



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

November 5, 2024

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Dugan Construction
Docket No. C-2024-
I&E Formal Complaint (Damage Prevention)

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Formal Complaint of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced matter.

Copies are being served on the parties of record in accordance with the attached Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Rosul', 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.

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-
	:	
Dugan Construction,	:	
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 Dugan Construction (“Dugan” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a 1-inch plastic low pressure gas service line belonging to The Peoples Natural Gas Company (“Peoples”) while excavating on November 23, 2022, near 306 N. St. Clair St., City of Pittsburgh, Allegheny 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 the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to

regulate, *inter alia*, 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 *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 attorney is as follows:

Grant Rosul
Prosecutor
grosul@pa.gov
(717) 783-5243

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

4. Respondent is Dugan Construction, with a main mailing address of 76 Steen Hollow Road, Oakdale, PA 15071.

5. Dugan is an "excavator," as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.¹

6. Section 180 of the PA One Call Law, 73 P.S. § 180, imposes duties on excavators.

¹ "Excavator" is defined as any person who or which performs excavation or demolition work for himself or for another person." 73 P.S. § 176. "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, augering, backfilling, blasting, boring, digging, ditching, drilling, driving-in, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling." *Id.*

7. Specifically, Section 180(2.1) of the PA One Call Law, 73 P.S. § 180(2.1), 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. 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(8) of the PA One Call Law, 73 P.S. § 180(8), requires excavators to “immediately notify 911 and the facility owner if the damage results in the escape of any flammable, toxic or corrosive gas or liquid which endangers life, health or property.” 73 P.S. § 180(8).

9. Section 180(16) of the PA One Call Law, 73 P.S. § 180(16), 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).

10. Section 180(17) of the PA One Call Law, 73 P.S. § 180(17), requires excavators 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. § 180(17).

11. Section 184 of the PA One Call Law requires that stakeholders “shall use their best efforts to comply with the Common Ground Alliance best practices.” 73 P.S. § 184.

12. Respondent, as an excavator, 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 excavators to comply with the PA One Call Law. 73 P.S. § 182.10.

13. 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 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) and 182.10.

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

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

16. 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

17. On November 23, 2022, Dugan was excavating to install a new curb for the sidewalk near 306 N. St. Clair Street, Pittsburgh, Allegheny County, Pennsylvania, when it struck and damaged an unmarked 1-inch plastic gas service line belonging to Peoples. I&E Exhibit 1.

18. As a result of the line strike by Dugan, the 1-inch plastic gas service line began leaking gas. *Id.*

19. Dugan did not call 911 to alert emergency responders of the line strike and subsequent damage.

20. Prior to the line strike, on September 30, 2022, Ori Plumbing submitted a Routine Excavation Ticket, serial number 20222730767, to excavate along N. St. Clair Street between Rural Street and Wedin Street in the City of Pittsburgh, Allegheny County, Pennsylvania. I&E Exhibit 2.

21. The lawful start date for excavation to begin was October 5, 2022, and was valid for excavation work through October 17, 2022.

22. A diligent search by the Damage Prevention Section of the Bureau of Investigation and Enforcement did not return any Routine Excavation PA One Call Tickets submitted to Pennsylvania One Call System (“POCS”) for the location of the excavation between the date of the September 30, 2022, Routine Excavation Ticket submitted by Ori Plumbing, and the date of the line strike by Dugan (November 23, 2022).

23. Upon information and belief, Dugan did not submit a Routine Excavation Ticket to POCS before beginning its excavation in the vicinity of 306 N. St. Clair Street on November 23, 2022.

24. On September 1, 2023, during the course of the investigation of the line strike by the Bureau of Investigation and Enforcement, Damage Prevention Section, Respondent was mailed a letter requesting that it submit a submit an Alleged Violation Report² (“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

² 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 180(16).

which provides an exact recollection of the event as it unfolded, and any relevant supporting documentation.” I&E Exhibit 3.

25. Respondent failed to provide the requested information.

26. On January 1, 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 Dugan informing Respondent that it was in violation of the PA One Call Law by failing to submit a location request to POCS, failing to call 911 when damage to a line results in the escape of any flammable, toxic, or corrosive gas or liquid which endangers life, health, or property, failing to submit an Alleged Violation Report within 10 business days of striking a line, and failing to comply with all requests for information from Commission staff within thirty days of the receipt of the request. The letter further informed Dugan that it could either accept the findings in the DPI’s report or reject them and present its case to the Damage Prevention Committee (“DPC”).

27. On March 15, 2024, Dugan rejected the findings in the DPI’s report and requested to present its case before the DPC via an email to the DPI.

28. On May 16, 2024, a notice of the DPC meeting was sent to Dugan, informing Respondent that it could present its case for discussion at the June 11, 2024, DPC meeting.

29. Dugan was present at the June 11, 2024, hearing, but became disconnected when his case was called and did not present his case to the DPC during the hearing. His case was nevertheless discussed and voted upon by the DPC.

30. On June 12, 2024, a copy of the DPC’s Informal Determination accepting the DPI’s report and proposed penalty was mailed to Dugan, 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 June 12, 2024, Respondent informed the DPI via e-mail that it would reject the DPC's Informal Determination.

III. VIOLATIONS

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

Count 1

33. Respondent failed to request the location and type of facility owner lines at each work site by notifying the facility owner through the One Call System.

If proven, this is a violation of Section 180(2.1) of the PA One Call Law, 73 P.S. § 180(2.1). As an excavator, Respondent was required to request the location and type of facility owner lines at each work site by notifying the facility owner through the One Call System. This is usually referred to as submitting a One Call Ticket. Here, Respondent began its excavation work in the vicinity of 306 N. St. Clair Street without first submitting a One Call Ticket.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,000.

Count 2

34. Respondent failed to immediately notify 911 when a damaged line resulted in the escape of a flammable, toxic, or corrosive gas or liquid which endangers life, health or property.

If proven, this is a violation of Section 180(8) of the PA One Call Law, § 180(8), 73 P.S. § 180(8). Respondent damaged a gas line while excavating. The damage resulted in a

gas leak. Any escape of gas from a damaged gas service line endangers life, health, and property, as gas is a highly toxic and flammable material. Respondent did not notify emergency services of the gas leak.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,000.

Count 3

35. Respondent failed to submit an Alleged Violation Report ("AVR") within 10 business days of striking a line.

If proven, this is a violation of Section 180(16) of the PA One Call Law, 73 P.S. § 180(16). As an excavator, Respondent was obligated to submit an AVR to POCS to inform the Commission of the line strike. Not only did Respondent fail to submit an AVR within the statutorily required timeframe of 10 business days, but Respondent also failed to submit an AVR to report its strike on Peoples' gas service line at all, even after being requested to do so by the Commission in the September 1, 2023, letter from the DPI.

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

Count 4

36. Respondent failed to comply with all requests for information from Commission staff within 30 days of the receipt of the request.

If proven, this is a violation of Section 180(17) of the PA One Call Law, 73 P.S. § 180(17). On September 1, 2023, the DPS requested "detailed information" including pictures, videos, and a written summary of the line strike incident from Respondent. Respondent did not provide any of the requested information.

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

Count 5

37. Respondent failed to use best efforts to comply with the Common Ground Alliance (“CGA”) Best Practices when it failed to notify emergency services of the gas leak.

If proven, this is a violation of Section 184 of the PA One Call Law, 73 P.S. § 184. As an excavator, Respondent is required to use best efforts to comply with the CGA Best Practices. Specifically, Best Practice 5-25 Notification of Emergency Personnel³ requires that an excavator immediately notify 911 if damage results in the escape of flammable, toxic, or corrosive gas or liquid, or endangers life, health, or property.

Here, Respondent failed to notify emergency personnel of the gas leak as provided for in the CGA Best Practices Manual and thereby violated Section 184 of the PA One Call Law.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$2,000.

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

- (1) Find Dugan Construction to be in violation of the PA One Call Law at 73 P.S. §§ 180(2.1), 180(8), 180(16), 180(17) and 184;
- (2) Impose a cumulative administrative penalty upon Dugan Construction in the amount of \$7,500; and

³ CGA Best Practice 5-25 provides that “[i]f the damage results in the escape of any flammable, toxic, or corrosive gas or liquid, or endangers the life, health or property, the excavator responsible immediately notifies 911 and the facility owner/operator.” CGA Best Practices Manual 19.0, Best Practice § 5-25 (April 2023).

- (3) Order Dugan Construction to attend an educational program for excavators through the DPC and provide proof of compliance to the Commission within 90 days of the entry of a Final Order; 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: November 5, 2024

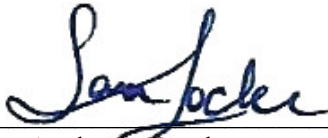
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

VERIFICATION

I, Sara Andrade-Locke, Damage Prevention Supervisor, Damage Prevention Section, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau of Investigation and Enforcement will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: November 5, 2024



Sara Andrade-Locke
Damage Prevention Supervisor
Damage Prevention Section
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

I&E Exhibit 1

Alleged Violation Report

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

AVR Number AVR2023JAN020004

AVR Version 1

First Name CHARLES **Last Name** BRAZIER

Company Name PEOPLES GAS COMPANY LLC

Address 261 CENTER ST

City MCKEESPORT

State PA

Zip Code 15132

Email CHARLES.BRAZIER@PEOPLES-GAS.COM **Phone** 4122584601

Ext

Role

Submitter Role(s) (?)

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

Are you representing a company other than your own? Yes No

What company or individual are you representing?

Alleged Violation Information

PUC Case Number (if known)

Related AVR Number (?)

Type of Alleged Violation (?) Excavator Issue

Reason Failed to request the location and type of facility owner through the One Call System in advance of beginning excavation or demolition work §5(2.1)

When did the alleged violation occur? (?) 11/23/2022

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.

Related Damage Serial Number, if applicable

Other Related Serial Numbers (?)

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

Reason for Exemption

Event Information

County ALLEGHENY
Municipality PITTSBURGH CITY
Ward
Work Site 306 N ST CLAIR ST
Nearest Intersection WELDIN ST
Second Intersection RURAL 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 Gas
Facility Subtype Affected Service/Drop/Lateral
Facility Owner Company Name PEOPLES GAS
Contact First Name CHARLES **Last Name** BRAZIER
Address 261 CENTER ST
City MCKEESPORT
State PA

Zip 15132

Email CHARLES.BRAZIER@PE OPLES-GAS.COM Phone 412-667-9057

Joint Trench? Yes No Unknown

Involve Cross Bore? Yes No Unknown

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

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

Work Information

Start Date of Excavation (?) 11/23/2022
08:00:00 AM

Excavation Activity CURB/SIDEWALK

Excavator Company Name DUGAN CONSTRUCTION

Contact First Name JIM Last Name GUGAN

Address 76 STEEN HOLLOW RD

City OAKDALE

State PA

Zip 15071

Email Phone 412-496-7111

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?
Other

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 UNKNOWN

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? Unknown

Exact Cost of Damaged Line Repair

Was other property damaged? Yes No

What other property was damaged?

Cost of Other Property Repair

Locator/Locate Information

Who was the facility line locator?

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 NO PA ONE CALL

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? BUILDING
(meter/pedestal, pipeline marker, valve box, hydrant, manhole, etc.)

What method(s) were used to locate the facility? Electronic Records Visual 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/marketing errors, please include all records related to the locator's training and qualification (including training to meet UULPL standards as well as Operator Qualification).

Summary and Attachments

Provide a summary of the event Dugan Construction was digging to install new curbs for sidewalks near 306 N. St. Clair St. in Pittsburgh with no PA one call ticket when they struck and damaged an unmarked 1" plastic low pressure gas service line. Dugan failed to place a PA one call prior to beginning excavation; otherwise, the gas service line would have been marked.
If more space is needed, attach additional pages or documents.

Attachments	306 n st clair damage 1.jpg	149.88KB
	306 n st clair damage 2.jpg	120.66KB
	306 n st clair damage 3.jpg	131.24KB
	306 n st clair damage 4.jpg	97.99KB
	306 n st clair damage 5.jpg	156.21KB

Attach pictures and additional documents

Submit Date 01/02/2023

Compliance Update

Research Result Listed tickets found
 Additional tickets found
 No tickets found

Additional Tickets Found

Additional Serial Numbers

Ticket Attachment

Comments Dugan Construction has not placed notifications with PA One Call in the past.

I&E Exhibit 2

CDC 00000 POCs MM/DD/YY TT:TT:TT 20222730767-000 NEW XCAV RTN

=====
Serial Number--[20222730767]-[000] Channel#--[0914A999][0321][2019-08]
Message Type--[NEW][EXCAVATION][ROUTINE]

County--[ALLEGHENY] Municipality--[PITTSBURGH CITY] Ward--[11]
Work Site--[N SAINT CLAIR ST]
Nearest Intersection--[RURAL ST]
Second Intersection--[WELDIN ST]
At Intersection--[N] Between Intersections--[Y] Site Marked in White--[N]
Subdivision--[]

Location Information--
[PITTSBURGH PA, 15206. BETWEEN ADDRESSES 300 AND 320.]
Caller Lat/Lon--[]
Mapped Type--[P] Mapped Lat/Lon--
[40.465617/-79.927295,40.465557/-79.927074,40.464909/-79.927485,
40.464965/-79.927648]
Attachments--[http://www.pa811.org/attachments/20222730767]

Type of Work--[NEW SEWER AND WATER TAP] Depth--[10-12FT]
Extent of Excavation--[] Method of Excavation--[POWER EQUIP]
Equip Type--[EXCAVATOR]
Street--[X] Sidewalk--[X] Pub Prop--[] Pvt Prop--[] Other--[]
Private Front--[] Rear--[] Left--[] Right--[]

Lawful Start Dates--[05-Oct-22] thru [17-Oct-22] Response Due Date--[04-Oct-22]
Scheduled Excavation Date--[05-Oct-22] Dig Time--[0800] Duration--[]

Caller--[FALLON DOVIDIO]
Caller Phone--[412-771-7586]
Excavator--[ORIE PLUMBING]
Address--[1190 ISLAND AVENUE]
City--[MCKEES ROCKS] State--[PA] Zip--[15136]
FAX--[412-331-7586] Caller Type--[B]
Email--[INFO@ORIEPLUMBING.COM]
Work For--[COSTELLO PROPERTIES LLC]
Onsite Contact--[DOUGLAS ORIE]
Onsite Contact Phone--[412-915-1697]
Best Time to Call--[0700-0900]
Onsite Contact Email--[INFO@ORIEPLUMBING.COM]

Prepared--[30-Sep-22] at [0919] by [AMANDA WICKLUND]
Remarks--
[]

AL 0 AL =PEOPLES GAS BD 0 BD =VERIZON PA CB 0 CB =PGH WTR & SWR
CPE0 CPE=PGH MOB & INFRA DC 0 DC =DUQ LIGHT PGH PGH0 PGH=COMCAST CABLE

Serial Number--[20222730767]-[000]
=====
Copyright (c) 2022 by Pennsylvania One Call System, Inc. =====

I&E Exhibit 3



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

SEPTEMBER 1, 2023

DUGAN CONSTRUCTION
76 STEEN HOLLOW ROAD
OAKDALE, PA 15701

Re: Please Submit an Alleged Violation Report with Pictures - Case Number 035630

On November 23, 2022 Dugan Construction allegedly hit a utility owned by Peoples Gas Company at 306 N Saint Clair St., Pittsburgh City, Allegheny County.

PA1Call Ticket Number:

To whom it may concern,

We received an Alleged Violation Report indicating an underground utility line has been struck. With the PA One Call Law, Act 50, anytime an underground facility has been hit, you are required to submit an Alleged Violation Report thru the Pennsylvania One Call website, www.pa1call.org within ten (10) business days of the utility line being struck. **Please submit an AVR immediately.**

Failure to complete an alleged violation report may make you subject to a penalty of no less than \$500 for first time offenders.

We are asking for detailed information about the incident. Detailed information includes pictures and videos, a very detailed summary of the incident which provides an exact recollection of the event as it unfolded, and any relevant supporting documentation.

What was the total cost of the project?

What was the total length of the project?

Was a PA1call ticket placed?

Was 911 and/or the Facility Owner notified?

Please upload pertinent pre – excavation photos and damage photos with your AVR.

Please provide the requested information thru the Pennsylvania One Call website. We will continue the investigation with the current information provided to us. If you have any questions, please contact Braxton Cooper, coopj@pa.gov

Sincerely,

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF SERVICE

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

Service by Certified Mail

Dugan Construction
Attn: Jim Dugan
76 Steen Hollow Rd.
Oakdale, PA 15071



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: November 5, 2024