

SUPREME COURT: COUNTY OF ERIE
National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, New York 14221

Claimant,

NOTICE OF CLAIM

-vs-

Index No.

Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

Defendant.

TO THE ABOVE-NAMED DEFENDANT:

SIR:

PLEASE TAKE NOTICE that the Claimant herein hereby makes claim and demand against the Erie County Water Authority as follows:

1. The name and post-office address of the Claimant is: National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, New York 14221. The name and post office address of Claimant's attorney is John Conti, National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, New York 14221.

2. The nature of the claim is an action for the recovery of property damage to Claimant's underground facilities, for gas loss, and for the cost of the repair of said underground facilities caused solely by the negligence of Defendant and Defendant's violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 – 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 1926.1, et. seq., while Defendant was excavating in the Village of Blasdell, County of Erie and State of New York.

3. The time when, the place where and the manner in which the incidents underlying the claim arose are as follows:

- (i) Damage to Claimant's underground facilities occurred on May 29, 2025, at approximately 5:55 p.m., at or near 70 Maple Avenue, Town of Blasdell, County of Erie and State of New York, when the Defendant was excavating, Defendant negligently and in violation of the law of trespass, General Business Law, inter alia, Article 36, Sections 760 – 765; Public Service Law, inter alia, Section 119-b; 16 N.Y.C.R.R. Part 753; 29 C.F.R. Sections 926.1, et. seq., hit and caused damage to Claimant's natural gas line and the loss of gas.

4. The items of damage are property damage to Claimant's underground facilities, detailed above, and the cost of repairing said damage. That said claim and demand is hereby presented for adjustment and payment. PLEASE TAKE FURTHER NOTICE that by reason of the foregoing, and upon the default of the Erie County Water Authority, to pay Claimant the full amount of the damages suffered by reason of the foregoing, within the time limited for compliance with this demand by the said Erie County Water Authority, by the statutes in such cases made and provided, Claimant will institute an action against the Erie County Water Authority, to recover the full amount of Claimant's damages, with interest and costs.

DATED: Williamsville, New York
 June 23, 2025

Respectfully yours,
National Fuel Gas Distribution Corporation

By: _____
Patrick Kelly
Senior Claims Supervisor of the Risk
Department of National Fuel Gas Distribution
Corporation

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE
National Fuel Gas Distribution Corporation
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Williamsville, New York 14221,

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Erie County Water Authority
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Defendant

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

Patrick Kelly, being duly sworn, deposes and says that I am an employee in the Risk Management Department for National Fuel Gas Distribution Corporation; that I have read the forgoing Notice of Claim; that the same is true to my knowledge, except as to matters stated to be alleged upon information and belief, and as to those matters, I believe them to be true based upon information supplied to me; and the reason the verification is made by me because National Fuel Gas Distribution Corporation is a corporation.



Patrick Kelly

Sworn to before me this
23th day of June 2025.



Notary Public

JASON D. CRATER
Notary Public, State of New York
Qualified in Genesee County
My Commission Expires 1/30/2028



6363 MAIN STREET/WILLIAMSVILLE NY 14221-5887

National Fuel

CERTIFIED MAIL®



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neopost

06/23/2025

US POSTAGE

FIRST-CLASS MAIL

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Erie County Water Authority
3030 Union Road
Cheektowaga, NY 14227

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INVOICE
PIPELINE DAMAGES

Invoice No: RISK002119
Invoice Date: 6/23/25
Page: 1 of 1

Electronic Payments:
(Fed Wires and ACH)

Send Checks To:

Customer Number: 00008848
Payment Terms: Net 30

JP Morgan Chase Bank N.A.
ABA#
Bank Acct. #

Attention: Finance
6363 Main Street
Buffalo NY 14221-5887

Due Date: 8/5/25

Bill To:

ERIE COUNTY WATER AUTHORITY
3030 UNION RD
CHEEKTOWAGA NY 14227

Date: 2025-05-29
Location of Loss: 70 MAPLE AVE
Claim: 2025-54192-01
Pipe Size: 1 1/8 In.

For billing questions, please call 716-857-7674

Line	Description	Net Amount
1	MTRL - 5007476 PIPE, PLT, HDPE	0.44
2	MTRL - 5830937 MECHANICAL, COU	33.49
3	DIR VEH & TOOLS - TRANS	36.09
4	LABOR - 21850	593.31
5	OVERHEAD	133.86
6	SUPERVISORY	92.20
7	GAS LOSS	68.77
	Subtotal:	958.16
	Amount Due:	958.16

Please reference invoice and claim number on all payments.



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JUN 25 '25 10:48

Please reference invoice and claim number on all payments.



National Fuel®

June 23, 2025

Erie County Water Authority
3030 Union Road
Cheektowaga, NY 14227

To Whom It May Concern:

For both contractors and homeowners, having underground utilities marked prior to starting excavation or an outdoor project is essential for protecting yourself from injury and preventing damage to underground utility lines. New York state law (16 NYRCC Part 753) requires you to place a location request ("One Call ticket") with UDIG•NY prior to beginning any work to ensure all underground utility lines are properly marked. Recently you struck and damaged a main line in front of the property located at 70 Maple Avenue, Blasdell, New York. This released a large amount of natural gas, which endangered the lives and properties of nearby homeowners, pedestrians, emergency personnel, National Fuel employees, and you. There was no UDIG•NY One Call ticket placed prior to your excavation. New York State law requires all excavators and homeowners to adhere to the following rules, among other things:

- Contact UDIG•NY not less than 2 (not counting the day you call) but no more than 10 working days prior to excavation or demolition work.
- Each company, excavator, or homeowner **MUST** have their own UDIG•NY One Call ticket. You may not excavate an area based on a previous company's/excavator's/homeowner's one call ticket markings.
- Use the color **white** (paint, flags or stakes) to mark the proposed excavation area when the exact site information cannot be provided. This will pinpoint the area to eliminate unnecessary spotting.
- Before beginning excavation, check responses from all notified utilities on the ticket request to confirm each utility has either marked your work site or given an "all clear" indicating there are no facilities in your work area.
- Properly maintain the staking and marking throughout excavation.
- Maintain a tolerance zone of 2' (24" on both sides plus width of the facility). Use hand dug test holes to expose and verify the location of the line before excavation equipment is used.

Any person found in violation of these provisions may be billed for damages incurred by National Fuel. Additionally, the New York State Public Service Commission could also fine the responsible party. Excavating without having all the surrounding utilities marked can create a dangerous situation and pose a threat to you, your crew, the public and our utility lines. Please call UDIG•NY prior to future excavations to avoid these issues. Calling UDIG•NY for a utility mark out is free and at no cost to the caller, excavator, or homeowner. If you wish to learn more about the New York State law or the free service provided by UDIG•NY, please visit their website, www.UDIGNY.org.

National Fuel wishes to cooperate with all excavators and homeowners to create a safe work site and preserve our facilities. If you have any questions, please call me at (716) 759-5160. Thank you for your cooperation.

Please call 8-1-1 for your locate, for training or further information. It's the law!

Sincerely,

Ronald S. Dietz, Jr.
NY Damage Prevention Manager
National Fuel Gas Distribution Corp.