



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

September 30, 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.
Mercer Borough
Docket No. C-2022-
Formal Complaint

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Complaint in the above-referenced case on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission. 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
PA Attorney ID No. 316494
(717) 705-4366
komyers@pa.gov

Enclosure

cc: Per Certificate of Service

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint.

The date of service is the date as indicated at the top of the Secretarial Letter. *See* 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, please serve a copy on:

Kourtney L. Myers, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17210
komyers@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the administrative penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

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

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2022-
	:	
Mercer Borough	:	

FORMAL COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its prosecuting attorneys, and files this Formal Complaint (“Complaint”) against Mercer Borough (“Respondent”), pursuant to Sections 182.8(c)-(d) and 182.10 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. §§ 182.8(c)-(d) and 182.10.¹ In support of its Complaint, I&E respectfully represents the following:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission, with a mailing address of 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to, *inter alia*, enforce compliance by facility owners and other stakeholders pursuant to Section 182.10 of the PA One Call Law, 73 P.S. § 182.10.

¹ The purpose of the PA One Call Law is to protect the public health and safety by preventing excavation or demolition work from damaging underground lines used in providing electricity, communication, gas, propane, oil delivery, oil product delivery, sewage, water or other service; imposing duties upon the providers of such service and persons and other entities preparing drawings or performing excavation or demolition work; and prescribing penalties.

2. Complainant is the Commission's Bureau of Investigation and Enforcement, which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission's jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E), including actions to enforce compliance of the PA One Call Law.

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120
(717) 705-4366
komyers@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

4. Respondent is Mercer Borough with a main mailing address of 145 N. Pitt Street, P.O. Box 69, Mercer, PA 16137.

5. Respondent is a “facility owner” as that term is defined at 73 P.S. § 176 as it is a “municipality . . . which owns or operates a line.”

6. A “line” or “facility” is defined as “an underground pipe used in . . . sewage, water or other service to one or more . . . consumers or customers of such service and the appurtenances thereto, regardless of whether such line or structure is located on land owned

by a person or public agency or whether it is located within an easement or right-of-way.”
73 P.S. § 176.

7. Respondent, as a facility owner, is subject to the power and authority of this Commission pursuant to Section 182.10 of the PA One Call Law, 73 P.S. § 182.10, which requires facility owners to comply with the PA One Call Law.

8. Sections 182.8(c)-(d) and 182.10 of the PA One Call Law, 73 P.S. §§ 182.8(c)-(d) and 182.10, authorize the Commission to, *inter alia*, hear and determine complaints against facility owners for violations of the PA One Call Law and enforce the provisions of the PA One Call Law.

9. Section 182.10(a) of the PA One Call Law, 73 P.S. § 182.10(a), authorizes the Commission to impose administrative penalties on facility owners who violate the PA One Call Law. Section 182.10(b)(1)(i)-(ii) allows for the imposition of an administrative penalty not to exceed \$2,500 for each violation or if the violation results in injury, death, or property damage of \$25,000 or more, an administrative penalty not to exceed \$50,000.

10. Pursuant to the provisions of the applicable Commonwealth statutes, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

II. Factual Background

11. On Friday, October 18, 2019, at 1:48 PM, Wilson Excavating and Grading, Inc. (“Wilson Excavating”) placed an excavation routine ticket (“routine ticket”) with the Pennsylvania One Call System (“POCS”) to conduct an excavation with powered equipment.

12. Due to the location of the work site² for the excavation, the routine ticket was bifurcated into two (2) routine tickets at Serial Nos. 20192912041 and 20192912042. The routine tickets are attached as I&E Exhibits 1A and 2A, respectively.

13. The routine ticket at Serial No. 20192912041 identified the work site as South Shenango Street at the intersection of William T. Wardle Drive in front of Brandy Springs Park in *East Lackawannock Township*, Mercer County, Pennsylvania. See I&E Exhibit 1A.

14. The routine ticket at Serial No. 20192912042 identified the work site as South Shenango Street at the intersection of William T. Wardle Drive in front of Brandy Springs Park in *Mercer Borough*, Mercer County, Pennsylvania. See I&E Exhibit 2A.

15. The purpose of the excavation was to install a main line for National Fuel Gas Company. See I&E Exhibits 1A and 2A.

16. Respondent is the facility owner, as defined in 73 P.S. § 176, of sewer lines and facilities that run underground in the vicinity of the work site.

17. An underground sewer line and facility is a “line” or “facility” as defined in 73 P.S. § 176.

18. On Friday, October 18, 2019, at 2:31 PM, Mercer Borough responded “CLEAR NO FACILITIES” to the routine ticket at Serial No. 20192912041 through the POCS. See I&E Exhibit 1B.

² “Work site” is defined in the PA One Call Law as “the specific place denoted on the locate request where excavation or demolition work is being or is planned to be performed.” 73 P.S. § 176. In this case, the work site borders East Lackawannock Township and Mercer Borough in Mercer County, Pennsylvania.

19. That same day at 2:32 PM, Mercer Borough responded “CLEAR NO FACILITIES” to the routine ticket at Serial No. 20192912042 through the POCS. *See* I&E Exhibit 2B.

20. On Thursday, October 24, 2019, at 11:05 AM, Wilson Excavating placed a renotification with the POCS regarding the routine tickets at Serial Nos. 20192912041 and 20192912042 to notify Respondent of unmarked lines at the work site. The renotifications are attached as I&E Exhibits 1C and 2C, respectively.

21. The renotifications state “CALLER STATES THERE ARE MANHOLES AND PRESSURIZED MAIN SEWER NOT MARKED. PLEASE RETURN TO MARK” and instruct Mercer Borough to make direct contact with the excavator within two (2) hours. *See* I&E Exhibits 1C and 2C.

22. Seconds later, the renotifications were delivered to Mercer Borough through the POCS notifying Respondent of the unmarked lines at the work site. *See* I&E Exhibits 1D and 2D.

23. Mercer Borough did not make direct contact with Wilson Excavating within two (2) hours after the renotifications.

24. Mercer Borough did not respond to the renotifications through the POCS until Friday, October 25, 2019, at 10:22 AM. *See* I&E Exhibits 1B and 2B.

III. Violations

25. Paragraphs 1-24 above are incorporated herein as if stated in their entirety. Mercer Borough failed to communicate directly with Wilson Excavating within two (2) hours after the renotifications regarding the routine tickets at Serial Nos. 20192912041 and 20192912042.

If proven, this is a violation of Section 177(5)(v.1) of the PA One Call Law, 73 P.S. § 177(5)(v.1) (two counts), requiring a facility owner “to, if a facility owner failed to respond . . . to a renotification under section 5(20), communicate directly to the excavator within two hours after renotification of the information about its facility location.”

Pursuant to the factors set forth in Section 182.10(b)(2)(i)-(vi) of the PA One Call Law, 73 P.S. § 182.10(b)(2)(i)-(vi), the Bureau of Investigation and Enforcement’s proposed administrative penalty for each violation is \$750 for a total administrative penalty of \$1,500.

WHEREFORE, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Commission:

- (a) Find Respondent to be in violation of the PA One Call Law at 73 P.S. § 177(5)(v.1) (two counts);
- (b) Impose a total administrative penalty upon Respondent in the amount of One Thousand Five Hundred Dollars (\$1,500); and
- (c) Order such other remedies as the Commission may deem appropriate.

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: September 30, 2022

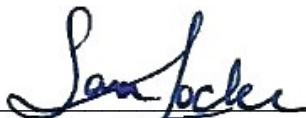
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2022-
	:	
Mercer Borough	:	

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: September 30, 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

I&E

Exhibit 1A

CDC 00000 POCS MM/DD/YY TT:TT:TT 20192912041-000 NEW XCAV RTN

=====PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION REQUEST=====

Serial Number--[20192912041]-[000] Channel#--[1343AWEB][0254][2019-08]
Message Type--[NEW][EXCAVATION][ROUTINE]

County--[MERCER] Municipality--[EAST LACKAWANNOCK TWP]
Work Site--[S SHENANGO ST]
Nearest Intersection--[WILLIAM T WARDLE DR]
Second Intersection--[WILLIAM T WARDLE DR]
At Intersection--[N] Between Intersections--[Y] Site Marked in White--[Y]
Subdivision--[]
Location Information--
[IN FRONT OF BRANDY SPRINGS PARK WORKING BETWEEN BOTH ENTRANCES]
Caller Lat/Lon--[]
Mapped Type--[P] Mapped Lat/Lon--
[41.221583/-80.242230,41.221720/-80.242535,41.219109/-80.243850,
41.219065/-80.243578]
Attachments--[http://www.pa811.org/attachments/20192912041]
Type of Work--[INSTALL MAIN LINE] Depth--[UNKOWN]
Extent of Excavation--[UNKNOWN] Method of Excavation--[DIGGING]
Equip Type--[EXCAVATOR]
Street--[X] Sidewalk--[X] Pub Prop--[X] Pvt Prop--[X] Other--[]
Private Front--[X] Rear--[X] Left--[X] Right--[X]

Lawful Start Dates--[23-Oct-19] thru [01-Nov-19] Response Due Date--[22-Oct-19]
Scheduled Excavation Date--[23-Oct-19] Dig Time--[0700] Duration--[1 WEEK]

Caller--[JASON MCCONNELL]
Caller Phone--[724-946-8338]
Excavator--[WILSON EXCAVATING]
Address--[407 E NESHANNOCK AVE]
City--[NEW WILMINGTON] State--[PA] Zip--[16142]
FAX--[] Caller Type--[B]
Email--[JASON.MCCONNELL@WILSONSINC.COM]
Work For--[NATIONAL FUEL AND GAS]
Onsite Contact--[JASON MCCONNELL]
Onsite Contact Phone--[724-674-2386]
Best Time to Call--[ANYTIME]
Onsite Contact Email--[JASON.MCCONNELL@WILSONSINC.COM]

Prepared--[18-Oct-19] at [1348] by [MCCONNELLJ]
Remarks--
[PLEASE MARK BOTH SIDES OF THE RD AND ALL DROPS]

ARI0 ARI=DIVERSIFIED ASL0 ASL=CROWN CASTLE ELC0 ELC=E LACKAWANNOCK
ENX0 ENX=ENERVEST OPER LM 0 LM =LAURL MTN MIDST MER0 MER=MERCER B
NCJ0 NCJ=NESH CRK JMA NJ 0 NJ =NFGD SHARON PP 0 PP =PENN POWER
SV 0 SV =AQUA PA INC URK0 URK=SUB PROPANE

Serial Number--[20192912041]-[000]
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I&E
Exhibit 1B

Ver	CDC	Name	Response	Time	Respondent
0	ARI	DIVERSIFIED GAS AND OIL	1-CLEAR NO FACIL	10/20/2019 09:29:03	TB-WEB
0	ASL	CROWN CASTLE	1-CLEAR NO FACIL	10/18/2019 13:50:00	AAA-WEBSVC
0	ELC	EAST LACKAWANNOCK TOWNSHI	1-CLEAR NO FACIL	10/22/2019 11:35:21	KKP-KARL
0	ENX	ENERVEST OPERATING LLC	1-CLEAR NO FACIL	10/18/2019 14:09:10	JF-WEB
0	LM	LAUREL MOUNTAIN MIDSTREAM	1-CLEAR NO FACIL	10/18/2019 15:06:06	VRE-WEBSVC
1	MER	MERCER BOROUGH OF	1-CLEAR NO FACIL	10/25/2019 10:22:39	WA-WEB
0	MER	MERCER BOROUGH OF	9-NO RESPONSE**	10/24/2019 13:06:24	-KARL
0	MER	MERCER BOROUGH OF	1-CLEAR NO FACIL	10/18/2019 14:31:27	WA-WEB
1	NCJ	NESHANNOCK CREEK WATERSHE	2-CONFLICT. DCTF	10/24/2019 11:13:50	MD-WEB
0	NCJ	NESHANNOCK CREEK WATERSHE	3-FIELD MARKED	10/23/2019 11:09:28	MD-WEB
0	NCJ	NESHANNOCK CREEK WATERSHE	9-NO RESPONSE**	10/23/2019 00:21:08	-KARL
0	NJ	NATIONAL FUEL GAS DIST RC	2-CONFLICT. DCTF	10/18/2019 13:56:49	AAA-WEBSVC
0	PP	PENNSYLVANIA POWER CO	1-CLEAR NO FACIL	10/18/2019 14:19:17	MBR-WEBSVC
1	SV	AQUA PENNSYLVANIA INC	3-FIELD MARKED	10/24/2019 13:33:02	WY-MOBILE
0	SV	AQUA PENNSYLVANIA INC	9-NO RESPONSE**	10/24/2019 13:06:24	-KARL
0	SV	AQUA PENNSYLVANIA INC	3-FIELD MARKED	10/21/2019 10:35:40	WY-MOBILE
0	URK	SUBURBAN PROPANE LP 2195	1-CLEAR NO FACIL	10/22/2019 12:36:27	CLS-WEBSVC

I&E
Exhibit 1C

=====
Serial Number--[20192912041]-[001] Channel#--[1059A022][0401][2019-08]
Message Type--[RENOTIFY][EXCAVATION][INSUFFICIENT]

County--[MERCER] Municipality--[EAST LACKAWANNOCK TWP]
Work Site--[S SHENANGO ST]
Nearest Intersection--[WILLIAM T WARDLE DR]
Second Intersection--[WILLIAM T WARDLE DR]
At Intersection--[N] Between Intersections--[Y] Site Marked in White--[Y]
Subdivision--[]

Location Information--
[IN FRONT OF BRANDY SPRINGS PARK WORKING BETWEEN BOTH ENTRANCES]
Caller Lat/Lon--[]

Mapped Type--[P] Mapped Lat/Lon--
[41.221583/-80.242230,41.221720/-80.242535,41.219109/-80.243850,
41.219065/-80.243578]

Attachments--[http://www.pa811.org/attachments/20192912041]
Type of Work--[INSTALL MAIN LINE] Depth--[UNKOWN]

Extent of Excavation--[UNKNOWN] Method of Excavation--[DIGGING]

Equip Type--[EXCAVATOR]
Street--[X] Sidewalk--[X] Pub Prop--[X] Pvt Prop--[X] Other--[]
Private Front--[X] Rear--[X] Left--[X] Right--[X]

Lawful Start Dates--[23-Oct-19] thru [01-Nov-19] Response Due Date--[24-Oct-19]
Scheduled Excavation Date--[23-Oct-19] Dig Time--[0700] Duration--[1 WEEK]

Caller--[JASON MCCONNELL]
Caller Phone--[724-946-8338]
Excavator--[WILSON EXCAVATING]
Address--[407 E NESHANNOCK AVE]
City--[NEW WILMINGTON] State--[PA] Zip--[16142]
FAX--[] Caller Type--[B]

Email--[JASON.MCCONNELL@WILSONSINC.COM]
Work For--[NATIONAL FUEL AND GAS]
Onsite Contact--[JASON MCCONNELL]
Onsite Contact Phone--[724-674-2386]
Best Time to Call--[ANYTIME]
Onsite Contact Email--[JASON.MCCONNELL@WILSONSINC.COM]

Prepared--[24-Oct-19] at [1105] by [DARLENE SPANO]
Remarks--
[PLEASE MARK BOTH SIDES OF THE RD AND ALL DROPS]

Renotify (RNO) Information
RNO Caller--[NATHAN ECCLES]
RNO Caller Phone--[814-271-9861]
RNO Onsite Contact--[NATHAN ECCLES]
RNO Onsite Phone--[814-271-9861]
RNO Onsite Contact Email--[JASON.MCCONNELL@WILSONSINC.COM]
Crew Onsite--[Y] Unmarked--[Y] Incorrectly Marked--[N]

DIRECT CONTACT WITH EXCAVATOR REQUIRED WITHIN TWO HOURS--[Y]

RNO Remarks--
[ATTN AQUA YOU RESPONDED FIELD MARKED. CALLER STATES MAIN IS MARKED BUT SERVICES ARE NOT. PLEASE RETURN TO MARK SERVICES. ATTN MERCER BORO AND NESHANNOCK CREEK WATERSHED YOU RESPONDED FIELD MARKED. CALLER STATES THERE ARE MANHOLES AND PRESSURIZED MAIN SEWER NOT MARKED. PLEASE RETURN TO MARK.]

MER0 MER=MERCER B NCJ0 NCJ=NESH CRK JMA SV 0 SV =AQUA PA INC

Serial Number--[20192912041]-[001]
=====
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I&E
Exhibit 1D

Ver	CDC	Name	To	Time	Seq	Type
0	PP	PENNSYLVANIA POWER CO	PP	10/18/2019 13:49:22	87	MAIL
0	URK	SUBURBAN PROPANE LP 2195	URK	10/18/2019 13:49:24	1	MAIL
0	ASL	CROWN CASTLE	ASL	10/18/2019 13:49:30	125	MAIL
0	NJ	NATIONAL FUEL GAS DIST RC 350	NJ	10/18/2019 13:49:31	14	MAIL
0	ARI	DIVERSIFIED GAS AND OIL	ARI	10/18/2019 13:49:33	5	MAIL
0	LM	LAUREL MOUNTAIN MIDSTREAM LLC	LM	10/18/2019 13:49:33	5	MAIL
0	NCJ	NESHANNOCK CREEK WATERSHED JM	NCJ	10/18/2019 13:49:34	1	MAIL
0	ENX	ENERVEST OPERATING LLC	ENX	10/18/2019 13:49:34	1	MAIL
0	MER	MERCER BOROUGH OF	MER	10/18/2019 13:49:35	3	MAIL
0	SV	AQUA PENNSYLVANIA INC	SV	10/18/2019 13:49:35	9	MAIL
0	ELC	EAST LACKAWANNOCK TOWNSHIP	ELC	10/18/2019 13:58:07	1	FM1
1	MER	MERCER BOROUGH OF	MER	10/24/2019 11:05:51	6	MAIL
1	NCJ	NESHANNOCK CREEK WATERSHED JM	NCJ	10/24/2019 11:05:52	6	MAIL
1	SV	AQUA PENNSYLVANIA INC	SV	10/24/2019 11:05:54	10	MAIL
1	NCJ	NESHANNOCK CREEK WATERSHED JM	NCJ	10/24/2019 11:07:42	0	SPLV

I&E
Exhibit 2A

=====PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION REQUEST=====

Serial Number--[20192912042]-[000] Channel#--[1343AWEB][0254][2019-08]
Message Type--[NEW][EXCAVATION][ROUTINE]

County--[MERCER] Municipality--[MERCER BORO]
Work Site--[S SHENANGO ST]
Nearest Intersection--[WILLIAM T WARDLE DR]
Second Intersection--[WILLIAM T WARDLE DR]
At Intersection--[N] Between Intersections--[Y] Site Marked in White--[Y]
Subdivision--[]

Location Information--
[IN FRONT OF BRANDY SPRINGS PARK WORKING BETWEEN BOTH ENTRANCES]
Caller Lat/Lon--[]

Mapped Type--[P] Mapped Lat/Lon--
[41.221583/-80.242230,41.221720/-80.242535,41.219109/-80.243850,
41.219065/-80.243578]

Attachments--[http://www.pa811.org/attachments/20192912042]
Type of Work--[INSTALL MAIN LINE] Depth--[UNKOWN]

Extent of Excavation--[UNKNOWN] Method of Excavation--[DIGGING]
Equip Type--[EXCAVATOR]

Street--[X] Sidewalk--[X] Pub Prop--[X] Pvt Prop--[X] Other--[]
Private Front--[X] Rear--[X] Left--[X] Right--[X]

Lawful Start Dates--[23-Oct-19] thru [01-Nov-19] Response Due Date--[22-Oct-19]
Scheduled Excavation Date--[23-Oct-19] Dig Time--[0700] Duration--[1 WEEK]

Caller--[JASON MCCONNELL]
Caller Phone--[724-946-8338]
Excavator--[WILSON EXCAVATING]
Address--[407 E NESHANNOCK AVE]
City--[NEW WILMINGTON] State--[PA] Zip--[16142]
FAX--[] Caller Type--[B]
Email--[JASON.MCCONNELL@WILSONSINC.COM]
Work For--[NATIONAL FUEL AND GAS]
Onsite Contact--[JASON MCCONNELL]
Onsite Contact Phone--[724-674-2386]
Best Time to Call--[ANYTIME]
Onsite Contact Email--[JASON.MCCONNELL@WILSONSINC.COM]

Prepared--[18-Oct-19] at [1348] by [MCCONNELLJ]
Remarks--
[PLEASE MARK BOTH SIDES OF THE RD AND ALL DROPS]

ASL0 ASL=CROWN CASTLE ENX0 ENX=ENERVEST OPER MER0 MER=MERCER B
NJ 0 NJ =NFGD SHARON PP 0 PP =PENN POWER SV 0 SV =AQUA PA INC

Serial Number--[20192912042]-[000]
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I&E
Exhibit 2B

Ver	CDC	Name	Response	Time	Respondent
0	ASL	CROWN CASTLE	1-CLEAR NO FACIL	10/18/2019 13:50:00	AAA-WEBSVC
0	ENX	ENERVEST OPERATING LLC	1-CLEAR NO FACIL	10/18/2019 14:09:07	JF-WEB
1	MER	MERCER BOROUGH OF	1-CLEAR NO FACIL	10/25/2019 10:22:37	WA-WEB
0	MER	MERCER BOROUGH OF	9-NO RESPONSE**	10/24/2019 13:06:24	-KARL
0	MER	MERCER BOROUGH OF	3-FIELD MARKED	10/18/2019 14:32:08	WA-WEB
0	NJ	NATIONAL FUEL GAS DIST RC	9-NO RESPONSE**	10/23/2019 00:21:08	-KARL
0	PP	PENNSYLVANIA POWER CO	1-CLEAR NO FACIL	10/18/2019 14:19:17	MBR-WEBSVC
1	SV	AQUA PENNSYLVANIA INC	3-FIELD MARKED	10/24/2019 13:32:56	WY-MOBILE
0	SV	AQUA PENNSYLVANIA INC	9-NO RESPONSE**	10/24/2019 13:06:24	-KARL
0	SV	AQUA PENNSYLVANIA INC	3-FIELD MARKED	10/21/2019 10:35:46	WY-MOBILE

I&E
Exhibit 2C

=====
Serial Number--[20192912042]-[001] Channel#--[1059A022][0401][2019-08]
Message Type--[RENOTIFY][EXCAVATION][INSUFFICIENT]

County--[MERCER] Municipality--[MERCER BORO]
Work Site--[S SHENANGO ST]
Nearest Intersection--[WILLIAM T WARDLE DR]
Second Intersection--[WILLIAM T WARDLE DR]
At Intersection--[N] Between Intersections--[Y] Site Marked in White--[Y]
Subdivision--[]

Location Information--
[IN FRONT OF BRANDY SPRINGS PARK WORKING BETWEEN BOTH ENTRANCES]
Caller Lat/Lon--[]

Mapped Type--[P] Mapped Lat/Lon--
[41.221583/-80.242230,41.221720/-80.242535,41.219109/-80.243850,
41.219065/-80.243578]

Attachments--[http://www.pa811.org/attachments/20192912042]
Type of Work--[INSTALL MAIN LINE] Depth--[UNKOWN]

Extent of Excavation--[UNKNOWN] Method of Excavation--[DIGGING]

Equip Type--[EXCAVATOR]
Street--[X] Sidewalk--[X] Pub Prop--[X] Pvt Prop--[X] Other--[]
Private Front--[X] Rear--[X] Left--[X] Right--[X]

Lawful Start Dates--[23-Oct-19] thru [01-Nov-19] Response Due Date--[24-Oct-19]
Scheduled Excavation Date--[23-Oct-19] Dig Time--[0700] Duration--[1 WEEK]

Caller--[JASON MCCONNELL]
Caller Phone--[724-946-8338]
Excavator--[WILSON EXCAVATING]
Address--[407 E NESHANNOCK AVE]
City--[NEW WILMINGTON] State--[PA] Zip--[16142]
FAX--[] Caller Type--[B]

Email--[JASON.MCCONNELL@WILSONSINC.COM]
Work For--[NATIONAL FUEL AND GAS]
Onsite Contact--[JASON MCCONNELL]
Onsite Contact Phone--[724-674-2386]
Best Time to Call--[ANYTIME]
Onsite Contact Email--[JASON.MCCONNELL@WILSONSINC.COM]

Prepared--[24-Oct-19] at [1105] by [DARLENE SPANO]
Remarks--
[PLEASE MARK BOTH SIDES OF THE RD AND ALL DROPS]

Renotify (RNO) Information
RNO Caller--[NATHAN ECCLES]
RNO Caller Phone--[814-271-9861]
RNO Onsite Contact--[NATHAN ECCLES]
RNO Onsite Phone--[814-271-9861]
RNO Onsite Contact Email--[JASON.MCCONNELL@WILSONSINC.COM]
Crew Onsite--[Y] Unmarked--[Y] Incorrectly Marked--[N]

DIRECT CONTACT WITH EXCAVATOR REQUIRED WITHIN TWO HOURS--[Y]

RNO Remarks--
[ATTN AQUA YOU RESPONDED FIELD MARKED. CALLER STATES MAIN IS MARKED BUT
SERVICES ARE NOT. PLEASE RETURN TO MARK SERVICES. ATTN MERCER BORO
AND NESHANNOCK CREEK WATERSHED YOU RESPONDED FIELD MARKED. CALLER STATES
THERE ARE MANHOLES AND PRESSURIZED MAIN SEWER NOT MARKED. PLEASE RETURN TO
MARK.]

MER0 MER=MERCER B SV 0 SV =AQUA PA INC

Serial Number--[20192912042]-[001]
=====
Copyright (c) 2019 by Pennsylvania One Call System, Inc. =====

I&E
Exhibit 2D

Ver	CDC	Name	To	Time	Seq	Type
0	PP	PENNSYLVANIA POWER CO	PP	10/18/2019 13:49:23	88	MAIL
0	ASL	CROWN CASTLE	ASL	10/18/2019 13:49:31	126	MAIL
0	NJ	NATIONAL FUEL GAS DIST RC 350	NJ	10/18/2019 13:49:32	15	MAIL
0	ENX	ENERVEST OPERATING LLC	ENX	10/18/2019 13:49:35	2	MAIL
0	SV	AQUA PENNSYLVANIA INC	SV	10/18/2019 13:49:35	10	MAIL
0	MER	MERCER BOROUGH OF	MER	10/18/2019 13:49:36	4	MAIL
1	MER	MERCER BOROUGH OF	MER	10/24/2019 11:05:53	7	MAIL
1	SV	AQUA PENNSYLVANIA INC	SV	10/24/2019 11:05:55	11	MAIL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

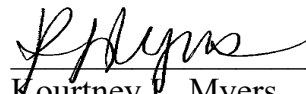
Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2022-
	:	
Mercer Borough	:	

CERTIFICATE OF SERVICE

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

Served via Electronic Mail

Debbie Sarvis, Administrator
Mercer Borough
145 N. Pitt Street
P.O. Box 69
Mercer, PA 16137
mercercoro@zoominternet.net



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

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

Date: September 30, 2022