



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT
BP8#3037281

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.
Blakely Borough Electric
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-
	:	
Blakely Borough Electric,	:	
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 Blakely Borough Electric (“Blakely” or “Respondent”) alleging violations of the PA One Call Law in connection with a failure to timely respond to an emergency PA One Call ticket submitted to the Pennsylvania One Call System on March 8, 2021, as a result of a gas line strike during an excavation to repair plumbing at a home at 450 2nd Street in Blakely Borough, Lackawanna County. In support of its Complaint, I&E respectfully avers as follows:

I. COMMISSION JURISDICTION AND AUTHORITY

1. The Pennsylvania Public Utility Commission (“Commission” or “PUC”), with a mailing address of Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to

regulate, *inter alia*, facility 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
mwindler@pa.gov

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

4. Respondent is Blakely Borough Electric¹, with a main mailing address of 1439 Main Street, Peckville, PA 18452.

5. Blakely Borough Electric is a “facility owner,” as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.²

¹ Blakely Borough is one of only 35 municipally-owned electric utilities in the Commonwealth and is a member of the PA Municipal Electric Association.

² “Facility owner” is defined as “the public utility or agency, political subdivision, **municipality**, authority, rural electric cooperative or other person or entity who or which owns or operates a line.” 73 P.S. § 176 (emphasis added).

6. Section 177 of the PA One Call Law, 73 P.S. § 177, imposes duties on facility owners.

7. Specifically, Section 177(5)(vii) of the PA One Call Law, 73 P.S. § 177(5)(vii), requires facility owners to “respond to emergency notifications as soon as practicable following receipt of notification of such emergency. The response by the facility owner shall be consistent with the nature of the emergency information received by the facility owner.” 73 P.S. § 177(5)(vii).

8. “Emergency” is defined as “a sudden or unforeseen occurrence involving a clear and immediate danger to life, property and the environment, including, but not limited to, serious breaks or defects in a facility owner's lines.” 73 P.S. § 176.

9. Respondent, as a facility 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 facility owners to comply with the PA One Call Law. 73 P.S. § 182.10.

10. 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 facility 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.

11. 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).

12. 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).

13. 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

14. On March 8, 2021, Roto Rooter Plumbing (“Roto Rooter”) was excavating with a backhoe at 450 2nd Street, Blakely Borough, Lackawanna County, when it struck the gas service line directly in front of the gas meter. I&E Exhibit 1.

15. At approximately 8:49 AM on March 8, 2021, Roto Rooter placed an emergency One Call Ticket with the Pennsylvania One Call System (“POCS”). I&E Exhibit 2.

16. Respondent was notified of the emergency ticket placed by Roto Rooter via the KARL, or Kathy Automated Response to Location, messaging system at approximately 8:49 AM on March 8, 2021. Id.

17. Respondent did not respond to the emergency One Call Ticket until March 9, 2021, at approximately 11:28 AM. Id.

18. Photographs taken by UGI Gas of the damaged gas service line upon their arrival at the scene show that the line was completely severed, which resulted in a gas leak. I&E Exhibit 3.

19. On August 19, 2022, the Damage Prevention Investigator (“DPI”) from the Damage Prevention Section of the Bureau of Investigation and Enforcement sent a letter by

mail to Respondent providing a copy of the DPI's report and informing Blakely that they were in violation of a provision of the PA One Call Law. I&E Exhibit 4.

20. In the letter from the DPI, the Respondent 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 date of the letter. Id.

21. On September 16, 2022, Respondent rejected the DPI's report by e-mail.

22. On October 14, 2022, Respondent was informed by mail that they could present their case at the DPC meeting on November 8, 2022. I&E Exhibit 5.

23. On November 14, 2022, Respondent was informed by letter of the DPC's informal determination adopting the DPI report and its recommended administrative penalties. I&E Exhibit 6.

24. In this letter, Blakely was informed that they could either accept the DPC's informal determination or reject the informal determination by informing the DPC in writing within 30 days of the date of the letter.

25. Blakely 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.

26. On December 7, 2022, Respondent rejected the DPC's informal determination.

III. VIOLATIONS

27. Paragraphs 1-26 are incorporated herein as if stated in their entirety.

Count 1

28. Respondent failed to timely respond to an emergency One Call Ticket

submitted to the POCS.

If proven, this is a violation of Section 177(5)(vii) of the PA One Call Law, 73 P.S. § 177(5)(vii). As a facility owner, Respondent has a duty to respond to a PA One Call emergency notification “as soon as practicable following receipt of notification.” Further, the statute requires that the response by the facility owner “shall be consistent with the nature of the emergency information received by the facility owner.”

Here, Respondent received notice of the emergency but did not provide a response to the POCS until more than 24 hours had elapsed. A gas line strike is a serious occurrence, posing a danger to life, property, and the environment due to the high risk of a gas leak necessitating immediate repair. To repair a gas service line, such as the one involved in this matter, excavation by the gas utility is necessary. Thus, a timely response by all facility owners who receive an emergency notification is vitally important. Respondent’s inaction — waiting more than 24 hours to respond to a PA One Call emergency notification — is inconsistent with the nature of the emergency information it received and constituted a failure to respond “as soon as practicable.”

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 the Blakely Borough Electric to be in violation of the PA One Call Law at 73 P.S. §§ 177(5)(vii);
- (2) Impose an administrative penalty upon Blakely Borough Electric in the amount of \$1,000;

- (3) Order Blakely Borough Electric to attend an educational program for facility 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-
	:	
Blakely Borough Electric,	:	
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 AVR2021APR230014
AVR Version 1
First Name RYAN **Last Name** GEISINGER
Company Name UGI Utilities
Address 1301 Aip Dr Attn UGI Pipeline Safety
City Middletown
State PA
Zip Code 17057
Email rgeisinger2@ugi.com **Phone** 8002762722
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 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? (?) 03/08/2021

12:22:00 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.

20210670622

Related Damage Serial Number, if applicable

Other Related Serial Numbers (?)

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

Reason for Exemption

Event Information



County LACKAWANNA
Municipality BLAKELY BORO
Ward 0
Work Site 450 2ND ST
Nearest Intersection NEW ST
Second Intersection LINCOLN
Geolocation (?)

Affected Facility Information



Primary Right of Way Type Private
Public Right of Way Type
Private Right of Way Type Land Owner

Affected Operation Gas
Facility Subtype Affected Service/Drop/Lateral
Facility Owner Company Name UGI Utilities

Contact First Name Ryan **Last Name** Geisinger

Address

City

State

Zip

Email	Phone
Joint Trench?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown
Involve Cross Bore?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown
Measured Depth from Grade	<18" / 46 cm
Exact Measured Depth from Grade	Enter the inches or centimeters with number and measurement used

Work Information



Start Date of Excavation (?)	03/08/2021	
Excavation Activity	SEWER - SANITARY	
Excavator Company Name	Roto Rooter	
Contact First Name	Last Name	
Address	2 Keystone Industrial Park	
City	Dunmore	
State	PA	
Zip	18512	
Email	Phone	5703426342
Marked in White	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> 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?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	
How much down time?		
Estimated cost of down time		
Was a response posted to the One Call System?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown	
Was the design serial number on the plans/bid documents?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	
Were the lines shown on the plans/bid documents?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> 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

Contact First Name

Last Name

Address

City

State

Zip

Email

Phone

Event Impact



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

OSHA Report Filed? Yes No

OSHA Report Number

Was 911 called? Yes No

Name of 911 Caller

Fire Response Yes No

Police Response Yes No

Did the incident cause any injuries? Yes

Number of Injuries (?)

Did the incident cause any deaths? Yes

Number of Deaths

Was there an evacuation? Yes No

Number of people evacuated?

Traffic Stopped? Yes No

Service Interrupted? Yes No

Duration of Service Interruption? 1 - < 6 hrs

Exact Value of Service Interruption

Approximately how many customers were affected? 1

Exact Number of Customers Affected

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

Exact Cost of Damaged Line Repair

Was other property damaged? Yes No

What other property was damaged?

Cost of Other Property Repair

Locator/Locate Information 

Who was the facility line locator?

Locator Company

Contact First Name

Last Name

Address

City

State

Zip

Email

Phone

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

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

What types of marks were present? Paint
 Flags
 Stakes
 Other

Were offset markings used? Yes No Unknown

Condition of Marks

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? Gas Meter
(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

Crew was informed on site that UGI was having trouble locating the service and would need to do more work to mark it out. Crew did not wait for UGI to return and struck the service directly in front of our gas meter.

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

Attachments

Pic 1.jpg	103.98KB
Pic 2.jpg	106.31KB
Pic 3.jpg	185.25KB
Pic 4.jpg	136.24KB
Pic 5.jpg	83.49KB
Pic 6.jpg	186.82KB

Attach pictures and additional documents

Submit Date

04/23/2021

Compliance Update

Research Result

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

Additional Tickets Found

Additional Serial Numbers

Ticket Attachment

SN-20210670622.pdf 830.23KB

Comments

I&E
Exhibit 2

CDC 0000 POCS MM/DD/YY TT:TT:TT 20210670622-000 NEW XCAV EMER

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

Serial Number--[20210670622]-[000] Channel#--[0844A999][0272][2019-08]

Message Type--[NEW][EXCAVATION][EMERGENCY]

County--[LACKAWANNA] Municipality--[BLAKELY BORO]

Work Site--[450 2ND ST]

Nearest Intersection--[NEW ST]

Second Intersection--[LINCOLN]

At Intersection--[N] Between Intersections--[Y] Site Marked in White--[Y]

Subdivision--[]

Location Information--

[BLAKELY PA. PLEASE MARK EVERYTHING IN THE FRONT OF PRIVATE PROPERTY.]

Caller Lat/Lon--[]

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

[41.478081/-75.603431,41.477816/-75.603755,41.478089/-75.604135,
41.478316/-75.603873]

Attachments--[http://www.pa811.org/attachments/20210670622]

Type of Work--[SEWER LINE REPLACEMENT] Depth--[7FT]

Extent of Excavation--[50FT X 6FT] Method of Excavation--[POWER EQUIP]

Equip Type--[TRACK EXCAVATOR]

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

Private Front--[X] Rear--[] Left--[] Right--[]

Lawful Start Dates--[] thru [] Response Due Date--[08-Mar-21]

Scheduled Excavation Date--[08-Mar-21] Dig Time--[0900] Duration--[3-4 DAYS]

Caller--[JIMMY FOX]

Caller Phone--[570-499-5993]

Excavator--[ROTO ROOTER]

Address--[PO BOX 400]

City--[OLYPHANT] State--[PA] Zip--[18447]

FAX--[] Caller Type--[B]

Email--[jimmy.rrscranton@gmail.com]

Work For--[MRS KWOLEK]

Onsite Contact--[JIMMY FOX]

Onsite Contact Phone--[570-499-5993]

Best Time to Call--[BEFORE 2100]

Onsite Contact Email--[jimmy.rrscranton@gmail.com]

Prepared--[08-Mar-21] at [0849] by [STACY BOOKER]

Remarks--

[CREW ON SITE.]

BL10 BL1=BLAKELY B ELEC GN 0 GN =UGI ARCHBALD HI 0 HI =VERIZON WB STN

LKA0 LKA=LCKWNA R B SWR WW 0 WW =PAWC WILKES-BAR

Serial Number--[20210670622]-[000]

===== Copyright (c) 2021 by Pennsylvania One Call System, Inc. =====

Ver	CDC	Name	Response	Time	Respondent
0	BL1	BLAKELY BOROUGH ELECTRIC	1-CLEAR NO FACIL	03/09/2021 11:28:15	CP-WEB
0	BL1	BLAKELY BOROUGH ELECTRIC	9-NO RESPONSE**	03/08/2021 10:50:01	-KARL
0	GN	UGI UTL ARCHBALD	3-FIELD MARKED	03/08/2021 13:46:34	AAA-WEBSVC
0	GN	UGI UTL ARCHBALD	2-CONFLICT. DCTF	03/08/2021 10:24:57	AAA-WEBSVC
0	HI	VERIZON PENNSYLVANIA LLC	1-CLEAR NO FACIL	03/08/2021 08:55:23	PRA-WEBSVC
0	LKA	LACKAWANNA RIVER BASIN SE	1-CLEAR NO FACIL	03/08/2021 10:26:42	MM-WEB
0	WW	PENNSYLVANIA AMERICAN WAT	3-FIELD MARKED	03/08/2021 09:40:25	CHU-WEBSVC

Ver	CDC	Name	To	Time	Seq	Type
0	BL1	BLAKELY BOROUGH ELECTRIC LIGH	BL1	03/08/2021 08:49:44	2	MAIL
0	GN	UGI UTL ARCHBALD	GN	03/08/2021 08:49:45	9	MAIL
0	HI	VERIZON PENNSYLVANIA LLC	HI	03/08/2021 08:49:46	13	MAIL
0	WW	PENNSYLVANIA AMERICAN WATER W	WW	03/08/2021 08:49:47	12	MAIL
0	LKA	LACKAWANNA RIVER BASIN SEWER	LKA	03/08/2021 08:49:47	3	MAIL

I&E
Exhibit 3



I&E
Exhibit 4



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

BLAKELY BOROUGH ELECTRIC
 Attn: CHRISTOPHER PAONE
 1439 MAIN ST
 PECKVILLE, PA 18452

INVOICE DATE	INVOICE NUMBER
08-19-2022	023105-004381
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

BLAKELY BOROUGH ELECTRIC
 Attn: CHRISTOPHER PAONE
 1439 MAIN ST
 PECKVILLE, PA 18452

INVOICE DATE	INVOICE NUMBER
08-19-2022	023105-004381
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

PAY THIS AMOUNT WITHIN 30 DAYS

\$1,000.00

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

August 19, 2022

BLAKELY BOROUGH ELECTRIC
Attn: CHRISTOPHER PAONE
1439 MAIN ST
PECKVILLE, PA 18452

Re: Notification of Damage Prevention Investigator Report

To whom it may concern,

We are writing to inform you that your company, BLAKELY BOROUGH ELECTRIC, 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. 023105 - Line strike in BLAKELY BORO, LACKAWANNA County on **March 08, 2021** near 450 2ND ST. The incident resulted in damage to an underground facility owned by UGI UTILITIES. (Related POCS Ticket Nos.: 20210670622.)

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

August 19, 2022

Investigation

Investigator name: Maki, Eva **Incident date:** 03/08/21 12:22 PM

Case Number: 023105 **Was 911 called?** No **Did damage occur?** Yes

Site of Alleged Violation: 450 2ND ST
BLAKELY BORO, LACKAWANNA Country
Near NEW ST and LINCOLN

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

Facility Owner: ERIC SWARTLEY, UGI UTILITIES, 1301 AIP DR, MIDDLETOWN, PA, 17057
Submitted report? Yes **Is PA One Call member?** Yes

Contractor/Excavator: JIMMY FOX, Roto Rooter, 2 Keystone Industrial Park, Dunmore, PA, 18512
Submitted report? No **Is PA One Call member?** Yes

Project Owner: MRS KWOLEK, Homeowner
Submitted report? No **Is PA One Call member?** Unknown

Other: CHRISTOPHER PAONE, BLAKELY BOROUGH ELECTRIC, 1439 MAIN ST, PECKVILLE, PA, 18452
Submitted report? No **Is PA One Call member?** Yes

Ticket Information: 20210670622 / Emergency / 03/08/21, 08:49 AM (Roto Rooter)

Other Investigations Related by Ticket: None

Synopsis of the events that led to the damaged facility:

Incident occurred on 3/08/2021 at 450 2nd Street in Blakely Borough in Lackawanna County, where a gas line was damaged.

UGI stated in their Alleged Violation Report (AVR) that Roto Rooter submitted an emergency ticket. UGI also stated that they informed the crew at the site that UGI was having trouble locating the service and they would have to do more work to mark out the line. The Roto Rooter crew did not wait for UGI to return and struck the service directly in front of the gas meter while they were using a backhoe/trackerhoe. Pictures are included. 911 is checked as not being notified. 1 customer was affected for > 6 hours.

Roto Rooter stated in their AVR that the gas line was not marked in the proper location and only 3" below grade. RotoRooter sent an email explaining that the emergency was there was no use of drains to the home.

AVR request letter was mailed to homeowner 1/12/2022. No AVR has been received to date.

Roto Rooter is in violation of Sections:

5(8) Excavator failed to immediately notify 911 and the facility owner. Penalty is applied.

5(6)(ii) Excavator failed to provide support and mechanical protection for a known facility owner's lines at the construction site. This is a first-time offense and the \$500. Penalty is reduced to \$250. Education is required.

5(7) Excavator failed to immediately report to the facility owner any break or leak in it's lines. This is a first-time offense and the \$1000. Penalty is reduced to \$500.

Homeowner is in violation of Section:

5(16) Homeowner failed to submit an Alleged Violation Report. The penalty is a warning.

Listed below are facility owners in violation of Act 50, Section 2(5)(vii) failed to respond to an emergency ticket within the required amount of time.

Blakely Borough Electric is in violation of Section:

2(5)(vii) Failed to respond to Emergency ticket 20210670622 as soon as practicable. Ticket was submitted on 3/08/2021 at 8:49 and Blakely Borough Electric marked "Clear no facilities" on 3/09/2021 at 11:28. This is a first-time offense and the \$1000. Penalty is reduced to \$500.

Amount of property damage: \$1000 - \$5000 **Impact on public:** 1 customer for 1-6 hours

Entity out of compliance BLAKELY BOROUGH ELECTRIC

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
2 (5)(vii)	Proposed	20210670622	Failed to respond to an emergency notification as soon as practicable following notification	1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
Recommendation: Education Required								
Totals					\$1,000.00		\$0.00	\$1,000.00

Previous Violations:

No Previous Violations

Entity out of compliance Roto Rooter

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
5 (6)(ii)	Proposed		Excavator failed to provide support and mechanical protection for known facility owner's lines at the construction work site during the excavation or demolition work, including during backfilling operations	1st Offense	\$500.00	0 %	\$0.00	\$500.00
5 (7)	Proposed		Excavator 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	1st Offense	\$500.00	0 %	\$0.00	\$500.00
5 (8)	Proposed		Excavator 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	1st Offense	\$1,000.00	0 %	\$0.00	\$1,000.00
Recommendation: Education is required.								
Totals					\$2,000.00		\$0.00	\$2,000.00

Previous Violations:

No Previous Violations

Entity out of compliance Homeowner

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
5 (16)	Proposed		Homeowner failed to submit an Alleged Violation Report within 10 business days of striking a line	1st Offense	\$0.00	0 %	\$0.00	\$0.00
Totals					\$0.00		\$0.00	\$0.00

Previous Violations:

No Previous Violations

Name of Supervisor: Locke, Sara **Date completed:** 07/23/22 10:08 AM

I&E
Exhibit 5



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

October 14, 2022

BLAKELY BOROUGH ELECTRIC
 Attn: CHRISTOPHER PAONE
 1439 MAIN ST
 PECKVILLE, PA 18452

Re: Notification of Damage Prevention Committee Meeting

To whom it may concern,

We are writing to inform you that the Damage Prevention Committee (DPC) is in receipt of your request to appear before it and present your position regarding Case No. 023105. This case involves a line strike in BLAKELY BORO, LACKAWANNA County on **March 08, 2021** near 450 2ND ST. The incident resulted in damage to an underground facility owned by UGI UTILITIES.

This case has been scheduled for discussion at a hybrid, DPC Meeting on **November 08, 2022 at 09:00 AM**. To attend the DPC Virtual MS Teams Meeting please access the following link [Damage Prevention Committee | PA PUC](#), click on > DPC Meetings > and choose the meeting link with the date of the meeting you are scheduled to attend. To attend the meeting in person please go to Hearing Room 1 of the Keystone Building in Harrisburg, which is located at 400 North Street, Harrisburg, PA 17120.

Based on the Damage Prevention Investigator's ("DPI") report regarding this case, the following violations will be presented at the DPC Meeting:

Section		Offense
2 (5)(vii)	Failed to respond to an emergency notification as soon as practicable following notification (20210670622)	1st Offense

At the meeting, the DPC will discuss and determine whether to accept the DPI's recommendation regarding this case. BLAKELY BOROUGH ELECTRIC may provide representatives of its choosing to present its position before the DPC. A representative may be asked to answer technical questions and present additional evidence that has not already been provided to the Commission. Legal representation is permitted at the DPC Meeting for the purpose of advising the representative only.

All DPC Meetings are open to the public. If you have any questions, please contact damageprevention@pa.gov or call 717-787-6489.

Sincerely,

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

I&E
Exhibit 6



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

BLAKELY BOROUGH ELECTRIC
 Attn: CHRISTOPHER PAONE
 1439 MAIN ST
 PECKVILLE, PA 18452

INVOICE DATE	INVOICE NUMBER
08-19-2022	023105-004381
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

BLAKELY BOROUGH ELECTRIC
 Attn: CHRISTOPHER PAONE
 1439 MAIN ST
 PECKVILLE, PA 18452

INVOICE DATE	INVOICE NUMBER
08-19-2022	023105-004381
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

PAY THIS AMOUNT WITHIN 30 DAYS

\$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

November 14, 2022

BLAKELY BOROUGH ELECTRIC
Attn: CHRISTOPHER PAONE
1439 MAIN ST
PECKVILLE, PA 18452

Re: Notification of Damage Prevention Committee Informal Determination

To whom it may concern,

We are writing to inform you that BLAKELY BOROUGH ELECTRIC 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 **November 08, 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. 023105 - Line strike in BLAKELY BORO, LACKAWANNA County on **March 08, 2021** near 450 2ND ST. The incident resulted in damage to an underground facility owned by UGI UTILITIES. (Related PA One Call Ticket Nos.: 20210670622.)

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

Section	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
2 (5)(vii)	Failed to respond to an emergency notification as soon as practicable following notification (20210670622)	1st Offense	\$500.00	0 %	\$0.00	\$500.00
Recommendation: Education Required						
Total			\$500.00		\$0.00	\$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-
	:	
Blakely Borough Electric,	:	
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

Blakely Borough Electric
Attn: Christopher Paone, Borough Manager
1439 Main Street
Peckville, PA 18512

Edwin A. Abrahmsen, Jr., Esq.
Abrahmsen Conaboy & Abramsen, P.C.
1006 Pittston Ave.
Scranton, PA 18505



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