



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

December 2, 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.
HTC Associates, Inc., A/K/A Hi Tech Construction Company, Inc.
Docket No. C-2024-
I&E Formal Complaint (Damage Prevention)

Dear Secretary Chiavetta:

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

Copies are being served on the parties 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.

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-
	:	
HTC Associates, Inc.,	:	
A/K/A Hi-Tech Construction Company, Inc.,	:	
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 HTC Associates, Inc. (“HTC” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a 1-inch plastic gas service line belonging to PECO while excavating on October 12, 2022, near 449 Rahn Road, Collegeville Borough, Montgomery 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 HTC Associates, Inc., with a main mailing address of 1121 Hollow Road, Collegeville, PA 19426.

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

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.*

6. A gas service line is a “facility” or “line,” as those terms are defined in Section 176 of the PA One Call Law, 73 P.S. § 176.²

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

8. 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).

9. 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).

10. 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).

² “Facility” or “line” is defined in relevant part as “an underground conductor or underground pipe or structure used in providing electric or communication service, or an underground pipe used in carrying, gathering, transporting or providing natural or artificial gas, petroleum, propane, oil or petroleum and production product, sewage, water or other service to one or more transportation carriers, consumers or customers of such service and the appurtenances thereto, regardless of whether such line or structure is located on land owned by a person or public agency or whether it is located within an easement or right-of-way.” 73 P.S. § 176.

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

12. 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.

13. 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.

14. 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.

15. 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).

16. 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).

17. 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

18. On October 12, 2022, HTC was excavating with an excavator in the front yard at 449 Rahns Road, between Gravel Pike and Creek Road, Colledgeville Borough,³ Montgomery County, Pennsylvania, when it struck and damaged a 1-inch plastic gas service line belonging to PECO. I&E Exhibit 1.

19. The 1-inch plastic gas service line was described as “severed” as a result of the line strike by HTC. Id.

20. PECO reported in its Alleged Violation Report (“AVR”) that HTC did not call 911 to alert emergency responders of the line strike and subsequent damage. I&E Exhibit 2.

21. 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 27, 2022, and October 12, 2022.⁴

22. Upon information and belief, HTC did not submit a Routine Excavation Ticket to POCS before beginning its excavation in the vicinity of 449 Rahn Road on November 23, 2022.

³ Although Respondent, PECO, and the Damage Prevention Section all identified the address as “449 Rahn Road,” the property address is more accurately described as 449 Route 113 (Bridge Road). For the sake of constancy, I&E will refer to the address of the line by its colloquial name – “Rahn Road.”

⁴ This period encompasses the lawful timeframe for an excavator to submit a ticket to POCS, plus the three days leading up to and including the day of the excavation, October 12, 2022.

23. On October 19, 2023, during the course of its investigation of the line strike, the Bureau of Investigation and Enforcement, Damage Prevention Section, mailed a letter to Louis Gambone (“Mr. Gambone”), the President and Treasurer of HTC, requesting that Respondent submit an Alleged Violation Report⁵ (“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. HTC was again mailed the letter requesting that an AVR be filed by Respondent on November 21, 2023, at an address of 357 Level Road, Collegeville, PA 19426.⁶ The letter was directed to the President and Treasurer of HTC, Mr. Gambone. I&E Exhibit 4.

25. Respondent failed to provide the requested information.

26. On February 22, 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 HTC at 1121 Hollow Road, Collegeville, PA 19426, 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, and failing to submit an Alleged Violation Report within 10 business

⁵ 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).

⁶ According to the Pennsylvania Department of State, this is the Registered Office address of Hi-Tech Construction Company, Inc.

days of striking a line. The letter further informed HTC 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 14, 2024, HTC rejected the findings in the DPI's report via an email to the DPI and requested an opportunity to present its case before the DPC.

28. On April 10, 2024, a notice of the DPC meeting was sent to HTC, informing Respondent that it could present its case for discussion at the May 14, 2024, DPC meeting.

29. No one from HTC appeared at the May 14, 2024, DPC hearing to present Respondent's case. The case was nevertheless discussed and voted upon by the DPC, which voted to accept the violations and administrative penalty recommended by the DPI.

30. On May 15, 2024, a copy of the DPC's Informal Determination accepting the DPI's report and proposed penalty was mailed to HTC, 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 13, 2024, Respondent, by and through its counsel Patrick T. Duffy, 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 at 449 Rahn Road in Collegeville Boro, Montgomery County, without first submitting a One Call Ticket to POCS.

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 struck a 1-inch plastic gas line while excavating, with the condition of the line subsequently described by the facility owner as "severed." PECO reported to the Commission that one customer was affected and that "service was interrupted." The severed gas service line was in operation would have undoubtedly 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 PECO’s gas service line at all, even after being requested to do so by the Commission in the October 19, 2023, and November 21, 2023, letters from the DPI.

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

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 October 19, 2023, and again on November 21, 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 \$1,000.

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 caused by its severing of PECO’s 1-inch plastic gas service line.

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 Personnel⁷ 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 caused by its severing of PECO’s 1-inch plastic gas service line 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 HTC Associates, Inc. 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 HTC Associates, Inc. in the amount of \$9,000; and

⁷ 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 HTC Associates, Inc. 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: December 2, 2024

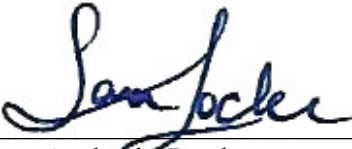
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-
	:	
HTC Associates, Inc.,	:	
A/K/A Hi-Tech Construction Company, Inc.,	:	
Respondent	:	

VERIFICATION

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

Date: December 2, 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

USIC★

Fact Based Investigation Report - USIC Claim Number 40220221012015

Customer - PECO Energy
Customer Claim Number -
USIC District - Philadelphia
Damage location - 449 RAHNS RD, COLLEGEVILLE, PA
Ticket Number -
Damage Ticket Number -M696509597
Utility Type - Gas-Plastic
Facility - Gas Service
Damager - HTC Assoc.
Excavation Type - Unknown-Non-excavation
Date of Damage - 10/12/2022 12:00:00 AM
Reported Date - 10/12/2022 4:37:00 PM
Notified By - CRAIG
Investigation Date - 10/13/2022 12:00:00 AM
Nature of Damage - Buried Facilities
USIC CDI - Settle, Steven

Determination: USIC NOT AT ISSUE

Root Cause Analysis: No ticket / locate request

Summary of the Event:

On 10/12/2022 at 449 RAHNS RD COLLEGEVILLE contractor HTC Assoc. On site contact for contractor is Louis Gambone damaged a gas service with a back hoe. No obligated ticket found. Damage is due to no PA one call ticket called in.

Repair Extent:

gas service severed unknown

Contractor involvement for repair: No

Damage Location



Print Location

Application NAME: GFR QUERY; ENVIRONMENT: PROD; Version 7.19.7596.26707; Sketch - Quad: 2287E2, Div: GDMONT, Pm#: 518424870

Count: 1

Read only version Versions



Property of United States Infrastructure Corporation
Photo created on 10/13/2022 12:37:53 PM EDT



Property of United States Infrastructure Corporation
Photo created on 10/13/2022 12:38:00 PM EDT

TicketPro

File Edit Help Last Status Activity: 01:47

Sync Attachments (1) Tickets Management Satisfaction Check Routing My Tix Bookmarks Planner Find Ticket Detail After-Hours Enter Ticket Tools Request Time Sheet Reporting

Basic Photo Geo Events History

Search Criteria:

Customer

Due Date: ... - ...

Receive Date: 9/1/22 - 10/13/22

Excavator Work Date: ... - ...

Locate Work Date: ... - ...

Street Name: ...

Cross Street: ...

City: ...

County: mont

State: pa

Excavator: ...

Work Done For: ...

Ticket Text: ...

Term: ...

Search Clear Assign To Me Export to CSV...

Ticket Number	Address	Street	County	Type of Work	Excavator	Type	Call Date	Close Date	Due Date	Assi... To	City	Status	HRC
20222854052	449 RAHNS RD	MONTGO...	MONTGO...	GAS LEAK REPAIR	PECO AN EXELON CO...	NEW EXCAVATIO...	10/12/22...	10/12/2...	10/12/22 06...	Leis...	PERK...	clos...	
20222643809	1 ST AVE	MONTGO...	MONTGO...	WATER TRANSMISSI...	TOTAL ENGINEERING A...	NEW EXCAVATIO...	9/21/22 ...	10/4/22 ...	10/5/22 11...	Sim...	PERK...	clos...	

Total results: 2 (up to 10000 shown) Selected results: 0

Ticket Detail Map Notifications Image Notes Rescheduled Notes Questions History / Notes Attachments Reschedule Ticket Details Map

Map items: 0

Helpdesk: 317-575-7891 Version: 22.4001 User: stevensettle

TicketPro

File Edit Help Last Status Activity: 01:45

Sync Attachments (1) Tickets Management Satisfaction Check Routing My Tix Bookmarks Planner Find Ticket Detail After-Hours Enter Ticket Tools Request Time Sheet Reporting

Basic Photo Geo Events History

Search Criteria: Clear All Select All

Due Date: ... - ...

Receive Date: 9/1/22 - 10/13/22

Excavator Work Date: ... - ...

Locate Work Date: ... - ...

Street Name: RAHNS RD

Cross Street: ...

City: ...

County: mont

State: pa Map Address

Excavator: ...

Work Done For: ...

Ticket Text: ...

Term: ...

Schedule Date: ... - ...

Search Clear Assign To Me Export to CSV...

Ticket Number	Address	Street	County	Type of Work	Excavator	Type	Call Date	Close Date	Due Date	Assi... To	City	Status	HRC
20222854052	449	RAHNS RD	MONTGO...	GAS LEAK REPAIR	PECO AN EXELON CO...	NEW EXCAVATIO...	10/12/22...	10/12/2...	10/12/22 06...	Leis...	PERK...	clos...	
M696509597	449	RAHNS RD	MONTGO...	DAMAGE	UNKNOWN	DAMAGE	10/12/22...		10/14/22 04...	Settl...	COL...	Op...	

Total results: 2 (up to 10000 shown) Selected results: 1

Ticket Detail Map Notifications Image Notes Rescheduled Notes Questions History / Notes Attachments Reschedule Ticket Details Map

Mapped items: 2

Helpdesk: 317-575-7891 Version: 22.4001 User: stevensettle

I&E Exhibit 2



Alleged Violation Report

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

AVR Number AVR2023FEB170036

AVR Version 1

First Name VIVIAN **Last Name** WU

Company Name PECO AN EXELON COMPANY

Address 300 FRONT ST

City CONSHOHOCKEN

State PA

Zip Code 19428

Email vivian.wu@exeloncorp.com **Phone** 6108326409

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? (?) 10/12/2022

03:52:00 PM

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 MONTGOMERY
Municipality COLLEGEVILLE BORO
Ward
Work Site 508 W. 1ST AVE
Nearest Intersection CULVERT ST.
Second Intersection
Geolocation (?)

Affected Facility Information



Primary Right of Way Type

Public Right of Way Type

Private Right of Way Type

Affected Operation Gas
Facility Subtype Affected Distribution
Facility Owner Company Name PECO

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

Exact Measured Depth from Grade

Enter the inches or centimeters with number and measurement used

Work Information



Start Date of Excavation (?)

10/12/2022

Excavation Activity

Excavator Company Name

LOUIS GAMBONE OF HTC ASSOCIATES

Contact First Name

Last Name

Address

City

State

Zip

Email

Phone

Marked in White

Yes No Unknown

Method of Excavation

GRADING

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

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? 1 - < 6 hrs

Exact Value of Service Interruption

Approximately how many customers were affected? 1

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

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 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

ON 10/12/2022, LOUIS GAMBONE OF HTC ASSOCIATES, DAMAGED A 1 INCH PLASTIC GAS SERVICE TO 449 RAHNS RD. IN COLLEGEVILLE, MONTGOMERY COUNTY. THIS LINE WAS NOT MARKED BECAUSE THE CONTRACTOR FAILED TO CALL PA ONE CALL (811) TO HAVE THE UNDERGROUND UTILITIES MARKED OUT PRIOR TO THE START OF EXCAVATION. 1 CUSTOMER AFFECTED AND NO INJURIES.

If more space is needed, attach additional pages or documents.

Attachments

Attach pictures and additional documents

Submit Date

02/17/2023

Compliance Update

Research Result

- Listed tickets found
 Additional tickets found
 No tickets found

Additional Tickets Found

Additional Serial Numbers

Ticket Attachment

Comments

No record of Louise Gambone or HTC Associates placing one calls in the past.

I&E Exhibit 3



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

OCTOBER 19, 2023

LOUIS GAMBONE
1121 HOLLOW ROAD
COLLEGEVILLE, PA 19426

Re: Please Submit an Alleged Violation Report with Pictures - Case Number 036520

On October 12, 2022, Louis Gambone allegedly hit a utility owned by PECO at 449 Rahns Rd, Collegeville, Montgomery County.

PA1Call Ticket Number: None

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.palcall.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.

Was there a 811 ticket for this excavation?

What was the total length of the project?

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

I&E Exhibit 4



NOVEMBER 21, 2023

LOUIS GAMBONE
357 LEVEL RD
COLLEGEVILLE, PA 19426

Re: Please Submit an Alleged Violation Report with Pictures - Case Number 036520

On October 12, 2022, Louis Gambone allegedly hit a utility owned by PECO at 449 Rahns Rd, Collegeville, Montgomery County.

PA1Call Ticket Number: None

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.palcall.org within ten (10) business days of the utility line being struck. **Please submit an AVR immediately.**

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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-
	:	
HTC Associates, Inc.,	:	
A/K/A Hi-Tech Construction Company, Inc.,	:	
Respondent	:	

CERTIFICATE OF SERVICE

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

Service by Certified Mail

HTC Associates, Inc.
A/K/A Hi-Tech Construction Company, Inc.
Attn: Louis Gambone
1121 Hollow Road
Collegeville, PA 19426

HTC Associates, Inc.
A/K/A Hi-Tech Construction Company, Inc.
357 Level Road
Collegeville, PA 19426

Service by Certified Mail and Electronic Mail

Patrick T. Duffy, Esq.
100 Regency Dr.
Audubon, PA 19403
Patrick@DuffyTrial.com
Counsel for HTC Associates, Inc.
A/K/A Hi-Tech Construction Company, Inc.



Grant Rosul
Prosecutor
PA Attorney ID No. 318204
Bureau of Investigation and Enforcement
(717) 783-5243
grosul@pa.gov

Dated: December 2, 2024