

January 9, 2020

Anastasios Smalis
Lipsoos Corp constructor
(Complainant)
6652 Northumberland St
Pittsburgh PA 15217
412 303 5564
Email:smalisanastasios18@gmail.com

Secretary of the PUC Rosemary Chiavetta
400 North Street
Harrisburg, PA 17120

RECEIVED
2020 JAN 24 AM 9:50
PA P.U.C.
SECRETARY'S BUREAU

Reference: Formal Complaint No. C-2019-3012350

Madam Secretary:

Attached please find 2 separate petitions for the above caption formal complaint and docket no. C-2019-3012350 to be filed due to the PUC requires my live signature.

Although a Petition for permission has been filed to withdraw Formal Complaint without prejudice due to violation of the 5th and 14th Amendment taking clause and due process. The complaint is filed in the US District Court for the western District of Pennsylvania No. 2:19-cv-001609 which the (PUC) and the (Secretary of the PUC) are defendants as well as (DLC), (Steven Malnight) president and CEO, (Donna Murphy) paralegal, (City of Pittsburgh), and (City of Pittsburgh Department of Right of way). Please be advised as of this date DLC, Steven Malnight and Donna Murphy have refused certified return requested service as required by the US District Court. Their conduct continues as an intentional negligence as defined in the 2 petitions filed due to the PUC bureau of investigations has initiated an investigation.

On January 6, 2020 Benedict S.Tarr (Electrical Safety Engineer Pennsylvania Public Utility Commission Bureau of Investigation Enforcement), Gene Balanciaga (DLC Senior Manager Field Supervisor), Betty (DLC Security officer) and Anastasios Smalis for (Complainant Anastasios Smalis and Lipsoos Corp Constructors) met at

the back of building 4073 Liberty Avenue and the 7 lots on Ewing St. The parties refused to enter building to assess the damage due to complainant inability to repair roof and back of building due to high tension wires over complainant's roof less than 6 foot from roof. Complainants findings are filed in the present Petition for Permission to file Complainants findings to the investigations conducted by the PUC Bureau of investigation and enforcement bureau. We respectfully request a copy of the investigation at your earliest convenience. Thank You in Advance.

Sincerely



Anastasios Smalis

Lipsoss Corp Constructors

(Complainant)

6652 Northumberland St.

Pittsburgh PA 15217

412 303 5564

Smalisanastasios18@gmail.com

Cc: Emily Farah (Counsel for DLC)

Katrina L. Dunderdale (Administrative Law Judge)

Benedict S. Tarr (Electrical Engineer PA PUC Bureau of investigation and Enforcement)

Erin Fure (Office of small business Advocate)

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SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LIPSOSS CORP CONSTRUCTORS

Complainant,

Vs

No. C-2019-3012350

DUQUESNE LIGHT COMPANY

Respondent

**PETITION FOR LEAVE TO RESPOND TO
FORMER COUNSEL FOR PLAINTIFF TO
WITHDRAW OF PLEADINGS**

Filed on behalf of Complainant Lipsoss
Corp and Anastasios Smalis pro-se

6652 Northumberland St
Pittsburgh PA 15217
412 303 5564
email: smalisanastasios18@gmail.com

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(1)

PENNSYLVANIA PUBLIC UTILITY COMMISSION

LIPSOSS CORP CONSTRUCTORS

Complainant,

Vs

No. C-2019-3012350

DUQUESNE LIGHT COMPANY

Respondent

**PETITION FOR LEAVE TO RESPOND TO FORMER COUNSEL OF PLAINTIFF TO
WITHDRAW OF PLEADINGS**

**AND NOW, comes Plaintiff's to file petition for leave to respond to former
Counsel of plaintiff to withdraw of pleadings.**

- 1. Plaintiff filed Permission to withdraw above complaint without prejudice due to plaintiffs' email to counsel December 12, 2019.**
- 2. On December 16, 2019 plaintiff filed a Permission to withdraw of complaint without prejudice due to no response from counsel on plaintiffs email and phone calls.**
- 3. Plaintiffs filed formal complaint August 8, 2019 with additional addendums 1, 2, and 3 that followed.**
- 4. The PUC and the secretary's office acknowledge that the addendums was included and acknowledge in the formal complaint despite the administrative Judge Katrina L. Dunderdale assistant advised plaintiff the addendums are not included in the formal complaint despite the court makes reference to building townhouses in the courts opinion denying respondents motion to dismiss. The townhouses are referenced in addendum 1, 2, and 3 of the 7 lots and the letter dated 2010 from plaintiffs advising DLC to remove the wires over**

plaintiffs building roof 4073 Liberty Avenue and the 2 electric poles and wires are in plaintiff's property on the 7 lots.

5. Plaintiff for 10 years have been misled and lied to that "Duquesne Company was there first and that Plaintiff built the building after DLC placed their electrical poles." Respondent has misled plaintiff.
6. Plaintiff for the last 1 1/5 years have been attempting to repair roof and back of building with the high tension wires less than 6 feet from plaintiffs roof as attached in plaintiffs exhibits. Plaintiff was almost killed when attempting to climb ladder behind building onto roof when the metal clip on the safety harness clipped the hot wire and caused a spark. Plaintiff was heavily clothed and the shock was jolting and called DLC emergency dept. in reference to sparks from their wires and troubleshooter, immediately informed Plaintiff that "You need to be at least 10 away from the high tension wires. Troubleshooter called his office and was told by paralegal Donna Murphy that DLC was here first and that I would have to pay DLC to cover wires. My aggressive response was DLC has created the hazard and the 10 foot clearance is non-existence. Troubleshooter informed plaintiff the supervisors are coming to assess the problem.
7. Supervisor Carr of DLC advised plaintiff that the phrase of "DLC' was here first" is in error and Donna Murphy is incorrect, this pole was installed in 2012 or 2013.
8. These facts are in plaintiffs' formal complaint and addendum 1, 2, and 3.
9. Plaintiff believes DLC are in violation of federal OSHA, NESC, and PA codes enforced by the PUC and the PUC's statutory authority to "supervise and regulate all public utilities doing business within the Commonwealth". PUC has not attempted to investigate plaintiff's serious formal complaint filed and request to the PUC have been fruitless. Plaintiff believe these violations amount not only civil but criminal when in 1996 OSHA enacted law 29 CFR 1926 Subpart L especially for utilities due to electrical deaths and injury nationwide. PUC not only adopted OSHA but the National Electric Safety Code (NESC). Due to these violations plaintiff received the past 1 1/2 years and the present jolt from the high tension wires Electromagnetic injury and suffers from the symptoms of working too close to bare high tension wires for 1 1/2 years due to misleading from respondent and City of Pittsburgh Right away department that respondent had the proper easements which is entirely false.

**2014 Pennsylvania Consolidated Statutes
Title 15 - CORPORATIONS AND**

Universal Citation: 15 PA Cons Stat § 1511 (2014)

§ 1511. Additional powers of certain public utility corporations.

(a) General rule.--A public utility corporation shall, in addition to any other power of eminent domain conferred by any other statute, have the right to take, occupy and condemn property for one or more of the following principal purposes and ancillary purposes reasonably necessary or appropriate for the accomplishment of the principal purposes:

(6) The conveyance or transmission of messages or communications by telephone or telegraph for the public.

(c) Public Utility Commission approval.--The powers conferred by subsection (a) may be exercised to condemn property outside the limits of any street, highway, water or other public way or place for the purpose of erecting poles or running wires or other aerial electric, intrastate aerial telephone or intrastate aerial telegraph facilities only after the Pennsylvania Public Utility Commission, upon application of the public utility corporation, has found and determined, after notice and opportunity for hearing, that the service to be furnished by the corporation through the exercise of those powers is necessary or proper for the service, accommodation, convenience or safety of the public. The power of the public utility corporation to condemn the subject property or the procedure followed by it shall not be an issue in the commission proceedings held under this subsection, and no court shall entertain any proceeding questioning the jurisdiction of the commission under this subsection. A final order of the commission approving or denying an application under this subsection, including an order involving a question of jurisdiction under this subsection, may be made the subject of any appeal in the manner provided or prescribed by law.

(d) Estate in property condemned.--The estate in property condemned and taken by a public utility corporation shall be in fee simple absolute unless the resolution of condemnation specifies a lesser estate. Whenever it is necessary for any public utility corporation to condemn by authority of subsection (a) the freehold in the surface of any tract of property or the right to the exclusive possession for any indefinite period of the surface of any tract of property, the public utility corporation shall condemn a fee simple absolute and no less estate in the tract or the surface thereof.

(e) Streets and other public places.--A public utility corporation shall have the right to enter upon and occupy streets, highways, waters and other public ways and places for one or more of the principal purposes specified in subsection (a) and ancillary purposes reasonably necessary or appropriate for the accomplishment of the principal purposes, including the placement, maintenance and removal of aerial, surface and subsurface

(4)

public utility facilities thereon or therein. Before entering upon any street, highway or other public way, the public utility corporation shall obtain such permits as may be required by law and shall comply with the lawful and reasonable regulations of the governmental authority having responsibility for the maintenance thereof.

(f) Effect on other statutes.—Subsections (a) through (e) shall not be construed to eliminate the exemption by statute of certain agricultural or historical lands from liability to condemnation or entry nor to affect or modify any of the provisions of the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, or of 66 Pa.C.S. § 1104 (relating to certain appropriations by the right of eminent domain prohibited) or 2702 (relating to construction, relocation, suspension and abolition of crossings), nor to permit the acquisition of water rights, water or land underlying them by any public utility corporation that has not received from the Department of Environmental Resources a limited power permit, limited water supply permit, order of confirmation, permit for acquisition of water rights or gubernatorial easement, right-of-way, license or lease authorizing the acquisition or occupancy.

(i) If the corporation and any interested party cannot agree on the amount of damages sustained, or if any interested party is an unincorporated association, or is absent, unknown, not of full age or otherwise incompetent or unavailable to contract with the corporation, or in the case of disputed, doubtful or defective title, the corporation may make a verified application to the appropriate court for an order directing the filing of a bond to the Commonwealth, in an amount and with security to be approved by the court, for the use of the person or persons who may be found to be entitled to the damages sustained. The application shall be accompanied by the bond and a certified copy of the resolution of condemnation. The resolution shall describe the nature and extent of the taking.

(ii) If the address of such interested party is known to the corporation, written notice of the filing of the application under subparagraph (i) shall be sent to such party by mail, or otherwise, at least ten days prior to the consideration thereof by the court. Otherwise the corporation shall officially publish such notice in the county or counties where the property is situated twice a week for two weeks prior to consideration by the court and shall give such supplemental or alternative notice as the court may direct.

(iii) Upon entry by the court of an order approving the bond and directing that it be filed, the title that the corporation acquires in the right-of-way or easement described in the resolution of condemnation shall pass to the corporation and the corporation shall be entitled to possession.

(iv) The papers filed by the corporation with the court under this paragraph shall constitute the declaration of taking for the purposes of sections 404, 408 and 409 and Articles V through VIII of the Eminent Domain Code.

10. Plaintiff believe responded violated in addition 66 Pa. C. S. 506.

(5)

By this petition plaintiff' Anastasios Smalis and Lipsoss Corp Constructors request that your duty under the Commonwealth of Pennsylvania and the duty bestowed unto the PUC to supervised and make necessary fines for violations of federal and state laws which amounts to criminal violations.

Plaintiff has attached exhibits into his formal complaint and addendum 1, 2, and 3 the fact the respondent is a repeat violator of violating federal and state law on property in same block on liberty Avenue 5 doors from plaintiffs' property.

Plaintiff is a 73 year old senior citizen with social security of only \$970.00 per month as only income. Plaintiff has been trying to repair building and lots for 10 years without any success due to respondents' false and fraudulent actions that "DLC was here first". Although Plaintiff filed Complaint in federal Court under 5th Amendment and 14 Amendment taking clause, the US court has stayed the proceeding's until plaintiff can retain counsel to represent deceased wife Despina Smalis and Lipsoss Corp. Plaintiff has requested that the office of Advocate for small business to act on behalf of plaintiff without any action from the advocate.

Plaintiff believes the Pa attorney Generals' office and the US Attorney enter an investigation due to seriousness of plaintiffs' formal complaint.

WHEREFORE Plaintiff request that the PUC enter an investigation by its bureau as contained in the Pa code.

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2020 JAN 24 AM 9:51

PA P.U.C.
SECRETARY'S BUREAU

Respectfully Submitted



LIPSOSS CORP CONSTRUCTORS

ANASTASIOS SMALIS pro se

6652 Northumberland St

Pittsburgh PA 15217

412 303 5564

Email:smalisanastasios18@gmail.com

(6)

CERTIFICATE OF SERVICE

I PLAINTIFF Anastasios Smalis and Lipsoss Corp Constructos served a true and correct copy of Petition for leave to respond to counsels withdraw of pleadings on December 27, 2019 to the following individuals.

Attorney Craig Maravich
6 Market Square
Pittsburgh PA 15222

First class mail Emily Farah
411 Seventh Avenue 16th floor
Pittsburgh PA 15219

Hand Delivered Katrina L. Dunderdale
Administative Law Judge
Piatt Place Suite 220
301 5th Avenue
Pittsburgh Pa, 15222

First class mail Secretary's Bureau
PA PUC PO Box 3265
Harrisburg, PA 17105

*Lipsoss Corp Constructos
Anastasios Smalis*

LIPSOSS CORP CONSTRUCTORS
ANASTASIOS SMALIS pro se
6652 Northumberland St
Pittsburgh PA 15217
412 303 5564
Email:smalisanastasios18@gmail.com

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LIPSOSS CORP CONSTRUCTORS

Complainant,

Vs

No. C-2019-3012350

DUQUESNE LIGHT COMPANY

Respondent

**PETITION FOR LEAVE TO FILE
COMPLAINANTS FINDINGS TO THE PUC
BUREAU OF INVESTIGATIONS AND
ENFORCEMENT INVESTIGATION
JANUARY 6, 2020**

**Filed on behalf of Complainant Lipsoss
Corp and Anastasios Smalis pro-se**

**6652 Northumberland St
Pittsburgh PA 15217
412 303 5564
email: smalisanastasios18@gmail.com**

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SECRETARY'S BUREAU**

(1)

PENNSYLVANIA PUBLIC UTILITY COMMISSION

LIPSOSS CORP CONSTRUCTORS

Complainant,

Vs

No. C-2019-3012350

DUQUESNE LIGHT COMPANY

Respondent

**PETITION FOR LEAVE TO FILE
COMPLAINANTS FINDINGS TO THE PUC
BUREAU OF INVESTIGATIONS AND
ENFORCEMENT INVESTIGATION
JANUARY6, 2020**

AND NOW, comes Plaintiff's to file petition for leave to file Complainants findings to the PUC Bureau of investigations and enforcement investigation conducted January 6, 2020.

1. On January 6, 2020 Benedict S.Tarr (Electrical Safety Engineer Pennsylvania Public Utility Commission Bureau of Investigation Enforcement), Gene Balanciaga (DLC Senior Manager Field Supervisor), Betty (DLC Security officer) and Anastasios Smalis for (Complainant Anastasios Smalis and Lipsoss Corp Constructors) met at the back of building 4073 Liberty Avenue and the 7 lots on Ewing St. The parties refused to enter building to assess the damage due to complainant inability to repair roof and back of building due to high tension wires over complainant's roof less than 6 foot from roof.

(2)

2. Complainant submitted to PUC investigator documents which includes "Ehibits 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35".
3. Complainant submitted above documents to the investigating engineer in the presence of DLC personnel and discussion as follow.

DUQUESNE LIGHT COMPANY WAS NOTIFIED OF COMPLAINT OF HIGH TENSION WIRES OVER COMPLAINANTS PROPERTIES

4. In 2010 complainant wrote to DLC in reference to properties owned by complainant as to high tension wires over their properties and back of building as in complainants "Exhibit 25". Complainant was told by DLC that they were here first and had right away rights issued by the City of Pittsburgh department of public works right away department. The City of Pittsburgh and the PUC instructed complainant in 2010 that DLC had the proper right away and my problem was with the DLC. DLC informed complainant the wires will not be moved.
5. Complainant since 2010 had not been able to repair the roof which is sloped due to no contractor would attempt to bid due to high tension wires over the roof.
6. Complainant since 2010 had not been able to repair back wall due to high tension wires over roof and side of building as indicated in complainant "Exhibit 26" side view of electrical pole and high tension bare wires over 4500 volts as indicated by DLC personnel. "Exhibit 27 and 28" indicates pole is less than 1 foot from complainants building.
7. "Exhibit 29" indicates pole and wire over the roof with complainants safety rope line used in complainants harness when complainant got shocked in his attempt to climb on the roof to stop and repair roof in end of July 2019. The safety clip connected to the harness grab on the safety rope got too close with the high tension wires and created sparks which was reported to DLC at the time of the sparks.
8. "Exhibit 30" indicates pole and high tension wires with the cross member over complainants roof with high tension bare wires over 4500 volts.
9. "Exhibit 31, and 32 with XXX" is building 135 feet from complainants back building is 4117 Liberty Avenue. Complainant informed PUC investigator and DLC personnel that 4117 and 4073 Liberty avenue complainants building used to be together as one building known as Drakes Bakery which was purchased

by Braun Bread and later sold separate in 1986 and complainant purchased from Braun bread. Complainant requested from personnel of DLC as to why the pole behind building 4117 has the arm with high tension wires over City of Pittsburgh Right away, and why back of building 4073 Liberty Avenue has the cross member over complainants roof with high tension wires over complainants roof, DLC senior manager field supervisor Gene Balanciaga replied that he did not know why. Complainant requested the date the pole was installed behind 4117 Liberty Avenue and DLC Supervisor indicated by the tag on the pole date is 1948. Again there was no explanation why DLC installed pole less than 1 foot behind complainants building with cross member over complainant's roof with bare high tension wires by Supervisor of DLC.

**COMPLAINANT SUBMITS BY PREPONDERANCE OF THE EVIDENCE RESPONDENT
DLC COMITTED INTENTIONAL NEGLIGENCE CONDUCT**

10. Complainant believe by the preponderance of evidence DLC committed intentional negligence conduct which caused complainant shock by electrical wires which caused injury to complainant and is under the care of doctors.
11. The intentional negligence by respondent, the respondent power company owes complainant a duty to protect him under PA law. Respondent breached its duty.
12. Respondents conduct was a cause-in-fact of complainant injuries and inability to preserve and repair his property his property which the City of Pittsburgh condemned building 4073 Liberty Avenue as in complainants "Exhibit 32-A".
13. Respondent's substandard and intentional negligence conduct is a legal cause of complainant's injuries plus the building is deemed worthless due to inability to access due to high tension wires over complainants building and condemnation.
14. Complainant's has suffered actual damages according to PA law.

**COMPLAINANT SUBMITS BY THE PREPONDERANCE OF EVIDENCE DLC COMITTED
INTENTIONAL NEGLIGENCE IN FAILURE TO APPLY FEDERAL OSHA AND NESC
LAWS**

15. Complainant believes DLC committed fraud with its inspections and submitted to the PUC of overhead power lines inspections which are require every 1-2 years in accordance with National Electric Code (NESC Rule 213A. Inspection of overhead installations), Respondent must inspect and comply with the

responsibilities to keep the public safe. Complainant believes no inspection was performed due to an experienced electrical supervisor would have noticed the cross member over complainants roof in violation of NESC and OSHA regulation especially 29 CFR 1926 Subpart L enacted in 1996 as in complainants "Exhibit 32-B". DLC caused the hazard in an intentional negligence conduct.

16. Respondents conduct failed to protect complainant and its properties by the law to protect the public with their inspections pursuant to the PUC adoption of the highest standard of care under Pa law.
17. By respondents refusal in 2010 to remove power lines over complainant's properties is evidence of intentional negligence.

RESPONDENT WAS NOTIFIED OF 2 ELECTRICAL POLES WITH CROSS MEMBERS WITH HIGH TENSION WIRES OVER COMPLAINANTS 7 LOTS PROPERTIES

18. By letter dated 2010 as in complainants' "Exhibit 25" of respondents 2 poles and cross members over complainants property< DLC refused in 2010 and again in 2019 to remove poles. At the investigation date of January 6, 2020 DLC supervisor admitted that 1 pole belong to DLC but the second pole is not believed to belong to DLC.

19 Complainant advised DLC supervisor that the right away for the City of Pittsburgh on EWING Street is 20 feet. Complainants "Exhibits 33 and 34" clearly indicates the 2 poles and cross members are on complainants private property as the right away was measured by PUC engineer at the investigation on January 6, 2020.

CONCLUSION

Complainant believes respondent committed intentional negligence and violated 5th and 14th Amendment of the taking clause in violation of the US Constitution.

(5)

Dated January 9, 2010

Respectfully Submitted

Anastasia Smalis, Lipsoss Corp
Anastasios Smalis (Complainant)

Lipsoss Corp Constructors (Complainant)

6652 Northumberland Street

Pittsburgh PA 15217

412 303 5564

Email:Smalisanastasios18@gmail.com

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2020 JAN 24 AM 9:52

PA P.U.C.
SECRETARY'S BUREAU

(6)

CERTIFICATE OF SERVICE

I PLAINTIFF Anastasios Smalis and Lipsoss Corp Constructos served a true and correct copy of Petition for leave to submit findings of bureau of investigation on January 6, 2020 to the following individuals.

Email to Benedict S. Tarr
First class mail: 400, with # Harrisburg PA 17120
First class mail & email Emily Farah
411 Seventh Avenue 16th floor
Pittsburgh PA 15219

*Email, Erin Furey
Pa advocate for Small
Business*

Hand Delivered Katrina L. Dunderdale
Administrative Law Judge
Piatt Place Suite 220
301 5th Avenue
Pittsburgh Pa, 15222

First class mail Secretary's Bureau
PA PUC PO Box 3265
Harrisburg, PA 17105

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2020 JAN 24 AM 9:52
PA P.U.C.
SECRETARY'S BUREAU

*Anastasios Smalis
Lipsoss Corp Constructos*
LIPSOSS CORP CONSTRUCTORS

ANASTASIOS SMALIS pro se
6652 Northumberland St
Pittsburgh PA 15217
412 303 5564
Email: smalisanastasios18@gmail.com

January 9, 2020

(7)

September 8, 2010

Anastasios Ernest Smalis & Despina Smalis

18 Timberline Court

Pittsburgh, Pa 15217

Phone 412-422-2998 (work for Despina Smalis)

412-477-4263 Ernest

Duquesne Light Company-

411 Seventh Avenue - 16th floor

Pittsburgh, Pa 15219

Phone - 412-393-1541

Fox - 412-393-1418

Re- 4073 Liberty Avenue
7 Lots next to Ball field
on Ewing St.

To whom it may concern:

after numerous telephone calls to your Department Duquesne Light Company in reference to our Properties on the Reference at Rear of 4073 Liberty Avenue are Electrical Lines too close to the Rear of Building and I believe wires are over the Roof which prevents Roofers to Repair Roof and Bricks. workers refuse to put ladder behind Building Property to left and Right of Building are Private Property also on the 7 Lots next to Baseball field on Ewing St Duquesne Light Company has 2 ~~poles~~ Electrical Poles on our Property and the overhead Lines are on our Land. City of Pittsburgh has instructed me that City of Pittsburgh has never you Duquesne Light Company Right away Permit and should speak to your office. I did and your office has instructed me the Right away was granted long before me. I don't think so. Please Respond. Thank you.

Anastasios Ernest Smalis

EXHIBIT 25

16



PENGAD 800-631-6998
EXHIBIT
26



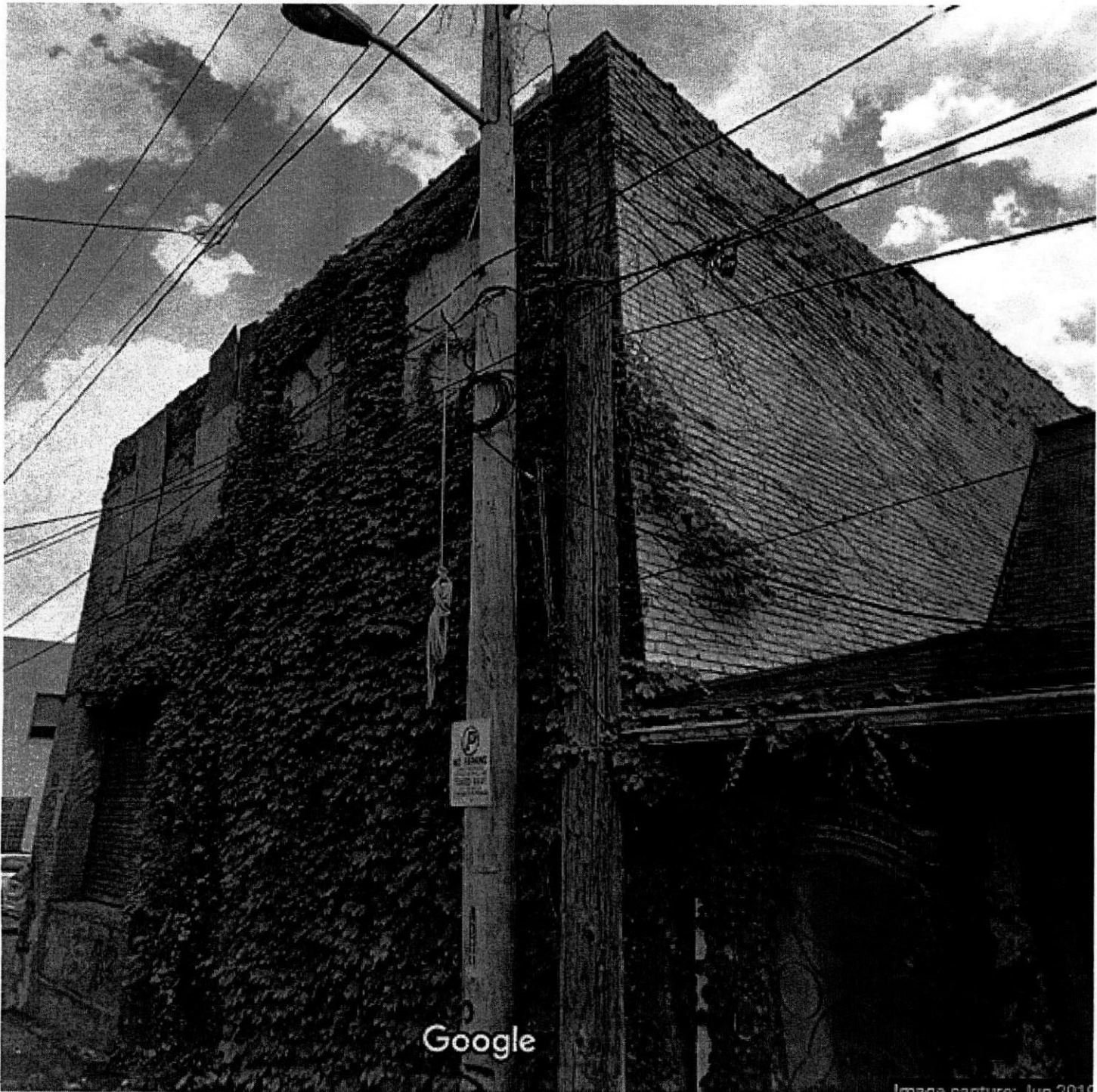
FENGAD 800-631-6069

EXHIBIT

27



PENGAD 800-601-8888
EXHIBIT
28



Google

Image capture: Jun 2016



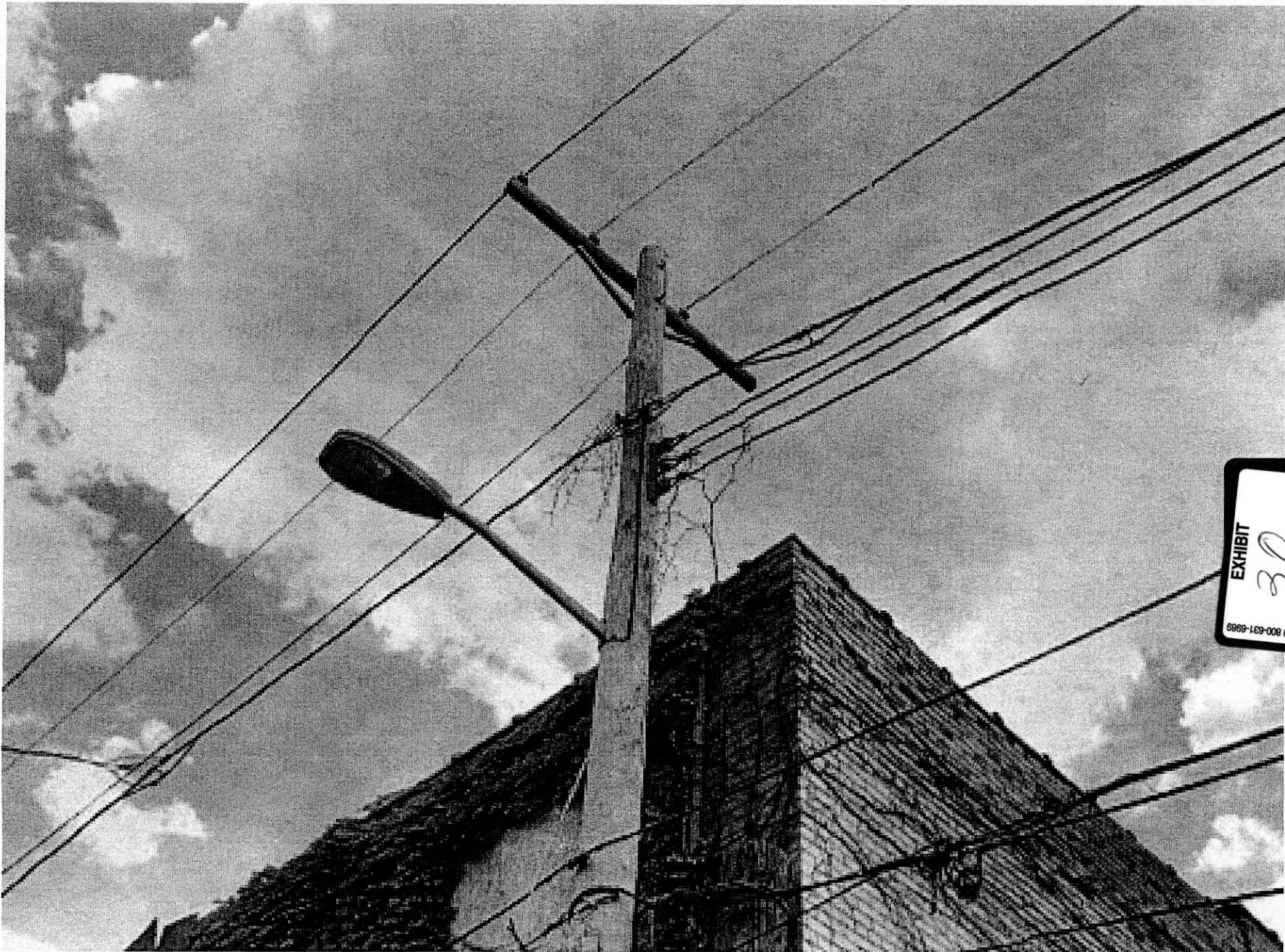


EXHIBIT
30
PENGAD 800-631-6989

5



PENGAD 800-631-6889
EXHIBIT
31



PENGAD 800-631-6988

EXHIBIT

32



INITIAL NOTICE OF VIOLATION AND ORDER

SMALIS ANASTASIOS
6652 NORTHUMBERLAND ST
PITTSBURGH, PA 15217-1313

O-1055107
PLI Case No.
06/30/2017
Date of Notice

Carbon Copied: LIPSOSS CORP CONSTRUCTORS
Property In Violation: 4073 LIBERTY AVE
0049R00283000000

Dear Sir/Madam:

On 06/29/2017 the Department of Permits, Licenses and Inspections (PLI) conducted an inspection/investigation of the above property and found it in violation of the City of Pittsburgh Code of Ordinances. The results of the inspection are included in the violation section below. A re-inspection will be conducted on or about 07/31/2017 to determine compliance with this order.

Your rights to appeal and applicable penalties are identified at the end of this Notice. If you have any questions regarding this notice please contact Inspector Russ Blaich, 412-742-3049 or the PLI offices at (412) 255-2175.

YOU ARE ORDERED TO CORRECT THE FOLLOWING VIOLATIONS PRIOR TO THE NEXT REINSPECTION DATE INCLUDED ON THIS NOTICE:

VIOLATION:

108.1.1 Unsafe Structure

2003 IPMC Chapter 1 - Administration SECTION 108

LOCATION:

3 STORY BRICK COMM. BUILDING;ROOF HAS WOOD ROT,WATER DAMAGE W/HOLES,MAIN SUPPORT BEAM OFF OF PILLIERS.FLOORS;WOOD ROT,WATER DAMAGED.

CORRECTIVE ACTION NEEDED:

MUST OBTAIN BUILDING PERMIT TO REMOVE VIOLATIONS.

RE-INSPECTION DATE, ON OR ABOUT: Monday, July 31, 2017

VIOLATION:

108.1.1 Unsafe Structure

2003 IPMC Chapter 1 - Administration SECTION 108

LOCATION:

108.1.1 AN UNSAFE STRUCTURE IS ONE THAT IS FOUND TO BE DANGEROUS TO THE LIFE, HEALTH, PROPERTY OR SAFETY OF THE PUBLIC OR THE OCCUPANTS OF THE STRUCTU

CORRECTIVE ACTION NEEDED:

THIS STRUCTURE IS CONDEMNED AND MUST BE MADE SAFE.

MUST OBTAIN BUILDING PERMIT TO REMOVE VIOLATIONS.

RE-INSPECTION DATE, ON OR ABOUT: Monday, July 31, 2017

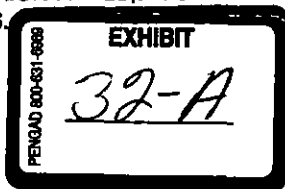
VIOLATION:

108.1.1 Unsafe Structure

2003 IPMC Chapter 1 - Administration SECTION 108

LOCATION:

WINDOW FRAMES;WOOD ROT, GLASS HANGING/MISSING.BRICK WALLS,BRICKS LOOSE/MISSING,FALLING.CRACKS THROUGHOUT W/HOLES.



182

For everyone's safety, clearance is required from our primary and secondary power lines, poles and transformers.

If you are planning on doing work at a location that is at or near Duquesne Light Company (DLC) energized electric lines, there are certain risks attendant to the performance of your work. Your work must conform to the Occupational Safety and Health Administration (OSHA) standards, including those concerning work near all energized electric lines. There are a variety of different OSHA standards that could apply to your specific work location depending on the scope of your work and the equipment being used.

For example:

- **29 CFR 1910 Subpart S** – Electrical – Outlines requirements for work that is performed near overhead lines and minimum approach distances from energized power lines for qualified and non-qualified workers.

29 CFR 1926 Subpart L – Scaffolds – Outlines requirements for working on scaffolding near energized power lines.

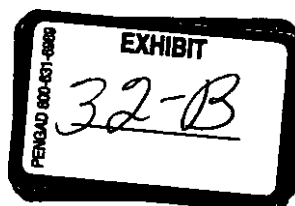
29 CFR 1926 Subpart O – Motor Vehicles, Mechanized Equipment, and Marine Operations – Outlines requirements for working with equipment in the vicinity of power lines.

29 CFR 1926 Subpart CC – Cranes and Derricks in Construction – Outlines requirements for working, moving or assembling cranes in the vicinity of power lines.

For more information, including specific regulations, log on to the Occupational Safety and Health Administration website at www.osha.gov.

In the future, if you have work in an area where you or your employees will be working near DLC lines, or where your equipment may come into contact with DLC facilities, please notify your DLC Account Manager or call us at 412-393-7100 and a Company representative will be sent to the job site to assist you.

DLC is providing this information to assist your company in maintaining safe working conditions for your employees. DLC, however, does not assume any responsibility or obligation with regard to your employees or to your company's compliance with OSHA standards. Compliance with all OSHA standards, including, but not limited to those identified above is solely the responsibility of your company.



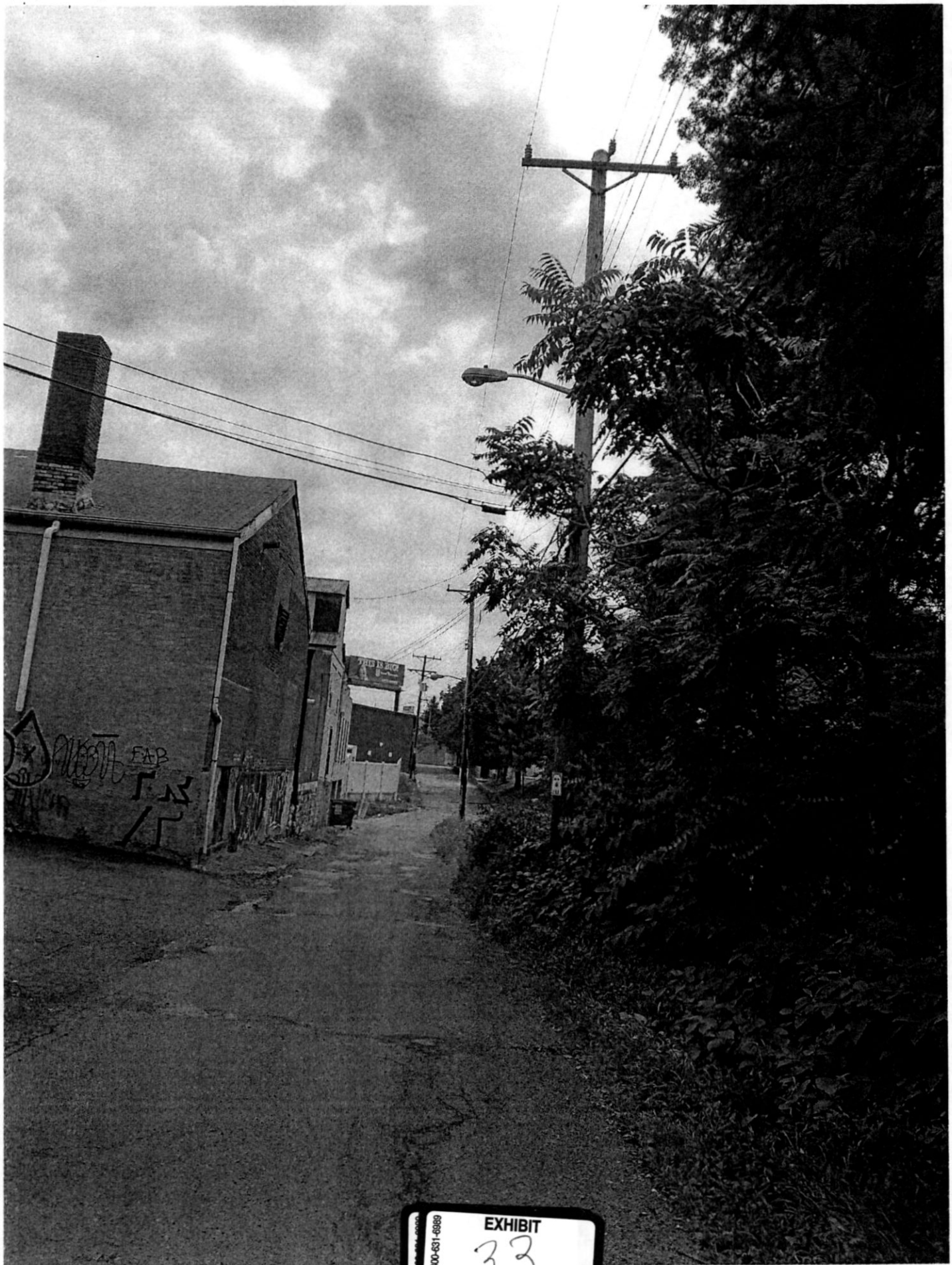
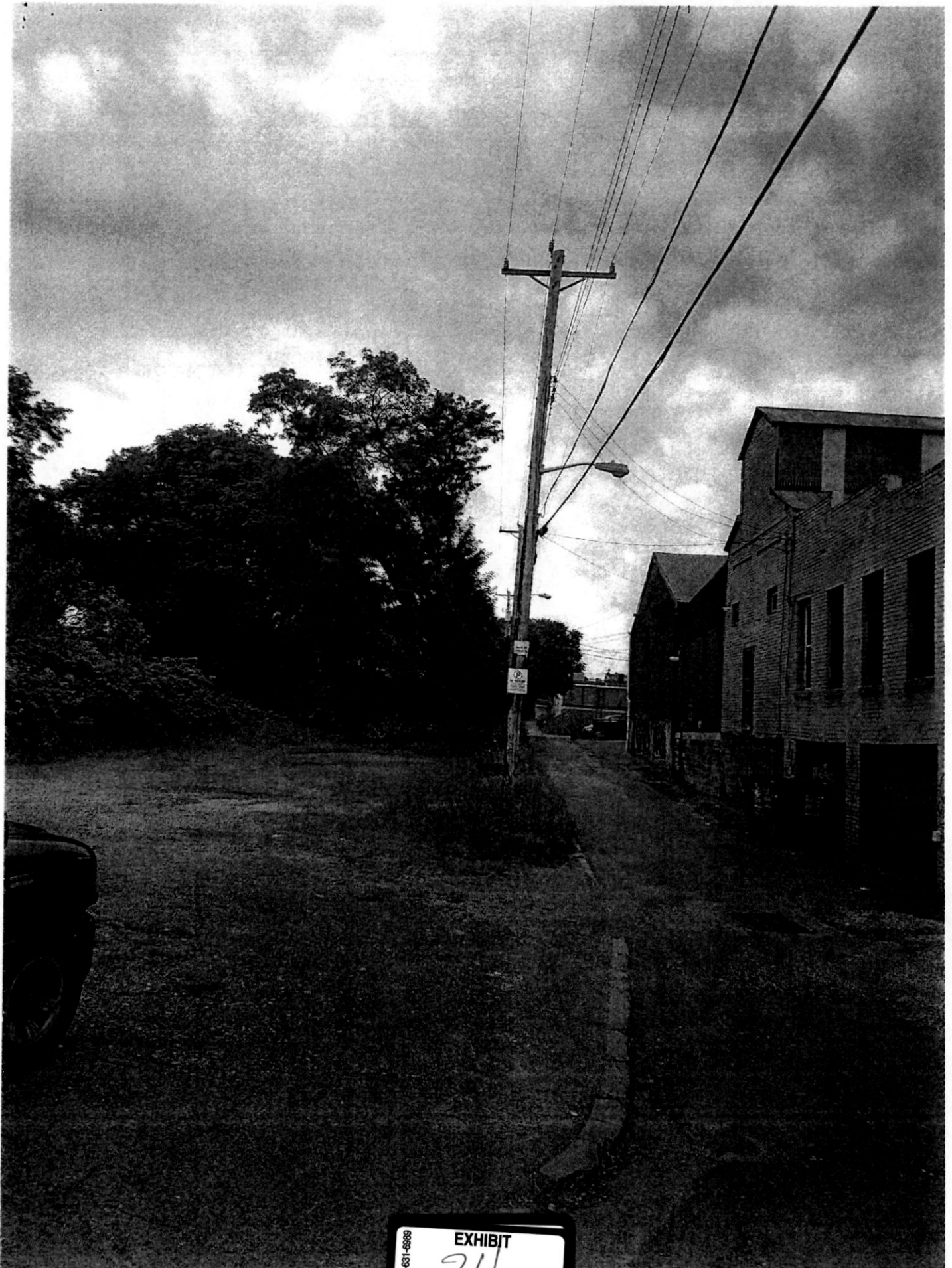


EXHIBIT
33
PENGAD 800-631-6888

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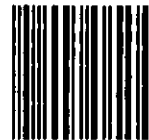
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