

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held May 18, 2023

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
Stephen M. DeFrank, Vice Chairman
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

C-2022-3031862

v.

West Penn Utilities

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Motion/Petition for Reconsideration (Petition) filed by West Penn Utilities, LLC (West Penn) on October 31, 2022, seeking reconsideration of the Opinion and Order entered on October 27, 2022 (*October 2022 Order*), which granted the Motion for Default Judgement (Motion for Default Judgement) against West Penn filed by the Commission's Bureau of Investigation and Enforcement (I&E), on May 24, 2022, relative to the above-captioned proceeding. On November 9, 2022, I&E filed an Answer to the Petition. Also before us is the Motion to Strike the Answer to

Complaint and New Matter of West Penn Utilities, LLC (Motion to Strike), filed by I&E on November 17, 2022. For the reasons stated below, we shall deny the Petition and grant I&E's Motion to Strike consistent with this Opinion and Order.

Background

By its present Petition, West Penn seeks reconsideration of our *October 2022 Order* which granted I&E's Motion for Default Judgment against West Penn and sustained I&E's Complaint filed on April 11, 2022, seeking damages in the amount of \$2,500 due to, *inter alia*, West Penn's failure to file a Complex Project Ticket for excavation in accordance with applicable regulations, for excavation which resulted in damage to an underground electrical line. *October 2022 Order* at 12.

This matter originated as a Formal Complaint (Complaint) filed by I&E pursuant to Sections 182.8(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(d) and 182.10.¹

The allegations and averments of the Complaint were deemed admitted due to West Penn's failure to file a timely answer to the Complaint. Due to the deemed admissions by West Penn, the Commission concluded that West Penn did not submit a Complex Project Ticket prior to the commencement of excavation through the Pennsylvania One Call System (POCS). *October 2022 Order* at 12-13.

¹ Generally, 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.

History of Proceeding

As previously noted, on April 11, 2022, I&E filed the above-captioned Complaint. The Complaint was served by electronic mail to West Penn at its last known email address that West Penn provided to the Commission. Service of the Complaint was authorized and performed by electronic mail due to COVID-19 pandemic restrictions impacting Commission mailing operations.²

Specifically, I&E alleged that West Penn violated Section 180(2.1) of the PA One Call Law, 73 P.S. § 180(2.1), by failing to submit a Complex Project Ticket through the POCS at least ten (10) business days prior to commencing excavation as West Penn failed to ever submit a Complex Project Ticket for the referenced work site. I&E recommended a civil penalty of \$2,500 for this violation. Complaint at 5.

As stated in the Notice attached to the Complaint, West Penn had to file an Answer within twenty (20) days of the date of service of the Complaint. The Notice also informed West Penn that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint. The twenty (20) days to file an Answer to the Complaint expired on May 3, 2022. No Answer to the Complaint was filed.

As previously noted, I&E filed its Motion for Default Judgment against West Penn on May 24, 2022, based upon West Penn's alleged failure to either pay the assessed penalty for the violation or file a timely Answer to the Complaint. I&E Motion for Default Judgment at 2. No Answer to the Motion was filed.

² 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).

In the *October 2022 Order* we granted I&E’s Motion for Default Judgement, sustained the Complaint, and directed West Penn to pay the assessed penalty of \$2,500.

As previously noted, on October 31, 2022, West Penn filed the instant Petition seeking reconsideration of our *October 2022 Order*. On November 9, 2022, I&E filed its Answer in opposition to the Petition.

On November 10, 2022, the Commission entered an Order preserving Commission jurisdiction pending disposition of West Penn’s request for reconsideration of the Commission’s *October 2022 Order*. The Opinion and Order was entered on November 10, 2022 (*November 2022 Order*).

On November 11, 2022, West Penn filed its Answer to Complaint and New Matter (Answer and New Matter), alleging, *inter alia*, that the project in question did not meet the definition requiring a Complex Project designation, that the line in question which was stricken by West Penn was not subject to the One Call system because it is not facility owned, and that “Respondent [West Penn] acted properly under the Act at all times and was not otherwise negligent when they struck the unmarked line.” Answer and New Matter at para. 8, 31-32. Based on its averments, West Penn requested that the Commission dismiss all the allegations of the Complaint. Answer and New Matter at para. 41.

On November 17, 2022, I&E filed a Motion to Strike West Penn’s Answer and New Matter, as, *inter alia*, untimely.

Discussion

A. Legal Standards

Initially, we note that any issue we do not specifically address herein has been duly considered and will be denied without further discussion. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the Parties. *Consolidated Rail Corporation v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *also see, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

As a preliminary matter, any argument that we do not specifically delineate shall be deemed to have been duly considered and denied without further discussion. We are not required to consider expressly or at length each contention or argument raised by parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *also see, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

The Public Utility Code (Code) establishes a party's right to seek relief following the issuance of our final decisions pursuant to Subsections 703(f) and (g), 66 Pa. C.S. §§ 703(f) and 703(g), relating to rehearings, as well as the rescission and amendment of orders. Such requests for relief must be consistent with Section 5.572 of our Regulations, 52 Pa. Code § 5.572, relating to petitions for relief following the issuance of a final decision. The standards for granting a Petition for Reconsideration were set forth in *Duick v. Pennsylvania Gas and Water Company*, 1982 Pa. PUC Lexis 4, *12-13.

A Petition for Reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it

should exercise its discretion under this code section to rescind or amend a prior order in whole or in part.

In this regard we agree with the court in the *Pennsylvania Railroad Company* case, wherein it was stated that:

Parties . . . cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them . . . what we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked by the Commission.

Pennsylvania Railroad Co. v. Pennsylvania Public Service Commission, 179 A. 850 (Pa. Super. 1935).

The standards for granting a Petition for Reconsideration were set forth in *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (1982).

A Petition for Reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard, we agree with the court in the *Pennsylvania Railroad Company* case, wherein it was stated that “[p]arties . . . cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically decided against them” What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked by the Commission. *Duick*, 56 Pa. P.U.C. at 559 (quoting *Pennsylvania Railroad Co. v. Pennsylvania Public Service Commission*, 179 A. 850, 854 (Pa. Super. 1935)).

Under the standards of *Duick*, a petition for reconsideration may properly raise any matter designed to convince this Commission that we should exercise our discretion to amend or rescind a prior Order, in whole or in part. Such petitions are likely to succeed only when they raise “new and novel arguments” not previously heard or considerations which appear to have been overlooked or not addressed by the Commission. *Duick*, 56 Pa. P.U.C. at 559.

As we proceed in our review, we note that the considerations of *Duick*, on application, essentially, require a two-step analysis. *See, e.g., SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works*, Docket No. C-2012-2304183 (Order entered May 19, 2019) (discussing *Application of La Mexicana Express Service, LLC, to transport persons in paratransit service, between points within Berks County*, Docket No. A-2012-2329717; A-6415209 (Order entered September 11, 2014)). The first step is that we determine whether a party has offered new and novel arguments or identified considerations that appear to have been overlooked or not addressed by the Commission in its previous order. *Id.* The second step of the *Duick* analysis is to evaluate the new or novel argument, or overlooked consideration that is alleged, in order to determine whether to modify our previous decision. *Id.* We will not necessarily modify our prior decision just because a party offers a new and novel argument or identifies a consideration that was overlooked or not addressed by the Commission in its previous order. *Id.*

B. *October 2022 Order*

Based on our consideration of the averments of I&E’s Motion for Default Judgement and our review and consideration of the record and applicable law, by our *October 2022 Order*, we granted I&E’s Motion for Default Judgement, sustained the Complaint, and directed West Penn to pay the assessed penalty of \$2,500, consistent with the discussion therein.

At the outset, we noted that under Section 5.61(c) of our Regulations a respondent failing to file an answer within the applicable period may be deemed in default, and relevant facts stated in the pleadings may be deemed admitted. Here West Penn had not filed an answer and therefore we deemed all the relevant facts in the Complaint admitted.

Among those relevant facts deemed admitted were that the Commission has jurisdiction over the Complaint and West Penn. Specifically, Sections 182.8(d) and 182.10 of the PA One Call Law, 73 P.S. §§ 182.8(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 to enforce the provisions of the PA One Call Law. Furthermore, 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.

We also noted that West Penn admitted that it is an “excavator” as that term is defined at 73 P.S. § 176 as it performs excavation or demolition work for [itself] or for another person and that West Penn, as an excavator, 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. Complaint at 2.

We further concluded it is deemed admitted, *inter alia*, (1) that West Penn on April 20, 2020, at approximately 14:30 PM, while performing excavation work, damaged an unmarked electrical line at or near Village Drive, Bethel Park Borough, Allegheny County; (2) that only after striking the line West Penn determined the facility

owner of the underground electrical line to be the Ashby at South Hills Village Station; (3) that the strike caused a twelve -twenty-four hour utility disruption to more than fifty-one (51) customers along with other property damages; (4) that the identified work site met the definition of “complex project” as that term is defined at 73 P.S. § 176; (5) that as an excavator of a complex project, had the duty “to request the location and type of facility lines at each work site by notifying the facility owner through the [Pennsylvania] One Call System (POCS) . . . in the case of a complex project, notification shall not be less than ten business days in advance of the beginning of excavation or demolition work.” 73 P.S. § 180(2.1); (6) that West Penn did not submit a Complex Project Ticket prior to the commencement of excavation through the POCS; and, (7) that West Penn failed to submit a Complex Project Ticket through the POCS at least ten (10) business days prior to commencing excavation, as West Penn failed to ever submit a Complex Project Ticket for the above-referenced work site. *October 2022 Order* at 11-12.

Accordingly, we concluded that based on West Penn’s failure to timely file an Answer the allegations of the Complaint would be deemed admitted including, *inter alia*, that West Penn violated Section 180(2.1) of the PA One Call Law, and that a Default Judgment against West Penn should be entered directing West Penn to pay the assessed penalty of \$2,500. *Id.* at 12.

C. Petition, Answer and Disposition

In the Petition, West Penn disputes that it failed to timely file an answer to the Complaint. West Penn avers that service of the Complaint was done by email on April 11, 2022, and on the following day, April 12, 2022, it responded to the Complaint, *pro se*, and directed its reply to I&E’s paralegal and prosecutor. Petition at 1. Furthermore, West Penn, *inter alia*, believed the response satisfied their obligation of answering the Complaint and that the Commission would/should accept its Response and act accordingly. *Id.* West Penn avers that I&E acted improperly by filing a Motion for

Default Judgment. West Penn further avers it does not recall receiving the Motion for Default Judgement, which the Commission granted by its *October 2022 Order*. *Id.*

West Penn also disputes that its actions regarding the excavation could be construed as a violation of the PA One Call Law. West Penn avers that it and its agents, servants and employees always acted in a “proper workmanlike manner,” without negligence of any sort and in accordance with all applicable statutes, regulations and best practice standards included in the PA One Call Act. Petition at 2-3. In addition, West Penn avers it fully complied with the notification requirements set forth in the statutes. *Id.* Finally, West Penn avers that a fair and equitable outcome in this matter requires an opportunity for it to file a formal Answer. *Id.* at 3.

In its Answer to the Petition, I&E asserts that, to the extent West Penn raises “new or novel arguments,” it raises arguments which the Commission has deemed to be waived by West Penn’s failure to timely file an Answer or any other responsive pleading, and that such arguments should not be considered as a justification for reconsideration at this late stage of the proceeding. Therefore, I&E asserts that West Penn fails to meet the high standard under *Duick*, for granting reconsideration of the Commission’s *October 2022 Order*.

By way of further Answer, I&E concedes I&E staff received an email with an attachment on April 12, 2022. I&E denies that the emails and West Penn’s Exhibits A and B considered separately or together comprise an Answer pursuant to the Commission’s Regulations. I&E avers that, as of November 9, 2022, West Penn never filed an Answer, that it never filed a written response in the form required by the Commission Regulations. I&E further denies that West Penn effectively advised the Parties and the Commission as to the nature of its defense. In addition, I&E denies that West Penn admitted or denied specifically all material allegations of the Complaint; and denies that I&E staff was under any obligation to “act accordingly” in response to West

Penn's subjective belief regarding its email communication (*e.g.*, that the emails sufficed as an answer). Answer at 7-10.

I&E further avers that it served West Penn with the Motion for Default Judgment. Answer at 6. I&E, *inter alia*, avers that: (1) it is denied that West Penn disputed its liability under the Pa One Call Law; (2) it is denied that West Penn's legal obligations, responsibilities or liabilities to comply with the PA One Call Law are met or assumed by any third-party actor(s); (3) despite its assertions to the contrary, West Penn failed to place a Complex Project Ticket initiating a preconstruction meeting in violation of Section 180(2.1) of the PA One Call Law; (4) it is denied that the emphasized language from the POCS User Guide cited by West Penn supports its argument that its excavation work did not require a Complex Project Ticket or locate request where West Penn previously admitted the entire length of its project was 1,477 feet; and (5) it is denied that West Penn met its legal obligations, responsibilities or liabilities under the PA One Call Law. *Id.* at 5-10. Furthermore, I&E denied that it failed to "assist" West Penn, where a formal Complaint is filed it is indicative of an adversarial proceeding being initiated and where I&E legal counsel encouraged West Penn to seek legal counsel in an email of April 12, 2022. *Id.* at 10.

Finally, I&E avers that West Penn's Petition fails to meet the established standard to justify that the Commission reopen the proceeding, and therefore, West Penn's Petition should be denied. *Id.*

Based on our consideration of the averments in West Penn's Petition and our review and consideration of I&E's Answer, the record and applicable law, we shall deny the Petition, consistent with the discussion in this Opinion and Order.

As we noted in the *October 2022 Order*, under Section 5.61(c) of our Regulations a respondent failing to file an answer within the applicable period may be

deemed in default, and relevant facts stated in the pleadings may be deemed admitted. Here, West Penn did not file an answer and therefore we deemed all of the relevant facts in the Complaint admitted. As noted previously, the Commonwealth Court has upheld our authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

In this case, I&E's Complaint and Notice were served on West Penn. West Penn was provided with adequate notice of the alleged violations against it and had the opportunity to respond and to request a hearing but failed to do so. West Penn was also clearly advised that, if it did not file an Answer within twenty days, then I&E would request that we issue an Order imposing the penalties set forth in the Complaint. Under the circumstances in this case, we found it appropriate to deem the averments in the Complaint admitted and accordingly imposed the requested sanction. *See, October 2022 Order*.

In reviewing the Petition, we find no new or novel arguments to reverse our prior decision. We agree with I&E that West Penn should not be permitted to offer arguments, whether persuasive or not, to refute matters which were deemed admissions, due to West Penn's failure to timely file an Answer.

For example, West Penn avers that it responded to the Complaint the following day *via* email directed to I&E's legal assistant as well as the assigned prosecutor. However, the email response is not sufficient to constitute an answer to the Complaint. As stated in the attached Notice, West Penn was notified in Paragraph A - that it was to file an answer within twenty (20) days of the date of service; Paragraph B - if an answer is not filed within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue and Order imposing the requested relief. All of the filings with the Commission, including Answers are to comply with our Regulations including, but not limited to, form, filing and service.

Further, under Commission Regulations, corporations in adversarial proceedings shall be represented by an attorney. *See* 52 Pa. Code §§ 1.21 and 1.22. An adversarial proceeding is a proceeding which is contested by one or more other persons and which will be decided on the basis of a formal record. 52 Pa. Code § 1.8. A corporation in an adversarial proceeding must be represented by counsel. In *Cars R Us c/o Holman Copeland v. Philadelphia Gas Works*, we stated:

While corporate officers are permitted to file formal complaints or applications on a corporation's behalf, the Commission's Regulations at Sections 1.21-1.23 clearly state that corporations must be represented by licensed attorneys in adversarial proceedings. A complaint proceeding becomes "adversarial" upon the filing of an Answer. *New Fizon Catering, Inc. v. PECO Energy Company*, Docket Nos. C-2008-2065498 and C-2008-2079076 (Order entered June 24, 2009). *See also* 52 Pa. Code § 1.8.

Cars R Us c/o Holman Copeland v. Philadelphia Gas Works, Docket No. C-2008-2033437 (Order entered February 4, 2010) at 7 (note omitted).

Our Regulations at 52 Pa. Code § 1.35(b) state that a pleading, submittal or other document filed with the Commission on behalf of a corporation must be signed by an authorized attorney or by an officer of the corporation. Furthermore, in Paragraph B of the Notice attached to I&E's Complaint, West Penn is specifically, notified that "If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21." Complaint Notice. In addition to the Notices of the Complaint and the Motion for Summary Judgment, West Penn's counsel admits it is a limited liability corporation (LLC) and thus it should comply accordingly with our Regulations.

By its Petition, West Penn has not offered any new or novel arguments as to why it did not file a timely answer in accordance with the regulations, or why its email communication in response to the Complaint should constitute an answer under

Commission Regulations. West Penn only offers that it believes the email sent by Mr. Scott Dowling, which does not comply with Commission Regulations regarding form and does not demonstrate that Mr. Dowling is either an attorney or a corporate officer should be considered an answer to the Complaint. Mr. Dowling and West Penn *mistakenly* thought that the email would or should be accepted as an answer.

However, as noted above, West Penn's email does not comply with Commission Regulations and West Penn, as an operating entity, must comply with the laws and regulations of the Commonwealth of Pennsylvania and the Commission. West Penn's email communication to I&E, which complied with neither the required form nor authorized signatory, did not constitute an answer, for purposes of responding to I&E's Complaint. This is the fact, regardless of West Penn employees' subjective belief.

West Penn further, for the first time, raises arguments which dispute its legal obligations under the PA One Call Law, arguing, *inter alia*, that the project in question did not meet the definition of a "Complex Project," that West Penn had engaged in extensive pre-excavation meeting to avoid a line strike, that the line in question was not owned by a facility and therefore not subject to PA One Call, and that, even if West Penn had complied with PA One Call requirements, the line would not have been revealed. Petition at para. 1-24. In its Answer, I&E offers arguments to refute West Penn's assertions. Answer at 7-10.

However, we do not find it necessary to address West Penn's arguments regarding its duty to adhere to the PA One Call Law, since we conclude that these arguments, even if persuasive, were effectively waived by West Penn's failure to timely file an answer. As argued by I&E, West Penn had ample time to raise such arguments in the prior proceeds and failed to do, and such arguments, now waived by West Penn's own failure to file an answer, will not be considered as persuasive arguments for reconsideration at this late stage of the proceeding.

Despite West Penn's assertions to the contrary, West Penn, having failed to file an answer in accordance with our Regulations, was properly deemed to have admitted all the matters alleged in the Complaint as found by our *October 2022 Order*, and, therefore, properly found to be subject to default judgement in the circumstances. Nothing alleged in West Penn's Petition persuades us that West Penn should be exempt from the consequential deemed admissions which resulted from its own failure to timely file an answer to the Complaint.

For the foregoing reasons, we shall deny the Petition because West Penn has failed to provide any new or novel arguments which persuade us that reconsideration is warranted in the circumstances, and thus has not satisfied the *Duick* standards.

D. I&E's Motion to Strike

As noted earlier, I&E filed a Motion to Strike West Penn's Answer and New Matter on November 17, 2022. West Penn did not file a response to the motion.

In its Motion to Strike, I&E avers that the Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within the prescribed twenty-day period. Motion to Strike at 4, *citing See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978). I&E notes that, in the present case, West Penn, now represented by counsel, offered no good cause or reasonable explanation as to why it was attempting to late-file its Answer. On that basis, I&E asks that the Commission to strike West Penn's Answer and New matter. Motion to Strike at 4-5.

Upon review, we agree with I&E that the West Penn Answer and New Matter are untimely and shall be stricken. As I&E correctly notes, under Commission Regulations and as set forth in the Notice attached to the Complaint, the answer to the Complaint in this proceeding was due within twenty (20) days from the date of service of

the Complaint, which was May 1, 2022. West Penn neither filed its Answer on or before May 1, nor requested an extension to file its Answer, as allowed by our Regulations. *See* 52 Pa. Code § 1.15. West Penn did not attempt to file an answer until November 14, 2022, more than 197 days after the due date. West Penn, now represented by counsel, did not offer any justifiable explanation for the lateness of the filing. Therefore, we find I&E's Motion to Strike West Penn's late-filed Answer and New Matter to be justified and shall grant the motion.

Based on our review of I&E's position, the governing law, regulations, and the filings in this case, we shall grant I&E's Motion to Strike and accordingly shall strike West Penn's late-filed Answer and New Matter, consistent with the discussion in this Opinion and Order.

Conclusion

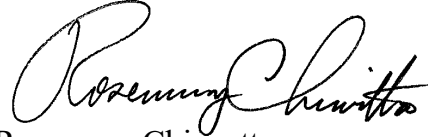
Upon review, we shall deny West Penn's Petition for Reconsideration, and grant I&E's Motion to Strike West Penn's Answer and New Matter, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Motion/Petition for Reconsideration filed by West Penn Utilities, LLC, on October 31, 2022, is denied, consistent with the discussion in this Opinion and Order.
2. That the Motion to Strike the Answer to Complaint and New Matter of West Penn Utilities, LLC, filed by the Bureau of Investigation and Enforcement on November 17, 2022, is granted.

3. That this matter shall be marked closed.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with the first letter of each word being significantly larger and more stylized.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: May 18, 2023

ORDER ENTERED: May 18, 2023