



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

March 10, 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.
KLH Engineers, Inc.
Docket No. C-2023-3037926
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 black ink, appearing to read 'K. Myers', written over a white background.

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

KLM/jfm
Enclosures

cc: Matt Homsher, Legal Division Supervisor, Office of Administrative Law Judge (*via e-mail*)
Per Certificate of Service (*via e-mail*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3037926
	:	
KLH Engineers, Inc.,	:	
Respondent	:	

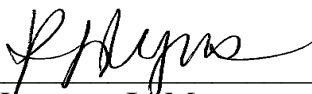
NOTICE TO PLEAD

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.



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: March 10, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3037926
	:	
KLH Engineers, Inc.,	:	
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 KLH Engineers, Inc. (“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 January 30, 2023 by filing a Complaint.
2. On the same day, the Complaint was served by electronic mail to Respondent at sgroom@klhengineers.com. *See Waiver of Regulations Regarding Service Requirements*, Docket No. M-2021-3028321 (Order entered September 15, 2022) (service by the Commission on parties will be exclusively electronic).
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, as directed therein, I&E would request that the Commission issue an Order imposing the penalties set forth in the Complaint.

5. The twenty (20) days to file an Answer to the Complaint expired on February 21, 2023.

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. Respondent did not pay the administrative penalty of \$1,000 that was sought in the Complaint for Respondent's violation of Section 180(15) of the Underground Utility Line Protection Law ("PA One Call Law"), 73 P.S. § 180(15), for releasing a contract containing language that attempted to limit an excavator's compensation rights as outlined in Section 180(15) of the PA One Call Law.

10. I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Sustains I&E's Complaint;

- b. Directs Respondent to pay the requested administrative penalty of \$1,000 within thirty (30) days of the entry date of the Commission's Order;
- c. Refers the matter to the Pennsylvania Office of Attorney General for collection if Respondent fails to pay the administrative penalty within thirty (30) days of the entry date of the Commission's Order; and
- d. 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: March 10, 2023

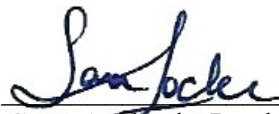
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3037926
	:	
KLH Engineers, 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: March 10, 2023



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	:	
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	:	
KLH Engineers, Inc.,	:	
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

Scott Groom
KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205
Email: sgroom@klhengineers.com



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

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