



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT
3037528

February 23, 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.
Guilford Water Authority
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-
	:	
Guilford Water Authority,	:	
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 Guilford Water Authority (“Guilford” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a 1-inch plastic gas service line owned by Columbia Gas of Pennsylvania (“Columbia Gas”) at 48 Woodland Way, Guilford Township, Franklin County, wherein Ankiewicz Enterprise was excavating with a backhoe to install a new water main on behalf of Guilford. 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 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
mwindler@pa.gov

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

4. Respondent is Guilford Water Authority, with a main mailing address of 115 Spring Valley Road, Chambersburg, PA 17202.

5. Guilford 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 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.

9. “Complex Project” is defined as “an excavation that involves more work than properly can be described in a single locate request or any project designated as such by the excavator or facility owner as a consequence of its complexity or its potential to cause significant disruption to lines or facilities and the public, including excavations that require scheduling locates over an extended time frame.” 73 P.S. § 176.

10. “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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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).

19. 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).

20. 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

21. On September 9, 2020, Ankiewicz Enterprise (“Ankiewicz”)² was excavating with a backhoe to install a new water main on behalf of Guilford Water Authority in the vicinity of 48 Woodland Way, Guilford Township, Franklin County.

22. While excavating, Ankiewicz struck and tore in half a correctly marked 1-inch plastic gas service line belonging to Columbia Gas. I&E Exhibit 1.

23. Although the 1-inch gas service line was not in use because the owner of the serviced property was not subscribed to gas service, the line still contained gas. Id.

24. Ankiewicz squeezed off the gas line with its own clamps. Id.

25. No party notified 911 of the gas line strike and leak. Id.

26. On December 21, 2021, Guilford submitted its Alleged Violation Report (“AVR”) to the Commission.³ I&E Exhibit 2.

27. In its AVR, Guilford stated that the water main replacement project had an estimated cost of \$400,000 or more. Id.

28. Guilford also stated in its AVR that it utilized Quality Level D SUE for this project. Id.

² Ankiewicz was also subject to alleged violations of the PA One Call Law in a DPI Report, and accepted the violations and paid the assessed administrative penalty.

³ The purpose of an Alleged Violation Report is to report to the Commission, through the Pennsylvania One Call System, an alleged violation of the PA One Call Law that occurred in association with excavation or demolition work. It must be submitted within 10 business days of a line strike or when another violation of the PA One Call Law is believed to have occurred. See 73 P.S. §§ 176 and 181.1(7).

29. This project was also designated a complex project, and a complex project ticket was submitted by Ankiewicz on June 29, 2020. I&E Exhibit 3.

30. On September 16, 2022, the Damage Prevention Investigator (“DPI”) from the Damage Prevention Section of the Bureau of Investigation and Enforcement sent a letter by mail to Guilford providing a copy of the DPI’s report and informing Respondent that they were in violation of several provisions of the PA One Call Law. I&E Exhibit 4.

31. In the letter from the DPI, Guilford 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.

32. By letter dated September 22, 2022, Guilford rejected the DPI report.

33. On November 10, 2022, Guilford was informed by letter that their case would be heard at the December 13, 2022, DPC meeting. I&E Exhibit 5.

34. On December 14, 2022, Guilford was informed by letter of the DPC’s informal determination adopting the DPI report and its recommended administrative penalties. I&E Exhibit 6.

35. In this letter, Guilford was instructed 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. Id.

36. Guilford 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. Id.

37. By letter dated January 3, 2023, Guilford rejected the DPC's informal determination.

III. VIOLATIONS

38. Paragraphs 1-37 are incorporated herein as if stated in their entirety.

Count 1

39. 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, Respondent stated in its AVR that it filed with the Commission that the project was a complex project with an estimated cost greater than \$400,000. While the statute states that a “sufficient” level of SUE must be used on such projects, the PA One Call User Guide, citing the Common Ground Alliance Best Practices Manual and the ASCE 38-22 Utility Engineering Standard, instructs that “Quality Level B or Quality Level A should be applied for more precise horizontal and vertical data necessary for conflict identification during the

design phases,” with only projects under \$400,000 in estimated cost permitted to utilize Quality Level D or Quality Level C SUE.⁴

Further, the nature of the project, as a “complex project” requiring excavation over multiple locations and therefore multiple PA One Call excavation tickets, should have alerted Guilford 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 the Columbia Gas service 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

40. 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.

⁴ PA One Call Users Guide, p. 30, Apr. 24, 2023.

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 Guilford Water Authority to be in violation of the PA One Call Law at 73 P.S. §§ 181.1(1) and 184.
- (2) Impose a cumulative administrative penalty upon Guilford Water Authority in the amount of \$2,000; and
- (3) Order Guilford Water Authority 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 23, 2024

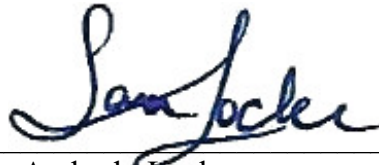
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
Guilford Water Authority,	:	
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 23, 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 AVR2020SEP240002

AVR Version 1

First Name Ray **Last Name** Geesey

Company Name Columbia Gas of PA - East

Address 305 N. Franklin Street

City Hanover

State PA

Zip Code 17331

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

Ext

Role

Submitter Role(s) (?)

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

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

What company or individual are you representing?

Alleged Violation Information

PUC Case Number (if known)

Related AVR Number (?)

Type of Alleged Violation (?) Excavator Issue

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

When did the alleged violation occur? (?) 09/09/2020
09:12:00 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.
20202180480

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 FRANKLIN
Municipality GUILFORD TWP
Ward 0
Work Site 48 WOODLAND WAY
Nearest Intersection OVERHILL DR
Second Intersection HICKORY LN
Geolocation (?)

Affected Facility Information 

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

Affected Operation Gas
Facility Subtype Affected Service/Drop/Lateral
Facility Owner Company Name Columbia Gas of PA

Contact First Name Stephen **Last Name** Shupe

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

Exact Measured Depth from Grade Enter the inches or centimeters with number and measurement used

Work Information



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

Excavation Activity WATER

Excavator Company Name Ankiewicz Enterprise

Contact First Name Tony Last Name Fanelli

Address 301 E. Main Street

City Tamaqua

State PA

Zip 18252

Email Phone 570-449-1345

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?
Non-utility Pipeline Operator

Did Excavator incur down time? Yes No Unknown

How much down time?

Estimated cost of down time

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

Was the design serial number on the plans/bid documents? Yes No Unknown

Were the lines shown on the plans/bid documents? Yes No Unknown

What level of subsurface utility engineering was utilized?

Estimated cost of the entire project

What was the length of the entire project?

Project Owner Company Name Guilford Water Authority

Contact First Name Brent **Last Name** Crider

Address 115 Spring Valley Road

City Chambersburg

State PA

Zip 17201

Email **Phone** 717-729-7714

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?

Exact Value of Service Interruption

Approximately how many customers were affected?

Exact Number of Customers Affected

Cost of Damaged Line Repair? Unknown

Exact Cost of Damaged Line Repair

Was other property damaged? Yes No

What other property was damaged?

Cost of Other Property Repair

Locator/Locate Information 

Who was the facility line locator? Employee Locator

Locator Company

Contact First Name

Last Name

Address

City

State

Zip

Email

Phone

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

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

What types of marks were present? Paint
 Flags
 Stakes
 Other

Were offset markings used? Yes No Unknown

Condition of Marks Visible

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

Reason for Late Locate

Was the excavation within the tolerance zone? (?) Yes No Unknown

Was there an indication of underground facilities (clear evidence) in the excavation area? Yes No Unknown

What was the evidence? (meter/pedestal, pipeline marker, valve box, hydrant, manhole, etc.) paint marks and flags

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

Ankiewicz Enterprise was digging to install new water main and failed to hand dig when installing water main. The 1" plastic gas service line was torn in half, and the contractor squeezed the gas line off with their own clamp. They did not call 911 because gas was not blowing after they squeezed off. Damage Prevention did follow up with contractor concerning squeezing line off and also calling 911 every time gas is blowing. The gas service line that was damaged was an inactive gas service line that was clearly marked out. No interruption to the customer occurred due to being inactive.

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

Attachments

damage pic 1.JPG	2.76MB
damage pic 2.JPG	4.25MB
Closeup of damage.JPG	3.78MB
Damage pic w depth.JPG	2.99MB
Equip that caused damage.JPG	3.89MB
Address pic w equip.JPG	2.72MB

Attach pictures and additional documents

Submit Date

09/24/2020

Compliance Update

Research Result

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

Additional Tickets Found

Additional Serial Numbers

20201812442

Ticket Attachment

SN-20201812442-20202180480.pdf 2.66MB

Comments

I&E
Exhibit 2

Alleged Violation Report

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

AVR Number AVR2021DEC010015

First Name Gary **Last Name** Yeager

Company Name Guilford Water Authority

Address 115 Spring Valley Road

City Chambersburg

State PA

Zip Code 17202

Email* gyeager@guilfordtwp.us

Phone 717-263-2813

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

When did the alleged violation occur?* 09/09/2020
(?) 10:00:00 AM

Was the One Call System notified?* Yes No

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

Event Information



County* (?) FRANKLIN
Municipality* (?) GUILFORD TWP
Ward
Work Site* 48 Woodland Way
Nearest Intersection Overhill Drive
Second Intersection
Geolocation (?)

Affected Facility Information



Primary Right of Way Type Public
Public Right of Way Type Other
Affected Operation* Gas
Facility Subtype Affected* Service/Drop/Lateral
Facility Owner Company Name Columbia Gas

Contact First Name Last Name

Address

City

State

Zip

Email

Phone

Joint Trench? Yes No Unknown

Involve Cross Bore? Yes No Unknown

Measured Depth from Grade

Work Information



Start Date of Excavation (?) 07/07/2020
Excavation Activity WATER
Excavator Company Name Ankiewicz Enterprise

Contact First Name Eric **Last Name** Ankiewicz
Address 301 E. Main Street
City Tamaqua
State PA
Zip 18252
Email **Phone** 570-668-3003

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?
Utility

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? 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
11,000'

Project Owner Company Name Guilford Water Authority

Contact First Name Gary **Last Name** Yeager

Address 115 Spring Valley Road

City Chambersburg

State PA

Zip 17202

Email gyeager@guilfordtwp.us **Phone** 717-263-2813

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? Unknown
- Approximately how many customers were affected? 1
- Cost of Damaged Line Repair? Unknown
- 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

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

Was the excavation within the tolerance zone? (?) Yes No Unknown

Was there an indication of underground facilities (clear evidence) in the excavation area? Yes No Unknown

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

Additional Locate Comments If this incident involved any locating/marketing errors, please include all records related to the locator's training and qualification (including training to meet UULPL standards as well as Operator Qualification).

Summary and Attachments

Provide a summary of the event On September 9, 2020 at 48 Woodland Way, Guilford Township, Franklin County, Ankiewicz Enterprise Inc. was digging with a backhoe to install a new water main and damaged a 1" plastic gas service which was torn in half. The contractor squeezed the gas line off with their own clamp. 911 was not notified.

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

Attachments Attach pictures and additional documents

I&E
Exhibit 3

CDC 00000 POCS MM/DD/YY TT:TT:TT 20201812442-000 NEW XCAV CMPX

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

Serial Number--[20201812442]-[000] Channel#--[1248AWEB][0000][2019-08]

Message Type--[NEW][EXCAVATION][COMPLEX PROJECT][B]
Preconstruction Meeting Requested--[Y]

Proposed Meeting Date and Time--[02-Jul-20][0800] Response Due Date--[01-Jul-20]
Lawful Start Date--[14-Jul-20] Duration--[]

Meeting Location--
[INTERSECTION OF ROUTE 30 AND VERNON DRIVE]

Caller--[ERIC ANKIEWICZ]
Caller Phone--[570-668-3003]
Excavator--[ANKIEWICZ ENTERPRISE]
Address--[794 CLAREMONT AVENUE]
City--[TAMAQUA] State--[PA] Zip--[18252]
FAX--[] Caller Type--[B]
Email--[ERIC@AEINCSERVICES.COM]

Onsite Contact--[ERIC ANKIEWICZ]
Onsite Contact Phone--[570-233-3854]
Best Time to Call--[ANYTIME]
Onsite Contact Email--[ERIC@AEINCSERVICES.COM]

Scope of Work
County--[FRANKLIN]
Municipality--[GUILFORD TWP]
Bounded by--[OVERHILL DRIVE]
and--[WOODLAND WAY]
and--[FARMINGTON ROAD]
and--[HICKORY LANE]
Site Marked in White--[Y] Subdivision--[]
Location Information--
[]

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

Attachments--[http://www.pa811.org/attachments/20201812442]
Type of Work--[WATER MAIN REPLACEMENT] Depth--[]
Extent of Excavation--[] Method of Excavation--[]
Equip Type--[]
Street--[X] Sidewalk--[] Pub Prop--[] Pvt Prop--[] Other--[]
Private Front--[] Rear--[] Left--[] Right--[]

Owner--[ANKIEWICZ ENTERPRISES]
CPA Project ID--[910424]

Prepared--[29-Jun-20] at [1248] by [GPE]
Remarks--

[*****==ADDITIONAL MEETING INFORMATION=====]
ALL FACILITY OWNERS ARE REQUIRED TO ATTEND THIS MEETING UNLESS A CLEAR
RESPONSE CAN BE DETERMINED FROM THE SCOPE OF WORK.]

CGE0 CGE=COL GAS GREENCA GDR0 GDR=GUILFORD TA SWR GTW0 GTW=GUILFORD WA
GUL0 GUL=GUILFORD TWP KN 0 KN =WEST PENN POWER OM 0 OM =CHAMBERSBURG B
RS 0 RS =COMCAST CABLE TW 0 TW =CENTURYLINK CL

Serial Number--[20201812442]-[000]
===== Copyright (c) 2020 by Pennsylvania One Call System, Inc. =====

RESPONSES for S/N 20201812442:

Ver	CDC	Name	Response	Time	Respondent
0	CGE	COLUMBIA GAS OF PA INC GR	3-FIELD MARKED	07/02/2020 08:58:48	AAA-WEBSVC
0	CGE	COLUMBIA GAS OF PA INC GR	0-WILL ATTEND MT	07/01/2020 10:06:41	AAA-WEBSVC
0	GDR	GUILFORD TOWNSHIP AUTHORI	3-FIELD MARKED	06/30/2020 10:59:48	HG-MOBILE
0	GTW	GUILFORD WATER AUTHORITY	0-WILL ATTEND MT	06/29/2020 13:48:03	JC-WEB
0	GUL	GUILFORD TOWNSHIP	0-WILL ATTEND MT	07/01/2020 14:50:58	AM-WEB
0	KN	WEST PENN POWER	4-INSUFF INFO. D	06/30/2020 12:38:10	MBR-WEBSVC
0	OM	CHAMBERSBURG BOROUGH	3-FIELD MARKED	07/02/2020 07:07:24	KW-WEB
0	OM	CHAMBERSBURG BOROUGH	9-NO RESPONSE**	07/02/2020 00:25:47	-KARL
0	RS	COMCAST CABLE COMMUNICATI	4-INSUFF INFO. D	06/30/2020 12:39:56	CLS-WEBSVC
0	TW	CENTURYLINK	5-NOT MARKED. NO	06/30/2020 12:36:54	AAA-WEBSVC

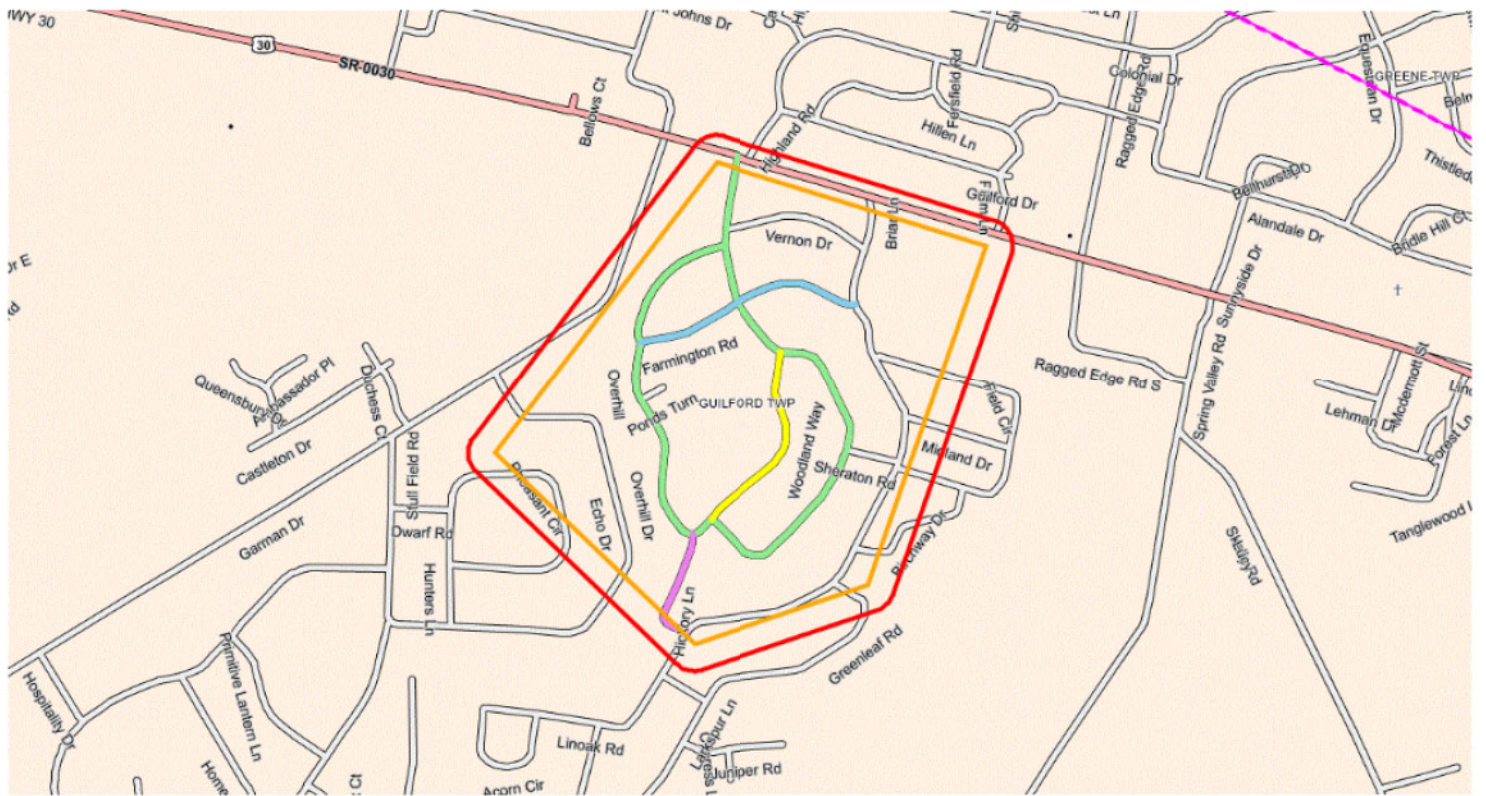
DELIVERIES for S/N 20201812442:

Ver	CDC	Name	To	Time	Seq	Type
0	RS	COMCAST CABLE COMMUNICATIONS	RS	06/29/2020 12:49:24	25	MAIL
0	CGE	COLUMBIA GAS OF PA INC GREENC	CGE	06/29/2020 12:49:26	8	MAIL
0	TW	CENTURLINK	TW	06/29/2020 12:49:26	95	MAIL
0	KN	WEST PENN POWER	KN	06/29/2020 12:49:34	358	MAIL
0	GDR	GUILFORD TOWNSHIP AUTHORITY S	GDR	06/29/2020 12:49:37	4	MAIL
0	GUL	GUILFORD TOWNSHIP	GUL	06/29/2020 12:49:37	4	MAIL
0	GTW	GUILFORD WATER AUTHORITY	GTW	06/29/2020 12:58:22	8	FM1
0	OM	CHAMBERSBURG BOROUGH	OM	06/29/2020 12:58:38	11	FM1

NOTIFICATIONS for S/N 20201812442:

Ver	CDC	To	Dlvr	Show	Place+	Rule+	Renot+	InAct-	Map-	Rule-	OOG-	Renot-	Forced+
0	AH		0	0	1	0	0	0	1	0	0	0	0
0	ASL		0	0	1	0	0	0	1	0	0	0	0
0	CGE	CGE	1	1	1	0	0	0	0	0	0	0	0
0	CGQ		0	0	1	0	0	0	1	0	0	0	0
0	GDR	GDR	1	1	1	0	0	0	0	0	0	0	0
0	GTW	GTW	1	1	1	0	0	0	0	0	0	0	0
0	GUL	GUL	1	1	1	0	0	0	0	0	0	0	0
0	JH		0	0	1	0	0	0	1	0	0	0	0
0	KN	KN	1	1	1	0	0	0	0	0	0	0	0
0	LKC		0	0	1	0	0	0	1	0	0	0	0
0	OM	OM	1	1	1	0	0	0	0	0	0	0	0
0	RS	RS	1	1	1	0	0	0	0	0	0	0	0
0	SU		0	0	1	0	0	0	1	0	0	0	0
0	TW	TW	1	1	1	0	0	0	0	0	0	0	0
0	TX		0	0	1	0	0	0	1	0	0	0	0
0	US		0	0	1	0	0	0	1	0	0	0	0
0	VO1		0	0	1	0	0	0	1	0	0	0	0

Map Graphic for S/N 20201812442:



Edit Construction/Complex Project: SOUTH GUILFORD HILLS WATER MAIN REPLACEMENT (#910424)

*Required



Project Details

Phases

Communications

Tickets [Check for New Tickets](#)

Serial Number	Version	Action	Request Type	Request Class	Entry Date	Meeting Date	Actions
20201812442	0	NEW	EXCAVATION	COMPLEX PROJECT	Jun 29, 2020	Jul 2, 2020	View Update CDC Contacts

[Create Project Ticket](#)

Project Information

Project Name*

SOUTH GUILFORD HILLS WATER MAIN REPLACEMENT

Project Owner*

ANKIEWICZ ENTERPRISES

Project Status*

IN PROGRESS

Creator

ANKIEWICZ ENTERPRISES

Work Type*

WATER MAIN REPLACEMENT

Facility Type*

WATER - POTABLE

Preliminary Design Stage

SELECT START DATE SELECT END DATE

Start Date

End Date

Final Design Stage

SELECT START DATE SELECT END DATE

Start Date

End Date



SELECT BID DATE



01/01/2020



10/31/2020



Start Date

End Date

Make Project Public

Project Contacts

Add Contact to Project

Search By Company

START TYPING THE NAME OF A CONTACT...

Search "Last Name, First Name"

Name	Email	CDC	
ERIC ANKIEWICZ*	eric@aeincservices.com		Edit
TED BITTINGER	tbittinger@guilfordtwp.us		Edit Remove
ERIC HARBAUGH	EHARBAUGH@GUILFORDTWP.US		Edit Remove
ROBERT PAINTER	rpainte@firstenergycorp.com		Edit Remove
WILLIAM SHUPE	wshupe@nisource.com		Edit Remove
THOMAS STURMER	thomas.sturmer@centurylink.com		Edit Remove
KENNETH WEAVER	kweaver@chambersburgpa.gov		Edit Remove
JOHN WOLFORD	john_wolford@cable.comcast.com		Edit Remove
GARY YEAGER	GYEAGER@GUILFORDTWP.US		Edit Remove

* project creator

Project Documents

 .exe files are prohibited. Maximum Size: 158000KB

This project does not have any documents.

Select File to Upload

Choose File No file chosen

Comment Attachments

This project does not have any comment attachments.

[Return to Dashboard](#)

[Save Project Changes](#)

Edit Construction/Complex Project: SOUTH GUILFORD HILLS WATER MAIN REPLACEMENT (#910424)

*Required



Project Details Phases **Communications**

Add Comment

Facility Owners: Attachments or comments within Coordinate PA do not fulfill the positive response requirement, please also post your response code to each project ticket.

Message

Recipients

<input type="checkbox"/>	Name	Organization	Email
<input type="checkbox"/>	ERIC ANKIEWICZ	ANKIEWICZ ENTERPRISES	eric@aeincservices.com
<input type="checkbox"/>	TED BITTINGER	GUILFORD TOWNSHIP	tbittinger@guilfordtwp.us
<input type="checkbox"/>	ERIC HARBAUGH	GUILFORD TOWNSHIP AUTHORITY SEWER	EHarbaugh@GUILFORDTWP.US
<input type="checkbox"/>	ROBERT PAINTER	WEST PENN POWER	rpainte@firstenergycorp.com
<input type="checkbox"/>	WILLIAM SHUPE	COLUMBIA GAS OF PA INC BETHEL PARK	wshupe@nisource.com
<input type="checkbox"/>	THOMAS STURMER	CENTURYLINK	thomas.sturmer@centurylink.com
<input type="checkbox"/>	KENNETH WEAVER	CHAMBERSBURG BOROUGH	kweaver@chambersburgpa.gov
<input type="checkbox"/>	JOHN WOLFORD	COMCAST	john_wolford@cable.comcast.com
<input type="checkbox"/>	GARY YEAGER	GUILFORD WATER AUTHORITY	GYEAGER@GUILFORDTWP.US

Add Attachments(s) .exe files are prohibited. Maximum Size: 158000KB



Choose Files No file chosen

Add Comment

Please note Attachments and Comment History are visible to all Project Contacts, regardless of who is selected in any recipient list.

My Communications Preferences

Comment History

Filter By Sender:

[Return to Dashboard](#)

CDC 00000 POCs MM/DD/YY TT:TT:TT 20202180480-000 NEW XCAV RTN

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

Serial Number--[20202180480]-[000] Channel#--[0805A999][0259][2019-08]

Message Type--[NEW][EXCAVATION][ROUTINE]

County--[FRANKLIN] Municipality--[GUILFORD TWP]

Work Site--[WOODLAND WAY]

Nearest Intersection--[OVERHILL DR]

Second Intersection--[HICKORY LN]

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

Subdivision--[GUILFORD HILLS]

Location Information--

[]

Caller Lat/Lon--[]

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

[39.919103/-77.598686,39.916832/-77.600274,39.916322/-77.599802,

39.917424/-77.598267,39.919087/-77.598160]

Attachments--[http://www.pa811.org/attachments/20202180480]

Type of Work--[INSTL NEW WTR MAIN] Depth--[5FT]

Extent of Excavation--[1000FT X 5FT] Method of Excavation--[POWER EQUIP]

Equip Type--[EXCAVATOR]

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

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

Lawful Start Dates--[10-Aug-20] thru [19-Aug-20] Response Due Date--[07-Aug-20]

Scheduled Excavation Date--[10-Aug-20] Dig Time--[0700] Duration--[FEW WEEKS]

Caller--[TONY FANELLI]

Caller Phone--[570-449-1345]

Excavator--[ANKIEWICZ ENTERPRISE]

Address--[794 CLAIRMONT AVE]

City--[TAMAQUA]

State--[PA] Zip--[18252]

FAX--[]

Caller Type--[B]

Email--[tonyfanelli@live.com]

Work For--[GUILDFORD WTR AUTH]

Onsite Contact--[TONY FANELLI]

Onsite Contact Phone--[570-449-1345]

Best Time to Call--[ANYTIME]

Onsite Contact Email--[tonyfanelli@live.com]

Prepared--[05-Aug-20] at [0810] by [KAREN REICHERT]

Remarks--

[]

CGE0 CGE=COL GAS GREENCA GDR0 GDR=GUILFORD TA SWR GTW0 GTW=GUILFORD WA
GUL0 GUL=GUILFORD TWP KN 0 KN =WEST PENN POWER OM 0 OM =CHAMBERSBURG B
RS 0 RS =COMCAST CABLE TW 0 TW =CENTURYLINK CL

Serial Number--[20202180480]-[000]

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RESPONSES for S/N 20202180480:

Ver	CDC	Name	Response	Time	Respondent
0	CGE	COLUMBIA GAS OF PA INC GR	3-FIELD MARKED	08/07/2020 13:30:56	AAA-WEBSVC
0	GDR	GUILFORD TOWNSHIP AUTHORI	3-FIELD MARKED	08/06/2020 06:37:41	HG-MOBILE
0	GTW	GUILFORD WATER AUTHORITY	3-FIELD MARKED	08/05/2020 15:38:04	JC-WEB
0	GUL	GUILFORD TOWNSHIP	1-CLEAR NO FACIL	08/07/2020 10:49:33	AM-WEB
0	KN	WEST PENN POWER	1-CLEAR NO FACIL	08/07/2020 14:12:36	MBR-WEBSVC
0	OM	CHAMBERSBURG BOROUGH	1-CLEAR NO FACIL	08/06/2020 07:54:29	KW-WEB
0	RS	COMCAST CABLE COMMUNICATI	1-CLEAR NO FACIL	08/05/2020 10:10:13	CLS-WEBSVC
0	TW	CENTURYLINK	1-CLEAR NO FACIL	08/05/2020 08:35:25	AAA-WEBSVC

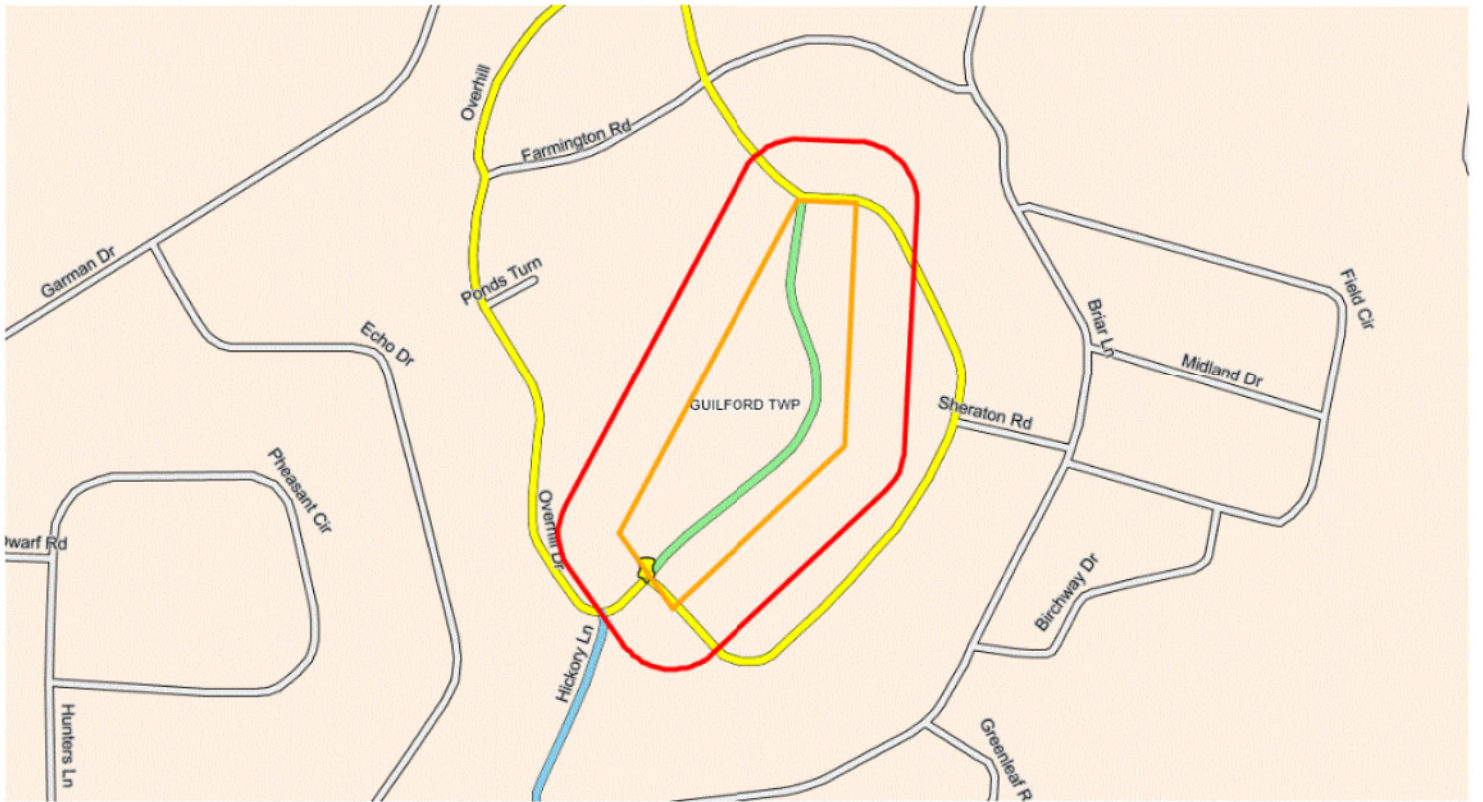
DELIVERIES for S/N 20202180480:

Ver	CDC	Name	To	Time	Seq	Type
0	KN	WEST PENN POWER	KN	08/05/2020 08:10:16	90	MAIL
0	RS	COMCAST CABLE COMMUNICATIONS	RS	08/05/2020 08:10:26	5	MAIL
0	CGE	COLUMBIA GAS OF PA INC GREENC	CGE	08/05/2020 08:10:27	1	MAIL
0	TW	CENTURYLINK	TW	08/05/2020 08:10:27	13	MAIL
0	GDR	GUILFORD TOWNSHIP AUTHORITY S	GDR	08/05/2020 08:10:29	2	MAIL
0	GUL	GUILFORD TOWNSHIP	GUL	08/05/2020 08:10:29	2	MAIL
0	GTW	GUILFORD WATER AUTHORITY	GTW	08/05/2020 08:19:32	3	FM1
0	OM	CHAMBERSBURG BOROUGH	OM	08/05/2020 08:23:24	4	FM1

NOTIFICATIONS for S/N 20202180480:

Ver	CDC	To	Dlvr	Show	Place+	Rule+	Renot+	InAct-	Map-	Rule-	OOG-	Renot-	Forced+
0	AH		0	0	1	0	0	0	1	0	0	0	0
0	ASL		0	0	1	0	0	0	1	0	0	0	0
0	CGE	CGE	1	1	1	0	0	0	0	0	0	0	0
0	CGQ		0	0	1	0	0	0	1	0	0	0	0
0	GDR	GDR	1	1	1	0	0	0	0	0	0	0	0
0	GTW	GTW	1	1	1	0	0	0	0	0	0	0	0
0	GUL	GUL	1	1	1	0	0	0	0	0	0	0	0
0	JH		0	0	1	0	0	0	1	0	0	0	0
0	KN	KN	1	1	1	0	0	0	0	0	0	0	0
0	LKC		0	0	1	0	0	0	1	0	0	0	0
0	OM	OM	1	1	1	0	0	0	0	0	0	0	0
0	RS	RS	1	1	1	0	0	0	0	0	0	0	0
0	SU		0	0	1	0	0	0	1	0	0	0	0
0	TW	TW	1	1	1	0	0	0	0	0	0	0	0
0	TX		0	0	1	0	0	0	1	0	0	0	0
0	US		0	0	1	0	0	0	1	0	0	0	0
0	VO1		0	0	1	0	0	0	1	0	0	0	0

Map Graphic for S/N 20202180480:



I&E
Exhibit 4



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

Guilford Water Authority
 Attn: Brent Crider
 115 Spring Valley Road
 Chambersburg, PA 17201

INVOICE DATE	INVOICE NUMBER
09-16-2022	018423-004277
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

Guilford Water Authority
 Attn: Brent Crider
 115 Spring Valley Road
 Chambersburg, PA 17201

INVOICE DATE	INVOICE NUMBER
09-16-2022	018423-004277
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

PAY THIS AMOUNT WITHIN 30 DAYS

\$0.00

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

September 16, 2022

Guilford Water Authority
Attn: Brent Crider
115 Spring Valley Road
Chambersburg, PA 17201

Re: Notification of Revised Damage Prevention Investigator Report

To whom it may concern,

We are writing to inform you that your company, Guilford Water Authority, has been identified as a stakeholder in a case that was discussed by the Damage Prevention Committee (DPC) at a meeting on **September 13, 2022** regarding alleged violations of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as "Act 50"), 73 P.S. §§ 176, et seq.

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

- Case No. 018423 - Line strike in GUILFORD TWP, FRANKLIN County on **September 09, 2020** near 48 WOODLAND WAY. The incident resulted in damage to an underground facility owned by Columbia Gas of PA - East. (Related POCS Ticket Nos.: 20201812442 and 20202180480.)

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

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

1. **Accept the findings and administrative penalty contained in the 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 Revised DPI Report and present your case before the DPC at a future DPC Meeting. To reject the DPI Report, you must inform the DPC in writing within thirty (30) days of the date of this letter by first class mail at the address provided below or by email at damageprevention@pa.gov. You will receive notice of the date, time and location of the DPC Meeting.**

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

If you have any questions, please contact damageprevention@pa.gov 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

September 16, 2022

Investigation

Investigator name: Maki, Eva **Incident date:** 09/09/20 07:00 AM

Case Number: 018423 **Was 911 called?** No **Did damage occur?** Yes

Site of Alleged Violation: 48 WOODLAND WAY
GUILFORD TWP, FRANKLIN Country
Near OVERHILL DR and HICKORY LN

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

Facility Owner: ALICIA BREIGHNER, Columbia Gas of PA - East, 305 N. Franklin Street, Hanover, PA, 17331
Submitted report? Yes **Is PA One Call member?** Yes

Facility Owner: DON CLAPPER, Guilford Township, 115 SPRING VALLEY RD, CHAMBERSBURG, PA, 17202
Submitted report? No **Is PA One Call member?** Yes

Contractor/Excavator: ERIC ANKIEWICZ, Ankiewicz Enterprise, 794 CLAREMONT AVE, Tamaqua, PA, 18252
Submitted report? Yes **Is PA One Call member?** Yes

Project Owner: Brent Crider, Guilford Water Authority, 115 Spring Valley Road, Chambersburg, PA, 17201
Submitted report? Yes **Is PA One Call member?** Yes

Other: STEPHEN PUTT, CENTURY LINK, 200 TECHNOLOGY DR, PITTSBURGH, PA, 15219
Submitted report? No **Is PA One Call member?** Yes

Other: WENDY BROWN, COMCAST, 5 OMNI WAY, CHELMSFORD, MA, 01824-4142
Submitted report? No **Is PA One Call member?** Yes

Other: Laurel Klingensmith, West Penn Power / First Energy, 76 SOUTH MAIN STREET A-GO-11, AKRON, OH, 44308
Submitted report? No **Is PA One Call member?** Yes

Ticket Information: 20201812442 / Complex Project / 06/29/20, 12:48 PM (Ankiewicz Enterprise), 20202180480 / Routine / 08/05/20, 08:10 AM (Ankiewicz Enterprise)

Other Investigations Related by Ticket: None

Synopsis of the events that led to the damaged facility:

Incident occurred on 9/09/2020 at 48 Woodland Way, Guilford Township, Franklin County. Ankiewicz Enterprise was digging with a backhoe to install a new water main and damaged a 1" plastic gas service line which was torn in half. The contractor squeezed the gas line off with their own clamp. 911 was not notified. This was part of a complex project for Guilford Water Authority.

Columbia Gas states in their Alleged Violation Report (AVR) that Ankiewicz Enterprise was digging to install a new water main and failed to hand dig within the tolerance zone of the 1" plastic gas service line, as it was torn in half. The contractor squeezed the gas line off with their own clamp. 911 was not notified. Damage Prevention followed up with contractor about squeezing the line off and not notifying 911 when gas was blowing. The clearly marked gas service line that was damaged- was an inactive gas service line. There was no interruption of service to any customers. Pictures were provided.

Guilford Water Authority states in their AVR that Ankiewicz Enterprise was digging with a backhoe/tracker to install a new water main when they damaged a 1" plastic gas line. The contractor squeezed the line off with their own clamp. 911 was not notified. No pictures provided.

Ankiewicz Enterprise state in their AVR that they were digging with a backhoe/tracker, excavating for a new 8" water main and were in the process of finding a marked gas service line. The gas service was embedded in rock, and this could not be hand excavated. The crew was using the equipment to slowly peel the rock and shale but severed the service line in the process. One Call was notified. Columbia Gas came out taking 4 hours to fix the line. No Pictures provided.

This < \$400,000 complex project had no Final Design information that was included. The meeting held on 7/02/2020 was for Part B of the project. No information provided of when this project started, and no preliminary designs were included. Subsurface Utility Engineering (SUE) used was "D". The project was over \$400,000. Designer's name was not provided.

Guilford Water Authority is in violation of Sections:

2(5)(viii) failed to participate in preconstruction meetings for a complex project. Response to ticket 20201812442 was "WILL ATTEND MEETING" but this was not updated. This is a first offense and \$500 penalty is reduced to a warning. Education is mandatory.

6.1(1) Failed to utilize sufficient levels of Subsurface Utility Engineering. This is a first-time offense and \$500. Penalty is reduced to a warning.

Ankiewicz Enterprise is in violation of Sections:

3(7) Failed to ensure that 911 was notified after being informed of a release of gas. This is a first offense penalty, and the penalty is applied. Education is required.

5(4) Excavator failed to exercise due care and prudent excavation techniques. This is a first-time violation and \$500. Penalty is reduced to a warning.

5(17) Excavator failed to comply with all requests for information from PUC staff. On 12/6/2021 an email requesting the Complex Project Sign-in sheet was sent. There has been no information received about this to date. The penalty is applied.

Listed below are facility owners in violation of Act 50, Section 2(5)(viii) – Failed to participate in preconstruction meetings for a complex project as described in section 5(3): Ticket 20201812442.

Century Link is in violation of Section:

2(5)(viii) Failed to participate in preconstruction meetings for a complex project. Century Link marked "Not Marked. NO" and never updated the response in KARL. This is a first-time offense and \$500. Penalty is reduced to a warning.

West Penn Power /First Energy is in violation of Section:

2(5)(viii) Failed to participate in preconstruction meetings for a complex project. West Penn Power responded with "INSUFF UNFO. D" and never updated in KARL. The penalty is applied.

Comcast is in violation of Section:

2(5)(viii) Failed to participate in preconstruction meetings for a complex project. This is a subsequent offense, and the penalty is applied.

Guilford Township is in violation of Section:

2(5)(viii) Failed to participate in preconstruction meetings for a complex project. ON 6/29/2020 they marked "WILL ATTEND MEETING" but this was never updated in KARL. This is a first-time offense and \$500. penalty is reduced to a warning. Education is required.

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

Entity out of compliance CENTURY LINK

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (5)(viii)	Proposed	20201812442	Failed to participate in preconstruction meetings for a complex project or as described in section 5(3)	1st Offense	\$0.00	0 %	\$0.00
Totals					\$0.00		\$0.00

Previous Violations:

No Previous Violations

Entity out of compliance West Penn Power / First Energy

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (5)(viii)	Proposed	20201812442	Failed to participate in preconstruction meetings for a complex project or as described in section 5(3)	1st Offense	\$500.00	0 %	\$500.00
Totals					\$500.00		\$500.00

Previous Violations:

No Previous Violations

Entity out of compliance COMCAST

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (5)(viii) Failed to participate in preconstruction meetings for a complex project or as described in section 5(3)	Proposed	20201812442	Subsequent	\$2,000.00	0 %	\$0.00	\$2,000.00
Totals				\$2,000.00		\$0.00	\$2,000.00

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
020296-003524	Comcast	10/29/20 11:00 AM	03/08/22	2(5)(viii) 1st Offense \$500.00	\$500.00
014750-003642	Comcast	05/06/20 10:00 AM	11/09/21	2(5)(viii) 3rd Offense \$1,500.00	\$1,500.00
012795-004153	Comcast	01/22/20 03:00 PM	04/12/22	2(5)(viii) 1st Offense \$0.00	\$0.00
017404-004194	Comcast	08/10/20 07:00 AM	08/09/22	2(5)(v) Subsequent \$1,000.00; 2(5)(viii) 1st Offense \$500.00; 2(5)(v) Subsequent \$1,000.00	\$2,500.00

Entity out of compliance Guilford Water Authority

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (5)(viii) Failed to participate in preconstruction meetings for a complex project or as described in section 5(3)	Proposed	20201812442	1st Offense	\$0.00	0 %	\$0.00	\$0.00
Recommendation: Education is required.							
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	Proposed		1st Offense	\$0.00	0 %	\$0.00	\$0.00
Totals				\$0.00		\$0.00	\$0.00

Previous Violations:

No Previous Violations

Entity out of compliance Guilford Township

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (5)(viii) Failed to participate in preconstruction meetings for a complex project or as described in section 5(3)	Proposed	20201812442	1st Offense	\$0.00	0 %	\$0.00	\$0.00
Recommendation: Education is required.							
Totals				\$0.00		\$0.00	\$0.00

Previous Violations:

No Previous Violations

Entity out of compliance Ankiewicz Enterprise

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
5 (4)	Proposed		Excavator failed to exercise due care and employ prudent excavation techniques	1st Offense	\$0.00	0 %	\$0.00
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
Recommendation: Education is required.							
5 (17)	Proposed		Excavator failed to comply with all requests for information from PUC staff within thirty days of the receipt of the request	1st Offense	\$250.00	0 %	\$0.00
Totals					\$1,250.00		\$0.00
							\$1,250.00

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
010934-002679	Ankiewicz Enterprise	10/17/19 04:00 PM	12/15/20	5(16) 1st Offense \$250.00; 5(20) 1st Offense \$250.00; 5(13) 1st Offense \$250.00	\$750.00

Name of Investigator: Maki, Eva **Date completed:** 12/06/21 01:07 PM

Name of Supervisor: Locke, Sara **Date completed:** 05/25/22 05:21 PM

I&E
Exhibit 5



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

November 10, 2022

Guilford Water Authority
Attn: Brent Crider
115 Spring Valley Road
Chambersburg, PA 17201

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. 018423. This case involves a line strike in GUILFORD TWP, FRANKLIN County on **September 09, 2020** near 48 WOODLAND WAY. The incident resulted in damage to an underground facility owned by Columbia Gas of PA - East.

This case has been scheduled for discussion at a hybrid, DPC Meeting on **December 13, 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)(viii)	Failed to participate in preconstruction meetings for a complex project or as described in section 5(3) (20201812442)	1st Offense
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

At the meeting, the DPC will discuss and determine whether to accept the DPI's recommendation regarding this case. Guilford Water Authority 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

Guilford Water Authority
 Attn: GARY YEAGER
 115 Spring Valley Road
 Chambersburg, PA 17201

INVOICE DATE	INVOICE NUMBER
09-16-2022	018423-004277
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

Guilford Water Authority
 Attn: GARY YEAGER
 115 Spring Valley Road
 Chambersburg, PA 17201

INVOICE DATE	INVOICE NUMBER
09-16-2022	018423-004277
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

December 14, 2022

Guilford Water Authority
Attn: GARY YEAGER
115 Spring Valley Road
Chambersburg, PA 17201

Re: Notification of Damage Prevention Committee Informal Determination

To whom it may concern,

We are writing to inform you that Guilford Water Authority 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 **December 13, 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. 018423 - Line strike in GUILFORD TWP, FRANKLIN County on **September 09, 2020** near 48 WOODLAND WAY. The incident resulted in damage to an underground facility owned by Columbia Gas of PA - East. (Related PA One Call Ticket Nos.: 20201812442 and 20202180480.)

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

Section	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
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
Recommendation: Education is required - Project Owner Course						
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-
	:	
Guilford Water Authority,	:	
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

Guilford Water Authority
Attn: Gary Yeager, Manager
115 Spring Valley Road
Chambersburg, PA 17202



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 23, 2024