



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

August 9, 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.  
PPL Electric Utilities Corp.  
Docket No. C-2023-3044727  
**Joint Petition for Approval of Settlement**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Joint Petition for Approval of Settlement in the above-referenced proceeding, as well as the following Appendices: Appendix A - Joint Proposed Ordering Paragraphs; Appendix B – the Statement in Support of the Bureau of Investigation and Enforcement; and Appendix C – the Statement in Support of PPL Electric Utilities, Corp.

Copies have been served on the parties of record in accordance with the 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', written over a light blue horizontal line.

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

GR/ ac  
Enclosures

cc: Administrative Law Judge Dennis J. Buckley (via email – [debuckley@pa.gov](mailto:debuckley@pa.gov))  
Michael L. Swindler, Deputy Chief Prosecutor, I&E (via email – [mwindler@pa.gov](mailto:mwindler@pa.gov))  
As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3044727
	:	
PPL Electric Utilities Corp.,	:	
Respondent	:	

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**JOINT PETITION  
FOR APPROVAL OF SETTLEMENT**

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**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Pursuant to 52 Pa. Code §§ 5.41 and 5.232, the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E" or "Complainant") and PPL Electric Utilities Corp. ("PPL," "Company," or "Respondent") hereby submit this Joint Petition for Approval of Settlement ("Settlement" or "Settlement Agreement") to resolve all issues related to the above-docketed I&E Formal Complaint ("Complaint") proceeding. The Complaint alleges violations of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as the "PA One Call Law"), 73 P.S. §§ 176, *et seq.*, which were raised in connection with a June 22, 2022, strike on a PPL 120/240 volt secondary service line at the Lakewood Hills Apartment Complex, 880 Dartmouth Street, Lower Paxton Township, Dauphin County. As part of this Settlement Agreement, I&E and PPL (hereinafter referred to collectively as the "Parties" or "Joint Petitioners") respectfully request that the Commission enter a

Final Opinion and Order approving the Settlement, without modification. A Joint Proposed Ordering Paragraphs is attached hereto as **Appendix A**. Statements in Support of the Settlement expressing the individual views of I&E and PPL are attached hereto as **Appendix B** and **Appendix C**, respectively.

**I. INTRODUCTION**

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement, by its prosecuting attorney, 400 North Street, Harrisburg, PA 17120 and PPL Electric Utilities Corp. with its principal place of business at Two North Ninth Street, Allentown, PA 18101.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to 66 Pa.C.S. §§ 101, *et seq.* Pursuant to Section 182.10 of the PA One Call Law, 73 P.S. § 182.10, the Commission is also authorized to regulate facility owners and other stakeholders for the purposes of enforcing the PA One Call Law.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission's jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); *See Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E); *See also* 73 P.S. § 182.8(c)(2)-(d).

4. Section 182.10 of the PA One Call Law, 73 P.S. § 182.10, authorizes and obligates the Commission to execute and enforce the provisions of the PA One Call Law. Sections 182.8(c)-(d) and 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 stakeholders for violations of the PA One Call Law.

5. Section of the 182.10(a) PA One Call Law, 73 P.S. § 182.10(a), authorizes the Commission to impose administrative penalties on stakeholders who violate the PA One Call Law. Section 182.10(b)(1)(i)-(ii) allows for the imposition of an administrative penalty not to exceed \$2,500 for each 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.

6. Respondent is a “facility owner” as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176, as it is a “public utility ... which owns or operates a line.”<sup>1</sup>

7. Respondent, as a facility owner, is subject to the power and authority of this Commission pursuant to Section 182.10 of the PA One Call Law, 73 P.S. § 182.10, which requires facility owners to comply with the PA One Call Law.

8. Pursuant to the provisions of the applicable Commonwealth statutes, the Commission has jurisdiction over the subject matter and the actions of PPL as set forth herein.

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<sup>1</sup> A “line” is further defined, in relevant part, as “an underground conductor or underground pipe or structure used in providing electric or communication service....” 73 P.S. § 176.

## II. BACKGROUND

9. On June 22, 2022, a worker from Precision Pipeline Solutions (“Precision Pipeline”), a third-party contractor, was hand-digging with a shovel to install new gas meters on behalf of UGI Utilities, Inc. — Gas Division (“UGI Gas”) in a grassy area outside of an apartment unit at the Lakewood Hills Apartment Complex at 880 Dartmouth Street, Lower Paxton Township, Dauphin County, Pennsylvania.

10. Precision Pipeline was excavating with a valid routine PA One Call ticket.

11. PPL had responded to the PA One Call ticket submitted by Precision Pipeline that their facilities were “field marked.”

12. However, a 120/240 volt secondary line belonging to PPL had been mismarked by PPL’s contractor, USIC, LLC (“USIC”).

13. While hand-digging with a shovel to expose marked communication lines, a worker from Precision Pipeline made contact with PPL’s 120/240 volt secondary wire.

14. As a result of contacting the live electric wire belonging to PPL, there was an arc flash, and the metal head of the shovel was deformed.

15. Emergency Services were called, and the worker was taken to the hospital where he was admitted and kept overnight for observation.

16. On June 23, 2022, PPL submitted its alleged violation report ("AVR") with the Commission, thereby reporting the incident.

17. Because this PA One Call matter involved an injury, it was referred directly to I&E prosecutors and bypassed the Damage Prevention Committee. *See* 73 P.S. § 182.8(d).

18. On December 7, 2023, I&E filed a Complaint with the Commission at Docket No. C-2023-3044727. I&E's Complaint included allegations that:
- a. On June 22, 2022, Precision Pipeline was excavating in a grassy area outside of an apartment unit at the Lakewood Hills Apartment Complex at 880 Dartmouth Street, Lower Paxton Township, Dauphin County;
  - b. The purpose of the excavation was to replace gas meters for UGI Gas;
  - c. Precision Pipeline was excavating under a valid, routine PA One Call Ticket;
  - d. PPL is the facility owner of electric lines and facilities, including the 120/240 volt secondary line, that run underground in the vicinity of the work site;
  - e. An underground electric line is a "line" or "facility" as defined in 73 P.S. § 176;
  - f. At all material times hereto, Respondent was a "facility owner" as defined in Section 73 P.S. § 176;
  - g. On June 21, 2022, PPL responded "FIELD MARKED" to Precision Pipelines' routine ticket through the Pennsylvania One Call System ("POCS") indicating that PPL had located and marked its underground lines at the work site;
  - h. Unbeknownst to Precision Pipelines, PPL's contractor, USIC, had mismarked one of its lines in the area, specifically a 120/240 volt secondary line;
  - i. On June 22, 2022, while hand-digging with a shovel to uncover a marked communication line, one of Precision Pipelines workers made contact with PPL's 120/240 volt secondary wire;
  - j. Upon making contact with the 120/240 volt secondary wire with the shovel, there was an arc flash and the shovel head was deformed;
  - k. As a result, a worker for Precision Pipeline was injured. Emergency services were called, and the worker was taken to the hospital where he was admitted and kept overnight for observation;

- l. On June 23, 2022, PPL submitted its AVR to the Commission; and
- m. In its AVR, PPL stated that its electric line was mismarked.

19. In the Complaint, I&E requested that the Commission impose an administrative penalty upon Respondent in the amount of Twenty-Five Thousand Dollars (\$25,000.00) and require PPL to undergo education for facility owners provided through the Damage Prevention Committee.

20. On December 27, 2023, Respondent, through counsel, filed an Answer to I&E's Complaint at the above-referenced docket.

21. Thereafter, settlement discussions between the Parties commenced.

22. On January 12, 2024, a Telephonic Hearing Notice was issued, scheduling a telephonic hearing for March 8, 2024.

23. On February 29, 2024, the Honorable Dennis Buckley, Administrative Law Judge, issued a Hearing Type Change Notice, changing the evidentiary hearing scheduled on March 8, 2024, to a telephonic prehearing conference.

24. At the March 8, 2024, Telephonic Prehearing Conference, the Parties informed the Honorable Dennis Buckley, Administrative Law Judge, that they were in the midst of settlement negotiations, that both Parties desired to settle the case, and that the Parties believed that a settlement would be forthcoming.

25. At the March 8, 2024, Telephonic Prehearing Conference, the Honorable Dennis Buckley, Administrative Law Judge, instructed the Parties to provide an update to the Court every 30 days from the date of the Telephonic Prehearing Conference, appraising the Court of the progress of settlement negotiations.

26. On March 22, 2024, the Parties reached a Settlement in Principle.

### **III. ALLEGED VIOLATIONS AND DEFENSES**

27. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to support its allegations that PPL committed the following violation:

- a. PPL failed to stake, mark, locate, or otherwise provide the position of their underground lines at the work site so as to enable the excavator to employ prudent techniques to determine the precise location of the underground facilities and thus avoid damage to the facility and injury to persons. If proven, this is a violation of 73 P.S. § 177(5)(i).

28. Had this matter been fully litigated, PPL would have denied the alleged violation of the PA One Call Law.

### **IV. SETTLEMENT TERMS**

29. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest<sup>2</sup>, I&E and PPL met to discuss the case on several occasions, which culminated in this Settlement. The purpose of this Joint Petition for Approval of Settlement is to resolve this matter without further litigation. There has been no evidentiary hearing before any tribunal and no sworn testimony taken in I&E's Complaint proceeding docketed at C-2023-3044727.

30. The Settlement is a compromise of the allegations in the Complaint, which I&E intended to prove, and that PPL intended to disprove.

31. I&E and PPL, intending to be legally bound and for consideration given, desire to fully and finally conclude this litigation and agree that a Commission Order

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<sup>2</sup> See 52 Pa. Code § 5.231(a).

approving the Settlement without modification shall create the following rights and obligations:

- a. PPL will pay an administrative penalty in the amount of Twelve Thousand Five Hundred Dollars (\$12,500.00) pursuant to 73 P.S. § 182.10(b). Said payment shall be made within thirty (30) days of the entry date of the Commission's Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the "Commonwealth of Pennsylvania." The docket number of this proceeding, C-2023-3044727, shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

The administrative penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

32. Upon Commission approval of the Settlement in its entirety without modification and payment of the administrative penalty, I&E shall be deemed to have released PPL from all past claims that were made or could have been made for monetary and/or other relief based on allegations associated with the June 22, 2022, incident.

33. I&E and PPL jointly acknowledge that approval of this Settlement Agreement is in the public interest and fully consistent with the factors that the Commission must consider in determining the administrative penalty to be assessed for violations of the PA One Call Law, 73 P.S. § 182.10(b)(2).

**V. CONDITIONS OF SETTLEMENT**

34. This document represents the Settlement Agreement in its entirety. No changes to obligations set forth herein may be made unless they are in writing and are

expressly accepted by the Parties. This Settlement Agreement shall be construed and interpreted under Pennsylvania law.

35. The Settlement is conditioned upon the Commission's approval of the terms and conditions contained in this Joint Petition for Approval of Settlement without modification. If the Commission modifies this Settlement Agreement, any party may elect to withdraw from the Settlement and may proceed with litigation and, in such event, this Settlement Agreement shall be void and of no effect. Such election to withdraw must be made in writing, filed with the Secretary of the Commission and served upon the other party within twenty (20) days after entry of an Order modifying the Settlement.

36. The Parties agree that the underlying allegations were not the subject of any hearing and that there has been no order, findings of fact or conclusions of law rendered in this Complaint proceeding. It is further understood that, by entering into this Settlement Agreement, PPL has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in any other proceeding, including but not limited to any civil proceedings, that may arise as a result of the circumstances described in this Joint Settlement Petition. Nor may this settlement be used by any other person or entity as a concession or admission of fact or law. It is further understood that this Formal Complaint and Joint Settlement Petition shall not be considered by the Commission in any future proceedings, including but not limited to subsequent Formal Complaints, citations, or other alleged violations of the PA One Call Law, for the purposes of assessing the administrative penalties set forth in 73 P.S. § 182.10.

37. This Settlement Agreement is being presented only in the context of this proceeding in an effort to resolve the proceeding in a manner that is fair and reasonable. This Settlement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues in any other proceedings, except to the extent necessary to effectuate or enforce the terms and conditions of this Settlement Agreement. This Settlement does not preclude the Parties from taking other positions in any other proceeding but is conclusive in this proceeding and may not be reasserted in any other proceeding or forum except for the limited purpose of enforcing the Settlement by a Party.

38. The terms and conditions of this Settlement Agreement constitute a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Thus, the Settlement Agreement is consistent with the Commission's rules and practices encouraging negotiated settlements set forth in 52 Pa. Code § 5.231.

**WHEREFORE**, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and PPL Electric Utilities Corporation respectfully request that the Commission approve the terms of the Joint Petition for Approval of Settlement without modification and in their entirety as being in the public interest.

**Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement**

By:



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Grant Rosul, Prosecutor  
PA Attorney ID No. 318204  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120  
[grosul@pa.gov](mailto:grosul@pa.gov)

Date: August 9, 2024

Respectfully Submitted,

**PPL Electric Utilities Corp.**

By:



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*Counsel for PPL Electric Utilities Corp.*

Date: August 9, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :  
 :  
v. : Docket No. C-2023-3044727  
 :  
PPL Electric Utilities Corp. :

**PROPOSED ORDERING PARAGRAPHS**

1. That the Joint Petition for Approval of Settlement filed on August 9, 2024, between the Commission’s Bureau of Investigation and Enforcement and PPL Electric Utilities Corp. (“PPL”) is approved in its entirety without modification.

2. That within thirty (30) days of the date this Order becomes final, PPL Electric Utilities Corp. shall pay Twelve Thousand Five Hundred dollars (\$12,500), which consists of the entirety of the administrative penalty amount. Said payment shall be made by certified check or money order payable to “Commonwealth of Pennsylvania” and shall be sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

3. That the administrative penalty shall not be tax deductible under Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

4. A copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Office of Administrative Services.

5. That the above-captioned matter shall be marked closed upon receipt of PPL’s payment of the administrative penalty.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :  
 :  
v. : Docket No. C-2023-3044727  
 :  
PPL Electric Utilities Corp. :

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**STATEMENT IN SUPPORT OF  
THE BUREAU OF INVESTIGATION AND ENFORCEMENT**

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**TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

The Bureau of Investigation and Enforcement (“I&E”) offers the following Statement in Support of the Joint Petition for Approval of Settlement between PPL Electric Utilities Corp. (“PPL” or “the Company”) and I&E for PPL’s violation of the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50 (hereinafter referred to as the “PA One Call Law”), 73 P.S. §§ 176, *et seq.*

**I. INTRODUCTION**

I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); See *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

Section 182.10 of the PA One Call Law, 73 P.S. § 182.10, authorizes and obligates the Commission to execute and enforce the provisions of the PA One Call Law. Sections 182.8(c)-(d) and 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 stakeholders for violations of the PA One Call Law.

Section of the 182.10(a) PA One Call Law, 73 P.S. § 182.10(a), authorizes the Commission to impose administrative penalties on stakeholders who violate the PA One Call Law. Section 182.10(b)(1)(i)-(ii) allows for the imposition of an administrative penalty not to exceed \$2,500 for each 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.

PPL is a “facility owner” as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176. As it is a “public utility ... which owns or operates a line.” PPL, as a facility owner, is subject to the power and authority of the Commission pursuant to Section 182.10 of the PA One Call Law, 73 P.S. § 182.10, which requires facility owners to comply with the PA One Call Law.

Pursuant to the provisions of the applicable Commonwealth statutes, the Commission has jurisdiction over the subject matter and the actions of PPL, as set forth in the Joint Petition for Approval of Settlement.

I&E instituted a Formal Complaint against PPL based on information referred to I&E Enforcement by the Commission’s Damage Prevention Section (“DPS”) regarding a June 22, 2022, strike on a PPL 120/240 vole secondary service line at the Lakewood Hills Apartment Complex, 880 Dartmouth Street, Lower Paxton Township, Dauphin County.

However, after a thorough review of the case and discussion with PPL, the parties have reached mutually agreeable settlement terms and believe that it is in the public interest to settle the matter.

**II. SUMMARY OF SETTLEMENT**

The Joint Petition for Approval of Settlement (“Settlement”) resolves all outstanding violations of the Code stemming from the strike on PPL’s 120/240 volt secondary service line by an excavator and which resulted in an injury to a worker.

Pursuant to the Settlement, PPL will pay a \$12,500 administrative penalty within 30 days of a Commission order approving of the Settlement.

**III. THE SETTLEMENT IS IN THE PUBLIC INTEREST AND SATISFIES THE STATUTORY FACTORS TO DETERMINE THE APPROPRIATE ADMINISTRATIVE PENALTY**

Section 180.10(a) of the PA One Call Law provides that the Commission may levy an administrative penalty for a violation of the Act. 73 P.S. § 180.10(a). Section 180.10(b)(1)(i)-(ii) of the PA One Call Law provides that a person or entity found to be in violation of the Act shall be subject to an administrative penalty of not more than two thousand five hundred dollars (\$2,500) per violation or, if the violation results in injury, death, or property damage of twenty-five thousand dollars (\$25,000) or more, an administrative penalty of not more than fifty thousand dollars (\$50,000). 73 P.S. § 180.8(b)(1).

Section 182.10(b)(2) of the PA One Call Law lists the following factors which the Commission shall consider in determining the appropriate administrative penalty:

- (i) The history of the party's compliance with the act prior to the date of the violation.

- (ii) The amount of injury or property damage caused by the party's noncompliance.
- (iii) The degree of threat to the public safety and inconvenience caused by the party's noncompliance.
- (iv) The party's proposed modification to internal practices and procedures to ensure future compliance with statutes and regulations.
- (v) The degree of the party's culpability.
- (vi) Other factors as may be appropriate considering the facts and circumstances of the incident

73 P.S. § 180(b)(2).

PPL has a history of Compliance with the PA One Call Law. In accordance with the PA One Call Law, after learning of the strike on its line PPL submitted an Alleged Violation Report to the Pennsylvania One Call System informing the Commission's Damage Prevention Investigators of the incident. The amount of property damage was minimal, but a worker employed by the excavator was injured. The worker made contact with a live electric line, emergency services were called, and the worker was kept overnight at a hospital for observation. The extent of the injuries suffered by the worker are unknown to I&E.

The degree of threat to the safety of the public at large was minimal, as this was an active work zone with no members of the general public present, to the best of I&E's knowledge. However, a mismarked underground electric line can pose a serious threat to the health and safety of those working near it, as the incident which gave rise to the Formal Complaint in this case shows.

The parties do not propose any mandated education, training, or modification to internal practices and procedures. Regarding culpability, PPL's line was mismarked by its

contractor due to a technical issue in tracing the line. Nevertheless, PPL is ultimately responsible for marking its own lines and recognizes that it bears responsibility for such.

Additionally, a factor that would be appropriate to consider here would be the way the PA One Call Law's administrative penalty provision treats an ordinary violation versus a violation that involves an injury, death, or property damage in excess of \$25,000. The PA One Call Law increases the maximum penalty for the latter by 20 fold, or 2,000 percent.

The administrative penalty agreed to by both parties is sufficient to deter future violations of the PA One Call Law, but less than the amount sought by I&E in its Complaint. It represents a compromise that reflects the factors discussed above.

I&E believes the administrative penalty agreed upon by the parties is sufficient to deter future violations. When accounting for the 20 fold increase in the maximum administrative penalty due to an involved injury, the agreed-upon administrative penalty in the Settlement is similar to the administrative penalty sought by I&E in non-injury One Call matters involving mismarked lines.

In other words, the administrative penalty to be paid by PPL is one-quarter of the maximum administrative penalty that could have been levied by the Commission. One-quarter of the maximum administrative penalty for a violation that did not involve an injury would be \$625. For a similar violation with similar facts but which did not involve an injury, \$625 would be commensurate with what I&E would likely accept to settle the matter.

This settlement will encourage PPL's compliance with the PA One Call Law by further incentivizing PPL to ensure that the statute and industry best practices are followed to minimize the risk of injury.

**IV. CONCLUSION**

The Settlement is a fair and reasonable compromise between the parties. Had this matter proceeded to litigation, PPL would have disputed the allegations in the complaint and I&E would have been required to expend staff time and resources to prepare for and participate in the hearing. Aside from avoiding litigation, the Settlement is in the public interest because it appropriately penalizes PPL for its non-compliance with the PA One Call Law and incentivizes the Company's compliance efforts and encourages the Company to put safety first.

For the reasons set forth above, the Commission should approve the Joint Petition for Approval of Settlement, without modification.

Respectfully submitted,



Grant Rosul  
Prosecutor  
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement,	:	
	:	
Complainant,	:	
	:	Docket No. C-2023-3044727
v.	:	
	:	
PPL Electric Utilities Corporation,	:	
	:	
Respondent.	:	

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**PPL ELECTRIC UTILITIES CORPORATION’S  
STATEMENT IN SUPPORT OF THE SETTLEMENT**

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TO ADMINISTRATIVE LAW JUDGE DENNIS J. BUCKLEY:

**I. INTRODUCTION**

PPL Electric Utilities Corporation (“PPL Electric” or the “Company”) hereby submits this Statement in Support of the Settlement (“Settlement”) entered into by PPL Electric and the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”). The Settlement, if approved, resolves all issues in the above-captioned proceeding, which concerned I&E’s Formal Complaint alleging violations of the Underground Utility Line Protection Law, 73 P.S. § 176, *et seq.* (“PA One Call Law”). The allegations related to a strike on an underground 120/240-volt concentric neutral line that was directly buried on the property located at the Lakewood Hills Apartment Complex, 880 Dartmouth Street, Lower Paxton Township, Dauphin County.

PPL Electric provides electric distribution, transmission, and provider of last resort services to approximately 1.5 million customers in a certificated service territory that spans approximately

10,000 square miles in all or portions of 29 counties in eastern and central Pennsylvania. PPL Electric is a “public utility” and an “electric distribution company” as those terms are defined under the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102 and 2803.

The parties exchanged information throughout this proceeding and engaged in settlement negotiations. As a result of those efforts, the parties were able to achieve a Settlement of all issues, under which the Company will pay a civil penalty of \$12,500. Moreover, the Settlement obviates the need for I&E, PPL Electric, and the Commission to devote resources to a fully litigated Formal Complaint proceeding. For these reasons and as set forth below, the Settlement is just and reasonable and should be approved without modification.

## **II. COMMISSION POLICY FAVORS SETTLEMENT**

Commission policy promotes settlements. *See* 52 Pa. Code § 5.231(a). Settlements reduce the time and expense the parties must expend litigating a case and, at the same time, conserve administrative resources. The Commission has indicated that settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. *See* 52 Pa. Code § 69.401. In order to approve a settlement, the Commission must determine that the proposed terms and conditions are in the public interest. *Pa. P.U.C. v. Peoples TWP LLC*, Docket Nos. R-2013-23355886, *et al.* (Order Entered Dec. 19, 2013); *Warner v. GTE North, Inc.*, Docket No. C-00902815 (Order Entered Apr. 1, 1996); *Pa. P.U.C. v. C.S. Water and Sewer Assocs.*, 74 Pa. P.U.C. 767, 771 (1991). For the reasons set forth in this Statement in Support, PPL Electric believes that the Settlement is just and reasonable and is in the public interest. Therefore, the Settlement should be approved without modification.

## **III. THE SETTLEMENT IS IN THE PUBLIC INTEREST**

This Settlement was achieved by the parties after a thorough investigation by I&E into the issues raised in the Formal Complaint. The Settlement reflects a fair and reasonable compromise

and adequately reflects: (1) the Company’s cooperation in I&E’s investigation; and (2) the issues and allegations raised in this proceeding. Further, as stated in Paragraph 33 of the Settlement, I&E has agreed that the Settlement is “in the public interest and fully consistent with the factors that the Commission must consider in determining the administrative penalty to be assessed for violations of the PA One Call Law, 73 P.S. § 182.10(b)(2).” (Settlement ¶ 33.)

As explained in the following sections, the terms of the Settlement are just and reasonable and are in the public interest.

**A. CIVIL PENALTY**

Under Paragraph 31(A) of the Settlement, PPL Electric will pay a civil penalty of \$12,500 to “finally and fully conclude this litigation.” (Settlement ¶ 31(A).) Payment of the civil penalty will “be made within thirty (30) days of the entry date of the Commission’s Final Order approving the Settlement Agreement.” (Settlement ¶ 31(A).)

As stated in the Settlement, the “Settlement is a compromise of the allegations in the Complaint, which I&E intended to prove, and that PPL intended to disprove.” (Settlement ¶ 30.) The maximum administrative penalty under the PA One Call Law for a violation that “results in injury, death or property damage of twenty-five thousand dollars (\$25,000) or more” is \$50,000. 73 P.S. § 181.10(b)(1)(ii). In light of the factors set forth in Section 181.10(b)(2) of the PA One Call Law, the agreed-upon civil penalty of \$12,500 is a reasonable amount to resolve the allegations raised in I&E’s Formal Complaint.

In particular, PPL Electric has a good compliance history with the PA One Call Law, and the Company has retrained the contractors involved in the incident. *See id.* § 181.10(b)(2)(i), (iv), (vi). Further, upon information and belief, PPL Electric’s contractor, USIC, LLC (“USIC”), connected to the pad-mounted transformer and the meter bases to locate the Company’s underground facilities consistent with well-accepted industry methods and practices. However,

due to “bleed-over” from the underground communications facilities, USIC mismarked the precise location of the Company’s 120/240-volt concentric neutral line. *See id.* § 181.10(b)(2)(v). Moreover, it is the Company’s understanding that the individual who struck the underground line when hand digging in the area was discharged from the hospital the next day. *See id.* § 181.10(b)(2)(ii). Lastly, the Company fully cooperated with I&E’s investigation. *See id.* § 181.10(b)(vi).

For these reasons, \$12,500 is an appropriate civil penalty under the specific circumstances of this case. As a result, the Commission should approve this settlement provision without modification.

IV. CONCLUSION

WHEREFORE, for the reasons explained above, and those set forth in the Settlement, the terms of the Settlement are just and reasonable and in the public interest, and the Pennsylvania Public Utility Commission should approve the Settlement without modification.

Respectfully submitted,



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Dated: August 9, 2024

*Attorneys for PPL Electric Utilities Corp.*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-3044727
	:	
PPL Electric Utilities, Corp.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Joint Petition for Approval of Settlement** upon the Parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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