



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 13, 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.
Keating Township
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

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. Pursuant to *Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, Docket No. M-2020-3019262 (Emergency Order ratified on March 20, 2020), you must eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage.

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-
	:	
Keating Township,	:	
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 Keating Township, McKean County, Pennsylvania (“Keating Township” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a 2” PE gas line owned by UGI Gas by C&R Directional Boring while performing work on a sewer line as part of a project owned by Keating Township on Dugout Road near SR 46 and East King Street in Keating Township, McKean County, 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 primary address and mailing address of 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, 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
mswindler@pa.gov

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

4. Respondent is Keating Township, with a main mailing address of 7160 Route 46, Smethport, PA 16749.

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

¹ “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.

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

7. Specifically, Section 181.1(1) of the PA One Call Law, 73 P.S. § 181.1(1), requires project owners 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.” 73 P.S. § 181.1(1).

8. 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).

9. Section 181.1(7) of the PA One Call Law, 73 P.S. § 181.1(7), requires project owners to “submit a report of alleged violation to the commission through the One Call System not more than ten business days after striking or damaging a facility owner's line during excavation or demolition work activities, after a project owner's contracted excavator strikes or damages a facility owner's line during excavation or demolition activities or if the project owner believes a violation of this act has been committed in association with excavation or demolition.” 73 P.S. § 180(7).

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

11. “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.

12. “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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. Respondent, as 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.

19. 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 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.

20. 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).

21. 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).

22. 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

23. On September 25, 2020, C&R Directional Boring (“Directional Boring”) was excavating on Dugout Road near State Route 46 and East King Street in Keating Township, McKean County, when they struck and damaged a marked 2” PE gas line belonging to UGI Gas. I&E Exhibit 1.

24. Directional Boring was excavating to install a wastewater collection system on behalf of Keating Township.

25. Respondent did not file an Alleged Violation Report (“AVR”)² within 10 business days after its contractor struck the UGI gas line as required by the PA One Call Law.

26. On September 30, 2021, a Damage Prevention Investigator (“DPI”) of the Damage Prevention Section of the Bureau of Investigation and Enforcement sent by e-mail a request to Keating Township to submit an Alleged Violation Report (“AVR”) for the September 25, 2020, incident. I&E Exhibit 2.

27. Respondent failed to file an AVR after being requested to do so by the DPI.

² The purpose of an AVR is to report to the Commission through the POCS an alleged violation of the PA One Call Law. 73 P.S. §§ 176 and 181.1(7).

28. The project was a complex project with an estimated cost in excess of \$400,000. I&E Exhibit 3.

29. Subsurface Utility Engineering (“SUE”) Quality Level D was utilized for this project. Id.

30. The most recent drawing for this project was prepared by Stiffler McGraw in July 2019. I&E Exhibit 4.

31. Excavation did not begin until September 2020.

32. A final design ticket was not submitted prior to beginning excavation.

33. On May 25, 2022, the Damage Prevention Investigator (“DPI”) from the Damage Prevention Section of the Bureau of Investigation and Enforcement sent a letter by mail to Keating Township providing a copy of the DPI’s report and informing Keating Township that they were in violation of several provisions of the PA One Call Law. I&E Exhibit 5.

34. In the letter from the DPI, Keating Township was informed that they could either accept the findings and pay the assessed administrative penalty or reject the DPI report and present its case before the Damage Prevention Committee (“DPC”) by informing the DPI in writing of its rejection within thirty days of the letter. Id.

35. On June 23, 2022, Keating Township rejected the DPI’s report by e-mail.

36. On October 12, 2022, Keating Township was informed by letter of the DPC’s informal determination adopting the DPI report and its recommended administrative penalties. I&E Exhibit 6.

37. In this letter, Keating Township was informed that they could either accept the DPC’s informal determination or reject the informal determination by informing the DPC in writing of its rejection within 30 days of the date of the letter.

38. Keating Township was advised that if they rejected the DPC's informal determination, the matter could be referred to the Commission's Bureau of Investigation and Enforcement for the purpose of filing a formal complaint.

39. Keating Township rejected the DPC's informal determination.

III. VIOLATIONS

40. Paragraphs 1-39 are incorporated herein as if stated in their entirety.

Count 1

41. Respondent failed to utilize sufficient quality levels of subsurface utility engineering to determine the existence and positions of underground facilities. Respondent utilized only Quality Level D 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, 73 P.S. § 181.1(1). 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, Directional Boring, Respondent's excavating contractor on its wastewater collection system project, stated that the project was a complex project and cost more than \$400,000. While the statute states that a "sufficient" level of SUE must be used on such projects, Quality Level D SUE was insufficient for this project as at that Quality Level information only consists of "information derived from existing records," such as the drawings or maps provided by the utilities themselves.

The expansive scope of the project, running from State Route 46 in the northwest part of Keating Township southeast to where it meets State Route 446, northeast up State Route 446 and E. Valley Road, South along State Route 46, and west from State Route 46 along Bordell Road, should have alerted Keating Township that a higher level of SUE should have been used for this project. Had Quality Level B SUE been utilized, the existence and approximate horizontal position of UGI Gas's line could have been discovered by geophysical methods and the strike on the gas line could have been avoided.

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

Count 2

42. Respondent released a project to bid or construction before the final design was complete.

If proven, this is a violation of Section 181.1(3) of the PA One Call Law, 73 P.S. § 181.1(3). As a project owner, Respondent is not permitted to release a project to bid or construction until after the final design is completed.

Here, there was no known final design ticket. The last available drawings were prepared by Respondent's designer, Stiffler McGraw, in July 2019. Excavation did not begin until September 2020. Because there was no final design ticket submitted to the POCS, and because the design drawings predate construction by more than a year, 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 \$1,000.

Count 3

43. Respondent failed to file an AVR within 10 business days after the strike on UGI Gas's 2" PE gas line.

If proven, this is a violation of Section 181.1(7) of the PA One Call Law, 73 P.S. § 181.1(7). As a project owner, Respondent was required to submit an AVR within 10 business days of striking a line. However, Respondent did not submit an AVR within this timeframe and did not submit its AVR even after being prompted to do so by I&E's DPI.

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

Count 4

44. 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, Respondent is required to use its best efforts to adhere to the Common Ground Alliance Best Practices. Specifically, Best Practice 2-14 instructs that "SUE is applied during the design phase to locate, identify, and characterize all existing utility infrastructure (and other relevant nonutility features) found within a given project/area." Further, "the project owner dictates the required quality levels as well as the amount of effort expended by the SUE provider on each." CGA Best Practices Manual 18.0, § 2-14. Here, Respondent did not properly apply SUE to its project.

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

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

- (1) Find Keating Township to be in violation of the PA One Call Law at 73 P.S. §§ 181.1(1), 181.1(3), 181.1(7), and 184.
- (2) Impose a cumulative administrative penalty upon Keating Township in the amount of \$3,000; and
- (3) Order Keating Township to attend an educational program for project owners through the DPC and provide proof of compliance to the Commission; and
- (4) Order such other remedies as the Commission may deem appropriate.

Respectfully submitted,



Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-5243
grosul@pa.gov

Date: February 13, 2024

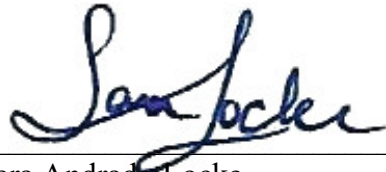
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
Keating Township,	:	
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 13, 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 AVR2020SEP220020

First Name ALLEN **Last Name** FOWLER

Company Name UGI UTL LANCASTER

Address 1301 AIP Drive

City Middletown

State PA

Zip Code 17057

Email* AFOWLER@UGI.COM

Phone 6103931099

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 plan the excavation or demolition work to avoid damage or minimize interference with a facility owner's facilities in a construction area §5(6)(i)
Type of Alleged Violation (?)	Excavator Issue
Reason	Failed to exercise due care and take all reasonable steps necessary to avoid injury to or interference with all lines §2(5) §5(4)

When did the alleged violation occur? * 09/25/2020
(?) 09:51:00 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.
20201543711

Related Damage Serial Number, if applicable

Other Related Serial Numbers (?)

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

Event Information



County * (?) MCKEAN
Municipality * (?) ELDRED TWP
Ward 0
Work Site * DUGOUT ROAD
Nearest Intersection SR 46
Second Intersection EAST KING STREET
Geolocation (?)

Affected Facility Information



Primary Right of Way Type Private
Private Right of Way Type Easement
Affected Operation * Gas
Facility Subtype Affected * Distribution
Facility Owner Company Name UGI Utilities Inc.

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 18" - 36" / 46 - 91 cm

Work Information



Start Date of Excavation (?)

Excavation Activity SERVICE LATERAL

Excavator Company Name C & R DIRECTIONAL BORING LLC

Contact First Name **Last Name**

Address 3725 Williams Rd.

City Clearfield

State Pa

Zip 16830

Email **Phone** 8148571211

Marked in White Yes No Unknown

Method of Excavation DIGGING

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

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

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

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 Unknown

Fire Response Yes No

Police Response Yes No

Did the incident cause any injuries? Yes

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 - < 6 hrs

Approximately how many customers
were affected? 2 - 10

Cost of Damaged Line Repair? \$1,001-\$5,000

Was other property damaged? Yes No

Locator/Locate Information



Who was the facility line locator? Employee Locator

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

Readily 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

While contractor was working on a sewer later they struck and damaged a correctly marked 2"PE Gas Main with a Mini Excavator. Photos are not able to be attached and will email them to Kasha.

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

Attachments

Attach pictures and additional documents

I&E
Exhibit 2

Prough, Blaire

From: Prough, Blaire
Sent: Thursday, September 30, 2021 10:07 AM
To: 'keatingtwp@gmail.com'
Subject: Please submit an Alleged Violation Report through PA One Call for The Public Utility Commission- Case #18380
Attachments: Letter- PO submit AVR.docx

Good Morning,

Please refer to the attached letter for information regarding submitting an Alleged Violation Report (AVR) to the Public Utility Commission.

If you have any questions, please don't hesitate to reach out to me.

Thank you,
Blair

Blair Prough | PUC Compliance Specialist

Pennsylvania Public Utility Commission (PUC)
Bureau of Investigation and Enforcement
400 North St | Harrisburg, PA 17120

Phone: 717-783-1547

Email: bprough@pa.gov

Web: <http://www.puc.pa.gov>



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

I&E
Exhibit 3

Alleged Violation Report

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

AVR Number AVR2021AUG030002

First Name SCOTT **Last Name** DOTTS

Company Name C AND R DIRECTIONAL BORING

Address 3725 WILLIAMS RD

City CLEARFIELD

State PA

Zip Code 16830

Email* SDOTTS.CR@GMAIL.COM

Phone 8148571211

Ext

Role

Submitter Role(s)* (?)

- | | |
|---|---|
| <input type="checkbox"/> Facility Owner | <input type="checkbox"/> Designer |
| <input checked="" 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) 18380

Related AVR Number (?)

Type of Alleged Violation (?) Excavator Issue

Reason Failed best efforts to follow CGA Best Practices §9

When did the alleged violation occur?* 09/25/2020
(?) 01:00:00 PM

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.

20201543710

Related Damage Serial Number, if applicable

Other Related Serial Numbers (?)

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

Event Information



County* (?) MCKEAN
Municipality* (?) FOSTER TWP
Ward 0
Work Site* DUGOUT ROAD
Nearest Intersection SR 46
Second Intersection EAST KING STREET
Geolocation (?)

Affected Facility Information



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

Affected Operation* Gas
Facility Subtype Affected* Distribution
Facility Owner Company Name UGI

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 <18" / 46 cm

Work Information



Start Date of Excavation (?) 09/25/2020
07:00:00 AM

Excavation Activity SEWER - STORM

Excavator Company Name C&R Directional Boring

Contact First Name Scott Last Name Dotts

Address 3725 Williams road

City Cleasfield

State pa

Zip 16830

Email sdotts.cr@gmail.com Phone 814-857-1211

Marked in White Yes No Unknown

Method of Excavation DIRECTIONAL

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

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

Did Excavator incur down time? Yes No Unknown

Was a response posted to the One Call System? Yes No Unknown

What level of subsurface utility engineering was utilized? D (Records Research/Data Collection)

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 miles

Project Owner Company Name Keating Twp.

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
- Did the incident cause any injuries? Yes
- 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 - < 6 hrs
- Approximately how many customers were affected? 11 - 50
- Cost of Damaged Line Repair? \$1,001-\$5,000
- Was other property damaged? Yes No

Locator/Locate Information



Who was the facility line locator? Employee Locator

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 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

C&R Directional Boring We hit a gas line and filled out ugi accident report with their on-site tech at the time of repair. It was our fault and the bill has been paid.

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

Attachments

Attach pictures and additional documents

I&E
Exhibit 4

Good morning to you all this is Scott dots with CNR directional boring I am sending this email out to propose the way in which I would like to do the PA one calls for the Keating Township project. The 4 index sheets are numbered as follows I-1, I-2, 1-3, 1-4. I propose that we call these in as for phases each index sheet will be a phase, I will call place the one call's in in the order in which they are numbered but it will not necessarily be where we begin. As I brought up at the initial meeting I would like to call in the whole job and give you extra time to mark it then I will video it so the we have all the marks on the video this will help us to keep them updated and also to notice if any flags have been moved. Please contact me with any concerns either by email or phone call listed on the signup sheet.

We thank you for your consideration in this matter.

Scott Dotts

C&R Directional Boring.

PROJECT NO.	30066
DATE	JULY 2019
SHEET NO.	13 of 4

KEATING TOWNSHIP
PHASE III WASTEWATER COLLECTION PROJECT
McKEAN COUNTY, PENNSYLVANIA
INDEX SHEET

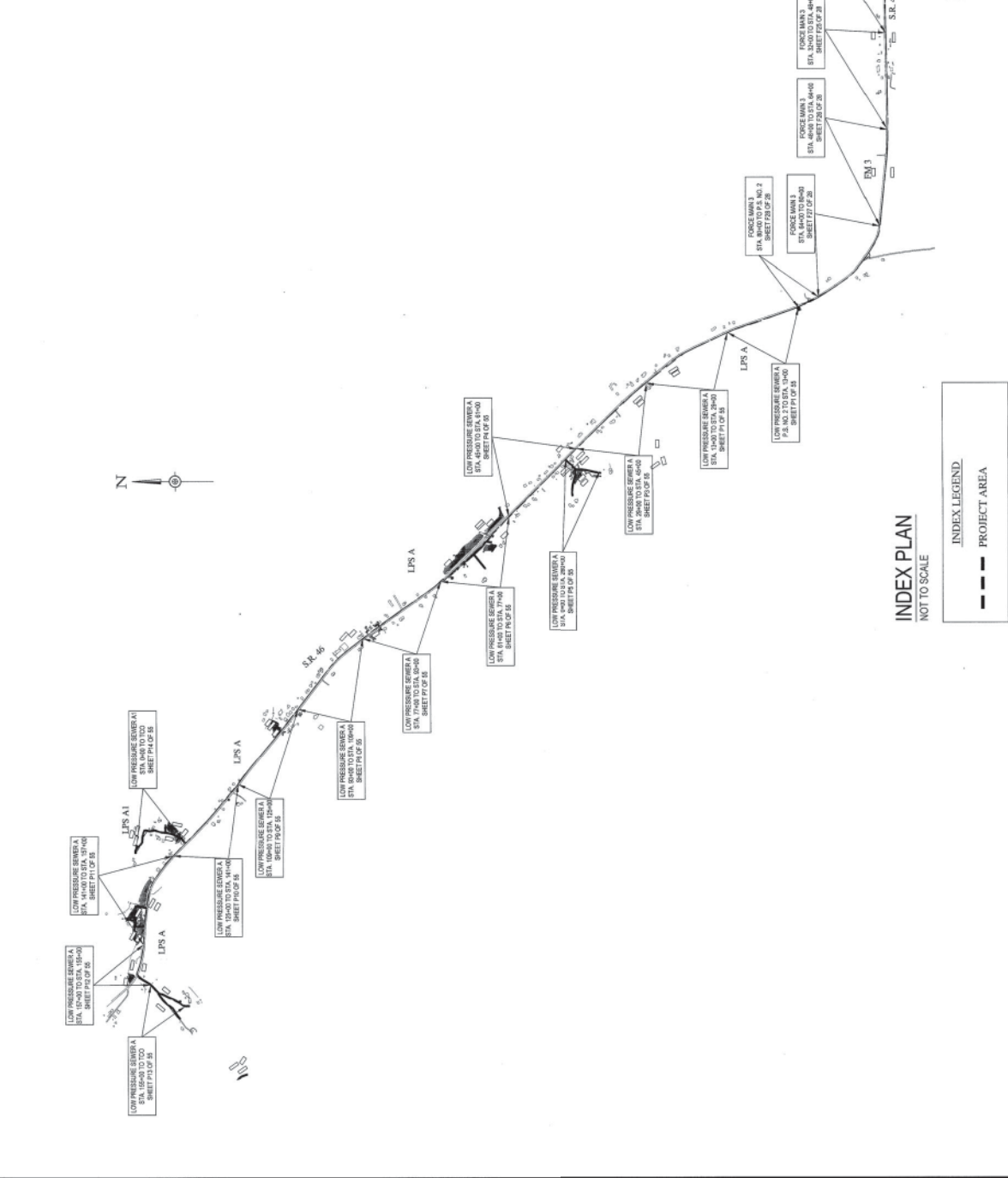
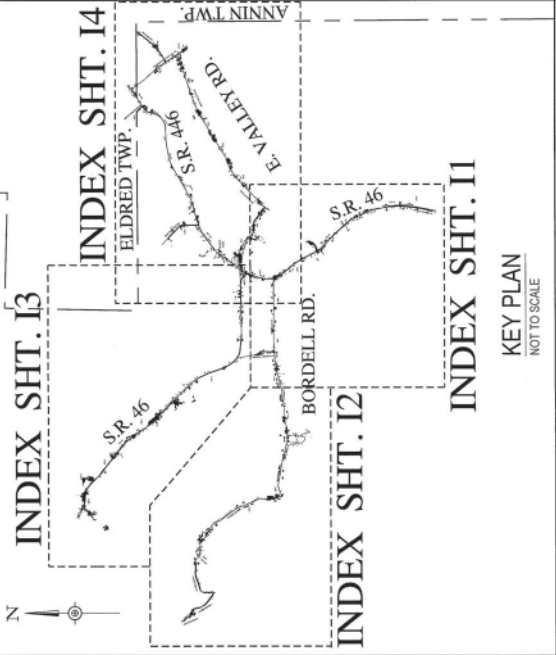
NOT TO SCALE

Shiffler McGraw Northwest
Engineers-Surveyors-Architects
Titusville, Pennsylvania 16354
(814) 770-0009

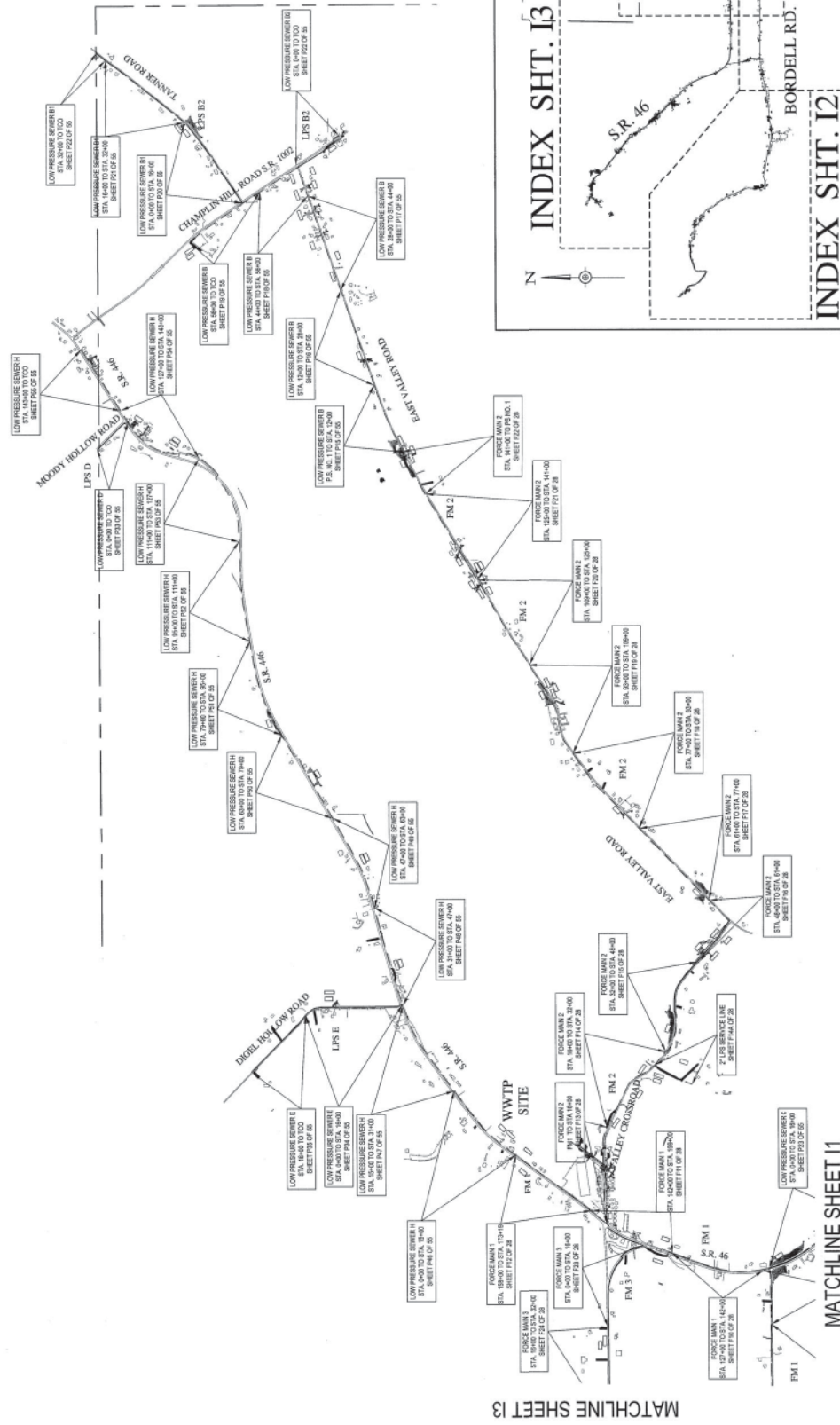


NO.	DATE	DESCRIPTION	REVISIONS
1	JAN 2019	ISSUE FOR BIDDING	

DESIGNER	JOB	DATE	EAC
30066AS01S			
PROJECT DIRECTOR			
30066			



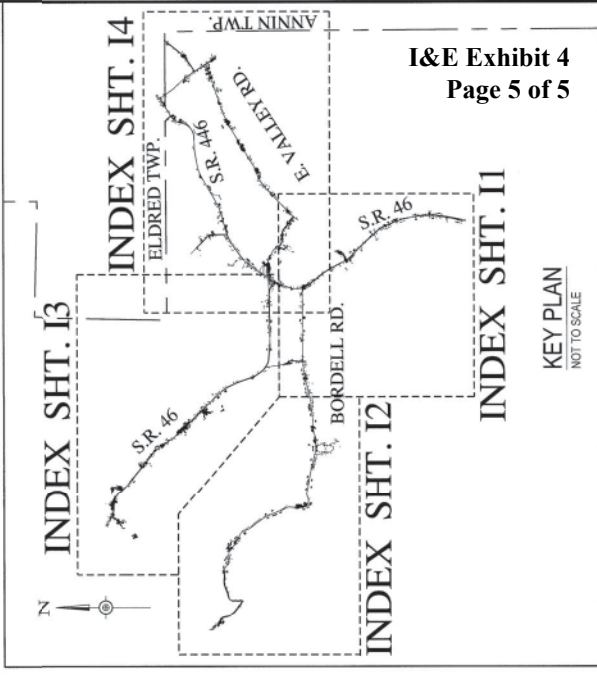
NO.	DATE	DESCRIPTION	REVISIONS
1	JAN 2019	ISSUE FOR BIDDING	



MATCHLINE SHEET 13

MATCHLINE SHEET 11

INDEX PLAN
NOT TO SCALE



I&E Exhibit 4
Page 5 of 5

KEY PLAN
NOT TO SCALE

PROJECT NO.	30066
DATE	JULY 2019
SHEET NO.	I4 of 4

KEATING TOWNSHIP
PHASE III WASTEWATER COLLECTION PROJECT
McKEAN COUNTY, PENNSYLVANIA
INDEX SHEET

NOT TO SCALE

Stiffler McGraw Northwest
Engineers-Surveyors-Architects
Titusville, Pennsylvania 16054
(814) 778-0599



DESIGNED BY	EAC
CHECKED BY	
DATE	
NO.	
DESCRIPTION	
1	SEE SHEET E411 FOR COMMENTS

DRAWING FILE NAME	30066E&S01LS
PROJECT DIRECTORY	30066

I&E
Exhibit 5



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

Keating Township
 7160 Route 46
 Smethport,, PA 16749

INVOICE DATE	INVOICE NUMBER
05-25-2022	018380-004219
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

 FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

Keating Township
 7160 Route 46
 Smethport,, PA 16749

INVOICE DATE	INVOICE NUMBER
05-25-2022	018380-004219
FISCAL YEAR	
July 1, 2021 - June 30, 2022	

PAY THIS AMOUNT WITHIN 30 DAYS

\$1,500.00



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

IN REPLY
PLEASE
REFER TO 811

May 25, 2022

Keating Township
7160 Route 46
Smethport, PA 16749

Re: Notification of Damage Prevention Investigator Report

To whom it may concern,

We are writing to inform you that your company, Keating Township, has been identified as a stakeholder in an alleged violation report (AVR) that the Pennsylvania One Call System (POCS) provided to the Pennsylvania Public Utility Commission (Commission) for investigation. The AVR concerns alleged violations of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as "Act 50"), 73 P.S. §§ 176, et seq., in connection with the following incident:

- Case No. 018380 - Line strike in FOSTER TWP, MCKEAN County on **September 25, 2020** near DUGOUT ROAD. The incident resulted in damage to an underground facility owned by UGI. (Related POCS Ticket Nos.: 20201540781, 20201543710, 20201543711, 20201543712, 20202311833, 20202311834, 20202311835 and 20202312313.)

A Damage Prevention Investigator (DPI) of the Commission was assigned to investigate the allegations made in the AVR and prepared a report to the Damage Prevention Committee (DPC). Enclosed is the DPI Report, which contains the DPI's findings and recommendations.

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

1. **Accept the findings and administrative penalty contained in the DPI Report by remitting payment of the administrative penalty using the enclosed invoice within thirty (30) days of the date of this letter. If the DPI Report recommends mandatory training, you will receive a separate letter with further instructions.**
2. **Reject the DPI Report and present your case before the DPC at a future DPC Meeting. To reject the DPI Report, you must inform the DPC in writing within thirty (30) days of the date of this letter by first class mail at the address provided below or by email at damageprevention@pa.gov. You will receive notice of the date, time and location of the DPC Meeting.**

If you fail to respond to the DPI Report within thirty (30) days of the date of this letter, then this matter will be placed on the DPC's meeting agenda and voted upon by the DPC in your absence.

If you have any questions, please contact damageprevention@pa.gov or call 717-787-6489.

Sincerely,

Sara Locke
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Enclosures



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

IN REPLY
PLEASE
REFER TO 811

May 25, 2022

Investigation

Investigator name: Locke, Sara **Incident date:** 09/25/20 09:51 AM

Case Number: 018380 **Was 911 called?** Yes **Did damage occur?** Yes

Site of Alleged Violation: DUGOUT ROAD
FOSTER TWP, MCKEAN Country
Near SR 46 and EAST KING STREET

What type of underground facility was damaged? Gas Distribution

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

Contractor/Excavator: Scott Dotts, C and R DIRECTIONAL BORING LLC, 3725 Williams Rd., Clearfield, PA, 16830
Submitted report? Yes **Is PA One Call member?** Yes

Project Owner: Keating Township, 7160 Route 46, Smethport,, PA, 16749
Submitted report? No **Is PA One Call member?** Yes

Designer: Stiffler McGraw, 115 W Spring St., Titusville,, PA, 16354
Submitted report? No **Is PA One Call member?** Yes

Other: Tim Moyer, Eldred Township McKean County, 1834 West Eldred Road, Eldred, PA, 16731
Submitted report? No **Is PA One Call member?** Yes

Other: Laurel Klingensmith, Penelec, 76 South Main Street A-GO-11,, Akron, OH, 44308
Submitted report? No **Is PA One Call member?** Yes

Ticket Information: 20202312313 / Routine / 08/18/20, 12:52 PM (C and R DIRECTIONAL BORING LLC), 20201543712 / Routine / 06/02/20, 03:41 PM (C and R DIRECTIONAL BORING LLC), 20201540781 / Complex Project / 06/02/20, 08:59 AM (C and R DIRECTIONAL BORING LLC), 20202311833 / Routine / 08/18/20, 11:28 AM (C and R DIRECTIONAL BORING LLC), 20201543711 / Routine / 06/02/20, 03:41 PM (C and R DIRECTIONAL BORING LLC), 20202311834 / Routine / 08/18/20, 11:28 AM (C and R DIRECTIONAL BORING LLC), 20202311835 / Routine / 08/18/20, 11:28 AM (C and R DIRECTIONAL BORING LLC), 20201543710 / Routine / 06/02/20, 03:41 PM (C and R DIRECTIONAL BORING LLC)

Other Investigations Related by Ticket: None

Synopsis of the events that led to the damaged facility:

~Incident occurred on 9/25/2020 on Dugout Road, near SR 46 and East King Street, Eldred Township, McKean County.

UGI submitted an Alleged Violation Report (AVR) stating, "While contractor was working on a sewer later, they struck and damaged a correctly marked 2 "PE Gas Main with a Mini Excavator." C&R UGI stated that 911 was called and this affected 2-10 customers. Photos were not able to be attached to AVR, but were said to be emailed to Kasha. No UGI photos are attached.

Directional Boring submitted an AVR in response stating, "C&R Directional Boring We hit a gas line and filled out UGI accident report with their on-site tech at the time of repair. It was our fault, and the bill has been paid." Also stated in their AVR is that Level D SUE was used for this over \$400, 000. Project. They checked that 911 was not called and that 11- 50 customers were affected.

C and R Directional Drilling stated in their AVR that Level D SUE was used for this over \$400, 000. Project. They checked that 911 was not called and that 11*50 customers were affected.

A courtesy letter was sent to the Designer and the PO on 9/30/2021 requesting an AVR be submitted, and one was not submitted. A violation of 6.1(7)- Project Owner failed to submit an Alleged Violation Report within 10 business days of a line strike is recommended for Keating Township and a violation of 4(8)- failed to submit a report of an alleged violation to the commission through the One Call System not more than thirty business days of being made aware of the violation is recommended for Stiffler McGraw.

One Call ticket #20201543711 was placed on 6/2/2020 by C and R Directional Boring. Response due date was 6/15/2020 for excavation to begin on 6/16/2020 at 7:00 AM. Eldred Township McKean County responded with "Insufficient Info" and UGI did not respond to the notification until 7/29/2020.

One Call ticket #20201543711 was placed on 6/2/2020 by C and R Directional Boring. Response due date was 6/15/2020 for excavation to begin on 6/16/2020 at 7:00 AM. Eldred Township McKean County responded with "Insufficient Info" and UGI did not respond to the notification until 7/29/2020. A violation of 2(5)(v)- failed to respond to a One Call notification is recommended with education in lieu of the monetary penalty for Eldred Township McKean County.

One Call ticket #20201543712 was placed on 6/2/2020 by C and R Directional Boring. Response due date was 6/15/2020 for excavation to begin on 6/16/2020 at 7:00 AM. UGI did not respond to the notification until 7/29/2020. A violation of 2(5)(v)- failed to respond to a One Call notification is recommended.

One Call ticket #20202311833 was placed on 8/18/2020 by C and R Directional Boring. Response due date was 8/20/2020 for excavation to begin on 8/21/2020 at 7:00 AM. UGI did not respond to the ticket initially and then marked "Conflict-DCTF" on 8/21/2020 at 9:31 AM. They finally marked the lines on 8/25/2020 at 7:46 AM. Keating Township did not finalize a response in the KARL system until 8/21/2020 at 18:24 PM. A violation of 2(5)(v) late- failed to respond to a One Call notification within the required amount of time is recommended.

One Call ticket #20202311834 was placed on 8/18/2020 by C and R Directional Boring. Response due date was 8/20/2020 for excavation to begin on 8/21/2020 at 7:00 AM. Penelec responded with "Scheduled mark" on 8/20/2020 and didn't field mark until 8/21/2020 at 8:34 AM. A violation of 2(5)(v) late- failed to respond to a One Call notification within the required amount of time is recommended.

One Call ticket #20202311835 was placed on 8/18/2020 by C and R Directional Boring. Response due date was 8/20/2020 for excavation to begin on 8/21/2020 at 7:00 AM. Penelec responded with "Scheduled mark" on 8/20/2020 and didn't field mark until 8/21/2020 at 6:32 AM. UGI did not initially respond to the ticket, marked "Conflict-DCTF" on 8/21/2020 at 9:31 AM and finally field marked on 8/25/2020 at 7:45 AM. A violation of 2(5)(v) late- failed to respond to a One Call notification within the required amount of time is recommended.

One Call ticket #20202312313 was placed on 8/18/2020 by C and R Directional Boring. Response due date was 8/20/2020 for excavation to begin on 8/21/2020 at 7:00 AM. UGI did not initially respond to the ticket, marked "Conflict-DCTF" on 8/21/2020 at 9:27 AM and finally field marked on 8/25/2020 at 7:46 AM. A violation of 2(5)(v) late- failed to respond to a One Call notification within the required amount of time is recommended.

UGI submitted an AVR stating, "While contractor was working on a sewer later, they struck and damaged a correctly marked 2"PE Gas Main with a Mini Excavator." C&R Directional Boring submitted an AVR in response stating, "C&R Directional Boring We hit a gas line and filled out ugi accident report with their on-site tech at the time of repair. It was our fault and the bill has been paid." A violation of 5(4)- failed to exercise due care and employ prudent techniques is recommended.

A courtesy letter was sent to the Designer and the PO on 9/30/2021 requesting an AVR be submitted, and one was not submitted. A violation of 6.1(7)- Project Owner failed to submit an Alleged Violation Report within 10 business days of a line strike is recommended for Keating Township and a violation of 4(8)- failed to submit a report of an alleged violation to the commission through the One Call System not more than thirty business days of being made aware of the violation is recommended for Stiffler McGraw.

Violations:

UGI-

- ~2(5)(v)- failed to respond to a One Call notification is recommended for One Call ticket #20201543711
- ~2(5)(v)- failed to respond to a One Call notification is recommended for One Call ticket #20201543712
- ~2(5)(v) late- failed to respond to a One Call notification within the required amount of time for One Call ticket #20202311833
- ~2(5)(v)late- failed to respond to a One Call notification within the required amount of time for One Call ticket #20202311835
- ~2(5)(v)late- failed to respond to a One Call notification within the required amount of time for One Call ticket #20202312313

Eldred Township McKean County-

- ~2(5)(v)- failed to respond to a One Call ticket #20201543711. This is a first-time violation and the \$500. Penalty is reduced to \$250.

Keating Township

- ~2(5)(v) late- failed to respond to a One Call ticket #20202311833 within the required amount of time. Penalty is applied.
- ~6.1(7)- Project Owner failed to submit an Alleged Violation Report within 10 business days of a line strike. Penalty is applied.
- 6.1(1) Failed to use sufficient quality levels of subsurface Utility Engineering. Penalty is applied.
- 6.1(3) Released a project o bid or construction before the final design was complete. Penalty is applied.

Stiffler McGraw-

- ~4(8)- failed to submit a report of an alleged violation to the commission through the One Call System not more than thirty business days of being made aware of the violation
- 4(3) Designers drawings does not show the position and type of each facility owner's lines. Penalty is applied.
- 4(4) Failed to prepare construction drawings to avoid damage and minimize interference with facility owner's lines. Penalty is applied.
- 4(2) Designer failed to request the line and facility information prescribed by section 2(4) from the One Call system. Penalty is applied.

Penelec-

- ~2(5)(v) late- failed to respond to a One Call notification within the required amount of time for One Call ticket #20202311834
- ~2(5)(v) late- failed to respond to a One Call notification within the required amount of time for One Call ticket #20202311835

C and R Directional Boring

~5(4)- failed to exercise due care and employ prudent techniques

Amount of property damage: \$1001.00-\$5000.00 **Impact on public:** 2-10 customers without service or less than 6 hours

Entity out of compliance UGI

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	20201543711	2nd Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (5)(v)	Failed to respond to a routine One Call ticket	Proposed	20201543712	2nd Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (5)(v)	Failed to respond to a routine One Call ticket within the required amount of time	Proposed	20202311833	Subsequent	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (5)(v)	Failed to respond to a routine One Call ticket within the required amount of time	Proposed	20202311835	Subsequent	\$1,000.00	0 %	\$0.00	\$1,000.00
2 (5)(v)	Failed to respond to a routine One Call ticket within the required amount of time	Proposed	20202312313	Subsequent	\$1,000.00	0 %	\$0.00	\$1,000.00
Totals					\$5,000.00		\$0.00	\$5,000.00

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
012103-002508	UGI Utilities	10/10/19 10:00 AM	04/13/21	2(5)(v) 1st Offense \$250.00; 2(5)(viii) 1st Offense \$500.00	\$750.00
014298-002798	UGI Utilities, Inc	03/12/20 12:00 AM	04/13/21	2(5)(v) 2nd offense \$500.00; 2(5)(vii) 2nd Offense \$1,500.00	\$2,000.00
014484-002846	UGI	04/27/20 07:00 AM	10/05/21	2(5)(v) 3rd offense \$750.00	\$750.00
015007-003029	UGI Utilities	05/13/20 01:46 PM	11/09/21	2(5)(v) 1st Offense \$500.00; 2(5)(v.1) 1st Offense \$500.00	\$1,000.00

Entity out of compliance Eldred Township McKean County

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	20201543711	1st Offense	\$250.00	0 %	\$0.00	\$250.00
Recommendation: Education is mandatory.								
Totals					\$250.00		\$0.00	\$250.00

Previous Violations:

No Previous Violations

Entity out of compliance Keating Township

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (5)(v)	Proposed	20202311833	1st Offense	\$250.00	0 %	\$0.00	\$250.00
Recommendation: education is mandatory.							
6.1 (1)	Proposed		1st Offense	\$500.00	0 %	\$0.00	\$500.00
6.1 (3)	Proposed		1st Offense	\$500.00	0 %	\$0.00	\$500.00
6.1 (7)	Proposed		1st Offense	\$250.00	0 %	\$0.00	\$250.00
Totals				\$1,500.00		\$0.00	\$1,500.00

Previous Violations:

No Previous Violations

Entity out of compliance Stiffler McGraw

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
4 (2)	Proposed		1st Offense	\$500.00	0 %	\$0.00	\$500.00
4 (3)	Proposed		1st Offense	\$250.00	0 %	\$0.00	\$250.00
4 (4)	Proposed		1st Offense	\$250.00	0 %	\$0.00	\$250.00
4 (8)	Proposed		1st Offense	\$250.00	0 %	\$0.00	\$250.00
Recommendation: education is madatory.							
Totals				\$1,250.00		\$0.00	\$1,250.00

Previous Violations:

No Previous Violations

Entity out of compliance Penelec

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (5)(v)	Proposed	20202311834	2nd offense	\$500.00	0 %	\$0.00	\$500.00
2 (5)(v)	Proposed	20202311835	2nd offense	\$500.00	0 %	\$0.00	\$500.00
Totals				\$1,000.00		\$0.00	\$1,000.00

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
006708-001749	Penelec	05/07/19 09:40 AM	05/11/21	2(5)(v) 1st Offense \$250.00	\$250.00

Entity out of compliance C and R DIRECTIONAL BORING LLC

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
5 (4)	Proposed		1st Offense	\$500.00	0 %	\$0.00	\$500.00
Recommendation: Education is mandatory.							
Totals				\$500.00		\$0.00	\$500.00

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
000551-000902	C AND R DIRECTIONAL BORING	11/08/18 09:00 AM	10/08/19	5(16) 1st Offense \$0.00	\$0.00

Name of Investigator: Locke, Sara **Date completed:** 04/21/22 02:16 PM

Name of Supervisor: Locke, Sara **Date completed:** 04/21/22 02:16 PM

I&E
Exhibit 6



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

Keating Township
 7160 Route 46
 Smethport, PA 16749

INVOICE DATE	INVOICE NUMBER
05-25-2022	018380-004219
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

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

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

MAIL PAYMENT TO:

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

 FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

Keating Township
 7160 Route 46
 Smethport, PA 16749

INVOICE DATE	INVOICE NUMBER
05-25-2022	018380-004219
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

PAY THIS AMOUNT WITHIN 30 DAYS

\$1,500.00

Attn: Damage Prevention Section



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

IN REPLY
PLEASE REFER
TO 811

One Call Enforcement

October 12, 2022

Keating Township
7160 Route 46
Smethport, PA 16749

Re: Notification of Damage Prevention Committee Informal Determination

To whom it may concern,

We are writing to inform you that Keating Township was identified as a stakeholder in one or more cases that were discussed and voted upon by the Damage Prevention Committee (DPC) at a meeting on **October 12, 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. 018380 - Line strike in FOSTER TWP, MCKEAN County on **September 25, 2020** near DUGOUT ROAD. The incident resulted in damage to an underground facility owned by UGI. (Related PA One Call Ticket Nos.: 20201540781, 20201543710, 20201543711, 20201543712, 20202311833, 20202311834, 20202311835 and 20202312313.)

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

Section	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 (20202311833)	1st Offense	\$250.00	0 %	\$0.00	\$250.00
Recommendation: education is mandatory.						
6.1 (1)	Failed to utilize sufficient quality levels of subsurface utility engineering or other similar techniques 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	1st Offense	\$500.00	0 %	\$0.00	\$500.00
6.1 (3)	Released a project to bid or construction before final design was complete	1st Offense	\$500.00	0 %	\$0.00	\$500.00
6.1 (7)	Project owner failed to submit an Alleged Violation Report within 10 business days of a line strike	1st Offense	\$250.00	0 %	\$0.00	\$250.00
Total			\$1,500.00		\$0.00	\$1,500.00

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

1. **Accept the DPC's informal determination by remitting payment of the administrative penalty using the enclosed invoice within thirty (30) days of the date of this letter. If the DPC's informal determination includes mandatory training, you will receive a separate letter with further instructions.**
2. **Reject the DPC's informal determination by informing the DPC in writing within thirty (30) days of the date of this letter by first class mail at the address provided below or by email at damageprevention@pa.gov. If you choose to reject the informal determination, the matter will be returned to the Damage Prevention Investigator for further action, if appropriate, including referring the matter to the Pennsylvania Public Utility Commission's (Commission) Bureau of Investigation and Enforcement for the purpose of issuing a formal complaint.**

If you fail to respond to the DPC's informal determination within thirty (30) days of the date of this letter, then the informal determination shall become final and binding on the Commission. Appeals from final action of the Commission shall be filed in the Commonwealth Court within thirty (30) days of the date the informal determination becomes final.

If you have any questions concerning this matter, please call 717-787-6489 or contact damageprevention@pa.gov

Sincerely,

A handwritten signature in black ink, appearing to read 'TCS', written in a cursive style.

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

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
Keating Township,	:	
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

Keating Township
Attn: Jeanne Miglicio, Esq.
7160 Route 46
Smethport, PA 16749

Jeanne Miglicio, Esq.
Solicitor for Keating Township
210 S. Wood St.
Emporium, PA 15834



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: February 13, 2024