

The Damage Prevention Committee

Frequently Asked Questions

What is the Damage Prevention Committee (DPC)?

The DPC is a group of 13 individuals, nominated by their industry or affiliated organization and appointed by the Pennsylvania Public Utility Commission (PUC), who collectively vote on administrative penalties recommended to them by the PUC's Damage Prevention Team. The DPC members serve staggered three-year terms that begin on January 1.

Who are the 13 individuals who make up the DPC?

The DPC is comprised of the PUC Chairman or Chairman's designee, the Secretary of Pennsylvania Department of Transportation or designee, the President of the Pennsylvania One Call System or designee, three excavators, one representative from a local government, one representative from a municipal authority, and five representatives from privately-owned facility owner groups, including electric, natural gas or petroleum pipelines, telephone, water or wastewater and cable television.

What are the duties of the DPC?

After a Damage Prevention Investigator (DPI) has prepared an investigative report that includes recommended remedial actions, the DPC must review the DPI's findings. The DPC may vote to accept, modify, or dismiss any recommendation made by a DPI. The DPC issues informal determinations, which may include education, administrative penalties or a warning letter.

What is the voting process of the DPC?

At least seven members of the Committee must be present, and a simple majority vote shall be deemed to be the position of the Committee. The Chairman of the PUC or designee is a non-voting member except to break a tie.

What factors do the DPC members consider when voting?

The DPC considers the history of the party's compliance with Act 50 of 2017 (the Underground Utility Line Protection Act), the amount of property damage, the degree of threat to public safety and inconvenience, the party's proposed modifications to internal practices and procedures to ensure future compliance with statutes and regulations, the degree of the party's culpability, and other factors as may be appropriate considering the facts and circumstances of the incident.

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What should I do if I receive a notification to attend a DPC meeting?

Make every effort to come to the DPC meeting! Based on their discussion, the DPC members may vote to take remedial action against your company, regardless of whether it was recommended by the Damage Prevention Team. Although you may bring photos and other documents to the DPC meeting, you are strongly encouraged to provide those items to the DPI investigating your case prior to the meeting.

At the meeting, the Damage Prevention Supervisor (DPS) will introduce your case to the DPC and call for representatives from each company that is a stakeholder in the case, or a company that may be facing a potential remedial action related to the case. You, or your company's representative, will have the opportunity to speak directly with the DPC members. The DPC members may ask technical questions about the incident and the nature of the excavation work being conducted at the time.

Can I still argue my case before the DPC if it was already approved by omnibus vote?

Yes. If you would like to argue a case before the DPC, you may contact the DPS in writing (PUC DPC, 400 North Street, Harrisburg PA 17120) or by email at damageprevention@pa.gov. The DPS will schedule your case to be discussed at a future DPC meeting.

How do I dispute an informal determination that was already discussed and voted on by the DPC?

To dispute an informal determination made by the DPC, contact the DPS in writing (PUC DPC, 400 North Street, Harrisburg PA 17120) or by email to damageprevention@pa.gov. The DPS may return your case to the DPI for further review or refer your case to a prosecutor for the initiation of a formal complaint.

Why has the DPC never made an informal determination about an incident even though I submitted an Alleged Violation Report (AVR)?

The Damage Prevention Team receives approximately 500 AVRs each month. Because it is not possible to review each AVR, many must be archived. An archived case is a case that the Damage Prevention Team is not currently investigating but may review within a 3-year timeframe. Even if a case has been archived, it is kept on record and used for data tracking purposes.