



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

July 30, 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.
A. Liberoni, Inc.
Docket No. C-2025-3055930
I&E Reply to New Matter

Dear Secretary Homsher:

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', 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*)
Robert Horensky, Manager, Safety Division (*via email*)
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-2025-3055930
	:	
A. Liberoni, Inc.	:	
Respondent	:	

**BUREAU OF INVESTIGATION AND ENFORCEMENT
REPLY TO NEW MATTER OF
A. LIBERONI, 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 the A. Liberoni, 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:

41. Denied. To the extent that Respondent attempts to incorporate any and all assertions made in paragraphs 1-40 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.”

42. Denied. The averment in Respondent’s Paragraph 42 is a statement of law to which no response is required. To the extent that a response is required, it is denied.

43. Denied. The averment in Respondent’s Paragraph 43 is a statement of law to which no response is required. To the extent that a response is required, it is denied.

44. Denied. I&E is without sufficient knowledge to evaluate the averments regarding Tullymet Street being a “paper street.” Strict proof thereof is demanded. By way of further information, Respondent informed facility owners via a locate request to the Pennsylvania One Call System that it would be working on Sylvan Avenue between Tullymet Street and Hazlewood Avenue. See I&E Exhibit 2.

45. Admitted.

46. Admitted.

47. Denied. The averment in Respondent’s Paragraph 47 is a legal argument to which no response is required. To the extent that a response is required, it is denied.

48. Denied. I&E is without sufficient information as to whether a preconstruction meeting took place. Strict proof thereof is demanded.

49. Denied. I&E is without sufficient information to know who attended or what transpired during the preconstruction meeting which Respondent avers it held prior to its excavation on Sylvan Avenue. Strict proof thereof is demanded.

50. Denied. I&E is without sufficient information to know whether Peoples Gas was invited to attend the preconstruction meeting which Respondent avers it held prior to its excavation on Sylvan Avenue. Strict proof thereof is demanded.

51. Admitted.

52. Admitted.

53. Denied. The averment in Respondent's Paragraph 53 is a legal argument to which no response is required. To the extent that a response is required, it is denied.

54. Denied. The averment in Respondent's Paragraph 54 is a legal argument to which no response is required. To the extent that a response is required, it is denied.

55. Denied. The averment in Respondent's Paragraph 55 is a legal argument to which no response is required. To the extent that a response is required, it is denied. By way of further information, it is I&E's contention that every escape of gas is a threat to life, health, and property.

56. Denied. I&E is without sufficient information to know whether the damage to the gas line was "immediately remedied." Strict proof thereof is demanded.

57. Denied. Respondent's averment is Denied insofar as I&E without sufficient information to know where Peoples Gas's workers were in relation to the jobsite or how long it took Peoples Gas to respond to the gas line strike and stop the gas leak. Strict proof thereof is demanded.

58. Denied. I&E asserts that every escape of gas is a threat to life, health, and property.

59. Denied. The averment in Respondent's Paragraph 59 is a legal argument to which no response is required. To the extent that a response is required, it is denied.

60. Denied. The averment in Respondent's Paragraph 60 is a legal argument to which no response is required. To the extent that a response is required, it is denied.

61. Admitted.

62. Denied. The averment in Respondent's Paragraph 62 regarding the propriety of the administrative penalty is a legal argument 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 the A. Liberoni, 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
grosul@pa.gov

Date: July 30, 2025

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-3055930
	:	
A. Liberoni, 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: July 30, 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

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
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	:	
A. Liberoni, 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

Howard F. Murphy, Esq.
426 Wray Large Road
Jefferson Hills, PA 15025
hfm@howardfmurphy.com
Counsel for A. Liberoni, Inc.



Grant Rosul
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318204
(717) 783-5243
grosul@pa.gov

Dated: July 30, 2025