



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

November 15, 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.
Matcon Diamond, Inc.
Docket No. C-2023-
I&E Formal Complaint (Damage Prevention)

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', 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-
	:	
Matcon Diamond, Inc.,	:	
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.

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 administrative penalty and other requested relief.

C. You may elect not to contest this Complaint by paying the administrative 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 administrative 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) 787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No.: C-2023-
	:	
Matcon Diamond, Inc.,	:	
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 Matcon Diamond, Inc. (“Matcon” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a Peoples Natural Gas line while excavating on February 15, 2022, at 7049 Willard Street, near S. Lang Ave. and Lloyd Street, Pittsburgh, Allegheny 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 Matcon Diamond, Inc., with a main mailing address of 3447 East Carson Street, Pittsburgh, PA 15203.

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

6. Section 180 of the PA One Call Law, 73 P.S. § 180, imposes duties on excavators.

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(8) of the PA One Call Law, 73 P.S. § 180(8), requires excavators to “immediately notify 911 and the facility owner if the damage results in the escape of any flammable, toxic or corrosive gas or liquid which endangers life, health or property.” 73 P.S. § 180(8).

9. 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).

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 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.

10. Section 184 of the PA One Call Law requires that stakeholders “shall use their best efforts to comply with the Common Ground Alliance best practices.” 73 P.S. § 184.

11. 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.

12. Section 182.8(c)-(d) and Section 182.10 of the PA One Call Law, 73 P.S. §§ 182.8(c)-(d) and 182.10, authorize the Commission to, *inter alia*, hear and determine complaints 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.

13. 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).

14. 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).

15. 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

16. On March 31, 2022, Matcon was excavating by making a sawcut in the road as part of a project to install a Peoples Natural Gas main in the vicinity of 7049 Willard St., Pittsburgh, Allegheny County.

17. While sawcutting, Matcon struck and severed an active 1-inch plastic gas service line. A Peoples Natural Gas crew was on site at the time of the line strike and was able to cut and cap the line for further repair.

18. No One Call Ticket was placed with the Pennsylvania One Call System (“POCS”) by Matcon prior to the excavation work.

19. According to Peoples Natural Gas, there were locate marks in the area, but these locate marks were from prior jobs.

20. As a result of the strike on the 1-inch plastic gas service line, a customer was without gas for between 1 and 6 hours. Gas was released from the damaged service line.

21. After striking the line and the resulting gas leak, Matcon did not call 911 to notify local emergency responders of the gas line strike, as required by the PA One Call Law.

22. Matcon did not file an Alleged Violation Report within 10 business days after striking the gas service line, as required by the PA One Call Law.

23. On September 8, 2022, a Damage Prevention Investigator (“DPI”) of the Damage Prevention Section of the Bureau of Investigation and Enforcement sent by e-mail a request to Matcon to submit an Alleged Violation Report (“AVR”).² I&E Exhibit 1.

24. Matcon did not respond, and no AVR was ever submitted by Respondent.

25. On December 21, 2022, a copy of the DPI’s report was mailed to Matcon informing them that they were in violation of Sections 180(2.1), 180(8), and 180(16) of the PA One Call Law and further informing them that they could either accept the findings in the DPI’s report or reject them and present their case to the Damage Prevention Committee (“DPC”). I&E Exhibit 2.

26. On December 27, 2022, Matcon rejected the findings in the DPI’s report. I&E Exhibit 3.

27. On February 16, 2023, a notice of the DPC meeting was sent to Matcon. I&E Exhibit 4.

28. On March 15, 2023, a copy of the DPC’s Informal Determination accepting the DPI’s report and proposed penalty was mailed to Respondent, informing Matcon that it could either accept the DPC’s Informal Determination or reject it in writing within thirty (30) days of the date of the notification letter, and that if the Informal Determination is rejected the case may be sent to I&E prosecutory staff for issuance of a formal complaint. I&E Exhibit 5.

² The purpose of an AVR is to report to the Commission through the Pennsylvania One Call System an alleged violation of the PA One Call Law. 73 P.S. §§ 176 and 180(16).

29. On March 27, 2023, Respondent informed the DPI that it would reject the DPC's Informal Determination. I&E Exhibit 6.

III. VIOLATIONS

30. Paragraphs 1-29 are incorporated herein as if stated in their entirety.

Count 1

31. Respondent failed to place a valid, routine locate request ticket through POCS prior to sawcutting the pavement on Willard Street.

If proven, this is a violation of Section 180(2.1) of the PA One Call Law, 73 P.S. § 180(2.1). As an excavator, Respondent was required to place a routine locate request ticket through POCS between 3 and 10 days before starting excavation or demolition.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,000.

Count 2

32. Respondent failed to call 911 after striking Peoples Natural Gas 1-inch gas service line.

If proven, this is a violation of Section 180(8) of the PA One Call Law, 73 P.S. § 180(8). As an excavator, Respondent was required to immediately call 911 in the event of the escape of any flammable, toxic, or corrosive gas or liquid which endangers life, health, or property as a result of damage to a line.

Respondent severed a gas service line, causing a gas leak and rendering a customer without gas for a period of 1 to 6 hours. Gas leaks are inherently dangerous, and Matcon failed to immediately notify 911 as required by statute.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$2,000.

Count 3

33. Respondent failed to file an AVR within 10 business days after striking PECO’s gas main.

If proven, this is a violation of Section 180(16) of the PA One Call Law, 73 P.S. § 180(16). As an excavator, Respondent was required to file an AVR within 10 business days of striking a line.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$1,000.

Count 4

34. Respondent failed to use best efforts to comply with Common Ground Alliance Best Practices.

If proven, this is a violation of Section 184 of the PA One Call Law, 73 P.S. § 184. As an excavator, Respondent was required to comply with the Common Ground Alliance Best Practices. Best Practice 5-25, Notification of Emergency Personnel, states that “[i]f the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the excavator responsible immediately notifies 911 and the facility owner/operator.” CGA Best Practices Manual 18.0, § 5-25.

Matcon severed a gas service line, which resulted in a gas leak, an inherently dangerous occurrence. A customer was without gas service for 1 to 6 hours before the line was repaired. However, Matcon did not immediately notify 911.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$1,000.

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), 180(8), 180(16), and 184;
- (2) Impose a cumulative administrative penalty upon Respondent in the amount of \$6,000; and
- (3) Order Respondent to attend an educational program for excavators through the DPC and provide proof of compliance to the Commission; and
- (4) 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: November 15, 2023

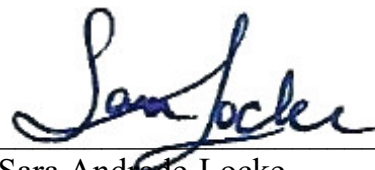
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No.: C-2023-
	:	
Matcon Diamond, 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 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: November 15, 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

Newsome-Connor, Summers

From: Newsome-Connor, Summers
Sent: Thursday, September 8, 2022 2:53 PM
To: matcon@matcondiamond.com
Subject: PA PUC One Call Enforcement- Submit a Alleged Violation Report - Case 29496
Importance: High

To Whom It May Concern,

Please Submit an Alleged Violation Report (AVR) with Pictures through the PA One Call system. <http://www.pa1call.org> Please reference the Case Number 29496 on the AVR. If you are unable to upload pictures, please email them to me.

We received an Alleged Violation Report (AVR) indicating an underground utility line has been struck. Act 50, Sections: Excavator issues- 5(2.1) Excavator failed to submit a location request One Call within the correct timeframe, and 5(16)- Excavator failed to submit an AVR within 10 business days of striking a line,

Incident occurred on Tuesday, February 15, 2022

Type of underground facility that was damaged: Gas

Work Site: at 7049 Williard Street, in Pittsburgh, Allegheny County

Involving: Excavator- Matcon Diamond, Inc.
Project Owner- Peoples Natural Gas
Facility Owner- Peoples Natural Gas

Related PA One Call Ticket Number: None Available

With the new PA One Call Law, Act 50, which took effect on April 28, 2018, anytime an underground facility has been hit, you are required to submit an Alleged Violation Report thru the Pennsylvania One Call website, www.pa1call.org within ten (10) business days of the utility line being struck.

We are asking for detailed information about the incident. Detailed information includes pictures and videos, a very detailed summary of the incident which provides an exact recollection of the event as it unfolded, and any relevant supporting documentation. Information to include: the estimated amount of the project, who participated in the design and preconstruction meetings, the design serial number and name of the designer, what level of subsurface utility engineering was utilized, etc.

The Public Utility Commission is committed to ensuring all companies comply with the provisions of Act 50. Therefore, you are advised that, if you fail to comply with the above requests this office will initiate all appropriate enforcement actions pursuant to Act 50 against the utility and its officers, agents, and employees.

We will continue the investigation with the current information provided to us, and if you have questions, please contact me.

Thank you,

Summers Newsome-Connor, Damage Prevention Investigator

PA Public Utility Commission

Bureau of Investigation & Enforcement | PA One Call Enforcement

Commonwealth Keystone Building

400 North Street | Harrisburg PA 17120

Phone: 717-783-5117

www.puc.pa.gov

THE INFORMATION TRANSMITTED IS INTENDED ONLY FOR THE PERSON OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN CONFIDENTIAL AND/OR PRIVILEGED MATERIAL. ANY REVIEW, RETRANSMISSION, DISSEMINATION OR OTHER USE OF, OR TAKING OF ANY ACTION IN RELIANCE UPON THIS INFORMATION BY PERSONS OR ENTITIES OTHER THAN THE INTENDED RECIPIENT IS PROHIBITED. IF YOU RECEIVED THIS IN ERROR, PLEASE CONTACT THE SENDER AND DELETE THE MATERIAL FROM ANY COMPUTER.

I&E Exhibit 2



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

MATCON DIAMOND INC
 3447 EAST CARSON ST
 PITTSBURGH, PA 15203

INVOICE DATE	INVOICE NUMBER
12-21-2022	029496-004991
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

- 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

MATCON DIAMOND INC
 3447 EAST CARSON ST
 PITTSBURGH, PA 15203

INVOICE DATE	INVOICE NUMBER
12-21-2022	029496-004991
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

PAY THIS AMOUNT WITHIN 30 DAYS

\$3,000.00

Attn: Damage Prevention Section



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

IN REPLY
PLEASE
REFER TO 811

December 21, 2022

MATCON DIAMOND INC
3447 EAST CARSON ST
PITTSBURGH, PA 15203

Re: Notification of Damage Prevention Investigator Report

To whom it may concern,

We are writing to inform you that your company, MATCON DIAMOND INC, 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. 029496 - Line strike in PITTSBURGH CITY, ALLEGHENY County on **February 15, 2022** near 7049 WILLIARD ST. The incident resulted in damage to an underground facility owned by PEOPLES GAS COMPANY LLC.

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 remitting 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

December 21, 2022

Investigation

Investigator name: Newsome-Connor, Summers **Incident date:** 02/15/22 09:30 AM

Case Number: 029496 **Was 911 called?** No **Did damage occur?** Yes

Site of Alleged Violation: 7049 WILLIARD ST
PITTSBURGH CITY, ALLEGHENY Country
Near S LANG AVE and LLOYD ST

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

Facility Owner: Charles Brazier, PEOPLES GAS COMPANY LLC, 225 NORTH SHORE DR, PITTSBURGH, PA, 15214
Submitted report? Yes **Is PA One Call member?** Yes

Contractor/Excavator: MATCON DIAMOND INC, 3447 EAST CARSON ST, PITTSBURGH, PA, 15203
Submitted report? No **Is PA One Call member?** Yes

Project Owner: PEOPLES GAS
Submitted report? Yes **Is PA One Call member?** Yes

Ticket Information: None

Other Investigations Related by Ticket: None

Synopsis of the events that led to the damaged facility:

The incident occurred on Tuesday, February 15, 2022, at 7049 Williard Street, in Pittsburgh, Allegheny County. Peoples Natural Gas (PNG) line was damaged.

PNG stated, Matcon Diamond Inc failed to place a One Call ticket before their job of a sawcut to the ditch line to install a gas main line. During the sawcut a 1-inch plastic service line was damaged. PNG provided two photos of the damaged line with a hit-kit.

The photos show Matcon using previous locate marks and excavation within the tolerance zone.

The PA One Call Compliance commented, Matcon Diamond has placed One Call notifications. There are no tickets associated with this incident.

On Thursday, September 8, 2022, an email was sent to Matcon Diamond requesting an Alleged Violation Report (AVR).

*Matcon Diamond Inc is in violation of sections:

5(2.1) Excavator failed to submit a location request One Call within the correct timeframe

5(4) Excavator failed to exercise due care and employ prudent excavation techniques.

5(16) Excavator failed to submit an AVR within 10 business days of striking a line

5(8) Excavator failed to immediately notify 911 and the facility owner when damage resulted in escape of gas

Recommendation: Education required, and penalties applied

Amount of property damage: \$1-\$1,000 **Impact on public:** One customers service was interrupted for 1- 6 hours.

Entity out of compliance MATCON DIAMOND INC

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
5 (2.1)	Proposed		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
Recommendation: Education required								
5 (4)	Proposed		Excavator failed to exercise due care and employ prudent excavation techniques	1st Offense	\$500.00	0 %	\$0.00	\$500.00
5 (8)	Proposed		Excavator failed to immediately notify 911 and the facility owner when damage resulted in the escape of gas or liquid which may endanger life, health or property	1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
Recommendation: Education required								
5 (16)	Proposed		Excavator failed to submit an Alleged Violation Report within 10 business days of striking a line	1st Offense	\$500.00	0 %	\$0.00	\$500.00
Recommendation: Education required								
Totals					\$3,000.00		\$0.00	\$3,000.00

Previous Violations:

No Previous Violations

Name of Investigator: Newsome-Connor, Summers **Date completed:** 09/08/22 03:11 PM

Name of Supervisor: Locke, Sara **Date completed:** 10/25/22 02:36 PM

I&E Exhibit 3

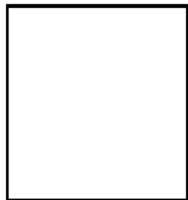
Newsome-Connor, Summers

From: Newsome-Connor, Summers
Sent: Tuesday, December 27, 2022 8:57 AM
To: Newsome-Connor, Summers
Subject: FW: [External] Case No. 029496

From: Matcon Diamond <matcon@matcondiamond.com>
Sent: Friday, December 23, 2022 10:18 AM
To: PC, DamagePrevention <RA-PCDAMAGEPREVENTIO@pa.gov>
Subject: [External] Case No. 029496

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Please accept this email as rejection of the DPI Report dated December 21, 2022 in relation to the line strike alleged to have occurred on Feb. 15, 2022, near 7049 Williard St., City of Pittsburgh, Allegheny County, PA.



matcondiamond.com

Dan Matesic

Operations Manager

Matcon Diamond, Inc.

3447 East Carson St

Pittsburgh, Pa 15203

(412) 481-0280 Main

(412) 482-3442 Fax

(412) 292-3242 Mobile

The items which accompany this transmission contain confidential information that belongs to the sender which is legally privileged. This information is intended only for the individuals or entities

named above. If you were not the recipient you were notified that any disclosure copying distribution for the taking of action in reliance on the contents of this transmission is strictly prohibited.

A society grows great when old men plant trees whose shade they know they shall never sit in.

I&E Exhibit 4



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

February 16, 2023

MATCON DIAMOND INC
 3447 EAST CARSON ST
 PITTSBURGH, PA 15203

Re: Notification of Damage Prevention Committee Meeting

To whom it may concern,

We are writing to inform you that the Damage Prevention Committee (DPC) is in receipt of your request to appear before it and present your position regarding Case No. 029496. This case involves a line strike in PITTSBURGH CITY, ALLEGHENY County on **February 15, 2022** near 7049 WILLIARD ST. The incident resulted in damage to an underground facility owned by PEOPLES GAS COMPANY LLC.

This case has been scheduled for discussion at a hybrid, DPC Meeting on **March 14, 2023 at 09:00 AM**. To attend the DPC Virtual MS Teams Meeting please access the following link [Damage Prevention Committee | PA PUC](#), click on > DPC Meetings > and choose the meeting link with the date of the meeting you are scheduled to attend. To attend the meeting in person please go to Hearing Room 1 of the Keystone Building in Harrisburg, which is located at 400 North Street, Harrisburg, PA 17120.

Based on the Damage Prevention Investigator's ("DPI") report regarding this case, the following violations will be presented at the DPC Meeting:

Section		Offense
5 (2.1)	Excavator failed to submit a location request to One Call within the correct timeframe	1st Offense
5 (4)	Excavator failed to exercise due care and employ prudent excavation techniques	1st Offense
5 (8)	Excavator failed to immediately notify 911 and the facility owner when damage resulted in the escape of gas or liquid which may endanger life, health or property	1st Offense
5 (16)	Excavator failed to submit an Alleged Violation Report within 10 business days of striking a line	1st Offense

At the meeting, the DPC will discuss and determine whether to accept the DPI's recommendation regarding this case. MATCON DIAMOND INC may provide representatives of its choosing to present its position before the DPC. A representative may be asked to answer technical questions and present additional evidence that has not already been provided to the Commission. Legal representation is permitted at the DPC Meeting for the purpose of advising the representative only.

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 5



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

MATCON DIAMOND INC
 3447 EAST CARSON ST
 PITTSBURGH, PA 15203

INVOICE DATE	INVOICE NUMBER
12-21-2022	029496-004991
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

- **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

MATCON DIAMOND INC
 3447 EAST CARSON ST
 PITTSBURGH, PA 15203

INVOICE DATE	INVOICE NUMBER
12-21-2022	029496-004991
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

PAY THIS AMOUNT WITHIN 30 DAYS

\$2,500.00

Attn: Damage Prevention Section



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

IN REPLY
PLEASE REFER
TO 811

One Call Enforcement

March 15, 2023

MATCON DIAMOND INC
3447 EAST CARSON ST
PITTSBURGH, PA 15203

Re: Notification of Damage Prevention Committee Informal Determination

To whom it may concern,

We are writing to inform you that MATCON DIAMOND INC was identified as a stakeholder in one or more cases that were discussed and voted upon by the Damage Prevention Committee (DPC) at a meeting on **March 14, 2023** 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. 029496 - Line strike in PITTSBURGH CITY, ALLEGHENY County on **February 15, 2022** near 7049 WILLIARD ST. The incident resulted in damage to an underground facility owned by PEOPLES GAS COMPANY LLC.

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
Recommendation: Education required						
5 (8)	Excavator failed to immediately notify 911 and the facility owner when damage resulted in the escape of gas or liquid which may endanger life, health or property	1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
Recommendation: Education required						
5 (16)	Excavator failed to submit an Alleged Violation Report within 10 business days of striking a line	1st Offense	\$500.00	0 %	\$0.00	\$500.00
Recommendation: Education required						
Total			\$2,500.00		\$0.00	\$2,500.00

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. If the DPC's informal determination includes mandatory training, you will receive a separate letter with further instructions.**
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

Enclosure

I&E Exhibit 6



March 27, 2023

Terri Cooper Smith, Chairperson
Damage Prevention Committee
Pennsylvania Public Utility Commission
400 North St.
Harrisburg, PA 17120

Dear Ms. Smith,

Pursuant to the March 15, 2023 Notification of Damage Prevention Committee Informal Determination, attached, please accept this letter as Matcon Diamond, Inc.'s rejection of the DPC's informal determination.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel C. Matesic". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel C. Matesic
Operations Manager
Matcon Diamond, Inc.



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

IN REPLY
 PLEASE REFER
 TO 811

One Call Enforcement

March 15, 2023

MATCON DIAMOND INC
 3447 EAST CARSON ST
 PITTSBURGH, PA 15203

Re: Notification of Damage Prevention Committee Informal Determination

To whom it may concern,

We are writing to inform you that MATCON DIAMOND INC was identified as a stakeholder in one or more cases that were discussed and voted upon by the Damage Prevention Committee (DPC) at a meeting on **March 14, 2023** 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.

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- Case No. 029496 - Line strike in PITTSBURGH CITY, ALLEGHENY County on **February 15, 2022** near 7049 WILLIARD ST. The incident resulted in damage to an underground facility owned by PEOPLES GAS COMPANY LLC.

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
Recommendation: Education required						
5 (8)	Excavator failed to immediately notify 911 and the facility owner when damage resulted in the escape of gas or liquid which may endanger life, health or property	1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
Recommendation: Education required						
5 (16)	Excavator failed to submit an Alleged Violation Report within 10 business days of striking a line	1st Offense	\$500.00	0 %	\$0.00	\$500.00
Recommendation: Education required						
Total			\$2,500.00		\$0.00	\$2,500.00

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. If the DPC's informal determination includes mandatory training, you will receive a separate letter with further instructions.**
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 'T. Cooper Smith', written in a cursive style.

Terri Cooper Smith, Chairperson
Damage Prevention Committee
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No.: C-2023-
	:	
Matcon Diamond, Inc.,	:	
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

Matcon Diamond, Inc.
Attn: Daniel C. Matesic
3447 East Carson St.
Pittsburgh, PA 15203



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: November 15, 2023