

Tim L. Smith & Debra L. Smith
t/a T&L Excavating & Hauling
144 T and L Lane
Worthington, PA 16262
Phone #: 724-297-3999
Fax #: 724-297-3990

March 11, 2013

RECEIVED

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Attn: Rosemary Chiavetta, Secretary
P.O. Box 3265
Harrisburg, PA 17105-3265

MAR 11 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Docket No. C-2013-2349617

Ms. Chiavetta:

Please accept this letter as a formal request that the fine assessed in conjunction with the Complaint filed under the docket number referenced above be waived, or forgiveness be awarded, due to the fact that the filing error was made by the Insurance Agency handling our Commercial Auto policy and was in no manner caused by negligence on our part. Please refer to the enclosed letter which provides proof that the filing error was made by the agent handling the re-write of our Commercial Auto policy.

As noted in the enclosed letter, the proper filing has been made by United Financial Casualty Company as of the effective date of our Commercial Auto policy beginning February 6, 2013.

Thank you for your consideration.

Sincerely,



Debra L. Smith, Partner

cc: Wayne T. Scott, Prosecutor, Bureau of Investigation and Enforcement



March 11, 2013

Tim L Smith & Debra L. Smith
t/a T & L Excavating & Hauling
144 T and L Lane
Worthington, PA 16262

RE: Commonwealth of PA -- PA Public Utility Commission Complaint
Docket No. C-2013-2349617

Dear Tim & Debbie:

In response to the above-mentioned complaint, please be advised that the failure to maintain evidence of insurance on file with the Commission is due to an error made by our agency when re-writing your Commercial Auto policy through United Financial Casualty Company effective February 6, 2013 to February 6, 2014. While the request was made for the required ICC filing and MCS-90 endorsement, the Form E filing request was over-looked during the rating process. I contacted United Financial Casualty Company today and they are processing the Form E filing, as of the inception date of the policy, and will over-night it to the Commission accordingly.

I sincerely apologize for my unintentional over-sight and the subsequent inconvenience it has caused.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Wendy".

Wendy L. Ruffner
wr/encl.

cc: Charles "Chip" Echnoz

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

015
052

FedEx Package
Express US Airbill

FedEx
Tracking
Number

8020 3545 8933

MUR4

Recipient's Copy

Form
ID No 0215

1 From [Redacted]
Date 3/11/13

Sender's Name Wendy Ruffner Phone 724 545-5178

Company E S & S INSURANCE CO PA

Address 316 1ST AVE FL 3 Dept./Floor/Suite/Room

City KITTANNING State PA ZIP 16201-2264

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MAR 11 2013

2 Your Internal Billing Reference PA PUBLIC UTILITY COMMISSION

3 To Recipient's Name Rosemary Chiarella Secretary
SECRETARY'S BUREAU

Company Pennsylvania Public Utility Commission

Address 400 NORTH Street 2nd FLOOR
We cannot deliver to PO, boxes or P.O. ZIP codes. Dept./Floor/Suite/Room

Address [Redacted]
Use this line for the HOLD location address or for continuation of your shipping address

City Kittanning State PA ZIP 17100

HOLD Weekday
FedEx location address
REQUIRED NOT available for
FedEx First Overnight.

HOLD Saturday
FedEx location address
REQUIRED Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations.

4 Express Package Service *To most locations.
NOTE: Service order has changed. Please select carefully. Packages up to 150 lbs.
For packages over 150 lbs., use the
FedEx Express Freight US Airbill.

Next Business Day

FedEx First Overnight
Earliest next business morning delivery to select
locations. Friday shipments will be delivered on
Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight
Next business morning.* Friday shipments will be
delivered on Monday unless SATURDAY Delivery
is selected.

FedEx Standard Overnight
Next business afternoon.*
Saturday Delivery NOT available.

2 or 3 Business Days

FedEx 2Day A.M.
Second business morning.*
Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon.* Thursday shipments
will be delivered on Monday unless SATURDAY
Delivery is selected.

FedEx Express Saver
Third business day.*
Saturday Delivery NOT available.

5 Packaging *Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without
obtaining a signature for delivery.

Direct Signature
Someone at recipient's address
may sign for delivery. Fee applies.

Indirect Signature
If no one is available at recipient's
address, someone at a neighboring
address may sign for delivery for
residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?
One box must be checked.

No Yes
As per attached
Shipper's Declaration. Yes
Shipper's Declaration
not required. Dry Ice
Dry Ice, 9 UH 1845 to

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging
or placed in a FedEx Express Drop Box. Cargo Aircraft Only

7 Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.

Sender Acct. No. in Section 7 will be billed. Recipient Third Party Credit Card Cash/Check

Total Packages 1 Total Weight 6.0 lbs. Credit Card Acct. [Redacted]

0101255006



8020 3545 8933

*Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

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fedex.com 1.800.GoFedEx 1.800.463.3339