

NE  
FILE

Ohio

Public Utilities  
Commission

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2022 APR 19 AM 9:50

22-443-EL-CSS

Case Number

Public Utilities Commission of Ohio

Attn: Docketing

180 E. Broad St.

Columbus, OH 43215

PUCO

Formal Complaint Form

Robert R. Murphy  
Customer Name (Please Print)

530 CEDAR RUN Rd., NE  
Customer Address

NEWARK Ohio 43055  
City State Zip

Against

073-408-502-1-8  
Account Number

Customer Service Address (if different from above)

AEP Ohio  
Utility Company Name

City State Zip

Please describe your complaint. (Attach additional sheets if necessary)

I AM A CUSTOMER OF AEP OHIO THAT PROVIDES ELECTRIC SERVICE TO THE ABOVE ADDRESS. I HAVE OWNED THIS PROPERTY SINCE AUGUST, 2020. ACCORDING TO THE PREVIOUS PROPERTY OWNER MR. ROBERT JACKS, OHIO AEP HIRED NEW RIVER ELECTRICAL CORP. TO REPLACE THE UNDERGROUND ELECTRIC SERVICE LINE FROM THE UTILITY POLE TO MY HOUSE. THIS WAS DONE DURING THE FALL OF 2019. THE NEW UNDERGROUND TRENCH WAS DEEPER THAN THE ORIGINAL OLD LINE. THE NEW CONDUIT WAS INSTALLED AT A DEPTH OF APPROX. 4' TO 4 1/2' DEEP, AND IS APPROX. 70' IN LENGTH. (SEE ATTACHED SHEET TO CONTINUE COMPLAINT)

Robert Murphy  
Signature

740-348-6232  
Customer Telephone Number

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician JLS Date Processed 4-19-22

## Description of Complaint Continued – Page 2

During early Spring, 2021, I noticed a significant amount of water leaking through the garage's north wall and adjacent utility room during rain events. Most of the water appeared to be entering directly behind the electric breaker box mounted on the garage wall. Since the house is built on a steep hill side, this wall is below grade (see photos #1 & #2). Water continues to leak into the garage and utility room and increases after rain events. Please note that the ground on which the house is constructed is predominately shale and can become very porous once disturbed. Mr. Bob Olive, owner of Olive Excavating is familiar with my trench problem and stated that it is common practice to install clay trench blocks when backfilling trenches dig in soil containing shale. Trench blocks were not installed in my electric service line trench. Instead, only the excavated material was used as backfill. The omission of trench blocks created a porous conduit that transports groundwater directly to the house foundation.

I spoke with an AEP Ohio (AEP) employee about the problem, resulting in a visit from AEP Line Crew Supervisor, John Lang. Mr. Lang visited my house during a heavy rain event when I was not at home. Mr. Lang reported that, in his opinion, the problem was being caused by a rain gutter overflowing causing water to leak through the garage wall. In response, I immediately contacted Leaf Filter, LLC to inspect the gutter system. Leaf Filter cleaned the gutters and downspouts, made any necessary repairs and installed their Leaf Filter protection system (see copy of attached invoice). Afterwards, I monitored the gutter system for a few months during rain event. The gutters functioned perfectly, collecting and conveying rainwater away from the house. In addition, I observed that no surface water was ponding or flowing anywhere around the house foundation during rain events. Currently, a significant amount of water still infiltrates the foundation, entering the garage and utility room. This has also resulted in mold growth primarily on the utility room wall (see photo #3). It is apparent to me that the source of the water infiltration is ground water being conveyed the ditch dug by AEP's contractor, New River Electrical Corp (New River).

I met with Mr. Lang at my house on August 27, 2021 and advise him of the work done on the gutters, the continuing water infiltration problem and its probable cause and also the opinion of Olive Excavating. Mr. Lang agreed with my assessment and

### Description of Complaint Continued – Page 3

asked me what work I wanted from AEP to resolve the problem. I stated proper backfilling of the trench including the installation of trench blocks, as well as installation of a foundation drain along the portion of the foundation affected by the water infiltration. I asked Mr. Lang if AEP could simply have New River return and do the work required to resolve the problem. Mr. Lang replied, “you wouldn’t want those guys back on your property”. I was shocked by his comment. Mr. Lang stated that he couldn’t personally authorize the discussed work and recommended that I file a complaint with AEP.

On August 27, 2021, I called AEP and filed a damage claim. I was given Order# 079562103.

On September 2, 2021, AEP employee Mr. Dave Johnson visited my house and took pictures of the trench and the water infiltration into the house.

On September 14, 2021, I called AEP to check on the status of my damage claim. I was given the name and phone of AEP Claim Representative, Sabrina Heckathorne, who would be working on my damage claim and was told she would be my contact person.

I called Ms. Heckathorne on September 17, 20 and 28, 2021, and left messages requesting a return call. None was received.

After a couple more failed attempts to reach Ms. Heckathorne, I again called AEP on November 29, 2021, and was directed to AEP Risk Management Claims Rep., Mr. T.J. Bryan. I explained to him my frustration with not being able to get a response from AEP regarding my damage claim. I also advised Mr. Bryan that I had filed an informal complaint with PUCO that same day. A few days later I received a call from Ms. Heckathorne.

After checking into my damage claim, Ms. Heckathorne stated that it’s AEP’s opinion that their contractor is responsible for resolving this problem. She also stated that she would forward all claim information to New River and would be waiting for their response.

In early January 2022, I received a letter from New River stating that they are not responsible for the damages because they installed service to AEP’s standards and specifications. Please refer to the attached January 4, 2022, New River letter.

## Description of Complaint Continued – Page 4

My complaint against AEP is due to the inadequate and faulty service provided by its contractor, New River Electrical Corp while installing the new underground service line from the utility pole to my house (see photos #1, #2, #4, #5, #6). Failure by New River to properly backfill the new trench by using correct material and failure to construct trench blocks to prevent groundwater conveyance has resulted in water damage to the house foundation, mold growth on foundation walls and created a potentially hazardous condition due to water leaking directly behind the electric breaker box (see photos #7 and #8).

I would very much PUCO's involvement in settling my complaint. I am asking AEP to do the following:

- Install trench blocks at the appropriate locations,
- Install a foundation drain along the areas affected by groundwater infiltration,
- Inspect the foundation for damage and repair as needed,
- Remove mold from utility room wall.

I believe these requests are appropriate since none of these problems existed prior to the excavation of the trench. Also, there is no water infiltration through the house foundation except in the area where the trench terminates against the foundation.



# LeafFilter™ North, LLC

- ☐ 690 Lakeview Blvd. Suite K, Worthington, Ohio 43085
- ☐ 6450 Weatherfield Court 2-A, Maumee, Ohio 43537
- ☐ 12076 Champion Way, Sharonville, OH 45241

Main

1-800-290-6106

Customer Service 1-800-749-4566

www.LeafFilter.com

# LeafFilter™

GUTTER PROTECTION

THIS AGREEMENT, made and entered into between Bob Graw Murphy, (OWNER) and

LeafFilter™ North, LLC (CONTRACTOR), who agrees to furnish all labor and materials necessary to perform the work hereinafter set forth on

the premises of the Owner located at 530 Cedar Run Rd., in the city of Harrover,

State of OH Zip Code 43055 PH# 740 348 6232 ALT.PH# \_\_\_\_\_

Email Address: \_\_\_\_\_

Clean out existing gutters + downspouts. Repair damage as needed including right end cap on front gutter. Realign as needed and reinforce with hidden brackets.

Install 5" white LeafFilter gutter protection. Lifetime transferable warranty. Money back no clog guarantee.

Includes tax, insurance and clean up of job related debris.

## PAYMENT TERMS:

In consideration of the labor, material and repair, if any, furnished by said Contractor, the Owner agrees to pay to the Contractor:

A. Contract Price, including tax \$ 3151

Approx. Start & Completion Date: 7/31/21 arrival

Down Payment \$ 0

8470 (last 4-digits CC) SID # 4089599

Unpaid Balance \$ 3151

\_\_\_\_\_ (6-digit Auth) Plan # \_\_\_\_\_

For Electronic payment of credit card, or financing, unpaid balance will be processed upon installation RM (Owner Initial)

Other Pay Terms: \_\_\_\_\_

- B. It is hereby understood and agreed that the unpaid balance of cash price or the bank completion certificate must be paid to the Seller's installer at the time the work is completed.
- C. If full price for all contract work is not to be paid in cash, then this contract is subject to financing approval.
- D. Installation is subject to production scheduling, weather conditions and related factors. The Contractor shall furnish materials for the work and complete the work to be done in a substantial and professional manner. All workmanship is guaranteed for one (1) calendar year. Service calls after one (1) year shall be subject to a service charge.
- E. You, the buyer, may cancel this Agreement of purchase by mailing a written notice to the seller post-marked not later than the third business day after the date this Agreement was signed. It is agreed that if the Owner cancels this contract AFTER THREE (3) DAYS from date of acceptance and before commencement of work, through no fault of the Contractor, the Owner agrees to pay 25% of the contract price or the cost of the materials purchased by the Contractor to the date of cancellation, whichever is greater.

IN WITNESS WHEREOF, the Owner and Contractor have caused these present to be signed this:

Month Jul, Day 29, Year 20 21

Robert Murphy  
Owner

[Signature]  
Sales Representative

\_\_\_\_\_  
Owner





**NEW RIVER  
ELECTRICAL CORP.**

January 4, 2022

Robert Murphy  
530 Cedar Run Rd.  
Newark, OH 43055

Subject: Claim for damages resulting from replacement of your service.

Dear Mr. Murphy,

This letter is in response to your claim of water damages to your house at 530 Cedar Run Rd. in Newark. After completing an investigation of this claim, I have determined that New River Electrical is not responsible for these damages. We installed this service to AEP's standards and specifications. I am denying this claim and I will inform AEP of New River's position in this matter.

Please contact me if you have any questions regarding this letter.

Sincerely,

Brian J. Allmaras P.E.  
Vice President of Underground Operations  
New River Electrical Corporation  
6005 Westerville Rd.  
Westerville, OH 43081  
Main: 614.891.9132  
Office: 614.682.5118  
Fax: 614.794.0329  
E-mail: ballmaras@nrec.net





#2





#2



# 3

Utility Room  
Leakage with  
mold growth







#4





#5



soil subsidence  
due to groundwater

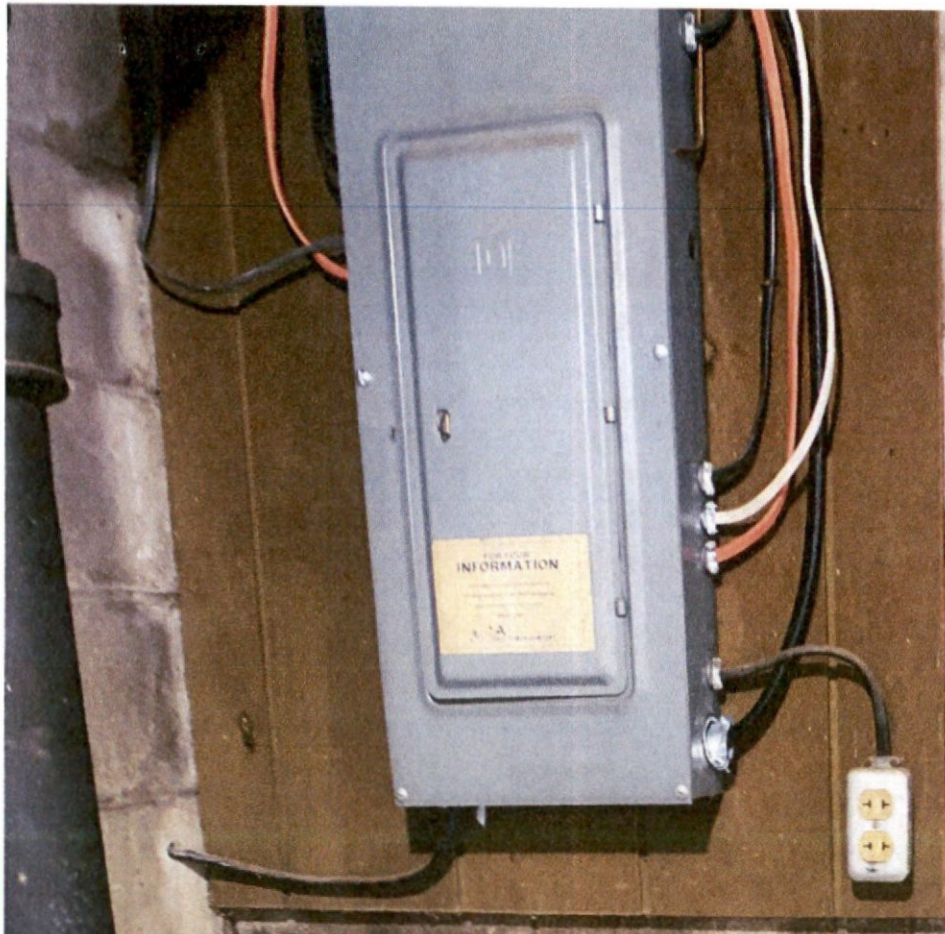


#6



#7

MAJORITY of  
WATER INFILTRATES  
behind box





78

below grade  
garage wall

← water  
infiltration

soil from  
trench →