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AUG 19 2013  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

Exception C-2013-2367375

Dear Rosemary Chiavetta, P.U.C. Aug. 17, 2013  
Larry R. Crayne,  
Mike Davidson, V.P. Columbia Gas

The decision of July 24, 2013 was to narrow in scope. Columbia Gas has laid their gas line in an exclusive water right of way granted to Citizens-Am. Water Co. by the owners of land for the transmission and distribution of water only. Columbia Gas's line is in the middle of the water co. 40 ft. wide right of way. Disputed questions of fact include, no valid Road Occupancy Permit. What is presented as such is an undated "Emergency Permit" - (no emergency was involved) to lay gas lines on property that is not municipal. There is no street, roadway, alley. This is a paper street all public use of this property has ended. It is Pa law 36-1961 that now controls this ground (enclosed) that prohibits any public use. (read notes of decisions following law in Purdon's pg. 425.) Records at Clerk of Courts Office indicate no street, road, alley was ever <sup>Wash. Co.</sup> opened on this ground. By law the Road Index indicates the opening of roads, streets, alleys. I've checked myself and will testify to these facts. No street, road, alley is shown on Canton Twp. official map also for this ground.

Under 331. b safety matters is an issue that the P.U.C. must investigate, and I am ready to point out areas where this gas line violates Dept. of Transportation regulations - to close (12") to underground structures.

The placing of a gas line 40" down in the middle of an area where the owner of the easement expects and owns a clear and unobstructed right of way is a disaster waiting to happen. This illegal line is also only feet from a 3 valve main gas shut-off valve that affects hundreds of homes. The purpose of a hearing is to gather facts and separate the facts from the fiction.

The P.U.C. also governs water companies and the safety of their lines. Columbia Gas line is in the right of way of Citizens Pa. Am. Water. When this 8" main water line was installed it was the only line to an area that now serves 40 homes. The P.U.C. is the good faith court to hear this case. Pa. Am. Water, 800 West Hershey park Dr. Hershey Pa, 17033 should be notified by the P.U.C. that a gas line has been laid in the middle of their right of way and about this case C-2013-2367375. The placement of a gas line in this right of way and easement violates the stipulations agreed to in this covenant (a copy is part of this case) and could be declared in default if not corrected. Your P.U.C. regulation 65.18 requires a proper easement for water lines.

Columbia Gas - Nissance Sr. Attorney Beth Minear's letter of May 8, 2013 (part of this case) states Columbia laid in the 40ft. street. The area she refers to is the survey in Deed of Easement & Right of Way page 6. the perimeter of the water right of way.

This may be a violation of Pa law.

36-1961 (enclosed) forbids - terminates any public use shall be and have no force and affect in platted streets. Enclosed is Columbia Gas's own map shows no street, roadway or alley on the ground. Two views of this area from Columbia Gas's web site show an 8 to 9 ft. wide gravel driveway whose deeds also incorporate the restrictions of the covenant granted to Citizens Water in 1960. I'm not asking that the gas pipes be dug up. They could be abandoned at the connection at Nat'l Pike and service returned to the original location service lines to 1995 & 1995 $\frac{1}{2}$  homes that has been their location for the past 60 yrs & 70 yrs. This violation is not going to go away and Columbia Gas should welcome the opportunity to correct the problem.

I wish to testify and answer all P.U.C. and Columbia Gas's questions. I feel it is within the public interest and safety. Thank you.

yours truly,  
 Fred Wilson  
 Fred Wilson (ink)

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PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU

CERTIFICATION TO DEPARTMENT OF HIGHWAYS

§§ 1941, 1942. Repealed by 1945, June 1, P.L. 1242, art. XI,  
§ 1101

Historical and Statutory Notes

The repealed sections, derived from acts of 1909, April 23, P.L. 142, §§ 2, 3; 1927, April 7, P.L. 137, § 1, required certification of copy of report to department of highways and provided for fee of clerk of quarter sessions for each certification.

36 P.S.

UNOPENED WAYS

§ 1961. Unopened ways or streets on towns plots

Any street, lane or alley, laid out by any person or persons in any village or town plot or plan of lots, on lands owned by such person or persons in case the same has not been opened to, or used by, the public for twenty-one years next after the laying out of the same, shall be and have no force and effect and shall not be opened, without the consent of the owner or owners of the land on which the same has been, or shall be, laid out.

1889, May 9, P.L. 173, No. 192, § 1.

Repealed In Part

36 P.S. § 1961 is repealed insofar as relating to boroughs, pursuant to 1915, May 14, P.L. 312, ch. XIII, art. I, § 1. See now, 53 P.S. § 46701 et seq.

Cross References

Time limit under court proceedings, see 36 P.S. § 2738.

Library References

Dedication ⇨29.  
Westlaw Topic No. 119.  
C.J.S. Dedication §§ 85 to 87.

Research References

Encyclopedias  
Summary Pa. Jur. 2d Municipal Law § 16:23, Acceptance of Dedication.  
Abandoned Street, Lane, or Alley.

Treatises and Practice Aids  
Standard Pennsylvania Practice § 120:232, When Statute of Limita-

Notes of Decisions

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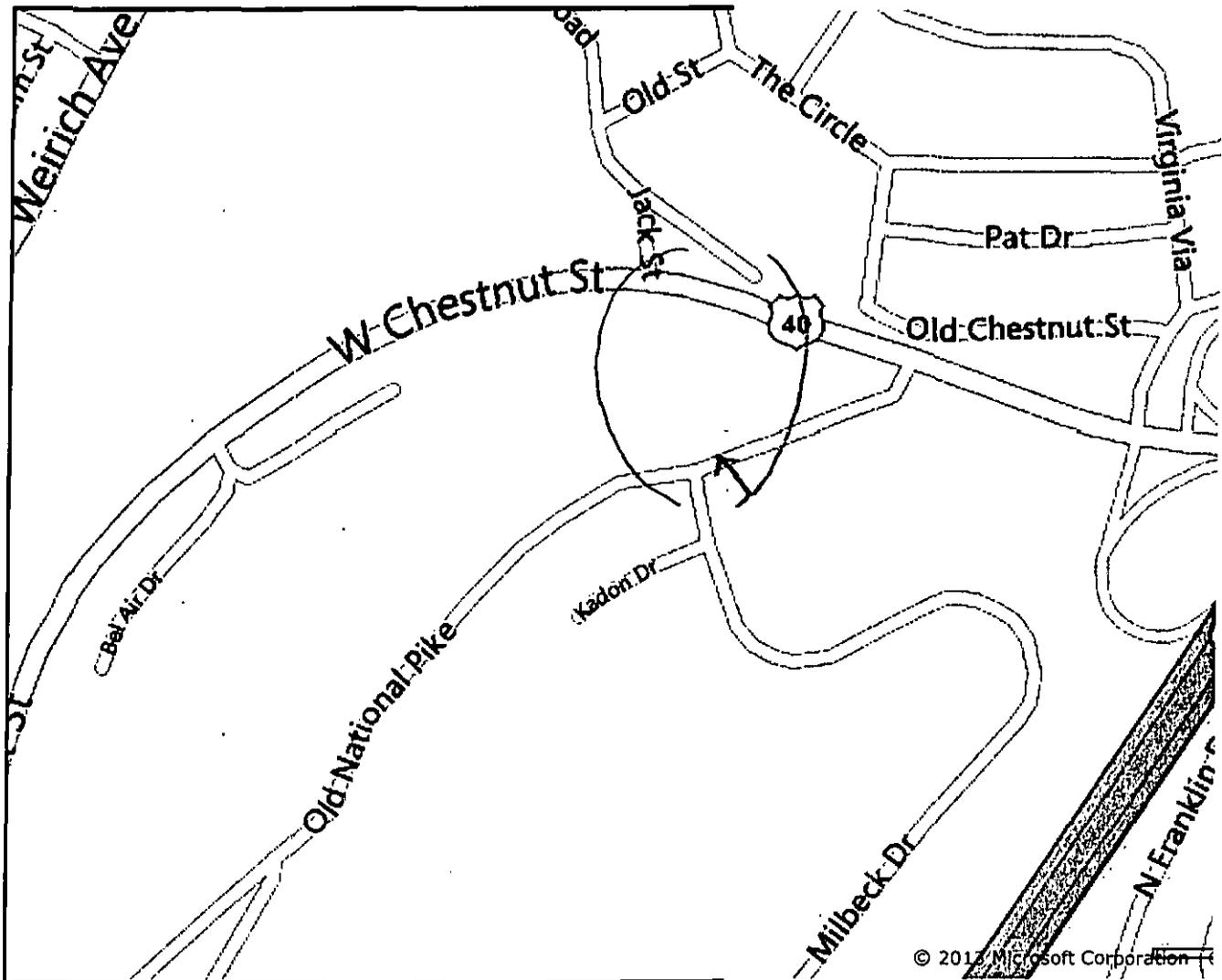
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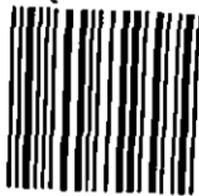
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Rosemary Chiavetta, Secretary  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pa.

Exception

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