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1/11/06

January 10, 2006

TO: Richard M. Allen, Staff Attorney Legal Division  
James W. Boggess, Utilities Analyst II, Utilities Division  
Sandra Squire, Executive Secretary

FROM: Roy J. McDaniel

SUBJECT: Case No. 05-1731-MC-FC  
Roy J. McDaniel

v.

Fran King, dba King's Trucking and Wrecker Service  
(filed 12-06-05)

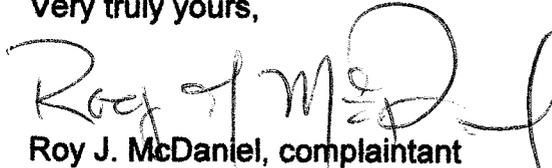
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2006 JAN 17 AM 11:55  
WV PUBLIC SERVICE  
COMMISSION  
SECRETARY'S OFFICE

After reviewing Mrs. Fran King's answer to my complaint, I state it is like a poorly written novel at best. Mrs. King deviates from the subject complaint and attempts to manipulate the reader's attention by inserting erroneous chit-chat of no value like someone suffering from dementia. I also reviewed the Utilities Division Initial and Final Memorandum dated January 9, 2006 from Mr. James W. Boggess and the Initial and Final Memorandum from Mr. Richard Allen. I am very grateful for the recommendation requiring Mrs. Fran King to do a partial reimbursement to me. **I must enter this objection** to the proposed course of action based upon the following grounds.

In Mr. Boggess' letter on page one in the first paragraph, he states, "It is not clear what McDaniel family member or representative thereof authorized the tow prior to the WV State Police contacting the Defendant to have the vehicle towed." Neither I, nor any member of or any representative of my family requested or authorized any towing of the vehicle in question by King's. One of the grounds for my initial complaint was the fact that the WV State Police Clay Detachment was the party requesting and authorizing King's for both of the tows of the vehicle for their investigation purpose. The WV State Police took possession of my deceased father's vehicle. They held it in their custody for approximately fifteen months at South Charleston. I know this because I personally observed the vehicle on a fenced lot behind the State Medical Examiner's Office on Jefferson Road. It is and remains my position the WV State Police is the responsible party to pay King's Wrecker Service for the tow they requested on 10-21-05 for the vehicle in question as stated in my original complaint. In the answer filed by Mrs. King concerning the complaint I filed against King's Trucking and Wrecker Service, Mrs. King entered into the record a copy of a King's tow invoice #14889 dated 8-18-04 submitted to the WV State Police for the first towing of the vehicle in question that was paid on 9-1-04 by a Vanessa Hannabach with the WV State Police by entry of a payment receipt by Mrs. King. Mrs. King also states in her answer that, "I told Mr. McDaniels that the vehicle tow bill had to be paid before he could pick it up." By Mrs. King's own election to enter King's towing invoice #14889 and the payment receipt from the WV State Police, it is my opinion, that Mrs. King, after billing and receiving payment for the first tow of the vehicle from the WV State Police, should be competent enough to understand that the WV State Police was also the responsible party for payment of the second tow bill for the same vehicle that was also requested by the WV State Police. The records Mrs. King refers to that she possesses for eight years back should be re-examined by her and your agency to clarify the actual party requesting all vehicle tows in support of my claim.

I pray your agency to issue an **ORDER** requiring King's Trucking and Wrecker Service to reimburse me the full amount of \$502.50 or **proceede** with a **hearing** before an Administrative Law Judge to hear my oral presentation in support thereof.

Very truly yours,

  
Roy J. McDaniel, complaintant