



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

August 22, 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.
Mark Callahan Construction LLC
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', 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

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-
	:	
Mark Callahan Construction LLC,	:	
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 Mark Callahan Construction LLC (“Callahan” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on an incorrectly marked gas service line operated by UGI Utilities, Inc. (“UGI”) while excavating on October 23, 2024, at 2737 Lakeside Drive, Harveys Lake Borough, Luzerne 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 Mark Callahan Construction LLC, with a main mailing address of 115 Marchakitus Road, Hunlock Creek, PA 18621. Attn: Mark Callahan.

5. Callahan 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.

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

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.*

8. Section 180(6)(i) of the PA One Call Law, 73 P.S. § 180(6)(i), requires excavators to “plan the excavation or demolition work to avoid damage to or minimize interference with a facility owner's facilities in the construction area.” 73 P.S. § 180(6)(i).

9. 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.

10. 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.

11. 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).

12. 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).

13. 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

14. On October 23, 2024, Callahan was excavating to replace a sewer line between

two private residential properties at 2737 Lakeside Drive, Harveys Lake Borough, Luzerne County, Pennsylvania. I&E Exhibit 1.

15. Callahan was not excavating with a valid excavation ticket, as it never submitted an excavation ticket for this project.

16. There was a valid, routine excavation ticket for the property for the same date submitted by Summit Pointe Builders Inc., Serial Number 20242883412 (“Summit Pointe Ticket”). I&E Exhibit 2.

17. The Summit Pointe Ticket was submitted on October 14, 2024, and had a lawful start date for excavation between October 18, 2024, and October 29, 2024. The duration of the excavation work was two to three days. Id.

18. A diligent search by the Commission’s Bureau of Investigation and Enforcement, Damage Prevention Section (“DPS”) did not find any PA One Call Tickets submitted by Callahan for the dates of October 4, 2024, and October 20, 2024, which would have been the time period to submit a lawful PA One Call Ticket to the Pennsylvania One Call System (“POCS”).

19. Upon information and belief, Callahan did not submit a PA One Call ticket to POCS.

20. During the process of digging with powered equipment to replace the sewer line, Callahan struck and damaged an incorrectly marked gas line operated by UGI at the rear of two private residential properties at 2737 Lakeside Drive, Harveys Lake Borough, Luzerne County, Pennsylvania, near Beaver and Harvey streets. I&E Exhibit 3.

21. On February 18, 2025, a copy of the report prepared by the Damage Prevention Investigator (“DPI”) from the Commission’s Bureau of Investigation and Enforcement, Damage Prevention Section, was mailed to Callahan informing Respondent that it was in violation of the

PA One Call Law by failing to submit a location request to One Call within the correct timeframe and for failing to plan the excavation or demolition work to avoid damage to or minimize interference with a facility owner's facilities in the construction area. The letter further informed 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").

22. On February 25, 2025, Respondent rejected the findings in the DPI's report via an email to the DPI and requested to present its case before the DPC.

23. On March 21, 2025, a notice of the DPC meeting was sent to Callahan, informing Respondent that it could present its case for discussion at the April 15, 2025, DPC meeting.

24. Callahan was not present at the April 15, 2025, hearing.

25. Respondent's case was nevertheless discussed and voted upon by the DPC.

26. On April 15, 2025, a copy of the DPC's Informal Determination accepting the DPI's report and proposed penalty was mailed to Callahan, informing Respondent 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.

27. On May 5, 2025, Respondent informed the DPI via e-mail that it would reject the DPC's Informal Determination.

III. VIOLATIONS

28. Paragraphs 1-27 are incorporated herein as if stated in their entirety.

Count 1

29. Respondent failed to submit a location request to One Call within the correct timeframe.

If proven, this is a violation of Section 180(2.1) of the PA One Call Law, 73 P.S. § 180(2.1). As an excavator, Respondent was obligated to submit a locate request to POCS with the location and type of facility owner lines at each work site no less than three nor more than ten business days in advance of beginning excavation work. Here, Respondent failed to submit a locate request within the statutorily required timeframe of 3 to 10 business days. Respondent incorrectly claims that it was not required submit its own locate request because it was contracted by Summit Pointe Builders Inc. to do the work and Summit Pointe Builders Inc. submitted a locate request for the project, alleging that this is standard practice.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$1,000.

Count 2

30. 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(6)(i) of the PA One Call Law, 73 P.S. § 180(6)(i). As an excavator, Respondent was obligated to submit its own locate request to the Pennsylvania One Call System. This requirement ensures that excavators coordinate with utilities operating nearby underground facilities. Here, Respondent failed to coordinate with any facility owners, relying solely on the locate request submitted by Summit Pointe Builders Inc. In so doing, Respondent failed to plan its excavation work to avoid damage to or minimize interference with a facility owner's facilities in the construction area.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$250.

WHEREFORE, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the Commission:

- (1) Find Mark Callahan Construction LLC to be in violation of the PA One Call Law at 73 P.S. §§ 180(2.1) and 180(6)(i);
- (2) Impose a cumulative administrative penalty upon Mark Callahan Construction LLC in the amount of \$1,250;
- (3) Order Mark Callahan Construction LLC to attend an educational program for excavators through the DPC and provide proof of compliance to the Commission within 90 days of the entry of a Final 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 22, 2025

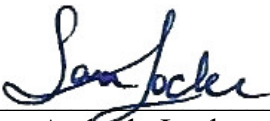
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
Mark Callahan Construction LLC,	:	
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 22, 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 AVR2024NOV260001
AVR Version 1
First Name MARK **Last Name** CALLAHAN
Company Name CALLAHAN CONSTRUCTION
Address 115 MARCHAKITUS RD
City HUNLOCK CREEK
State PA
Zip Code 18621
Email markcallahan@epix.net **Phone** 5707603712
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

What company or individual are you representing? summit pointe builders

Alleged Violation Information

PUC Case Number (if known)

Related AVR Number (?)

Type of Alleged Violation (?)

Reason

When did the alleged violation occur? (?) 10/23/2024
09:00:00 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 LUZERNE
Municipality HARVEYS LAKE BORO
Ward
Work Site pole 250 lakeside drive
Nearest Intersection
Second Intersection
Geolocation (?)

Affected Facility Information

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

Affected Operation Electric
Facility Subtype Affected Other
Facility Owner Company Name ugi

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

Excavator Company Name

Contact First
Name

Last Name

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

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 summit pointe builders

Contact First Name zach Last Name halbing
Address
City
State
Zip
Email Phone 570-406-3205

Event Impact



Did Violation result in underground damage or near miss event?

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?

Exact Value of Service Interruption

Approximately how many customers were affected?

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

ugi admitted guilt and stated line was not on record
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

ugh did not mark out line correctly, and came out and admitted that line was not on record. Zach Halbing was supervisor or work and had called pa one call, Construction Company was Summit Pointe Builders. He has all information.
5704063205
If more space is needed, attach additional pages or documents.

Attachments

Attach pictures and additional documents

Submit Date

11/26/2024

Compliance Update

Research Result

- Listed tickets found
- Additional tickets found
- No tickets found

Additional Tickets Found

Additional Serial Numbers 20242053868

Additional Serial Numbers 20241942276

Additional Serial Numbers 20241600236

Additional Serial Numbers 20241101012

Additional Serial Numbers 20241090856

Additional Serial Numbers 20240643011

Additional Serial Numbers 20240642972

Ticket Attachment

Comments

I&E Exhibit 2

CDC 00000 POCS MM/DD/YY TT:TT:TT 20242883412-000 NEW XCAV RTN

=====PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION REQUEST=====

Serial Number--[20242883412]-[000] Channel#--[1529A999][1257][2019-08]
Message Type--[NEW][EXCAVATION][ROUTINE]

County--[LUZERNE] Municipality--[HARVEYS LAKE BORO]

Work Site--[2737 LAKESIDE DR]

Nearest Intersection--[BEAVER]

Second Intersection--[HARVEY ST]

At Intersection--[N] Between Intersections--[Y] Site Marked in White--[N]

Subdivision--[]

Location Information--

[HARVEYS LAKE, PA 18618. SITE WILL BE MARKED BY TOMORROW MORNING. WORK WILL BE BETWEEN THE TWO HOUSES ON THE PROPERTY, AND FROM THE HOUSES TOWARD THE STREET TO TIE IN. THERE WILL BE NO WORK ON THE LAKE SIDE OF LAKESIDE DR.]

Caller Lat/Lon--[41.358320/-76.040520]

Mapped Type--[P] Mapped Lat/Lon--

[41.358816/-76.040084,41.358079/-76.041771,41.357745/-76.041500,41.358452/-76.039738]

Attachments--[http://www.pa811.org/attachments/20242883412]

Type of Work--[REPL SEWER]

Depth--[]

Extent of Excavation--[]

Method of Excavation--[DIGGING]

Equip Type--[EXCAVATOR]

Street--[] Sidewalk--[] Pub Prop--[] Pvt Prop--[X] Other--[]

Private Front--[] Rear--[] Left--[] Right--[X]

Lawful Start Dates--[18-Oct-24] thru [29-Oct-24] Response Due Date--[17-Oct-24]

Scheduled Excavation Date--[18-Oct-24] Dig Time--[0800] Duration--[2-3 DAYS]

Caller--[ZACH HALBING]

Caller Phone--[570-675-7900]

Excavator--[SUMMIT POINTE BUILDERS INC]

Address--[3579 MEMORIAL HWY SUITE 2]

City--[DALLAS]

State--[PA] Zip--[18612]

FAX--[570-675-9927]

Caller Type--[B]

Email--[zach@summitpointebuilders.com]

Work For--[MCCARTHY FAMILY]

Onsite Contact--[ZACH HALBING]

Onsite Contact Phone--[570-406-3205]

Best Time to Call--[ANYTIME]

Onsite Contact Email--[zach@summitpointebuilders.com]

Job Number--[MCCARTHY]

Prepared--[14-Oct-24] at [1550] by [STEPHANIE GUZIK]

Remarks--

[SPECIAL ATTN GAS.]

AQ10 AQ1=COMCAST

GJ 0

GJ =UGI WILKES

HGM0

HGM=HARVEYS LKE GMA

HVL0 HVL=HARVEYS LAKE B

UE 0

UE =UGI ELECTRIC

Serial Number--[20242883412]-[000]

===== Copyright (c) 2024 by Pennsylvania One Call System, Inc. =====

RESPONSES for S/N: 20242883412:

Ver	CDC	Name	Response	Time	Respondent
0	UE	UGI UTL ELECTRIC	UE-FIELD MARKED	10/15/2024 2:02:23 PM	CLS-WEBSVC
0	HVL	HARVEYS LAKE BOROUGH	HVL-FIELD MARKED	10/16/2024 10:39:42 AM	GH-WEB
0	HGM	HARVEYS LAKE GENERAL MUNI AUTH BORO OF	HGM-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	10/18/2024 8:45:21 AM	TV-WEB
0	HGM	HARVEYS LAKE GENERAL MUNI AUTH BORO OF	HGM-NO RESPONSE	10/18/2024 12:04:36 AM	Auto-KARL
0	AQ1	COMCAST	AQ1-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	10/15/2024 2:02:23 PM	CLS-WEBSVC
0	GJ	UGI UTL WILKES BARRE	GJ-FIELD MARKED	10/17/2024 8:41:57 AM	AAA-WEBSVC

DELIVERIES for S/N: 20242883412:

Ver	CDC	Name	To	Time	Seq	Type
0	UE	UGI UTL ELECTRIC	UE	10/14/2024 3:50:18 PM	19	MAIL
0	HVL	HARVEYS LAKE BOROUGH	HVL	10/14/2024 3:50:18 PM	1	MAIL
0	HGM	HARVEYS LAKE GENERAL MUNI AUTH BORO OF	HGM	10/14/2024 3:51:07 PM	1	FM1
0	AQ1	COMCAST	AQ1	10/14/2024 3:50:16 PM	88	MAIL
0	GJ	UGI UTL WILKES BARRE	GJ	10/14/2024 3:50:17 PM	54	MAIL

ATTACHMENT for S/N: 20242883412 (20242883412-0.gif):



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 AVR2024NOV070021

AVR Version 1

First Name MICHAEL **Last Name** PEHONICH

Company Name UGI UTILITIES INC

Address 511 E NORTHAMPTON ST BLDG E

City WILKES BARRE

State PA

Zip Code 18711

Email DAMAGEINQUIRY@UGI.COM **Phone** 570-855-1326

Ext

Role

Submitter Role(s) (?)

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

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 (?) Facility Owner Issue

Reason Marked incorrectly §2(5)

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? (?) 10/23/2024

10:04:00 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.

20242883412

Related Damage Serial Number, if applicable

Other Related Serial Numbers (?) 20242883412

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

Reason for Exemption

Event Information



County LUZERNE
Municipality HARVEYS LAKE BORO
Ward 0
Work Site 2737 LAKESIDE DR
Nearest Intersection BEAVER
Second Intersection HARVEY ST
Geolocation (?)

Affected Facility Information



Primary Right of Way Type Private
Public Right of Way Type
Private Right of Way Type Land Owner
Affected Operation Gas
Facility Subtype Affected Distribution
Facility Owner Company Name UGI Utilities Inc.

Contact First Name See Filer

Last Name

Address

City

State

Zip

Email

Phone

Joint Trench? Yes No Unknown

Involve Cross Bore? Yes No Unknown

Measured Depth from Grade <18" / 46 cm

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 Callahan Construction

Contact First Name

Last Name

Address 115 Marchakitus Rd.

City Hunlock Creek

State PA

Zip 18621

Email

Phone

570-760-3712

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?
Other

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? \$1,001-\$5,000

Exact Cost of Damaged Line Repair

Was other property damaged? Yes No

What other property was damaged? Customer owned fuel line.

Cost of Other Property Repair \$1-\$1,000

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 Visual Records 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

Excavator did not have their own one call for the property, one call number attached if for Summit Pointe Builders for the same property. Callahan Construction was doing the excavating at the time of the damage. Excavator struck and damaged an unmarked gas service to the rear of the property.

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

Attachments

2.jpg	103.05KB
4.jpg	150.96KB
3.jpg	142.73KB

Attach pictures and additional documents

Submit Date

11/07/2024

Compliance Update

Research Result

- Listed tickets found
- Additional tickets found
- No tickets found

Additional Tickets Found

Additional Serial Numbers

Ticket Attachment

Comments

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
Mark Callahan Construction LLC,	:	
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

Mark Callahan Construction LLC
Attn: Mark Callahan
115 Marchakitus Road
Hunlock Creek, PA 18621
markcallahan@epix.net



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

Dated: August 22, 2025