



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

January 6, 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.
HTC Associates, Inc. A/K/A Hi-Tech Construction Company, Inc.
Docket No. C-2024-3052351
I&E Reply to New Matter

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Reply to New Matter 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, I&E-Enforcement (via email – mwindler@pa.gov)
Robert Horensky, Manager, Safety Division (via email – rhorensky@pa.gov)
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3052351
	:	
HTC Associates, Inc.	:	
A/K/A Hi-Tech Construction Company, Inc.	:	
Respondent	:	

**BUREAU OF INVESTIGATION AND ENFORCEMENT
REPLY TO NEW MATTER OF
HTC ASSOCIATES, INC.**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorney, and files this Reply to New Matter of HTC Associates, Inc., A/K/A Hi-Tech Construction Company, Inc. (“Respondent”), pursuant to 52 Pa. Code § 5.63(a). The purpose of New Matter in response to a Complaint is to “set forth ... another material fact which is not merely a denial of the averments of the preceding pleading” or to raise affirmative defenses. 52 Pa. Code § 5.62(b). In support thereof, I&E avers as follows:

38. Denied. To the extent that Respondent attempts to incorporate any and all assertions made in paragraphs 1-37 of its Answer as “New Matter,” this is denied. Pursuant to 52 Pa. Code § 5.62(b), affirmative defenses must be set forth under the heading of “New Matter.” New Matter is limited to material facts that are not merely denials of averments of the preceding pleadings. Respondent cannot simply incorporate by reference all paragraphs of its Answer as “New Matter.”

39. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

40. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

41. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

42. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

43. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

44. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

45. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

46. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

47. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied. By way of further response, I&E is not asserting that it has damages or losses; rather, it has brought an enforcement action pursuant to the PA One Call Law.

48. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

49. Denied. This averment is a legal conclusion to which no response is required.
To the extent that a response is required, it is denied.

50. Denied. This averment is a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

51. Denied. This averment is a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

52. Denied. This averment is a legal conclusion to which no response is required. To the extent that a response is required, it is denied. By way of further response, I&E is not bringing a cause of action for damages; rather, it has brought an enforcement action pursuant to the PA One Call Law.

53. Denied. This averment is a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

54. Denied. This averment is a legal conclusion to which no response is required. To the extent that a response is required, it is denied. By way of further response, I&E is not bringing a cause of action for damages; rather, it has brought an enforcement action pursuant to the PA One Call Law.

55. Denied. I&E has neither failed to preserve evidence nor destroyed evidence relevant to the instant case. Discovery in this matter has yet to commence. To the extent Respondent persists in asserting the allegation in its New Matter Paragraph 55, strict proof thereof is demanded. By way of further response, Respondent's averment that the Commission's Complaint is barred by the doctrine of spoliation is a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

56. Denied. This averment is a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

57. Denied. This averment does not constitute New Matter. The purpose of New Matter is to assert new facts or to raise affirmative defenses. Pursuant to 52 Pa. Code § 5.62(b),

New Matter must be pled by a Respondent at the time of the Answer to a Complaint.

Respondent may not raise any further “New Matter.”

58. Denied. This averment is a legal conclusion to which no response is required.

To the extent that a response is required, it is denied.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Office of Administrative Law Judge and the Commission reject the New Matter raised by HTC Associates, Inc., dismiss Respondent’s Answer, and sustain I&E’s Complaint.

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
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Date: January 6, 2025

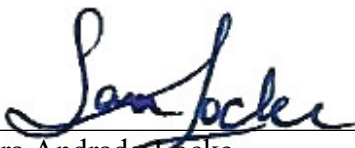
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3052351
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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: January 6, 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
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	:	
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 Electronic Mail

Patrick T. Duffy, Esq.
100 Regency Drive
Audubon, PA 19043
Patrick@DuffyTrial.com
Counsel for HTC Associates Inc.
A/K/A Hi-Tech Construction, Inc.



Grant Rosul
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Dated: January 6, 2025