



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

December 6, 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.  
Multiscape 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 in a cursive style.

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

GR/jfm  
Enclosures

cc: Michael L. Swindler, Deputy Chief Prosecutor, I&E-Enforcement (*via email*)  
As per Certificate of Service

## 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](mailto: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-
	:	
Multiscape Inc.,	:	
Respondent	:	

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**FORMAL COMPLAINT**

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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 Multiscape Inc. (“Multiscape” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a UGI gas line while excavating on June 2, 2022, in the area of 150 Lake Street, Dallas Borough, Luzerne 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](mailto:grosul@pa.gov)  
(717) 783-5243

Michael L. Swindler  
Deputy Chief Prosecutor  
[mwindler@pa.gov](mailto:mwindler@pa.gov)

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

4. Respondent is Multiscape Inc., with a main mailing address of 1093 South Township Blvd., Pittston, PA 18640.

5. Multiscape is an "excavator," as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.<sup>1</sup>

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<sup>1</sup> "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.*

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(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. 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.

10. 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.

11. 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.

12. 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).

13. 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).

14. 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**

15. On June 2, 2022, Multiscape struck and damaged an accurately marked gas service line owned by UGI while excavating with a backhoe in the road in front of 150 Lake Street in Dallas Borough, Luzerne County.

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

17. UGI Utilities stated in its Alleged Violation Report (“AVR”) that Multiscape was “piggybacking” on a previous ticket that was placed for the same street, in that Multiscape was relying upon marks from a previous mark-out or One Call ticket

request. A white “GS” mark was visible on the pavement from a prior contractor. I&E Exhibit 1.

18. After striking the gas line, 911 was called and the fire department and police responded.

19. The amount of damage was estimated to be between \$1,000 - \$5,000 with one customer left without gas for approximately 1 - 6 hours.

20. After striking the gas service line, Multiscape failed to file an AVR<sup>2</sup> with POCS within 10 business days, as required by the PA One Call Law.

21. On December 6, 2022, a Damage Prevention Investigator (“DPI”) from the Damage Prevention Section of the Bureau of Investigation and Enforcement sent by e-mail and letter a request to Multiscape to file an AVR with the POCS. I&E Exhibit 2.

22. On April 23, 2023, the DPI again contacted Multiscape via e-mail and letter requesting that Respondent submit an AVR with the POCS. I&E Exhibit 3.

23. On April 24, 2023, a copy of the DPI’s report was sent to Multiscape informing Respondent that they were in violation of the One Call Law by failing to submit a locate request ticket to the POCS within the correct time frame and for failing to submit an AVR within 10 business days of striking a line. Multiscape was also informed that it could accept the findings of the DPI report and pay the assessed penalty or reject the DPI report and present its case to the Damage Prevention Committee (“DPC”) at a future meeting. I&E Exhibit 4.

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<sup>2</sup> 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).

24. On May 17, 2023, Multiscape submitted an incomplete AVR, failing to fill out portions of the AVR document and failing to provide insufficient information relating to the June 2, 2022, line strike incident.

25. On May 19, 2023, Multiscape informed the DPI that they would reject the findings in the report and present its case to the DPC.

26. June 14, 2023, Multiscape was informed by letter that the DPC would consider its case at the July 11, 2023, meeting. I&E Exhibit 5.

27. Multiscape failed to appear at the DPC meeting to present its case or otherwise contest the findings in the DPI report. On July 12, 2023, Multiscape was informed by letter that the DPC adopted the findings of the DPI. I&E Exhibit 6.

28. On July 18, 2023, Respondent informed the DPI that it would dispute the DPC's Informal Determination.

### **III. VIOLATIONS**

29. Paragraphs 1-28 are incorporated herein as if stated in their entirety.

#### **Count 1**

30. Respondent failed to place a valid, routine locate request ticket through POCS prior to excavating in the road with a backhoe at 150 Lake Street in Dallas Borough, Luzerne County on June 22, 2022.

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**

31. Respondent failed to file an AVR within 10 business days after striking UGI’s gas service line.

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 3**

32. 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 5-1, One Call Facility Locate Request, states that “[t]he excavator requests the location of underground facilities at each site by notifying the facility owner/operator through the one call center.”

Respondent, an excavator, failed to follow Common Ground Alliance Best Practices as required by statute when they failed to place a locate request ticket with POCS. CGA Best Practices Manual 18.0, § 5-25.

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 Multiscope Inc. to be in violation of the PA One Call Law at 73 P.S. §§ 180(2.1), 180(16), and 184;
- (2) Impose a cumulative administrative penalty upon Multiscope Inc. in the amount of \$4,000; and
- (3) Order Multiscope Inc. 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](mailto:grosul@pa.gov)

Date: December 6, 2023

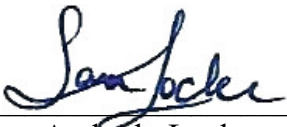
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No.: C-2023-
	:	
Multiscape 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: December 6, 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** AVR2022JUN210028

**AVR Version** 1

**First Name** MARK **Last Name** CALLAHAN

**Company Name** UGI UTILITIES INC

**Address** 1301 AIP DRIVE

**City** MIDDLETOWN

**State** PA

**Zip Code** 17057

**Email** DAMAGEINQUIRY@UGI.COM **Phone** 570-209-2307

**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 checked="" 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)

**Type of Alleged Violation (?)** Excavator Issue

**Reason** Failed to request the location and type of facility owner through the One Call System in advance of beginning excavation or demolition work §5(2.1)

**When did the alleged violation occur?** (?) 06/02/2022

09:40:00 AM

**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.

**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** LUZERNE

**Municipality** DALLAS TWP

**Ward**

**Work Site** 150 Lake Street

**Nearest Intersection**

**Second Intersection**

**Geolocation** (?)

## Affected Facility Information



**Primary Right of Way Type** Public

**Public Right of Way Type** State Highway

**Private Right of Way Type**

**Affected Operation** Gas

**Facility Subtype Affected** Distribution

**Facility Owner Company Name** UGI

**Contact First Name** Mark

**Last Name** Callahan

**Address** 1301 AIP Drive  
**City** Middletown  
**State** PA  
**Zip** 17057  
**Email** damageinquiry@ugi.com **Phone** 570-209-2307  
**Joint Trench?**  Yes  No  Unknown  
**Involve Cross Bore?**  Yes  No  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

**Excavator Company Name** Multiscape

**Contact First Name** **Last Name**

**Address** 1093 S Township Blvd

**City** Pittston

**State** PA

**Zip** 18640

**Email** multiscapebids@gmail.com **Phone** 570-655-8550  
m

**Marked in White**  Yes  No  Unknown

**Method of Excavation** DIGGING

**Equipment Used** What Equipment was used for excavation or demolition when the event occurred?  
BACKHOE/TRACKHOE

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

**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 Unknown

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? \$1,001-\$5,000

**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/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**

If this incident involved any locating/marketing 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**

Multiscape struck and damaged an accurately marked gas service line while excavating in the tolerance zone with mechanized equipment. Multiscape did not have a PA One Call ticket and was piggybacking on a previous ticket that was called in for the same street. Service was marked in the past and marks survived from that original markout. No one call was ever placed by Multiscape. White GS mark on the pavement indicating gas service was placed by whomever the original contractor was in an effort to maintain marks. It was not placed by Multiscape.

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

**Attachments**

150 Lake.jpg	1.16MB
150 Lake1.jpg	1.19MB
150 Lake2.jpg	1.22MB
150 Lake3.jpg	1.11MB

Attach pictures and additional documents

**Submit Date**

06/21/2022

## Compliance Update

**Research Result**

Listed tickets found  
 Additional tickets found  
 No tickets found

### Additional Tickets Found

### Additional Serial Numbers

**Ticket Attachment**

**Comments**

Multiscape does place one call notifications.

**I&E**  
**EXHIBIT 2**

## **Newsome-Connor, Summers**

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**From:** Newsome-Connor, Summers  
**Sent:** Tuesday, December 6, 2022 2:44 PM  
**To:** multiscap bids@gmail.com  
**Subject:** PA PUC One Call Enforcement- Submit a Alleged Violation Report - Case 31527  
**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 31527 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-Excavator Issues-Sections: : 5(2.1) Excavator failed to submit a location request to One Call within the correct timeframe, 5(4) Failed to use prudent techniques in the tolerance zone, and 5(16)- Excavator failed to submit an AVR within 10 business days of striking a line.

Event occurred on Thursday, June 2, 2022

Type of underground facility that was damaged: Gas

Work Site: at 150 Lake Street, in Dallas Township, Luzerne County

Involving: Excavator- Multiscape  
Project Owner- Unknown  
Facility Owner- UGI Utilities Inc

Related PA One Call Ticket Numbers: None

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](http://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  
P.O. Box 3265  
Harrisburg, PA 17105  
Phone: 717-783-5117  
[www.puc.pa.gov](http://www.puc.pa.gov)



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Call before you dig.**

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.



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

12/6/2022

MULTISCAPE  
1093 S. TOWNSHIP BLVD  
PITTSTON, PA 18640

**Re: Please Submit an Alleged Violation Report with Pictures - Case Number 31527**

Incident occurred on Thursday, June 2, 2022, at 150 Lake Street, in Dallas Township, Luzerne County. Involving: Excavator- Multiscape. Project Owner- Unknown. Facility Owner- UGI Utilities. Related PA One Call Tickets: None. Act 50-Excavator Issue-Sections: **5(2.1)** Excavator failed to submit a location request to One Call within the correct timeframe, **5(4)** Failed to use prudent techniques in the tolerance zone, and **5(16)** Excavator failed to submit an AVR within 10 business days of striking a line.

**Type of underground facility that was damaged: Gas**

To Whom it May Concern,

We received an Alleged Violation Report indicating an underground utility line has been struck. 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.palcall.org](http://www.palcall.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.

Please provide the requested information thru the Pennsylvania One Call website. We will continue the investigation with the current information provided to us. If you have any questions, please contact Summers Newsome-Connor at [suconnor@pa.gov](mailto:suconnor@pa.gov) or call 717-783-5117.

Sincerely,

Sara Locke  
Damage Prevention Supervisor  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105

**I&E**  
**EXHIBIT 3**

**Newsome-Connor, Summers**

---

**From:** Newsome-Connor, Summers  
**Sent:** Thursday, March 23, 2023 2:57 PM  
**To:** fcegelka@multiscapeinc.com  
**Subject:** FW: PA PUC One Call Enforcement- Submit a Alleged Violation Report - Case 31527  
  
**Importance:** High

Dear Mr. Cegelka,

**Please Submit an Alleged Violation Report (AVR) IMMEDIATELY with Pictures through the PA One Call system. <http://www.pa1call.org> Please reference the Case Number 31527 on the AVR. If you are unable to upload pictures, please email them to me.**

**Failure to complete an Alleged Violation Report may make you subject to a penalty of no less than \$500 for first time offenders.**

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

Event occurred on Thursday, June 2, 2022

Type of underground facility that was damaged: Gas

Work Site: at 150 Lake Street, in Dallas Township, Luzerne County

Involving: Excavator- Multiscape  
Project Owner- Unknown  
Facility Owner- UGI Utilities Inc

Related PA One Call Ticket Numbers: None

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](http://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,



[www.puc.pa.gov](http://www.puc.pa.gov)



**Summers Newsome-Connor**

Damage Prevention Investigator  
Bureau of Investigation & Enforcement  
PA One Call Enforcement

Phone: 717-783-5117

Email: [suconnor@pa.gov](mailto:suconnor@pa.gov)

Consumer Hotline:  
1-800-692-7380

**PRIVILEGE AND CONFIDENTIALITY NOTICE:** This email, including any attachments, may be privileged, confidential, proprietary and/or otherwise protected from disclosure, and is intended only for the use of the designated recipient(s). Any dissemination, disclosure, distribution, copying or other use of this communication without the approval of the sender is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender, delete the original electronic email and destroy any printed copies. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege. Email transmission cannot be guaranteed to be secure or error-free, therefore sender does not accept liability for any errors or omissions in the contents of this message, which arise as a result of email transmission.

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**From:** Newsome-Connor, Summers

**Sent:** Tuesday, December 6, 2022 2:44 PM

**To:** [multiscapebids@gmail.com](mailto:multiscapebids@gmail.com)

**Subject:** PA PUC One Call Enforcement- Submit a Alleged Violation Report - Case 31527

**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 31527 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-Excavator Issues-Sections: : 5(2.1) Excavator failed to submit a location

request to One Call within the correct timeframe, 5(4) Failed to use prudent techniques in the tolerance zone, and 5(16)- Excavator failed to submit an AVR within 10 business days of striking a line.

Event occurred on Thursday, June 2, 2022

Type of underground facility that was damaged: Gas

Work Site: at 150 Lake Street, in Dallas Township, Luzerne County

Involving: Excavator- Multiscape  
Project Owner- Unknown  
Facility Owner- UGI Utilities Inc

Related PA One Call Ticket Numbers: None

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](http://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  
P.O. Box 3265

Harrisburg, PA 17105  
Phone: 717-783-5117  
[www.puc.pa.gov](http://www.puc.pa.gov)



**Know what's below.  
Call before you dig.**

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.



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

3/23/2022

FRANK CEGELKA  
MULTISCAPE  
995 S. TOWNSHIP BLVD  
JENKIN TWP, PA 18640

**Re: Please Submit an Alleged Violation Report (AVR) IMMEDIATELY with Pictures - Case Number 31527.** Incident occurred on Thursday, June 2, 2022, at 150 Lake Street, in Dallas Township, Luzerne County. Involving: **Excavator-** Multiscape. **Project Owner-** Unknown. **Facility Owner-** UGI Utilities. Related PA One Call Tickets: None. **Act 50-Excavator Issue-Sections: 5(2.1)** Excavator failed to submit a location request to One Call within the correct timeframe, and **5(16)** Excavator failed to submit an AVR within 10 business days of striking a line. **Type of underground facility that was damaged: Gas**

Dear Mr. Cegelka,

We received an Alleged Violation Report indicating an underground utility line has been struck. 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](http://www.pa1call.org) within ten (10) business days of the utility line being struck.

**Failure to complete an Alleged Violation Report may make you subject to a penalty of no less than \$500 for first time offenders.**

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.

Please provide the requested information thru the Pennsylvania One Call website. We will continue the investigation with the current information provided to us. If you have any questions, please contact Summers Newsome-Connor at [suconnor@pa.gov](mailto:suconnor@pa.gov) or call 717-783-5117.

Sincerely,

Sara Locke  
Damage Prevention Supervisor  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105

**I&E**  
**EXHIBIT 4**



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

Multiscape  
Attn: Frank Cegelka  
995 S TOWNSHIP BLVD  
Jenkin Twp, PA 18640

INVOICE DATE	INVOICE NUMBER
04-24-2023	031527-004708
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

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FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

Multiscape  
Attn: Frank Cegelka  
995 S TOWNSHIP BLVD  
Jenkin Twp, PA 18640

INVOICE DATE	INVOICE NUMBER
04-24-2023	031527-004708
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

**PAY THIS AMOUNT WITHIN 30 DAYS**

**\$1,500.00**

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

April 24, 2023

Multiscape  
Attn: Frank Cegelka  
995 S TOWNSHIP BLVD  
Jenkin Twp, PA 18640

**Re: Notification of Damage Prevention Investigator Report**

To whom it may concern,

We are writing to inform you that your company, Multiscape, 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. 031527 - Line strike in DALLAS TWP, LUZERNE County on **June 02, 2022** near 150 Lake Street. The incident resulted in damage to an underground facility owned by UGI Utilities.

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](mailto: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](mailto: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

April 24, 2023

## Investigation

---

**Investigator name:** Newsome-Connor, Summers **Incident date:** 06/02/22 09:40 AM

**Case Number:** 031527 **Was 911 called?** Yes **Did damage occur?** Yes

**Site of Alleged Violation:** 150 Lake Street  
DALLAS TWP, LUZERNE Country

**What type of underground facility was damaged?** Gas Distribution

**Facility Owner:** Eric Swartley, UGI Utilities, 1301 AIP Drive, Middletown, PA, 17057  
**Submitted report?** Yes **Is PA One Call member?** Yes

**Contractor/Excavator:** Frank Cegelka, Multiscape, 995 S TOWNSHIP BLVD, Jenkin Twp, PA, 18640  
**Submitted report?** No **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 event occurred on Thursday, June 2, 2022, at 150 Lake Street, in Dallas Township, Luzerne County.

UGI Utilities gas line was damaged. They stated that the contractor, Multiscape did not place their own One Call ticket, but was excavating on a previous ticket that was placed for the same location, and those locate marks were still visible. Multiscape hit and damaged the accurately marked gas service line while excavating in the tolerance zone with a backhoe. "White GS mark on the pavement indicating gas service was placed by whomever the original contractor was in an effort to maintain marks." UGI provided pictures of the previous locate mark and damage. The PA One Call Compliance commented that Multiscape does place One Call notifications. There are no tickets associated with this event.

On Tuesday, December 6, 2022, an email, and a letter were sent requesting an Alleged Violation Report from Multiscape. No AVR submitted and no response to the request.

With an updated mailing address and email address, on Thursday, March 23, 2023, an email and letter were sent requesting an AVR from Multiscape.

Multiscape is in violation of sections:

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

5(16) Excavator Failed to submit an Alleged Violation Report within 10 business days of striking a line

Recommendation: Education Required and penalties applied

**Amount of property damage:** \$1,000 - \$5,000 **Impact on public:** One customers service was interrupted for 1- 6 hours. The Fire and Police Department responded to the 911 call.

**Entity out of compliance** Multiscape

Compliance Violations:

Section		Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
5 (2.1)	Excavator failed to submit a location request to One Call within the correct timeframe	Proposed		1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
<b>Recommendation:</b> Education Required								
5 (16)	Excavator failed to submit an Alleged Violation Report within 10 business days of striking a line	Proposed		1st Offense	\$500.00	0 %	\$0.00	\$500.00
<b>Recommendation:</b> Education Required								
<b>Totals</b>					<b>\$1,500.00</b>		<b>\$0.00</b>	<b>\$1,500.00</b>

Previous Violations:

No Previous Violations

**Name of Investigator:** Newsome-Connor, Summers **Date completed:** 12/07/22 10:35 AM

**Name of Supervisor:** Locke, Sara **Date completed:** 02/03/23 08:01 AM

**I&E**  
**EXHIBIT 5**



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

June 14, 2023

Multiscape  
Attn: Frank Cegelka  
995 S TOWNSHIP BLVD  
Jenkin Twp, PA 18640

**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. 031527. This case involves a line strike in DALLAS TWP, LUZERNE County on **June 02, 2022** near 150 Lake Street. The incident resulted in damage to an underground facility owned by UGI Utilities.

This case has been scheduled for discussion at a hybrid, DPC Meeting on **July 11, 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 (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. Multiscape 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](mailto: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 6**



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

Multiscape  
Attn: Frank Cegelka  
1093 SOUTH TOWNSHIP BLVD  
Pittston, PA 18640

INVOICE DATE	INVOICE NUMBER
04-24-2023	031527-004708
FISCAL YEAR	
July 1, 2023 - June 30, 2024	

- **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

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RETURN THIS PORTION WITH YOUR REMITTANCE

Multiscape  
Attn: Frank Cegelka  
1093 SOUTH TOWNSHIP BLVD  
Pittston, PA 18640

INVOICE DATE	INVOICE NUMBER
04-24-2023	031527-004708
FISCAL YEAR	
July 1, 2023 - June 30, 2024	

**PAY THIS AMOUNT WITHIN 30 DAYS**

**\$1,500.00**

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

July 12, 2023

Multiscape  
Attn: Frank Cegelka  
1093 SOUTH TOWNSHIP BLVD  
Pittston, PA 18640

**Re: Notification of Damage Prevention Committee Informal Determination**

To whom it may concern,

We are writing to inform you that Multiscape 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 **July 11, 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. 031527 - Line strike in DALLAS TWP, LUZERNE County on **June 02, 2022** near 150 Lake Street. The incident resulted in damage to an underground facility owned by UGI Utilities.

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
<b>Recommendation:</b> 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
<b>Recommendation:</b> Education Required						
<b>Total</b>			<b>\$1,500.00</b>		<b>\$0.00</b>	<b>\$1,500.00</b>

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](mailto: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](mailto: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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

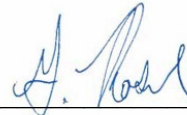
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No.: C-2023-
	:	
Multiscape Inc.,	:	
Respondent	:	

**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**

Multiscape Inc.  
Attn: Frank Cegelka  
1093 S. Township Blvd.  
Pittston, PA 18640



---

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](mailto:grosul@pa.gov)

Dated: December 6, 2023