



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

August 16, 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.
City of Lebanon
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

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. 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. 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

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-
	:	
City of Lebanon,	:	
Respondent	:	

FORMAL COMPLAINT

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 City of Lebanon (“Respondent”) alleging violations of the PA One Call Law in connection with a December 20, 2022, incident where an excavator struck a mismarked municipal separate storm sewer line¹ owned by the City of Lebanon on Chestnut Street between 3rd and 4th Streets in the City of Lebanon, Lebanon County, Pennsylvania. In support of its Complaint, I&E respectfully avers as follows:

I. COMMISSION JURISDICTION AND AUTHORITY

1. The Pennsylvania Public Utility Commission (“Commission” or “PUC”), with a mailing address of Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120,

¹ “Municipal separate storm sewer” is defined at 40 C.F.R. §122.26(b)(8) as “a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, gutters, man-made channel, or storm drains) ... [o]wned or operated by a ... city ... [d]esigned or used for collecting or conveying storm water.” The definition of a “line” or “facility” under the PA One Call Law “shall include unexposed storm drainage and traffic loops that are not clearly visible.” 73 P.S. § 176.

is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate, *inter alia*, facility 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
(717) 783-5243

Michael L. Swindler
Deputy Chief Prosecutor
mswindler@pa.gov

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

4. Respondent is City of Lebanon, with a main mailing address of 735 Cumberland Street Lebanon, PA 17042.

5. City of Lebanon is a “facility owner,” as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.²

² “Facility owner” is defined as “the public utility or agency, political subdivision, **municipality**, authority, rural electric cooperative or other person or entity who or which owns or operates a line.” 73 P.S. § 176 (emphasis added).

6. Section 177 of the PA One Call Law, 73 P.S. § 177, imposes duties on facility owners.

7. Section 177(5)(v) of the PA One Call Law, 73 P.S. § 177(5)(v), requires facility owners to respond to all notices through the One Call System, provided the request is made in the time frame set forth under this act. The response shall be made not later than the end of the second business day following receipt of the notification by the One Call System, excluding the business day upon which the notification is received, or not later than the day prior to the lawful start date of excavation if the excavator specifies a later date or, in the case of an emergency, to respond through the One Call System as soon as practicable following receipt of notification of the emergency by the One Call System..” 73 P.S. § 177(5)(v).

8. Section 177(5)(i) of the PA One Call Law, 73 P.S. § 177(5)(i), requires facility owners to mark, stake, locate or otherwise provide the position of the facility owner's underground lines at the work site within eighteen inches horizontally from the outside wall of such line in a manner so as to enable the excavator, where appropriate, to employ prudent techniques ... to determine the precise position of the underground facility owner's lines. Facility owners shall make reasonable efforts during the excavation phase to locate or notify excavators of the existence and type of abandoned lines.” 73 P.S. § 177(5)(i).

9. Section 177(10) of the PA One Call Law, 73 P.S. § 177(10), requires facility owners to “submit a report of alleged violation to the commission through the One Call System not more than thirty business days after receipt of notice that the facility owner's lines have been damaged by excavation or demolition work or if the facility owner believes a violation of this act has 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. No report may be

required where the cost to repair the damage to the facility owner's lines is less than two thousand five hundred dollars (\$2,500), unless the same person damaged the facility owner's lines two or more times within a six-month period.” 73 P.S. § 177(10).

10. Section 177(11) of the PA One Call Law, 73 P.S. § 177(11), requires facility owners to “comply with all requests for information by the commission relating to the commission's enforcement authority under this act within thirty days of the receipt of the request.” 73 P.S. § 177(11).

11. Respondent, as a facility 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 facility owners to comply with the PA One Call Law. 73 P.S. § 182.10.

12. 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 facility 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.

13. 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).

14. 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).

15. 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

16. On December 20, 2022, JF Kiely Construction (“JF Kiely”) was excavating with a backhoe on Chestnut Street between 3rd Street and 4th Street in the City of Lebanon, Lebanon County, Pennsylvania, as part of a project to replace gas mains for UGI Gas when it hit and damaged the City of Lebanon’s municipal separate storm sewer line with an excavator. I&E Exhibit 1.

17. The City of Lebanon is the facility owner of the municipal separate storm sewer line.

18. This was the second strike by JF Kiely on a City of Lebanon facility within a six-month time frame.

19. JF Kiely was excavating pursuant to an updated valid, routine excavation ticket, serial number 20223491896 (“Excavation Ticket”). I&E Exhibit 2.

20. The Excavation Ticket was submitted by JF Kiely on December 15, 2022, and noted that excavation was to begin on December 20, 2022, and continue through December 30, 2022. The due date for facility owners to provide a response to the Excavation Ticket was December 19, 2022.

21. The City of Lebanon failed to respond to the Excavation Ticket submitted to POCS by JF Kiely. Id.

22. The City of Lebanon failed to submit an Alleged Violation Report (“AVR”) through the Pennsylvania One Call System (“POCS”) within 30 business days after receipt of

notice that the facility owner's lines have been damaged by excavation or demolition work, as required by the Pennsylvania One Call Law.

23. On July 18, 2023, as part of its investigation into the incident, the Commission's Bureau of Investigation and Enforcement, Damage Prevention Section, mailed to the City of Lebanon a letter requesting that it submit an Alleged Violation Report³ ("AVR") to 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 3.

24. Respondent failed to provide the requested information and did not submit an AVR to POCS.

25. On January 21, 2024, a copy of the report prepared by the Damage Prevention Investigator ("DPI") from the Commission's Bureau of Investigation and Enforcement, Damage Prevention Section, was mailed to the City of Lebanon. informing Respondent that it was in violation of the PA One Call Law by failing to respond to a routine One Call ticket, failing to locate its underground lines within 18 inches horizontally of the outside wall of the line, failing to submit an AVR, and failing to comply with all requests for information by the Commission.

26. In the letter from the DPI, the Respondent 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.

³ The purpose of an AVR is to report to the Commission through POCS an alleged violation of the PA One Call Law. 73 P.S. §§ 176 and 177(10).

27. On February 15, 2024, the City of Lebanon rejected the findings in the DPI's report and requested to present its case before the DPC.

28. On March 14, 2024, a notice of the DPC meeting was sent to the City of Lebanon, informing Respondent that it could present its case for discussion at the April 9, 2024, DPC meeting.

29. The City of Lebanon presented its case to the DPC at the April 9, 2024, meeting, where its case was discussed and voted upon.

30. On April 10, 2024, a copy of the DPC's Informal Determination accepting the DPI's report and proposed administrative penalty was mailed to the City of Lebanon, 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.

31. On April 26, 2024, Respondent rejected the DPC's informal determination via letter.

III. VIOLATIONS

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

Count 1

33. Respondent failed to respond to a routine PA One Call Ticket within the statutorily required amount of time.

If proven, this is a violation of Section 177(5)(v) of the PA One Call Law, 73 P.S. § 177(5)(v). As a facility owner, Respondent had the duty "[t]o respond to all notices through the One Call System, provided the request is made in the time frame set forth under this act. The response shall be made not later than the end of the second business day following receipt of the

notification by the One Call System, excluding the business day upon which the notification is received, or not later than the day prior to the lawful start date of excavation if the excavator specifies a later date....” 73 P.S. § 177(5)(v).

Here, Respondent was obligated to provide a response to the excavator, JF Kiely, through POCS by December 19, 2022. However, no response was provided.

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

Count 2

34. Respondent failed to locate underground lines within 18 inches horizontally of the outside wall of line.

If proven, this is a violation of Section 177(5)(i) of the PA One Call Law, 73 P.S. § 177(5)(i). As a facility owner, Respondent had a duty to “mark, stake, locate or otherwise provide the position of the facility owner's underground lines at the work site within eighteen inches horizontally from the outside wall of such line in a manner so as to enable the excavator, where appropriate, to employ prudent techniques.... Facility owners shall make reasonable efforts during the excavation phase to locate or notify excavators of the existence and type of abandoned lines.” 73 P.S. § 177(5)(i).

Here, Respondent did not properly mark its line. The excavator, JF Kiely, reported to the Commission via its AVR that the line was struck because it was “mismarked.”

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

Count 3

35. Respondent, as the facility owner, failed to submit an AVR through the One Call system within 30 business days of receiving notice that one its lines had been damaged.

If proven, this is a violation of Section 177(10) of the PA One Call Law, 73 P.S. § 177(10). As a facility owner, Respondent had a duty to “submit a report of alleged violation to the commission through the One Call System not more than thirty business days after receipt of notice that the facility owner's lines have been damaged by excavation or demolition work or if the facility owner believes a violation of this act has been committed in association with excavation or demolition work.” 73 P.S. § 177(10).

Here, the City of Lebanon failed to submit an AVR to POCS within the 30-day time frame established by the PA One Call Law. This incident is the second instance within a six-month period where a City of Lebanon facility was struck by JF Kiely. As such, there is no dollar threshold for damages absolving the Respondent from reporting the incident to the Commission through the submission of an AVR to POCS.

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

Count 4

36. Respondent failed to comply with the DPI’s request to provide information relating to the strike on its municipal separate storm sewer line.

If proven, this is a violation of Section 177(11) of the PA One Call Law, 73 P.S. § 177(11). Respondent, as a facility owner, was required to “comply with all requests for information by the commission relating to the commission's enforcement authority under this act within thirty days of the receipt of the request.” 73 P.S. § 177(11).

Here, the DPI reached out to Respondent in an attempt to have Respondent provide information about the line strike to the investigators and to have Respondent submit an AVR to POCS. However, Respondent did not provide the requested information.

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 the City of Lebanon to be in violation of the PA One Call Law at: §§ 177(5)(i), 177(5)(v), 177(10), and 177(11)
- (2) Impose a cumulative administrative penalty upon the City of Lebanon in the amount of \$3,500;
- (3) Order the City of Lebanon to attend an educational program for facility 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

Date: August 16, 2024

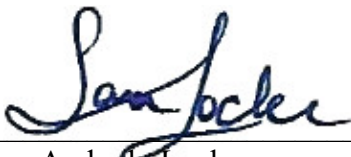
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
City of Lebanon,	:	
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 16, 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 AVR2022DEC210008

AVR Version 1

First Name LAURYN **Last Name** THOMPSON

Company Name J F KIELY CONSTRUCTION CO OF PA LLC

Address 901 OLD RT 15

City NEW COLUMBIA

State PA

Zip Code 17856

Email LTHOMPSON@KIELYBUI LDS.COM **Phone** 5705680230

Ext

Role

- Submitter Role(s) (?)**
- | | |
|---|---|
| <input type="checkbox"/> Facility Owner | <input type="checkbox"/> Designer |
| <input checked="" 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? (?) 12/20/2022
11:00:00 AM

Was the One Call System notified? Yes No

Original Serial Number

Please enter the 11 digit One Call Serial Number under which work was taking place, which will populate the work site information of this alleged violation.

20223491896

Related Damage Serial Number, if applicable

20223541144

Other Related Serial Numbers (?)

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

Reason for Exemption

Event Information



County LEBANON
Municipality LEBANON CITY
Ward 0
Work Site CHESTNUT ST
Nearest Intersection 4TH ST
Second Intersection 3RD ST
Geolocation (?)

Affected Facility Information



Primary Right of Way Type Public
Public Right of Way Type City Street
Private Right of Way Type
Affected Operation Sewer
Facility Subtype Affected Service/Drop/Lateral
Facility Owner Company Name Lebanon Authority
Contact First Name Last Name
Address
City
State
Zip

Email

Phone

Joint Trench? Yes No Unknown

Involve Cross Bore? Yes No Unknown

Measured Depth from Grade <18" / 46 cm

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

Work Information



Start Date of Excavation (?) 12/20/2022
07:00:00 AM

Excavation Activity NATURAL GAS

Excavator Company Name JF Kiely Construction

Contact First Name Chris Last Name Crawford

Address

City

State

Zip

Email Phone 732-921-1792

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?

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 UGI

Contact First Name Last Name

Address

City

State

Zip

Email Phone

Event Impact



Did Violation result in underground damage or near miss event? Damage

OSHA Report Filed? Yes No

OSHA Report Number

Was 911 called? Yes No

Name of 911 Caller

Fire Response Yes No

Police Response Yes No

Did the incident cause any injuries? Yes

Number of Injuries (?)

Did the incident cause any deaths? Yes

Number of Deaths

Was there an evacuation? Yes No

Number of people evacuated?

Traffic Stopped? Yes No

Service Interrupted? Yes No

Duration of Service Interruption?

Exact Value of Service Interruption

Approximately how many customers were affected?

Exact Number of Customers Affected

Cost of Damaged Line Repair?

Exact Cost of Damaged Line Repair

Was other property damaged? Yes No

What other property was damaged?

Cost of Other Property Repair

Locator/Locate Information



Who was the facility line locator?

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

If this incident involved any locating/marking 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

Crew damaged a mismarked storm sewer with and excavator
If more space is needed, attach additional pages or documents.

Attachments

Chestnut and peach st Storm Sewer.jpg 507.25KB
Attach pictures and additional documents

Submit Date

12/21/2022

Compliance Update

Research Result

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

Additional Tickets Found

Additional Serial Numbers 20220672474

Additional Serial Numbers 20222432250

Additional Serial Numbers 20222862212

Ticket Attachment

3113741 CPA documents.pdf	743.79KB
2950447 CPA documents.pdf	666.69KB
2393230 CPA documents.pdf	650.42KB

Comments

I&E
Exhibit 2

CDC 00000 POCS MM/DD/YY TT:TT:TT 20223491896-000 UPDT XCAV RTN

=====
Serial Number--[20223491896]-[000] Channel#--[1507AWEB][0006][2019-08]
Message Type--[UPDATE][EXCAVATION][ROUTINE]

County--[LEBANON] Municipality--[LEBANON CITY]

Work Site--[CHESTNUT ST]

Nearest Intersection--[4TH ST]

Second Intersection--[3RD ST]

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

Subdivision--[]

Location Information--

[PLEASE LOCATE AND MARK THE ENTIRE LENGTH OF CHESNUT ST BETWEEN 4TH ST AND
3RD ST. PLEASE LOCATE THE STREET FROM CURB TO CURB. CURB TO 50FT BEHIND
BOTH CURBS. PLEASE LOCATE ALL INTERSECTIONS 100FT IN ALL DIRECTIONS FROM
THE CENTERLINE OF THE INTERSECTION. PLEASE MARK OUT ALL SERVICES FROM THE
CURB TO THE ENTIRE PROPERTY CONSECUTIVE ALL.]

Caller Lat/Lon--[]

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

[]

Attachments--[http://www.pa811.org/attachments/20223491896]

Type of Work--[MAIN AND SERVICE RENEWAL] Depth--[]

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

Equip Type--[BACKHOE]

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

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

Lawful Start Dates--[20-Dec-22] thru [30-Dec-22] Response Due Date--[19-Dec-22]

Scheduled Excavation Date--[20-Dec-22] Dig Time--[0700] Duration--[]

Caller--[LAURYN THOMPSON]

Caller Phone--[570-568-0230]

Excavator--[J F KIELY CONSTRUCTION CO OF PA LLC]

Address--[901 OLD RT 15]

City--[NEW COLUMBIA]

State--[PA] Zip--[17856]

FAX--[]

Caller Type--[B]

Email--[LTHOMPSON@KIELYBUILDS.COM]

Work For--[UGI UTILITIES]

Onsite Contact--[CHRIS CRAWFORD]

Onsite Contact Phone--[732-921-1792]

Best Time to Call--[ANYTIME]

Onsite Contact Email--[PA1CALLSUPERVISORS@KIELYBUILDS.COM]

Job Number--[CAPEX] Complex Project Number--[20222862212]-[000]

CPA Project ID--[3113741]

Prepared--[15-Dec-22] at [1507] by [TLAURYN20]

Remarks--

[*****== UPDATE 20223393043-000 --12/15/2022 1507 TLA WEB==*****

UPDATE REQUESTED BY: LAURYN THOMPSON

REASON FOR UPDATE: WORK IN PROGRESS

NO ADDITIONAL MARK OUTS NEEDED.]

BZ 0 BZ =COMCAST CABLE HC 0 HC =VERIZON PA HRBG LCO0 LCO=LEBANON CITY

LE 0 LE =COLA-LEB C AUTH LES0 LES=COLA-LEB C AUTH ME 0 ME =MET ED

UI 0 UI =UGI HARRISBURG

Serial Number--[20223491896]-[000]

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

RESPONSES for S/N: 20223491896:

Ver	CDC	Name	Response	Time	Respondent
0	UI	UGI UTL HARRISBURG	UI-FIELD MARKED	12/17/2022 1:55:15 PM	ATS-WEBSVC
0	UI	UGI UTL HARRISBURG	UI-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	12/15/2022 3:39:01 PM	ATS-WEBSVC
0	ME	METROPOLITAN EDISON CO/FIRSTENERGY	ME-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	12/19/2022 5:21:17 PM	MBR-WEBSVC
0	LES	LEBANON AUTHORITY CITY OF	LES-FIELD MARKED	12/19/2022 8:51:09 AM	DL-OTM
0	LCO	LEBANON CITY	LCO-NO RESPONSE	12/20/2022 12:01:36 AM	Auto-KARL
0	LE	LEBANON AUTHORITY CITY OF	LE-FIELD MARKED	12/19/2022 8:39:12 AM	SS-MOBILE
0	HC	VERIZON PENNSYLVANIA LLC	HC-FIELD MARKED	12/19/2022 5:24:43 PM	AAA-WEBSVC
0	BZ	COMCAST CABLE COMMUNICATIONS INC	BZ-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	12/19/2022 5:20:38 PM	CLS-WEBSVC

DELIVERIES for S/N: 20223491896:

Ver	CDC	Name	To	Time	Seq	Type
0	WEBCFM	WEB CONFIRMATION QUEUE	WEBCFM	12/15/2022 3:08:21 PM	0	MAIL
0	WEBCFM	WEB CONFIRMATION QUEUE	WEBCFM	12/15/2022 3:08:23 PM	0	MAIL
0	UI	UGI UTL HARRISBURG	UI	12/15/2022 3:08:08 PM	88	MAIL
0	ME	METROPOLITAN EDISON CO/FIRSTENERGY	ME	12/15/2022 3:08:07 PM	294	MAIL
0	LES	LEBANON AUTHORITY CITY OF	LES	12/15/2022 3:08:06 PM	11	MAIL
0	LCO	LEBANON CITY	LCO	12/15/2022 3:08:02 PM	11	MAIL
0	LE	LEBANON AUTHORITY CITY OF	LE	12/15/2022 3:08:03 PM	17	MAIL
0	HC	VERIZON PENNSYLVANIA LLC	HC	12/15/2022 3:08:01 PM	99	MAIL
0	BZ	COMCAST CABLE COMMUNICATIONS INC	BZ	12/15/2022 3:08:00 PM	22	MAIL

NOTIFICATIONS for S/N: 20223491896:

Ver	CDC	To	Dlvr	Show	Place+	Rule+	Renot+	InAct-	Map-	Rule-	OOG-	Renot-	Forced+
0	WEBCFM	WEBCFM	1	1	0	0	0	0	0	0	0	0	0
0	WBE		0	0	1	0	0	0	1	0	0	0	0
0	UI	UI	1	1	1	0	0	0	0	0	0	0	0
0	TDX		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	ME	ME	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	LES	LES	1	1	1	0	0	0	0	0	0	0	0
0	LCO	LCO	1	1	1	0	0	0	0	0	0	0	0
0	LE	LE	1	1	1	0	0	0	0	0	0	0	0
0	HC	HC	1	1	1	0	0	0	0	0	0	0	0
0	ET		0	0	1	0	0	0	1	0	0	0	0
0	BZ	BZ	1	1	1	0	0	0	0	0	0	0	0
0	AH		0	0	1	0	0	0	1	0	0	0	0
0	ION		0	0	1	0	0	0	1	0	0	0	0

I&E
Exhibit 3



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

JULY 18, 2023

CITY OF LEBANON AUTHORITY
2311 RIDGEVIEW ROAD
LEBANON, PA 17042

Re: Please Submit an Alleged Violation Report with Pictures - Case Number 35513

On December 20, 2022 JF Kiely Construction of PA hit a sewer line (second line hit) at Chestnut St., Lebanon City, Lebanon County.

PA1Call Tickets: 20220672474, 20222432250, 20222862212, 20223491896, 20223541144

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 strike results in an injury, a fatality, or damages in excess of \$2,500, or if the same person damaged your lines two or more times within a six-month period, you are required to submit an Alleged Violation Report thru the Pennsylvania One Call website, www.pa1call.org within thirty (30) business days after notice of the utility line being struck.

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. Information to include: the estimated amount of the project, who participated in the design and preconstruction.

Please provide the requested information thru the Pennsylvania One Call website at www.pa1call.org. We will continue the investigation with the current information provided to us. If you have any questions, please contact Kristal Ferron at kferron@pa.gov or call 717-787-6382.

Sincerely,

Kristal Ferron
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-
	:	
City of Lebanon,	:	
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

City of Lebanon
Attn: Robin Getz
735 Cumberland Street
Lebanon, PA 17042



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

Dated: August 16, 2024