



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 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.
MK Hauling LLC
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, I&E-ENF (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.

In addition to filing your Answer with the Commission’s Secretary, 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, if any, 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- |
| | : | |
| MK Hauling LLC, | : | |
| 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 MK Hauling LLC (“MK Hauling” or “Respondent”) alleging violations of the PA One Call Law in connection with an August 31, 2023, incident where an excavator struck a gas line operated by National Fuel Gas Distribution in front of 3148 Bethel-Wilmington Road in Shenango Township, Mercer 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 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 MK Hauling LLC with a main mailing address of 57 Vath Road, Stoneboro, PA 16153.

5. MK Hauling 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 requires an excavator to “submit a locate request to identify 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 requires an excavator 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 requires that an excavator “submit a report of an alleged violation to the commission through the One Call System not more than thirty 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 requires that an excavator “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 180(21) of the PA One Call Law requires an excavator to “make a locate request to the One Call System prior to excavation or demolition work and to pay the applicable fee for the request.”

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 prosecutorial 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 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 August 31, 2023, MK Hauling was excavating a 10-foot long trench to install a connection for a recently constructed septic tank at 3148 Bethel-Washington Road in Shenango Township, Mercer County, Pennsylvania.

19. While excavating, MK Hauling struck a gas service line operated by National Fuel Gas Distribution (“NFG”). I&E Exhibit 1.

20. In September 2023, NFG submitted an Alleged Violation Report (“AVR”) to the PA One Call System (“POCS”) to alert the Commission to the strike on the gas service line, as required by the PA One Call Law.

21. On May 28, 2024, pursuant to the Commission’s investigation of this incident, a Damage Prevention Investigator (“DPI”) from the Commission’s Bureau of Investigation and Enforcement, Damage Prevention Section (“DPS”), contacted NFG to ask whether there was a gas leak and whether 911 was called.

22. Jacob Specht, a damage prevention supervisor for NFG, responded that there was a gas leak and that the excavator, MK Hauling, did not call 911 to report the line strike and gas leak. I&E Exhibit 2.

23. During the course of the investigation, the DPI also contacted Mark Kotch (“Mr. Kotch”), who is the owner and principal of MK Hauling.

24. In an August 23, 2024, e-mail to the DPI, Mr. Kotch admitted that MK Hauling equipment and an employee were on site conducting the excavation for the property owner at 3148 Bethel-Wilmington Road, stating “I supplied him an excavator and a guy to operate it for a couple hours.” I&E Exhibit 3 (p. 1, 11:15 AM E-mail).

25. In an earlier e-mail that day, within the same e-mail chain as the statement in Paragraph 24, Mr. Kotch explained his reasoning for not calling 911 about the gas leak caused by the line strike, stating “[c]alling 911 was not necessary that’s for real emergencies and people who don’t know what to do.” I&E Exhibit 3 (p. 2, 9:18 AM E-mail).

26. In an October 26, 2024, e-mail exchange between the DPI and Mr. Kotch, he again took ownership of MK Hauling’s excavation work, explaining to the DPI that “my little 10 ft. long trench for a friend” was undeserving of the fine levied by the DPC. This e-mail exchange occurred after MK Hauling’s receipt of the DPI report but prior to the DPC meeting. I&E Exhibit 4.

27. A diligent search by the DPS did not find any Routine Excavation PA One Call Tickets submitted to POCS for the location of the excavation between August 11, 2023, and the date of the excavation, August 31, 2023.³

³ 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, August 31, 2023.

28. Upon information and belief, MK Hauling did not submit a PA One Call Ticket to POCS.

29. On May 21, 2024, during the course of the investigation of the line strike, the DPS sent a letter and e-mail to MK Hauling, requesting that the Respondent submit an AVR⁴ to the Commission through 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 5.

30. On May 22, 2024, Mr. Kotch, on behalf of MK Hauling, responded to the e-mailed version of the courtesy request for MK Hauling to submit an AVR by stating that “he [the property owner] asked me to dig a 10ft ditch to connect his line. He gave me \$100 for fuel” and that the work was “not my project.” MK Hauling also reiterated its earlier refrain that it merely excavated a 10-foot trench but that another person was the project owner, stating “[i]t wasn’t my job literally dug a 10 ft ditch.” MK Hauling further stated that “811 wants to try to get money for nothing. It was the home owners [sic] project.” I&E Exhibit 6.

31. No AVR was ever submitted to the Commission through POCS by MK Hauling and Respondent never provided the requested information.

32. On August 20, 2024, a copy of the report prepared by the DPI from the Commission’s Bureau of Investigation and Enforcement, Damage Prevention Section,

⁴ 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).

was mailed to MK Hauling at 57 Vath Road, Stoneboro, PA 16153, 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 pay the annual fee for service for the One Call System. The letter further informed MK Hauling 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").

33. On August 21, 2024, Mr. Kotch, on behalf of MK Hauling, rejected the DPI Report via an e-mail to the DPI and requested to present his case before the DPC.

34. On October 9, 2024, a notice of the DPC meeting was sent to MK Hauling, informing Respondent that it could present its case to the DPC at the November 13, 2024, meeting.

35. No one from MK Hauling appeared at the November 13, 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.

36. On November 14, 2024, a copy of the DPC's Informal Determination accepting the DPI's report and proposed penalty was mailed to MK Hauling, 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.

37. On November 20, 2024, Respondent informed the DPI via e-mail that it would reject the DPC's Informal Determination.

III. VIOLATIONS

38. Paragraphs 1-37 are incorporated herein as if stated in their entirety.

Count 1

39. Respondent failed to submit a locate request for each worksite by notifying the facility owners 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 3148 Bethel-Wilmington Road in Shenango Township, Mercer County, without first submitting a One Call Ticket to POCS.

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

Count 2

40. 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 gas service line while excavating, which NFG, the operator of the line, confirmed to have subsequently leaked. 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. Respondent later informed investigators from the Commission's DPS that "calling 911 was not necessary" because "that's for real emergencies and people who don't know what to do."

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

Count 3

41. 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 the gas service line operated by NFG at all, even after being requested to do so by the Commission in the May 22, 2024, letter and e-mail. Respondent was in receipt of the May 22, 2024, communication because in a response to the DPI the same day Respondent attempted to disclaim or dismiss the request for information and the request to submit an AVR by stating "811 wants to try to

get money for nothing. It was the home owners [sic] project.” The duty of an excavator to submit an AVR to the Commission through POCS remains the same regardless of the identity of the project owner.

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

Count 4

42. 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). Pursuant to this provision, Respondent must “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.”

On May 21, 2024, the DPS requested “detailed information” including pictures, videos, and a written summary of the line strike incident from Respondent. Although Respondent acknowledged receipt of this request, it insisted that it was not responsible for the incident and failed to provide any of the requested information to the Commission’s DPS.

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 MK Hauling LLC to be in violation of the PA One Call Law at §§ 180(2.1), 180(8), 180(16), 180(17).
- (2) Impose a cumulative administrative penalty upon MK Hauling LLC in the amount of \$10,000.
- (3) Order MK Hauling LLC to attend Online Compliance Training through the Pennsylvania One Call System for excavators and provide proof of compliance to the Commission within 30 days of the entry of a Final Commission Order; and
- (3) Order such other remedies as the Commission may deem appropriate.
- (4) If payment of the administrative penalty is not made, the Bureau of Investigation and Enforcement requests that this matter be referred to the Pennsylvania Office of the Attorney General for appropriate action.

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: February 6, 2025

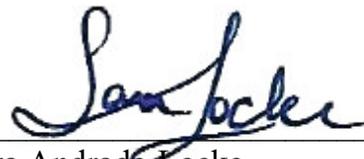
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|--------------------|
| Pennsylvania Public Utility Commission, | : | |
| Bureau of Investigation and Enforcement, | : | |
| Complainant | : | |
| | : | |
| v. | : | Docket No. C-2025- |
| | : | |
| MK Hauling LLC, | : | |
| 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: February 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

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 AVR2023AUG070011

AVR Version 1

First Name JACOB **Last Name** SPECHT

Company Name NATIONAL FUEL GAS

Address 225 WAYNE ST

City ERIE

State PA

Zip Code 16507

Email SPECHTJ@NATFUEL.COM **Phone** 8148718499

Ext

Role

Submitter Role(s) (?)

- Facility Owner
- Excavator
- Locator
- Other
- Designer
- Project Owner
- Enforcement Agency

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? (?) 08/31/2023

10:00:00 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 MERCER
Municipality SHENANGO TWP
Ward
Work Site 3148 Bethal Wilmington
Nearest Intersection S Keel Ridge
Second Intersection
Geolocation (?)

Affected Facility Information



Primary Right of Way Type Private
Public Right of Way Type
Private Right of Way Type Land Owner
Affected Operation Gas
Facility Subtype Affected Distribution
Facility Owner Company Name National Fuel
Contact First Name Jacob Last Name Specht
Address 225 Wayne St
City Erie
State Pa

Zip 16507

Email spechtj@natfuel.com Phone 814-460-8719

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 (?) 08/31/2023
08:00:00 AM

Excavation Activity SEWER - SANITARY

Excavator Company Name M K Hauling

Contact First Name Last Name

Address 57 Vath Rd

City Soneboro

State Pa

Zip 16153

Email Phone

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?
Site Developer

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 hr

Exact Value of Service Interruption

Approximately how many customers were affected? 1

Exact Number of Customers Affected

Cost of Damaged Line Repair? \$1-\$1,000

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

M K Hauling was performing excavation work with no pa one call ticket, during their excavation they struck an NFG service line
If more space is needed, attach additional pages or documents.

Attachments

| | |
|----------------------------------|----------|
| Screenshot 2023-08-07 101243.png | 883.07KB |
| Screenshot 2023-08-07 101328.png | 807.16KB |
| Screenshot 2023-08-07 101405.png | 925.78KB |

Attach pictures and additional documents

Submit Date

08/07/2023

Compliance Update

Research Result

Listed tickets found
 Additional tickets found
 No tickets found

Additional Tickets Found

Additional Serial Numbers

Ticket Attachment

Comments

M K Hauling has not placed notifications with PA One Call in the past.

I&E Exhibit 2

Maki, Eva

From: Maki, Eva
Sent: Friday, June 7, 2024 12:27 PM
To: Jacob Specht
Subject: RE: [External] RE: Case 40555

Hi Jacob,
Thank you for the information. Sorry it took so long to acknowledge this email.
Eva



www.puc.pa.gov



Eva Maki
PA One Call Damage
Prevention Specialist
Bureau of Investigation and
Enforcement
Phone: 717-787-6489
Email: evamaki@pa.gov
Consumer Hotline:
1-800-692-7380

PRIVILEGE AND CONFIDENTIALITY NOTICE: This email, including any attachments, may be privileged, confidential, proprietary and/or otherwise protected from disclosure, and is intended only for the use of the designated recipient(s). Any dissemination, disclosure, distribution, copying or other use of this communication without the approval of the sender is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender, delete the original electronic email and destroy any printed copies. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege. Email transmission cannot be guaranteed to be secure or error-free, therefore sender does not accept liability for any errors or omissions in the contents of this message, which arise as a result of email transmission.

From: Jacob Specht <SpechtJ@natfuel.com>
Sent: Tuesday, May 28, 2024 8:47 AM
To: Maki, Eva <emaki@pa.gov>
Subject: [External] RE: Case 40555

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Hi Eva,
Yes there was a release of gas and no 911 was not called.

Thanks,



Jacob Specht
Damage Prevention Supervisor
National Fuel Gas

O: (814)-871-8499 **Ext:** 4499
C: (814)-460-8719

225 Wayne St, Erie, PA 16507



From: Maki, Eva <emaki@pa.gov>
Sent: Thursday, May 23, 2024 9:20 AM
To: Jacob Specht <SpechtJ@natfuel.com>
Subject: Case 40555

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good morning Jacob,
Could you tell me if 911 was contacted for the Incident occurred on 8/31/2023 at 3148 Bethal Wilmington in Shenango Township in Mercer County? Could you confirm that there was a release of gas?
A gas line was hit and damaged.
I have attached the AVR that was submitted by NFG for your reference.
Thank you,
Eva



Eva Maki
PA One Call Damage
Prevention Specialist
Bureau of Investigation and
Enforcement
Phone: 717-787-6489
Email: evamaki@pa.gov
Consumer Hotline:
1-800-692-7380

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Please consider the environment before printing this email

I&E Exhibit 3

Maki, Eva

From: mark kotch <mk_hauling@yahoo.com>
Sent: Friday, August 23, 2024 11:15 AM
To: Maki, Eva
Subject: Re: [External] Re: Case 40555

I don't know that information. I am not the contractor or project owner. It was the homeowner Jerry McGeehan as the project owner. I supplied him an excavator and a guy to operate it for a couple hours. He is in your report you should have gotten the details from him. As it was his project and he has taken ownership for the liability. The gas company reported me because I own the excavator. They have no details other than a pipe was hit by and excavator.

Mark
Sent from my iPhone

> On Aug 23, 2024, at 9:50 AM, Maki, Eva <emaki@pa.gov> wrote:

>
> Hi MK.
> I am asking about detailed information explaining how it was that you decided to borrow your excavator to your friend. Please include his name and any other details about this transaction. Please include any details from the incident. Did your friend contact you when the line was hit? I will reach out to One Call and ask if they can search again for any tickets placed for this address. If you or your friend have a ticket number, that would ensure we include the information into this case. Who called the gas company to repair the line?

> Thank you,

> Eva

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> <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.puc.pa.gov%2F&data=05%7C02%7Cemaki%40pa.gov%7Cf3c94085b78e4bf5dfa608dcc3866a6c%7C418e284101284dd59b6c47fc5a9a1bde%7C0%7C0%7C638600229279936381%7CUnknown%7CTWFpbGZsb3d8eyJWljoImMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=apBL8zBPOewF8YM5joBciAG8Cfq1PvF7AOJrH6JNbYw%3D&reserved=0>

>

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>

> -----Original Message-----

> From: mark kotch <mk_hauling@yahoo.com>

> Sent: Friday, August 23, 2024 9:18 AM

> To: Maki, Eva <emaki@pa.gov>

> Subject: Re: [External] Re: Case 40555

>

> I don't have any dates. There is no invoice because it was helping a friend. I was never at the property my excavator was. You will have to get details from the homeowner. He was doing the work. I asked him if he called 811 he said they did for the septic installation. It was still marked. My friend said the gas line or some line was marked a few feet away. I have no picture evidence or anything because I wasn't there. They called the gas company to come repair the line. They had company had the homeowner pay him \$100 for the repair. I do not need to have an account with you and you cannot make me buy your service. Other than whatever date the gas company states. It was a 10ft trench. For him to connect the house plumbing to the new septic system I was not involved with but you should have a PA 1 call at that address for it. Youngstown guys just charge everyone typical government action. Calling 911 was not necessary that's for real emergencies and people who don't know what to do. I have never been contacted by your agency or have read or had access to your procedures that exist in cyberspace. I have used your service before. As I stated multiple times. It wasn't my job it was the homeowners job and not my responsibility. Oh then the gas company tried charging \$500 for damages which I deferred to the home owner not sure how that was settled.

>

> MK

> Sent from my iPhone

>

>> On Aug 23, 2024, at 8:22 AM, Maki, Eva <emaki@pa.gov> wrote:

>>

>> Good morning MK,

>> I have added the information in your email to case 40555. I am requesting a detailed explanation of what happened including dates. I am still able to consider information that is presented. You will have an opportunity to present your side of the story to the Damage Prevention Committee (DPC) and they can decide to keep the violations and penalties, remove them or add to them.

>> Thank you,

>> Eva

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>> <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.p%2F&data=05%7C02%7Cemaki%40pa.gov%7Cf3c94085b78e4bf5dfa608dcc3866a6c%7C418e284101284dd59b6c47fc5a9a1bde%7C0%7C0%7C638600229279946917%7CUn>

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>> [WwiLCJXVCI6Mn0%3D%7C0%7C%7C&sdata=GNeMTLdYB6F02BD6fQ8Pjd%2B66AdkgW](https://www.p%2F&data=05%7C02%7Cemaki%40pa.gov%7Cf3c94085b78e4bf5dfa608dcc3866a6c%7C418e284101284dd59b6c47fc5a9a1bde%7C0%7C0%7C638600229279946917%7CUn)

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>> [uc.pa.gov%2F&data=05%7C02%7Cemaki%40pa.gov%7C9ef151036b444dfb5cb108dc](https://www.p%2F&data=05%7C02%7Cemaki%40pa.gov%7Cf3c94085b78e4bf5dfa608dcc3866a6c%7C418e284101284dd59b6c47fc5a9a1bde%7C0%7C0%7C638600229279946917%7CUn)

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>>

>> Eva Maki

>> PA One Call Damage Prevention Specialist Bureau of Investigation and

>> Enforcement

>> Phone: 717-787-6489

>> Email:evamaki@pa.gov

>> Consumer Hotline:

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>>

>> -----Original Message-----

>> From: mark kotch <mk_hauling@yahoo.com>

>> Sent: Thursday, August 22, 2024 5:38 PM

>> To: Maki, Eva <emaki@pa.gov>

>> Subject: [External] Re: Case 40555

>>

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>> email, use the Report Phishing button in Outlook.

>> <<https://www/>

>> .oa.pa.gov%2FDocuments%2FCofense-Report-Phishing-User-Guide.pdf&data=

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>>

>> Also if you get a report from Jerry, I guess the gas line was marked a few feet off. As I said I don't know wasn't there.

>> MK

>> Sent from my iPhone

>>

>>>> On Aug 22, 2024, at 4:06 PM, mark kotch <mk_hauling@yahoo.com> wrote:

>>>

>>> Yes, I have a real problem with the government and how you conduct business. Pay this fine because we say is unacceptable. Your fines are absurd! \$5500 haha I don't even have the money to pay that. I'm a little side business that hauls gravel and I have a DOT number. My excavation work primarily is spreading gravel and 20% of my small business. I barely pay my bills. I don't need a 811 account so you can't fine me for not having one. That's the government way of doing things fine him and fine him. When has 811 ever contacted me to educate me on your rules and regulations? They haven't they just fine you for some law that you would have to search. I'm a hauling business. I have used 811 before. That job was not mine that's why I haven't had to pay damages to the gas company because the homeowner was doing this job. I'm friends with him. I was never at the job site. I own the small company. I was a volunteer fire fighter in pa for 17 years been to numerous gas leak calls. I wasn't there first of all but even if I was I wouldn't have called 911 unless there was an ignition source close by. You're trying to fine me for something because my machine and a guy who helps me was there. Your fines are outrageous. What is the money used for please tell me. You guys rip plus off on taxes and registrations, inspections, I'm sick of the government having their hand in my pocket! Pay a fine that will make this right. I don't have that kind of money! I work three freaking jobs. You probably never operated a piece of equipment. Another DEI government hire. It wasn't my job. I called Jerry asked him about calling 811 may even have it in a text. He said it was just done when the septic system was installed. It was the homeowner's project. I'm not liable just because you at your desk as I am. And \$5500 to the state will make this right. I wont be paying it. I can end my small business or go to jail. I'm sick of busting my butt to give it to the government! Like most citizens! Not my job it was

>>> The home owners. My excavator was there not titled to MK Hauling. I have never been to the property.

>>>

>>> Mark Kotch

>>> Sent from my iPhone

>>>

>>>> On Aug 22, 2024, at 2:44 PM, Maki, Eva <emaki@pa.gov> wrote:

>>>>

>>>> Good afternoon Mark,

>>>> I have noted your disagreement in case 40555. If there is any more information that you would like considered, please provide that by 9/06/2024. No new information will be accepted at the DPC meeting. A notice will be sent when the case is scheduled for the Damage Prevention Committee (DPC) meeting.

>>>> Thank you,

>>>> Eva

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>>>> <http://www/>.

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>>>>

>>>> Eva Maki

>>>> PA One Call Damage Prevention Specialist Bureau of Investigation

>>>> and Enforcement
>>>> Phone: 717-787-6489
>>>> Email:evamaki@pa.gov
>>>> Consumer Hotline:
>>>> 1-800-692-7380
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>>>>
>>>> -----Original Message-----
>>>> From: mark kotch <mk_hauling@yahoo.com>
>>>> Sent: Wednesday, August 21, 2024 11:39 AM
>>>> To: Maki, Eva <emaki@pa.gov>
>>>> Subject: [External] Fine

>>>>
>>>> ATTENTION: This email message is from an external sender. Do not
>>>> open links or attachments from unknown senders. To report
>>>> suspicious email, use the Report Phishing button in Outlook.
>>>> <https://ww/
>>>> w.oa.pa.gov%2FDocuments%2FCofense-Report-Phishing-User-Guide.pdf&da
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>>>>
>>>>
>>>> Hi Eva,
>>>> Received your fine for the project I wasn't responsible for. The gas company didn't send the bill to me. You're fining me for whatever you feel, not facts. So what is the appeal process? Otherwise I'll close the business.
>>>> MK
>>>>
>>>> Sent from my iPhone
>>
>

I&E Exhibit 4

Locke, Sara

From: Locke, Sara
Sent: Thursday, October 17, 2024 10:44 PM
To: Maki, Eva
Subject: FW: [External] Case 040555

Eva,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sara Andrade-Locke – PA One Call Damage Prevention Supervisor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

From: mark kotch <mk_hauling@yahoo.com>
Sent: Wednesday, October 16, 2024 11:18 PM
To: PC, DamagePrevention <RA-PCDAMAGEPREVENTIO@pa.gov>
Subject: Re: [External] Case 040555

I will be filing a claim against you and Eva Maki, starting with State representative Mike Kelly and going from there. You guys are out of line and acting out of spite. I have been reviewing multiple violations and have yet to see a fine equal to or larger than the one I received. Those were huge projects. Expensive jobs. My little 10ft long trench for a friend gets a \$5500 fine for a first offense and him also. We fixed the issue. He paid the gas company. I will be sharing my story on YouTube.

MK

Sent from my iPhone

On Oct 16, 2024, at 10:51 PM, mark kotch <mk_hauling@yahoo.com> wrote:

Send it wherever you need. Your fines are fictitious. Your facts are off. Your investigator didn't even do their due diligence to see there was a PA1 call made to that location prior. Typical government operation. You charged two different people for the same thing. You guys need regulated.

MK

Sent from my iPhone

On Oct 16, 2024, at 7:37 AM, PC, DamagePrevention <RA-PCDAMAGEPREVENTIO@pa.gov> wrote:

Hi Mike,

I have moved this case out of the DPC's discussion queue and it will be voted on Omnibus. You could have attended online.

If you fail to pay the fine, it will go to the Attorney General's office for collection.

Sincerely,

Sara Andrade-Locke – PA One Call Damage Prevention Supervisor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

From: mark kotch <mk_hauling@yahoo.com>
Sent: Tuesday, October 15, 2024 8:43 PM
To: PC, DamagePrevention <RA-PCDAMAGEPREVENTIO@pa.gov>
Subject: [External] Case 040555

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Hello,

I'm sorry I will not be able to attend a meeting in Harrisburg. It's a bit far from location of said incident. I do not agree to your absurd fines and accusations against me. Just because some women at a desk said so. You guys really like to push around the little guy. I had no malicious intent of any kind and it was the smallest incident ever. I'm retiring from the military next month and I work full time. The hauling is a side business and lately a burden. So you guys can decide what you need. I will not be paying a fine. I cannot attend your meeting where you are located.

Sincerely,
MK Hauling LLC

Sent from my iPhone

I&E Exhibit 5



5/21/2024

COMPANY REPRESENTATIVE
M K HAULING
57 VATH RD
STONEBORO PA 16153

Re: Please Submit an Alleged Violation Report with Pictures - Case Number 40555

On 8/31/2023, M. K. HAULING, allegedly began work without a valid PA One Call ticket at 3148 Bethal Wilmington Rd. in Shenango Township in Mercer County, when a gas line was hit and damaged.

PA1Call Ticket Numbers: 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.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.

Please be aware that your AVR was due on 9/18/2023, please submit your AVR immediately.

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 the Facility Owner notified?

Who is the final designer for the project? Please provide the contact information.

What was the total cost and length of the project?

What Subsurface Utility Engineering (SUE) was utilized for the project for this area? Please provide the SUE details.

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

Please provide the requested information through the Pennsylvania One Call website. We will continue the investigation with the current information provided to us. If you have any questions, please contact Eva Maki at emaki@pa.gov or call 717.787.6489.

Sincerely,

Eva Maki
Damage Prevention Investigator
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17105

I&E Exhibit 6

Maki, Eva

From: Maki, Eva
Sent: Thursday, May 23, 2024 7:47 AM
To: mark kotch
Subject: RE: [External] Re: Case 40555

Mark,

Thank you for your prompt response. If you have questions about this, you may want to reach out to OneCall. As an investigator, I am gathering information. Doing someone a "favor" does not excuse one from the PA law.

Sincerely,

Eva



www.puc.pa.gov



Eva Maki
PA One Call Damage
Prevention Specialist
Bureau of Investigation and
Enforcement
Phone: 717-787-6489
Email: evamaki@pa.gov
Consumer Hotline:
1-800-692-7380

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From: mark kotch <mk_hauling@yahoo.com>
Sent: Wednesday, May 22, 2024 10:35 PM
To: Maki, Eva <emaki@pa.gov>
Subject: [External] Re: Case 40555

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

This a bit ridiculous. This wasn't a for hire project. Friend Jerry McGeehan home owner was doing the project. He had a new septic system installed which he said they called 811. Shortly after he asked me to dig a 10ft ditch to connect his line. He gave me \$100 for fuel not my project. Home owner claimed all responsibility and paid the gas company fee. The gas company keeps harassing me. It wasn't my job literally dug a 10 ft ditch. The gas company charged their fee now 811 wants to try to get money for nothing. It was the home owners project.

Mark

Sent from my iPhone

On May 21, 2024, at 3:08 PM, Maki, Eva <emaki@pa.gov> wrote:

<image002.jpg>

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

5/21/2024

COMPANY REPRESENTATIVE
M K HAULING
57 VATH RD
STONEBORO PA 16153

Re: Please Submit an Alleged Violation Report with Pictures - Case Number 40555

On 8/31/2023, M. K. HAULING, allegedly began work without a valid PA One Call ticket at 3148 Bethal Wilmington Rd. in Shenango Township in Mercer County, when a gas line was hit and damaged.

PA1Call Ticket Numbers: None

To whom it may concern,

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

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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 the Facility Owner notified?

Who is the final designer for the project? Please provide the contact information.

What was the total cost and length of the project?

What Subsurface Utility Engineering (SUE) was utilized for the project for this area? Please provide the SUE details.

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

Please provide the requested information through the Pennsylvania One Call website. We will continue the investigation with the current information provided to us. If you have any questions, please contact Eva Maki at emaki@pa.gov or call 717.787.6489.

Sincerely,

Eva Maki
Damage Prevention Investigator
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17105

<image003.png>

www.puc.pa.gov

<image004.png>

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Eva Maki
PA One Call Damage
Prevention Specialist
Bureau of Investigation and
Enforcement
Phone: 717-787-6489
Email: evamaki@pa.gov

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Consumer Hotline:

1-800-692-7380

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<AVR Courtesy Letter - MK Hauling - Excavator - Strike.docx>

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|--------------------|
| Pennsylvania Public Utility Commission, | : | |
| Bureau of Investigation and Enforcement, | : | |
| Complainant | : | |
| | : | |
| v. | : | Docket No. C-2025- |
| | : | |
| MK Hauling LLC, | : | |
| 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

MK Hauling LLC
Attn: Mark Kotch
57 Vath Road
Stoneboro, PA 16153
MK_Hauling@Yahoo.com



Grant Rosul
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318204
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Dated: February 6, 2025