



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

February 13, 2023

**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.  
Jesse Frederick  
Docket No. C-2022-3036982  
**Motion for Default Judgment**

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in 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 blue ink that reads 'Emily A. Farren'.

Emily A. Farren  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 322910  
(717) 783-6150  
[efarren@pa.gov](mailto:efarren@pa.gov)

EAF/ac  
Enclosures

cc: Honorable Darlene D. Heep (*via email only*)  
As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3036982
	:	
Jesse Frederick,	:	
Respondent	:	

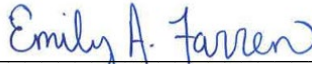
**NOTICE TO PLEAD**

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:

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

Additionally, you must serve a copy on the undersigned prosecutor.

  
\_\_\_\_\_  
Emily A. Farren  
Prosecutor  
PA Attorney ID No. 322910

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 783-6150  
[efarren@pa.gov](mailto:efarren@pa.gov)

Dated: February 13, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3036982
	:	
Jesse Frederick,	:	
Respondent	:	

**MOTION FOR DEFAULT JUDGMENT**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, and files this Motion for Default Judgment against Jesse Frederick (“Respondent”), pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on November 30, 2022, by filing a Complaint.
2. On the same day, the Complaint was served by electronic mail to Respondent at [jafred1927@gmail.com](mailto:jafred1927@gmail.com).<sup>1</sup>
3. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days by mailing an original to the Secretary of the Commission at the address provided or by eFiling the Answer using the Commission’s website at the URL provided.
4. The Notice also advised Respondent that if it failed to answer the Complaint,

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<sup>1</sup> Service by Commission staff shall be performed electronically only, given the Commission’s inability to maintain normal mailing operations due to COVID-19. See *Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, Docket No. M-2020-3019262 (Emergency Order ratified on March 26, 2020).

as directed therein, I&E would request that the Commission issue an Order imposing the penalties set forth in the Complaint.

5. Respondent did not pay the total administrative penalty of \$2,500 that was sought in the Complaint for Respondent's violations of Sections 180(2.1), (2.2), and (16) the PA One Call Law, 73 P.S. §§ 180(2.1), (2.2), and (16) for Respondent's failure, as an excavator, to (1) notify facility owners through the Pennsylvania One Call System at least three business days prior to commencing excavation; (2) provide exact information to identify the work site so that facility owners might provide indications of their lines; and, (3) submit an Alleged Violation Report within ten business days of striking or damaging a facility owner's line during excavation.

6. Respondent did not file an Answer with the Commission as set forth in the Notice.

7. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

8. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

9. I&E respectfully requests that the Commission enter a Default Order against Respondent that sustains I&E's complaint and:

- a. Directs Respondent to pay the requested total administrative penalty of \$2,500 within thirty (30) days of the entry date of the Commission's Order;

- b. This matter be referred to the Office of Attorney General should Respondent fail to pay the administrative penalty; and,
- c. Order such other remedies as the Commission may deem appropriate.

Respectfully submitted,



Emily A. Farren  
Prosecutor  
PA Attorney ID No. 322910

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 783-6150  
[efarren@pa.gov](mailto:efarren@pa.gov)

Date: February 13, 2023

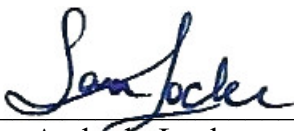
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3036982
	:	
Jesse Frederick,	:	
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: February 13, 2023

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

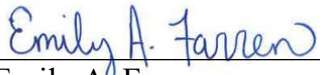
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Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3036982
	:	
Jesse Frederick,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Motion for Default Judgment, 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**

Jesse Frederick  
504 Parker Street  
Clarks Summit, PA 18411  
Email: [jafred1927@gmail.com](mailto:jafred1927@gmail.com)

  
\_\_\_\_\_  
Emily A. Farren  
Prosecutor  
PA Attorney ID No. 322910

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