



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT  
3046849

July 10, 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.  
McClain Brothers Plumbing  
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 rectangular background.

Grant Rosul  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 318204  
(717) 783-5243  
[grosul@pa.gov](mailto: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.

**Additionally, please electronically serve a copy on:**

Grant Rosul, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
[grosul@pa.gov](mailto: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-
	:	
McClain Brothers Plumbing,	:	
Respondent	:	

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**FORMAL COMPLAINT**

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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 McClain Brothers Plumbing (“McClain Bros.” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a 1.25-inch gas service line belonging to PECO Gas (“PECO”) while excavating on September 30, 2022, near 8209 MacArthur Road, Springfield Township, Montgomery County, Pennsylvania. 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 mailing address of the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate, *inter alia*, excavators, 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](mailto:grosul@pa.gov)  
(717) 783-5243

Michael L. Swindler  
Deputy Chief Prosecutor  
[mwindler@pa.gov](mailto:mwindler@pa.gov)

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

4. Respondent is McClain Bros. Plumbing, with a main mailing address of 353 Main Street, Tullytown, PA 19007.

5. McClain Bros. is an "excavator," as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.<sup>1</sup>

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<sup>1</sup> "Excavator" is defined as any person who or which performs excavation or demolition work for himself or for another person." 73 P.S. § 176. "Excavation work" is defined as "the use of powered equipment or explosives in the movement of earth, rock or other material, and includes, but is not limited to, anchoring, augering, backfilling, blasting, boring, digging, ditching, drilling, driving-in, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling." Id.

6. “Emergency” is defined as “a sudden or unforeseen occurrence involving a clear and immediate danger to life, property and the environment, including, but not limited to, serious breaks or defects in a facility owner's lines.” 73 P.S. § 176.

7. Section 180 of the PA One Call Law, 73 P.S. § 180, imposes duties on excavators.

8. Specifically, Section 180(4) of the PA One Call Law, 73 P.S. § 180(4), requires excavators to “exercise due care and to take all reasonable steps necessary to avoid injury to or otherwise interfere with all lines where positions have been provided to the excavator by the facility owners” and to employ prudent techniques within the tolerance zone to ascertain the precise position of underground facilities. 73 P.S. § 180(4).

9. Section 180(8) of the PA One Call Law, 73 P.S. § 180(8), requires excavators to “immediately notify 911 and the facility owner if the damage results in the escape of any flammable, toxic or corrosive gas or liquid which endangers life, health or property.” 73 P.S. § 180(8).

10. Section 180(16) of the PA One Call Law, 73 P.S. § 180(16), requires excavators to “submit a report of an alleged violation to the commission through the One Call System not more than ten business days after striking or damaging a facility owner's line during excavation or demolition or if the excavator believes a violation of this act has been committed in association with excavation or demolition work.”

11. Section 180(17) of the PA One Call Law, 73 P.S. § 180(17), requires excavators to “comply with all requests for information by the commission relating to the commission's enforcement authority under this act within thirty days of the receipt of the request.”

12. Section 184 of the PA One Call Law requires that stakeholders “shall use their best efforts to comply with the Common Ground Alliance best practices.” 73 P.S. § 184.

13. Respondent, as an excavator, 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 excavators to comply with the PA One Call Law. 73 P.S. § 182.10.

14. 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 excavators 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.

15. 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).

16. 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 dollars or more an administrative penalty not to exceed \$50,000. 73 P.S. § 182.10(b)(1)(i)-(ii).

17. 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**

18. On September 27, 2022, McClain Bros. submitted a New Excavation Emergency Ticket<sup>2</sup> at approximately 10:58 AM to repair a sewer line at 8209 MacArthur Road, Springfield

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<sup>2</sup> A New Excavation Emergency Ticket is a Ticket or Locate Request submitted through the Pennsylvania One Call System when an excavator needs to urgently excavate to repair a line or facility and cannot wait the 3 days required under a Routine Ticket.

Township, Montgomery County, Pennsylvania. I&E Exhibit 1.

19. At approximately 12:06 PM the same day, PECO responded to the New Excavation Emergency Ticket that its facilities in the area were “field marked.”

20. On September 30, 2022, while excavating with a backhoe, McClain Bros. struck and damaged a properly marked 1.25-inch plastic gas service line belonging to PECO gas. I&E Exhibit 2.

21. After striking the line, McClain Bros. contacted PECO via its customer service phone number to inform them of the line strike and subsequent damage. Id.

22. There was a gas leak from the 1.25-inch gas service line as a result of the line strike by McClain Bros. I&E Exhibit 3.

23. McClain Bros. did not call 911 to alert emergency responders of the line strike and subsequent damage.

24. A photograph of the jobsite taken on September 27, 2022, by USIC on behalf of PECO (“September 27 Photograph”) shows what that exact area looked like just prior to excavation. The September 27 Photograph clearly shows yellow paint marking the approximate location of PECO’s buried 1.25-inch gas service line. I&E Exhibit 4.

25. Another photograph of the jobsite taken on September 30, 2022, by USIC on behalf of PECO (“September 30 Photograph”) shows a backhoe sitting directly behind a trench in the foreground, with the trench exhibiting walls that are angled at approximately 90 degrees perpendicular to the surface of the ground, along with tree or shrub roots that are torn and exposed, indicating the use of the backhoe to create the trench. I&E Exhibit 5.

26. Both the September 27 Photograph and the September 30 Photograph are taken at the same angle and facing the same direction.

27. Both photographs show a row of hedges on the left side of the photographs. The hedges are to the left of the yellow paint mark in the September 27 Photograph and to the left of the trench in the September 30 Photograph.

28. McClain Bros. excavated using the backhoe within the tolerance zone of the PECO line as marked. This can be seen by comparing the September 27 Photograph with the September 30 Photograph and the location of the row of hedges relative to the of the yellow paint marking and the trench, respectively.

29. On March 27, 2023, during the course of the investigation of the line strike by the Bureau of Investigation and Enforcement, Damage Prevention Section, Respondent was mailed a letter requesting that it submit a submit an Alleged Violation Report (“AVR”) to the Pennsylvania One Call System (“POCS”) providing “detailed information about the incident.” It was further explained that “[d]etailed information includes pictures and videos, a very detailed summary of the incident which provides an exact recollection of the event as it unfolded, and any relevant supporting documentation.” I&E Exhibit 6.

30. Respondent failed to provide the requested information.

31. On August 25, 2023, a copy of the report prepared by the Damage Prevention Investigator (“DPI”) from the Commission’s Bureau of Investigation and Enforcement, Damage Prevention Section, was mailed to McClain Bros. informing Respondent that it was in violation of the PA One Call Law by failing to exercise due care and employ prudent excavation techniques, failing to call 911 when damage to a line results in the escape of any flammable, toxic, or corrosive gas or liquid which endangers life, health, or property, failing to submit an Alleged Violation Report, and failing to comply with all requests for information from Commission staff within thirty days of the receipt of the request. The letter further informed McClain Bros. that it could either accept the findings in the DPI’s report or reject them and

present its case to the Damage Prevention Committee (“DPC”). I&E Exhibit 7.

32. On September 15, 2023, McClain Bros. rejected the findings in the DPI’s report and requested to present its case before the DPC.

33. On October 12, 2023, a notice of the DPC meeting was sent to McClain Bros., informing Respondent that it could present its case for discussion at the November 14, 2023, DPC meeting. I&E Exhibit 8.

34. McClain Bros. presented its case to the DPC at the November 14, 2023, hearing, where its case was discussed and voted upon by the DPC.

35. On November 15, 2023, a copy of the DPC’s Informal Determination accepting the DPI’s report and proposed penalty was mailed to McClain Bros., informing Respondent that it could either accept the DPC’s Informal Determination or reject it in writing within thirty (30) days of the date of the notification letter, and that if the Informal Determination is rejected the case may be sent to I&E prosecutory staff for issuance of a formal complaint. I&E Exhibit 9.

36. On December 1, 2023, Respondent informed the DPI via e-mail that it would reject the DPC’s Informal Determination.

### **III. VIOLATIONS**

37. Paragraphs 1-36 are incorporated herein as if stated in their entirety.

#### **Count 1**

38. Respondent failed to exercise due care and employ prudent excavation techniques when excavating within the tolerance zone of a properly marked line.

If proven, this is a violation of Section 180(4) of the PA One Call Law, 73 P.S. § 180(4). As an excavator, Respondent was required to employ prudent excavation techniques when excavating within the tolerance zone. Here, Respondent used a backhoe to excavate a trench

within the tolerance zone of PECO's 1.25-inch gas service line. While doing so, Respondent struck and damaged the gas service line, causing a gas leak.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,500.

### **Count 2**

39. Respondent failed to immediately notify 911 when a damaged line resulted in the escape of a flammable, toxic, or corrosive gas or liquid which endangers life, health or property.

If proven, this is a violation of Section 180(8) of the PA One Call Law, § 180(8), 73 P.S. § 180(8). Respondent damaged a gas line while excavating with a backhoe. The damage resulted in a gas leak. Any escape of gas from a damaged gas service line endangers life, health, and property, as gas is a highly toxic and flammable material.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,500.

### **Count 3**

40. Respondent failed to submit an Alleged Violation Report ("AVR") within 10 business days of striking a line.

If proven, this is a violation of Section 180(16) of the PA One Call Law, 73 P.S. § 180(16). As an excavator, Respondent was obligated to submit an AVR to the POCS to inform the Commission of the line strike. Not only did Respondent fail to submit an AVR within the statutorily required timeframe of 10 business days, but Respondent also failed to submit an AVR to report its strike on PECO's 1.25-inch gas service line at all.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,500.

#### **Count 4**

41. Respondent failed to comply with all requests for information from Commission staff within 30 days of the receipt of the request.

If proven, this is a violation of Section 180(17) of the PA One Call Law, 73 P.S. § 180(17). On March 27, 2023, the DPS requested “detailed information” including pictures, videos, and a written summary of the line strike incident from Respondent. Respondent did not provide any of the requested information.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$2,500.

#### **Count 5**

42. Respondent failed to use best efforts to comply with the Common Ground Alliance (“CGA”) Best Practices when it failed to notify emergency services of the gas leak.

If proven, this is a violation of Section 184 of the PA One Call Law, 73 P.S. § 184. As an excavator, Respondent is required to use best efforts to comply with the CGA Best Practices. Specifically, Best Practice 5-25 Notification of Emergency Personnel<sup>3</sup> requires that an excavator immediately notify 911 if damage results in the escape of flammable, toxic, or corrosive gas or liquid, or endangers life, health, or property.

Here, Respondent failed to notify emergency personnel of the gas leak as provided for in the CGA Best Practices Manual and thereby violated Section 184 of the PA One Call Law.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$2,500.

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<sup>3</sup> CGA Best Practice 5-25 provides that “[i]f the damage results in the escape of any flammable, toxic, or corrosive gas or liquid, or endangers the life, health or property, the excavator responsible immediately notifies 911 and the facility owner/operator.” CGA Best Practices Manual 19.0, Best Practice § 5-25 (April 2023).

**WHEREFORE**, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the Commission:

- (1) Find McClain Brothers Plumbing to be in violation of the PA One Call Law at 73 P.S. §§ 180(4), 180(8), 180(16), 180(17) and 184;
- (2) Impose a cumulative administrative penalty upon McClain Brothers Plumbing in the amount of \$12,500; and
- (3) Order McClain Brothers Plumbing to attend an educational program for excavators through the DPC and provide proof of compliance to the Commission within 90 days of the entry of a Final Order; 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](mailto:grosul@pa.gov)

Date: July 10, 2024

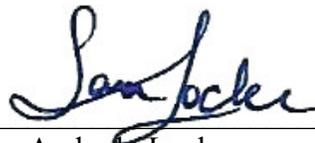
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
McClain Brothers Plumbing,	:	
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: July 10, 2024



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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**

CDC 00000 POCS MM/DD/YY TT:TT:TT 20222702109-000 NEW XCAV EMER

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

Serial Number--[20222702109]-[000] Channel#--[1052A999][0365][2019-08]  
Message Type--[NEW][EXCAVATION][EMERGENCY]

County--[MONTGOMERY] Municipality--[SPRINGFIELD TWP]  
Work Site--[8209 MACARTHUR RD]  
Nearest Intersection--[CHILDS RD]  
Second Intersection--[GLADSTONE RD]  
At Intersection--[N] Between Intersections--[N] Site Marked in White--[N]  
Subdivision--[ ]

Location Information--

[GLENSIDE PA]

Caller Lat/Lon--[ ]

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

[40.089209/-75.188057,40.088667/-75.188121,40.088618/-75.187850,  
40.089134/-75.187613,40.089249/-75.187795]

Attachments--[http://www.pa811.org/attachments/20222702109]

Type of Work--[REPAIR SWR LINE] Depth--[ ]

Extent of Excavation--[ ] Method of Excavation--[DIGGING]

Equip Type--[BACKHOE ]

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

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

Lawful Start Dates--[ ] thru [ ] Response Due Date--[27-Sep-22]

Scheduled Excavation Date--[28-Sep-22] Dig Time--[0800] Duration--[1 DAY]

Caller--[DENISE VAN WERT]

Caller Phone--[215-788-0803]

Excavator--[MCCLAIN BROS PLUMBING]

Address--[353 MAIN ST]

City--[TULLYTOWN]

State--[PA] Zip--[19007]

FAX--[ ]

Caller Type--[B]

Email--[mcclainpermits@gmail.com]

Work For--[JOHNNIE SUBER]

Onsite Contact--[MARK MCCLAIN]

Onsite Contact Phone--[215-788-0803]

Best Time to Call--[ANYTIME]

Onsite Contact Email--[mcclainpermits@gmail.com]

Prepared--[27-Sep-22] at [1058] by [JULIA BARTMAN]

Remarks--

[ ]

BP 0 BP =COMCAST PLMG FP 0 FP =BUCKS CNTY W&SA HR 0 HR =AQUA PA INC  
HRA0 HRA=COMCAST-FIBER KC 0 KC =PECO EXELON CO PD 0 PD =PHILA C WTR DPT  
SFM0 SFM=SPRINGFIELD TWP

Serial Number--[20222702109]-[000]

===== Copyright (c) 2022 by Pennsylvania One Call System, Inc. =====

RESPONSES for S/N: 20222702109:

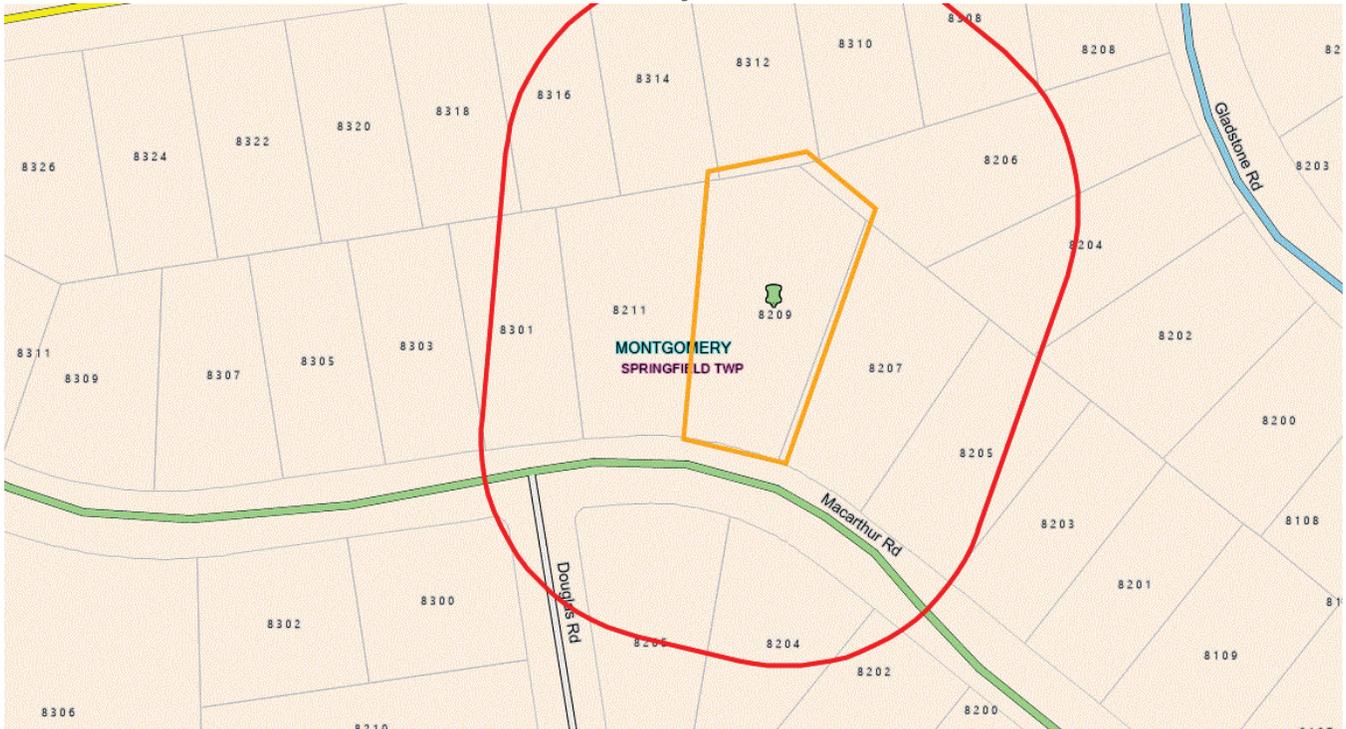
Ver	CDC	Name	Response	Time	Respondent
0	SFM	SPRINGFIELD TOWNSHIP OF MONTGOMERY CO	SFM-NO RESPONSE	9/28/2022 12:04:16 AM	Auto-KARL
0	SFM	SPRINGFIELD TOWNSHIP OF MONTGOMERY CO	SFM-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/29/2022 10:20:13 AM	RP-OTM
0	PD	PHILADELPHIA CITY WATER DEPARTMENT	PD-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/27/2022 1:59:46 PM	RH-WEB
0	HRA	COMCAST CABLE	HRA-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/27/2022 11:20:22 AM	UQ-WEBSVC
0	HR	AQUA PENNSYLVANIA INC	HR-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/27/2022 11:09:27 AM	AAA-WEBSVC
0	FP	BUCKS COUNTY WATER AND SEWER AUTHORITY	FP-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/27/2022 11:33:17 AM	JN-OTM
0	BP	COMCAST CABLE MONTGOMERY COUNTY	BP-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/27/2022 11:20:22 AM	UQ-WEBSVC
0	KC	PECO AN EXELON COMPANY	KC-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/27/2022 12:06:52 PM	CLS-WEBSVC
0	KC	PECO AN EXELON COMPANY	KC-FIELD MARKED	9/27/2022 12:06:53 PM	Rog-WEBSVC
0	KC	PECO AN EXELON COMPANY	KC-FIELD MARKED	9/27/2022 12:06:53 PM	CLS-WEBSVC
0	KC	PECO AN EXELON COMPANY	KC-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/27/2022 12:06:53 PM	Rog-WEBSVC

DELIVERIES for S/N: 20222702109:

Ver	CDC	Name	To	Time	Seq	Type
0	SFM	SPRINGFIELD TOWNSHIP OF MONTGOMERY CO	SFM	9/27/2022 10:58:50 AM	4	MAIL
0	PD	PHILADELPHIA CITY WATER DEPARTMENT	PD	9/27/2022 10:58:50 AM	191	MAIL
0	HRA	COMCAST CABLE	HRA	9/27/2022 10:58:47 AM	164	MAIL
0	HR	AQUA PENNSYLVANIA INC	HR	9/27/2022 10:58:49 AM	117	MAIL
0	FP	BUCKS COUNTY WATER AND SEWER AUTHORITY	FP	9/27/2022 10:58:48 AM	60	MAIL
0	BP	COMCAST CABLE MONTGOMERY COUNTY	BP	9/27/2022 10:58:47 AM	68	MAIL
0	KC	PECO AN EXELON COMPANY	KC	9/27/2022 10:58:49 AM	170	MAIL



ATTACHMENT for S/N: 20222702109 (20222702109-0.gif):



**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** AVR2022OCT180006

**AVR Version** 1

**First Name** MAUREEN **Last Name** LUDWICK

**Company Name** PECO, AN EXELON COMPANY

**Address** 680 RIDGE PIKE

**City** PLYMOUTH MEETING

**State** PA

**Zip Code** 19642

**Email** maureen.ludwick@peco-energy.com **Phone** 6109411431

**Ext**

## Role

**Submitter Role(s) (?)**

- Facility Owner
- Excavator
- Locator
- Other
- Designer
- Project Owner
- Enforcement Agency

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? (?)** 09/30/2022  
11:00:00 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.

20222702109

**Related Damage Serial Number, if applicable**

---

**Other Related Serial Numbers (?)**

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

**Reason for Exemption**

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**Event Information** 

**County** MONTGOMERY  
**Municipality** SPRINGFIELD TWP  
**Ward** 0  
**Work Site** 8209 MACARTHUR RD  
**Nearest Intersection** CHILDS RD  
**Second Intersection** GLADSTONE RD  
**Geolocation (?)**

---

**Affected Facility Information** 

**Primary Right of Way Type**

**Public Right of Way Type**

**Private Right of Way Type**

---

**Affected Operation** Gas  
**Facility Subtype Affected** Distribution  
**Facility Owner Company Name** PECO

**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

Exact Measured Depth from Grade

Enter the inches or centimeters with number and measurement used

## Work Information



Start Date of Excavation (?)

Excavation Activity

SEWER - SANITARY

Excavator Company Name

MCLAIN BROS PLUMBING

Contact First Name

Last Name

Address

City

State

Zip

Email

Phone

Marked in White

Yes  No  Unknown

Method of Excavation

POWER EQUIPMENT

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?

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

Contact First Name

Last Name

Address

City

State

Zip

Email

Phone

## 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? 1 - < 6 hrs

Exact Value of Service Interruption

Approximately how many customers were affected? 1

Exact Number of Customers Affected

Cost of Damaged Line Repair?

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? Contract Locator

Locator Company USIC

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 Readily 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.)

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

ON 09/30/2022 CONTRACTOR, MCCLAIN BROS PLUMBING, 353 MAIN STREET, TULLYTOWN, PA 19007, WORKING FOR THE HOMEOWNER, TO REPAIR A SEWER LINE, STRUCK A CORRECTLY MARKED 1 1/4" PX GAS SERVICE. CONTRACTOR INDICATES HE WAS HAND DIGGING WITH A SHOVEL WHEN THE DAMAGE OCCURRED. INVESTIGATION OF THE DAMAGE DEMONSTRATED AN EXCAVATOR WAS IN USE IN THE AREA OF THE DAMAGE WHILE CONTRACTOR WAS EXCAVATING IN THE TOLERANCE ZONE, IN THE FRONT YARD OF THIS RESIDENCE. SERVICES WERE ACCURATELY MARKED. CONTRACTOR FAILED TO DIG PRUDENTLY IN THE TOLERANCE ZONE, RESULTING IN THE DAMAGE. NO INJURIES. ONE CUSTOMER AFFECTED. PECO WAS NOTIFIED OF THIS DAMAGE VIA THE CUSTOMER SERVICE PHONE LINE.

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

Attachments

Attach pictures and additional documents

Submit Date

10/18/2022

## Compliance Update

---

Research Result

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

## Additional Tickets Found

---

Additional Serial Numbers

---

Ticket Attachment

Comments

**I&E**  
**Exhibit 3**

## Ferron, Kristal

---

**From:** Dunham, Patrick :(PECO) <Patrick.Dunham@exeloncorp.com>  
**Sent:** Monday, May 15, 2023 8:20 AM  
**To:** Ferron, Kristal; Ludwick, Maureen:(PECO); Hudgins, Taneisha:(PECO)  
**Subject:** [External] RE: [EXTERNAL]Case 33989, 9/30/2022, 8209 Macarthur Rd., Springfield Twp., Montgomery County  
**Attachments:** USIC REPORT.pdf; 09 30 2022 AVR 8209 MACARTHUR RD GLENSIDE.docx

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Not sure why 2 were submitted, attached is the one we used.

Yes, gas was released. Thanks

Pat Dunham  
Manager, Damage Prevention & Restoration  
T: 215.444.3292

---

**From:** Ferron, Kristal <kferron@pa.gov>  
**Sent:** Friday, May 12, 2023 3:55 PM  
**To:** Dunham, Patrick :(PECO) <Patrick.Dunham@exeloncorp.com>; Ludwick, Maureen:(PECO) <maureen.ludwick@peco-energy.com>  
**Subject:** [EXTERNAL]Case 33989, 9/30/2022, 8209 Macarthur Rd., Springfield Twp., Montgomery County

**EXTERNAL MAIL. Do not click links or open attachments from unknown senders or unexpected Email.**

Good Afternoon,

Would you happen to have pictures for, there were two AVR's submitted for this one hit, AVR2022OCT050010 and/or AVR2022OCT180006 at 8209 Macarthur Rd., Springfield Twp., Montgomery County? And could you advise if there was gas released on this line hit?

Thank you,



**Kristal Ferron**  
Damage Prevention Investigator  
Bureau of Investigation and  
Enforcement – PUC  
400 North Street  
Keystone Building  
Harrisburg, PA 17120

**Phone:** 717-787-6382  
**Email:** [kferron@pa.gov](mailto:kferron@pa.gov)

**I&E**  
**Exhibit 4**



Property of United States Infrastructure Corporation  
Photo created on 09/27/2022 12:03:31 PM EDT

**I&E**  
**Exhibit 5**



Property of United States Infrastructure Corporation  
Photo created on 09/30/2022 14:23:39 PM EDT

**I&E**  
**Exhibit 6**



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

MARCH 27, 2023

MCCLAIN BROS PLUMBING  
353 MAIN ST  
TULLYTOWN, PA 19007

**Re: Please Submit an Alleged Violation Report with Pictures - Case Number 33989**

On 9/30/2022 McClain Bros Plumbing hit a gas line at 8209 Macarthur Rd., Springfield Twp., Montgomery County.

PA1Call Tickets 20222702109

To Whom It May Concern,

We received an Alleged Violation Report indicating an underground utility violation has occurred. With the PA One Call Law, Act 50, anytime an underground violation has happened, you are required to submit an Alleged Violation Report thru the Pennsylvania One Call website, [www.palcall.org](http://www.palcall.org) within ten (10) business days of the violation date. **Please submit an AVR immediately.** Failure to complete an alleged violation report may make you subject to a penalty of no less than \$500 for first time offenders.

We are asking for detailed information about the incident. Detailed information includes pictures and videos, a very detailed summary of the incident which provides an exact recollection of the event as it unfolded, and any relevant supporting documentation.

The Public Utility Commission is committed to ensuring all companies comply with the provisions of Act 50. Therefore, you are advised that, if you fail to comply with the above requests this office will initiate all appropriate enforcement actions pursuant to Act 50 against the utility and its officers, agents and employees.

**Please provide the requested information thru the Pennsylvania One Call website at [www.palcall.org](http://www.palcall.org).** We will continue the investigation with the current information provided to us. If you have any questions, please contact Kristal Ferron at [kferron@pa.gov](mailto:kferron@pa.gov) or call 717-787-6382.

Sincerely,

Kristal Ferron  
Damage Prevention Investigator  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105

**I&E**  
**Exhibit 7**



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

MCCLAIN BROS PLUMBING  
 Attn: Excavation Supervisor  
 353 MAIN ST  
 TULLYTOWN, PA 19007

INVOICE DATE	INVOICE NUMBER
08-25-2023	033989-006252
FISCAL YEAR	
July 1, 2023 - June 30, 2024	

- **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

MCCLAIN BROS PLUMBING  
 Attn: Excavation Supervisor  
 353 MAIN ST  
 TULLYTOWN, PA 19007

INVOICE DATE	INVOICE NUMBER
08-25-2023	033989-006252
FISCAL YEAR	
July 1, 2023 - June 30, 2024	

**PAY THIS AMOUNT WITHIN 30 DAYS**

**\$10,000.00**

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

August 25, 2023

MCCLAIN BROS PLUMBING  
Attn: Excavation Supervisor  
353 MAIN ST  
TULLYTOWN, PA 19007

**Re: Notification of Damage Prevention Investigator Report**

To whom it may concern,

We are writing to inform you that your company, MCCLAIN BROS PLUMBING, has been identified as a stakeholder in an alleged violation report (AVR) that the Pennsylvania One Call System (POCS) provided to the Pennsylvania Public Utility Commission (Commission) for investigation. The AVR concerns 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., in connection with the following incident:

- Case No. 033989 - Line strike in SPRINGFIELD TWP, MONTGOMERY County on **September 30, 2022** near 8209 MACARTHUR RD. The incident resulted in damage to an underground facility owned by PECO an Exelon Company. (Related POCS Ticket Nos.: 20222702109.)

A Damage Prevention Investigator (DPI) of the Commission was assigned to investigate the allegations made in the AVR and prepared a report to the Damage Prevention Committee (DPC). Enclosed is the DPI Report, which contains the DPI's findings and recommendations.

In response to the 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 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](mailto:damageprevention@pa.gov). You will receive notice of the date, time and location of the DPC Meeting.**

If you fail to respond to the 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](mailto: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

August 25, 2023

## Investigation

---

**Investigator name:** Ferron, Kristal **Incident date:** 09/30/22 11:00 AM

**Case Number:** 033989 **Was 911 called?** No **Did damage occur?** Yes

**Site of Alleged Violation:** 8209 MACARTHUR RD  
SPRINGFIELD TWP, MONTGOMERY Country  
Near CHILDS RD and GLADSTONE RD

**What type of underground facility was damaged?** Gas Distribution

**Facility Owner:** Patrick Dunham, PECO an Exelon Company, 680 Ridge Pike, PLYMOUTH MEETING, PA, 19462  
**Submitted report?** Yes **Is PA One Call member?** Yes

**Contractor/Excavator:** Excavation Supervisor, MCCLAIN BROS PLUMBING, 353 MAIN ST, TULLYTOWN, PA, 19007  
**Submitted report?** No **Is PA One Call member?** Yes

**Other:** Current Homeowner, Homeowner  
**Submitted report?** No **Is PA One Call member?** Unknown

**Other:** SPRINGFIELD TOWNSHIP OF MONTGOMERY COUNTY  
**Submitted report?** No **Is PA One Call member?** Unknown

**Ticket Information:** 20222702109 / Emergency / 09/27/22, 10:58 AM (MCCLAIN BROS PLUMBING)

**Other Investigations Related by Ticket:** None

### Synopsis of the events that led to the damaged facility:

The incident occurred on 9/30/2022, at 11:00am, at 8209 Macarthur Rd., in Springfield Twp., Montgomery County.

Where a PECO gas line was hit. 911 was not called.

PECO's alleged violation report (AVR) states "ON 09/30/2022 CONTRACTOR, MCCLAIN BROS PLUMBING, 353 MAIN STREET, TULLYTOWN, PA 19007, WORKING FOR THE HOMEOWNER, TO REPAIR A SEWER LINE, STRUCK A CORRECTLY MARKED 1 ¼" PX GAS SERVICE. CONTRACTOR INDICATES HE WAS HAND DIGGING WITH A SHOVEL WHEN THE DAMAGE OCCURRED. INVESTIGATION OF THE DAMAGE DEMONSTRATED AN EXCAVATOR WAS IN USE IN THE AREA OF THE DAMAGE WHILE CONTRACTOR WAS EXCAVATING IN THE TOLERANCE ZONE, IN THE FRONT YARD OF THIS RESIDENCE. SERVICES WERE ACCURATELY MARKED. CONTRACTOR FAILED TO DIG PRUDENTLY IN THE TOLERANCE ZONE, RESULTING IN THE DAMAGE. NO INJURIES. ONE CUSTOMER AFFECTED. PECO WAS NOTIFIED OF THIS DAMAGE VIA THE CUSTOMER SERVICE PHONE LINE."

On 2/16/2023 an AVR request letter was mailed to McClain Bros Plumbing and the Homeowner.

On 3/24/2023 Damage Prevention Investigator (DPI) spoke with the current homeowner, who stated that they just moved into the house on November 4, 2022 and were not the ones who hired the plumber. Attached e-mail from current homeowner 3/24/2023.

On 3/27/2023 found an updated mailing address for McClain Bros Plumbing, mailing out a new letter to the business. No AVR has been received to date.

On 5/15/2023 PECO provided their USIC report along with pictures of the incident, as well as showing the locate marks and the excavator used. PECO also stated in their e-mail that there was a release of gas.

\*McClain Bros Plumbing is in violation of sections:

Section 5(4) – Excavator failed to exercise due care and employ prudent excavation techniques.

Section 5(8) – Excavator failed to immediately notify 911 and the facility owner when damage resulted in the escape of any flammable, toxic or corrosive gas or liquid which endangers life, health, or property.

Section 5(16) – Excavator Failed to submit an Alleged Violation Report within 10 business days of striking a line.

Section 5(17) – Excavator failed to comply with all requests for information from PUC staff within thirty days of the receipt of the request.

Recommendation: Education required; penalties applied

McClain Brothers Plumbing was required by the DPC to attend training on 8/9/2022 for case 21353. McClain has not attended training and all fines are raised to \$2500.00 per violatoin.

**Amount of property damage:** None **Impact on public:** 1 Customer affected, service interrupted for 1-6 hours

**Entity out of compliance** MCCLAIN BROS PLUMBING

Compliance Violations:

Section		Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
5 (4)	Excavator failed to exercise due care and employ prudent excavation techniques	Proposed		1st Offense	\$2,500.00	0 %	\$0.00	\$2,500.00
<b>Recommendation:</b> Education required								
5 (8)	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	Proposed		1st Offense	\$2,500.00	0 %	\$0.00	\$2,500.00
<b>Recommendation:</b> Education required								
5 (16)	Excavator failed to submit an Alleged Violation Report within 10 business days of striking a line	Proposed		1st Offense	\$2,500.00	0 %	\$0.00	\$2,500.00
<b>Recommendation:</b> Education required								
5 (17)	Excavator failed to comply with all requests for information from PUC staff within thirty days of the receipt of the request	Proposed		1st Offense	\$2,500.00	0 %	\$0.00	\$2,500.00
<b>Recommendation:</b> Education required								
<b>Totals</b>					<b>\$10,000.00</b>		<b>\$0.00</b>	<b>\$10,000.00</b>

Previous Violations:

No Previous Violations

**Name of Investigator:** Ferron, Kristal **Date completed:** 05/12/23 03:58 PM

**Name of Supervisor:** Locke, Sara **Date completed:** 06/29/23 09:50 AM

**I&E**  
**Exhibit 8**



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

October 12, 2023

MCCLAIN BROS PLUMBING  
 Attn: Excavation Supervisor  
 353 MAIN ST  
 TULLYTOWN, PA 19007

**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. 033989. This case involves a line strike in SPRINGFIELD TWP, MONTGOMERY County on **September 30, 2022** near 8209 MACARTHUR RD. The incident resulted in damage to an underground facility owned by PECO an Exelon Company.

This case has been scheduled for discussion at a hybrid, DPC Meeting on **November 14, 2023 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
5 (4)	Excavator failed to exercise due care and employ prudent excavation techniques	1st Offense
5 (8)	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
5 (16)	Excavator failed to submit an Alleged Violation Report within 10 business days of striking a line	1st Offense
5 (17)	Excavator failed to comply with all requests for information from PUC staff within thirty days of the receipt of the request	1st Offense

At the meeting, the DPC will discuss and determine whether to accept the DPI's recommendation regarding this case. MCCLAIN BROS PLUMBING 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](mailto: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 9**



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

MCCLAIN BROS PLUMBING  
 Attn: Excavation Supervisor  
 353 MAIN ST  
 TULLYTOWN, PA 19007

INVOICE DATE	INVOICE NUMBER
08-25-2023	033989-006252
FISCAL YEAR	
July 1, 2023 - June 30, 2024	

- **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

MCCLAIN BROS PLUMBING  
 Attn: Excavation Supervisor  
 353 MAIN ST  
 TULLYTOWN, PA 19007

INVOICE DATE	INVOICE NUMBER
08-25-2023	033989-006252
FISCAL YEAR	
July 1, 2023 - June 30, 2024	

**PAY THIS AMOUNT WITHIN 30 DAYS**

**\$10,000.00**

Attn: Damage Prevention Section





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

One Call Enforcement

November 15, 2023

MCCLAIN BROS PLUMBING  
 Attn: Excavation Supervisor  
 353 MAIN ST  
 TULLYTOWN, PA 19007

**Re: Notification of Damage Prevention Committee Informal Determination**

To whom it may concern,

We are writing to inform you that MCCLAIN BROS PLUMBING 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 **November 14, 2023** 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. 033989 - Line strike in SPRINGFIELD TWP, MONTGOMERY County on **September 30, 2022** near 8209 MACARTHUR RD. The incident resulted in damage to an underground facility owned by PECO an Exelon Company. (Related PA One Call Ticket Nos.: 20222702109.)

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

Section	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
5 (4)	Excavator failed to exercise due care and employ prudent excavation techniques	1st Offense	\$2,500.00	0 %	\$0.00	\$2,500.00
<b>Recommendation:</b> Education required						
5 (8)	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	\$2,500.00	0 %	\$0.00	\$2,500.00
<b>Recommendation:</b> Education required						
5 (16)	Excavator failed to submit an Alleged Violation Report within 10 business days of striking a line	1st Offense	\$2,500.00	0 %	\$0.00	\$2,500.00
<b>Recommendation:</b> Education required						
5 (17)	Excavator failed to comply with all requests for information from PUC staff within thirty days of the receipt of the request	1st Offense	\$2,500.00	0 %	\$0.00	\$2,500.00
<b>Recommendation:</b> Education required						
<b>Total</b>			<b>\$10,000.00</b>		<b>\$0.00</b>	<b>\$10,000.00</b>

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](mailto: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](mailto:damageprevention@pa.gov)

Sincerely,

A handwritten signature in black ink, appearing to read 'TCS', is positioned above the typed name.

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-
	:	
McClain Brothers Plumbing,	:	
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**

McClain Brothers Plumbing  
353 Main St.  
Tullytown, PA 19007



\_\_\_\_\_  
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](mailto:grosul@pa.gov)

Dated: July 10, 2024