



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

January 3, 2024

**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.  
Columbia Gas of Pennsylvania, Inc.  
Docket No. C-2023-3043425  
**I&E Prehearing Conference Memorandum**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Bureau of Investigation and Enforcement's ("I&E") **Prehearing Conference Memorandum** in the above-referenced matter.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads 'mswindler'.

Michael L. Swindler  
Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 43319  
(717) 783-6369  
[mwindler@pa.gov](mailto:mwindler@pa.gov)

MLS/jfm  
Enclosures

cc: Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-3043425
	:	
Columbia Gas of Pennsylvania, Inc.	:	

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**PREHEARING CONFERENCE MEMORANDUM  
OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

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**TO ADMINISTRATIVE LAW JUDGE EMILY I. DEVOE:**

The Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) files this Prehearing Conference Memorandum in accordance with Administrative Law Judge (“ALJ”) Emily I. DeVoe’s Prehearing Conference Order dated November 20, 2023.

**I. HISTORY OF THE PROCEEDING**

On October 29, 2020, at approximately 8:03 a.m., an explosion occurred at 448 Chestnut Street, Rimersburg, Pennsylvania. The house was serviced by Columbia Gas and involved a 2-inch plastic main. The explosion at 448 Chestnut Street resulted in no fatalities or injuries, however, approximately nineteen (19) residents within a two-block radius of the explosion were evacuated. While the residence at 448 Chestnut Street was still standing after the explosion, there was significant structural damage to the home. The damage to the residence was determined to be a total loss, and the overall estimated

damage including Columbia Gas' property was \$213,000.00. Pipeline Safety Inspectors from I&E's Safety Division responded to the scene and conducted an investigation.

I&E's Safety Division subsequently referred the matter to I&E-Enforcement for potential enforcement action. On October 6, 2023, I&E-Enforcement filed a Formal Complaint. Columbia filed its Answer on November 14, 2023. On November 15, 2023, a Hearing Notice was issued assigning the matter to Administrative Law Judge Emily I. DeVoe (ALJ DeVoe) and setting an evidentiary hearing for January 4, 2024. After consulting with the parties, ALJ DeVoe reverted the hearing to a prehearing conference with Prehearing Memoranda due no later than 12:00 p.m. on January 3, 2024.

## **II. I&E PREHEARING CONFERENCE MEMORANDUM**

### **A. Service**

All service on, and communication to, I&E in this proceeding should be addressed to:

By Mail: Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

By Telephone: (717) 783-6369

By E-mail: [mwindler@pa.gov](mailto:mwindler@pa.gov)

### **B. Statement Regarding Settlement**

I&E is open and willing to discuss settlement of this matter.

C. Plan and Schedule of Discovery

I&E proposes that discovery be conducted consistent with the Commission's regulation at 52 Pa. Code §§ 5.321, *et seq.* To date, I&E has not initiated formal discovery.

D. Discovery Orders

I&E does not propose any modifications to the Commission's regulations pertaining to discovery at 52 Pa. Code §§ 5.321, *et seq.*

E. Proposed Litigation Schedule

I&E proposes that preparation of a litigation schedule be stayed in order to provide the parties an opportunity to discuss the possibility of settlement of this matter.

In the alternative, I&E proposes the following litigation schedule:

1. Written direct testimony due on April 10, 2024.
2. Written rebuttal testimony due on May 8, 2024.
3. Witness schedule due 3 business days before the hearing.
4. Hearing to occur the week of May 21, 2024.
5. Briefing schedule to be established at the hearing.

F. Names and Addresses of Witness(es) to be Presented

Melissa McFeaters, P.E.  
Fixed Utility Valuation Engineer  
I&E - Pipeline Safety Division  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[mmcfeaters@pa.gov](mailto:mmcfeaters@pa.gov)

I&E reserves the right to modify the identified witness and/or present additional witnesses as it deems necessary based on the issues identified by the parties.

1. Issues to be Addressed

- Whether Columbia Gas failed to properly heat-fuse plastic pipe joints on the main as part of the construction project in 1982 and did not have the required intermixing of materials.
- Whether Columbia Gas failed to identify defective fusion joints and did not adequately train its personnel regarding the Company's Investigation of Failures and Leakage Control Records procedures in reference to the March 6, 2020 documentation.
- Whether pipe data in the Facility Failure Report completed by Columbia Gas was recorded as unknown as it was completed prior to the laboratory analysis performed by S-E-A on March 21, 2021. This issue will also address the allegation that Columbia Gas refused to supplement its Facility Failure Report with the information provided by S-E-A.
- Whether Columbia Gas failed to follow Pipeline Safety's directive in the November 12, 2020 letter when it failed to provide three (3) unredacted copies of the written report after S-E-A, Ltd. completed its testing and laboratory analysis.
- Whether Columbia Gas failed to furnish and maintain adequate, efficient, safe and reasonable service and facilities and make such repairs, changes, alterations, substitutions, extensions and improvements in or to its service and facilities necessary or proper for the accommodation and safety of its patrons, employees and the public, thereby placing the safety of its customers, employees and the public in danger.

2. Statement of Evidence to be Presented

I&E's witness(es) will testify to all matters pertaining to the alleged failure of Columbia Gas to properly complete the plastic butt fusion on the 2-inch plastic main and

the failure to identify defective fusion joints which resulted in the damage to property as set forth in the complaint.

I&E's witness(es) may testify to additional matters based upon the issues identified by the parties.

Respectfully submitted,



Michael L. Swindler  
Deputy Chief Prosecutor  
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
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Phone: (717) 783-6369  
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Dated: January 3, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-3043425
	:	
Columbia Gas of Pennsylvania, Inc.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Prehearing Conference Memorandum** dated January 3, 2024, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Service by Electronic Mail Only**

Honorable Emily I. DeVoe  
Office Of Administrative Law Judge  
Pennsylvania Public Utility Commission  
Piatt Place  
301 Fifth Avenue, Suite 220  
Pittsburgh, PA 15222  
[edevoe@pa.gov](mailto:edevoe@pa.gov)

Diane Brown  
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NiSource Corporate Services Co.  
121 Champion Way, Suite 100  
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