

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**Pennsylvania Public Utility
Commission, Bureau of
Investigation and
Enforcement**

**Public Meeting May 9, 2013
2295974-ALJ
Docket No. C-2012-2295974**

v.

UGI Utilities, Inc.

**STATEMENT OF
VICE CHAIRMAN JOHN F. COLEMAN, JR.**

Before the Commission for disposition is an Initial Decision (ID) approving a Joint Petition for Settlement (Settlement) between the Commission's Bureau of Investigation and Enforcement (BI&E Staff) and UGI Utilities, Inc. (UGI). If approved, the Settlement would resolve an investigation arising out of a gas explosion on October 31, 2011 in Millersville, PA. Although there was no bodily injury, the explosion resulted in almost \$500,000 of property damage. According to the Complaint filed by BI&E Staff, the precipitating cause of the explosion was a 3rd-party contractor line hit that ruptured an 8-inch gas main. The Complaint alleges, among other things, that UGI failed to properly mark its underground facilities and failed to have procedures in place to locate lines in certain circumstances.

Under the Settlement, UGI agrees to pay a civil penalty of \$200,000, which is not recoverable from ratepayers. Among the remedial measures in the Settlement, UGI agrees to improve its One Call response procedures and conduct refresher training of all line locator personnel. UGI also agrees to change its internal One Call screening system to allow it to contact an entity making a one call request to remind the entity of its responsibilities under the PA One Call Act¹ and to inquire about the entity's intent to spot the gas facilities prior to crossing them. If a non-satisfactory response is provided, UGI will take additional follow-up action, including a field visit to stop the operation. UGI agrees to conduct refresher training and make this screening system change within ninety (90) days of a final order approving the Settlement.

In recent years, the U.S. Department of Transportation has partnered with the states during the month of April to recognize it as National Safe Digging Month (NSDM). On April 1, 2013, the Commission launched NSDM by issuing a press release reminding utilities, residents and contractors to use safe digging practices. In Pennsylvania, safe digging practices include the requirement that

¹ 73 P.S. §§ 176-182.4.

utilities, contractors and homeowners call 811 at least three business days before using power equipment to make certain underground utility lines are marked.

Although I am pleased with the remedial measures agreed to by UGI in the Settlement, this case illustrates the importance of both facility owners and excavators meeting their obligations under the PA One Call Act. In Pennsylvania, 3rd-party line hits of underground utility facilities have been and continue to be the leading cause of damage to utility infrastructure. To help avoid these hits, I urge utilities to be vigilant in complying with their PA One Call responsibilities, including those related to line marking. Also, I am deeply troubled by the allegations in UGI's Statement in Support of the Settlement about the excavator's failure to comply with the PA One Call Act in both this case and with another project. If true, these allegations show a complete disregard for public safety that I find unacceptable. Clearly, excavators need to be equally vigilant in complying with the PA One Call Act.

Date: May 9, 2013



JOHN F. COLEMAN, JR.
VICE CHAIRMAN