

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2023-3043586
	:	
Strausser Enterprise	:	

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement's Motion for Default Judgment, sustains its Formal Complaint, and orders the Respondent, Strausser Enterprise, to pay a cumulative civil penalty in the amount of \$2,500. In addition, the Initial Decision orders Strausser Enterprise to attend an educational program for excavators through the Damage Prevention Committee and provide proof of compliance to the Commission.

HISTORY OF THE PROCEEDING

On October 18, 2023, the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E" or "Complainant") filed a Formal Complaint with the Commission against Strausser Enterprise ("Strausser," "Company," or "Respondent"). The Complaint alleges violations of the

PA One Call Law in connection with a gas line strike while an excavator was performing excavation work on March 1, 2021, in the area of 101 Village at Stones Crossing, near William Penn Highway and Stones Crossing Road in Palmer Township, Northampton County. As relief, I&E requested that the Commission: (1) find Respondent to be in violation of the PA One Call Law at 73 P.S. § 180(2.1); (2) find Respondent to be in violation of the PA One Call Law at 73 P.S. § 180(16); (3) impose a cumulative administrative penalty upon Respondent in the amount of \$2,500; (4) order Respondent to attend an educational program for excavators through the Damage Prevention Committee (“DPC”) and provide proof of compliance to the Commission; and (5) order such other remedies as the Commission may deem appropriate.

On October 18, 2023, the Commission served the Complaint upon the Respondent at the address, 1100 Van Buren Road, Easton, PA 18045. Attached to the Complaint was a Notice to Plead advising Respondent that it must file an Answer within 20 days of service of the Complaint. The 20 days to file an Answer to the Complaint expired on November 7, 2023. Respondent did not file an Answer to the Complaint.

On November 21, 2023, I&E filed a Motion for Default Judgment pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. Attached to the Motion was a Notice to Plead advising the Respondent to file a written response within 20 days of service of the Motion. The Motion was served to the Respondent at 1100 Van Buren Road, Easton PA 18045. Respondent did not file a written response to the Motion.

By Hearing Notice dated November 21, 2023, a telephonic hearing was scheduled for January 18, 2024, and the matter was assigned to me.

On December 12, 2023, I issued a Prehearing Order reminding the parties of the time and date of the hearing, informing them of the procedures applicable to this proceeding, and directing the submission of documents prior to the hearing.

Both the Hearing Notice and the Prehearing Order were served on the Respondent via First-Class Mail at 1100 Van Buren Road, Easton, PA 18045. Neither the Hearing Notice nor the Prehearing Order were returned as undeliverable.

The initial hearing convened as scheduled on January 18, 2024. Grant Rosul, Esq. appeared representing the Complainant, I&E. Neither the Respondent nor a counsel for the Respondent appeared at the hearing.

At the hearing, Mr. Rosul renewed his Motion for Default Judgement.

The hearing was concluded on January 18, 2024, at 10:20 a.m.

Soon after the hearing concluded, counsel for I&E informed me via email that a typo had caused all the documents served upon the Respondent by the Commission to be sent to the wrong address. Counsel requested permission to re-serve the Complaint upon the Company. I granted the request.

On February 5, 2024, I&E re-filed the Formal Complaint against Respondent, Strausser Enterprise. On February 6, 2024, the Commission served the Complaint upon the Respondent, via Certified mail,¹ at the address 1110 Van Buren Road, Easton, PA 18045. Attached to the Complaint was a Notice to Plead advising Respondent that it must file an Answer within 20 days of service of the Complaint. Respondent did not file an Answer to the Complaint.

¹ Tr. 15-16.

On March 27, 2024, I&E re-filed its original Motion for Default Judgment pursuant to Section 5.103 of the Commission's regulations, 52 Pa. Code § 5.103. Attached to the Motion was a Notice to Plead advising the Respondent to file a written response within 20 days of service of the Motion. The Motion was served to the Respondent at 1110 Van Buren Road, Easton, PA 18045. Respondent did not file a written response to the Motion.

By Hearing Notice dated April 24, 2024, a new telephonic hearing was scheduled for May 26, 2024.

A second Prehearing Order was issued on May 10, 2024.

On May 16, 2024, a Cancellation/Reschedule Notice notified the parties that the telephonic hearing was rescheduled for June 3, 2024. The Cancellation/Reschedule Notice was served on the Respondent via First-Class Mail at 1110 Van Buren Road, Easton, PA 18045. The Notice was not returned as undeliverable by the U.S. Postal Service.

The hearing convened as scheduled on June 3, 2024. Grant Rosul, Esq. appeared representing the Complainant, I&E. Neither the Respondent nor a counsel for the Respondent appeared at the hearing. I&E's March 27, 2024, Motion for Default Judgment was renewed at the hearing.

The record in this matter closed upon receipt of my copy of the hearing transcript on July 3, 2024. For the reasons stated below, I&E's Motion for Default Judgment will be granted, and I&E's Formal Complaint will be sustained.

FINDINGS OF FACT

1. The Complainant is the Commission's Bureau of Investigation and Enforcement, which is the prosecutory arm of the Commission.
2. The Respondent is Strausser Enterprise, with a main mailing address of 1110 Van Buren Road, Easton, PA 18045.
3. On March 1, 2021, Strausser was digging with a mini-excavator and when they came across screenings² they stopped and dug with a shovel. Complaint ¶ 14.
4. While digging with the shovel, they struck a correctly marked gas service line belonging to UGI Utilities, Inc. ("UGI"), causing a leak. Complaint ¶ 14.
5. A locate request ticket was not placed by Strausser with the Pennsylvania One Call System ("POCS"). Complaint ¶ 15.
6. UGI submitted an Alleged Violation Report ("AVR") to report the damage and listed "20210252023" as the relevant locate ticket. Complaint ¶ 16.
7. The locate ticket at 20210252023 was placed by a different company, Young Enough LLC, for 101 Village at Stones Crossing. Complaint ¶ 17.
8. An employee of UGI noticed the discrepancy between the company that placed the locate ticket (Young Enough LLC) and the company that was doing the excavation work (Strausser) and reached out to Strausser. Complaint ¶ 18.

² Screenings are layers of dirt that had previously been excavated and sifted. This would tend to indicate that there are facilities in close proximity.

9. Strausser informed UGI that they had used the locate request ticket placed by Young Enough LLC to do the job and did not place their own locate ticket prior to excavating. Complaint ¶ 19.

10. Strausser failed to submit an AVR to POCS within the required time frame. Complaint ¶ 20.

11. On January 24, 2022, Strausser was informed by letter of the Damage Prevention Investigator's ("DPI") report finding Strausser in violation of 73 P.S. §§ 180(2.1) and 180(16) and informing Strausser that it may either acknowledge the findings and pay the assessed administrative penalty or dispute the findings and present their case at a future Damage Prevention Committee ("DPC") meeting. Complaint ¶ 21.

12. The January 24, 2022, letter informed Strausser that it must make its determination in writing within 30 days. Complaint ¶ 21.

13. Strausser gave no response and on March 11, 2022, Strausser was informed by letter that their case would be voted on by the DPC at the April 12, 2022, meeting. Complaint ¶ 22.

14. On April 26, 2022, Strausser was informed by letter that the DPC made an informal determination adopting the DPI report and recommendations. Complaint ¶ 23.

15. Strausser was further informed that they may reject the informal determination of the DPC or accept it and pay the imposed administrative penalty and must do so in writing within 30 days. Complaint ¶ 23.

16. On May 25, 2022, Strausser informed the DPI that it would reject the informal determination of the DPC. Complaint ¶ 24.

17. On October 18, 2023, I&E filed a Formal Complaint with the Commission against Strausser, alleging violations of the PA One Call Law in connection with the gas line strike on March 1, 2021.

18. As relief, I&E requested that the Commission: (1) find Respondent to be in violation of the PA One Call Law at 73 P.S. § 180(2.1); (2) find Respondent to be in violation of the PA One Call Law at 73 P.S. § 180(16); (3) impose a cumulative administrative penalty upon Respondent in the amount of \$2,500; (4) order Respondent to attend an educational program for excavators through the DPC and provide proof of compliance to the Commission; and (5) order such other remedies as the Commission may deem appropriate.

19. On October 18, 2023, the Commission served the Complaint with a Notice to Plead upon the Respondent at the address, 1100 Van Buren Road, Easton, PA 18045.

20. Respondent did not file an Answer to the Complaint.

21. On November 21, 2023, I&E filed a Motion for Default Judgment pursuant to Section 5.103 of the Commission's regulations, 52 Pa. Code § 5.103.

22. The Motion, along with a Notice to Plead, was served to the Respondent at 1100 Van Buren Road, Easton PA 18045.

23. Respondent did not file a written response to the Motion.

24. By Hearing Notice dated November 21, 2023, a telephonic hearing was scheduled for January 18, 2024, and the matter was assigned to me.

25. A Prehearing Order was issue to the parties on December 12, 2023.

26. Both the Hearing Notice and the Prehearing Order were served on the Respondent via First-Class Mail at 1100 Van Buren Road, Easton, PA 18045.

27. Neither the Hearing Notice nor the Prehearing Order were returned as undeliverable by the U.S. Postal Service.

28. Neither the Respondent nor a counsel for the Respondent appeared at the January 18, 2024, hearing.

29. On January 18, 2024, counsel for I&E informed me via email that a typo had caused all the documents served upon the Respondent by the Commission to be sent to the wrong address.

30. On February 5, 2024, I&E re-filed the Formal Complaint against the Respondent, Strausser Enterprise.

31. On February 6, 2024, the Commission served the Complaint upon the Respondent, via Certified mail, at the address 1110 Van Buren Road, Easton, PA 18045. Tr. 15-16.

32. A tracking receipt for the Certified mail shows that it was signed for at that location. Tr. 16.

33. Attached to the Complaint was a Notice to Plead advising Respondent that it must file an Answer within 20 days of service of the Complaint.

34. Respondent did not file an Answer to the Complaint.

35. On March 27, 2024, I&E re-filed its original Motion for Default Judgment pursuant to Section 5.103 of the Commission's regulations, 52 Pa. Code § 5.103.

36. Attached to the Motion was a Notice to Plead advising the Respondent to file a written response within 20 days of service of the Motion.

37. The Motion was served to the Respondent at 1110 Van Buren Road, Easton, PA 18045. Respondent did not file a written response to the Motion.

38. By Hearing Notice dated April 24, 2024, a new telephonic hearing was scheduled for May 26, 2024.

39. On May 16, 2024, a Cancellation/Reschedule Notice notified the parties that the telephonic hearing was rescheduled for June 3, 2024.

40. The Cancellation/Reschedule Notice was served on the Respondent via First-Class Mail at 1110 Van Buren Road, Easton, PA 18045.

41. The Notice was not returned as undeliverable by the U.S. Postal Service.

42. Neither the Respondent nor a counsel for the Respondent appeared at the June 3, 2024, hearing.

43. I&E's March 27, 2024, Motion for Default Judgement was renewed at the hearing.

DISCUSSION

The Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to, *inter alia*, enforce compliance by excavators and other stakeholders pursuant to Section 182.10 of the PA One Call Law, 73 P.S. § 182.10. The Complainant, I&E 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) and *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Final Procedural Order entered Aug. 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E), including actions to enforce compliance with the PA One Call Law.

I&E alleges that Respondent violated the PA One Call Law in connection with a gas line strike while an excavator was performing excavation work on March 1, 2021, in the area of 101 Village at Stones Crossing, in Palmer Township, Northampton County, and requests that the Commission: (1) find Respondent to be in violation of the PA One Call Law at 73 P.S. § 180(2.1); (2) find Respondent to be in violation of the PA One Call Law at 73 P.S. § 180(16); (3) impose a cumulative administrative penalty upon Respondent in the amount of \$2,500; (4) order Respondent to attend an educational program for excavators through the DPC and provide proof of compliance to the Commission; and (5) order such other remedies as the Commission may deem appropriate. As the party seeking an order from the Commission, I&E bears the burden of proof in this case. 66 Pa.C.S. § 332(a). Preponderance of the evidence is the degree of proof which I&E must meet to establish its case before the Commission. *Samuel J.*

Lansberry, Inc. v. Pa. Pub. Util. Comm'n, 578 A.2d 600 (Pa. Cmwlth. 1990); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

I will first address the service issues mentioned above. The October 18, 2023, Complaint, the November 21, 2023, Motion for Default Judgment, the November 21, 2023, Hearing Notice and the December 12, 2023, Prehearing Order were all served inadvertently to an incorrect mailing address for the Respondent: 1100 Van Buren Road, instead of 1110 Van Buren Road. Obviously, the Respondent did not file an Answer to the Complaint, nor a response to the Motion. For the same reason, neither the Respondent nor a representative appeared at the January 18, 2024, hearing.

Once the error was detected, I&E re-filed the Formal Complaint against Strausser Enterprise. On February 6, 2024, the Commission served this Complaint and the attached Notice to Plead to the Respondent at the correct address, 1110 Van Buren Road, via Certified mail. A tracking receipt for the Certified mail shows that it was signed for at that location. Tr. 16. The Respondent did not file an Answer to the Complaint. On March 27, 2024, I&E re-filed its original Motion for Default Judgment pursuant to Section 5.103 of the Commission's regulations, 52 Pa. Code § 5.103. Attached to the Motion was a Notice to Plead advising the Respondent to file a written response within 20 days of service of the Motion. The Motion was served to the Respondent at 1110 Van Buren Road, Easton, PA 18045 via First-Class Mail. The Motion was not returned as undeliverable by the U.S. Postal Service. Respondent did not file a written response to the Motion.

By Hearing Notice dated April 24, 2024, a new telephonic hearing was scheduled for May 26, 2024. A second Prehearing Order was issued on May 10, 2024.

On May 16, 2024, a Cancellation/Reschedule Notice notified the parties that the telephonic hearing was rescheduled for June 3, 2024. The Cancellation/Reschedule Notice was served on the Respondent via First-Class mail at 1110 Van Buren Road, Easton,

PA 18045. The Notice was not returned as undeliverable by the U.S. Postal Service. Neither the Respondent nor a counsel for the Respondent appeared at the June 3, 2024, hearing. Notice mailed via U.S. First-Class Mail to a party and not returned to the Commission as undeliverable is presumed received. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982). In view of the above, I am confident that the Respondent was provided with ample notice and a full opportunity to participate in this matter.

The Respondent did not file an Answer to either I&E's February 5, 2024, Formal Complaint or its March 27, 2024, Motion for Default Judgment. I&E's March 27, 2024, Motion for Default Judgment was renewed at the hearing. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an answer to a complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the complaint may be deemed admitted. 52 Pa. Code § 5.61(c). The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within 20 days. *See, Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794 (Pa. Cmwlth. 1978). Accordingly, the material facts alleged by I&E in its Complaint are deemed admitted.

In its February 5, 2024, Formal Complaint, I&E alleged as follows. On March 1, 2021, Strausser was digging with a mini-excavator and when they came across screenings they stopped and dug with a shovel. Complaint ¶ 14. While digging with the shovel, they struck a correctly marked gas service line belonging to UGI, causing a leak. Complaint ¶ 14. A locate request ticket was not placed by Strausser with POCS. Complaint ¶ 15. UGI submitted an AVR to report the damage and listed "20210252023" as the relevant locate ticket. Complaint ¶ 16. The locate ticket at 20210252023 was placed by a different company, Young Enough LLC, for 101 Village at Stones Crossing. Complaint ¶ 17. An employee of UGI noticed the discrepancy between the company that

placed the locate ticket (Young Enough LLC) and the company that was doing the excavation work (Strausser) and reached out to Strausser. Complaint ¶ 18. Strausser informed UGI that they had used the locate request ticket placed by Young Enough LLC to do the job and did not place their own locate ticket prior to excavating. Complaint ¶ 19. Strausser failed to submit an AVR to POCS within the required time frame.³ Complaint ¶ 20.

On January 24, 2022, Strausser was informed by letter of the DPI report finding Strausser in violation of 73 P.S. §§ 180(2.1) and 180(16) and informing Strausser that it may either acknowledge the findings and pay the assessed administrative penalty or dispute the findings and present their case at a future Damage Prevention Committee DPC meeting. Complaint ¶ 21. Strausser was further informed that it must make its determination in writing within 30 days. Complaint ¶ 21. Strausser gave no response and on March 11, 2022, Strausser was informed by letter that their case would be voted on by the DPC at the April 12, 2022, meeting. Complaint ¶ 22. On April 26, 2022, Strausser was informed by letter that the DPC made an informal determination adopting the DPI report and recommendations. Complaint ¶ 23. Strausser was further informed that they may reject the informal determination of the DPC or accept it and pay the imposed administrative penalty and must do so in writing within 30 days. Complaint ¶ 23. On May 25, 2022, Strausser informed the DPI that it would reject the informal determination of the DPC. Complaint ¶ 24.

Strausser is an “excavator,” as that term is defined at 73 P.S. § 176, as it “performs excavator or demolition work for himself or for another person.” Strausser, as an excavator, 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 project owners to

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, 180(16).

comply with the PA One Call Law. As an “excavator,” Respondent was required to place a valid, routine locate request ticket with POCS prior to excavating. 73 P.S. § 180(2.1). The allegations presented by I&E in its Formal Complaint and admitted by Strausser, support a finding that the Respondent failed to place a valid, routine locate request ticket with POCS prior to excavating, thus violating Section 180(2.1) of the PA One Call Law. 73 P.S. § 180(2.1); 52 Pa. Code § 5.61(c).

Next, Section 180(16) of the PA One Call Law, 73 P.S. § 180(16) requires an excavator to “submit a report of an alleged violation to the commission through the One Call System not more than ten business days after striking or damaging a facility owner's line during excavation or demolition....” The admitted allegations presented by I&E in its Formal Complaint supports a finding that the Respondent failed to file an AVR within the required time frame (10 business days) after striking UGI’s gas line. This constitutes a violation of Section 180(16) of the PA One Call Law. 73 P.S. § 180(16); 52 Pa. Code § 5.61(c).

In view of the above, I&E’s Motion for Default Judgment will be granted.

Section 180(10) of the PA One Call Law empowers the Commission to levy an administrative penalty for a violation of this act. 73 P.S. § 180(10)(a). This Section further provides that a person or entity violating the PA One Call Law may be subject to an administrative penalty of not more than \$2,500 per violation, or if the violation results in injury, death or property damage of \$25,000 or more, an administrative penalty of not more than \$50,000. 73 P.S. § 180(10)(b). For purposes of determining the appropriate administrative penalty amount, the following factors must be assessed:

- (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(10)(2).

In the present case, there is no indication that Strausser Enterprise's violations of the PA One Call Law resulted in injury, death or property damage of \$25,000 or more. Therefore, the administrative penalty for each of the two violations determined above cannot exceed \$2,500. Next, I&E made no averments regarding the Respondent's history of compliance with the PA One Call Law prior to the date of the violations. While I&E averred that, as they were digging with a shovel, Respondent employees struck a correctly marked gas service line belonging to UGI causing a leak, no information is provided regarding the amount of injury or property damage caused by the Respondent's noncompliance. Also, while a threat to public safety is inherent to incidents of gas line strikes, I&E provided no information regarding the degree of the safety threat and inconvenience as it pertains to the March 1, 2021 incident. In addition, because Strausser Enterprise chose not to participate in this proceeding, there is no information about any proposed modification to its internal practices and procedures to ensure future compliance with statutes and regulations. Although the Respondent failed to place a valid, routine locate request ticket with POCS prior to excavating, I find that its degree of culpability is lessened by the fact that it had used the locate request ticket placed by Young Enough LLC to perform the excavation. There are no other factors to be considered for purposes of determining the appropriate administrative penalty amount in the present matter.

In view of the above, the Respondent is ordered to pay an administrative penalty in the amount of \$2,000 for violating the PA One Call Law at 73 P.S. § 180(2.1); and an administrative penalty in the amount of \$500 for violating the PA One Call Law at 73 P.S. § 180(16). If the Respondent does not make the ordered cumulative payment of \$2,500 within thirty days of the date of entry of a Final Order by the Commission, the matter will be referred to the Pennsylvania Office of Attorney General for appropriate action.

In addition, the Respondent is ordered to attend an educational program for excavators through the DPC and provide proof of compliance to the Commission.

CONCLUSIONS OF LAW

1. The Commission is empowered to regulate, *inter alia*, excavators, within the Commonwealth pursuant to the PA One Call Law, Act of October 30, 2017, P.L. 806, No. 50, 73 P.S. §§ 176 – 186.

2. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. § 701; 73 P.S. §§ 176 – 186.

3. “Excavator” is defined as any person who or which performs excavation or demolition work for himself or for another person.” 73 P.S. § 176.

4. “Excavation work” is defined as “the use of powered equipment or explosives in the movement of earth, rock or other material, and includes, but is not limited to, anchoring, auguring, backfilling, blasting, boring, digging, ditching, drilling, driving-in, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling.” 73 P.S. § 176.

5. Section 180 of the PA One Call Law imposes duties on excavators who perform excavation or demolition work in the Commonwealth. 73 P.S. § 180.

6. Section 180(2.1) of the PA One Call Law requires excavators to “request the location and type of facility owner lines at each work site by notifying the facility owner through the One Call System. 73 P.S. § 180(2.1).

7. Notification shall be not less than three nor more than ten business days in advance of beginning excavation or demolition work. 73 P.S. § 180(2.1).

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

9. Respondent, as an excavator, is subject to the authority of this Commission pursuant to Section 182.10 of the PA One Call Law which requires excavators to comply with the PA One Call Law. 73 P.S. § 182.10.

10. Section 182.8(c)-(d) and Section 182.10 of the PA One Call Law authorize the Commission to, *inter alia*, hear and determine complaints arising from the rejection of an informal determination issued by the Pennsylvania Damage Prevention Committee against excavators for violations of the PA One Call Law and to enforce the provisions of the PA One Call Law. 73 P.S. §§ 182.8(c)-(d), 182.10.

11. Section 182.8(c)(2) of the PA One Call Law authorizes the Commission’s prosecutorial staff to bring a formal complaint against entities subject to the PA One Call Law. 73 P.S. § 182.8(c)(2).

12. Section 182.10 of the PA One Call Law authorizes the Commission to impose administrative penalties on any person or corporation, subject to the PA One Call Law, who violates any provisions of the PA One Call Law or any regulation or order issued thereunder governing underground utility lines, of up to \$2,500 per violation or if the violation results in injury, death, or property damage of \$25,000 dollars or more, an administrative penalty not to exceed \$50,000. 73 P.S. § 182.10(b)(1)(i)-(ii).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion for Default Judgment filed by the Commission's Bureau of Investigation and Enforcement against Strausser Enterprise at Docket No. C-2023-3043586 is granted.

2. That the Formal Complaint of the Commission's Bureau of Investigation and Enforcement against Strausser Enterprise mat Docket No. C-2023-3043586 is sustained.

3. That within thirty (30) days of the entry date of the Final Commission Order in this matter, Strausser Enterprise shall remit a cumulative civil penalty in the amount of \$2,500 payable by certified check or money order to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed thereon, and sent to:

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

4. That a copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Office of Administrative Services.
5. That the Bureau of Administrative Services, Assessment Section shall monitor this matter for compliance.
6. That, if Strausser Enterprise fails to make the civil penalty payment required by Ordering Paragraph No. 3 above, within thirty (30) days of the entry date of the Commission's Final Order, the Bureau of Administrative Services, Assessment Section, shall refer this matter to the Pennsylvania Office of Attorney General for collection of the total set forth above and appropriate action.
7. That Strausser Enterprise must attend an educational program for excavators through the Damage Prevention Committee within ninety (90) days from the entry date of the Commission's Final Order.
8. That Strausser Enterprise must provide proof of compliance to the Commission within thirty (30) days of completion of the educational program.

