



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

October 18, 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.
Strausser Enterprise
Docket No. C-2023-
Damage Prevention Case 022185
I&E Formal Complaint

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Formal Complaint of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced matter.

Copies are being served on the parties of record in accordance with the attached Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Rosul', is written over a light blue horizontal line.

Grant Rosul
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318204
(717) 783-5243
grosul@pa.gov

GR/ac
Enclosures

cc: Michael L. Swindler, Deputy Chief Prosecutor, I&E-Enforcement (*via email*)
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-2023-
	:	
Strausser Enterprise,	:	Damage Prevention Case 022185
Respondent	:	

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the date as indicated at the top of the Secretarial Letter. *See* 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. Pursuant to *Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, Docket No. M-2020-3019262 (Emergency Order ratified on March 20, 2020), you must eFile your Answer using the Commission’s website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage.

Additionally, please electronically serve a copy on:

Grant Rosul, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
grosul@pa.gov

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the civil penalty and other requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty within twenty (20) days and performing the corrective actions set forth in the requested relief. A certified check, cashier’s check or money order should be payable to the “Commonwealth of Pennsylvania” and mailed to:

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

Your payment is an admission that you committed the alleged violations and an agreement to cease and desist from committing further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer, which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the civil penalty and granting the requested relief as set forth in the Complaint.

E. If you file an Answer which contests the Complaint, the matter will proceed before the assigned presiding Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at (717) 787-871

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No.: C-2023-
	:	
Strausser Enterprise,	:	Damage Prevention Case 022185
Respondent	:	

FORMAL COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission, by its prosecuting attorneys, pursuant to Section 182 of the Underground Utility Line Protection Law (“UULPL” or “PA One Call Law”), Act of October 30, 2017, P.L. 806, No. 50, 73 P.S. § 182.8(c)(2), and files this Formal Complaint (“Complaint”) against Strausser Enterprise (“Strausser” or “Respondent”) alleging violations of the PA One Call Law in connection with a gas line strike while an excavator was performing excavation work on March 1, 2021, in the area of 101 Village at Stones Crossing, near William Penn Highway and Stones Crossing Road in Palmer Township, Northampton County. In support of its Complaint, I&E respectfully avers as follows:

I. COMMISSION JURISDICTION AND AUTHORITY

1. The Pennsylvania Public Utility Commission (“Commission” or “PUC”), with a mailing address of the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to

regulate, *inter alia*, excavators, within the Commonwealth pursuant to the PA One Call Law, Act of October 30, 2017, P.L. 806, No. 50, 73 P.S. §§ 176 *et seq.*

2. Complainant is the Commission's Bureau of Investigation and Enforcement, which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission's jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11). *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant's prosecuting attorneys are as follows:

Grant Rosul
Prosecutor
grosul@pa.gov
(717) 783-5243

Michael L. Swindler
Deputy Chief Prosecutor
mwindler@pa.gov

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

4. Respondent is Strausser Enterprise, with a main mailing address of 1100 Van Buren Road, Easton, PA 18045.

5. Strausser Enterprise is an "excavator" as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.¹

¹ "Excavator" is defined as any person who or which performs excavation or demolition work for himself or for another person." 73 P.S. § 176. "Excavation work" is further defined as "the use of powered equipment or explosives in the movement of earth, rock or other material, and includes, but is not limited to, anchoring, augering, backfilling, blasting, boring, digging, ditching, drilling, driving-in, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling." *Id.*

6. Section 180 of the PA One Call Law, 73 P.S. § 180, imposes duties on excavators who perform excavation or demolition work in the Commonwealth.

7. Specifically, Section 180(2.1) of the PA One Call Law, 73 P.S. § 180(2.1) requires excavators to “request the location and type of facility owner lines at each work site by notifying the facility owner through the One Call System. Notification shall be not less than three nor more than ten business days in advance of beginning excavation or demolition work.” 73 P.S. § 180(2.1).

8. Section 180(16) of the PA One Call Law, 73 P.S. § 180(16), requires excavators to submit a report of an alleged violation to the Commission through the One Call System not more than ten business days after striking or damaging a facility owner's line during excavation or demolition or if the excavator believes a violation of this act has been committed in association with excavation or demolition work. 73 P.S. § 180(16).

9. Respondent, as an excavator, is subject to the authority of this Commission pursuant to Section 182.10 of the PA One Call Law, 73 P.S. § 182.10, which requires excavators to comply with the PA One Call Law. 73 P.S. § 182.10.

10. Section 182.8(c)-(d) and Section 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 arising from the rejection of an informal determination issued by the Pennsylvania Damage Prevention Committee (“DPC”) against excavators for violations of the PA One Call Law and to enforce the provisions of the PA One Call Law. 73 P.S. §§ 182.8(c)-(d) and 182.10.

11. Section 182.8(c)(2) of the PA One Call Law, 73 P.S. § 182.8(c)(2), authorizes the Commission’s prosecutorial staff to bring a formal complaint against entities subject to the PA One Call Law. 73 P.S. § 182.8(c)(2).

12. Section 182.10 of the PA One Call Law, 73 P.S. § 182.10(b)(1)(i)-(ii), authorizes the Commission to impose administrative penalties on any person or corporation, subject to the PA One Call Law, who violates any provisions of the PA One Call Law or any regulation or order issued thereunder governing underground utility lines, of up to \$2,500 per violation or if the violation results in injury, death, or property damage of \$25,000 dollars or more an administrative penalty not to exceed \$50,000. 73 P.S. § 182.10(b)(1)(i)-(ii).

13. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this Complaint and the actions of Respondent related thereto.

II. FACTUAL BACKGROUND

14. On March 1, 2021, Strausser was digging with a mini-excavator and when they came across screenings² they stopped and dug with a shovel. While digging with the shovel, they struck a correctly marked gas service line belonging to UGI, causing a leak. I&E Exhibit 1.

15. A locate request ticket was not placed by Strausser with the Pennsylvania One Call System (“POCS”).

16. UGI submitted an Alleged Violation Report (“AVR”) to report the damage and listed “20210252023” as the relevant locate ticket.

17. The locate ticket at 20210252023 was placed by a different company, Young Enough LLC, for 101 Village at Stones Crossing.

² Screenings are layers of dirt that had previously been excavated and sifted. This would tend to indicate that there are facilities in close proximity.

18. An employee of UGI noticed the discrepancy between the company that placed the locate ticket (Young Enough LLC) and the company that was doing the excavation work (Strausser) and reached out to Strausser.

19. Strausser informed UGI that they had used the locate request ticket placed by Young Enough LLC to do the job and did not place their own locate ticket prior to excavating.

20. In addition, Strausser failed to submit an AVR to POCS within the required time frame.³

21. On January 24, 2022, Strausser was informed by letter of the Damage Prevention Investigator's ("DPI") report finding Strausser in violation of 73 P.S. §§ 180(2.1) and 180(16) and informing Strausser that it may either acknowledge the findings and pay the assessed administrative penalty or dispute the findings and present their case at a future Damage Prevention Committee ("DPC") meeting. Strausser was further informed that it must make its determination in writing within 30 days. I&E Exhibit 2.

22. Strausser gave no response and on March 11, 2022, Strausser was informed by letter that their case would be voted on by the DPC at the April 12, 2022, meeting. I&E Exhibit 3.

23. On April 26, 2022, Strausser was informed by letter that the DPC made an informal determination adopting the DPI report and recommendations. Strausser was further informed that they may reject the informal determination of the DPC or accept it and pay the imposed administrative penalty and must do so in writing within 30 days. I&E Exhibit 4.

³ The purpose of an AVR is to report to the Commission through POCS an alleged violation of the PA One Call Law. 73 P.S. §§ 176 and 180(16).

24. On May 25, 2022, Strausser informed the DPI that it would reject the informal determination of the DPC.

III. VIOLATIONS

25. Paragraphs 1-24 are incorporated herein as if stated in their entirety.

Count 1

26. Respondent failed to place a valid, routine locate request ticket with POCS prior to excavating.

If proven, this is a violation of § 180(2.1) of the PA One Call Law, 73 P.S. § 180(2.1). As an “excavator,” Respondent was required to place a valid, routine locate request ticket with POCS prior to excavating. 73 P.S. § 180(2.1).

Count 2

27. Respondent failed to file an AVR within the required time frame (10 business days) after striking UGI’s gas line.

If proven, this constitutes a violation of § 180(16) of the PA One Call Law, 73 P.S. § 180(16), which requires an excavator to “submit a report of an alleged violation to the commission through the One Call System not more than ten business days after striking or damaging a facility owner's line during excavation or demolition....”

Administrative Penalties

The Bureau of Investigation and Enforcement’s proposed administrative penalty for the violation at **Count 1** is \$2,000.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for the violation at **Count 2** is \$500.

WHEREFORE, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the Commission:

- (1) Find Respondent to be in violation of the PA One Call Law at 73 P.S. § 180(2.1);
- (2) Find Respondent to be in violation of the PA One Call Law at 73 P.S. § 180(16);
- (3) Impose a cumulative administrative penalty upon Respondent in the amount of \$2,500;
- (4) Order Respondent to attend an educational program for excavators through the DPC and provide proof of compliance to the Commission; and
- (5) Order such other remedies as the Commission may deem appropriate.

Respectfully submitted,



Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-5243
grosul@pa.gov

Date: October 18, 2023


**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No.: C-2023-
	:	
Strausser Enterprise,	:	Damage Prevention Case 022185
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 that the Bureau of Investigation and Enforcement 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: October 18, 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

I&E Exhibit 1

Alleged Violation Report

PA Act 287, as amended 73 P. S. § 176 et. seq.
Powered by Pennsylvania One Call System, Inc.

AVR Number AVR2021MAR020007

AVR Version 1

First Name JAMIE **Last Name** EBERT

Company Name UGI UTL LANCASTER

Address 1301 AIP DR.

City MIDDLETOWN

State PA

Zip Code 17057

Email jebert@ugi.com **Phone** 6105873215

Ext

Role

Submitter Role(s) (?)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Facility Owner | <input type="checkbox"/> Designer |
| <input type="checkbox"/> Excavator | <input type="checkbox"/> Project Owner |
| <input type="checkbox"/> Locator | <input type="checkbox"/> Enforcement Agency |
| <input type="checkbox"/> Other | |

Are you representing a company other than your own? Yes No

What company or individual are you representing?

Alleged Violation Information

PUC Case Number (if known)

Related AVR Number (?)

Type of Alleged Violation (?) Excavator Issue

Reason Failed to use prudent techniques in the tolerance zone §5(4)

When did the alleged violation occur? (?) 03/01/2021

03:21:00 PM

Was the One Call System notified? Yes No

Original Serial Number

Please enter the 11 digit One Call Serial Number under which work was taking place, which will populate the work site information of this alleged violation.

20210252023

Related Damage Serial Number, if applicable

Other Related Serial Numbers (?)

Was the excavation exempt from One Call notification? Yes No Unknown

Reason for Exemption

Event Information



County NORTHAMPTON
Municipality PALMER TWP
Ward 0
Work Site 101 VILLAGE AT STONES XING
Nearest Intersection WILLIAM PENN HWY
Second Intersection STONES CROSSING RD
Geolocation (?)

Affected Facility Information



Primary Right of Way Type Private
Public Right of Way Type
Private Right of Way Type Land Owner
Affected Operation Gas
Facility Subtype Affected Service/Drop/Lateral
Facility Owner Company Name UGI UTILITIES INC.

Contact First Name

Last Name

Address

City

State

Zip

Email	Phone
Joint Trench?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown
Involve Cross Bore?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown
Measured Depth from Grade	18" - 36" / 46 - 91 cm
Exact Measured Depth from Grade	Enter the inches or centimeters with number and measurement used

Work Information



Start Date of Excavation (?)

Excavation Activity WATER

Excavator Company Name STRAUSSER ENT.

Contact First Name JOE **Last Name** STEMRUCH

Address 1110 VAN BUREN RD.

City EASTON

State PA

Zip 18045

Email **Phone** 610-252-6410

Marked in White Yes No Unknown

Method of Excavation DIGGING

Equipment Used What Equipment was used for excavation or demolition when the event occurred?
UNKNOWN/OTHER

Type of Excavator What is the type of excavator for whom the work was being done when the event occurred?
Other

Did Excavator incur down time? Yes No Unknown

How much down time?

Estimated cost of down time

Was a response posted to the One Call System? Yes No Unknown

Was the design serial number on the plans/bid documents? Yes No Unknown

Were the lines shown on the plans/bid documents? Yes No Unknown

What level of subsurface utility engineering was utilized?

Estimated cost of the entire project

What was the length of the entire project?

Project Owner Company Name

Contact First Name

Last Name

Address

City

State

Zip

Email

Phone

Event Impact



Did Violation result in underground damage or near miss event? Damage

OSHA Report Filed? Yes No

OSHA Report Number

Was 911 called? Yes No

Name of 911 Caller

Fire Response Yes No

Police Response Yes No

Did the incident cause any injuries? Yes

Number of Injuries (?)

Did the incident cause any deaths? Yes

Number of Deaths

Was there an evacuation? Yes No

Number of people evacuated?

Traffic Stopped? Yes No

Service Interrupted? Yes No

Duration of Service Interruption? 1 - < 6 hrs

Exact Value of Service Interruption

Approximately how many customers were affected? 1

Exact Number of Customers Affected

Cost of Damaged Line Repair? Unknown

Exact Cost of Damaged Line Repair

Was other property damaged? Yes No

What other property was damaged?

Cost of Other Property Repair

Locator/Locate Information ⬆

Who was the facility line locator?

Locator Company

Contact First
Name

Last Name

Address

City

State

Zip

Email

Phone

Was the line marked? Accurately Inaccurately/Incompletely Not Marked
 Unknown

Were facilities marked according to APWA/CGA temporary marking color code (ANSI standard Z535.1)? Yes No Unknown

What types of marks were present? Paint
 Flags
 Stakes
 Other

Were offset markings used? Yes No Unknown

Condition of Marks Visible

Was the line marked by the response due date or within the agreed upon locate schedule? (?) Yes No Unknown

Reason for Late Locate

Was the excavation within the tolerance zone? (?) Yes No Unknown

Was there an indication of underground facilities (clear evidence) in the excavation area? Yes No Unknown

What was the evidence? METER
(meter/pedestal, pipeline marker, valve box, hydrant, manhole, etc.)

What method(s) were used to locate the facility?

- Electronic
 Visual

- Records
 Exposed

Did the excavator request payment under PennDOT Form 408 specifications for extra work performed on a force account basis?

- Yes No

Additional Locate Comments

LOCATOR MARKED SERVICE LINE CORRECTLY.

If this incident involved any locating/marking errors, please include all records related to the locator's training and qualification (including training to meet UULPL standards as well as Operator Qualification).

Summary and Attachments

Provide a summary of the event

STRAUSSER WAS DIGGING WITH A MINI EXCAVATOR AND WHEN THEY CAME ACROSS SCREENINGS THEY STOPPED AND DUG WITH A SHOVEL. WHILE DIGGING WITH THE SHOVEL THEY STRUCK A CORRECTLY MARKED SERVICE LINE WITH THE SHOVEL CREATING A LEAK.

If more space is needed, attach additional pages or documents.

Attachments

101 Village at Stones Xing FR J. Pautz
Pic. 1.jpg 1.42MB

Attach pictures and additional documents

Submit Date

03/02/2021

Compliance Update

Research Result

- Listed tickets found
 Additional tickets found
 No tickets found

Additional Tickets Found

Additional Serial Numbers

Ticket Attachment

SN-20210252023.pdf 974.06KB

Comments

I&E Exhibit 2



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
 Harrisburg, PA 17105-3265
ADMINISTRATIVE PENALTY INVOICE

STRAUSSER ENTERPRISE
 Attn: JOE STEMRUCH
 1110 VAN BUREN RD.
 EASTON, PA 18045

INVOICE DATE	INVOICE NUMBER
01-24-2022	022185-004212
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

- **Carefully Read All Enclosed information**
- **Use Return Envelope Provided**
- **Make Check Payable to:**
Commonwealth of Pennsylvania

TO RECEIVE PROPER CREDIT FOR YOUR
 PAYMENT, REMOVE THE BOTTOM PART
 OF THIS INVOICE AT THE PERFORATION
 AND RETURN WITH YOUR REMITTANCE

MAIL PAYMENT TO:

PENNSYLVANIA PUBLIC UTILITY COMMISSION
 DAMAGE PREVENTION COMMITTEE
 PO BOX 3265
 HARRISBURG, PA 17105-3265

 FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

STRAUSSER ENTERPRISE
 Attn: JOE STEMRUCH
 1110 VAN BUREN RD.
 EASTON, PA 18045

INVOICE DATE	INVOICE NUMBER
01-24-2022	022185-004212
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

PAY THIS AMOUNT WITHIN 30 DAYS

\$1,250.00



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

IN REPLY
 PLEASE
 REFER TO 811

January 24, 2022

STRAUSSER ENTERPRISE
 Attn: JOE STEMRUCH
 1110 VAN BUREN RD.
 EASTON, PA 18045

Re: Notification of Damage Prevention Investigator Report

To whom it may concern,

We are writing to inform you that your company, STRAUSSER ENTERPRISE, has been identified as a stakeholder in an alleged violation report (AVR) that the Pennsylvania One Call System (POCS) provided to the Pennsylvania Public Utility Commission (Commission) for investigation. The AVR concerns alleged violations of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as "Act 50"), 73 P.S. §§ 176, et seq., in connection with the following incident:

- Case No. 022185 - Excavation in PALMER TWP, NORTHAMPTON County on **March 01, 2021** near 101 VILLAGE AT STONES XING. (Related POCS Ticket Nos.: 20210252023.)

A Damage Prevention Investigator (DPI) of the Commission was assigned to investigate the allegations made in the AVR and prepared a report to the Damage Prevention Committee (DPC). Enclosed is the DPI Report, which contains the DPI's findings and recommendations.

In response to the DPI Report, you must choose one (1) of the following options:

- 1. Accept the findings and administrative penalty contained in the DPI Report by checking the "Acknowledgment" box on the enclosed invoice and remit payment of the administrative penalty using the enclosed invoice within thirty (30) days of the date of this letter. If the DPI Report recommends mandatory training, you will receive a separate letter with further instructions.**
- 2. Reject the DPI Report and present your case before the DPC at a future DPC Meeting. To reject the DPI Report, you must inform the DPC in writing within thirty (30) days of the date of this letter by first class mail at the address provided below or by email at damageprevention@pa.gov. You will receive notice of the date, time and location of the DPC Meeting.**

If you fail to respond to the DPI Report within thirty (30) days of the date of this letter, then this matter will be placed on the DPC's meeting agenda and voted upon by the DPC in your absence.

If you have any questions, please contact damageprevention@pa.gov or call 717-787-6489.

Sincerely,

Sara Locke
 Bureau of Investigation and Enforcement
 400 North Street
 Harrisburg, PA 17120

Enclosures



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY
PLEASE
REFER TO 811

January 24, 2022

Investigation

Investigator name: Prough, Blaire **Incident date:** 03/01/21 03:21 PM

Case Number: 022185 **Was 911 called?** No **Did damage occur?** No

Site of Alleged Violation: 101 VILLAGE AT STONES XING
PALMER TWP, NORTHAMPTON County
Near WILLIAM PENN HWY and STONES CROSSING RD

What type of underground facility was damaged? Gas Service/Drop/Lateral

Facility Owner: Eric Swartley, UGI UTILITIES INC., 1301 AIP DR, Middletown, PA, 17057
Submitted report? No **Is PA One Call member?** Yes

Contractor/Excavator: JOE STEMRUCH, STRAUSSER ENTERPRISE, 1110 VAN BUREN RD., EASTON, PA, 18045
Submitted report? No **Is PA One Call member?** Yes

Ticket Information: 20210252023 / Routine / 01/25/21, 01:09 PM (STRAUSSER ENTERPRISE)

Other Investigations Related by Ticket: None

Synopsis of the events that led to the damaged facility:

~Incident occurred on 3/1/2021 at 101 Village at Stones Xing, William Penn Highway and Stones Crossing Road, Palmer Township, Northampton County.

UGI submitted an AVR stating, "Strausser was digging with a mini excavator and when they came across screenings they stopped and dug with a shovel. While digging with the shovel they struck a correctly marked service line with the shovel creating a leak." UGI admitted handtools were used. Excavator had a One Call ticket.

Strausser is cited for failing to submit an AVR within 10 days of a line strike. Strausser did not submit an AVR. Education is mandatory. Strausser is also cited for excavating without a valid routine One Call ticket. The ticket attached to this investigation is from January and was for a small emergency excavation taking 24 hours to repair. The damage took place in March and no recent ticket is attached.

Amount of property damage: None **Impact on public:** None

Entity out of compliance STRAUSSER ENTERPRISE

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
5 (2.1)	Proposed		1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
5 (16)	Proposed		1st Offense	\$250.00	0 %	\$0.00	\$250.00
Recommendation: Excavator education is mandatory.							
Totals				\$1,250.00		\$0.00	\$1,250.00

Previous Violations:

No Previous Violations

Name of Investigator: Prough, Blaire **Date completed:** 07/26/21 02:31 PM

Name of Supervisor: Locke, Sara **Date completed:** 11/08/21 01:21 PM

I&E Exhibit 3



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

March 11, 2022

STRAUSSER ENTERPRISE
Attn: JOE STEMRUCH
1110 VAN BUREN RD.
EASTON, PA 18045

Re: No Response Received to Damage Prevention Investigator Report

To Whom It May Concern,

On March 11, 2022, a letter was sent informing you that your company, STRAUSSER ENTERPRISE, has been identified as a stakeholder in an alleged violation report (AVR) that the Pennsylvania One Call System (POCS) provided to the Pennsylvania Public Utility Commission (Commission) for investigation. The AVR concerns alleged violations of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as "Act 50"), 73 P.S. §§ 176, et seq., in connection with the following incident:

- Case No. 022185 - Excavation in PALMER TWP, NORTHAMPTON County on **March 01, 2021** near 101 VILLAGE AT STONES XING. (Related POCS Ticket Nos.: 20210252023.)

A written response was to be received by the Damage Prevention Committee (DPC) within thirty (30) days. No written response was received. Accordingly, this case will be reviewed at the next DPC Meeting on **April 12, 2022 at 09:00 AM**. The case will not be discussed in detail at this meeting, and **you are not required to attend**, though all DPC Meetings are open to the public.

If you have any questions, please contact damageprevention@pa.gov or call 717-787-6489.

Sincerely,

Sara Locke
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

I&E Exhibit 4



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
 Harrisburg, PA 17105-3265
ADMINISTRATIVE PENALTY INVOICE

STRAUSSER ENTERPRISE
 Attn: KYLE MARTIN
 1110 VAN BUREN RD.
 EASTON, PA 18045

INVOICE DATE	INVOICE NUMBER
01-24-2022	022185-004212
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

- **Carefully Read All Enclosed information**
- **Use Return Envelope Provided**
- **Make Check Payable to:
Commonwealth of Pennsylvania**

TO RECEIVE PROPER CREDIT FOR YOUR
 PAYMENT, REMOVE THE BOTTOM PART
 OF THIS INVOICE AT THE PERFORATION
 AND RETURN WITH YOUR REMITTANCE

MAIL PAYMENT TO:

PENNSYLVANIA PUBLIC UTILITY COMMISSION
 DAMAGE PREVENTION
 PO BOX 3265
 HARRISBURG, PA 17105-3265

 FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

STRAUSSER ENTERPRISE
 Attn: KYLE MARTIN
 1110 VAN BUREN RD.
 EASTON, PA 18045

INVOICE DATE	INVOICE NUMBER
01-24-2022	022185-004212
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

PAY THIS AMOUNT WITHIN 30 DAYS

\$1,250.00



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

IN REPLY
 PLEASE
 REFER TO 811

April 26, 2022

STRAUSSER ENTERPRISE
 Attn: KYLE MARTIN
 1110 VAN BUREN RD.
 EASTON, PA 18045

Re: Notification of Damage Prevention Committee Informal Determination

To whom it may concern,

We are writing to inform you that your company, STRAUSSER ENTERPRISE, was identified as a stakeholder in one or more cases that were voted on in omnibus fashion by the Damage Prevention Committee (DPC) at a meeting on **April 12, 2022** regarding alleged violation(s) of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as "Act 50"), 73 P.S. §§ 176 et seq.

During the meeting, the DPC voted on the following case(s):

- Case No. 022185 - Excavation in PALMER TWP, NORTHAMPTON County on **March 01, 2021** near 101 VILLAGE AT STONES XING. (Related POCS Ticket Nos.: 20210252023.)

The DPC specifically made the following informal determination(s) regarding the aforementioned case(s):

Section	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
5 (2.1)	Excavator failed to submit a location request to One Call within the correct timeframe	1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
5 (16)	Excavator failed to submit an Alleged Violation Report within 10 business days of striking a line	1st Offense	\$250.00	0 %	\$0.00	\$250.00
Recommendation: Excavator education is mandatory.						
Total			\$1,250.00		\$0.00	\$1,250.00

In response to the DPC's informal determination(s), as set forth above, you must choose one (1) of the following options:

1. **Accept the DPC's informal determination by remitting payment of the administrative penalty using the enclosed invoice within thirty (30) days of the date of this letter.**
2. **Reject the DPC's informal determination by informing the DPC in writing within thirty (30) days of the date of this letter by first class mail at the address provided below or by email at damageprevention@pa.gov. If you choose to reject the informal determination, the matter will be returned to the Damage Prevention Investigator for further action, if appropriate, including referring the matter to the Pennsylvania Public Utility Commission's (Commission) Bureau of Investigation and Enforcement for the purpose of issuing a formal complaint.**

If you fail to respond to the DPC's informal determination within thirty (30) days of the date of this letter, then the informal determination shall become final and binding on the Commission. Appeals from final action of the Commission shall be filed in the Commonwealth Court within thirty (30) days of the date the informal determination becomes final.

If you have any questions concerning this matter, please call 717-787-6489 or contact damageprevention@pa.gov

Sincerely,

A handwritten signature in black ink, appearing to read 'TCS', written in a cursive style.

Terri Cooper Smith, Chairperson
Damage Prevention Committee
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-2023-
	:	
Strausser Enterprise,	:	Damage Prevention Case 022185
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Certified Mail

Strausser Enterprise
Attn: Ryan Rispoli
1100 Van Buren Road
Easton, PA 18045



Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-5243
grosul@pa.gov

Dated: October 18, 2023