



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

August 5, 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.  
Bassett Engineering, Inc.  
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*)  
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-
	:	
Bassett Engineering, Inc.,	:	
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 Bassett Engineering, Inc. (“Bassett”) alleging violations of the PA One Call Law in connection with a strike on two gas service lines by an excavator while installing a water line for Canton Borough Authority on November 14th, 2022, at 14 Alexander Lane, Canton Borough, Bradford 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 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*, designers 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 Bassett Engineering, Inc., with a main mailing address of 1440 Broad Street, Montoursville, PA 17754-2510.

5. Bassett is a "designer," as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.<sup>1</sup>

6. Section 179 of the PA One Call Law, 73 P.S. § 179, imposes duties on designers.

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<sup>1</sup> "Designer" is defined as "any architect, engineer or other person who or which prepares a drawing for a construction or other project which requires excavation or demolition work as herein defined." 73 P.S. § 176.

7. Section 179(2) of the PA One Call Law, 73 P.S. § 179(2), requires designers to “request the line and facility information prescribed by section 2(4) from the One Call System not less than ten nor more than ninety business days before final design is to be completed. This clause is not intended to prohibit designers from obtaining such information more than ninety days before final design is to be completed; however, they shall state in their requirements that such work is preliminary.” 73 P.S. § 179(2).

8. Section 179(4) of the PA One Call Law, 73 P.S. § 179(4), requires designers to “make reasonable effort to prepare the construction drawings to avoid damage to and minimize interference with a facility owner’s facilities in the construction area by maintaining the clearance as provided for in the applicable easement condition or an eighteen-inch clearance of the facility owner's facilities if no easement restriction exist.” 73 P.S. § 179(4).

9. Section 179(8) of the PA One Call Law, 73 P.S. § 179(8), requires designers to “submit a report of alleged violation to the commission through the One Call System not more than thirty business days from the time the designer becomes aware that a violation of this act may have been committed in association with excavation or demolition work. The report of alleged violation shall be in a form and manner as required by the commission.” 73 P.S. § 179(8).

10. Bassett, as a designer, 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 designers to comply with the PA One Call Law. 73 P.S. § 182.10.

11. 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 designers 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.

12. 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).

13. 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 provision 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).

14. 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**

15. On November 14th, 2022, DGR Excavating struck two gas lines while installing water line for Canton Borough Authority at 14 Alexander Lane, Canton Borough, Bradford County, Pennsylvania.

16. Bassett was the designer for this project.

17. Bassett had submitted a Preliminary Design Ticket, serial number 20211022594, to the Pennsylvania One Call System (“POCS”) on April 12, 2021, for a “water line replacement” located at “Troy Street and Alexander Lane.” I&E Exhibit 1.

18. On August 14, 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 2.

19. Bassett failed to submit an AVR as required by the PA One Call Law.

20. On January 21, 2024, a notification of the Damage Prevention Investigator’s (“DPI”) report was mailed to Bassett finding it in violation of the following sections of the PA One Call Law:

- a. section 179(2), 73 P.S. § 179(2);
- b. section 179(4), 73 P.S. § 179(4); and
- c. section 179(8), 73 P.S. § 179(8).

The notice informed Bassett that, in writing and within 30 days of receipt of the notice, it could either accept the findings of the DPI report and pay the assessed administrative penalty or reject the findings of the DPI report and present its case before the Damage Prevention Committee (“DPC”).

21. On February 16, 2024, Bassett rejected the findings of the DPI report and requested to present its case before the DPC.

22. On March 14, 2024, Bassett was informed by mail that the DPC would hear its case at the April 9, 2024, meeting.

23. On April 9, 2024, Bassett, represented by Britt Bassett (“President Bassett”) President of Bassett Engineering, Inc., appeared at the DPC meeting.

24. During the DPC meeting, testimony was elicited from President Bassett that only preliminary drawings were submitted by Bassett.

25. Furthermore, President Bassett acknowledged that the design ticket submitted on April 12, 2021, serial number 20211022594 was only a Preliminary Design ticket.

26. No documentary or oral evidence was presented by Bassett to show that a Final Design Ticket was submitted within the time period established by the PA One Call.

27. Final Design Drawings were never completed, or if completed, never submitted to POCS for a Final Design Ticket.

28. Additionally, the design drawings prepared for this project failed to adequately show the position of the lines, their depth, facility owner, and facility type, size of the facility, and material of which the facility is constructed (i.e., plastic, stainless steel, etc.).

29. On April 10, 2024, a copy of the DPC’s Informal Determination accepting the DPI’s report and proposed penalty was mailed to Bassett, 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.

30. On May 9, 2024, Britt Basset emailed the DPI rejecting the Informal Determination of the DPC.

### **III. VIOLATIONS**

31. Paragraphs 1-30 are incorporated herein as if stated in their entirety.

### **Count 1**

32. Respondent, as a designer, failed to request the line and facility information from POCS not less than ten nor more than ninety business days before final design is to be completed.

If proven, this is a violation of § 179(2) of the PA One Call Law, 73 P.S. § 179(2). Respondent requested a “Preliminary Design” ticket submitted on April 12, 2021, well outside of the statutorily mandated window required of a designer. No Final Design Ticket was ever submitted to POCS, and during the April 9, 2024, DPC meeting, President Bassett, representing Respondent, admitted that there was no Final Design Ticket submitted to POCS.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$1,000.

### **Count 2**

33. Respondent failed to make reasonable effort to prepare the construction drawings to avoid damage to and minimize interference with a facility owner’s facilities in the construction area.

If proven, this is a violation of § 179(4) of the PA One Call Law, 73 P.S. § 179(4). As a “designer,” Respondent was required to make a reasonable effort to prepare its construction drawings to minimize interference with underground utility lines.

Specifically, by failing to submit drawings showing the exact position of the lines, their depth, facility owner, and facility type, and the material of which the facility is made, in the form of a final drawing, Respondent failed to use reasonable effort to prepare design drawings so as to prevent damage to or minimize interference with underground facilities. Furthermore, the accuracy of the preliminary drawings submitted by Respondent could not

be verified because a Final Design Ticket with the final design drawings was never submitted.

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

### **Count 3**

34. Respondent failed to submit an Alleged Violation Report to the Commission through POCS not more than thirty business days from the time the designer became aware that a violation of this act may have been committed in association with excavation or demolition work.

If proven, this is a violation of § 179(8) of the PA One Call Law, 73 P.S. § 179(8). As a "designer" Respondent was required to submit an AVR through POCS. Even though the Commission notified Respondent that an AVR was required to be submitted, Respondent still failed to submit the information requested.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$1,000.

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

- (1) Find Bassett Engineering, Inc. to be in violation of the PA One Call Law at 73 P.S. §§ 179(2), 179(4) and 179(8);
- (2) Impose a cumulative administrative penalty upon Bassett Engineering, Inc. in the amount of \$2,500; and
- (3) Order Bassett Engineering, Inc. to attend an educational program for designers 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,

A handwritten signature in blue ink, appearing to read "G. Rosul", written in a cursive style.

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: August 5, 2024

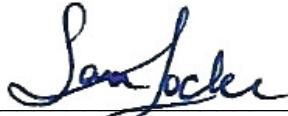
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
Bassett Engineering, Inc.,	:	
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: August 5, 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**

CDC 00000 POCS MM/DD/YY TT:TT:TT 20211022594-000 NEW XCAV DSGN

=====  
Serial Number--[20211022594]-[000] Channel#--[1144AWEB] [1701] [2019-08]  
Message Type--[NEW] [EXCAVATION] [PRELIMINARY DESIGN]

County--[BRADFORD] Municipality--[CANTON BORO]  
Work Site--[TROY STREET AND ALEXANDER LANE]  
Nearest Intersection--[LOWER MOUNTAIN ROAD]  
Second Intersection--[CROOKS TERRACE]  
At Intersection--[N] Between Intersections--[Y]  
Subdivision--[ ]  
Location Information--[ ]  
Caller Lat/Lon--[41.659288/-76.854287]  
Mapped Type--[P] Mapped Lat/Lon--[41.660201/-76.854547,41.659905/-76.855257,41.659735/-76.855152,41.659977/-76.854647,41.658497/-76.853891,41.658595/-76.853663]  
Attachments--[http://www.pa811.org/attachments/20211022594]  
Type of Work--[WATER LINE REPLACEMENT] Depth--[8]  
Extent of Excavation--[10X750] Method of Excavation--[TRENCHING]  
Equip Type--[EXCAVATOR. BACKHOE. HANDTOOLS]  
Street--[X] Sidewalk--[X] Pub Prop--[X] Pvt Prop--[X] Other--[DESIGN]  
Private Front--[X] Rear--[ ] Left--[X] Right--[ ]

Project Dates--[ ] thru [ ] Response Due Date--[26-Apr-21]  
Scheduled Excavation Date--[DESIGN]

Caller--[SEAN MCCORMICK]  
Caller Phone--[570-368-2131]  
Excavator--[BASSETT ENGINEERING INC]  
Address--[1440 BROAD ST]  
City--[MONTTOURSVILLE] State--[PA] Zip--[17754-2510]  
FAX--[ ] Caller Type--[B]  
Email--[SMCCORMICK@BASSETTENG.COM]  
Work For--[CANTON BOROUGH]  
Project Contact--[SEAN P MCCORMICK]  
Project Contact Phone--[570-368-2131]  
Best Time to Call--[0800-1630]  
Project Contact Email--[SMCCORMICK@BASSETTENG.COM]  
Job Number--[21-011]

Prepared--[12-Apr-21] at [1213] by [SMBASS19]  
Remarks--

[WATER LINE REPLACEMENT SHALL RUN DOWN TROY STREET MAINLY WITH A BRANCH  
EXTENDING DOWN ALEXANDER LANE.]

CAN0 CAN=CANTON BORO A      CBN0 CBN=CANTON B      LV 0 LV =PENELEC  
RTL0 RTL=ZITO MEDIA      YXD0 YXD=UGI TROY DGN

Serial Number--[20211022594]-[000]  
=====  
Copyright (c) 2021 by Pennsylvania One Call System, Inc. =====

RESPONSES for S/N: 20211022594:

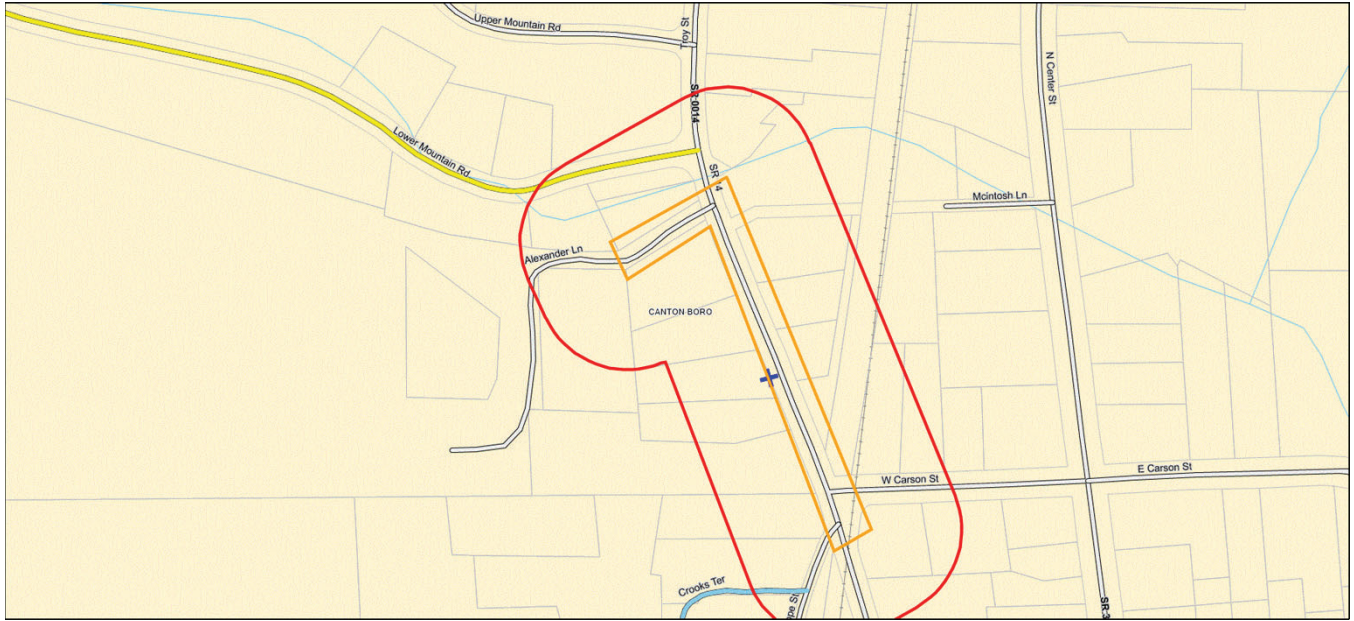
Ver	CDC	Name	Response	Time	Respondent
0	YXD	UGI UTL TROY DESIGN	YXD-NO RESPONSE	4/27/2021 12:02:43 AM	-KARL
0	RTL	ZITO MEDIA LP	RTL-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	4/13/2021 4:38:27 PM	RW-WEB
0	LV	PENNSYLVANIA ELEC CO	LV-ENGINEERING COMPLETED	4/12/2021 12:33:50 PM	MBR-WEBSVC
0	CAN	CANTON BOROUGH AUTHORITY	CAN-FIELD MARKED	4/20/2021 3:50:29 PM	LH-WEB
0	CBN	CANTON BOROUGH	CBN-FIELD MARKED	4/14/2021 1:10:36 PM	AS-WEB

DELIVERIES for S/N: 20211022594:

Ver	CDC	Name	To	Time	Seq	Type
0	YXD	UGI UTL TROY DESIGN	YXD	4/12/2021 12:14:09 PM	1	MAIL
0	WEBCFM	WEB CONFIRMATION QUEUE	WEBCFM	4/12/2021 12:14:21 PM	0	MAIL
0	RTL	ZITO MEDIA LP	RTL	4/12/2021 12:14:16 PM	1	MAIL
0	LV	PENNSYLVANIA ELEC CO	LV	4/12/2021 12:14:12 PM	292	MAIL
0	CAN	CANTON BOROUGH AUTHORITY	CAN	4/12/2021 12:14:14 PM	1	MAIL
0	CBN	CANTON BOROUGH	CBN	4/12/2021 12:14:14 PM	1	MAIL



ATTACHMENT for S/N: 20211022594 (20211022594-0.gif):



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



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

AUGUST 14, 2023

BASSETT ENGINEERING, INC  
1440 BROAD STREET  
MONTOURSVILLE, PA 17754

**Re: Please Submit an Alleged Violation Report with Pictures - Case Number 035222**

On November 14, 2022 D G R Excavating allegedly hit a utility owned by UGI at 14 Alexander Lane, Canton Boro, Bradford County.

PA1Call Ticket Number: 20222922034 and 20211022594

To whom it may concern,

We received an Alleged Violation Report indicating an underground utility line has been struck. With the PA One Call Law, Act 50, anytime an underground facility has been hit, as the Designer, **you are required to submit an Alleged Violation Report through the Pennsylvania One Call website, [www.pa1call.org](http://www.pa1call.org) within thirty (30) business days after notice of the utility line being struck.**

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.

**What level of SUE was utilized on this project? Please justify the level of SUE used.**

**When was the project released for bid?**

**What was the total estimated cost of this project?**

**What was the total length of the project?**

**Please upload the top page of the designs & field reports to your AVR submission.**

Please provide the requested information thru the Pennsylvania One Call website, [www.pa1call.org](http://www.pa1call.org). We will continue the investigation with the current information provided to us. If you have any questions, please contact Braxton Cooper, [coopj@pa.gov](mailto:coopj@pa.gov).

Sincerely,

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
Bassett Engineering, Inc.,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

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

**Service by Certified Mail**

Bassett Engineering, Inc.  
Attn: Britt Bassett, President  
1440 Broad Street  
Montoursville, PA 17754-2510.



\_\_\_\_\_  
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  
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Dated: August 5, 2024