



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

January 2, 2025

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.
Philadelphia Gas Works
Docket No. C-2025-
I&E Formal Complaint (Damage Prevention)

Dear Secretary Chiavetta:

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Rosul', is written over a light blue horizontal line.

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

GR/ac
Enclosures

cc: Michael L. Swindler, Deputy Chief Prosecutor, Enforcement (*via email* – mwindler@pa.gov)
Robert Horensky, Manager, Safety Division (*via email* – rhorensky@pa.gov)
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-2025-
	:	
Philadelphia Gas Works,	:	
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 Philadelphia Gas Works (“PGW” or “Respondent”) alleging violations of the PA One Call Law in connection with a January 4, 2023, incident where an excavator struck gas line owned by Philadelphia Gas Works in front of 2316 Cabot Street, near Dauphin Street and York Street, in in the City of Philadelphia, Pennsylvania. In support of its Complaint, I&E respectfully avers as follows:

I. COMMISSION JURISDICTION AND AUTHORITY

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

regulate, *inter alia*, facility owners, within the Commonwealth pursuant to the PA One Call Law, Act of October 30, 2017, P.L. 806, No. 50, 73 P.S. §§ 176 *et seq.*

2. Complainant is the Commission’s Bureau of Investigation and Enforcement, which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11). *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant’s prosecuting 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 Philadelphia Gas Works with a main mailing address of 800 West Montgomery Avenue, Philadelphia, PA 19122.

5. PGW is a “facility owner,” as that term is defined in Section 176 of the PA One Call Law, 73 P.S. § 176.¹

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

¹ “Facility owner” is defined as “the public utility or agency, political subdivision, municipality, authority, rural electric cooperative or other person or entity who or which owns **or operates** a line.” 73 P.S. § 176 (emphasis added).

7. Section 177(5)(v) of the PA One Call Law, 73 P.S. § 177(5)(v), requires facility owners to “respond to all notices through the One Call System.... The response shall be made not later than the end of the second business day following receipt of the notification by the One Call System, excluding the business day upon which the notification is received, or not later than the day prior to the lawful start date of excavation if the excavator specifies a later date.” 73 P.S. § 177(5)(v).

8. Respondent, as a facility owner, is subject to the authority of this Commission pursuant to Section 182.10 of the PA One Call Law, 73 P.S. § 182.10, which requires facility owners to comply with the PA One Call Law. 73 P.S. § 182.10.

9. Section 182.8(c)-(d) and Section 182.10 of the PA One Call Law, 73 P.S. §§ 182.8(c)-(d) and 182.10, authorize the Commission to, *inter alia*, hear and determine complaints against facility owners for violations of the PA One Call Law and to enforce the provisions of the PA One Call Law. 73 P.S. §§ 182.8(c)-(d) and 182.10.

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

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

12. 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

13. On September 21, 2022, Petrangelo Contractors, working on behalf of the Philadelphia Water Department to install a new water main, submitted a routine excavation ticket to the Pennsylvania One Call System (“POCS”), serial number 20222643908 (“Petrangelo Ticket”). I&E Exhibit 1.

14. The lawful start date for the Petrangelo Ticket was September 26, 2022, and the response due date was September 23, 2022. The duration of the excavation work was listed as “5 Months.” Id.

15. PGW, and all other facility owners, received the Petrangelo Ticket on September 21, 2022. Id.

16. PGW failed to respond to the Petrangelo Ticket by the response due date. Id.

17. On September 24, 2022, the day after the response due date for facility owners to respond to the Petrangelo Ticket through POCS, a “No Response” designation was automatically input for PGW. Id.

18. On September 27, 2022, PGW belatedly responded to the Petrangelo Ticket that it had field marked its lines.

19. On January 4, 2023, while excavating pursuant to the Petrangelo Ticket, Petrangelo Contractors struck and damaged a gas service line belonging to PGW.

20. PGW was, at all times, the facility owner of the gas service line which was struck during the January 4, 2023 excavation .²

21. On March 21, 2024, a copy of the report prepared by the Damage Prevention Investigator (“DPI”) from the Commission’s Bureau of Investigation and Enforcement, Damage Prevention Section, was provided to PGW, informing Respondent that it was in violation of the PA One Call Law by failing to timely respond to all notices through the One Call System. The letter further informed PGW 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”).

22. On April 11, 2024, PGW rejected the findings in the DPI’s report and requested to present its case before the DPC via email.

23. On May 20, 2024, a notice of the DPC meeting was sent to PGW, informing the Respondent that it could present its case for discussion at the June 11, 2024, DPC meeting.

24. PGW presented its case to the DPC at the June 11, 2024, meeting, where its case was discussed and voted upon.

25. On June 14, 2024, a copy of the DPC’s Informal Determination accepting the DPI’s report and proposed administrative penalty was mailed to PGW, 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

² “Facility Owner” is defined as “the public utility or agency, political subdivision, municipality, authority, rural electric cooperative or other person or entity who or which owns or operates a line.” 73 P.S. § 176. Pursuant to federal regulation, gas utilities are responsible for the operation of service lines, regardless of whether the customer or the utility owns the service line. See e.g. 49 C.F.R §196.111.

Determination is rejected the case may be sent to I&E prosecutory staff for issuance of a formal complaint.

26. On July 15, 2024, Respondent rejected the DPC's informal determination via e-mail.

III. VIOLATIONS

27. Paragraphs 1-26 are incorporated herein as if stated in their entirety.

Count 1

28. Respondent failed to timely respond to all notices through the One Call System.

If proven, this is a violation of Section 177(5)(v) of the PA One Call Law, 73 P.S. § 177(5)(v). As a facility owner, Respondent had a duty to “respond to all notices through the One Call System....” Further, Respondent had a duty to respond timely. The statute requires that “[t]he response shall be made not later than the end of the second business day following receipt of the notification by the One Call System, excluding the business day upon which the notification is received, or not later than the day prior to the lawful start date of excavation if the excavator specifies a later date.” 73 P.S. § 177(5)(v).

Here, Respondent did not timely respond to the Petrangelo Ticket. PGW received notification of the ticket on September 21, 2022. This ticket clearly identified September 23, 2022, as the date by which all facility owners needed to respond to the excavation ticket. Excavation was scheduled to begin on September 26, 2022. PGW did not respond until September 27, 2022.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,500.

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

- (1) Find Philadelphia Gas Works to be in violation of the PA One Call Law at § 177(5)(v).
- (2) Impose an administrative penalty upon Philadelphia Gas Works in the amount of \$2,500.
- (3) Order Philadelphia Gas Works to attend Online Compliance Training through the Pennsylvania One Call System for facility owners and provide proof of compliance to the Commission within 30 days of the entry of a Final Commission 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: January 2, 2025

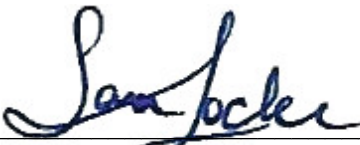
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
Philadelphia Gas Works,	:	
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: January 2, 2025



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

CDC 00000 POCS MM/DD/YY TT:TT:TT 20222643908-000 NEW XCAV RTN

=====PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION REQUEST=====

Serial Number--[20222643908]-[000] Channel#--[1429A999][0112][2019-08]
Message Type--[NEW][EXCAVATION][ROUTINE]

County--[PHILADELPHIA] Municipality--[PHILADELPHIA CITY] Ward--[31]
Work Site--[CABOT ST]

Nearest Intersection--[DAUPHIN ST]
Second Intersection--[YORK ST]

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

Location Information--

[FROM DAUPHIN ST TO YORK ST. MARK 50FT IN EACH DIRECTION OF BOTH
INTERSECTIONS.]

Caller Lat/Lon--[]

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

[39.975720/-75.121649,39.974750/-75.122684,39.974528/-75.122405,
39.975560/-75.121365]

Attachments--[http://www.pa811.org/attachments/20222643908]

Type of Work--[INSTL NEW WATER MAIN] Depth--[10FT]

Extent of Excavation--[340FT X 3FT] Method of Excavation--[TRENCHING]

Equip Type--[EXCAVATOR]

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

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

Lawful Start Dates--[26-Sep-22] thru [05-Oct-22] Response Due Date--[23-Sep-22]

Scheduled Excavation Date--[26-Sep-22] Dig Time--[0700] Duration--[5 MONTHS]

Caller--[DAN PETRONGOLO]

Caller Phone--[215-551-8990]

Excavator--[PETRONGOLO CONTRACTORS]

Address--[2120 HOMESTEAD ST]

City--[PHILADELPHIA]

State--[PA] Zip--[19145]

FAX--[215-551-0454]

Caller Type--[B]

Email--[rpp129@comcast.net]

Work For--[PHILADELPHIA WATER DEPARTMENT]

Onsite Contact--[DAN PETRONGOLO]

Onsite Contact Phone--[215-651-4782]

Best Time to Call--[0600-1800]

Onsite Contact Email--[rpp129@comcast.net]

Job Number--[40996]

Prepared--[21-Sep-22] at [1430] by [DANIELLE GREEN]

Remarks--

[ALSO RECONSTRUCTING SEWER]

CQ 0 CQ =COMCAST CABLE KB 0 KB =PECO EXELON CO MI 0 MI =MCI

PD 0 PD =PHILA C WTR DPT PSD0 PSD=PHILADELPHIA ST PZ 0 PZ =PGW PHLA

YA 0 YA =VERIZON PA PHIL

Serial Number--[20222643908]-[000]

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

RESPONSES for S/N: 20222643908:

Ver	CDC	Name	Response	Time	Respondent
0	YA	VERIZON PENNSYLVANIA LLC	YA-NO RESPONSE	9/24/2022 12:04:47 AM	Auto-KARL
0	PZ	PHILADELPHIA GAS WORKS	PZ-NO RESPONSE	9/24/2022 12:04:47 AM	Auto-KARL
0	PZ	PHILADELPHIA GAS WORKS	PZ-FIELD MARKED	9/27/2022 12:54:40 PM	GRe-WEBSVC
0	PSD	PHILADELPHIA CITY DEPARTMENT OF STREETS	PSD-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/21/2022 2:39:14 PM	TC-WEB
0	PD	PHILADELPHIA CITY WATER DEPARTMENT	PD-CONFLICT. DCTF BY FO	9/22/2022 10:06:38 AM	MM-WEB
0	MI	VERIZON BUSINESS FORMERLY MCI	MI-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/21/2022 2:35:31 PM	PRA-WEBSVC
0	CQ	COMCAST CABLE PHILADELPHIA	CQ-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	9/21/2022 9:20:21 PM	UQ-WEBSVC
0	KB	PECO AN EXELON COMPANY	KB-FIELD MARKED	9/23/2022 2:33:17 PM	Cha-WEBSVC
0	KB	PECO AN EXELON COMPANY	KB-FIELD MARKED	9/23/2022 2:33:15 PM	CLS-WEBSVC

DELIVERIES for S/N: 20222643908:

Ver	CDC	Name	To	Time	Seq	Type
0	YA	VERIZON PENNSYLVANIA LLC	YA	9/21/2022 2:31:08 PM	432	MAIL
0	PZ	PHILADELPHIA GAS WORKS	PZ	9/21/2022 2:31:10 PM	272	MAIL
0	PSD	PHILADELPHIA CITY DEPARTMENT OF STREETS	PSD	9/21/2022 2:31:09 PM	271	MAIL
0	PD	PHILADELPHIA CITY WATER DEPARTMENT	PD	9/21/2022 2:31:09 PM	291	MAIL
0	MI	VERIZON BUSINESS FORMERLY MCI	MI	9/21/2022 2:31:07 PM	216	MAIL
0	CQ	COMCAST CABLE PHILADELPHIA	CQ	9/21/2022 2:31:07 PM	172	MAIL
0	KB	PECO AN EXELON COMPANY	KB	9/21/2022 2:31:08 PM	129	MAIL

ATTACHMENT for S/N: 20222643908 (20222643908-0.gif):



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

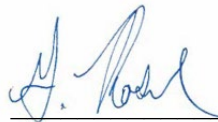
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
Philadelphia Gas Works,	:	
Respondent	:	

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 and Electronic Mail

Philadelphia Gas Works
Attn: Brian Eckroade
800 West Montgomery Ave.
Philadelphia, PA 19122
Brian.Eckroade@pgworks



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

Dated: January 2, 2025