



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

August 18, 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.
Dominguez's Concrete
Docket No. C-2025-
I&E Formal Complaint (Damage Prevention)

Dear Secretary Homsher:

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: Per Certificate of Service
Michael L. Swindler, Deputy Chief Prosecutor (via email – mwindler@pa.gov)
Robert Horensky, Manager, Safety Division (via email – rhorensky@pa.gov)

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:

Matthew L. Homsher, 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-
	:	
Dominguez’s Concrete	:	
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 29, 2024, P.L. 1106, No. 127, 73 P.S. § 182.8(c)(2), and files this Formal Complaint (“Complaint”) against Dominguez’s Concrete (“Dominguez’s Concrete” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a half-inch plastic gas service line operated by PECO while excavating with a mini-excavator to pour a concrete pad at a residential property at 203 Leonard Drive, Upper Marion Township, Montgomery 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 the 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 29, 2024, P.L. 1106, No. 127, 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
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
grosul@pa.gov
(717) 783-5243

4. Respondent is Dominguez’s Concrete, with a main mailing address of 929 Washington Street, Norristown, PA 19401.

5. Dominguez’s Concrete meets the definition of an “excavator” pursuant to Section 176 of the PA One Call Law, 73 P.S. § 176.¹

6. Section 180 of the PA One Call Law, 73 P.S. § 180, imposes duties on excavators.

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.*

7. Specifically, Section 180(2.1) of the PA One Call Law, 73 P.S. § 180(2.1), requires excavators to “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).

8. Section 180(6)(i) of the PA One Call Law, 73 P.S. § 180(6)(i), requires excavators to “[p]lan the excavation or demolition work to avoid damage to or minimize interference with a facility owner's facilities in the construction area. Excavation or demolition work which requires temporary or permanent interruption of a facility owner's service shall be coordinated with the affected facility owner in all cases.” 73 P.S. § 180(6)(i)

9. Section 180(16) of the PA One Call Law, 73 P.S. § 180(16), requires excavators to 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).

10. 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.

11. 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.

12. 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).

13. 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 dollars or more an administrative penalty not to exceed \$50,000. 73 P.S. § 182.10(b)(1)(i)-(ii).

14. 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

15. On May 30, 2024, Dominguez's Concrete was excavating with a mini-excavator to pour a concrete pad for a residential property located at 203 Leonard Drive, Upper Marion Township, Montgomery County, Pennsylvania. I&E Exhibit 1.

16. No locate request was submitted to the Pennsylvania One Call System ("POCS") by Dominguez's Concrete prior to the excavation work. A locate request is also referred to as a "Ticket."

17. A diligent search by the Bureau of Investigation and Enforcement's Damage Prevention Section ("DPS") did not find any Routine Excavation PA One Call Tickets submitted to POCS by Dominguez's Concrete for the location of the excavation and type of work for this excavation between May 15, 2024, and May 27, 2024, which would have been

the lawful time frame in which to submit a PA One Call Ticket for an excavation taking place on May 30, 2024.

18. Upon information and belief, Dominguez’s Concrete did not submit a PA One Call Ticket to POCS for the excavation it performed at 203 Leonard Street on May 30, 2024.

19. Additionally, after striking the PECO gas service line, Dominguez’s Concrete failed to timely submit an Alleged Violation Report (“AVR”)² to the Commission through POCS, as required by the PA One Call Law.

20. The last day for Dominguez’s Concrete to submit a timely AVR to the Commission through POCS was June 12, 2024.

21. On August 22, 2024, during the course of its investigation of the line strike incident, the DPS mailed to Respondent a letter requesting that it submit an AVR 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 2.

22. Dominguez’s Concrete submitted an untimely AVR on September 18, 2024. I&E Exhibit 3.

23. On December 19, 2024, a copy of the report prepared by the Damage Prevention Investigator (“DPI”) from DPS was mailed and emailed to Dominguez’s Concrete informing Respondent that it was in violation of the PA One Call Law for failing to submit a routine locate request to POCS and for failing to submit an AVR within 10 business

² 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).

days³ of a line strike incident, and further informing Respondent 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").

24. Dominguez's Concrete did not respond either by accepting the findings in the DPI's report or rejecting them.

25. On March 13, 2025, despite not explicitly rejecting the findings of the DPI report, a notice of the DPC meeting was sent to Dominguez's Concrete, informing Respondent that it could present its case at the April 15, 2025, DPC meeting.

26. Respondent did not appear to present its case at the April 15, 2025 DPC meeting. Nevertheless, Respondent's case was discussed and voted upon.

27. On April 16, 2025, a copy of the DPC's Informal Determination accepting the DPI's report and proposed penalty was mailed to Respondent, informing Dominguez's Concrete 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.

28. On April 24, 2025, Respondent informed the DPI that it would reject the DPC's Informal Determination.

III. VIOLATIONS

29. Paragraphs 1-28 are incorporated herein as if stated in their entirety.

³ This provision was amended effective October 29, 2024, by Act 127 of 2024, changing the timeframe to submit an AVR to 30 days. At the time of the line strike in this case, the § 180(16) provided 10 business days.

Count 1

30. Respondent failed to place a valid, routine locate request ticket through POCS prior to excavating at 203 Leonard Drive.

If proven, this is a violation of Section 180(2.1) of the PA One Call Law, 73 P.S. § 180(2.1). The purpose of an excavator submitting a Ticket to POCS is to “identify the location and type of facility owner lines at each work site.” However, a diligent search of the Tickets submitted to POCS for the 3 to 10 days immediately preceding the day of excavation, May 30, 2024, returned no Tickets submitted by Respondent for this excavation.

As an excavator, Respondent was required to place a routine locate request ticket through POCS between 3 and 10 days before starting excavation or demolition. A diligent search of the Tickets submitted to POCS by the DPS did not return any tickets matching the location and time frame of Respondent’s May 30, 2024, excavation.

The Bureau of Investigation and Enforcement’s proposed administrative penalty for this violation is \$2,000.

Count 2

31. Respondent failed to plan the excavation or demolition work to avoid damage to or minimize interference with a facility owner's facilities in the construction area.

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 required excavate in a manner which avoids damage to or minimizes interference with underground facilities. Here, Respondent began excavating to pour concrete without first knowing where underground lines were located or even considering that such facilities could be present at the excavation site. Such

carelessness indicates a lack of planning to avoid damage to or minimize interference with underground facilities.

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

Count 3

32. Respondent failed to file an AVR not more than ten business days after striking the gas service line operated by PECO.

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 required to file an AVR not more than 10 business days after striking a line. However, Respondent waited roughly four months after the line strike to alert the Commission of the incident.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$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 Dominguez's Concrete to be in violation of the PA One Call Law at 73 P.S. §§ 180(2.1), 180(6)(i), and 180(16);
- (2) Impose a cumulative administrative penalty upon Dominguez's Concrete in the amount of \$3,000; and
- (3) Order Dominguez's Concrete 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
- (4) Order such other remedies as the Commission may deem appropriate.

- (5) If payment of the administrative penalty is not made as set forth, 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: August 18, 2025

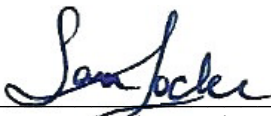
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
Dominguez's Concrete	:	
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: August 18, 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 AVR2024JUN070034
AVR Version 1
First Name TANEISHA **Last Name** HUDGINS
Company Name PECO AN EXELON COMPANY
Address 680 RIDGE PIKE
City PLYMOUTH MEETING
State PA
Zip Code 19462
Email Taneisha.Hudgins@exeloncorp.com **Phone** 2675331685

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? (?) 06/30/2024

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 MONTGOMERY
Municipality UPPER MERION TWP
Ward
Work Site 203 LEONARD DR
Nearest Intersection ROSS RD
Second Intersection
Geolocation (?)

Affected Facility Information



Primary Right of Way Type
Public Right of Way Type
Private Right of Way Type

Affected Operation Gas
Facility Subtype Affected Distribution
Facility Owner Company Name
Contact First Name Last Name
Address
City
State

Zip

Email

Phone

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 (?)

Excavation Activity

LANDSCAPING

Excavator Company Name

DOMINGUEZ'S CONCRETE

Contact First
Name

Last Name

Address

City

State

Zip

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?

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 - < 6 hrs

Exact Value of Service Interruption

Approximately how many customers were affected? 1

Exact Number of Customers Affected

Cost of Damaged Line Repair?

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

On 05/30/2024 Dominguez's Concrete severed the 1/2" PX gas service at the above location with a mini excavator while excavating for landscaping. Dominguez's Concrete did not have a PA One Call request and was digging with a powered excavator. 0 injuries, 1 Cust interrupted.

If more space is needed, attach additional pages or documents.

Attachments

Attach pictures and additional documents

Submit Date

06/07/2024

Compliance Update

Research Result

- Listed tickets found
 Additional tickets found
 No tickets found

Additional Tickets Found

Additional Serial Numbers

Ticket Attachment

Comments

No record for Dominguez's Concrete placing One Call notifications with PA One Call in the past.

I&E Exhibit 2



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

8/22/2024

DOMINGUEZ
DOMINGUEZ'S CONCRETE
929 WEST WASHINGTON STREET
NORRISTOWN, PA 19401

Re: Please Submit an Alleged Violation Report (AVR) IMMEDIATELY with Pictures - Case Number 47554. The incident occurred on Thursday, May 30, 2024, at 203 Leonard Drive, in Upper Merion Township, Montgomery County. Involving: **Excavator-** Dominguez's Concrete. **Project Owner-** Unknown. **Facility Owner-** PECO An Exelon Company. **Related PA One Call Ticket:** None. **Act 50-Excavator Issue-Sections: 5(2.1)** Excavator failed to submit a location request to One Call within the correct timeframe, and **5(16)** Excavator failed to submit an AVR within 10 business days of striking a line. **Act 50- Type of underground facility that was damaged: Gas**

Dear Mr. Dominguez,

We received an Alleged Violation Report indicating an underground utility line has been struck. With the revised PA One Call Law, Act 50, which took effect on April 28, 2018, anytime an underground facility has been hit, you are required to submit an Alleged Violation Report thru the Pennsylvania One Call website, www.palcall.org within ten (10) business days of the utility line being struck.

Failure to complete an Alleged Violation Report may make you subject to a penalty of no less than \$500 for first time offenders.

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. Information to include: the estimated amount of the project, who participated in the design and preconstruction meetings, the design serial number and name of the designer, what level of subsurface utility engineering was utilized, etc.

The Public Utility Commission is committed to ensuring all companies comply with the provisions of Act 50. Therefore, you are advised that, if you fail to comply with the above requests this office will initiate all appropriate enforcement actions pursuant to Act 50 against the utility and its officers, agents, and employees.

Please provide the requested information thru the Pennsylvania One Call website. We will continue the investigation with the current information provided to us. If you have any questions, please contact Summers Karlow at skarlow@pa.gov or call 717-783-5117.

Sincerely,

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

I&E Exhibit 3



Alleged Violation Report

PA Act 287, as amended 73 P. S. § 176 et. seq.
Powered by Pennsylvania One Call System, Inc.

AVR Number AVR2024SEP180026

First Name VICTOR **Last Name** BUSTOS

Company Name DOMINGUEZS CONCRETE

Address 929 W WASHINGTON ST

City NORRISTOWN

State PA

Zip Code 19401-4435

Email* victorbustos1982@gmail.com

Phone 6108188498

Ext

Role ⬆

Submitter Role(s)* (?)

<input type="checkbox"/> Facility Owner	<input type="checkbox"/> Designer
<input checked="" type="checkbox"/> Excavator	<input type="checkbox"/> Project Owner
<input type="checkbox"/> Locator	<input type="checkbox"/> Enforcement Agency
<input type="checkbox"/> Other	

Are you representing a company other than your own? Yes No

Alleged Violation Information

⬆

PUC Case Number (if known) 47554

Related AVR Number (?)

Type of Alleged Violation (?) Excavator Issue

Reason Failed to renotify the One Call System of any unmarked or incorrectly marked facility or wait three hours after the renotify notice for the facility response §5(20)

When did the alleged violation occur?* 05/30/2024
(?) 12:00:00 AM

Was the One Call System notified?* Yes No

Was the excavation exempt from One Call notification? Yes No Unknown

Event Information



County* (?) MONTGOMERY
Municipality* (?) UPPER MERION TWP
Ward
Work Site* 203 Leonard Dr King of Prussia PA
Nearest Intersection
Second Intersection
Geolocation (?)

Affected Facility Information



Primary Right of Way Type

Affected Operation* Gas
Facility Subtype Affected* Distribution
Facility Owner Company Name Pecco an exelon company
Contact First Name Last Name
Address
City
State
Zip
Email Phone
Joint Trench? Yes No Unknown
Involve Cross Bore? Yes No Unknown
Measured Depth from Grade

Work Information



Start Date of Excavation (?)
Excavation Activity
Excavator Company Name Dominguez'sConcrete

Contact First Name Victor Last Name Bustos

Address

City

State

Zip

Email

Phone

Marked in White Yes No Unknown

Method of Excavation

Equipment Used What Equipment was used for excavation or demolition when the event occurred?

Type of Excavator What is the type of excavator for whom the work was being done when the event occurred?

Did Excavator incur down time? Yes No Unknown

Was a response posted to the One Call System? 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? Please include the appropriate measurement: IN, FT, MI, DIA

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?

OSHA Report Filed? Yes No

Was 911 called? Yes No

Did the incident cause any injuries? Yes

Did the incident cause any deaths? Yes

Was there an evacuation? Yes No

Traffic Stopped? Yes No

Service Interrupted? Yes No

Cost of Damaged Line Repair?

Was other property damaged? Yes No

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

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 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/markings 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

Thank you for reading my resume on what happened that day in 203 Leonard Dr King of Prussia PA home owner asking me at the last minute if I can make it a concrete pad for his trash can I say okay because the pad was only 4'by 4' I wasn't thinking was any service line but I found it at 3" or 4" from the driveway level and I broke I know my mistake is not to call one call service but at the elevation that pipe was any body can broke but I recognize my guilt.but at the same time I want you to understand my point and take consideration please.thank you

If more space is needed, attach additional pages or documents.

Attachments

Attach pictures and additional documents

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
Dominguez's Concrete	:	
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

Dominguez's Concrete
929 Washington St.
Norristown, PA 19401
victorbustos1982@gmail.com
hesiquiomayrel@gmail.com



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

Dated: August 18, 2025