

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2023-3043744
	:	
Municipal Authority of Hazle Township	:	

**SETTLEMENT ORDER**

On October 24, 2023, the Pennsylvania Public Utility Commission’s (Commission) Bureau of Investigation and Enforcement (I&E) filed a formal complaint against the Municipal Authority of Hazle Township (MAHT). In its formal complaint, I&E alleges that MAHT violated the Pennsylvania One Call Law in connection with an issue regarding the marking of sewer line lateral connections by an excavator while they were performing excavation work on July 30, 2020, for a sewer line replacement project on Winters Avenue near Autumn Lane in Hazle Township, Luzerne County. I&E requests that the Commission find MAHT to be in violation of the Pennsylvania One Call Law; impose a cumulative administrative penalty on MAHT in the amount of \$1,500; order MAHT to attend an educational program for facility owners through the Damage Prevention Committee (DPC) and provide proof of compliance to the Commission; and order such other remedies as the Commission may deem appropriate.

On November 29, 2023, the Commission issued an initial telephonic hearing notice setting a formal call-in telephonic hearing for this matter for January 17, 2024 at 10:00 a.m. and assigned me as the presiding officer. In anticipation of that hearing, I issued a prehearing order on November 20, 2023 setting forth various rules that would govern that proceeding.

On December 4, 2023, I&E filed a motion for default judgment. I&E’s motion requested that, because MAHT did not file an answer to its formal complaint, the Commission enter a default order against MAHT that would direct MAHT to pay a cumulative administrative penalty of \$1,500 and direct MAHT to attend an education program for facility owners through the DPC and provide proof of compliance to the Commission.

On December 8, 2023, the initial telephonic hearing notice was returned to the Commission by the United States Post Service (USPS), indicating that the address where the initial telephonic hearing notice was sent did not exist.<sup>1</sup> On December 12, 2023, the formal complaint was returned by the USPS, indicating that the address where the formal complaint was sent did not exist.<sup>2</sup>

On December 22, 2023, the Commission re-served the formal complaint on MAHT at a corrected address.

On December 27, 2023, the Commission issued a notice converting the January 17, 2024 hearing to a prehearing conference.

On January 11, 2024, MAHT filed an answer to I&E’s formal complaint. In its answer, MAHT admitted or denied the various averments in the formal complaint. In particular, MAHT denies that it violated the Pennsylvania One Call Law and that administrative penalties are warranted.

On January 17, 2024, a prehearing conference was held. Counsel for I&E, Grant Rosul, and Jeffrey A. Rockman, counsel for MAHT, participated in the prehearing conference. During the prehearing conference, parties agreed that a rescheduled evidentiary hearing would be set for February 28, 2024.

---

<sup>1</sup> Specifically, USPS indicated “return to sender – no such number – unable to forward”.

<sup>2</sup> Specifically, USPS indicated “return to sender – no mail receptacle – unable to forward”.

On January 17, 2024, the Commission issued an initial telephonic hearing notice setting a formal call-in telephonic hearing for this matter for February 28, 2024 at 10:00 a.m. In anticipation of that hearing, I issued a prehearing order on January 17, 2024 setting forth various rules that would govern that proceeding.

On February 22, 2024, I&E filed a motion for continuance of the February 28, 2024 hearing. On February 23, 2024, I issued an order granting the continuance request. Also on February 23, 2024, the Commission issued a telephonic hearing cancellation/reschedule notice, cancelling the February 28, 2024 hearing, and setting March 29, 2024 as the date for the rescheduled hearing.

On March 13, 2024, MAHT filed a motion for continuance of the March 29, 2024 hearing. On March 14, 2024, I issued an order granting the continuance request. Also on March 14, 2024, the Commission issued a telephonic hearing cancellation/reschedule notice, cancelling the March 29, 2024 hearing, and setting May 10, 2024 as the date for the rescheduled hearing.

On May 7, 2024, I received an e-mail from counsel for I&E, stating that I&E and MAHT have come to a tentative settlement, and requesting cancellation of the May 10, 2024 evidentiary hearing. On May 7, 2024, I responded to parties by e-mail, stating that the May 10, 2024 hearing would be cancelled. I also stated that June 14, 2024 would be the date by which parties should file settlement documents and, if settlement documents are not filed by June 14, 2024, parties should provide a status report. The purpose of this order is to formally memorialize the instructions provided in my May 7, 2024 e-mail.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the evidentiary hearing scheduled for May 10, 2024 is cancelled;
2. That, if parties finalize a settlement, a Joint Petition for Settlement shall be filed by June 14, 2024;
3. That the Joint Petition for Settlement shall be accompanied by Statements in Support from each party;
4. That the Statements in Support of the proposed settlement shall include a discussion of the civil penalty factors set forth in 52 Pa.Code § 69.1201. If the settlement agreement does not provide for the payment of a civil penalty, the parties shall explain why a penalty is not recommended or appropriate.
5. That the Joint Petition for Settlement shall be accompanied by a Stipulation of Facts;
6. That the parties are to e-mail me a copy of the Joint Petition for Settlement and accompanying documents in a WORD-formatted document in addition to ADOBE or other compatible PDF format;
7. That the record will be closed by order after the Joint Petition for Settlement is filed; and



**C-2023-3043744 - BUR OF INVESTIGATION & ENFORCEMENT v. MUNICIPAL  
AUTHORITY OF HAZLE TOWNSHIP**

JOSEPH J SMITH PROJECT MANAGER  
MUNICIPAL AUTHORITY OF HAZLE TOWNSHIP  
PO BOX 502  
HARLEIGH PA 18225  
**570.455.9407**  
**570.455.1060**  
*Served via first class mail*

GRANT ROSUL ESQUIRE  
MICHAEL L SWINDLER ESQUIRE  
LINDSAY DEARING SZYMANSKI ESQUIRE  
BUREAU OF INVESTIGATION AND ENFORCEMENT  
400 NORTH STREET  
3RD FLOOR  
HARRISBURG PA 17120  
**717.783.5243**  
**717.783.6369**  
**717.787.3663**  
[grosul@pa.gov](mailto:grosul@pa.gov)  
[mwindler@pa.gov](mailto:mwindler@pa.gov)  
[lszymansk@pa.gov](mailto:lszymansk@pa.gov)  
Accepts eService

CHRISTOPHER B SLUSSER ESQUIRE  
JEFFREY ROCKMAN ESQUIRE  
SLUSSER LAW FIRM  
1620 N CHURCH ST SUITE 1  
HAZLETON PA 18202  
**570.453.0463**  
[suzannem@slusserlawfirm.com](mailto:suzannem@slusserlawfirm.com)  
[jeffr@slusserlawfirm.com](mailto:jeffr@slusserlawfirm.com)  
Accepts eService  
*(Counsel for Hazel Township)*