



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT
BP8#3036350

January 25, 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.
Philadelphia Water Department
Docket No. C-2024-
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

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-2024-
	:	
Philadelphia Water Department,	:	
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 Philadelphia Water Department (“PWD” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a PECO electric duct bank resulting in an injury to an excavator in the vicinity of 6951 Roosevelt Boulevard at the intersection with Tyson Avenue, in the City of Philadelphia, Pennsylvania. 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*, project owners and designers, 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 Philadelphia Water Department with a main mailing address of 1101 Market Street, 5th Floor, Philadelphia, PA 19017.

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

¹ “Designer” is defined as “means any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work as herein defined.” 73 P.S. § 176.

6. Section 179 of the PA One Call Law, 73 P.S. § 179, imposes duties on designers.

7. Specifically, Section 179(2) requires designers to “request the line and facility information prescribed by section 2(4) from the One Call System not less than ten nor more than ninety business days before final design is to be completed.” 73 P.S. § 179(2).

8. Section 179(3) requires designers to “show upon the drawing the position and type of each facility owner's line, derived pursuant to the request made as required by [Section 179(2)], and the name of the facility owner....” 73 P.S. § 179(3).

9. Section 179(4) requires designers to “make a reasonable effort to prepare the construction drawings to avoid damage to and minimize interference with a facility owner's facilities in the construction area by maintaining the clearance as provided for in the applicable easement condition or an eighteen-inch clearance of the facility owner's facilities if no easement restriction exists.” 73 P.S. § 179(4).

10. PWD is also a “project owner,” as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.²

11. Section 181.1 of the PA One Call Law, 73 P.S. § 181.1, imposes duties on project owners.

12. Specifically, Section 181.1(1) of the PA One Call Law, 73 P.S. § 181.1(1), requires that project owners “utilize sufficient quality levels of subsurface utility engineering or other similar techniques whenever practicable to properly determine the existence and

² “Project Owner” is defined as “any person who or which engages an excavator for construction or any other project which requires excavation or demolition work.” 73 P.S. § 176.

positions of underground facilities when designing known complex projects having an estimated cost of four hundred thousand dollars (\$400,000) or more.”

13. Section 181.1(3) of the PA One Call Law, 73 P.S. § 181.1(3), requires project owners to “not release to bid or construction any project until after final design is completed.” 73 P.S. § 181.1(3).

14. 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.

15. “Injury” is defined as “bodily harm to a person, who, as a result of the bodily harm, immediately receives medical attention away from the scene of the incident.” 73 P.S. § 176.

16. “Final design” is defined as “the engineering and construction drawings that are provided to a bidder or other person who is asked to initiate construction on the bid date or the date the project is set for construction in the absence of a bid.” 73 P.S. § 176.

17. “Subsurface Utility Engineering,” or “SUE,” is defined as those techniques set forth in the American Society of Civil Engineers (ASCE) most recently published standard CI/ASCE 38-02, or its successor document as determined by the One Call System. 73 P.S. § 176.

18. The American Society of Civil Engineers defines Subsurface Utility Engineering as “[a] branch of engineering practice that involves managing certain risks associated with utility mapping at appropriate quality levels, utility coordination, utility relocation design and coordination, utility condition assessment, communication of utility data to concerned parties, utility relocation cost estimates, implementation of utility

accommodation policies, and utility design.” *American Society of Civil Engineers*, “Standard Guideline for the Collection and Depiction of Subsurface Utility Data,” ASCE-38-02.

19. Utility Quality Level A is defined as “[p]recise horizontal and vertical location of utilities obtained by the actual exposure (or verification of previously exposed and surveyed utilities) and subsequent measurement of subsurface utilities, usually at a specific point. Minimally intrusive excavation equipment is typically used to minimize the potential for utility damage. A precise horizontal and vertical location, as well as other utility attributes, is shown on plan documents. Accuracy is typically set to 15-mm vertical and to applicable horizontal survey and mapping accuracy as defined or expected by the project owner.” *American Society of Civil Engineers*, “Standard Guideline for the Collection and Depiction of Subsurface Utility Data,” ASCE-38-02.

20. Utility Quality Level B is defined as “[i]nformation obtained through the application of appropriate surface geophysical methods to determine the existence and approximate horizontal position of subsurface utilities. Quality level B data should be reproducible by surface geophysics at any point of their depiction. This information is surveyed to applicable tolerances defined by the project and reduced onto plan documents.” *American Society of Civil Engineers*, “Standard Guideline for the Collection and Depiction of Subsurface Utility Data,” ASCE-38-02.

21. Utility Quality Level C is defined as “[i]nformation obtained by surveying and plotting visible above-ground utility features and by using professional judgment in correlating this information to quality level D information.” *American Society of Civil Engineers*, “Standard Guideline for the Collection and Depiction of Subsurface Utility Data,” ASCE-38-02.

22. Utility Quality Level D is defined as “[i]nformation derived from existing records or oral recollections.” *American Society of Civil Engineers*, “Standard Guideline for the Collection and Depiction of Subsurface Utility Data,” ASCE-38-02.

23. Respondent, as a designer and a project owner, 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 project owners to comply with the PA One Call Law. 73 P.S. § 182.10.

24. 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 designers and project owners 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.

25. 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).

26. 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 or more an administrative penalty not to exceed \$50,000. 73 P.S. § 182.10(b)(1)(i)-(ii).

27. The violations set forth *infra* resulted in an injury to an employee of PWD’s contracted excavator.

28. 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

29. On September 2, 2022, Philip Pio Construction (“Philip Pio”) was excavating in the vicinity of 6951 Roosevelt Boulevard at the intersection with Tyson Avenue as part of a project by the Philadelphia Water Department to replace a water main for a green infrastructure system.

30. While excavating with a backhoe, Philip Pio struck and damaged an underground primary electric cable belonging to PECO Electric.

31. Philip Pio was excavating under an expired PA One Call Ticket, Ticket #20221523892. This Ticket was placed on June 1, 2022, by Philip Pio with excavation scheduled for June 6, 2022. The expected duration of the excavation was one month. At the time of the excavation on September 2, 2022, the PA One Call Ticket was expired and no longer valid.

32. Although faded, locator markings were visible and accurate in the excavation area. I&E Exhibit 1.

33. After uncovering PWD’s water lines, a worker from Philip Pio entered the excavated area to guide the excavator operator around the facilities. Id.

34. The excavator chipped at a concrete casing for a PECO electric conduit duct bank, erroneously believing it to be a concrete kicker for the existing water main tee fitting. Id.

35. While chipping the concrete, the primary electric cable arced, causing first degree burns to the Philip Pio employee inside the excavated area. Id.

36. Immediately after the incident the worker was taken to Nazarene Hospital by co-workers. Id.

37. The injured worker was later transferred to Jefferson Hospital and was discharged the same day (September 2, 2022). Id.

38. On September 9, 2022, the designer for PWD submitted an Alleged Violation Report (“AVR”).³ I&E Exhibit 2.

39. In the AVR, the PWD designer alleged that PECO’s drawings “did not show a second PECO conduit directly beneath the first PECO conduit,” and that only one of the two PECO duct banks was shown on its drawings. Id.

40. After being notified of the incident, the Commission’s Electric Safety Division (“ESD”) opened an investigation. I&E Exhibit 3.

41. On June 23, 2023, ESD interviewed a team from PECO regarding the strike on its underground electrical cables. Id.

42. During this interview, PECO presented drawings to ESD showing the second duct bank inside a nearby manhole. Id.

43. PECO asserted that its drawings and facility information showing the two duct banks was provided to the Pennsylvania One Call System (“POCS”) with the location of their lines in the proposed work area for PWD to use in its preliminary design drawings. Id.

³ 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 that occurred in association with excavation or demolition work. *See* 73 P.S. §§ 176 and 181.1(7).

44. PECO further asserted that they did not receive notification during either the preliminary or final design stages from PWD regarding the second duct bank either missing from its drawings or being illegible on any prints.

45. On October 23, 2023, ESD interviewed the design engineer for PWD.

46. During the interview with ESD, the design engineer for PWD stated that the drawings submitted to the POCS by PECO did show the second conduit directly beneath the first conduit, contrary to the allegation in the September 9, 2022, AVR submitted by the PWD designer.

47. The PWD designer further admitted to the ESD investigator that PWD's final construction drawings did not produce the most accurate drawings for the project and that the PWD designer did not include the second duct bank on its drawings which may have resulted in the incident.

48. However, the PWD designer also stated that the PECO drawings available through POCS were illegible.

49. The ESD investigation concluded that PECO was not in violation of any National Electric Safety Code requirements and was not responsible for the incident.

50. A separate investigation of the incident by USIC,⁴ independent of the ESD's investigation, concluded that "the evidence demonstrates that inaccurate construction drawings caused the incident" and that "the Philadelphia Water Department Designer did not provide an accurate construction drawing/print available for the excavator during excavation."

⁴ United States Infrastructure Corporation, or "USIC," is a contractor used by facility owners to mark lines and provide other utility-related services. The investigation referred to here is USIC Fact Based Investigation — Claim Number 4022022902014.

51. The only design ticket for this project was submitted to the POCS by PWD on July 7, 2015, at Ticket #20151881573. I&E Exhibit 4.

52. Although the design ticket was from 2015, excavation at the intersection of Roosevelt Boulevard and Tyson Avenue did not begin until September of 2022.

53. There was no final design ticket submitted by PWD to the POCS for this project.

54. This project was a complex project which cost more than \$400,000 and utilized Subsurface Utility Engineering (“SUE”) Level C. I&E Exhibit 5.

55. PWD’s drawings that were provided to the excavator showed several cross-bores and numerous stormwater, water, electric, gas, and communication facilities that were closely packed next to each other at the location of the subject excavation. I&E Exhibit 6.

56. The data available on its own drawings should have alerted PWD, as project owner, that a higher level of SUE was warranted in this case given the high density of underground utility lines and known cross-bores in the planned excavation area.

III. VIOLATIONS

57. Paragraphs 1-56 are incorporated herein as if stated in their entirety.

Count 1

58. Respondent failed to submit a valid PA One Call final design ticket.

Designers are required to request the line and facility information from the POCS “not less than ten nor more than ninety business days before final design is to be completed.” In other words, the final design ticket must be submitted within 90 days prior to the completion of the final design.

If proven, this is a violation of Section 179(2) of the PA One Call Law, 73 P.S. § 179(2). As a designer, Respondent was required to submit a final design ticket to the POCS within the designated time frame. The only design ticket for this project submitted to the POCS on July 7, 2015, at Ticket #20151881573 — more than seven years before the start of the excavation at the intersection of Roosevelt Boulevard and Tyson Avenue. This is well outside of the timeframe prescribed by the PA One Call Law.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$10,000.

Count 2

59. Respondent failed to show upon its drawings the position and type of each facility owner's lines.

If proven, this is a violation of Section 179(3) of the PA One Call Law, 73 P.S. § 179(3). As a designer, Respondent was required to show on its drawings the position and type of each facility owner's lines, as well as the name of the facility owner. Here, the ESD investigation uncovered that the drawings submitted by PECO to the POCS did in fact show the second electric conduit duct bank below the first one adjacent to PWD's water main tee. The PWD employee responsible for the design work and preparation of the drawings stated to the ESD investigator that the PECO drawings were available to PWD through the POCS and did show the second PECO duct bank. The PWD designer also admitted that PWD did not include the second duct bank on its drawings and that as a result PWD did not produce the most accurate drawings for the project.

PECO's drawing showing all of its facilities was available to PWD and should have been incorporated into PWD's own drawings as designer. Because PWD did not include the

second duct bank on its drawings, it failed to “show upon its drawings the position and type of each facility owner’s lines,” and is in violation of Section 179(3) of the PA One Call Law

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$10,000.

Count 3

60. Respondent failed to make a reasonable effort to prepare the construction drawings to avoid damage to and minimize interference with a facility owner's facilities in the construction area.

If proven, this is a violation of Section 179(4) of the PA One Call Law, 73 P.S. § 179(4). As a designer, Respondent was required to make a reasonable effort to prepare its drawings to avoid damage to and minimize interference with other facilities in the construction area. Although it had PECO’s drawings showing both electric conduit duct banks adjacent to PWD’s water main tee in the excavation area, PWD failed to incorporate that information into its own drawings, depriving the excavator of crucial information regarding the placement of PECO’s facilities. As a result of this oversight, a worker was injured. Because PWD excluded vital information it had access to from its drawings, PWD did not make a reasonable effort to prepare its drawings to avoid damage to and minimize interference with PECO’s facilities.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$10,000.

Count 4

61. Respondent released its project to bid or construction before the final design was completed.

If proven, this is a violation of Section 181.1(3) of the PA One Call Law. As a project owner, Respondent is not permitted to release a project to bid or construction until after the final design is completed.

Here, Respondent's only design ticket, Ticket #20151881573, was submitted to the POCS on July 7, 2015. Excavation occurred on September 2, 2022, with no final design ticket having been submitted through the POCS. Therefore, Respondent released the project to construction before a final design was complete.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$10,000.

Count 5

62. Respondent failed to use a sufficient Quality Level of SUE when designing its complex project. Respondent only utilized Quality Level C SUE when designing its complex project when a higher Quality Level was warranted.

If proven, this is a violation of Section 181.1(1) of the PA One Call Law. As a project owner, Respondent was required to "utilize sufficient quality levels of subsurface utility engineering or other similar techniques whenever practicable to properly determine the existence and positions of underground facilities when designing known complex projects having an estimated cost of four hundred thousand dollars (\$400,000) or more."

Here, Respondent stated in its AVR that this project was a complex project with a cost in excess of \$400,000. While the statute states that a "sufficient" level of SUE must be used on such projects, the PA One Call User Guide, citing the CGA Best Practices Manual and the ASCE 38-22 Utility Engineering Standard, instructs that "Quality Level B or Quality Level A should be applied for more precise horizontal and vertical data necessary for conflict

identification during the design phases,” with only projects under \$400,000 in estimated cost permitted to utilize Quality Level D or Quality Level C SUE.⁵

Further, the data available on its own drawings should have alerted PWD, as project owner, that a higher level of SUE was warranted in this case given the high density of underground utility lines and known cross-bores in the planned excavation area.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$10,000.

Count 6

63. Respondent failed to use best efforts to comply with the 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 a project owner and as a designer, PWD is required to use its best efforts to adhere to the Common Ground Alliance Best Practices. Specifically, Best Practice 2-3 instructs project owners and designers to indicate existing underground facilities on drawings during planning and design phases of projects. Here, PWD failed to include PECO’s second electrical conduit duct bank directly below its first electrical conduit duct bank on its drawings, even though such information was provided by PECO to the POCS and such information was made available to PWD. By failing to include all existing underground facilities on its drawings, PWD violated Section 184 of the PA One Call Law. Had PWD included this information on its drawings, the excavator would have been aware of the second PECO duct bank below the first one and could have avoided the line strike and subsequent injury.

⁵ PA One Call Users Guide, p. 30, Apr. 24, 2023.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$10,000.

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

- (1) Find Philadelphia Water Department to be in violation of the PA One Call Law at 73 P.S. §§ 179(2), 179(3), 179(4), 181.1(1), 181.1(3), and 184.
- (2) Impose a cumulative administrative penalty upon Philadelphia Water Department in the amount of \$50,000⁶; and
- (3) Order Philadelphia Water Department to attend educational programs for both designers and project owners through the Damage Prevention Committee 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: January 25, 2024

⁶ I&E interprets 73 P.S. § 182.10(b)(1)(ii) to impose a cap of \$50,000 in total administrative penalties in a single incident. Although I&E believes that the \$10,000 administrative penalty sought for each of the six counts in this Complaint is warranted, the total amount of any penalty would be capped at \$50,000 by operation of law.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
Philadelphia Water Department	:	
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: January 25, 2024



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 AVR2022SEP070007

First Name MAUREEN **Last Name** LUDWICK

Company Name PECO, AN EXELON COMPANY

Address 680 RIDGE PIKE

City PLYMOUTH MEETING

State PA

Zip Code 19642

Email* maureen.ludwick@peco-energy.com

Phone 6109411431

Ext

Role

Submitter Role(s)* (?)

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

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

Alleged Violation Information

PUC Case Number (if known)

Related AVR Number (?)

Type of Alleged Violation (?) Excavator Issue

Reason Failed to protect and preserve the markings after beginning excavation, or contact the One Call System to request the facilities be marked again §5(3)

When did the alleged violation occur?* 09/02/2022
(?) 09:00:00 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.

20221523892

Related Damage Serial Number, if applicable

Other Related Serial Numbers (?)

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

Event Information



County* (?) PHILADELPHIA
Municipality* (?) PHILADELPHIA CITY
Ward 55
Work Site* TYSON AVE
Nearest Intersection ROOSEVELT BLVD
Second Intersection BROUS AVE
Geolocation (?)

Affected Facility Information



Primary Right of Way Type

Affected Operation* Electric
Facility Subtype Affected* Distribution
Facility Owner Company Name PECO
Contact First Name **Last Name**
Address
City
State
Zip
Email **Phone**
Joint Trench? Yes No Unknown
Involve Cross Bore? Yes No Unknown
Measured Depth from Grade



Work Information

Start Date of Excavation (?)

Excavation Activity WATER

Excavator Company Name PHILIP PIO CONSTRUCTION

Contact First Name Last Name

Address

City

State

Zip

Email Phone

Marked in White Yes No Unknown

Method of Excavation POWER EQUIPMENT

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?

Did Excavator incur down time? Yes No Unknown

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? Please include the appropriate measurement: IN, FT, MI, DIA

Project Owner Company Name CITY OF PHILADELPHIA

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

Was 911 called? Yes No

Name of 911 Caller PASSERBY

Fire Response Yes No

Police Response Yes No

Did the incident cause any injuries? Yes

Number of Injuries (?) 1

Did the incident cause any deaths? Yes

Was there an evacuation? Yes No

Traffic Stopped? Yes No

Service Interrupted? Yes No

Duration of Service Interruption? < 1 hr

Approximately how many customers were affected? 51 +

Cost of Damaged Line Repair?

Was other property damaged? Yes No

Locator/Locate Information



Who was the facility line locator? Contract Locator

Locator Company USIC

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

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 method(s) were used to locate the facility? Electronic Records Visual Exposed

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 ON 09/02/2022, CONTRACTOR, PHILIP PIO CONSTRUCTION, WORKING FOR THE PHILADELPHIA WATER DEPT., INSTALLING GREEN INFRASTRUCTURE SYSTEM (WATER MAIN), UNDER EXPIRED POC 20221523892, DAMAGED AN UNDERGROUND PRIMARY CABLE WHILE EXCAVATING WITH A BACKHOE. CONTRACTOR'S ORIGINAL POC WAS CALLED IN ON JUNE 6, 2022 AND PROVIDES A DURATION TIME OF 1 MONTH. THIS POC WAS EXPIRED AT THE TIME OF THE EXCAVATION; HOWEVER, THE LOCATOR MARKS WERE STILL PRESENT AND ACCURATE, ALTHOUGH FADED. ADVISED BY PHILIP PIO THAT LABORER WAS IN THE EXCAVATION SITE AT THE TIME OF THE DAMAGE/INJURY, GUIDING THE EXCAVATOR. LABORER SUFFERED FIRST DEGREE BURNS TO HIS ARMS. HE WAS TRANSPORTED TO NAZARETH HOSPITAL FROM THE SCENE BY HIS CO-WORKERS, AND ADMITTED. HE WAS SUBSEQUENTLY TRANSFERRED TO JEFFERSON. ADVISED BY PHILIP PIO THAT LABORER WAS TO BE DISCHARGED ON 09/02/2022.

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

Attachments

Attach pictures and additional documents

I&E
Exhibit 2

Alleged Violation Report

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

AVR Number AVR2022SEP120038

AVR Version 1

First Name MATTHEW **Last Name** FULMER

Company Name PHILADELPHIA WATER DEPARTMENT

Address 1101 MARKET ST

City PHILADELPHIA

State PA

Zip Code 19107

Email Matthew.Fulmer@phila.gov **Phone** 215-685-6279

Ext

Role

Submitter Role(s) (?)

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

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

What company or individual are you representing?

Alleged Violation Information

PUC Case Number (if known)

Related AVR Number (?)

Type of Alleged Violation (?)

Reason

When did the alleged violation occur? (?) 09/02/2022

09:00:00 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 20222452001

Other Related Serial Numbers (?) 20151881572

Other Related Serial Numbers (?) 20151181573

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

Reason for Exemption

Event Information

County PHILADELPHIA
Municipality PHILADELPHIA CITY
Ward
Work Site 6591 Roosevelt Blvd
Nearest Intersection Tyson Ave
Second Intersection
Geolocation (?)

Affected Facility Information

Primary Right of Way Type Public
Public Right of Way Type City Street
Private Right of Way Type

Affected Operation Electric
Facility Subtype Affected Distribution
Facility Owner Company Name PECO

Contact First Name Last Name

Address

City

State

Zip

Email

Phone

Joint Trench?

Yes No Unknown

Involve Cross Bore?

Yes No Unknown

Measured Depth from Grade

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

Contact First
Name

Last Name

Address

City

State

Zip

Email

Phone

Marked in White

Yes No Unknown

Method of Excavation

Equipment Used

What Equipment was used for excavation or demolition when the event occurred?

Type of Excavator

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

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? C (Above ground survey)

Estimated cost of the entire project \$400,000 or more

What was the length of the entire project? 2.33 MI

Project Owner Company Name Philadelphia Water Department

Contact First Name Last Name

Address 1101 Market St

City Philadelphia

State PA

Zip 19107

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 (?) 1

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? Unknown

Exact Value of Service Interruption

Approximately how many customers were affected? Unknown

Exact Number of Customers Affected

Cost of Damaged Line Repair? Unknown

Exact Cost of Damaged Line Repair

Was other property damaged? Yes No

What other property was damaged?

Cost of Other Property Repair

Locator/Locate Information



Who was the facility line locator?

Locator Company

Contact First
Name

Last Name

Address

City

State

Zip

Email

Phone

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

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

What types of marks were present? Paint
 Flags
 Stakes
 Other

Were offset markings used? Yes No Unknown

Condition of Marks

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 Records
 Visual 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

PWD Construction informed me that an event occurred at Tyson Ave and Roosevelt Blvd on PWD project 20513. It was stated that a PECO line was hit and cause a single injury.

PWD planned for the replacement of water mains in this locations and conducted a design One Call to complete the plans. PWD also had PECO review the plans prior to bidding on at least 2 occasions.

The design plans called out PECO at the location and showed a line on the plans where the event occurred. The design plans did not show a second PECO conduit directly beneath the first PECO conduit.

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

Attachments

20513.zip 7.43MB

Attach pictures and additional documents

Submit Date

09/12/2022

Compliance Update

Research Result

- Listed tickets found
 Additional tickets found
 No tickets found

Additional Tickets Found

Additional Serial Numbers 20221523893

Additional Serial Numbers 20221523892

Additional Serial Numbers 20222492213

Additional Serial Numbers 20222492214

Ticket Attachment

Comments

PA One Call Records go back a rolling 5 years, and unable to verify serial numbers 20151881572 and 20151181573

I&E
Exhibit 3



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

October 24, 2023

RE: September 02, Roosevelt Blvd Electric Contact Incident Investigation

Background

On Monday, September 12, 2022, the Electric Safety Division (ESD) received a notification from PA One Call Damage Prevention indicating an injury on the PECO system. According to the PECO Alleged Violation Report (AVR) #20221523892 a contractor of Philip Pio Construction, inadvertently contacted a PECO Underground Primary cable along Roosevelt Boulevard near Philadelphia.

Summary

On Friday, September 02, 2022, at approximately 13:26, Philip Pio construction employee, broke open a duct containing an electric primary while using a backhoe. The laborer sustained a first degree burns and was transported in a personal vehicle to the hospital for treatment. The contractor (Philip Pio Construction) was working under an expired Pennsylvania One Call (POC) 20221523892 at the time of excavation. The AVR stated that the POC expired on June 6, 2022. The contractor was working for the Philadelphia Water Department when the incident occurred. The Alleged Violation Report indicated that the contractor was installing a Green Infrastructure system on the water main at the Roosevelt Boulevard and Tyson Avenue interception.

Description of Facilities

The incident occurred on an underground facility located at the corner of 7000 East Roosevelt Boulevard and Tyson Avenue in Philadelphia.

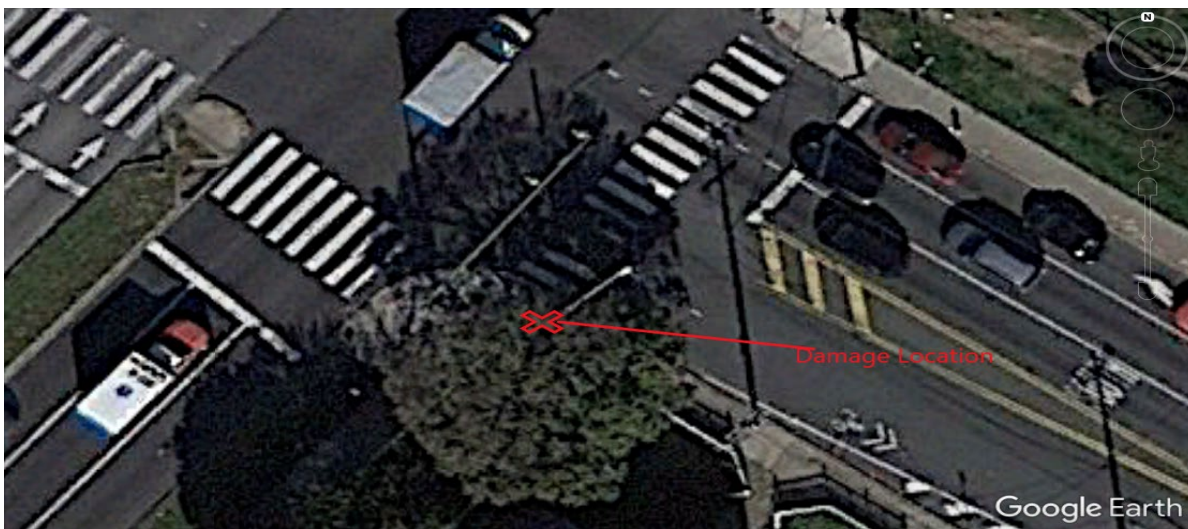


Figure 1: View of the incident site as seen from East Roosevelt Boulevard and Tyson Avenue. Source: USIC



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

Incident site



Property of United States Infrastructure Corporation
Photo created on 09/02/2022 12:36:51 PM EDT

Figure 2: View of the duct banks as seen from East Roosevelt Boulevard and Tyson Avenue. Source: USIC



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



Property of United States Infrastructure Corporation
Photo created on 09/02/2022 12:37:05 PM EDT

Figure 3: view of the underground facility as seen from East Roosevelt Boulevard and Tyson Avenue. Source: USIC



Figure 4: View of the PECO ducts that are encased in concrete Source: USIC



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

Pennsylvania One Call (POC) Tickets Timeline Investigation

Immediately after receiving notification from PA One Call Damage Prevention about the PECO's incident report, the PA PUC Electric Safety Division (ESD) assigned an engineer to conduct a thorough investigation. The ESD submitted a data request to PECO to gather more information regarding the incident. The following timeline that summarizes Pennsylvania One Call (POC) Tickets during the ESD's investigation.

- On July 07, 2015, Ticket #20151881573-000: Confirmed the preliminary design of the new excavation.
- On July 22, 2015, Ticket #20151881572-000: KARL automated response service through PA One Call system to facility operators.
- On June 01, 2022, Ticket #20221523892-000: Routine excavation, Jason Zuber requested PECO to remark the line near the Roosevelt Boulevard and Tyson Avenue intersection. The other utilities do not need to remark lines.
- On June 03, 2022, Ticket #20221523892-000: Responded to the due date of 06/06/2022, the scheduled excavation date of 06/06/2022, and the digging time 07:00 hours.
- On June 06, 2022, Ticket #20221523892-000: The Lawful scheduled excavation date through June 15, 2022. The duration of the exaction is one month.
- On June 06, 2022, Ticket #20221523892-000: The ticket expired at the excavation time.
- On September 02, 2022, Ticket #20222452000-000: has a response due date of 09/02/2022, the scheduled excavation date of 09/02/2022, and the digging time of 13:30.
- On September 02, 2022, Ticket #20222452000-000: Valerie Henze stated that excavator could not locate PECO 5 feet deep concrete vault on site.
- On September 07, 2022, Ticket #20222492213-000: PA underground utility line request issue and work progress update.
- On September 02, 2022, PECO Alleged Violation Report (AVR) #2022SEP070007, submitted by Maureen Ludwick, stated that the contractor damaged an underground primary cable under an expired POC Ticket #20221523892 while excavating with a backhoe.
- On September 02, 2022, Philadelphia City Alleged Violation Report (AVR) #2022SEP090009 submitted by Walid El-Morshedy, stated that a flame shot out from the duct that was encased in concrete when the contractor chipped away the concrete under the existing water main.
- On September 02, 2022, PECO Alleged Violation Report (AVR) #AVR2022SEP120038, submitted by Matthew Fulmer, stated that PECO's design plans did not show a second PECO conduit directly beneath the first PECO conduit.



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

Electric Safety Division Investigation and Analysis

The PA PUC Electric Safety Division (ESD) interviewed PECO and Philadelphia Water Department employees to determine if the construction drawings showed the duct banks on the prints. Philadelphia Water Department (PWD) claimed that the design plans showed only one of the two PECO lines. The PECO data request response to the PUC stated that its design drawing does show the second duct bank.

PECO Team Interview

The PA PUC Electric Safety Division (ESD) interviewed the PECO team on June 23, 2023, at 11:30 AM regarding PWD's allegation that the design plans showed only one of the two PECO duct banks. PECO considers this drawing to be Confidential Security Information, as that term is defined in 52 Pa. Code § 102.2. therefore, the PA PUC Electric Safety Division was not allowed to take pictures of the drawings.

During the document review meeting presentation, PECO Engineer, Brandon Pierce, highlighted various drawings showing the second duct bank inside Manhole #203797. Drawing #3788, Sheet 19 and EC#151876 showed the two duct banks on the prints. Drawings #3788, Sheet 19 was updated on 04/21/2011. PECO asserted that its drawings and facility information was provided through the Pennsylvania One Call (POC) system with the location of their lines in the proposed work area for PWD to begin the conceptual design work. PECO stated that they have yet to receive notification from PWD during the project preliminary and final design stage about the missing second duct bank illegible prints on its drawings.

Philadelphia Water Department Interview

PA PUC Electric Safety Division (ESD) interviewed Philadelphia Water Department Project Control Engineer, Matthew Fulmer on October 20, 2023, at 1300 hours. The interview was about the Alleged Violation Report (AVR) #AVR2022SEP120038, submitted by Matthew Fulmer, which stated that PECO's design plans did not show a second PECO conduit directly beneath the first PECO conduit. In the interview Mr. Fulmer stated that PECO drawings submitted through the Pennsylvania One Call (POC) system have all the information/ the second duct banks on them. However, Mr. Fulmer asserted that the Philadelphia Water Department's final construction drawings did not produce the most accurate drawings for the project. Additionally, Mr. Fulmer indicated the PWD designer did not include the second duct bank on its drawings which may have resulted in the incident. However, Mr. Fulmer claimed it was a design error but claimed that some PECO drawings were illegible in the Pennsylvania One Call system.



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

Incident Cause

After reviewing the PECO data request response, USIC Fact Based Investigation (Claim Number 40220220902014), and interviews of employees, the evidence demonstrates that inaccurate construction drawings caused the incident. The Philadelphia Water Department Designer did not provide an accurate construction drawings/ prints available for the excavator during excavation.

The excavator encountered a concrete slab below the water main and chipped the concrete, assuming it was part of a concrete kicker in front of the existing tee fitting. While chipping the concrete slab, an electrical flash came out from the ducts encased in the concrete under the existing water main. One of the contractors in the excavation pit suffered burns to one of his arms. Afterward, it was discovered that a PECO electric duct was encased in the concrete under the existing water main. An accurate construction drawing will ensure that an excavator determines the precise location of the PECO underground facility to avoid damage and minimize interference.

Conclusion

PA PUC Electric Safety Division (ESD) found the Philadelphia Water Department liable for the incident because it failed to produce accurate engineering drawings for the project. The Philadelphia Water Department Designer needed to follow the Pennsylvania Underground Utility Line Protection Law (PA Act 287 of 1974 as amended by Act 50 of 2017). PECO is not in violation of NESC requirements and not responsible for the incident. PECO construction drawings have detailed information and identify its underground facilities for the designer to incorporate it into the new construction drawings.

I&E
Exhibit 4

20513

Linda Jones

From: POCS Ticket Confirmation <Delivery@pa1call.net>
Sent: Tuesday, July 07, 2015 11:25 AM
To: Linda Jones
Subject: Ticket Confirm POCS 07/07/15 11:25:27 20151881573-000 NEW EXCAVATION PRELIMINARY DESIGN

TKTCFM 00000 POCS 07/07/15 11:25:27 20151881573-000 NEW XCAV DSGN

=====
=====PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION REQUEST===== Serial Number--
[20151881573]-[000] Channel#--[1121035][0243] Message Type--[NEW][EXCAVATION][PRELIMINARY DESIGN]

County--[PHILADELPHIA] Municipality--[PHILADELPHIA CITY] Ward--[54]

Work Site--[TYSON AVE]

Nearest Intersection--[E ROOSEVELT BLVD]

Second Intersection--[BATTERSBY ST]

Subdivision--[] Site Marked in White--[N]

Location Information--

[PLEASE MARK ALL INTERSECTIONS.
BETWEEN TWO INTERSECTIONS]

Caller Lat/Lon--[]

Mapped Type--[P] Mapped Lat/Lon--

[40.040910/-75.058936,40.038114/-75.054346,40.037736/-75.054574,
40.040619/-75.059329]

Map Graphic--[http://www.pa1call.org/ViewMap/view.aspx?sn=20151881573]

Type of Work--[REPAIRING WTR PIPE] Depth--[]

Extent of Excavation--[] Method of Excavation--[DIGGING]

Street--[X] Sidewalk--[] Pub Prop--[] Pvt Prop--[] Other--[]

Lawful Start Dates--[] thru [] Response Due Date--[21-Jul-15]

Scheduled Excavation Date--[DESIGN]

Caller--[LINDA JONES]

Caller Phone--[215-685-6284] Caller Ext--[]

Excavator--[PHILADELPHIA CITY WATER DEPARTMENT]

Address--[1101 MARKET ST 2ND FL]

City--[PHILADELPHIA] State--[PA] Zip--[19107]

FAX--[215-685-6312] Caller Type--[B]

Email--[linda.jones@phila.gov]

Work For--[PHILADELPHIA CITY WATER DEPARTMENT]

Person to Contact--[LINDA JONES]

Contact Phone--[215-685-6284] Contact Ext--[]

Best Time to Call--[0700-1500]

Job Number--[20513]

Prepared--[07-Jul-15] at [1125] by [ALEXANDRA STEADMAN]

Remarks--

[]

ATMO ATM=AT&T ATLANTA KB 0 KB =PECO DNGN PD 0 PD =PHILA C WTR DPT
PSDO PSD=PHILADELPHIA ST PZ 0 PZ =PGW PHLA YB 0 YB =VERIZON PA INC

Serial Number--[20151881573]-[000]

===== Copyright (c) 2015 by Pennsylvania One Call System, Inc. =====

I&E
Exhibit 5

Alleged Violation Report

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

AVR Number AVR2022SEP090009

First Name WALID **Last Name** EL-MORSHEDY

Company Name PHILADELPHIA CITY WATER DEPARTMENT

Address 1101 MARKET STREET

City PHILADELPHIA

State PA

Zip Code 19107

Email* walid.a.el-morshedy@phila.gov

Phone 215-685-6359

Ext

Role

Submitter Role(s)* (?)

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

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

Alleged Violation Information

PUC Case Number (if known)

Related AVR Number (?)

Type of Alleged Violation (?)

Reason

When did the alleged violation occur?* 09/02/2022
(?) 09:00:00 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 20222452001

Other Related Serial Numbers (?)

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

Event Information



County* (?) PHILADELPHIA
Municipality* (?) PHILADELPHIA CITY
Ward
Work Site* 6591 Roosevelt BLVD
Nearest Intersection Tyson Ave & Roosevelt BLVD
Second Intersection
Geolocation (?)

Affected Facility Information



Primary Right of Way Type Public
Public Right of Way Type City Street

Affected Operation* Electric
Facility Subtype Affected* Distribution
Facility Owner Company Name PECO

Contact First Name Last Name

Address

City

State

Zip

Email Phone

Joint Trench? Yes No Unknown

Involve Cross Bore? Yes No Unknown

Measured Depth from Grade



Work Information

Start Date of Excavation (?)

Excavation Activity

Excavator Company Name PIO Construction, Inc.

Contact First Name Philip Last Name PIO

Address 3227 S. 76th Street

City Philadelphia

State PA

Zip 19153

Email philpio@pioconstruction.com Phone 215-460-4802

Marked in White Yes No Unknown

Method of Excavation

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

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

Did Excavator incur down time? Yes No Unknown

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? C (Above ground survey)

Estimated cost of the entire project \$400,000 or more

What was the length of the entire project? Please include the appropriate measurement: IN, FT, MI, DIA
2.3 Miles

Project Owner Company Name

Contact First Name Last Name

Address

City

State

Zip

Email

Phone

Event Impact



Did Violation result in underground damage or near miss event?

OSHA Report Filed? Yes No

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 (?) 1

Did the incident cause any deaths? Yes

Was there an evacuation? Yes No

Traffic Stopped? Yes No

Service Interrupted? Yes No

Duration of Service Interruption? Unknown

Approximately how many customers were affected? Unknown

Cost of Damaged Line Repair? Unknown

Was other property damaged? Yes No

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

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

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 method(s) were used to locate the facility? Electronic Records Visual 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/markings 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

During the excavation to install a proposed water main at the intersection of Tyson Ave & Roosevelt BLVD, the contractor encountered a concrete slab below the water main. The contractor started chipping the concrete assuming it was part of the concrete kicker that was in front of the existing tee fitting. Please see the attached picture.

Once the contractor started chipping away the concrete from under the water main, the Contractor reported that a flame shot out from the concrete slab. Afterwards, the Contractor discovered that it was electric ducts encased in concrete. PECO ducts run split above the existing water main. Please see the attached picture.

According to the contractor the flame shot out from the ducts that are encased in concrete under the existing water main. One worker that was in the excavation pit suffered burns to one of his arms. The worker was transported to the hospital by another construction worker.

The design plans showed one of the two PECO lines. The other duct that was encased in concrete under the existing water main was not called out on the plans.

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

Attachments

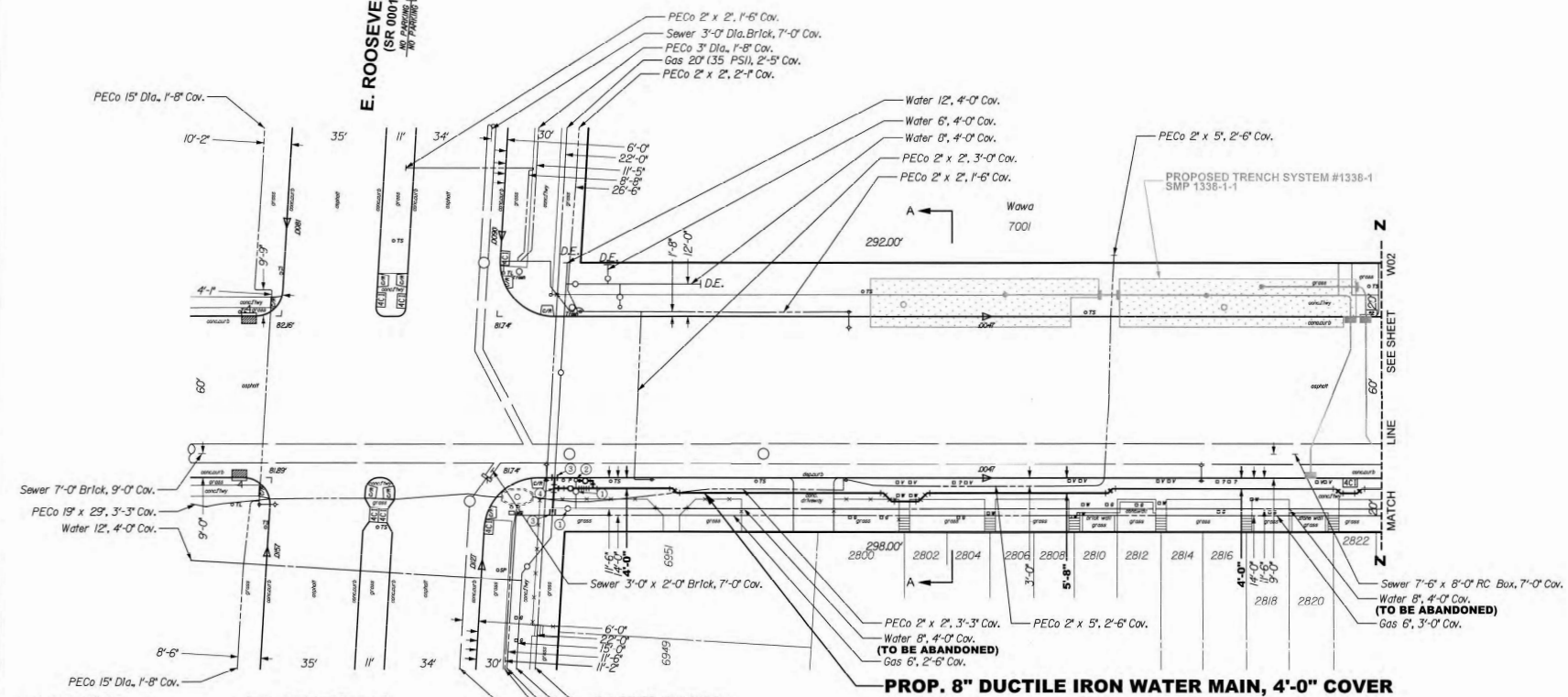
concrete kicker.jpg	246.25KB
20220902_100935.jpg	3.39MB
Plan Sheet 1.jpg	910.48KB
Attach pictures and additional documents	

I&E
Exhibit 6



TYSON AVENUE
← PARKING →

E. ROOSEVELT BLVD.
(SR 0001)
NO PARKING
NO PARKING



PROP. 8" DUCTILE IRON WATER MAIN, 4'-0" COVER

PIPE TOTALS

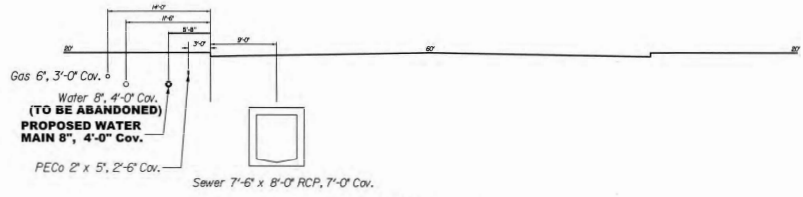
10'	12" D.I. Pipe
310'	8" D.I. Pipe
15'	6" D.I. Pipe

BILL OF MATERIALS

1	Fire Hydrants W/CCL's
2	STD. 7" Valve Boxes
1	8" Gate Valve
1	6" Gate Valve
1	12"x8" Tee
1	8"x8" Tee
15	8" - 1/8 Bend (3 Vert.)
1	6" - 1/4 Bend
2	12" D.I. Sleeve

PIPE TOTALS (ALL SHEETS)

60'	12" D.I. Pipe
12030'	8" D.I. Pipe
220'	6" D.I. Pipe



SECTION A - A
SCALE: 1/8" = 1'-0"

- NOTES:
- REMOVE FRAME & COVER - SEE SPEC'S.
 - REMOVE FIRE HYDRANT - SEE SPEC'S.
 - REMOVE PIPE AND/OR FITTING & RECONNECT.
 - ROTATE FITTINGS AS REQUIRED.

- GENERAL NOTES:
- EXISTING WATER MAINS SHALL BE CUT & PLUGGED AS APPROVED BY THE CITY ENGINEER.
 - THE CONTRACTOR SHALL MAINTAIN A MINIMUM 6-INCH CLEARANCE BETWEEN ALL UNDERGROUND STRUCTURES AND THE NEW WATER MAINS.
 - BILLS OF MATERIAL AND PIPE TOTALS ARE FOR THE CONVENIENCE OF THE CONTRACTOR ONLY AND PAYMENT WILL BE MADE ONLY FOR THE ACTUAL AMOUNT OF PIPE AND APPURTENANCES INSTALLED.
 - FIRE HYDRANTS SHALL NOT BE CONSTRUCTED OR RELOCATED UNTIL SUCH LOCATIONS HAVE BEEN APPROVED BY THE WATER DEPARTMENT CONSTRUCTION DIVISION IN THE FIELD.
 - ALL DISTANCES SHOWN ARE IN DISTRICT STANDARD MEASUREMENT.

NOTICE:
PURSUANT TO THE REQUIREMENTS OF PENNSYLVANIA ACT 287 OF 1974 (THE UNDERGROUND UTILITY LINE PROTECTION ACT), AS AMENDED BY PA ACT 199 OF 2004, THE CONTRACTOR SHALL CONTACT THE PENNSYLVANIA ONE CALL SYSTEM AT 1-800-242-1776, AT LEAST 3 DAYS PRIOR TO EXCAVATION.

HIGHWAY DISTRICT NO. 5 WARD NO. 5517
SURVEY DISTRICT NO. 5 WATER PLAT NO. 75
ONE CALL SERIAL NO. 20151RR1572 GP15 NO. G2016-0147

WATER MAIN RELAY PROJECT

TYSON AVENUE
FROM
ROOSEVELT BOULEVARD TO BROUS AVENUE

CITY OF PHILADELPHIA
WATER DEPARTMENT

APPROVED: [Signature] CHIEF, DESIGN BRANCH, ENGINEERING DIVISION
APPROVED: [Signature] GENERAL MANAGER, PLANNING AND ENGINEERING
APPROVED: [Signature] WATER COMMISSIONER

SCALES:
PLAN 1" = 20'
AND AS NOTED

WORK NO. W-20513-DG
SHEET NO. W-1 OF 14 SHEETS

DRAWN BY:	MARC DONAHUE	12/19/17
PROJECT ENGR.:	TORIN JOHNSON	12/19/17
SUPERVISOR:	[Signature]	1/4/18
DATE:		

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
Philadelphia Water Department,	:	
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

Philadelphia Water Department
1101 Market Street, 5th Floor
Philadelphia, PA 19017



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: January 25, 2024