



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

March 12, 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.  
Columbia Gas of Pennsylvania, Inc.  
Docket No. C-2023-3044398  
**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 'Colby B. Widdowson', is written over a light blue circular stamp.

Colby B. Widdowson  
Prosecutor  
Bureau of Investigation & Enforcement  
PA Attorney ID No. 326185  
(717) 787-2139  
cwiddowson@pa.gov

CW/jfm  
Enclosures

cc: Administrative Law Judge Conrad Johnson (*via e-mail only*)  
Michael L. Swindler, Deputy Chief Prosecutor, I&E-Enforcement (*via e-mail only*)  
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-2023-3044398
	:	
Columbia Gas of Pennsylvania, Inc.,	:	
Respondent	:	

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

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**TO ADMINISTRATIVE LAW JUDGE CONRAD A. JOHNSON:**

Pursuant to the Prehearing Conference Order that was issued on March 7, 2024, 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 13, 2024.

**I. HISTORY OF THE PROCEEDING**

On November 22, 2023, I&E filed a Formal Complaint against Columbia Gas of Pennsylvania, Inc. (“Columbia Gas”), at Docket No. C-2023-3044398 in connection with the installation of visually unacceptable plastic pipe fusions, the improper or lack of marking of plastic fusions, the performance and inspection of plastic fusions by an unqualified employee, failure to properly install saddle tee taps, the failure to capture and maintain accurate records, and the failure to furnish and maintain adequate, efficient, safe and reasonable service and facilities. If proven, this conduct would constitute violations of 66 Pa.C.S. § 1501 and 49 CFR §§ 192.13, 192.273(b) and (c), 192.285, 192.287, 192.303, 192.305, & 1007(a)(1) and (5).

In its Formal Complaint, I&E requested a total administrative penalty of Two Million, One Hundred Eighty-Six Thousand, Four Hundred Sixty-Five Dollars (\$2,186,465.00) for the violations. I&E also requested a number of corrective actions.

On December 8, 2023, Columbia Gas filed an unopposed Petition for an Extension of Time to File an Answer. That Petition was granted on December 12, 2023.

On January 12, 2024, Columbia Gas filed an Answer to the Complaint. The Answer denied the violations and requested that I&E's request for relief be denied.

On January 23, 2024, a Notice of a Telephonic Prehearing Conference was issued. On March 7, 2024, a Prehearing Conference Order was issued, directing the parties to develop a proposed litigation schedule and to file a Prehearing Memorandum.

## **II. I&E PREHEARING CONFERENCE MEMORANDUM**

### **A. Presently Identified Issues**

The issues present in I&E's complaint include the presence of visually unacceptable fusions that were inspected and installed, the improper marking or labeling of plastic fusions, failure to maintain accurate records, performance of and inspection of plastic fusions by an unqualified person, and whether all of the aforementioned conduct amounts to failing to furnish and maintain adequate, efficient, safe and reasonable service and facilities. Ancillary issues include the potential imposition of a civil penalty and ordered corrective actions.

### **B. I&E Witnesses**

I&E expects to present the testimony of the following witness:

Matthew Matse  
Fixed Utility Valuation Engineer  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Pipeline Safety Division  
400 North Street  
Harrisburg, PA 17120

I&E anticipates that Mr. Matse will testify to the findings of his investigation, in addition to Columbia Gas's responses to data requests. I&E expects that Mr. Matse's testimony will lend support to the violations alleged, the number of violations alleged, and the civil penalty and corrective actions sought.

I&E reserves the right to call other witnesses as necessary to address any issues that have been or are later raised during the course of this proceeding and will identify such additional witnesses within a reasonable period of time prior to the commencement of hearings. I&E's witness(es) may testify to additional matters based upon the issues identified by the parties.

**C. List of Exhibits**

At the present time, I&E proposes to introduce the following exhibits to be admitted into evidence:

1. Photographs of socket fusions located at 830, 933, 973, 977, 1007, 1108, and 1124 Tropical Avenue;
2. Photographs of socket fusions located at 834, 838, and 842 Tropical Avenue;
3. Columbia Gas Standard 1301.010;
4. Columbia Gas Standard 1308.010;
5. Columbia Gas Standard 1318.010; and
6. Response to I&E Data Request 1-4.

I&E reserves the right to supplement its list of exhibits and introduce additional exhibits as necessary to address any issues that have been or are later raised during the course of this proceeding and will identify such additional exhibits within a reasonable period of time prior to the commencement of hearings. Additionally, I&E reserves the right to supplement its list of exhibits and introduce additional exhibits as necessary to include any pertinent evidence that may be obtained throughout any discovery process that may occur.

**D. 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.*

**E. Proposed Litigation Schedule**

I&E proposes that preparation of a litigation schedule be stayed in order to provide the parties an opportunity to discuss the possibility of settlement of this matter. In the alternative, I&E proposes the following litigation schedule:

1. Written direct testimony due on July 17, 2024;
2. Written rebuttal testimony due on August 14, 2024;
3. Witness schedule due 3 business days before hearing;
4. Hearing to occur the week of August 26; and
5. Briefing schedule to be established at hearing.

Respectfully submitted,



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Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
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Date: March 12, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	Docket No. C-2023-3044398
v.	:	
	:	
Columbia Gas of Pennsylvania, Inc.,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Service by Electronic Mail**

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Dated: March 12, 2024