



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

April 27, 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

Petition for Leave to Withdraw Motion for Default Judgment

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Petition for Leave to Withdraw the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced case.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Myers', written over a white background.

Kourtney L. Myers

Prosecutor

Bureau of Investigation & Enforcement

PA Attorney ID No. 316494

komyers@pa.gov

KLM/jfm
Enclosure

cc: Honorable Chad L. Allensworth, PUC-OALJ (*via e-mail*)
Per Certificate of Service

**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	:	

**PETITION FOR LEAVE TO WITHDRAW
THE MOTION FOR DEFAULT JUDGMENT
OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO ADMINISTRATIVE LAW JUDGE CHAD L. ALLENSWORTH:

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by and through its prosecuting attorney, and files this Petition for Leave to Withdraw the Motion for Default Judgment against KLH Engineers, Inc. (“Respondent”) in the above-captioned proceeding pursuant to Section 5.94(a) of the Commission’s regulations, 52 Pa. Code § 5.94(a). In support thereof, I&E states as follows:

1. I&E commenced this action on January 30, 2023 by filing a Formal Complaint (“Complaint”).
2. In the Complaint, I&E alleged that Respondent violated 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.

3. I&E requested in its Complaint that Respondent pay an administrative penalty in the amount of \$1,000.
4. Respondent did not file an Answer to I&E's Complaint.
5. On March 10, 2023, I&E filed a Motion for Default Judgment requesting that the Commission enter a Default Order against Respondent sustaining I&E's Complaint.
6. Respondent did not file an Answer to I&E's Motion for Default Judgment.
7. On or about April 21, 2023, the Commission received a check from Respondent in the amount of \$1,000, which constitutes payment of the administrative penalty in satisfaction of the above-referenced Complaint.
8. Given that Respondent has satisfied I&E's Complaint, I&E petitions to withdraw its Motion for Default Judgment pursuant to 52 Pa. Code § 5.94(a).

WHEREFORE, for the foregoing reasons, I&E respectfully requests that its Petition for Leave to Withdraw the Motion for Default Judgment be granted.

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: April 27, 2023

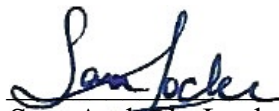
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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: April 27, 2023



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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

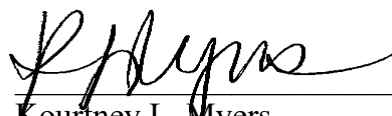
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3037926
	:	
KLH Engineers, Inc.,	:	
Respondent	:	

CERTIFICATE OF SERVICE

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

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: April 27, 2023