



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

April 1, 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.
Dugan Construction
Docket No. C-2024-3051975
I&E Motion for Default Judgment (Damage Prevention)

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Default Judgment in the above-referenced proceeding.

Copies have been served on the parties of record in accordance with the 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: Robert Horensky, Manager, Safety Division (*via email* – rhorensky@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3051975
	:	
Dugan Construction,	:	
Respondent	:	

NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion for Default Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Additionally, you must serve a copy on the undersigned prosecutor.



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

Dated: April 1, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3051975
	:	
Dugan Construction,	:	
Respondent	:	

MOTION FOR DEFAULT JUDGMENT

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorney, and files this Motion for Default Judgment against Dugan Construction (“Respondent”) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on November 5, 2024, by filing a Complaint in this Damage Prevention matter.¹

2. The Complaint alleged that Respondent violated the Underground Utility Line Protection Law, known as the PA One Call Law, Act of October 30, 2017, P.L. 806, No. 50, 73 P.S. § 176 *et seq.*, by failing to place a PA One Call Ticket before excavating, failing to call 911 after striking a gas line, failing to submit an Alleged Violation Report after striking a line, failing to comply with requests for information from Commission staff, and failing to comply with the Common Ground Alliance (“CGA”) Best Practices when excavating.

3. On November 5, 2024, the Complaint was served by certified mail on Respondent at 76 Steen Hollow Road, Oakdale, PA 15071, which is the last known mailing address that

¹ “Damage Prevention” is a shorthand reference for matters referred to I&E, as the Commission’s prosecutory staff, pursuant to the PA One Call Law. *See* 73 P.S. § 182.8.

Respondent provided to the Commission, and which had been used to correspond with Respondent prior to the filing of the Complaint.

4. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.

5. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.

6. On December 17, 2024, the Complaint was returned to the Commission as unclaimed.

7. On December 23, 2024, the Complaint was re-served by certified mail at the same address.

8. On January 27, 2025, the Complaint was again returned to the Commission as unclaimed.

9. On February 1, 2025, the Complaint was served via publication in the *Pennsylvania Bulletin* at 55 Pa.B. 1208 pursuant to 52 Pa. Code § 1.53(e).

10. Included in the publication was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.

11. The twenty (20) days to file an Answer to the Complaint expired on February 23, 2025.

12. Respondent did not file an Answer to the Complaint.

13. Pursuant to Section 5.61(c) of the Commission's regulations, a Respondent who fails to file an Answer to a Complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. 52 Pa. Code § 5.61(c).

14. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

WHEREFORE, for all the foregoing reasons, I&E respectfully requests that the Commission enter a Default Order against Respondent that:

- a. Sustains the Complaint filed by I&E;
- b. Directs Dugan Construction to pay an administrative penalty of \$7,500 within thirty (30) days of the entry date of the Commission's Order;
- c. Directs Dugan Construction 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
- d. Directs the Bureau of Administration, Financial & Assessments Office, to refer the matter to the Pennsylvania Office of Attorney General for collection of the total set forth in subparagraph (a), above, if Dugan Construction fails to pay that total within thirty (30) days of the entry date of the Commission's Order.

Respectfully submitted,



Grant Rosul
Prosecutor
PA Attorney ID No. 318204

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Commonwealth Keystone Building
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Date: April 1, 2025

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3051975
	:	
Dugan Construction,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion for Default Judgment, in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via First-Class and Electronic Mail

Dugan Construction
Attn: Jim Dugan
76 Steen Hollow Road
Oakdale, PA 15071
jrdugan11@aol.com



Grant Rosul
Prosecutor
PA Attorney ID No. 318204

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