



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

March 6, 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.
PPL Electric Utilities Corporation
Docket No. C-2023-3044727
I&E Prehearing Conference Memorandum

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Prehearing Conference Memorandum of the Bureau of Investigation and Enforcement 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: Administrative Law Judge Dennis Buckley (*via email*)
Michael L. Swindler, Deputy Chief Prosecutor, I&E-Enforcement (*via email*)
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3044727
	:	
PPL Electric Utilities Corporation,	:	
Respondent	:	

**PREHEARING CONFERENCE MEMORANDUM
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO ADMINISTRATIVE LAW JUDGE DENNIS BUCKLEY:

The Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) files this Prehearing Conference Memorandum in accordance with Section 5.222(d)(1) of the Commission’s regulations, 52 Pa. Code § 5.222(d)(1), in advance of the prehearing conference scheduled for March 8, 2024.

I. HISTORY OF THE PROCEEDING

On December 7, 2023, I&E filed a Formal Complaint against PPL Electric Utilities Corporation (“PPL”), at Docket No. C-2023-3044727 in connection with a June 22, 2022, wherein a third party contractor working to install new gas meters on behalf of UGI Gas struck a mismarked PPL 120/240 volt secondary wire while the contractor was hand-digging outside of an apartment unit at the Lakewood Hills Apartment Complex at 880 Dartmouth Street, Lower Paxton Township, Dauphin County. I&E alleges that PPL committed violations 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. § 176 *et seq.*

Specifically, PPL violated Section 177(5)(i) of the PA One Call Law by failing to mark, stake, or locate its facilities so as to allow or otherwise provide the position of their underground lines at the work site so as to enable the excavator to employ prudent techniques to determine the precise location of the underground facilities and thus avoid damage to the facility or injury to persons. As a result of this violation, a worker for the third party contractor was injured.

In its Formal Complaint, I&E requested a total administrative penalty of \$25,000 for the violations.

On January 19, 2024, PPL and I&E held a telephone conference call to discuss the case. Both parties expressed a desire to settle the matter.

Since that time, further settlement discussion has taken place via e-mail. However, as of the date of this Prehearing Conference Memorandum, no agreement has been reached. It is I&E's belief that the parties will come to a mutually satisfactory agreement soon.

A. Service List

Please serve the Prosecutor of record:

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

B. Proposed Orders with Respect to Discovery

I&E does not expect to deviate from the rules governing discovery at 52 Pa. Code § 5.321 *et seq.*

C. Proposed Litigation Schedule

Because the parties are actively negotiating settling this case, I&E does not currently have a proposed litigation schedule.

D. Witnesses

Because the parties are actively negotiating settling this case, I&E does not currently have a list of witnesses.

E. Issues Addressed

Because the parties are actively negotiating settling this case, I&E is not currently proposing any issues to be addressed prior to an evidentiary hearing.

F. Evidence to be Presented

Because the parties are actively negotiating settling this case, I&E is not currently offering a statement describing the evidence I&E would present at an evidentiary hearing.

Respectfully submitted,



Grant Rosul
Prosecutor
PA. Attorney ID No. 318204

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Bureau of Investigation and Enforcement
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Date: March 6, 2024

