



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

October 15, 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.
PECO Energy Company
Docket No. C-2024-3049615
Joint Stipulation of Facts in Support of Settlement

Dear Secretary Homsher:

Enclosed for electronic filing is the **Joint Stipulation of Facts in Support of Settlement** of the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission and PECO Energy Company in the above-referenced matter.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Colby B. Widdowson', is written over a light blue circular stamp.

Colby B. Widdowson
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 326185
(717) 787-2139
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CBW/ac
Enclosures

cc: Per Certificate of Service
Deputy Chief Administrative Law Judge Christopher Pell (*via email* – cpell@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2024-3049615
	:	
PECO Energy Company	:	

**JOINT STIPULATION OF FACTS
IN SUPPORT OF SETTLEMENT**

Pursuant to 52 Pa. Code § 5.232(a), the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and PECO Energy Company (“PECO” or “Company”) (hereinafter referred to collectively as the “Parties” or “Joint Petitioners”), by their undersigned attorneys, agree and stipulate to the following facts for the sole purpose of supporting the approval of the Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) in the above-captioned matter.

On September 18, 2025, the presiding officer, Deputy Chief Administrative Law Judge Christopher Pell (“ALJ Pell”), directed the Parties to supplement the evidentiary record. The Parties file the instant Joint Stipulation of Facts in Support of Settlement as Appendix D to the Joint Petition for Approval of Settlement that was filed on September 10, 2025.

I&E and PECO have entered into the Settlement, which they recognize is a compromise of disputed claims. I&E also recognizes that the Settlement is entered into without any admission of wrongdoing or liability by PECO. As stated in Paragraph 27 of the Settlement, had this matter been fully litigated rather than resolved through this Settlement, PECO would have contended that it did not violate any provisions of the Public Utility Code, Commission regulations, and/or Code of Federal Regulations.

STIPULATION OF FACTS

A. Overview of PECO

1. PECO is a “public utility” as that term is defined at 66 Pa.C.S. § 102,¹ as it is engaged in providing public utility service as a natural gas distribution company (“NGDC”) to the public for compensation. PECO, in providing natural gas distribution service to the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders, including Federal pipeline safety laws and regulations.

2. PECO’s headquarters are located at 2301 Market Street, Philadelphia, PA.

3. As of May 01, 2024, PECO serves approximately 1.6 million electric and over 511,000 natural gas customers and is the largest combination utility in Pennsylvania.

¹ “Public utility” is defined as:

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

66 Pa.C.S. § 102.

4. PECO's natural gas service area covers all of Delaware County; most of Bucks, Chester, and Montgomery counties; and a small portion of eastern Lancaster County.

B. June 25, 2021 Incident

5. PECO contracted with Henkels and McCoy ("H&M") for services related to its Accelerated Gas Infrastructure Modernization Program gas project on Susquehanna Avenue in Abington Township (hereinafter referred to as the "Abington Township Project"), Montgomery County, Pennsylvania.

6. On or about June 25, 2021, two H&M crew members, a Foreman and a Basic Mechanic, were performing a tie into an 80-foot section of a new 8-inch plastic gas main.

7. At approximately 11:50 AM, a H&M crew member used a plastic rotary cutter to cut through an 8-inch plastic main while it was still under 80 psig of air pressure and the end cap abruptly released and caused injuries to the two H&M crew members.

8. The two injured H&M crew members were transported to Abington Hospital. One was released with minor, non-life-threatening injuries and the second sustained more serious injuries and was hospitalized.

9. PECO Procedure GO-PE-1024 required that H&M employees verify all pressure-tested air has been released from the new gas main by test gauge before making the first cut or removing end cap.

10. H&M's Basic Mechanic did not verify if the overnight test pressure had been removed from the main prior to making a cut and H&M's Foreman did not verify

with the Basic Mechanic that the main was still under pressure.

C. Post Incident

11. In the time period between the incident, June 25, 2021, and the filing of the underlying Formal Complaint, PECO adopted its Energy-Based Hazard Recognition policy (SA-PE-P3014). The purpose of this policy “is to provide guidelines for the application of Energy-Based Hazard Recognition in safety activities,” including where relevant, the release of pressure from gas pipes.

12. In the time period between the incident, June 25, 2021, and the filing of the underlying Formal Complaint, PECO adopted PECO Gas Contractor Quality Inspection Process (GO-EU-P008). This policy “provide[s] oversight for evaluating second-party contractors’ field quality and adherence to gas construction standards and procedures while managing safety, risk, environmental, and human performance events.”

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2024-3049615
	:	
PECO Energy Company	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Joint Stipulation of Facts** 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:

Stephen C. Zumbrun, Esq.
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Date: October 15, 2025