



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 13, 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-2024-3052277
I&E Prehearing Conference Memorandum

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Prehearing Conference Memorandum of the Bureau of Investigation and Enforcement 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 'Colby B. Widdowson', is written over a faint, light blue circular watermark.

Colby B. Widdowson
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 326185
(717) 787-2139
cwiddowson@pa.gov

CW/jfm
Enclosures

cc: Deputy Chief Administrative Law Judge Christopher P. Pell (via e-mail – cpell@pa.gov)
Michael L. Swindler, Deputy Chief Prosecutor, I&E (e-mail - mwindler@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-2024-3052277
	:	
Philadelphia Gas Works,	:	
Respondent	:	

**PREHEARING CONFERENCE MEMORANDUM
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE CHRISTOPHER P. PELL:

Pursuant to the Prehearing Conference Order that was issued on January 31, 2025, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) files this Prehearing Conference Memorandum in accordance with Section 5.222(d)(1) of the Commission’s regulations, 52 Pa. Code § 5.222(d)(1), in advance of the prehearing conference scheduled for February 20, 2025.

I. HISTORY OF THE PROCEEDING

On November 25, 2024, I&E filed a Formal Complaint against Philadelphia Gas Works (“PGW”), at Docket No. C-2023-3044398 in connection with PGW’s failure to follow its procedures, failure to identify and remediate underground street troubles, failure to take necessary steps to protect a segment of pipeline, failure to repair, replace, or remove an unsafe portion of pipeline, failure to train personnel, failure to protect the

public from danger or exercise reasonable care to reduce the hazards, and failure to furnish and maintain adequate, efficient, safe and reasonable service and facilities. If proven, this conduct would constitute violations of 66 Pa.C.S. § 1501, 52 Pa. Ccode § 59.33, and 49 CFR §§ 192.605(a), 192.703(a)&(b), 192.755(a)&(b), and 192.805(h).

In its Formal Complaint, I&E requested a total civil penalty of Three Hundred Thousand Dollars (\$300,000.00) for the violations. I&E also requested a number of corrective actions.

On December 10, 2024, PGW, through counsel, filed an unopposed Petition for an Extension of Time to File an Answer. That Petition was granted on December 12, 2024.

On January 10, 2025, PGW, through counsel, filed a second unopposed Petition for an Extension of Time to File an Answer. That Petition was granted on January 14, 2025.

On January 29, 2025, PGW, through counsel, filed an Answer to the Complaint. The Answer denied the violations and requested that I&E's request for relief be denied.

On January 30, 2025, a Notice of a Telephonic Prehearing Conference was issued. On January 31, 2025, a Prehearing Conference Order was issued, directing the parties to develop a proposed litigation schedule and to file a Prehearing Memorandum.

II. I&E PREHEARING CONFERENCE MEMORANDUM

A. Proposed Orders with Respect to Discovery

I&E proposes that discovery be conducted consistent with the Commission's regulations at 52 Pa. Code § 5.321 *et seq.*

B. Possibility of Settlement

I&E and PGW have had a brief discussion on the possibility of settlement and I&E remains open to the possibility of settlement.

C. Presently Identified Issues

The issues present in I&E’s complaint include whether PGW failed to follow its procedures and conduct investigations after receiving PA One Call Notices that indicated underground street troubles (“UST”), whether PGW had knowledge that the cast iron main had been undermined and was threatened by soil instability due to water leaks, multiple sewer lateral failures, and excavations, whether PGW failed to identify and remediate USTs at and around 815 Jackson Street, whether PGW failed to train or evaluate its Damage Prevention Locators on identifying and responding to USTs, and whether all of the aforementioned conduct amounts to failing to furnish and maintain adequate, efficient, safe and reasonable service and facilities. Ancillary issues include the potential imposition of a civil penalty and corrective actions.

D. Hearing time needed

I&E expects that a hearing would take one day with the possibility of extending into a second day.

E. I&E Witnesses

I&E expects to present the testimony of the following witness:

Nicholas Nagele
Fixed Utility Valuation Engineer
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Pipeline Safety Division
400 North Street
Harrisburg, PA 17120

Terri Cooper Smith
Supervisor, Fixed Utility Valuation Engineer
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Pipeline Safety Division
400 North Street
Harrisburg, PA 17120

Robert Horensky
Manager, Safety Division
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Pipeline Safety Division
400 North Street
Harrisburg, PA 17120

I&E anticipates that the identified witnesses will testify to the findings of I&E's investigation, in addition to PGW's responses to data requests. I&E expects that the identified witnesses' testimony will lend support to the violations alleged and the civil penalty and corrective actions sought.

I&E reserves the right to call other witnesses as necessary to address any issues that have been or are later raised during the course of this proceeding and will identify such additional witnesses within a reasonable period of time prior to the commencement of hearings. I&E's witness(es) may testify to additional matters based upon the issues identified by the parties.

F. Proposed Litigation Schedule

I&E and PGW propose the following litigation schedule:

1. I&E written direct testimony due on June 2, 2025;
2. PGW written rebuttal testimony due on August 15, 2025;
3. I&E written surrebuttal testimony due on September 15, 2025;
4. Witness cross examination matrix submitted on September 30, 2025;

5. In person hearing to be held October 16-17 (based on ALJ availability); and
6. Main briefs filed within 20 days of filing of transcript or established at hearing; and
7. Reply briefs filed withing 20 days of filing of main brief or established at hearing.

Respectfully submitted,



Colby B. Widdowson
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 326185
(717) 787-2139
cwiddowson@pa.gov

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Date: February 13, 2025

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3052277
	:	
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 Electronic Mail

Bryce R. Beard, Esq.
Daniel Clearfield, Esq.
Norman Kennard, Esq.
Eckert Seamans Cherin & Mellott LLC
213 Market Street, 8th Fl.
Harrisburg, PA 17101
bbeard@eckertseamans.com
dclearfield@eckertseamans.com
nkennard@eckertseamans.com



Colby B. Widdowson
Prosecutor
PA Attorney ID No. 326185
Bureau of Investigation and Enforcement
(717) 787-2139
cwiddowson@pa.gov

Dated: February 13, 2025