



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

December 14, 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.
PECO Energy Company
Docket No. C-2021-3029114
Petition for Leave to Withdraw Complaint (Damage Prevention)

Dear Secretary Chiavetta,

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Petition for Leave to Withdraw the Complaint in the above-captioned case pursuant to 52 Pa. Code § 5.94.

Respondent is advised, pursuant to 52 Pa. Code § 5.94, that it has ten (10) days from the date of service to object to the Petition.

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/ac
Enclosures

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3029114
	:	
PECO Energy Company,	:	
Respondent	:	

**PETITION FOR LEAVE TO WITHDRAW COMPLAINT OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, and files this Petition for Leave to Withdraw the Complaint against PECO Energy Company (“PECO” or “Respondent”) pursuant to 52 Pa. Code § 5.94. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on October 15, 2021 by filing a Complaint.
2. In its Complaint, I&E alleged that PECO violated Sections 177(5)(vi) and 184 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. §§ 177(5)(vi) and 184, by failing to mark its underground gas lines in the same trench at the work site in question individually and with corridor markers to indicate the presence of more than one gas line at the work site, which resulted in damage to an underground PECO gas line (hereinafter referred to as “incident”). I&E’s Complaint referenced a statement made by

PECO regarding the incident in its alleged violation report (“AVR”) that “[the excavator] damaged ½” IR service that was ~11” away from the marked service,” which I&E deemed to be an admission as to the presence of two (2) PECO gas lines at the work site.

3. I&E’s Complaint requested that Respondent pay an administrative penalty of \$1,500.

4. On November 8, 2021, PECO filed an Answer to I&E’s Complaint attaching as an exhibit, *inter alia*, its gas facility record pertaining to the work site in question, which demonstrates the presence of only one (1) PECO underground gas line.

5. On July 21, 2022, I&E propounded its Interrogatories and Requests for Production of Documents – Set I (“Set I Interrogatories”) upon PECO seeking to discover, *inter alia*, any records indicating the presence of underground gas lines abandoned by Respondent at the work site and clarification as to the statement made in Respondent’s AVR regarding the incident.

6. On August 10, 2022, PECO responded to I&E’s Set I Interrogatories averring that it has no record of abandoned lines at the work site and that “the statement contained in [its] AVR erroneously uses the term ‘marked service’ rather than the accurate term ‘markout,’ such that the statement is meant to read that the damaged service was approximately 11 inches away from the markout,” indicating the presence of only one (1) PECO gas line at the work site.

7. Because PECO provided its gas facility record pertaining to the work site in question, which demonstrates the presence of only one (1) PECO underground gas line

and clarification with respect to the statement made in its AVR regarding the incident, I&E is withdrawing its Complaint in the above-captioned matter.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Office of Administrative Law Judge grant I&E's Petition for Leave to Withdraw the Complaint in the above-docketed matter.

Respectfully submitted,

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

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 705-4366
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Date: December 14, 2022

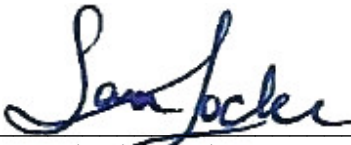
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3029114
	:	
PECO Energy Company,	:	
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: December 14, 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2021-3029114
	:	
PECO Energy Company,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Petition for Leave to Withdraw the 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:

Brandon J. Pierce
Assistant General Counsel
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
Brandon.Pierce@exeloncorp.com



Kourtney L. Myers
Prosecutor
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Dated: December 14, 2022