



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

August 15, 2022

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
TSE, Inc.
Docket No. C-2021-3024955
I&E Motion to Compel Answers

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Motion of the Bureau of Investigation and Enforcement to Compel Answers to Interrogatories and Requests for Production of Documents with regard to the above-referenced proceeding.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Myers', written in a cursive style.

Kourtney L. Myers
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 316494
(717) 705-4366
komyers@pa.gov

KLM/jfm
Enclosures

cc: Per Certificate of Service
Michael L. Swindler, I&E Deputy Chief Prosecutor (*via email*)

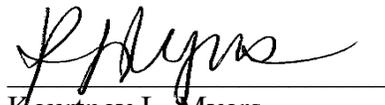
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3024955
	:	
TSE, Inc.	:	
Respondent	:	

NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion to Compel Answers to Interrogatories and Requests for Production of Documents. You are hereby notified to file a written Answer within five (5) days of service of the Motion, pursuant to 52 Pa. Code § 5.342(g)(1). The Answer must be filed with a copy electronically served on the undersigned I&E prosecutor.

Pursuant to Waiver of Regulations Regarding Service Requirements, Docket No. M-2021-3028321 (Order entered March 10, 2022), parties are encouraged to open and use an efilng account through the Commission’s website at www.puc.com or, to ensure timely arrival, submit the filing by overnight delivery to: Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, Pennsylvania 17120. Emailed or faxed submissions are not acceptable. If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the Commission’s Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the Commission’s file. Filers should contact the Secretary’s Bureau in advance to set up a Share Point File before submitting the filing.



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 705-4366
komyers@pa.gov

Dated: August 15, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3024955
	:	
TSE, Inc.	:	
Respondent	:	

**MOTION OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT
TO COMPEL ANSWERS TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to 52 Pa. Code § 5.342(g), the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by and through its prosecuting attorneys, files this Motion to Compel TSE, Inc. (“TSE”) to provide full and complete responses to the Interrogatories and Requests for Production of Documents – Set I, propounded by I&E on July 14, 2022. I&E respectfully requests that the presiding Administrative Law Judge (“ALJ”) grant this Motion because I&E’s discovery of the requested information is crucial in supporting the claims set forth in I&E’s Complaint. In support thereof, I&E avers as follows:

I. INTRODUCTION

1. On April 1, 2021, I&E filed a Formal Complaint (“Complaint”) against TSE alleging violations of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as the “PA One Call Law”), 73 P.S. §§ 176, *et seq.*

2. In its Complaint, I&E alleges that, after locating and exposing an underground gas line owned and operated by UGI Utilities, Inc. (“UGI”), TSE damaged UGI’s exposed line with a backhoe during backfilling.¹

3. In its Complaint, I&E also alleges that after damaging UGI’s line, TSE submitted an alleged violation report (“AVR”) with the Pennsylvania One Call System (“POCS”) wherein Respondent admits that the reason for the AVR is that it “[f]ailed to plan the excavation or demolition work to avoid damage or minimize interference with a facility owner’s facilities in a construction area §5(6)(i).”²

4. I&E also avers in its Complaint that Respondent further admits in its AVR that while it was “performing [its] compaction of [the] trench for the day a rock pushed against the gas line” and that there was “really nothing [TSE] could of [sic] done to prevent this matter.”³

5. I&E asserts in its Complaint that “compaction of trench” is a part of the backfilling process and that after damaging UGI’s line, Respondent did not submit a damage emergency notification with the POCS.⁴

6. In terms of violations, I&E alleges, in pertinent part, that TSE failed: to plan the excavation to avoid damage to or minimize interference with UGI’s facilities at the work site in violation of 73 P.S. § 180(6)(i) (requiring an excavator to “[p]lan the excavation or demolition work to avoid damage to or minimize interference with a facility owner’s facilities in the construction area”); to provide mechanical protection for known UGI’s lines at the work site during excavation, including during backfilling operations, as was reasonably

¹ I&E Complaint at ¶ 20-21.

² I&E Complaint at ¶ 22-23.

³ I&E Complaint at ¶ 24.

⁴ I&E Complaint at ¶ 25-26.

necessary for the protection of such lines in violation of 73 P.S. § 180(6)(ii) (requiring an excavator to “provide such support and mechanical protection for known facility owner’s lines at the construction work site during the excavation . . . including during backfilling operations, as may be reasonably necessary for the protection of lines”); to use its best efforts to comply with Common Ground Alliance Best Practice 5.15 (requiring an excavator to use “reasonable care to avoid damaging underground facilities”) in violation of 73 P.S. § 184 (requiring an excavator to “use [its] best efforts to comply with the Common Ground Alliance Best Practices”); to use its best efforts to comply with Common Ground Alliance Best Practice 5.22 (requiring an excavator to “support and protect exposed underground lines and facilities from damage”) in violation of 73 P.S. § 184; to use its best efforts to comply with Common Ground Alliance Best Practice 5.24 (requiring an excavator “causing damage to underground facilities . . . [to notify] the facility owner/operator and the one call center”) in violation of 73 P.S. § 184; and to use its best efforts to comply with Common Ground Alliance Best Practice 5.27 (requiring an excavator to “[protect] all facilities from damage when backfilling an excavation”) in violation of 73 P.S. § 184.⁵

7. On April 19, 2021, TSE filed an Answer where TSE admits that the UGI line in question was exposed and visible by TSE during compaction.⁶

8. In its Answer, Respondent denies that it damaged the line with a backhoe.⁷

9. Rather, TSE claims in its Answer that a large piece of non-visible rock embedded in the embankment dislodged from the vibration of distant compaction activities

⁵ I&E Complaint at ¶ 27-32.

⁶ TSE Answer at ¶ 20.

⁷ *Id.*

conducted by Respondent and damaged the line.⁸

10. On July 14, 2022, pursuant to 52 Pa. Code § 5.341, I&E propounded its Interrogatories and Requests for Production of Documents – Set I (“Set I Interrogatories”) upon TSE. A copy of I&E’s Set I Interrogatories is appended hereto as Attachment 1.

11. In its Set I Interrogatories, I&E sought to discover information about the excavation in question and TSE’s revelation in its Answer to I&E’s Complaint that vibration from distant compaction activities conducted by Respondent caused a rock to dislodge and damage the line in question.

12. On August 3, 2022, TSE’s responses to I&E’s Set I Interrogatories were due.

13. To date, Respondent has not responded to I&E’s Set I Interrogatories.

14. On August 15, 2022, I&E filed the instant Motion seeking to compel TSE to respond to I&E’s Set I Interrogatories.

II. THE PRESIDING ALJ SHOULD DIRECT TSE TO PROVIDE FULL AND COMPLETE RESPONSES TO I&E’S SET I INTERROGATORIES

15. Pursuant to Section 5.321(c), “a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter.” 52 Pa. Code § 5.321(c).

16. Generally speaking, the Commission applies a standard of relevance in discovery matters that is less restrictive than that required by parties to present information

⁸ *Id.*

into the evidentiary record. “It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.” 52 Pa. Code § 5.321(c).

17. Relevant evidence is “that which, tends to establish some fact material to the case, or which tends to make a fact at issue more or less probable.” *Commonwealth v. Scott*, 389 A.2d 79, 82 (Pa. 1978). In order to determine relevance, it must first be determined if the inference sought to be raised by the evidence bears upon the issue in the case, and second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Commonwealth v. Stewart*, 336 A.2d 282, 284 (Pa. 1975).

18. Relevancy depends upon the nature and the facts of the individual case, and any doubts are to be resolved in favor of relevancy. *Koken*, 911 A.2d at 1025. The party seeking discovery need not justify complete relevance in advance. *Id.*

19. The Commission has held that, “[t]he touchstone as to a discoverable matter under the Commission’s Regulations is that it be relevant to the subject matter involved in the pending action, or reasonably calculated to lead to the discovery of admissible evidence, and not privileged.” *Rahn et al. v. Pennsylvania-American Water Co.*, Docket No. C-20054919 (June 6, 2006 Order Granting Motion To Compel); *see also, J3 Energy Group, Inc. v. West Penn Power Company and UGI Development Company, Indispensable Party*, 2014 Pa. PUC LEXIS 406 (Pa. PUC 2014), Docket No. C-2011-2219920 Order Denying Motion to Compel at *7 (August 21, 2014) (finding that “The material sought to be discovered need not be admissible. Rather, it must be reasonably expected to lead to the discovery of admissible evidence.”)

20. The Commission has stated that the relevancy test should be liberally applied when considering discovery requests. *Pa. Pub. Util. Comm'n v. Equitable Gas Co.*, 61 Pa. P.U.C. 468, 477 (May 16, 1986).

21. The Commission's regulations at 52 Pa. Code § 5.371 address the consequences of a participant's failure to comply with the Commission's discovery regulations. Section 5.371 provides that:

- (a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:
 - (1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.

22. Further, 52 Pa. Code § 5.372 provides that the presiding officer may impose appropriate sanctions upon a party found to be in violation of the obligations set forth in the Commission's regulations. Under Section 5.372(a)(2)-(3), the presiding officer has the authority to enter "an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony" or "an order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience." 52 Pa. Code § 5.372(a)(2)-(3).

23. TSE's failure to provide complete responses to I&E's Set I Interrogatories demonstrates Respondent's lack of cooperation and willingness to participate in this proceeding as required under the Commission's regulations.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the presiding Administrative Law Judge grant the instant Motion and direct TSE to provide full and complete responses to I&E's Set I Interrogatories. Further, in the event that Respondent does not comply and fails to timely respond to I&E's Set I Interrogatories, I&E respectfully requests that the presiding ALJ enter:

- (i) A Judgment against Respondent that sustains I&E's Complaint in the above-docketed matter pursuant to 52 Pa. Code § 5.372(a)(3);
- (ii) An Order striking out Respondent's Answer in the above-docketed matter pursuant to 52 Pa. Code § 5.372(a)(3); or
- (iii) An Order refusing to allow Respondent to support defenses raised in its Answer in the above-docketed matter and prohibiting Respondent from introducing evidence or testimony related to defenses raised in its Answer in the above-docketed matter pursuant to 52 Pa. Code § 5.372(a)(2).

Respectfully submitted,



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 705-4366
komyers@pa.gov

Date: August 15, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3024955
	:	
TSE, Inc.	:	
	:	
Respondent	:	

VERIFICATION

I, Sara Andrade-Locke, Damage Prevention Supervisor, Damage Prevention Section, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 15, 2022



Sara Andrade-Locke
Damage Prevention Supervisor
Damage Prevention Section
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

ATTACHMENT 1



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

July 14, 2022

Frank J. Tunis, Jr., Esquire
Tunis Law
347 R. Main Street
Dickson City, PA 18519
frank@ftunislaw.com

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
TSE, Inc.
Docket No. C-2021-3024955
I&E's Interrogatories and Requests for Production of Documents - Set I

Dear Attorney Tunis:

Enclosed please find the Bureau of Investigation and Enforcement's ("I&E") **Interrogatories and Requests for Production of Documents - Set I** in the above referenced matter. Pursuant to 52 Pa. Code § 5.342(d), please provide your responses to the Interrogatories within twenty (20) days of service.

Please provide copies of your responses and forward them to me by electronic mail at komyers@pa.gov. If you have any questions, please contact me by electronic mail.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Myers', written in a cursive style.

Kourtney L. Myers
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 316494
(717) 705-4366
komyers@pa.gov

Enclosure

cc: Secretary Chiavetta (*E-File Cover Letter and COS only*)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement, :
v. : Docket No. C-2021-3024955
TSE, Inc. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Interrogatories and Requests for Production of Documents - Set I** dated July 14, 2022, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail:

Frank J. Tunis, Jr., Esquire
Tunis Law
347 R. Main Street
Dickson City, PA 18519
frank@ftunislaw.com



Kourtney L. Myers
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 316494
(717) 705-4366
komyers@pa.gov

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
	:	
v.	:	Docket No. C-2021-3024955
	:	
TSE, Inc.	:	

**The Bureau of Investigation and Enforcement’s Interrogatories and Requests for
Production of Documents - Set I**

Pursuant to 52 Pa. Code §§ 5.341, 5.342 and 5.349, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), through its prosecuting attorneys, hereby propounds the following Interrogatories and Requests for Production of Documents – Set I upon TSE, Inc. (“TSE”) to be answered by those employees or agents of TSE as may be cognizant of the requested information and who are authorized to answer on behalf of TSE. I&E reserves the right to propound additional Interrogatories and to request additional documents as and if additional information is required.

In accordance with 52 Pa. Code §§ 5.342(d) and 5.349(d), the Interrogatories and Requests are to be answered in writing and be verified and are to be furnished and served in-hand upon the undersigned within twenty (20) days.

INSTRUCTIONS

1. These Interrogatories and Requests for Production of Documents shall be construed as a continuing request. TSE is obliged to change, supplement and correct all answers to these Interrogatories and Requests for Production of Documents to conform to available information, including such information as first becomes available to TSE after the answers hereto are filed and/or submitted.

2. Restate the Interrogatory or Request for Production immediately preceding each response and begin each response on a new page.
3. Identify the name, title, and business address of each person(s) providing each response. If more than one person is listed, the primary sponsoring witness, for purposes of potential cross-examination at hearing, should be specifically identified.
4. In answering this discovery, utilize all information and documents that are available, including information in the possession of any agents, employees or attorneys, or information that is otherwise in TSE's custody and control.
5. If after exercising due diligence to secure the information requested by any one of the following Interrogatories or Requests for Production of Documents TSE cannot answer or provide the information requested, so state and answer to the extent possible specifying TSE's inability to answer the remainder, providing whatever information or knowledge TSE has concerning the unanswered portion and detailing what attempts TSE made to secure the unknown information.
6. All requested information within the knowledge, possession, control, or custody of TSE or that which may be reasonable ascertained by TSE is to be provided.
7. The terms "TSE" or "Company" or "you" as used herein includes TSE, its attorneys, agents, employees, contractors, affiliates, or other representatives, to the extent that TSE has the right to compel the action requested herein.
8. As used herein, the word "document" or "workpaper" includes, but is not limited to, the original and/or all copies of memoranda, reports, books, manuals, instructions, directives, records, forms, notes, letters, notices, confirmations, telegrams, pamphlets,

notations of any sort concerning conversations, telephone calls, bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys, worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments, and written comments concerning the foregoing, in whatever form, stored or contained in or on whatever medium including paper copy, electronic hard disks, floppy disks, CD, internet resources, and/or magnetic media.

9. If TSE claims any information requested herein is protected pursuant to 52 Pa. Code § 5.323 or pursuant to any other rule of discovery, provide a general description of the information sought to be protected and the exact nature of the protection claimed so as to allow the Bureau of Investigation and Enforcement to make a full determination as to whether TSE's claim is valid.

10. In each instance, the interrogatory or request shall be construed so as to require the most inclusive answer or production.

11. Attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Label the written material with the number of the interrogatory to which it pertains.

12. The singular of any word used herein shall be deemed to include the plural of such word, and the plural shall include the singular.

DEFINITIONS

1. In answering these Interrogatories and Requests for Production of Documents, assume that all words used have their ordinary meanings in normal English usage, except as provided below or where context requires other interpretation.
2. “Document” or “documents” mean(s) all writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, summaries, pamphlets, books, inter-office and intra-office communication, notation of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, fax, work sheets, all drafts, alterations, modifications, changes and amendments of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, records) and any electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, records, and computer memories) now in the possession, custody or control of TSE, its agents, employees, attorneys and all other persons acting on their behalf.
3. “TSE” or “the Company” shall refer to TSE, Inc. and all other names under which TSE does business or trades, any subsidiaries, affiliates, agents, employees, representatives, attorneys and all other persons acting on its behalf.

Interrogatories and Requests for Production of Documents

I&E- Set I, No. 1

Provide the dates on which TSE commenced and concluded excavation at the work site. “Work site” refers to the excavation project in question at Butler Street between the Butler Street intersections with Wheeler Avenue and Sixth Street in Dunmore, Pennsylvania 18512 at Pennsylvania One Call System (“POCS”) Routine Ticket Serial No. 20181143788.

I&E- Set I, No. 2

Provide the cost of the excavation project at the work site.

I&E- Set I, No. 3

Describe TSE’s preparations of the work site prior to the markouts of underground lines and facilities.

I&E- Set I, No. 4

Indicate whether TSE marked the proposed excavation area prior to the markouts and provide any and all documentation, including photographs, of TSE’s markouts.

I&E- Set I, No. 5

List the facility owners impacted by the excavation project at the work site.

I&E- Set I, No. 6

Indicate whether TSE site personnel had access to the names and phone numbers of facility owners with underground lines and facilities at the work site.

I&E- Set I, No. 7

Indicate whether TSE site personnel reviewed the locations of underground lines and facilities at the work site prior to the commencement of excavation. If so, provide the name(s) and job title(s) of such TSE site personnel and any and all documentation of such review.

I&E- Set I, No. 8

Describe TSE's efforts in preserving the markouts of underground lines and facilities at the work site and provide any and all documentation of such efforts.

I&E- Set I, No. 9

Describe the methods of excavation that TSE used at the work site and the locations where each method of excavation was used.

I&E- Set I, No. 10

Provide the specific method of excavation used to locate and expose the pipeline in question.

I&E- Set I, No. 11

Indicate whether TSE had an observer(s) assist the equipment operator(s) when operating powered equipment around marked/known underground lines and facilities at the work site. If so, provide the name(s) and job title(s) of the observer(s) and equipment operator(s).

I&E- Set I, No. 12

Describe the efforts taken by TSE to protect the marked/known, underground lines and facilities at the work site and provide any and all documentation of such efforts.

I&E- Set I, No. 13

Refer to Paragraph 20 of TSE's Answer, where TSE states "[a]s indicated in the AVR attached as Exhibit 3, a rock pushed against the line during compaction of the trench. Notably, the compaction activities were conducted at a distant location from the gas facility . . . Apparently, a large piece of non-visible rock embedded in the embankment dislodged from the vibration from the distant compaction activities and pushed against the line in question. TSE believes and therefore avers that it at all times exercised due care and acted reasonably and prudently given the facts and circumstances known and present at the time to avoid damage to the subject facility. The damage occurred away from the aforesaid compaction activities, and resulted from an unforeseeable field condition."

- a. Provide the POCS Routine Ticket Serial No. and address of the referenced distant compaction activities.
- b. Provide the distance of the referenced distant compaction activities from the pipeline in question.
- c. Provide any and all documentation, including photographs, of the rock that allegedly dislodged from the vibration of the distant compaction activities and pushed against the pipeline in question.
- d. Provide the type of equipment used for the referenced distant compaction activities.
- e. Provide the name(s) and job title(s) of the observer(s) and equipment operator(s) conducting the referenced distant compaction activities.
- f. Describe how TSE "exercised due care and acted reasonably and prudently" to avoid damage to the pipeline in question.
- g. Describe the "facts and circumstances known and present at the time" of the incident in question.
- h. Describe how the damage to the line in question resulted from "an unforeseeable field condition."

I&E- Set I, No. 14

Provide any and all photographs of the work site pre-excavation and post-excavation and of the damage to the pipeline in question.

I&E- Set I, No. 15

Refer to Paragraph 26 of TSE's Answer, where TSE states that "TSE immediately notified the facility owner and 911 of the damaged facility as per the PA One Call Law, whose crews were promptly dispatched to the site."

- a. Provide the date(s) and time(s) that TSE made such notifications.
- b. Provide any and all documentation relating to such notifications.

I&E- Set I, No. 16

Indicate whether TSE notified the POCS of the damage to the pipeline in question. In addition, provide the following information:

- a. Provide the date and time that TSE made such notification.
- b. Provide any and all documentation relating to such notification.

I&E- Set I, No. 17

Indicate whether TSE personnel remained on site until emergency responders and UGI Utilities, Inc. arrived at the work site. If so, provide the names and job titles of such TSE personnel.

I&E- Set I, No. 18

Provide the cost and extent of any property damage that resulted from the damage to the pipeline in question and any and all documentation relating to such property damage.

I&E- Set I, No. 19

Provide the following information regarding the repair to the damaged pipeline in question:

- a. The cost to repair the pipeline in question;
- b. The name of the company that made the repair to the line;
- c. The name of the company that paid for the repair of the line; and
- d. Any and all documentation relating to the repair of the line.



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
 Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

Date Created	Filing Number
7/14/2022	2425526

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Docket Number: C-2021-3024955

Case Description:

Transmission Date: 7/14/2022 3:09 PM

Filed On: 7/14/2022 3:09 PM

eFiling Confirmation Number: 2425526

File Name	Document Type	Upload Date
C-2021-3024955 (TSE, Inc.) I&E Interrogatories - Set I CL&COS FINAL.pdf	Certificate of Service	7/14/2022 3:08:48 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

No paper submission is necessary for filings under 250 pages.

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3024955
	:	
TSE, Inc.	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail:¹

Frank J. Tunis, Jr., Esquire
Tunis Law
347 R. Main Street
Dickson City, PA 18519
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Dated: August 15, 2022

¹ See *Waiver of Regulations Regarding Service Requirements*, Docket No. M-2021-3028321 (Order entered March 10, 2022) (permitting electronic service by Commission staff on parties).