OLUP, P.E.
(PAGE 2 OF 4)

5. ADMITTED

6. ADMITTED AS TO REQUEST
FOR A RATE INCREASE. CLAIMANT
HAS NO DIRECT KNOWLEDGE AS TO

A DOCKET NUMBER AND STATUS (PRESENT AND ON-GOING)
BEFORE AN ADMINISTRATIVE LAW JUDGE FOR DISPOSITION.

7. ADMITTED AS TO STATEMENTS MADE ON FORMAL COMPLAINT,
PAGE 7 UNDER RATE INCREASE. UNDER ITEM 2 -
COMPLAINANT INDICATES (ETC) FOR POSSIBLE ADDITIONAL
ITEMS.

8. ADMITTED AS TO LETTER OF TRANSMITTAL, EXHIBIT 2,
BY THE PUC.

9. PAWCO'S NARRATION AND CITED CASE IS A LEGAL
OPINION OF THE COMPANY. RESPONSE SHOULD BE THE
SAME AS NUMBER 2.

10. SAME AS ANSWER NOS. 2 AND 9.

11. SAME AS ANSWER NO. 10.

12. DENIED. THE COMPANY'S OBJECTION APPEARS TO
BE CONVULSED, AND NOT CLEARLY STATED

13. SAME AS ANSWER NO. 11 AND OTHERS.

14. SAME AS ANSWER NO. 13 AND OTHERS.

JUNE 15, 2011

RECEIVED DATE
OF

PRELIMINARY OBSERVATIONS
OF

PAWCO. (COMPANY)
BY

THOMAS V. OLUP, P.E.

(PAGE 3 OF 4)

15. DENIED. SEE PAGE 8
OF THE FORMAL COMPLAINT. (TOTALY
PENNSYLVANIA AMERICAN WATER CO. -
SHOULD MAKE ANY OR ALL
REPAIRS / FIXES / ETC. TO THE
PRE EXISTING (CONDITION) MAJOR DELUGE
ON OR ABOUT JUNE 14, 2008 - TO THE
DWELLING (ENVIRONMENT AND FRENCH DRAIN (STORM SYSTEM).

16. SAME AS TO ANSWER NO. 14 AND OTHERS.

REQUEST FOR RELIEF

BY COMPANY AND RESPONSE BY COMPLAINANT

BASED ON MY PROFESSIONAL OPINION AS
A FORMER PROFESSIONAL ENGINEER IN ANY OF THE
STATES OF PENNSYLVANIA, OHIO AND WEST VIRGINIA,
THE PAWCO. (THE COMPANY) MUST AND SHOULD BE
HELD RESPONSIBLE FOR A CONTINUAL TRESPASS
OF MAIN LINE WATER LEAKS AND DELUGES TO THE
DWELLING AT 719 AGRON FOR SOME APPROXIMATELY
40 TO 50 YEARS. FURTHER, THE CLAIMANT HAS HAD TO
MAINTAIN HIS RIGHTS - "UNDER THE COMMONWEALTH'S TWO (2) YEAR
STATUTE OF LIMITATIONS FOR BUILDING AND CONTENTS (DAMAGE)" SEE
ATTACHED LETTER, DATED SEPTEMBER 23, 2008, BY GIOVANNI (JOHN) DE PAOLA
OF THE TRAVELERS INSURANCE COMPANY.

(CONTINUED)

JULY 15, 2011

RECEIVED DATE
OF

PRELIMINARY OBJECTIONS
OF

PAW CO. (COMPANY)
BY

THOMAS V. OLUP, P.E.

(PAGE 4 OF 4)

IN ADDITION, A PREVIOUS DELUGE IN/OR ABOUT 1994 OCCURED TO THE DWELLING AT 719 AGNEW ROAD. BOTH THE CLAIMANT AND THE CLAIMANT'S FORMER IN-LAWS (MAM F. KLAWINSKI) HAD TO FILE A LAWSUIT TO PROTECT THEIR LEGAL RIGHTS.

ALSO, THERE WERE AT LEAST FOUR (4) OR FIVE (5) OTHER LEAKAGE (TRESPASSES) ATTRIBUTABLE TO PAWCO'S MAIN LINE BREAKS AND/OR WATER LOSSES IMPACTING 719 AGNEW ROAD.

FURTHER, IT APPEARS THAT IN BOTH TIME FRAMES, 1994/1996 AND 2008/2010 - ALL OF THE ADDITIONAL CLAIMANTS ALONG AGNEW ROAD - HAD THEIR DAMAGES RESTORED, AND/OR COMPENSATION WAS MADE TO THE OWNERS BY PAW CO. (THE COMPANY).

ALL PAST/PRESENT OWNERS (ALONG AGNEW ROAD) WERE COMPENSATED FOR THEIR DAMAGES, EXCEPT FOR THE OWNERS (CLAIMANTS) AT 719 AGNEW ROAD.

ENCLOSURE: LETTER OF SEPTEMBER 23, 2008
BY: GIOVANNI (JOHN) DEPAOLA
CLAIM REPRESENTATIVE
TRAVELERS INSURANCE CO.

RESPECTFULLY SUBMITTED
AND

VERY TRULY YOURS,

Thomas V. Olup, P.E.

THOMAS V. OLUP, P.E.

(7/15/2011)

TRAVELERS



Giovanni (John) DePaola
Claim Representative
Travelers Insurance Company

September 23, 2008

724-327-4446
1-866-872-6434 (Fax)
Gdepaola@Travelers.com (Email)

RECEIVED
JUL 25 10:46
P.O. Box 1538
Pittsburgh, PA 15230
PA. P.C. SECRETARY BUREAU

TOM OLUP
719 AGNEW RD
PITTSBURGH PA 15227

REC'D: 9/25/08
1:40 TO 1:50
CALLED: LINDA TARBOROUGH
PA AMEN HLD CO
LEFT MESSAGE @ 1:30
SECOND CALL: 1:51
(STONE WALLING BY PAWCO)

RE: CLAIM#: CA11590-006
DATE OF LOSS: 6/14/2008
INSURED: Pennsylvania American Water Company

Dear Mr. Olup:

?
?
?

This letter is a follow up of our conversation of September 12, 2008. At that time, you indicated to us that you did not want to come into our office for a statement unless you were accompanied by an attorney. To date we have not heard from either you or your attorney regarding this matter. If you have retained counsel, please advise your attorney to contact us as soon as possible so that we can take your statement and resolve your loss as soon as possible.

Please be aware that in the state of Pennsylvania there is a two year statute of limitations for building and contents damage. The statute for this loss expires on June 14, 2010. If this matter is not resolved by June 14, 2010, you will need to take legal action to protect the statute of limitations. Please note that you should allow several extra days prior to that date in order to timely file the appropriate action.

If you have any further questions please feel free to contact me at 724-327-4446, between 8:00 a.m. and 5:00 p.m.

Sincerely,

Giovanni (John) DePaola
Travelers Insurance Company
Claim Representative

(EXHIBIT "A")

NOTE: LETTER COMMENT IS NOT FACTUALLY CORRECT REGARDING PARAGRAPH (E)

PARAGRAPH TO THE CHIEF = PARAGRAPH (E); BUT GIVES A "MINDSET" → DELAY → DENY → DEFEND

719 AGNEW RD.
PGH, PA. 15227



ROSEMARY CHIAVETTA
SECRETARY

COMMONWEALTH OF PENNA.
PA. PUBLIC UTILITY COMMISSION

P.O. BOX 3265

HARRISBURG, PA. 17105-3265

RECEIVED
2011 JUL 25 AM 10:49
PA.P.U.C.
SECRETARY'S BUREAU