

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held December 19, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly M. Barrow, Vice Chair
Kathryn L. Zerfuss, Commissioner
John F. Coleman, Jr., Commissioner
Ralph V. Yanora, Commissioner

PA One Call – Act 50 of 2017;
Damage Prevention Committee Appointments

Docket No. M-2018-3000261

ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration is one recommended new appointment to the Damage Prevention Committee (DPC) provided for in the Underground Utility Line Protection Law, Act of October 30, 2017, P.L.806, No. 50, as reauthorized and amended by P.L. 1106, No. 127 of 2024, effective October 29, 2024 (Act 50), and three recommended reappointments to additional three-year terms. We shall approve the candidates recommended by the Commission's Executive Director; these appointees will serve a three-year term beginning on January 1, 2025 with one candidate's reappointment being retroactive to

January 1, 2024.^{1 2}

On April 30, 2018, Act 50, the Underground Utility Line Protection Law (One Call Law) became effective assigning certain duties and responsibilities associated with Pennsylvania’s One Call system to the Commission.³ One of the duties and responsibilities assigned to the Commission is to appoint eligible and qualified persons to the DPC. 73 P.S. § 182.8(a). Under 73 P.S. § 182.8(a)(4)(i) and (ii), an appointment to the Committee shall begin on January 1, and the terms of committee members shall be for a term of three years.

Section 182.8(a) of the One Call Law, 73 P.S. § 182.8(a), establishes the membership and the criteria of the representatives to serve on the DPC, which consists of 13 appointees with the authority to review, make recommendations, and resolve among aggrieved parties, violations of the One Call Law. As relevant, subsections 182.8(a)(1)(ii), (iv), (v) and (3) provide as follows:

- (a) A damage prevention committee shall be established as follows:
 - (1) The committee shall consist of the following members, appointed by the commission:
 - (ii) The Secretary of Transportation or the secretary’s designee.
- * * *
- (iv) One representative from each of the following nonmunicipally owned or affiliated facility owner industries: electric, natural gas or petroleum pipelines, telephone, water or wastewater and cable television,

¹ Under 73 P.S. § 182.8(a)(4)(i), “An appointment to the committee shall begin January 1.” Under 73 P.S. § 182.8(a)(4)(ii), “Except for initial terms under clause 5, a committee member’s term shall be for a term of three years.”

² The designee for the Secretary of Transportation’s term expired on December 31, 2023, but due to an oversight, he was not timely reappointed. Commission Staff contacted the Secretary of Transportation to confirm that his designee, Larry Ditty, continues to be his designee. Accordingly, we will reappoint Mr. Ditty, retroactively, for a three-year term effective January 1, 2024.

³ The Pennsylvania Underground Utility Line Protection Law was reauthorized through December 31, 2031, and amended by P.L. 1106, No. 127 of 2024, effective October 29, 2024.

nominated by facility owners or affiliated organizations.

(v) Three representatives of excavators, nominated by excavators or affiliated organizations.

* * *

- (3) A nomination under clause (1)(iv), (v), (vi) and (vii) shall be forwarded to the secretary of the commission. The executive director of the commission shall provide recommended candidates to the commission for approval.

The current vacancies on the DPC are the Secretary of Transportation (or designee), cable television, telephone and excavator industry positions under subsections 182.8(a)(1)(ii), (iv) and (v) of the Act, 73 P.S. § 182.8(a)(1)(ii), (iv), (v), respectively. The telephone position vacancy was made available by the expiration of the term of a seated member of the DPC who no longer seeks reappointment. Applications for this vacancy, as well as the cable television and excavator vacancies were solicited on October 19, 2024, via publication in the *Pennsylvania Bulletin* and publication on the Commission's website. The Commission received a single nomination to fill the telephone vacancy and received confirmation from the two existing seated DPC members representing the cable television and excavator industries that both wished to be reappointed to another three-year term.

With respect to the vacant position reserved for the Secretary of Transportation or his designee, Larry Ditty was designated by the Secretary of Transportation, and appointed by the Commission, in May 2022 to replace Jonathan Flemming, and to serve the remainder of Mr. Flemming's term expiring December 31, 2023. The Secretary of Transportation has consented to having Larry Ditty serve as his designee for an additional three-year term.

After review of the nominations submitted to the Commission and the

confirmation that the two existing seated DPC members representing the cable television and excavator industries both wish to be reappointed to another three-year term, the Commission is appointing the following individuals to serve as members of the DPC: Patrick Wiltshire, representing the telephone industry under Section 182.8(a)(1)(iv), 73 P.S. § 182.8(a)(1)(iv), for a three-year term beginning on January 1, 2025; Charles Dippo, representing the excavator industry under Section 182.8(a)(1)(v), 73 P.S. § 182.8(a)(1)(v), for a three-year term beginning on January 1, 2025; David Henning, representing the cable television industry under Section 182.8(a)(1)(iv), 73 P.S. § 182.8(a)(1)(iv), for a three-year term beginning on January 1, 2025; and Larry Ditty, as designee for the Secretary of Transportation under Section 182.8(a)(1)(ii), 73 P.S. § 182.8(a)(1)(ii), for a three-year term beginning, retroactively, on January 1, 2024.

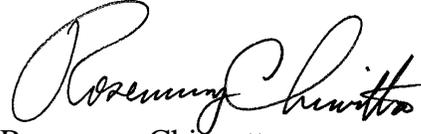
THEREFORE,

IT IS ORDERED:

1. That the following candidates are appointed as members of the Damage Prevention Committee for a three-year term beginning on January 1, 2025: Patrick Wiltshire, representing the telephone industry under Section 182.8(a)(1)(iv), 73 P.S. § 182.8(a)(1)(iv); Charles Dippo, representing the excavator industry under Section 182.8(a)(1)(v), 73 P.S. § 182.8(a)(1)(v); and David Henning, representing the cable television industry under Section 182.8(a)(1)(iv), 73 P.S. § 182.8(a)(1)(iv).

2. That the following candidate is appointed, retroactively, as a member of the Damage Prevention Committee for a three-year term beginning on January 1, 2024: Larry Ditty, as designee for the Secretary of Transportation under Section 182.8(a)(1)(ii), 73 P.S. § 182.8(a)(1)(ii).

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta", written in a cursive style.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: December 19, 2024

ORDER ENTERED: December 19, 2024