



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

July 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.  
Stewart and Tate Construction  
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 horizontal line.

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 – [mswindler@pa.gov](mailto:mswindler@pa.gov))  
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. Pursuant to *Suspension of Regulatory and Statutory Deadlines; Modification to Filing and Service Requirements*, Docket No. M-2020-3019262 (Emergency Order ratified on March 20, 2020), you must eFile your Answer using the Commission’s website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage.

**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-
	:	
Stewart and Tate Construction,	:	
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 Stewart and Tate Construction (“Stewart and Tate” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on the end cap of a 3-inch plastic gas main owned by Columbia Gas of Pennsylvania (“Columbia Gas”) during excavation for a new driveway entrance at 10 Grumbacher Road, Manchester Township, York County. 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 primary address of Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to

regulate, *inter alia*, project owners, 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 Stewart and Tate Construction, with a main mailing address of 950 Smile Way, York, PA 17404.

5. Stewart and Tate is a “project owner,” 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> “Project owner” is defined as “any person who or which engages an excavator for construction or any other project which requires excavation or demolition work.” 73 P.S. § 176.

6. Section 181.1 of the PA One Call Law, 73 P.S. § 181.1, imposes duties on project owners.

7. Specifically, Section 181.1(3) of the PA One Call Law, 73 P.S. § 181.1(3), requires project owners to “not release to bid or construction any project until after final design is completed.” 73 P.S. § 181.1(3).

8. “Final Design” is defined as “the engineering and construction drawings that are provided to a bidder or other person who is asked to initiate construction on the bid date or the date the project is set for construction in the absence of a bid.” 73 P.S. § 176.

9. Respondent, as a project owner, 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 project owners to comply with the PA One Call Law. 73 P.S. § 182.10.

10. 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 project owners 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.

11. 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).

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

13. 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**

14. On March 15, 2022, W. Craig Adams, Inc. (“W. Craig Adams”) was grading for an entryway to 10 Grumbacher Road with a backhoe when its equipment hit the end cap of a 3-inch plastic gas main belonging to Columbia Gas. I&E Exhibit 1.

15. W. Craig Adams was excavating pursuant to a valid routine PA One Call Excavation Ticket. The serial number of this Ticket is 20220381798. I&E Exhibit 2.

16. On its Routine Excavation Ticket, W. Craig Adams indicated that it worked for “Stewart and Tate Construction.”

17. On March 24, 2022, Stewart and Tate submitted its Alleged Violation Report (“AVR”) to the Commission.<sup>2</sup> I&E Exhibit 3.

18. In its AVR, Stewart and Tate indicated that there were only two PA One Call Ticket numbers associated with the excavation project at 10 Grumbacher Road in Manchester Township, York County. Id.

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<sup>2</sup> The purpose of an Alleged Violation Report is to report to the Commission, through the Pennsylvania One Call System, an alleged violation of the PA One Call Law that occurred in association with excavation or demolition work. It must be submitted within 10 business days of a line strike or when another violation of the PA One Call Law is believed to have occurred. See 73 P.S. §§ 176 and 181.1(7).

19. The first PA One Call Ticket number that Stewart and Tate indicated was associated with the excavation project was 20220381798 — the Routine Excavation Ticket submitted by W. Craig Adams. I&E Exhibit 4.

20. The second PA One Call Ticket number that Stewart and Tate indicated was associated with the excavation project was Ticket Number 20220743028. This is the serial number of the Damage Emergency Ticket submitted by W. Craig Adams on March 15, 2022, to report the damaged gas line. I&E Exhibit 5.

21. On the Damage Emergency Ticket, W. Craig Adams again stated that it was excavating for Stewart and Tate. Id.

22. A diligent search by the Damage Prevention Section of the Bureau of Investigation and Enforcement did not return any Final Design Ticket submitted to the Pennsylvania One Call System (“POCS”).

23. The only design ticket submitted to POCS in relation to the March 15, 2022, project at 10 Grumbacher Road, Ticket Number 20202942717, was submitted by the designer Snyder Secary and Associates<sup>3</sup> on October 20, 2020.

24. Upon information and belief, no Final Design One Call Ticket was ever submitted to POCS by any designer associated with the March 15, 2022, excavation project at 10 Grumbacher Road.

25. On November 21, 2022, a copy of the report prepared by the Damage Prevention Investigator (“DPI”) from the Commission’s Bureau of Investigation and

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<sup>3</sup> Snyder Secary and Associates, the designer for the 10 Grumbacher Road project, received a violation from the Damage Prevention Committee for failing to submit a Final Design Ticket to the Pennsylvania One Call System. The designer accepted the violation and paid the administrative penalty.

Enforcement, Damage Prevention Section, was mailed to Stewart and Tate informing Respondent that it was in violation of the PA One Call Law by failing to utilize sufficient subsurface utility engineering and for releasing a project to bid or construction before a final design is complete. I&E Exhibit 6.

26. In the letter from the DPI, Stewart and Tate was informed that it could either accept the findings and pay the assessed administrative penalty or reject the DPI report and present its case before the Damage Prevention Committee (“DPC”) by informing the DPI in writing of its rejection within thirty days of the date of the letter. Id.

27. By e-mail dated December 20, 2022, Stewart and Tate rejected the DPI report.

28. On February 16, 2023, Stewart and Tate was informed by letter that its case would be heard at the March 14, 2023, DPC meeting. I&E Exhibit 7.

29. On March 15, 2023, Stewart and Tate was informed by letter of the DPC’s informal determination adopting the DPI report and its recommended administrative penalties. I&E Exhibit 8.

30. In this letter, Stewart and Tate was instructed that it could either accept the DPC’s informal determination or reject the informal determination by informing the DPC in writing within 30 days of the date of the letter. Id.

31. Stewart and Tate was further advised that if it rejected the DPC’s informal determination, the matter could be referred to the Commission’s Bureau of Investigation and Enforcement for the purpose of filing a formal complaint. Id.

32. By letter dated April 3, 2023, Stewart and Tate rejected the DPC’s informal determination.

### III. VIOLATIONS

33. Paragraphs 1-32 are incorporated herein as if stated in their entirety.

#### Count 1

34. Respondent released the project to bid or construction before the final design was completed.

If proven, this is a violation of Section 181.1(3) of the PA One Call Law, 73 P.S. § 181.1(3). As a project owner, Respondent was required to refrain from putting the project out for bid or beginning construction prior to the completion of the final design. The PA One Call Law defines the “final design” as “the engineering and construction drawings that are provided to a bidder or other person who is asked to initiate construction on the bid date or the date the project is set for construction.”

For construction or design drawings to qualify as final design drawings under the statutory scheme set forth by the PA One Call Law, a Final Design Ticket must be submitted to POCS by the designer. A designer must “[r]equest the line and facility information ... from the One Call System not less than ten nor more than ninety business days before final design is to be completed.” 73 P.S. § 179(2). Here, the designer did not submit a Final Design Ticket to POCS. Because no Final Design Ticket was submitted to POCS, by operation of the PA One Call Law § 179(2) there was no final design.

Respondent knew or should have known about the failure of the designer to complete the final design by submitting the Final Design Ticket to POCS. Respondent, as the project owner, is responsible for refraining from putting the project to bid or, in the absence of a bid, beginning construction, when the final design has not yet been completed.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$1,500.

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

- (1) Find Stewart and Tate Construction to be in violation of the PA One Call Law at 73 P.S. § 181.1(3).
- (2) Impose an administrative penalty upon Stewart and Tate Construction in the amount of \$1,500; and
- (3) Order Stewart and Tate to attend an educational program for project owners through the DPC and provide proof of compliance to the Commission; 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 12, 2024

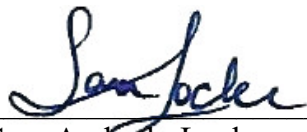
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
Stewart and Tate Construction,	:	
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 12, 2024

  
\_\_\_\_\_  
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**

# Alleged Violation Report

PA Act 287, as amended 73 P. S. § 176 et. seq.  
Powered by Pennsylvania One Call System, Inc.

**AVR Number** AVR2022APR060028

**AVR Version** 1

**First Name** Ray **Last Name** Geesey

**Company Name** Columbia Gas of PA - East

**Address** 305 N Franklin St

**City** Hanover

**State** PA

**Zip Code** 17331

**Email** abreighner@nisource.com **Phone** 717-324-0580

**Ext**

## Role

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

<input checked="" type="checkbox"/> Facility Owner	<input type="checkbox"/> Designer
<input type="checkbox"/> Excavator	<input type="checkbox"/> Project Owner
<input type="checkbox"/> Locator	<input type="checkbox"/> Enforcement Agency
<input type="checkbox"/> Other	

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 (?)** Facility Owner Issue

**Reason** Marked incorrectly §2(5)

**When did the alleged violation occur? (?)** 03/15/2022

02:45:00 PM

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.

20220381798

Related Damage Serial Number, if applicable

20220743028

Other Related Serial Numbers (?)

20220743138

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

Reason for Exemption

## Event Information



County

YORK

Municipality

MANCHESTER TWP

Ward

0

Work Site

10 GRUMBACHER RD

Nearest Intersection

MAY RD

Second Intersection

BOARD RD

Geolocation (?)

## Affected Facility Information



Primary Right of Way Type

Public

Public Right of Way Type

Other

Private Right of Way Type

Affected Operation

Gas

Facility Subtype Affected

Distribution

Facility Owner Company Name

Columbia Gas of PA

Contact First Name

Brett

Last Name

Haczewski

Address

City

State

Zip

Email

Phone

Joint Trench?  Yes  No  Unknown

Involve Cross Bore?  Yes  No  Unknown

Measured Depth from Grade 18" - 36" / 46 - 91 cm

Exact Measured Depth from Grade Enter the inches or centimeters with number and measurement used

## Work Information



Start Date of Excavation (?) 03/15/2022  
07:00:00 AM

Excavation Activity INSTALLING UTILITIES

Excavator Company Name W Craig Adams Inc

Contact First Name Kim Last Name Anderson

Address 107 Campbell Rd

City York

State PA

Zip 17402

Email Phone 717-577-3227

Marked in White  Yes  No  Unknown

Method of Excavation DIGGING

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?  
Site Developer

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      Stewart and Tate Construction

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      Kim Anderson

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?      Unknown

**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? Employee Locator

Locator Company

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

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**

The PA One Call ticket was cleared by a Columbia Gas locator. No visible marks or flags were documented onsite at the time of the damage. The locates that appear in the attached pictures were performed by Columbia Gas crew after the damage occurred.

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

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**Provide a summary of the event**

W. Craig Adams was grading for an entryway to 10 Grumbacher Rd., York, when their operator came in contact with the end cap of the 3" plastic gas main. 911 was called, as well as Columbia Gas and 811.

W. Craig Adams did have an active PA One Call for site work; however, the Columbia Gas locator failed to locate the gas facilities after speaking with an onsite contact and making an assumption the work being done was away from any Columbia Gas facilities.

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

**Attachments**

3 inch plastic gas main damage.JPG	5.19MB
W. Craig Adams Equipment.JPG	4.26MB

Attach pictures and additional documents

**Submit Date**

04/06/2022

## Compliance Update

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**Research Result**

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

### Additional Tickets Found

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**Additional Serial Numbers**

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**Ticket Attachment**

**Comments**

**I&E**  
**Exhibit 2**

CDC 00000 POCS MM/DD/YY TT:TT:TT 20220381798-000 NEW XCAV RTN

=====  
Serial Number--[20220381798]-[000] Channel#--[1147A999][0169][2019-08]  
Message Type--[NEW][EXCAVATION][ROUTINE]

County--[YORK] Municipality--[MANCHESTER TWP]  
Work Site--[10 GRUMBACHER RD]  
Nearest Intersection--[MAY RD]  
Second Intersection--[BOARD RD]  
At Intersection--[N] Between Intersections--[N] Site Marked in White--[Y]  
Subdivision--[ ]  
Location Information--  
[SITE IS THE EASTERN LIFT TRUCK COMPANY. PLEASE MARK 320FT ALONG THE ROAD  
AND THEN 500FT OFF THE ROAD TOWARDS I 83.]  
Caller Lat/Lon--[40.031944/-76.744722]  
Mapped Type--[P] Mapped Lat/Lon--  
[40.032221/-76.745878,40.032553/-76.743940,40.031588/-76.743683,  
40.031439/-76.745652]  
Attachments--[http://www.pa811.org/attachments/20220381798]  
Type of Work--[INSTL STORM AND SANITARY SWR] Depth--[7FT]  
Extent of Excavation--[80FT X 100FT] Method of Excavation--[DIGGING]  
Equip Type--[EXCAVATOR]  
Street--[X] Sidewalk--[X] Pub Prop--[X] Pvt Prop--[X] Other--[ ]  
Private Front--[X] Rear--[X] Left--[X] Right--[X]

Lawful Start Dates--[10-Feb-22] thru [22-Feb-22] Response Due Date--[09-Feb-22]  
Scheduled Excavation Date--[10-Feb-22] Dig Time--[0700] Duration--[8 MONTHS]

Caller--[KIM ANDERSON]  
Caller Phone--[717-751-0231]  
Excavator--[W CRAIG ADAMS INC]  
Address--[107 CAMPBELL RD]  
City--[YORK] State--[PA] Zip--[17402]  
FAX--[717-751-0344] Caller Type--[B]  
Email--[kim1@wcraigadamsinc.com]  
Work For--[STEWART AND TATE CONSTRUCTION]  
Onsite Contact--[FRED MALDET]  
Onsite Contact Phone--[717-577-3227]  
Best Time to Call--[0700-1600]  
Onsite Contact Email--[kim1@wcraigadamsinc.com]  
Job Number--[756]

Prepared--[07-Feb-22] at [1149] by [JONATHAN MILLER]  
Remarks--

[THIS IS AN UPDATE. WORK STOPPED AND STARTING AGAIN. SITE NEEDS REMARKING.  
TYPE OF WORK INCLUDES INSTL GAS AND WTR AND SITE PAVING AND SITE GRADING  
AND INSTL BUILDING AND FOOTERS.]

CY 0 CY =COL GAS YORK ET 0 ET =FRONTIER COMM GS 0 GS =COMCAST  
MA10 MA1=MANCHESTER T/MA ME 0 ME =MET ED TF 0 TF =VERIZON NORTH  
YW 0 YW =YORK WTR

Serial Number--[20220381798]-[000]  
=====  
Copyright (c) 2022 by Pennsylvania One Call System, Inc. =====

RESPONSES for S/N: 20220381798:

Ver	CDC	Name	Response	Time	Respondent
0	YW	YORK WATER COMPANY	YW-FIELD MARKED	2/8/2022 2:54:27 PM	CLS-WEBSVC
0	YW	YORK WATER COMPANY	YW-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	2/8/2022 2:54:27 PM	CLS-WEBSVC
0	TF	VERIZON NORTH	TF-FIELD MARKED	2/9/2022 10:42:32 AM	SCL-WEBSVC
0	ME	METROPOLITAN EDISON CO/FIRSTENERGY	ME-FIELD MARKED	2/8/2022 2:55:59 PM	MBR-WEBSVC
0	MA1	MANCHESTER TWP/MANCHESTER TWP MUNI AUTH	MA1-FIELD MARKED	2/9/2022 8:42:49 AM	JS-WEB
0	GS	COMCAST	GS-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	2/8/2022 2:54:27 PM	CLS-WEBSVC
0	ET	FRONTIER COMMUNICATIONS OF PA INC	ET-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	2/8/2022 2:54:27 PM	CLS-WEBSVC
0	CY	COLUMBIA GAS OF PA INC YORK	CY-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	2/7/2022 2:23:50 PM	AAA-WEBSVC

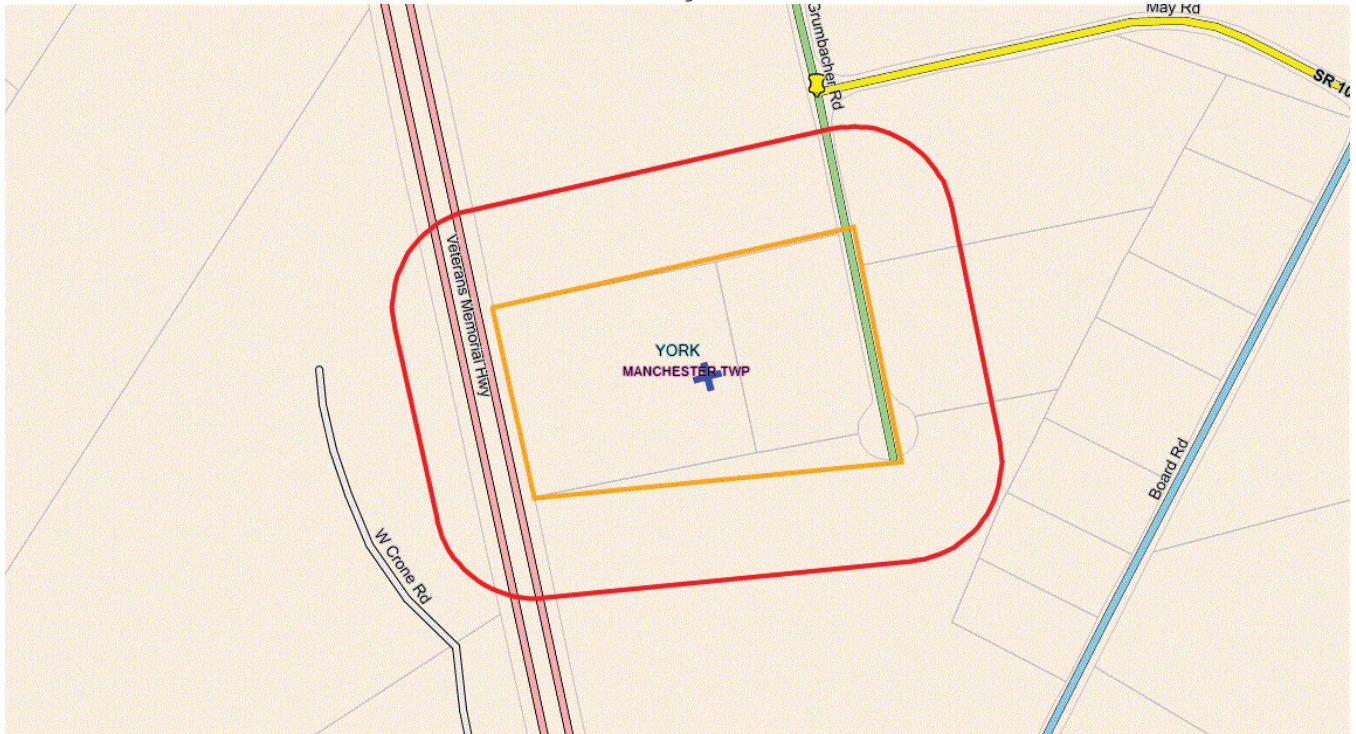
DELIVERIES for S/N: 20220381798:

Ver	CDC	Name	To	Time	Seq	Type
0	YW	YORK WATER COMPANY	YW	2/7/2022 11:50:01 AM	74	MAIL
0	TF	VERIZON NORTH	TF	2/7/2022 11:50:00 AM	118	MAIL
0	ME	METROPOLITAN EDISON CO/FIRSTENERGY	ME	2/7/2022 11:49:59 AM	272	MAIL
0	MA1	MANCHESTER TWP/MANCHESTER TWP MUNI AUTH	MA1	2/7/2022 11:50:06 AM	3	MAIL
0	GS	COMCAST	GS	2/7/2022 11:50:00 AM	59	MAIL
0	ET	FRONTIER COMMUNICATIONS OF PA INC	ET	2/7/2022 11:50:00 AM	45	MAIL
0	CY	COLUMBIA GAS OF PA INC YORK	CY	2/7/2022 11:50:00 AM	112	MAIL

NOTIFICATIONS for S/N: 20220381798:

Ver	CDC	To	Dlvr	Show	Place+	Rule+	Renot+	InAct-	Map-	Rule-	OOG-	Renot-	Forced+
0	YW	YW	1	1	1	0	0	0	0	0	0	0	0
0	TX		0	0	1	0	0	0	1	0	0	0	0
0	TKTCFM	TKTCFM	1	1	0	0	0	0	0	0	0	0	0
0	TF	TF	1	1	1	0	0	0	0	0	0	0	0
0	SPJ		0	0	1	0	0	0	1	0	0	0	0
0	PLL		0	0	1	0	0	0	1	0	0	0	0
0	MI		0	0	1	0	0	0	1	0	0	0	0
0	ME	ME	1	1	1	0	0	0	0	0	0	0	0
0	MA1	MA1	1	1	1	0	0	0	0	0	0	0	0
0	LKC		0	0	1	0	0	0	1	0	0	0	0
0	GS	GS	1	1	1	0	0	0	0	0	0	0	0
0	ET	ET	1	1	1	0	0	0	0	0	0	0	0
0	CY	CY	1	1	1	0	0	0	0	0	0	0	0
0	CTC		0	0	1	0	0	0	1	0	0	0	0
0	CSA		0	0	1	0	0	0	1	0	0	0	0
0	CGN		0	0	1	0	0	0	1	0	0	0	0
0	ATM		0	0	1	0	0	0	1	0	0	0	0
0	AGW		0	0	1	0	0	0	1	0	0	0	0
0	EVS		0	0	1	0	0	0	1	0	0	0	0

ATTACHMENT for S/N: 20220381798 (20220381798-0.gif):



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

# Alleged Violation Report

PA Act 287, as amended 73 P. S. § 176 et. seq.  
Powered by Pennsylvania One Call System, Inc.

**AVR Number** AVR2022MAR240022

**AVR Version** 1

**First Name** Alex **Last Name** Orwig

**Company Name** Stewart and Tate Inc.

**Address** 950 Smile Way

**City** York

**State** PA

**Zip Code** 17404

**Email** aorwig@stewartandtate.com **Phone** 717-818-2422

**Ext**

## Role

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

- |   |   |
|---|---|
| <input type="checkbox"/> Facility Owner | <input type="checkbox"/> Designer                 |
| <input type="checkbox"/> Excavator      | <input checked="" type="checkbox"/> Project Owner |
| <input type="checkbox"/> Locator        | <input type="checkbox"/> Enforcement Agency       |
| <input type="checkbox"/> Other          |   |

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 (?)** Facility Owner Issue

**Reason** Marked incorrectly §2(5)

**When did the alleged violation occur? (?)** 03/15/2022

03:00:00 PM

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.

20220381798

Related Damage Serial Number, if applicable

20220743028

Other Related Serial Numbers (?)

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

Reason for Exemption

## Event Information



County YORK  
Municipality MANCHESTER TWP  
Ward 0  
Work Site 10 GRUMBACHER RD  
Nearest Intersection MAY RD  
Second Intersection BOARD RD  
Geolocation (?)

## Affected Facility Information



Primary Right of Way Type Private  
Public Right of Way Type  
Private Right of Way Type Business  
Affected Operation Gas  
Facility Subtype Affected Service/Drop/Lateral  
Facility Owner Company Name Columbia Gas

Contact First Name Bill Last Name Shoop

Address

City

State

Zip

**Email** **Phone** 717-817-9123

**Joint Trench?**  Yes  No  Unknown

**Involve Cross Bore?**  Yes  No  Unknown

**Measured Depth from Grade** <18" / 46 cm

**Exact Measured Depth from Grade** Enter the inches or centimeters with number and measurement used

## Work Information



**Start Date of Excavation (?)**

**Excavation Activity** SITE DEVELOPMENT

**Excavator Company Name** W Craig Adams Inc

**Contact First Name** Barry **Last Name** Keller

**Address** 107 Campbell Rd.

**City** York

**State** PA

**Zip** 17402

**Email** barry@wcraigadamsinc.com **Phone** 717-751-0231

**Marked in White**  Yes  No  Unknown

**Method of Excavation** DIGGING

**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?  
Site Developer

**Did Excavator incur down time?**  Yes  No  Unknown

**How much down time?** 3+ hrs

**Estimated cost of down time** \$1-\$1,000

**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?** C (Above ground survey)

**Estimated cost of the entire project** \$400,000 or more

What was the length of the entire project? 60 Feet

Project Owner Company Name Eastern Forklift

Contact First Name Last Name

Address 10 Grumbacher Rd

City York

State PA

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 Kimberly Anderson

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? Unknown

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

Was the line marked by the response due date or within the agreed upon locate schedule? (?)  Yes  No  Unknown

Reason for Late Locate Unknown

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

Ticket was marked clear of all facilities for Columbia Gas within the area of PA One Call notification.

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

While W. Craig Adams was excavating new driveway entrance, unmarked gas line was hit by W. Craig Adams' operator. PA One Call all facilities were clear in the area.

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

Attachments

1.jpg	2.23MB
2.jpg	2.46MB

Attach pictures and additional documents

Submit Date

03/24/2022

## 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 4**

CDC 00000 POCS MM/DD/YY TT:TT:TT 20220381798-000 NEW XCAV RTN

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

Serial Number--[20220381798]-[000] Channel#--[1147A999][0169][2019-08]  
Message Type--[NEW][EXCAVATION][ROUTINE]

County--[YORK] Municipality--[MANCHESTER TWP]

Work Site--[10 GRUMBACHER RD]

Nearest Intersection--[MAY RD]

Second Intersection--[BOARD RD]

At Intersection--[N] Between Intersections--[N] Site Marked in White--[Y]

Subdivision--[ ]

Location Information--

[SITE IS THE EASTERN LIFT TRUCK COMPANY. PLEASE MARK 320FT ALONG THE ROAD  
AND THEN 500FT OFF THE ROAD TOWARDS I 83.]

Caller Lat/Lon--[40.031944/-76.744722]

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

[40.032221/-76.745878,40.032553/-76.743940,40.031588/-76.743683,  
40.031439/-76.745652]

Attachments--[http://www.pa811.org/attachments/20220381798]

Type of Work--[INSTL STORM AND SANITARY SWR] Depth--[7FT]

Extent of Excavation--[80FT X 100FT] Method of Excavation--[DIGGING]

Equip Type--[EXCAVATOR]

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

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

Lawful Start Dates--[10-Feb-22] thru [22-Feb-22] Response Due Date--[09-Feb-22]

Scheduled Excavation Date--[10-Feb-22] Dig Time--[0700] Duration--[8 MONTHS]

Caller--[KIM ANDERSON]

Caller Phone--[717-751-0231]

Excavator--[W CRAIG ADAMS INC]

Address--[107 CAMPBELL RD]

City--[YORK]

State--[PA] Zip--[17402]

FAX--[717-751-0344]

Caller Type--[B]

Email--[kim1@wcraigadamsinc.com]

Work For--[STEWART AND TATE CONSTRUCTION]

Onsite Contact--[FRED MALDET]

Onsite Contact Phone--[717-577-3227]

Best Time to Call--[0700-1600]

Onsite Contact Email--[kim1@wcraigadamsinc.com]

Job Number--[756]

Prepared--[07-Feb-22] at [1149] by [JONATHAN MILLER]

Remarks--

[THIS IS AN UPDATE. WORK STOPPED AND STARTING AGAIN. SITE NEEDS REMARKING.  
TYPE OF WORK INCLUDES INSTL GAS AND WTR AND SITE PAVING AND SITE GRADING  
AND INSTL BUILDING AND FOOTERS.]

CY 0 CY =COL GAS YORK ET 0 ET =FRONTIER COMM GS 0 GS =COMCAST

MA10 MA1=MANCHESTER T/MA ME 0 ME =MET ED TF 0 TF =VERIZON NORTH

YW 0 YW =YORK WTR

Serial Number--[20220381798]-[000]

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

RESPONSES for S/N: 20220381798:

Ver	CDC	Name	Response	Time	Respondent
0	YW	YORK WATER COMPANY	YW-FIELD MARKED	2/8/2022 2:54:27 PM	CLS-WEBSVC
0	YW	YORK WATER COMPANY	YW-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	2/8/2022 2:54:27 PM	CLS-WEBSVC
0	TF	VERIZON NORTH	TF-FIELD MARKED	2/9/2022 10:42:32 AM	SCL-WEBSVC
0	ME	METROPOLITAN EDISON CO/FIRSTENERGY	ME-FIELD MARKED	2/8/2022 2:55:59 PM	MBR-WEBSVC
0	MA1	MANCHESTER TWP/MANCHESTER TWP MUNI AUTH	MA1-FIELD MARKED	2/9/2022 8:42:49 AM	JS-WEB
0	GS	COMCAST	GS-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	2/8/2022 2:54:27 PM	CLS-WEBSVC
0	ET	FRONTIER COMMUNICATIONS OF PA INC	ET-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	2/8/2022 2:54:27 PM	CLS-WEBSVC
0	CY	COLUMBIA GAS OF PA INC YORK	CY-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	2/7/2022 2:23:50 PM	AAA-WEBSVC

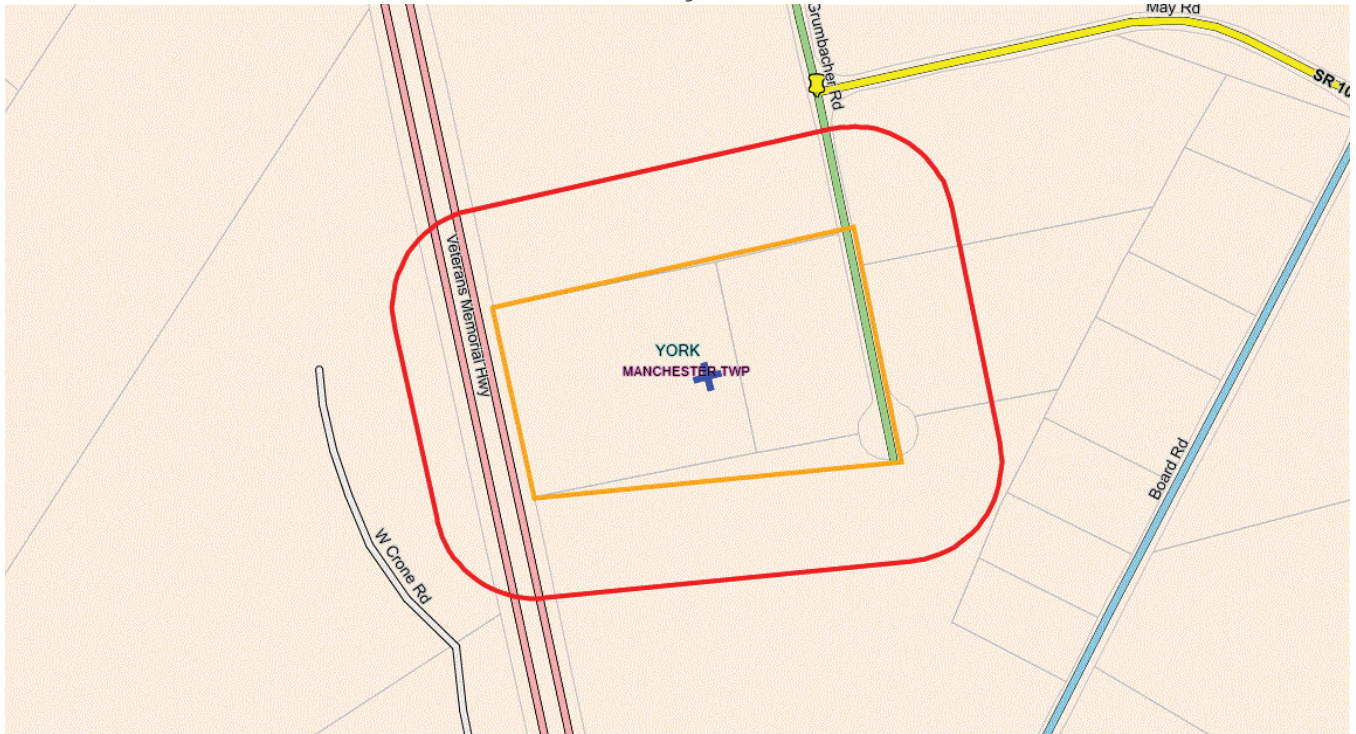
DELIVERIES for S/N: 20220381798:

Ver	CDC	Name	To	Time	Seq	Type
0	YW	YORK WATER COMPANY	YW	2/7/2022 11:50:01 AM	74	MAIL
0	TF	VERIZON NORTH	TF	2/7/2022 11:50:00 AM	118	MAIL
0	ME	METROPOLITAN EDISON CO/FIRSTENERGY	ME	2/7/2022 11:49:59 AM	272	MAIL
0	MA1	MANCHESTER TWP/MANCHESTER TWP MUNI AUTH	MA1	2/7/2022 11:50:06 AM	3	MAIL
0	GS	COMCAST	GS	2/7/2022 11:50:00 AM	59	MAIL
0	ET	FRONTIER COMMUNICATIONS OF PA INC	ET	2/7/2022 11:50:00 AM	45	MAIL
0	CY	COLUMBIA GAS OF PA INC YORK	CY	2/7/2022 11:50:00 AM	112	MAIL

NOTIFICATIONS for S/N: 20220381798:

Ver	CDC	To	Dlvr	Show	Place+	Rule+	Renot+	InAct-	Map-	Rule-	OOG-	Renot-	Forced+
0	YW	YW	1	1	1	0	0	0	0	0	0	0	0
0	TX		0	0	1	0	0	0	1	0	0	0	0
0	TKTCFM	TKTCFM	1	1	0	0	0	0	0	0	0	0	0
0	TF	TF	1	1	1	0	0	0	0	0	0	0	0
0	SPJ		0	0	1	0	0	0	1	0	0	0	0
0	PLL		0	0	1	0	0	0	1	0	0	0	0
0	MI		0	0	1	0	0	0	1	0	0	0	0
0	ME	ME	1	1	1	0	0	0	0	0	0	0	0
0	MA1	MA1	1	1	1	0	0	0	0	0	0	0	0
0	LKC		0	0	1	0	0	0	1	0	0	0	0
0	GS	GS	1	1	1	0	0	0	0	0	0	0	0
0	ET	ET	1	1	1	0	0	0	0	0	0	0	0
0	CY	CY	1	1	1	0	0	0	0	0	0	0	0
0	CTC		0	0	1	0	0	0	1	0	0	0	0
0	CSA		0	0	1	0	0	0	1	0	0	0	0
0	CGN		0	0	1	0	0	0	1	0	0	0	0
0	ATM		0	0	1	0	0	0	1	0	0	0	0
0	AGW		0	0	1	0	0	0	1	0	0	0	0
0	EVS		0	0	1	0	0	0	1	0	0	0	0

ATTACHMENT for S/N: 20220381798 (20220381798-0.gif):



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

CDC 00000 POCS MM/DD/YY TT:TT:TT 20220743028-000 NEW DAMG EMER

=====  
Serial Number--[20220743028]-[000] Channel#--[1447A999][0388][2019-08]  
Message Type--[NEW][DAMAGE][EMERGENCY]

County--[YORK] Municipality--[MANCHESTER TWP]  
Work Site--[10 GRUMBACHER RD]  
Nearest Intersection--[MAY RD]  
Second Intersection--[BOARD RD]  
At Intersection--[N] Between Intersections--[N] Site Marked in White--[Y]  
Subdivision--[ ]  
Location Information--  
[SITE IS THE EASTERN LIFT TRUCK COMPANY.]  
Caller Lat/Lon--[40.031944/-76.744722]  
Mapped Type--[P] Mapped Lat/Lon--  
[40.032226/-76.745925,40.032531/-76.744008,40.031698/-76.743705,  
40.031417/-76.745664]  
Attachments--[http://www.pa811.org/attachments/20220743028]  
Type of Work--[DAMAGE-NATURAL GAS] Depth--[UNDER 1FT]  
Extent of Excavation--[ ] Method of Excavation--[DIGGING]  
Equip Type--[TRACKHOE]  
Street--[ ] Sidewalk--[ ] Pub Prop--[ ] Pvt Prop--[X] Other--[ ]  
Private Front--[ ] Rear--[ ] Left--[ ] Right--[X]

Lawful Start Dates--[ ] thru [ ] Response Due Date--[15-Mar-22]  
Scheduled Excavation Date--[15-Mar-22] Dig Time--[1500]

Caller--[KIM ANDERSON]  
Caller Phone--[717-751-0231]  
Excavator--[W CRAIG ADAMS INC]  
Address--[107 CAMPBELL RD]  
City--[YORK] State--[PA] Zip--[17402]  
FAX--[717-751-0344] Caller Type--[B]  
Email--[kim1@wcraigadamsinc.com]  
Work For--[STEWART AND TATE CONSTRUCTION]  
Onsite Contact--[FRED MALDET]  
Onsite Contact Phone--[717-577-3227]  
Best Time to Call--[0700-1600]  
Onsite Contact Email--[kim1@wcraigadamsinc.com]  
Job Number--[756]

Prepared--[15-Mar-22] at [1453] by [DARLENE SPANO]  
Remarks--

[CALLER STATES THIS IS A DAMAGED GAS LINE AND THEY CAN HEAR AND SMELL IT.  
CALLER STATES LINE WAS UNMARKED.

911 ALREADY NOTIFIED.  
FACILITY TYPE: NATURAL GAS-COLUMBIA GAS  
EXCAVATION EQUIPMENT: TRACKHOE  
HAZARDOUS RELEASE: YES  
CALLER HAS NOTIFIED 911.]

CY 0 CY =COL GAS YORK EC40 EC4=COMCAST EAST ET 0 ET =FRONTIER COMM  
GS 0 GS =COMCAST MA10 MA1=MANCHESTER T/MA ME 0 ME =MET ED  
TF 0 TF =VERIZON NORTH YW 0 YW =YORK WTR

Serial Number--[20220743028]-[000]  
=====  
Copyright (c) 2022 by Pennsylvania One Call System, Inc. =====

RESPONSES for S/N: 20220743028:

Ver	CDC	Name	Response	Time	Respondent
0	MA1	MANCHESTER TWP/MANCHESTER TWP MUNI AUTH	MA1-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	3/15/2022 3:43:33 PM	JS-WEB
0	ME	METROPOLITAN EDISON CO/FIRSTENERGY	ME-FIELD MARKED	3/15/2022 3:05:48 PM	MBR-WEBSVC
0	TF	VERIZON NORTH	TF-FIELD MARKED	3/16/2022 9:31:59 AM	SCL-WEBSVC
0	TF	VERIZON NORTH	TF-NO RESPONSE	3/15/2022 4:57:44 PM	Auto-KARL
0	GS	COMCAST	GS-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	3/15/2022 3:04:18 PM	CLS-WEBSVC
0	YW	YORK WATER COMPANY	YW-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	3/15/2022 3:04:18 PM	CLS-WEBSVC
0	YW	YORK WATER COMPANY	YW-FIELD MARKED	3/15/2022 3:04:18 PM	CLS-WEBSVC
0	ET	FRONTIER COMMUNICATIONS OF PA INC	ET-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	3/15/2022 3:04:18 PM	CLS-WEBSVC
0	EC4	COMCAST EAST	EC4-NO RESPONSE	3/15/2022 4:57:44 PM	Auto-KARL
0	CY	COLUMBIA GAS OF PA INC YORK	CY-FIELD MARKED	3/15/2022 4:36:12 PM	AAA-WEBSVC

DELIVERIES for S/N: 20220743028:

Ver	CDC	Name	To	Time	Seq	Type
0	MA1	MANCHESTER TWP/MANCHESTER TWP MUNI AUTH	MA1	3/15/2022 2:54:18 PM	4	MAIL
0	ME	METROPOLITAN EDISON CO/FIRSTENERGY	ME	3/15/2022 2:54:09 PM	512	MAIL
0	TF	VERIZON NORTH	TF	3/15/2022 2:54:09 PM	187	MAIL
0	GS	COMCAST	GS	3/15/2022 2:54:00 PM	57	MAIL
0	YW	YORK WATER COMPANY	YW	3/15/2022 2:55:35 PM	0	SPLV
0	YW	YORK WATER COMPANY	YW	3/15/2022 2:54:01 PM	51	MAIL
0	ET	FRONTIER COMMUNICATIONS OF PA INC	ET	3/15/2022 2:53:56 PM	142	MAIL
0	EC4	COMCAST EAST	EC4	3/15/2022 2:53:59 PM	15	MAIL
0	CY	COLUMBIA GAS OF PA INC YORK	CY	3/15/2022 2:53:56 PM	112	MAIL

NOTIFICATIONS for S/N: 20220743028:

Ver	CDC	To	Dlvr	Show	Place+	Rule+	Renot+	InAct-	Map-	Rule-	OOG-	Renot-	Forced+
0	LKC		0	0	1	0	0	0	1	0	0	0	0
0	MA1	MA1	1	1	1	0	0	0	0	0	0	0	0
0	ME	ME	1	1	1	0	0	0	0	0	0	0	0
0	MI		0	0	1	0	0	0	1	0	0	0	0
0	PLL		0	0	1	0	0	0	1	0	0	0	0
0	TF	TF	1	1	1	0	0	0	0	0	0	0	0
0	GS	GS	1	1	1	0	0	0	0	0	0	0	0
0	TKTCFM	TKTCFM	1	1	0	0	0	0	0	0	0	0	0
0	TX		0	0	1	0	0	0	1	0	0	0	0
0	YW	YW	1	1	1	0	0	0	0	0	0	0	0
0	SPJ		0	0	1	0	0	0	1	0	0	0	0
0	EVS		0	0	1	0	0	0	1	0	0	0	0
0	ET	ET	1	1	1	0	0	0	0	0	0	0	0
0	EC4	EC4	1	1	0	1	0	0	0	0	0	0	0
0	CY	CY	1	1	1	0	0	0	0	0	0	0	0
0	CTC		0	0	1	0	0	0	1	0	0	0	0
0	CSA		0	0	1	0	0	0	1	0	0	0	0
0	CGN		0	0	1	0	0	0	1	0	0	0	0
0	ATM		0	0	1	0	0	0	1	0	0	0	0
0	AGW		0	0	1	0	0	0	1	0	0	0	0

ATTACHMENT for S/N: 20220743028 (20220743028-0.gif):



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



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

Stewart and Tate Inc.  
 Attn: Alex Orwig  
 950 Smile Way  
 York, PA 17404

INVOICE DATE	INVOICE NUMBER
11-21-2022	029580-004808
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

- **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

Stewart and Tate Inc.  
 Attn: Alex Orwig  
 950 Smile Way  
 York, PA 17404

INVOICE DATE	INVOICE NUMBER
11-21-2022	029580-004808
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

**PAY THIS AMOUNT WITHIN 30 DAYS**

**\$1,000.00**

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

November 21, 2022

Stewart and Tate Inc.  
Attn: Alex Orwig  
950 Smile Way  
York, PA 17404

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

To whom it may concern,

We are writing to inform you that your company, Stewart and Tate Inc., 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. 029580 - Line strike in MANCHESTER TWP, YORK County on **March 15, 2022** near 10 GRUMBACHER RD. The incident resulted in damage to an underground facility owned by COLUMBIA GAS. (Related POCS Ticket Nos.: 20202942717, 20220381798, 20220743028 and 20220743138.)

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

November 21, 2022

## Investigation

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**Investigator name:** Cooper, John **Incident date:** 03/15/22 02:45 PM

**Case Number:** 029580 **Was 911 called?** Yes **Did damage occur?** Yes

**Site of Alleged Violation:** 10 GRUMBACHER RD  
MANCHESTER TWP, YORK Country  
Near MAY RD and BOARD RD

**What type of underground facility was damaged?** Gas Service/Drop/Lateral

**Facility Owner:** Alicia Breighner, COLUMBIA GAS, 305 North Franklin Street, Hanover, PA, 17331  
**Submitted report?** Yes **Is PA One Call member?** Yes

**Contractor/Excavator:** BARRY KELLER, W CRAIG ADAMS INC, 107 CAMPBELL RD, YORK, PA, 17402  
**Submitted report?** Yes **Is PA One Call member?** Yes

**Project Owner:** Alex Orwig, Stewart and Tate Inc., 950 Smile Way, York, PA, 17404  
**Submitted report?** Yes **Is PA One Call member?** Yes

**Designer:** Stephanie Reilly, Snyder Secury & Associates, 2000 Linglestown Road Suite 304, Harrisburg, PA, 17110  
**Submitted report?** No **Is PA One Call member?** Yes

**Other:** Timothy James, Manchester Township Municipal Authority, 3200 Farmtrail Road, York, PA, 17545  
**Submitted report?** No **Is PA One Call member?** Yes

**Ticket Information:** 20220743138 / Emergency / 03/15/22, 03:15 PM (COLUMBIA GAS), 20220381798 / Routine / 03/07/22, 11:49 AM (W CRAIG ADAMS INC), 20220743028 / Routine / 03/15/22, 02:53 PM (W CRAIG ADAMS INC), 20202942717 / Design / 10/20/20, 01:45 PM (Snyder Secury & Associates)

**Other Investigations Related by Ticket:** None

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

Incident occurred on March 15, 2022 at 2:45pm at 10 Grumbacher Road, Manchester Township, York County, where a gas line was damaged.

W Craig Adams Inc struck an unmarked Columbia Gas line after Columbia Gas responded clear no facilities.

Columbia Gas Company's Alleged Violation Report (AVR) says that, "W. Craig Adams was grading for an entryway to 10 Grumbacher Rd., York, when their operator came in contact with the end cap of the 3" plastic gas main. 911 was called, as well as Columbia Gas and 811. W. Craig Adams did have an active PA One Call for site work; however, the Columbia Gas locator failed to locate the gas facilities after speaking with an onsite contact and making an assumption the work being done was away from any Columbia Gas facilities." AVR also noted the project was greater than \$400,000 with Level C SUE.

W Craig Adams Inc placed an AVR stating that they hit a Columbia Gas line after placing PA1call ticket, 20220381798. Columbia Gas marked the site Clear no facilities. AVR also noted the project was greater than \$400,000 with Level C SUE.

Stewart and Tate Inc's AVR mentioned W. Craig Adams placing a one call ticket for the work where Columbia Gas had indicated they had no facilities.

DPI emailed Stewart & Tate for final design tickets. Preliminary tickets were provided by W. Craig Adams, but no final design tickets were produced. Email stated that the design company has gone out of business. AVR also noted the project was greater than \$400,000 with Level C SUE.

DPI mailed and emailed Snyder Secury & Associates (Snyder) on 6/24/2022 to submit an AVR with final design tickets. No response from Snyder, Secury & Associates as of 7/25/2022. Stewart & Tate's email stated that Snyder Secury & Associates were out of business.

### Violations:

Columbia Gas Company  
Section 2(5)(i) - Failed to mark lines within 18 inches. 20220743028. \$1,500

Snyder Secury & Associates

Section 4(8) - Designer failed to submit an AVR within 30 days. 20220743138. Education is required + \$250

Section 4(4) - Designer failed to submit final designs. 20202942717. Education is required + \$250

Stewart & Tate, Inc.

Section 6.1(3) - Released job for bid before final design was complete. 20202942717. Education is required + \$500

Section 6.1(1) - Failed to use the appropriate level of SUE. 2020294717. Education is required + \$500

Manchester Township Authority

Section 2(4) - Failed to respond to a designers ticket request. 20202942717 Education is required + \$250

**Amount of property damage:** None **Impact on public:** 1-6 hours

**Entity out of compliance** COLUMBIA GAS

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (5)(i)	Proposed	20220743028	3rd Offense	\$1,500.00	0 %	\$0.00	\$1,500.00
<b>Totals</b>				<b>\$1,500.00</b>		<b>\$0.00</b>	<b>\$1,500.00</b>

Previous Violations:

Violation Number	Non-compliant Entity	Incident Date	Accepted Date	Sections	Total Penalty
017950-004079	Columbia Gas of PA	08/18/20 10:30 AM	06/14/22	2(5)(i) 2nd Offense \$1,000.00	\$1,000.00

**Entity out of compliance** Snyder Secury & Associates

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
4 (4)	Proposed	2020294717	1st Offense	\$250.00	0 %	\$0.00	\$250.00
<b>Recommendation:</b> Education is required.							
4 (8)	Proposed	20220743138	1st Offense	\$250.00	0 %	\$0.00	\$250.00
<b>Recommendation:</b> Education is required.							
<b>Totals</b>				<b>\$500.00</b>		<b>\$0.00</b>	<b>\$500.00</b>

Previous Violations:

No Previous Violations

**Entity out of compliance** Stewart and Tate Inc.

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
6.1 (1)	Proposed	20202947	1st Offense	\$500.00	0 %	\$0.00	\$500.00
<b>Recommendation:</b> Education is required.							
6.1 (3)	Proposed	2020294717	1st Offense	\$500.00	0 %	\$0.00	\$500.00
<b>Recommendation:</b> Education is required.							
<b>Totals</b>				<b>\$1,000.00</b>		<b>\$0.00</b>	<b>\$1,000.00</b>

Previous Violations:

No Previous Violations

**Entity out of compliance** Manchester Township Municipal Authority

Compliance Violations:

Section	Status	Ticket Number	Offense	Penalty	Factor	Factor Penalty	Total Penalty
2 (4)	Proposed	20202942717	1st Offense	\$250.00	0 %	\$0.00	\$250.00
<b>Recommendation:</b> Education is required.							
<b>Totals</b>				<b>\$250.00</b>		<b>\$0.00</b>	<b>\$250.00</b>

Previous Violations:

No Previous Violations

**Name of Investigator:** Cooper, John **Date completed:** 07/25/22 11:32 AM

**Name of Supervisor:** Locke, Sara **Date completed:** 09/19/22 10:11 AM

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



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

February 16, 2023

Stewart and Tate Inc.  
 Attn: Alex Orwig  
 950 Smile Way  
 York, PA 17404

**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. 029580. This case involves a line strike in MANCHESTER TWP, YORK County on **March 15, 2022** near 10 GRUMBACHER RD. The incident resulted in damage to an underground facility owned by COLUMBIA GAS.

This case has been scheduled for discussion at a hybrid, DPC Meeting on **March 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
6.1 (1)	Failed to utilize sufficient quality levels of subsurface utility engineering or other similar techniques to properly determine the existence and positions of underground facilities when designing known complex projects having an estimated cost of four hundred thousand dollars (\$400,000) or more (20202947)	1st Offense
6.1 (3)	Released a project to bid or construction before final design was complete (2020294717)	1st Offense

At the meeting, the DPC will discuss and determine whether to accept the DPI's recommendation regarding this case. Stewart and Tate Inc. 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 8**



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

Stewart and Tate Inc.  
 Attn: Alex Orwig  
 950 Smile Way  
 York, PA 17404

INVOICE DATE	INVOICE NUMBER
11-21-2022	029580-004808
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

- **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

Stewart and Tate Inc.  
 Attn: Alex Orwig  
 950 Smile Way  
 York, PA 17404

INVOICE DATE	INVOICE NUMBER
11-21-2022	029580-004808
FISCAL YEAR	
July 1, 2022 - June 30, 2023	

**PAY THIS AMOUNT WITHIN 30 DAYS**

**\$1,000.00**

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

One Call Enforcement

March 15, 2023

Stewart and Tate Inc.  
Attn: Alex Orwig  
950 Smile Way  
York, PA 17404

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

To whom it may concern,

We are writing to inform you that Stewart and Tate Inc. 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 **March 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. 029580 - Line strike in MANCHESTER TWP, YORK County on **March 15, 2022** near 10 GRUMBACHER RD. The incident resulted in damage to an underground facility owned by COLUMBIA GAS. (Related PA One Call Ticket Nos.: 20202942717, 20220381798, 20220743028 and 20220743138.)

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

Section	Offense	Penalty	Factor	Factor Penalty	Total Penalty	
6.1 (1)	Failed to utilize sufficient quality levels of subsurface utility engineering or other similar techniques to properly determine the existence and positions of underground facilities when designing known complex projects having an estimated cost of four hundred thousand dollars (\$400,000) or more (20202947)	1st Offense	\$500.00	0 %	\$0.00	\$500.00
<b>Recommendation:</b> Education is required.						
6.1 (3)	Released a project to bid or construction before final design was complete (2020294717)	1st Offense	\$500.00	0 %	\$0.00	\$500.00
<b>Recommendation:</b> Education is required.						
<b>Total</b>			<b>\$1,000.00</b>		<b>\$0.00</b>	<b>\$1,000.00</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', written in a cursive style.

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-
	:	
Stewart and Tate Construction,	:	
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**

Stewart and Tate Construction  
Attn: Alex Orwig  
950 Smile Way  
York, PA 17404



\_\_\_\_\_  
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 12, 2024