

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	C-2024-3046420
v.	:	
	:	
Blakely Borough Electric	:	

**PREHEARING ORDER**

This Order is issued pursuant to the authority granted to presiding officers under the regulations of the Commission at 52 Pa. Code §5.483 and § 5.222. The undersigned has been designated as the presiding officer in this matter. A call-in, telephonic pre-hearing conference in this case is now scheduled for May 22, 2024, at 10:00 a.m. Please call in to the toll-free bridge number listed on the hearing Notice on that date. It is expected that you will have available a clear telephone connection and that your words will be audible to the judge, the court reporter, and the other party.

On February 13, 2024, 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), filed a Formal 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.

On February 29, 2024, Blakely filed an Answer to the Complaint denying any violation of the PA One Call Law and asserting that it had properly followed the requirements of

the PA One Call Law. Blakely raised a number of issues of fact and denied that it had any utility property on-site at the time of the alleged infraction. Blakely asserts that it complied directly with the requirements of the PA One Call Law and responded within the appropriate time period.

The following matters shall be considered at prehearing conference:

(1) The possibilities for settlement of the proceeding, subject to the approval of the Commission.

(2) The amount of hearing time which will be required to dispose of the proceeding and the establishment of a schedule of hearing dates.

(3) Arrangements for the submission of direct testimony of witnesses in writing in advance of hearing to the extent practicable, and for the submission in advance of hearing or written requests for information which a party contemplates asking another party to present at hearing.

(4) Other matters that may aid in expediting the orderly conduct and disposition of the proceeding and the furtherance of justice, including the following:

(i) The simplification of the issues.

(ii) The exchange and acceptance of service of exhibits proposed to be offered in evidence.

(iii) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.

(iv) The limitation of the number of witnesses.

(v) A proposed plan and schedule of discovery which may include specific limitations on the number of written interrogatories and requests for admissions a party may propound on another party.

(d) Parties and counsel will be expected to attend the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

NOTE: Failure of a party to attend the conference, after being served with notice of the time and place thereof, without good cause shown, shall constitute a waiver of all objections to the agreements reached and to an order or ruling with respect thereto.

Commission policy promotes settlements. 52 Pa. Code §5.231(a). The utility is directed to contact the Complainant before the scheduled hearing to discuss possible settlement of this case. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. If the parties reach an agreement on all issues, a formal hearing will not be necessary.

A request for a change of the scheduled hearing date must state the agreement or opposition of other parties. Requests for changes of hearing dates must be sent to me by email and to all parties of record. My address is:

Hon. Dennis J. Buckley  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pa. 17105-3265  
Email: [debuckley@pa.gov](mailto:debuckley@pa.gov)

Changes are granted only in situations where good cause exists.

3. Although the prehearing conference is being conducted telephonically for the convenience of the parties, the hearing is a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure, specifically Chapter 5 of those regulations: 52 Pa. Code Chapter 5. Formal Proceedings ([pacodeandbulletin.gov](http://pacodeandbulletin.gov)).

4. This is not an evidentiary hearing, and no testimony will be taken.

5. It would be helpful if the parties would each submit a pre-hearing Memorandum setting forth where possible responses to the issues posed, above, by the close of business on May 21, 2024. Responses should be brief.

Date: May 20, 2024

/s/  
Dennis J. Buckley  
Administrative Law Judge

**C-2024-3046420 - PENNSYLVANIA PUBLIC UTILITY COMMISSION BUREAU OF INVESTIGATION & ENFORCEMENT v. BLAKELY BOROUGH ELECTRIC**

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