



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

May 19, 2025

**Via Electronic Filing**

Matthew L. Homsher, 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.  
McClain Brothers Plumbing  
Docket No. C-2024-3050015  
**I&E Motion for Default Judgment (Damage Prevention)**

Dear Secretary Homsher:

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', 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](mailto:grosul@pa.gov)

GR/ac  
Enclosures

cc: The Honorable F. Joseph Brady, Administrative Law Judge (*via email* – [fbrady@pa.gov](mailto:fbrady@pa.gov))  
Robert Horensky, Manager, Safety Division (*via email* – [rhorensky@pa.gov](mailto: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-2024-3050015
	:	
McClain Brothers Plumbing,	:	
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:

Matthew L. Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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



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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](mailto:grosul@pa.gov)

Dated: May 19, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3050015
	:	
McClain Brothers Plumbing,	:	
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 McClain Brothers Plumbing (“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 July 10, 2024, by filing a Complaint in this Damage Prevention matter.<sup>1</sup>
  
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 exercise due care and employ prudent excavation techniques when excavating within the tolerance zone of a properly marked line, failing to immediately notify 911 when a damaged line resulted in the escape of flammable, toxic, or corrosive gas or liquid which endangers life, health, or property, failing to submit an alleged violation report, failing to comply with all requests for information from Commission staff

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<sup>1</sup> “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.

within 30 days of the receipt of the request, and failing to use best efforts to comply with the Common Ground Alliance Best Practices.

3. On July 11, 2024, the Complaint was attempted to be served by certified mail on Respondent at 353 Main Street, Tullytown, PA 19007, which was the last known mailing address that 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 sustaining its Complaint and imposing the penalty set forth in the Complaint.

6. However, the Complaint and Notice were returned to the Commission as unclaimed/unable to forward.

7. On August 30, 2024, the Complaint was again attempted to be served by certified mail on Respondent at 353 Main Street, Tullytown, PA 19007, which was the last known mailing address that Respondent provided to the Commission, and which had been used to correspond with Respondent prior to the filing of the Complaint.

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

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

10. However, the Complaint and Notice were again returned to the Commission as unclaimed/unable to forward.

11. After the second failed attempt to serve Respondent, further research by the undersigned utilizing an internet search engine uncovered that Respondent's address had changed to 5915 Bristol Emilie Road, Levittown, PA 19057.

12. On January 15, 2025, the Complaint was again attempted to be served by certified mail on Respondent, this time at 5915 Bristol Emilie Road, Levittown, PA 19057.

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

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

15. However, for reasons unknown to I&E, the certified mailing was not delivered to the Respondent. At the time the tracking number provided by the United States Postal Service had been checked by the undersigned, it indicated that that particular mailing had been "moving through network" for approximately six weeks.

16. On March 4, 2025, the Complaint was re-served by certified mail on Respondent at 5915 Bristol Emilie Road, Levittown, PA 19057.

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

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

19. On March 13, 2025, the Respondent signed for and received the Complaint by certified mail.

20. The last day for Respondent to timely file an Answer to the Complaint was April 3, 2025.

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

22. Respondent did not file a Request for an Extension of Time to file its Answer pursuant to Section 1.15(a) of the Commission's regulations, nor communicate with I&E about its need for an extension of time to file an Answer to the Complaint. 52 Pa. Code § 1.15(a).

23. 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).

24. 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 McClain Brothers Plumbing to pay an administrative penalty of \$12,500 within thirty (30) days of the entry date of the Commission's Order;
- c. Directs McClain Brothers Plumbing to attend Online Compliance Training through the Pennsylvania One Call System for excavators and

provide proof of compliance to the Commission within thirty (30) days of the entry of a Final Commission Order;

- 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 (b), above, if McClain Brothers Plumbing 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

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 783-5243  
[grosul@pa.gov](mailto:grosul@pa.gov)

Date: May 19, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3050015
	:	
McClain Brothers Plumbing,	:	
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 Mail and Electronic Mail**

McClain Brothers Plumbing  
5915 Bristol Emilie Road  
Levittown, PA 19057  
[McClainPermits@gmail.com](mailto:McClainPermits@gmail.com)



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Grant Rosul  
Prosecutor  
PA Attorney ID No. 318204

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Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
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Dated: May 19, 2025