



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

February 2, 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.  
A. Folino Construction, Inc.  
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', is written over a light blue horizontal line.

Grant Rosul  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 318204  
(717) 783-5243  
[grosul@pa.gov](mailto: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](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-2024-
	:	
A. Folino Construction, 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 A. Folino Construction, Inc. (“A. Folino” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a service line belonging to Columbia Gas of Pennsylvania (“Columbia Gas”) while excavating as part of a project to replace water and sewer mains and service lines for the Pittsburgh Water and Sewer Authority on November 9, 2020, in the vicinity of 1942 Arlington Avenue, near the intersection with Saint Patrick Street in the City of Pittsburgh, Allegheny County. The strike led to the release of gas which A. Folino attempted to repair itself without notifying Columbia Gas. 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 A. Folino Construction, Inc. with a main mailing address of 109 Dark Hollow Road, Oakmont, PA 15139.

5. A. Folino Construction, Inc., is an “excavator,” as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.<sup>1</sup>

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

7. Specifically, Section 180(4) of the PA One Call Law, 73 P.S. § 180(4), requires excavators to “exercise due care and to take all reasonable steps necessary to avoid injury to or otherwise interfere with all lines where positions have been provided to the excavator by the facility owners” and further requiring excavators to employ prudent techniques within the tolerance zone to ascertain the precise position of underground facilities. 73 P.S. § 180(4).

8. Section 180(7) of the PA One Call Law, 73 P.S. § 180(7), requires excavators to “report immediately to the facility owner any break or leak on its lines, or any dent, gouge, groove or other damage to such lines or to their coating or cathodic protection, made or discovered in the course of the excavation or demolition work.” 73 P.S. § 180(7).

9. Section 180(8) of the PA One Call Law, 73 P.S. § 180(8), requires excavators to “immediately notify 911 and the facility owner if the damage results in the escape of any flammable, toxic or corrosive gas or liquid which endangers life, health or property. The excavator shall take reasonable measures, based on its knowledge, training, resources, experience and understanding of the situation, to protect themselves and those in immediate danger, the general public, the property and the environment until the facility owner or

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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” means “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.

emergency responders have arrived and completed their assessment and shall remain on the work site to convey any pertinent information to responders that may help them to safely mitigate the situation.” 73 P.S. § 180(8).

10. Section 184 of the PA One Call Law, 73 P.S. § 184, requires that those subject to the PA One Call Law use their best efforts to comply with the Common Ground Alliance Best Practices. 73 P.S. § 184.

11. Section 176 of the PA One Call Law, 73 P.S. § 176, defines “tolerance zone” as “the horizontal space within eighteen inches of the outside wall or edge of a line or facility.”

12. 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.

13. 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.

14. 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).

15. 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).

16. 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**

17. On December 28, 2020, an inspector from Michael Baker International (“Inspector”), submitted an Alleged Violation Report (“AVR”)<sup>2</sup> on behalf of Pittsburgh Water and Sewer Authority. I&E Exhibit 1.

18. The Inspector stated that on November 9, 2020, he observed workers from A. Folino using an excavator to dig up a sidewalk in the vicinity of 1942 Arlington Avenue, in the City of Pittsburgh, Allegheny County. Id.

19. On the day in question, A. Folino was excavating using an excavator to relay a water main in the area of 1942 Arlington Avenue pursuant to a valid update PA One Call excavation ticket. A. Folino stated the reason for the update as “work in progress. No additional mark outs needed.” I&E Exhibit 2.

20. While excavating, A. Folino struck a marked gas line belonging to Columbia Gas. The line was damaged by the strike. After striking the line, A. Folino then clamped the gas line with grips. I&E Exhibit 3.

21. The line needed to be clamped because the damage was severe enough to

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<sup>2</sup> The purpose of an Alleged Violation Report 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.

result in a gas leak.

22. The foreman on the worksite that day contacted another worker by name from A. Folino to come and fix the line.

23. Upon witnessing this, the Inspector told the workers and foreman from A. Folino that they were supposed to call the gas company to report the gas line strike and gas leak.

24. The Inspector also observed pre-existing tape on the line.

25. A. Folino's workers informed the homeowner and performed a test to see if the gas line was still leaking.

26. After making the illicit repair of Columbia Gas's line, A. Folino covered the excavated area with backfill material and 57 stone.<sup>3</sup>

27. No one from A. Folino contacted 911 to report the gas leak.

28. No one from A. Folino contacted Columbia Gas about the strike on their gas line, nor did A. Folino inform Columbia Gas, the facility owner, of the damage to or unauthorized repair of its gas line at 1942 Arlington Avenue.

29. After making the unauthorized repair to Columbia Gas's line, A. Folino's workers then left the worksite and did not wait for emergency personnel or Columbia Gas to arrive on the scene.

30. Upon being notified of this incident by the Commission on December 28, 2020, Columbia Gas filed an AVR with the Commission. I&E Exhibit 4.

31. In its AVR, Columbia Gas stated that on December 30, 2020, they dispatched

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<sup>3</sup> 57 stone is a type of rock commonly used in construction.

a leak detector to the area of 1942 Arlington Avenue in Pittsburgh to inspect for leaks.

32. No leaks were detected by the Columbia Gas leak inspector.

33. Columbia Gas decided to excavate the area and visually inspect their gas line to confirm it had been damaged and repaired by A. Folino as alleged in Michael Baker International's AVR. Columbia Gas was able to visually confirm that there was a repair on the line in the form of a black sleeve over the section of line damaged, as shown in I&E Exhibit 3.

34. On January 28, 2021, contact was made by Columbia Gas with the homeowner at 1942 Arlington Avenue, who informed the Columbia Gas work crew that her gas service was interrupted in November 2020 and then restored after repairs were made.

35. Columbia Gas did not perform any work on the gas line adjacent to 1942 Arlington Avenue in November 2020.

36. On March 11, 2022, a notice of the Damage Prevention Investigator's ("DPI") report was mailed to Respondent informing them that they were in violation of §§ 180(4), 180(7), and 180(8), and further informing Respondent that they could either accept the finding or reject it and present their case to the Damage Prevention Committee ("DPC"). I&E Exhibit 5.

37. No response was provided by Respondent to the DPI.

38. On May 12, 2022, a copy of the Damage Prevention Committee's ("DPC") Informal Determination accepting the DPI's report and proposed penalty was mailed to Respondent, informing A. Folino that it could either accept the DPC's Informal Determination or reject it in writing within thirty (30) days of the date of the notification letter, and that if the Informal Determination is rejected the case may be sent to I&E prosecutory staff for issuance of a formal complaint. I&E Exhibit 6.

39. On June 16, 2022, a copy of the DPC's Informal Determination was again sent by mail to Respondent, again informing A. Folino that it could either accept the DPC's Informal Determination or reject it in writing within thirty (30) days of the date of the notification letter, and that if the Informal Determination is rejected the case may be sent to I&E prosecutory staff for issuance of a formal complaint. I&E Exhibit 7.

40. On July 14, 2022, Respondent informed the DPI that it would dispute the DPC's Informal Determination.

### **III. VIOLATIONS**

41. Paragraphs 1-40 are incorporated herein as if stated in their entirety.

#### **Count 1**

42. Respondent failed to employ prudent techniques while excavating in the tolerance zone.

If proven, this is a violation of Section 180(4) of the PA One Call Law, 73 P.S. § 180(4). As an excavator, Respondent was required to employ prudent techniques while excavating in the area of 1942 Arlington Avenue, Pittsburgh, Allegheny County, to relay a water main.

The tolerance zone is 18 horizontal inches on either side of a facility, measuring from the edge of the facility.<sup>4</sup> Prudent techniques include hand-digging and vacuum excavating.<sup>5</sup>

Instead of using such prudent techniques, Respondent used an excavator to remove the hardscape directly above Columbia Gas's pipeline. As a result, the pipeline was struck

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<sup>4</sup> 73 P.S. § 176.

<sup>5</sup> Section 180(4) provides that "[w]ithin the tolerance zone the excavator shall employ prudent techniques, which may include hand-dug test holes, vacuum excavation or similar devices to ascertain the precise position of such facilities." 73 P.S. §180(4).

and damaged.

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

### **Count 2**

43. Respondent failed to report immediately to the facility owner any break or leak on its lines, or any dent, gouge, groove, or other damage to such lines or to their coating or cathodic protection, made or discovered in the course of the excavation or demolition work.

If proven, this is a violation of § 180(7) of the PA One Call Law, 73 P.S. § 180(7). As an excavator, Respondent was required to notify Columbia Gas of any damage to its line, regardless of whether Respondent caused the damage or not. Instead of reporting the damage, an inspector from another company involved in the Pittsburgh Water and Sewer Authority water main replacement project observed Respondent making their own unauthorized repair to the line. Although Respondent obviously knew the gas line was damaged, they did not report such damage to Columbia Gas.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,500.

### **Count 3**

44. Respondent failed to immediately notify 911 and the facility owner of damage that resulted in the leak of a flammable, toxic, or corrosive gas or liquid which endangers life, health, or property.

If proven, this is a violation of § 180(8) of the PA One Call Law, 73 P.S. § 180(8). As an excavator, Respondent was required to immediately notify 911 of the gas leak. Here, the damage to the line was severe enough that it prompted Respondent to perform an ad-hoc

repair that consisted of clamping the line. Given the nature of the damage to the line, gas would have escaped into the surrounding environment. Any gas leak is a danger to persons and property given its flammable nature. Instead of notifying 911, Respondent made an unauthorized repair on the line itself.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,500.

#### **Count 4**

45. Respondent failed to wait at the worksite for emergency responders or the facility owner to arrive on scene to assess the situation.

If proven, this is a violation of § 180(8) of the PA One Call Law, 73 P.S. § 180(8). As an excavator, Respondent was required to "take reasonable measures, based on its knowledge, training, resources, experience and understanding of the situation, to protect themselves and those in immediate danger, the general public, the property and the environment until the facility owner or emergency responders have arrived and completed their assessment and shall remain on the work site to convey any pertinent information to responders that may help them to safely mitigate the situation."

Respondent did not wait for emergency responders or the facility owner, Columbia Gas, to arrive and assess the situation. Respondent made its own unauthorized repair to Columbia Gas's line, and then backfilled the excavated area without informing anyone. Respondent had no intention of waiting for emergency responders or Columbia Gas because Respondent failed to even notify 911 or Columbia Gas about the strike on the gas line.

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

### **Count 5**

46. 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 5-15 provides that the excavator must use reasonable care to avoid damaging underground facilities and that the excavator must plan the excavation so as to avoid damage to or minimize interference with the underground facilities in or near the work area. CGA Best Practices Manual 18.0 § 5-15.

Respondent began excavation to relay the water main with an excavator, a piece of powered equipment that is capable of exerting great force over a large area. In so doing, Respondent failed to use reasonable care to avoid damaging underground facilities. The area was properly marked for Columbia Gas's line, and Respondent properly placed an updated PA One Call ticket for the excavation. Respondent knew that a gas line was present in the area in which they were excavating, but failed to use tools or techniques which would have been more suitable to an area known to contain an underground gas line. This constitutes a failure to adhere to the Common Ground Alliance Best Practice and is therefore a violation of Section 184 of the PA One Call Law.

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

### **Count 6**

47. 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 5-24 provides that an excavator discovering or causing damage to underground facilities notifies the facility owner and the one call center. CGA Best Practices Manual 18.0 § 5-24.

Respondent knew there was damage to Columbia Gas's line. It struck the line and then performed its own unauthorized repair of the line. Respondent did not inform anyone — neither the facility owner, Columbia Gas, 911, or the one call center — of the damage to the gas line. In failing to do so, Respondent did not comply with the Common Ground Alliance Best Practices and thereby violated Section 184 of the PA One Call Law.

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

#### **Count 7**

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

If proven, this is a violation of Section 184 of the PA One Call Law, 73 P.S. § 184. As an excavator, Respondent was required to comply with the Common Ground Alliance Best Practices. Best Practice 5-25 provides that an excavator immediately notifies 911 if damage results in the escape of any flammable, toxic, or corrosive liquid or gas or endangers life, health, or property. CGA Best Practices Manual 18.0 § 5-25.

Respondent failed to notify 911 of the line strike and gas leak. In failing to do so, Respondent did not comply with the Common Ground Alliance Best Practices and thereby violated Section 184 of the PA One Call Law.

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 A. Folino Construction, Inc. to be in violation of the PA One Call Law at 73 P.S. §§ 180(4), 180(7), 180(8), and 184;
- (2) Impose a cumulative administrative penalty upon A. Folino Construction, Inc. in the amount of \$12,000; and
- (3) Order A. Folino Construction, 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: February 2, 2024

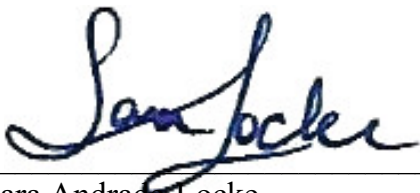
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
A. Folino Construction, 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: February 2, 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** AVR2020NOV190027

**AVR Version** 1

**First Name** AARON **Last Name** PICKERING

**Company Name** MICHAEL BAKER INTERNATIONAL

**Address** 100 AIRSIDE DR

**City** CORAOPOLIS

**State** PA

**Zip Code** 151084740

**Email** apickering@mbakerintl.com **Phone** 4122696423

**Ext**

## Role

**Submitter Role(s) (?)**

- |   |   |
|---|---|
| <input 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 checked="" type="checkbox"/> Other |   |

Construction Management

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

**What company or individual are you representing?** Pittsburgh Water and Sewer Authority

## Alleged Violation Information

**PUC Case Number (if known)**

**Related AVR Number (?)**

**Type of Alleged Violation (?)**

**Reason**

**When did the alleged violation occur? (?)** 11/09/2020

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**

**Other Related Serial Numbers (?)**

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

**Reason for Exemption**

**Event Information**



<b>County</b>	ALLEGHENY
<b>Municipality</b>	PITTSBURGH CITY
<b>Ward</b>	17
<b>Work Site</b>	1942 Arlington Ave
<b>Nearest Intersection</b>	Spring Street
<b>Second Intersection</b>	St Patrick St
<b>Geolocation (?)</b>	-79.979, 40.418

**Affected Facility Information**



<b>Primary Right of Way Type</b>	Public
<b>Public Right of Way Type</b>	City Street
<b>Private Right of Way Type</b>	
<b>Affected Operation</b>	Gas
<b>Facility Subtype Affected</b>	Service/Drop/Lateral
<b>Facility Owner Company Name</b>	NA

**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

A Folino Construction

Contact First Name

Ryan

Last Name

Summers

Address

City

State

Zip

Email

rsummers@afolino.com

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?

Estimated cost of the entire project Less than \$400,000

What was the length of the entire project? 23 feet

**Project Owner Company Name** Pittsburgh Water and Sewer Authority

**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

**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?**

**Exact Value of Service Interruption**

**Approximately how many customers were affected?**

**Exact Number of Customers Affected**

**Cost of Damaged Line Repair?**

**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

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**Provide a summary of the event**

The contractor started excavation on a sidewalk. The operator was using an excavator and hit the gas line while digging out deep curb. A gas line was broken. They clamped the gas line with grips. Foreman contacted Damon from A. Folino to fix the line. Inspector told them that they are supposed to call the gas company. There was pre-existing tape on the line. Inspector told them that they were supposed to call the gas company. The contractor notified the home owner and did a test to see if the pipe was still leaking. The line was covered with existing material and 57 stone. The site measured 23'x10' with 23' of deep curb.

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

**Attachments**

Attach pictures and additional documents

**Submit Date**

11/19/2020

## Compliance Update

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**Research Result**

- Listed tickets found
- Additional tickets found
- No tickets found

### Additional Tickets Found

---

**Additional Serial Numbers** 20191443295

---

**Additional Serial Numbers** 20193111028

---

**Ticket Attachment** SN-20191443295-20193111028.pdf 1.81MB

**Comments**

**I&E**  
**Exhibit 2**

=====PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION REQUEST=====

Serial Number--[20202831436]-[000] Channel#--[1051AWEB][0011][2019-08]  
Message Type--[UPDATE][EXCAVATION][ROUTINE]

County--[ALLEGHENY] Municipality--[PITTSBURGH CITY] Ward--[17]  
Work Site--[ST PATRICK ST]  
Nearest Intersection--[MARCUS WAY]  
Second Intersection--[ARLINGTON AVE]  
At Intersection--[N] Between Intersections--[Y] Site Marked in White--[Y]  
Subdivision--[ ]

Location Information--  
[WORKING INTERSECTION TO INTERSECTION]  
Caller Lat/Lon--[ ]  
Mapped Type--[P] Mapped Lat/Lon--  
[40.420176/-79.982807,40.417541/-79.980768,40.417902/-79.978246,  
40.420234/-79.981887]

Attachments--[<http://www.pa811.org/attachments/20202831436>]  
Type of Work--[RELAYING WATER MAIN] Depth--[10 FEET]  
Extent of Excavation--[ ] Method of Excavation--[POWER EQUIP]  
Equip Type--[EXCAVATOR]  
Street--[X] Sidewalk--[X] Pub Prop--[ ] Pvt Prop--[ ] Other--[ ]  
Private Front--[ ] Rear--[ ] Left--[ ] Right--[ ]

Lawful Start Dates--[15-Oct-20] thru [26-Oct-20] Response Due Date--[14-Oct-20]  
Scheduled Excavation Date--[15-Oct-20] Dig Time--[0700] Duration--[1 MONTH]

Caller--[ALEX BENGEL]  
Caller Phone--[412-328-3698]  
Excavator--[A FOLINO CONSTRUCTION INC]  
Address--[109 DARK HOLLOW RD]  
City--[OAKMONT] State--[PA] Zip--[15139]  
FAX--[ ] Caller Type--[B]  
Email--[ABENGEL@AFOLINO.COM]  
Work For--[PWSA]  
Onsite Contact--[TOM STICKLE]  
Onsite Contact Phone--[412-415-6468]  
Best Time to Call--[DAYTIME]  
Onsite Contact Email--[ABENGEL@AFOLINO.COM]  
Job Number--[20-08001]

Prepared--[09-Oct-20] at [1051] by [ABENGEL]

Remarks--  
[\*\*\*\*\*=== UPDATE 20202673205-000 --10/9/2020 1053 ABE WEB=====]  
UPDATE REQUESTED BY: ALEX BENGEL  
REASON FOR UPDATE: WORK IN PROGRESS  
NO ADDITIONAL MARK OUTS NEEDED.]

AL 0 AL =PEOPLES GAS BD 0 BD =VERIZON PA CB 0 CB =PGH WTR & SWR  
CE 0 CE =COL GAS B PARK CP 0 CP =PGH MOB & INFRA CPE0 CPE=PGH MOB & INFRA  
DC 0 DC =DUQ LIGHT PGH WE 0 WE =PAW BETHELPAK

Serial Number--[20202831436]-[000]  
===== Copyright (c) 2020 by Pennsylvania One Call System, Inc. =====

**I&E**  
**Exhibit 3**



Jan 28, 2021 at 1:01:06 PM  
1940 Arlington Ave  
Pittsburgh PA 15210  
United States



**I&E**  
**Exhibit 4**

# Alleged Violation Report

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

**AVR Number** AVR2021JAN290034

**AVR Version** 1

**First Name** Ray **Last Name** Geesey

**Company Name** Columbia Gas of PA - Central

**Address** 305 N Franklin St

**City** Hanover

**State** PA

**Zip Code** 17331

**Email** abreighner@nisource.com **Phone** 717-324-0580

**Ext**

## Role

**Submitter Role(s) (?)**

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

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

What company or individual are you representing?

## Alleged Violation Information

**PUC Case Number (if known)**

**Related AVR Number (?)**

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

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

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

**Reason** Failed to immediately notify 911 and the facility owner if damage results in the escape of any hazardous material which endangers life, health or property §5(8)

**When did the alleged violation occur?** (?) 11/09/2020

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.

20202831436

**Related Damage Serial Number, if applicable**

**Other Related Serial Numbers** (?) 20210280108

**Other Related Serial Numbers** (?) 20193111028

**Other Related Serial Numbers** (?) 20191443295

**Other Related Serial Numbers** (?) 20202722259

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

**Reason for Exemption**

## Event Information

**County** ALLEGHENY

**Municipality** PITTSBURGH CITY

**Ward** 17

**Work Site** ST PATRICK ST

**Nearest Intersection** MARCUS WAY

**Second Intersection** ARLINGTON AVE

**Geolocation** (?)

## Affected Facility Information

**Primary Right of Way Type** Public

**Public Right of Way Type** City Street

**Private Right of Way Type**

<b>Affected Operation</b>	Gas
<b>Facility Subtype Affected</b>	Service/Drop/Lateral
<b>Facility Owner Company Name</b>	Columbia Gas of PA
<b>Contact First Name</b> Ray	<b>Last Name</b> Geesey
<b>Address</b>	
<b>City</b>	
<b>State</b>	
<b>Zip</b>	
<b>Email</b>	<b>Phone</b>
<b>Joint Trench?</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown
<b>Involve Cross Bore?</b>	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown
<b>Measured Depth from Grade</b>	18" - 36" / 46 - 91 cm
<b>Exact Measured Depth from Grade</b>	Enter the inches or centimeters with number and measurement used

## Work Information



**Start Date of Excavation (?)**

### Excavation Activity

<b>Excavator Company Name</b>	A Folino Construction
<b>Contact First Name</b> Alex	<b>Last Name</b> Bengel
<b>Address</b>	109 Dark Hollow Rd
<b>City</b>	Oakmont
<b>State</b>	PA
<b>Zip</b>	15139
<b>Email</b> abengel@afolino.com	<b>Phone</b> 412-328-3698
<b>Marked in White</b>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown
<b>Method of Excavation</b>	DIGGING
<b>Equipment Used</b>	What Equipment was used for excavation or demolition when the event occurred? BACKHOE/TRACKHOE
<b>Type of Excavator</b>	What is the type of excavator for whom the work was being done when the event occurred? Non-utility Pipeline Operator
<b>Did Excavator incur down time?</b>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown
<b>How much down time?</b>	

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 Pittsburgh Water and Sewer Authority

Contact First Name Last Name

Address

City

State

Zip

Email Phone

Event Impact



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

OSHA Report Filed?  Yes  No

OSHA Report Number

Was 911 called?  Yes  No

Name of 911 Caller

Fire Response  Yes  No

Police Response  Yes  No

Did the incident cause any injuries?  Yes

Number of Injuries (?)

Did the incident cause any deaths?  Yes

Number of Deaths

Was there an evacuation?  Yes  No

Number of people evacuated?

Traffic Stopped?  Yes  No

Service Interrupted?  Yes  No

Duration of Service Interruption? 1 - < 6 hrs

Exact Value of Service Interruption

Approximately how many customers were affected? 1

Exact Number of Customers Affected

Cost of Damaged Line Repair? Unknown

Exact Cost of Damaged Line Repair

Was other property damaged?  Yes  No

What other property was damaged?

Cost of Other Property Repair

## Locator/Locate Information



Who was the facility line locator? Employee 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**

On 12/28/20, Columbia Gas was notified by the PUC of a potential damage located at 1942 Arlington Ave., Pittsburgh. The PUC provided an AVR submitted by Michael Baker International that alleged on 11/09/20, A. Folino Construction damaged a gas service while digging out a deep curb. Per the AVR, the onsite inspector advised A. Folino they needed to contact the gas company.

Upon receipt of this notification from the PUC, Columbia Gas immediately (12/30/20) sent a leak inspector to the property to complete a leak survey. The leak inspector did not detect any leaks. After some internal discussions and review, Columbia Gas made the decision to dig this gas service line up to determine if it had in fact been damaged and repaired by A. Folino without reporting the damage to Columbia Gas, 911, or 811. The Columbia Gas crewed arrived on site 1/28/21 and spoke with the homeowner. The homeowner confirmed that her gas service was interrupted back in November and then restored after repairs were made. The Columbia Gas crew dug up the gas service line and confirmed repairs had been made. The repairs were not completed in a satisfactory manner. A portion of the gas service was still damaged, as shown in pictures IMG\_2690 and IMG\_2691. The damaged piece of gas service, IMG\_2678 was left in the hole before A. Folino closed it up.

The ticket numbers listed above (20202722259 and 20202831436) are the tickets Columbia believes A. Folino were using to complete their work but cannot be 100% sure. This is what we found during our search that may have encompassed the damaged gas service.

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

<b>Attachments</b>	IMG_2654.JPG	3.64MB
	IMG_2678.JPG	172.36KB
	IMG_2689.JPG	412.51KB
	IMG_2690.JPG	419.57KB
	IMG_2691.JPG	286.7KB
	IMG_2694.JPG	366.39KB

Attach pictures and additional documents

**Submit Date** 01/29/2021

## Compliance Update

- Research Result**
- Listed tickets found
  - Additional tickets found
  - No tickets found

### Additional Tickets Found

**Additional Serial Numbers** 20202831437

**Additional Serial Numbers** 20210280109

**Additional Serial Numbers** 20193111027

**Additional Serial Numbers** 20193111029

**Additional Serial Numbers** 20191443296

**Additional Serial Numbers** 20191443294

**Additional Serial Numbers** 20202722260

**Additional Serial Numbers** 20201062694

**Additional Serial Numbers** 20191443241

**Additional Serial Numbers** 20191293766

**Additional Serial Numbers**

**Ticket Attachment**

SN-20193111027-20193111029-  
20191443296-20191443294-  
20202722260-20201062694-  
20191443241-20191293766.pdf 6.69MB

SN-20202831436-20210280108-  
20193111028-20191443295-  
20202722259-20202831437-  
20210280109.pdf 6.02MB

**Comments**



**I&E**  
**Exhibit 5**



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

A Folino Construction  
 Attn: Brendon Stamm  
 109 Dark Hollow Rd  
 Oakmont, PA 15139

INVOICE DATE	INVOICE NUMBER
03-11-2022	021765-003505
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

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

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

**MAIL PAYMENT TO:**

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
 FISCAL OFFICE  
 PO BOX 3265  
 HARRISBURG, PA 17105-3265

-----  
 FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

A Folino Construction  
 Attn: Brendon Stamm  
 109 Dark Hollow Rd  
 Oakmont, PA 15139

INVOICE DATE	INVOICE NUMBER
03-11-2022	021765-003505
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

**PAY THIS AMOUNT WITHIN 30 DAYS**

**\$5,000.00**



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

IN REPLY  
PLEASE  
REFER TO 811

March 11, 2022

A Folino Construction  
Attn: Brendon Stamm  
109 Dark Hollow Rd  
Oakmont, PA 15139

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

To whom it may concern,

We are writing to inform you that your company, A Folino Construction, has been identified as a stakeholder in a case that was discussed by the Damage Prevention Committee (DPC) at a meeting on **February 08, 2022** regarding 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.

The purpose of the discussion by the DPC was to gather more information and recommend an administrative penalty regarding the following case:

- Case No. 021765 - Line strike in PITTSBURGH CITY, ALLEGHENY County on **November 09, 2020** near 1942 Arlington Ave. The incident resulted in damage to an underground facility owned by COLUMBIA GAS. (Related POCS Ticket Nos.: 20191293094, 20191293094, 20191293766, 20191414093, 20191423124, 20191443241, 20191443294, 20191443295, 20191443296, 20191443296, 20191563964, 20191563965, 20191583343, 20191583344, 20191772904, 20191772905, 20191772905, 20191773038, 20191773039, 20191773099, 20192401666, 20193111027, 20193111028, 20193111029, 20201062694, 20201543164, 20201543165, 20201670472, 20201670473, 20201770316, 20201770316, 20201770317, 20201901075, 20201901076, 20202020700, 20202020701, 20202130416, 20202130417, 20202252095, 20202252096, 20202342217, 20202342218, 20202673132, 20202673205, 20202673206, 20202722259, 20202722260, 20202831436, 20202831437, 20203572160, 20210280108 and 202110280109.)

Enclosed is a Revised Damage Prevention Investigator (DPI) Report, which contains the DPI's findings and recommendations.

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

1. **Accept the findings and administrative penalty contained in the Revised DPI Report by checking the "Acknowledgment" box on the enclosed invoice and remit payment of the administrative penalty using the enclosed invoice within thirty (30) days of the date of this letter. If the DPI Report recommends mandatory training, you will receive a separate letter with further instructions.**
2. **Reject the Revised 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 Revised 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



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

IN REPLY  
PLEASE  
REFER TO 811

March 11, 2022

## Investigation

---

**Investigator name:** Maki, Eva **Incident date:** 11/09/20 09:00 AM

**Case Number:** 021765 **Was 911 called?** No **Did damage occur?** Yes

**Site of Alleged Violation:** 1942 Arlington Ave **Coordinates:** -79.979, 40.418  
PITTSBURGH CITY, ALLEGHENY Country  
Near Spring Street and St Patrick St

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

**Facility Owner:** Alicia Breiner, COLUMBIA GAS, 305 NORTH FRANKLIN ST, HANNOVER, PA, 17331  
**Submitted report? Yes Is PA One Call member? Yes**

**Contractor/Excavator:** Brendon Stamm, A Folino Construction, 109 Dark Hollow Rd, Oakmont, PA, 15139  
**Submitted report? Yes Is PA One Call member? Yes**

**Project Owner:** Joe Tewell, Pittsburgh Water and Sewer Authority, 1200 Penn Ave, Pittsburgh, PA, 15222  
**Submitted report? Yes Is PA One Call member? Yes**

**Designer:** Scott Duda, Wade Trim Pittsburgh PA, 401 Liberty Ave Ste 1600, Pittsburgh, PA, 15222  
**Submitted report? No Is PA One Call member? Yes**

**Designer:** Cindy Zuch, Collective Efforts, 462 PERRY HIGHWAY, PITTSBURGH, PA, 15229  
**Submitted report? No Is PA One Call member? Yes**

**Designer:** CIARA KIMBROUGH, JMT  
**Submitted report? No Is PA One Call member? Yes**

**Designer:** RON ZAGROCKI, BUCHART HORN INC, 2200 LIBERTY AVE SUITE 300, PITTSBURGH, PA, 15222  
**Submitted report? Yes Is PA One Call member? Yes**

**Other:** BRIAN RALSTON, PITTSBURGH DEPARTMENT OF MOBILITY AND INFRASTRUCTURE, 611 SECOND AVE, PITTSBURGH, PA, 15219  
**Submitted report? No Is PA One Call member? Yes**

**Other:** Charles Brazier, Peoples Gas, 261 CENTER ST, MCKEESPORT, PA, 15132  
**Submitted report? No Is PA One Call member? Yes**

**Other:** Jennifer Carlin, Verizon, 179 HAMPSHIRE DR, SELLERSVILLE, PA, 18960  
**Submitted report? No Is PA One Call member? Yes**

**Other:** Rosemary Nardone, Pennsylvania American Water, 2699 Stafford Ave, Scranton, PA, 18505  
**Submitted report? No Is PA One Call member? Yes**

**Other:** AARON PICKERING, MICHAEL BAKER INTERNATIONAL, 100 AIRSIDE DR, CORAOPOLIS, PA, 15108-4740  
**Submitted report? Yes Is PA One Call member? Yes**

**Ticket Information:** 20193111029 / Design / 11/07/19, 12:00 AM (Wade Trim Pittsburgh PA), 20192401666 / Routine / 08/28/19, 11:19 AM (A Folino Construction), 20191293094 / Design / 05/09/19, 03:06 PM (Collective Efforts), 20191443295 / Design / 05/24/19, 04:41 PM (Collective Efforts), 20201062694 / Routine / 04/15/20, 03:41 PM (JMT), 20201770316 / Routine / 06/25/20, 08:02 AM (A Folino Construction), 20193111027 / Design / 11/07/19, 10:15 AM (Wade Trim Pittsburgh PA), 20193111028 / Design / 11/07/19, 10:15 AM (Wade Trim Pittsburgh PA), 20201543164 / Routine / 06/02/20, 02:25 PM (A Folino Construction), 20191423124 / Design / 05/22/19, 02:28 PM (Collective Efforts), 20202130416 / Routine / 07/31/20, 08:30 AM (A Folino Construction), 20201770316 / Routine / 06/25/20, 08:02 AM (A Folino Construction), 20201670472 / Routine / 06/15/20, 08:16 AM (A Folino Construction), 20191563964 / Routine / 06/05/19, 03:37 PM (Collective Efforts), 20191772905 / Routine / 06/26/19, 02:36 PM (Collective Efforts), 20202673205 / Routine / 09/23/20, 02:26 PM (A Folino Construction), 20191563965 / Routine / 06/05/19, 03:37 PM (Collective Efforts), 20202252096 / Routine / 08/12/20, 11:59 AM (A Folino Construction), 20191773039 / Routine / 06/26/19, 02:56 PM (Collective Efforts), 20201901076 / Routine / 07/08/20, 09:12 AM (A Folino Construction), 20191293094 / Design / 05/09/19, 03:06 PM (Collective Efforts), 20191414093 / Design / 05/21/19, 04:39 PM (Collective Efforts), 20202020701 / Routine / 07/20/20, 08:38 AM (A Folino Construction), 20202831437 / Routine / 10/09/20, 10:51 AM (A Folino Construction), 202110280109 / Emergency / 01/28/21, 07:14 AM (COLUMBIA GAS), 20191443241 / Design / 05/24/19, 04:16 PM (Collective Efforts), 20202831436 / Routine / 10/09/20, 10:51 AM (A Folino Construction), 20202342217 / Routine / 08/21/20, 02:03 PM (A Folino Construction), 20202722259 / Routine / 09/29/20, 12:46 PM (A Folino Construction), 20202722260 / Routine / 09/28/20, 12:46 PM (A Folino Construction), 20201543165 / Routine / 06/02/20, 02:25 PM (A Folino Construction), 20201901075 / Routine / 07/08/20, 09:12 AM (A Folino Construction), 20210280108 / Emergency / 01/28/21, 07:14 AM (COLUMBIA GAS), 20202342218 / Routine / 08/21/20, 02:03 PM (A Folino Construction), 20202673132 / Routine / 09/23/20, 02:19 PM (A Folino Construction), 20191443294 / Design / 05/24/19, 04:41 PM (Collective Efforts), 20201670473 / Routine / 06/15/20, 08:16 AM (A Folino Construction), 20191583344 / Routine / 06/07/19, 03:43 PM (Collective Efforts), 20191772905 / Routine / 06/26/19, 02:36 PM (Collective Efforts), 20191773099 / Routine / 06/26/19, 02:56 PM (Collective Efforts), 20191443296 / Design / 05/24/19, 04:41 PM (Collective Efforts), 20202020700 / Routine / 07/20/20, 08:00 AM (A Folino Construction), 20201770317 / Routine / 06/25/20, 08:02 AM (A Folino Construction), 20202130417 / Routine / 07/31/20, 08:30 AM (A Folino Construction), 20191293766 / Design / 05/09/19, 05:06 PM (Collective Efforts), 20202673206 / Routine / 09/23/20, 02:26 PM (A Folino Construction), 20203572160 / Emergency / 12/22/20, 04:32 PM (COLUMBIA GAS), 20191583343 / Routine / 06/07/19, 03:43 PM (Collective Efforts), 20191772904 / Routine / 06/26/19, 02:36 PM (Collective Efforts), 20191443296 / Design / 05/24/19, 12:00 AM (Collective Efforts), 20191773038 / Routine / 06/26/19, 02:56 PM (Collective Efforts), 20202252095 / Routine / 08/12/20, 11:59 AM (A Folino Construction)

**Other Investigations Related by Ticket:** 013860, 017209, 017275, 018127, 018324, 018328, 018897, 020465, 021324, 021732

**Synopsis of the events that led to the damaged facility:**

Incident occurred 11/09/2020 at 1942 Arlington Ave in Pittsburgh, Allegheny Co. PUC received an Alleged Violation Report (AVR) stating that an inspector had witnessed A. Folino fixing a Columbia Gas damaged gas line.

PUC received an AVR on 12/28/2020 stating that an inspector from Michael Baker International had witnessed an A. Folino employee fixing damage to a gas line at 1942 Arlington Ave on 11/09/2020. The inspector told A. Folino that they must report this incident. The inspector filled out an AVR with this issue. When the PUC received this information, Columbia Gas was notified. In a situation like this, an emergency ticket should have been placed.

Upon receipt of this notification from the PUC, Columbia Gas immediately (12/30/20) sent a leak inspector to the property to complete a leak survey. The leak inspector did not detect any leaks. After some internal discussions and review, Columbia Gas made the decision to dig this gas service line up to determine if it had in fact been damaged and repaired by A. Folino without reporting the damage to Columbia Gas, 911, or 811. The Columbia Gas crew arrived on site 1/28/21 and spoke with the homeowner. The homeowner confirmed that her gas service was interrupted back in November and then restored after repairs were made. Columbia Gas then verified, that there was no knowledge of this incident.

St Patrick Street is connected to Arlington Ave. See Google Maps image named Arlington Ave and St Patrick St.  
This incident was traced to an alleged- non-reported, unauthorized, gas line strike and repair by A. Folino on St. Patrick St.

AVR request sent to designers Wade Trim and Collective Efforts. Wade Trim Pittsburgh PA was listed on ticket 20193111028 as the designer, but both PSWA and Wade Trim denied using those designs for this project. No AVR is needed.

No AVR requested from Collective Efforts because it has been established that this Design Company was excused in Mid July 2019, due to funding.

Buchart Horn was the responsible designer for this phase of the project. AVR request sent on 6/2/2021, due to not having the designer information until 6/2/2021. AVR received promptly.

A. Folino Construction is in violation of ACT 50, sections:

5(7) Failed to report immediately to the facility owner any break or leak in its lines. There was no emergency ticket or notification to the gas company. This is a second offence violation and penalty applied.

5(8) Failed to immediately notify 911. This is a second offence violation of section and penalty applied.

5(8) vacated the worksite after causing damage, without letting Columbia Gas know about the line strike. This is a first-time offense and penalty is applied.

5(4) Failed to exercise due care and employ prudent techniques. This is a second-time offense violation of Section and penalty is applied.

A. Folino did not notify Columbia Gas about the Line strike and although they submitted an AVR, when I requested one for case 21765, this issue was not addressed.

\*\*Listed below are facility owners in violation of Act 50, Section 2(5)(v) Failed to respond to a routine One Call ticket and 2(5)(v) Failed to respond to a routine One Call ticket within the required amount of time.

Pittsburgh Department of Mobility and Infrastructure is in violation of Sections:

2(4) for 4 tickets: 20193111028, 20191293766, 20193111027, 20193111029. This is a second offense, and the \$2000. penalty is reduced to \$1000.

2(5)(v) for 5 tickets: 20191563965, 20191563965, 20191773039, 20191773038, 20191583344. This is a second offense, and the \$5000 penalty is reduced to \$2000. Training is mandatory.

Columbia Gas is in violation of Sections:

2(5)(v) Failed to respond to One Call ticket 20191583344 within the required amount of time. This is a second offense violation and the \$500. penalty is reduced to a warning.

Verizon is in violation of Section:

2(5)(v) for failing to respond to a routine One Call ticket within the required amount of time for 5 tickets 20201770316, 20201770317, 20191773039, 20191773038, and 20191583344. This is a subsequent offense, and the penalty is applied.

Buchart Horn Inc is in violation of Sections:

4(3) Designers drawings does not show the position and type of each facility owners' line, and the name of the facility.

4(5) Designers drawing does not include One Call's toll-free number and the serial number of the ticket.

These are first offences and \$1000. Fine is reduced in half. Education is mandatory.

PA Water is in violation of Sections:

2(5)(v) for tickets 20191563965, 20191563964 and 20191773038 for failing to respond to a routing One Call ticket in the required amount of time. This is a second time violation. \$1500. Penalty is reduced in half.

**More Notes**

This was one phase of a three phase, huge complex project to replace the water lines for the City of Pittsburgh. Another phase of this project is noted in case 17209.

This project had multiple phases and designers, who were responsible for different phases.

No final design was submitted to One Call. No information for a meeting was received. Level "C" SUE was listed in AVR from Project Owner PWSA and confirmed in an email with Buchart Horn. The tickets from Collective Efforts, where the pot holing was to be done, was never completed, per email with Buchart Horn and confirmed in a telephone conversation with Collective efforts. Buchart Horn is the designer for this phase of the project. This information was not discovered until after the stakeholder letters were sent for case 17209. The designer violations for Buchart Horn are listed in case 17275.

4(2) Designer failed to request the line and facility information prescribed by section 2(4) from the One Call system and 4(4) Failed to prepare construction drawings to avoid damage and to minimize interference with facilities in the construction area. are listed in case 17275

The Geotech boring was never started.

\*Pittsburgh Water and Sewer Authority is the Project Owner. Violations of Section 6.1(3), 6.1(1), are listed in case 17209.

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

**Entity out of compliance** A Folino Construction

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
5 (4)	Proposed		Failed to exercise due care and employ prudent excavation techniques	2nd Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
5 (7)	Proposed		Failed to immediately report to the facility owner any break or leak in its lines, or any dent, gouge, groove or other damage to such lines or to their coating or cathodic protection made or discovered in the course of the excavation or demolition work	2nd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
<b>Recommendation:</b> Education is Mandatory								
5 (8)	Proposed		Failed to immediately notify 911 and the facility owner when damage resulted in the escape of gas or liquid which may endanger life, health or property	2nd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
5 (8)	Proposed		Excavator vacated worksite after causing damage that resulted in the escape of gas or liquid which may endanger life, health or property	1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
<b>Totals</b>					<b>\$5,000.00</b>		<b>\$0.00</b>	<b>\$5,000.00</b>

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
007172-001654	A. Folino Construction, Inc.	06/03/19 12:15 PM	12/10/19	5(8) 1st Offense \$1,000.00; 5(4) 1st Offense \$500.00	\$1,500.00
018127-003307	A. Folino Construction Inc.	09/01/20 10:00 AM	03/08/22	5(8) 1st Offense \$1,000.00	\$1,000.00
017533-003325	A FOLINO CONSTRUCTION	08/19/20 09:00 AM	02/09/21	5(4) 1st Offense \$500.00; 5(3.1) 1st Offense \$250.00; 5(17) 1st Offense \$250.00	\$1,000.00
017586-003368	A. Folino Construction, Inc.	08/17/20 01:00 PM		5(8) 1st Offense \$1,000.00; 5(8) 1st Offense \$1,000.00	\$2,000.00
017890-003381	A. Folino Construction, Inc.	09/20/20 04:00 AM	02/08/22	5(4) 1st Offense \$500.00	\$500.00
018067-003389	A. Folino Construction Inc.	08/25/20 01:00 PM	02/08/22	5(7) 1st Offense \$1,000.00	\$1,000.00

**Entity out of compliance** PITTSBURGH DEPARTMENT OF MOBILITY AND INFRASTRUCTURE

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20191563965	2nd Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20191563965	2nd Offense	\$0.00	0 %	\$0.00	\$0.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20191773039	2nd Offense	\$0.00	0 %	\$0.00	\$0.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20191773038	2nd Offense	\$0.00	0 %	\$0.00	\$0.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20191583344	2nd Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (4)	Failed to respond to Designer's request for information within 10 Business Days	Proposed	20193111028	2nd Offense	\$0.00	0 %	\$0.00	\$0.00
<b>Recommendation:</b> Training is mandatory.								
2 (4)	Failed to respond to Designer's request for information within 10 Business Days	Proposed	20191293766	2nd Offense	\$500.00	0 %	\$0.00	\$500.00
2 (4)	Failed to respond to Designer's request for information within 10 Business Days	Proposed	20193111027	2nd Offense	\$500.00	0 %	\$0.00	\$500.00
2 (4)	Failed to respond to Designer's request for information within 10 Business Days	Proposed	20193111029	2nd Offense	\$0.00	0 %	\$0.00	\$0.00
<b>Totals</b>					<b>\$3,000.00</b>		<b>\$0.00</b>	<b>\$3,000.00</b>

## Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
007784-002600	Pittsburgh Department of Mobility and Infrastructure	06/28/19 07:00 AM	08/10/21	2(5)(v) 1st Offense \$500.00; 2(5)(v.1) 1st Offense \$500.00; 2(5)(viii) 1st Offense \$500.00; 2(5)(viii) 1st Offense \$500.00; 2(4) 1st Offense \$250.00; 2(4) 1st Offense \$250.00	\$2,500.00

**Entity out of compliance** Pittsburgh Water and Sewer Authority

## Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
2 (5)(v)	Failed to respond to a routine One Call ticket within the required amount of time	Proposed	20201670472	3rd offense	\$750.00	0 %	\$0.00	\$750.00
2 (5)(v)	Failed to respond to a routine One Call ticket within the required amount of time	Proposed	20201670473	3rd offense	\$750.00	0 %	\$0.00	\$750.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20202722260	Subsequent	\$2,000.00	0 %	\$0.00	\$2,000.00
2 (5)(v)	Failed to respond to a routine One Call ticket within the required amount of time	Proposed	20201770317	3rd offense	\$750.00	0 %	\$0.00	\$750.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20191563965	3rd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20191773039	3rd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20191773038	3rd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20191583344	3rd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
2 (4)	Failed to respond to Designer's request for information within 10 Business Days	Proposed	20193111028	1st Offense	\$250.00	0 %	\$0.00	\$250.00
2 (4)	Failed to respond to Designer's request for information within 10 Business Days	Proposed	20191293766	1st Offense	\$250.00	0 %	\$0.00	\$250.00
2 (4)	Failed to respond to Designer's request for information within 10 Business Days	Proposed	20193111029	1st Offense	\$250.00	0 %	\$0.00	\$250.00
<b>Totals</b>					<b>\$11,000.00</b>		<b>\$0.00</b>	<b>\$11,000.00</b>

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
007423-002027	Pittsburgh Water & Sewer Authority	06/14/19 07:00 AM	05/11/21	2(5)(viii) 1st Offense \$500.00; 2(5)(v) 1st Offense \$500.00; 2(5)(v) 1st Offense \$500.00	\$1,500.00
007156-002208	Pittsburgh Water & Sewer Authority	06/03/19 01:00 PM	05/11/21	2(5)(i.1) 1st Offense \$250.00; 2(5)(i) 1st Offense \$500.00; 2(5)(v) 2nd Offense \$500.00; 2(5)(v) 2nd Offense \$500.00; 2(5)(v) 2nd Offense \$500.00	\$2,750.00

Entity out of compliance COLUMBIA GAS

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
2 (5)(v)	Failed to respond to a routine One Call ticket within the required amount of time	Proposed	20191583344	2nd offense	\$0.00	0 %	\$0.00	\$0.00
<b>Totals</b>					<b>\$0.00</b>		<b>\$0.00</b>	<b>\$0.00</b>

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
017533-003503	Columbia Gas	08/19/20 09:00 AM	02/09/21	2(5)(v) 1st Offense \$0.00	\$0.00

Entity out of compliance Verizon

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (5)(v)	Proposed	20201770316	Subsequent	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (5)(v)	Proposed	20201770317	Subsequent	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (5)(v)	Proposed	20191773039	Subsequent	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (5)(v)	Proposed	20191773038	Subsequent	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (5)(v)	Proposed	20191583344	Subsequent	\$1,000.00	0 %	\$0.00	\$1,000.00
<b>Totals</b>				<b>\$5,000.00</b>		<b>\$0.00</b>	<b>\$5,000.00</b>

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
006539-001482	Verizon	05/02/19 10:00 AM	02/09/21	2(5)(v) 1st Offense \$250.00; 2(5)(v) 1st Offense \$250.00; 2(5)(v) 1st Offense \$250.00	\$750.00
007213-002062	VERIZON PENNSYLVANIA, LLC	06/05/19 10:00 AM	05/11/21	2(5)(v) 1st Offense \$250.00	\$250.00
010594-002335	Verizon North	09/27/19 11:00 AM	08/10/21	2(5)(v) 3rd Offense \$1,500.00; 2(5)(vii) 1st Offense \$1,000.00	\$2,500.00
009559-002363	Verizon Pennsylvania	08/19/19 09:00 AM	03/16/21	2(5)(v) 1st Offense \$500.00; 2(5)(v) 1st Offense \$250.00	\$750.00
009737-002376	Verizon Pennsylvania LLC	09/05/19 08:53 AM	03/16/21	2(5)(v) 1st Offense \$250.00	\$250.00
009408-002386	Verizon Pennsylvania LLC	08/27/19 11:00 AM	05/11/21	2(5)(v) 1st Offense \$500.00	\$500.00
014111-002787	Verizon Pennsylvania	03/18/20 01:14 PM	10/05/21	2(5)(v) 2nd offense \$500.00	\$500.00
009050-002851	VERIZON PENNSYLVANIA, LLC	08/06/19 08:00 AM	03/16/21	2(5)(v) 2nd offense \$500.00; 2(5)(v) 2nd offense \$500.00; 2(5)(v.1) 1st Offense \$500.00; 2(5)(v) 2nd offense \$500.00	\$2,000.00
010517-002895	Verizon	09/18/20 09:00 AM	03/16/21	2(5)(vii) 3rd Offense \$2,000.00	\$2,000.00
009539-003203	Verizon	08/27/19 09:38 AM	03/16/21	2(5)(v) Subsequent \$1,000.00	\$1,000.00

Entity out of compliance BUCHART HORN INC

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
4 (3)	Proposed		Designer's drawing does not show the position and type of each facility owner's line, and the name of the facility owner(s)	1st Offense	\$125.00	0 %	\$0.00	\$125.00
4 (5)	Proposed		Designer's drawing does not include One Call's toll free number and the serial number of the ticket	1st Offense	\$125.00	0 %	\$0.00	\$125.00
<b>Recommendation:</b> Education is mandatory.								
<b>Totals</b>					<b>\$250.00</b>		<b>\$0.00</b>	<b>\$250.00</b>

Previous Violations:

No Previous Violations

**Entity out of compliance** Pennsylvania American Water

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
2 (5)(v)	Proposed	20191563965	Failed to respond to a routine One Call ticket within the required amount of time	2nd offense	\$250.00	0 %	\$0.00	\$250.00
2 (5)(v)	Proposed	20191563964	Failed to respond to a routine One Call ticket within the required amount of time	2nd offense	\$250.00	0 %	\$0.00	\$250.00
2 (5)(v)	Proposed	20191773038	Failed to respond to a routine One Call ticket within the required amount of time	2nd offense	\$250.00	0 %	\$0.00	\$250.00
<b>Totals</b>					<b>\$750.00</b>		<b>\$0.00</b>	<b>\$750.00</b>

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
009301-002445	Pennsylvania American Water	07/09/19 03:45 PM	03/16/21	2(5)(v) 1st Offense \$250.00	\$250.00

**Name of Investigator:** Maki, Eva **Date completed:** 06/03/21 01:44 PM

**Name of Supervisor:** Locke, Sara **Date completed:** 10/15/21 02:56 PM

**I&E**  
**Exhibit 6**



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

A Folino Construction  
 Attn: Brendon Stamm  
 109 Dark Hollow Rd  
 Oakmont, PA 15139

INVOICE DATE	INVOICE NUMBER
03-11-2022	021765-003505
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

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

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

**MAIL PAYMENT TO:**

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

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 FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

A Folino Construction  
 Attn: Brendon Stamm  
 109 Dark Hollow Rd  
 Oakmont, PA 15139

INVOICE DATE	INVOICE NUMBER
03-11-2022	021765-003505
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

**PAY THIS AMOUNT WITHIN 30 DAYS**

**\$5,000.00**



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

IN REPLY  
PLEASE  
REFER TO 811

May 12, 2022

A Folino Construction  
Attn: Brendon Stamm  
109 Dark Hollow Rd  
Oakmont, PA 15139

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

To whom it may concern,

We are writing to inform you that your company, A Folino Construction, was identified as a stakeholder in one or more cases that were voted on in omnibus fashion by the Damage Prevention Committee (DPC) at a meeting on **May 10, 2022** regarding alleged violation(s) of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as "Act 50"), 73 P.S. §§ 176 et seq.

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

- Case No. 021765 - Line strike in PITTSBURGH CITY, ALLEGHENY County on **November 09, 2020** near 1942 Arlington Ave. The incident resulted in damage to an underground facility owned by COLUMBIA GAS. (Related POCS Ticket Nos.: 20191293094, 20191293094, 20191293766, 20191414093, 20191423124, 20191443241, 20191443294, 20191443295, 20191443296, 20191443296, 20191563964, 20191563965, 20191583343, 20191583344, 20191772904, 20191772905, 20191772905, 20191773038, 20191773039, 20191773099, 20192401666, 20193111027, 20193111028, 20193111029, 20201062694, 20201543164, 20201543165, 20201670472, 20201670473, 20201770316, 20201770316, 20201770317, 20201901075, 20201901076, 20202020700, 20202020701, 20202130416, 20202130417, 20202252095, 20202252096, 20202342217, 20202342218, 20202673132, 20202673205, 20202673206, 20202722259, 20202722260, 20202831436, 20202831437, 20203572160, 20210280108 and 202110280109.)

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

Section	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
5 (4)	Failed to exercise due care and employ prudent excavation techniques	2nd Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
5 (7)	Failed to immediately report to the facility owner any break or leak in its lines, or any dent, gouge, groove or other damage to such lines or to their coating or cathodic protection made or discovered in the course of the excavation or demolition work	2nd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
<b>Recommendation:</b> Education is Mandatory						
5 (8)	Failed to immediately notify 911 and the facility owner when damage resulted in the escape of gas or liquid which may endanger life, health or property	2nd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
5 (8)	Excavator vacated worksite after causing damage that resulted in the escape of gas or liquid which may endanger life, health or property	1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
<b>Total</b>			<b>\$5,000.00</b>		<b>\$0.00</b>	<b>\$5,000.00</b>

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

- 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.
- 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', is written over a faint, illegible typed name.

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

**I&E**  
**Exhibit 7**



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

A Folino Construction  
Attn: Brendon Stamm  
109 Dark Hollow Rd  
Oakmont, PA 15139

INVOICE DATE	INVOICE NUMBER
03-11-2022	021765-003505
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

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

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

**MAIL PAYMENT TO:**

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

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FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

A Folino Construction  
Attn: Brendon Stamm  
109 Dark Hollow Rd  
Oakmont, PA 15139

INVOICE DATE	INVOICE NUMBER
03-11-2022	021765-003505
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

**PAY THIS AMOUNT WITHIN 30 DAYS**

**\$5,000.00**



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

IN REPLY  
PLEASE  
REFER TO 811

June 16, 2022

A Folino Construction  
Attn: Brendon Stamm  
109 Dark Hollow Rd  
Oakmont, PA 15139

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

To whom it may concern,

We are writing to inform you that your company, A Folino Construction, was identified as a stakeholder in one or more cases that were voted on in omnibus fashion by the Damage Prevention Committee (DPC) at a meeting on **May 10, 2022** regarding alleged violation(s) of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as "Act 50"), 73 P.S. §§ 176 et seq.

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

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

Section	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
5 (4)	Failed to exercise due care and employ prudent excavation techniques	2nd Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
5 (7)	Failed to immediately report to the facility owner any break or leak in its lines, or any dent, gouge, groove or other damage to such lines or to their coating or cathodic protection made or discovered in the course of the excavation or demolition work	2nd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
<b>Recommendation: Education is Mandatory</b>						
5 (8)	Failed to immediately notify 911 and the facility owner when damage resulted in the escape of gas or liquid which may endanger life, health or property	2nd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
5 (8)	Excavator vacated worksite after causing damage that resulted in the escape of gas or liquid which may endanger life, health or property	1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
<b>Total</b>			<b>\$5,000.00</b>		<b>\$0.00</b>	<b>\$5,000.00</b>

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

- 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.
- 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', is written over a faint, illegible typed name.

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
A. Folino Construction, 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**

A. Folino Construction, Inc.  
Attn: Alyssa Zezza  
109 Dark Hollow Rd.  
Oakmont, PA 15139



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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: February 2, 2024