

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
295 Main Street, Room 350
Buffalo, New York 14203

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 M. Conti, Esq., 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 the Defendant was excavating in the Town of Tonawanda, 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 October 29, 2024, at approximately 11:20 a.m., at or near 3750 River Rd., Town of Tonawanda, 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., 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
 December 9th, 2024

Respectfully yours,
National Fuel Gas Distribution Corporation

By: _____
Patrick Kelly Jr.
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
6363 Main Street
Williamsville, New York 14221,

Claimant,

-vs-

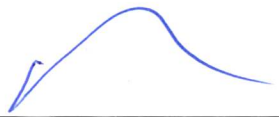
Index No.

Erie County Water Authority
295 Main Street, Room 350
Buffalo, New York 14203

Defendant

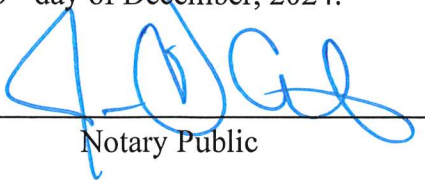
STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

Patrick Kelly Jr., 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 Jr.

Sworn to before me this
9th day of December, 2024.



Notary Public

JASON D. CRATER
Notary Public, State of New York
Qualified in Genesee County
My Commission Expires 4/30/2028

NFQRF001
Date Printed: 11/27/2024
Time Printed: 8:03:59AM

Diamed

National Fuel
Closed Damage Report for Risk
Risk Report Type: All Damages

2025-53803-01

RiskPro Run ID: 10299
End Date: 11/16/2024
Processed Date: 11/27/2024
State: New York
Project ID: 120553

Damage Status: Closed **CSO ID:** 10247521 **Leak ID:** **Date & Time of Damage:** 10/29/2024 11:20 am

Item Location: 3750 River Rd

City: Tonawanda

County: Erie (NY)

Additional Address Info:

Damage Type: Below Grade

Facility Type: Distribution Service

Investigation Comments:

Investigated By: 20530

Responsible Party Name: Erie County Water Authority

Damaged By: Contractor

Working For: Erie County Water Authority

Address: 3030 Union Rd

City: Cheektowaga

State: NY

Zip: 14227

Phone: 716/685-4201

Equipment Operator Name: , John

Vehicle License Plate Info:

Description of Facility:

Facility Marked? N

Gas Blowing? Y

One-Call Ticket ID:

Marked Accurately? N

Size: 03-1/2'

Interrupt Count: 1

Locate Date:

Line Pressure (lbs: oz): 32:0

Material Damaged: Plastic

Photos Taken Of Damage: Y

Time Blowing (mins): 33

Break Type: Incomplete Break

Hole Size Width (in): 2.0

Length (in): 2.0

Repair Comments:

Completed By: 60319

Lawn Restoration Expense? N

Concrete & Blacktop Restoration Expense? N

Permit Fee Expense: N

Billable? Billable

Interruption Report Entered? Yes

Total Labor Costs (hrs): 7.0

Material Transfer (Total Cost): 50.14

Damage Cause: No notification made to one call center/811

Closed Comments:

Closed By: 15534

Date: 11/14/2024

District Manager Comments:



National Fuel Gas Distribution Corporation

INVOICE PIPELINE DAMAGES

Invoice No: RISK001949
Invoice Date: 12/9/24
Page: 1 of 1

Electronic Payments:
(Fed Wires and ACH)

Send Checks To:

Customer Number: 00008395
Payment Terms: Net 30

JP Morgan Chase Bank N.A.
ABA# 021000021
National Fuel Gas Distribution Corporation
Bank Acct. # 2261014886

National Fuel Gas Distribution Corporation
Attention: Finance
6363 Main Street
Buffalo NY 14221-5887

Due Date: 1/8/25

Bill To:

ERIE COUNTY WATER AUTHORITY
295 MAIN STREET, ROOM 350
BUFFALO NY 14203

Date: 2024-10-29
Location of Loss: 3750 RIVER RD
Claim: 2025-53803-01
Pipe Size: 3 In.

For billing questions, please call 716-857-7674

Line	Description	Net Amount
1	MTRL - 5007254 PIPE, PLT, 3" I	5.05
2	MTRL - 5804612 ELECTROFUSION,	45.08
3	LABOR - 21403	283.33
4	LABOR - 60319	264.46
5	OVERHEAD	128.19
6	SUPERVISORY	85.12
7	GAS LOSS	326.33
	Subtotal:	1,137.56
	Amount Due:	1,137.56

Please reference invoice and claim number on all payments.

National Fuel

WILLIAMSVILLE, NY 14221-3887

CERTIFIED MAIL®



9589 0710 5270 0146 9338 94

1353 58070
REC'D
12/09/2024
US POSTAGE \$009.92



ZIP 14226
041L12205036

Erie County Water Authority
295 Main Street, Room 350
Buffalo, New York 14203

ERIE COUNTY WATER AUTH
11 DEC 24 10:43:22

4208412