



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

CHARLES E. THOMAS, III
Direct Dial: 717.255.7611
cet3@tntlawfirm.com

July 22, 2014

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

In re: State Farm Fire and Casualty Company v. United Water Pennsylvania Inc.
Docket No. C-2014-2416206

Insurance Company of Greater New York v. United Water Pennsylvania Inc.
Docket No. C-2013-2393832

Dear Secretary Chiavetta:

We represent United Water Pennsylvania Inc. ("United"), Respondent in the above consolidated matters. Enclosed for electronic filing is United's Certified Writing Pursuant to 52 Pa. Code §5.24(b)(2), which certifies that Complainant State Farm Fire and Casualty Company ("State Farm") has acknowledged that it no longer wishes to pursue its Complaint at Docket No. C-2014-2416206.

By copy of this letter, we are providing notice to State Farm of its right to object to this Certified Writing by filing an objection, in writing, to the Public Utility Commission within ten (10) days of the date of this letter.

Should you have any questions, please contact me at your convenience.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Charles E. Thomas, III

Encl.

cc: Certificate of Service (w/encl.)
James M. Terranova, Esq. (w/encl.)
Brooks R. Foland, Esq. (w/encl.)
John D. Hollenbach (w/encl.)

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Insurance Company of Greater New York a/s/o Quail Run Real Estate L.P. d/b/a Quail Run Apartments	:	
	:	
v.	:	Docket No. C-2013-2393832
	:	
United Water Pennsylvania Inc.	:	
State Farm Fire and Casualty Company	:	
	:	
v.	:	Docket No. C-2014-2416206
	:	
United Water Pennsylvania Inc.	:	

**CERTIFIED WRITING OF UNITED WATER PENNSYLVANIA INC.
PURSUANT TO 52 PA. CODE § 5.24(B)(2)**

AND NOW, comes United Water Pennsylvania Inc. (“United”), by its attorneys, and, submits this Certified Writing, pursuant to 52 Pa. Code § 5.24(b)(2), acknowledging that Complainant State Farm Fire and Casualty Company (“Complainant” or “State Farm”) no longer wishes to pursue its Complaint in the above consolidated matters and further stating as follows:

1. On or about April 14, 2014, State Farm filed a formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) against United.¹ In its Complaint, State Farm averred that, on June 11, 2012, it filed a complaint in the United States District Court for the Middle District of Pennsylvania against United alleging that United failed to provide enough water pressure to allow for a sufficient amount of water to extinguish a fire on June 11,

¹ The State Farm Complaint was assigned Docket Number C-2014-2416206 and, by Order Granting Motion To Consolidate Complaints, dated May 29, 2014, was consolidated with the Complaint of the Insurance Company of Greater New York at Docket No. C-2013-2393832.

2010 at 4065 Rawleigh Street in Harrisburg. State Farm further averred that the District Court entered an order bifurcating the federal court complaint and transferring the matter to the Commission for a determination regarding whether any of United's action were a violation of the Public Utility Code.²

2. On May 5, 2014, United filed its Answer to the Complaint with New Matter, denying that it failed to supply sufficient water pressure and volume to Quail Run and that it is responsible for the damage to State Farm's insureds' personal property. Through its New Matter, United raised affirmative defenses, including, *inter alia*, that it acted at all relevant times in compliance with its Tariff Water – Pa. P.U.C. No. 7 and that its potential liability, if any, is limited pursuant to the rules and regulations in its then-effective Tariff.

3. Following the filing of its Complaint with the Commission, State Farm participated in discovery and, thereafter, acknowledged to United and to Administrative Law Judge Joel Cheskis, who is presiding over the consolidated proceeding, that it no longer wished to pursue its Complaint.³ As explained by counsel for United at the Second Prehearing Conference on June 12, 2014, the decision of State Farm was not the result of a settlement between the parties, but rather was based solely on a voluntary assessment made by State Farm to not go forward with its Complaint.⁴ United, therefore, certifies pursuant to 52 Pa. Code § 5.24(b)(2) that State Farm has acknowledged that it no longer wishes to pursue its Complaint.⁵

4. In accordance with 52 Pa. Code § 5.24(c), State Farm is hereby informed that it has the right to object, in writing, to this Certified Writing, within ten (10) days and that, unless

² Order Granting Motion to Consolidate Complaints (dated May 29, 2014), at 2-3.

³ *See* Scheduling Order (dated June 13, 2014), at 4 and 5.

⁴ Tr. at 5-6.

⁵ As an alternative, United submits that it also would have been proper procedure for State Farm to file a petition to withdraw its Complaint in lieu of United's submission of the instant Certified Writing.

Complainant objects, in writing, within ten (10) days, the Complaint Docket at C-2014-2416206 will be marked closed.

Respectfully submitted,



Thomas T. Niesen, Esq. (PA ID # 31379)
Charles E. Thomas, III, Esq. (PA ID # 201014)
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 600
P.O. Box 9500
Harrisburg, PA 17108-9500

Brooks R. Foland, Esq. (PA ID # 70102)
MARSHALL DENNEHEY
100 Corporate Center Drive, Suite 201
Camp Hill, PA 17011

James M. Terranova, Esq. (NJ ID # 020461977)
Senior Corporate Attorney – Litigation
UNITED WATER
200 Old Hook Road
Harrington Park, NJ 07640-1799

*Attorneys for Respondent
United Water Pennsylvania Inc.*

DATED: July 22, 2014

Insurance Company of Greater New York	:	
a/s/o Quail Run Real Estate L.P. d/b/a Quail	:	
Run Apartments	:	
	:	
v.	:	Docket No. C-2013-2393832
	:	
United Water Pennsylvania Inc.	:	
	:	
State Farm Fire and Casualty Company	:	
	:	
v.	:	Docket No. C-2014-2416206
	:	
United Water Pennsylvania Inc.	:	

CERTIFICATE OF SERVICE

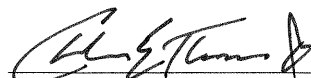
I hereby certify that I have this 22nd day of July, 2014, served a true and correct copy of the foregoing Certified Writing of United Water Pennsylvania Inc. Pursuant to 52 Pa. Code § 5.24(b)(2) upon the persons and in the manner set forth below:

EMAIL AND FIRST CLASS MAIL, POSTAGE PREPAID

Honorable Joel Cheskis
 Administrative Law Judge
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265
jcheskis@pa.gov

Jason A. Plaza, Esq.
 WHITE AND WILLIAMS, LLP
 1650 Market Street
 One Liberty Place, Suite 1800
 Philadelphia, PA 19103-7395
Plazaj@whiteandwilliams.com

Matthew D. Matkov, Esq.
 Gary L. Bailey, Esq.
 SALTZ MATKOV P.C.
 998 Old Eagle School Road, Suite 1206
 Wayne, PA 19087
mmatkov@saltzmatkov.com
gbailey@saltzmatkov.com



 Charles E. Thomas, III (PA ID # 201014)