

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2025-3056612
	:	
United States Gypsum Company	:	

INITIAL DECISION

Before
Chad L. Allensworth
Administrative Law Judge

INTRODUCTION

This decision grants the Motion for Default Judgment of the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), sustains I&E’s Formal Complaint against a Company for failure to pay its Fiscal Year assessment invoices and orders the Company to pay a total of \$4,631, consisting of its outstanding assessment balance of \$3,705 and a civil penalty of \$926.

HISTORY OF THE PROCEEDING

I&E filed a Formal Complaint (“complaint”) against United States Gypsum Company (“Respondent” or “the Company”) for failing to satisfy multiple Fiscal Year Assessments. The Company failed to file an answer to the Formal Complaint and failed to answer or plead to the Motion for Default Judgment.

On or about March 5, 2012, Respondent registered with the Pennsylvania Public Utility Commission (“Commission”) as a pipeline operator at Docket Number A-2012-2292263. Complaint ¶¶ 4-5. The mailing address on file at the Commission for the Company is P.O. Box 982126, El Paso, TX 79998-2126, Attn: Steven Richmond (“Company address”). Complaint ¶ 4. Respondent’s utility code is 1714338. Complaint ¶ 4.

On August 24, 2023, Respondent reported to the Commission 19.6 jurisdictional pipeline miles on its 2022 annual registration form. Complaint ¶ 12. On or about September 6, 2023, the Commission mailed Respondent an assessment invoice for the July 1, 2023, to June 30, 2024, Fiscal Year (“2023-2024 Fiscal Year”) that was based on Respondent’s reported jurisdictional pipeline miles for the 2022 calendar year. Complaint ¶ 13. The Commission assessed Respondent \$1,882 for the 2023-2024 Fiscal Year. Complaint ¶ 13. The invoice included a notice informing Respondent that it was obligated to pay \$1,882 within 30 days or file objections within 15 days. Complaint ¶¶ 13-14. Respondent failed to pay its 2023-2024 Fiscal Year Assessment Invoice or file objections. Complaint ¶¶ 18, 20.

On or about August 22, 2024, Respondent reported to the Commission 19.6 jurisdictional pipeline miles on its 2023 annual registration form. Complaint ¶ 21. On or about September 6, 2024, the Commission mailed Respondent an assessment invoice for the July 1, 2024, to June 30, 2025 Fiscal Year (“2024-2025 Fiscal Year”) that was based on Respondent’s reported jurisdictional pipeline miles for the 2023 calendar year. Complaint ¶ 22. The Commission assessed Respondent \$1,823 for the 2024-2025 Fiscal Year. Complaint ¶ 22. The invoice included a notice informing Respondent that it was obligated to pay \$1,823 within 30 days or file objections within 15 days. Complaint ¶¶ 22-23. Respondent failed to pay its 2024-2025 Fiscal Year Assessment Invoice. Complaint ¶¶ 28, 30.

I&E is the prosecutory arm of the Commission. On July 31, 2025, I&E filed a Formal Complaint (“complaint”) with the Commission against Respondent asserting that Respondent failed to satisfy its 2023-2024 and 2024-2025 Fiscal Year (“FY”) Assessments. Complaint ¶¶ 12-31. The complaint was mailed to the Company address. The complaint alleged that Respondent failed to pay a total of \$3,705 in assessments, which consisted of \$1,882 for the 2023-2024 Fiscal Year and \$1,823 for the 2024-2025 Fiscal Year. Complaint ¶¶ 20, 30. I&E seeks an order directing Respondent to pay a total of \$4,631, which consists of the outstanding assessment balance of \$3,705 and a civil penalty of \$926.

Respondent did not file an answer or plead to the complaint. Motion for Default Judgment (“motion”) ¶ 7.

On August 27, 2025, I&E filed its motion requesting that default judgment be entered against Respondent based on its failure to file a timely answer to the complaint and that Respondent be directed to pay a total of \$4,631, consisting of its outstanding assessment balance of \$3,705 and the requested civil penalty of \$926. The motion was mailed to the Company’s address.

On October 2, 2025, the Commission issued a Motion Judge Assignment Notice assignment me as the Presiding Officer. The record closed on October 2, 2025, when the matter was assigned to me and the time expired for filing a response to the complaint and motion. For the reasons stated below, I&E’s motion will be granted, and I&E’s complaint will be sustained.

FINDINGS OF FACT

1. Complainant, the Bureau of Investigation and Enforcement, is the prosecutory arm of the Commission.
2. Respondent, United States Gypsum Company, is a pipeline operator registered with the Commission under utility code 1714338. Complaint ¶¶ 4-5.
3. Respondent registered with the Commission as a pipeline operator on or about March 5, 2012 at Docket Number A-2012-2292263. Complaint ¶ 4.
4. On July 31, 2025, I&E filed the complaint at issue, which was accompanied by a notice to plead.
5. The complaint was mailed to mailing address on file at the Commission, P.O. Box 982126, El Paso, TX 79998-2126, Attn: Steven Richmond (“Company address”).
6. The Company did not file an answer or plead to the complaint.
7. On or about August 24, 2023, Respondent reported to the Commission 19.6 jurisdictional pipeline miles on its Act 127 Pennsylvania Pipeline Operator Annual Registration form for the 2022 calendar year (“2022 Annual Registration Form”). Complaint ¶ 12.
8. On or about September 6, 2023, the Commission mailed to Respondent, by certified mail and email, an assessment invoice for the 2023-2024

Fiscal Year that was based on Respondent's reported, jurisdictional pipeline miles for the 2022 calendar year. Complaint ¶ 13.

9. Respondent's assessment amount for the 2023-2024 Fiscal Year was \$1,882. Complaint ¶ 13.

10. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. Complaint ¶ 14.

11. The assessment invoice and notice of assessment were mailed to the Company address and emailed to the Company's email addresses on file with the Commission, which were chager@usg.com and steven.richmond@usg.com. Complaint ¶¶ 14-15.

12. On or about September 18, 2023, Respondent provided an electronic signature to the United States Postal Service for the certified mailing, which indicated that it received the assessment invoice and notice of assessment for the 2023-2024 Fiscal Year. Complaint ¶ 17.

13. The Commission did not receive objections nor payment from Respondent for the assessment amount set forth in the 2023-2024 Fiscal Year Assessment Invoice. Complaint ¶ 18.

14. On October 30, 2023, the Commission's Bureau of Administration ("ADM") sent Respondent a letter warning Respondent that if it did not pay its 2023-2024 Fiscal Year Assessment within 30 days of receipt of the letter, then ADM would refer the matter to I&E for prosecution. Complaint ¶ 19.

15. Respondent failed to pay its 2023-2024 Fiscal Year Assessment Invoice in the amount of \$1,882. Complaint ¶ 20.

16. On or about August 22, 2024, Respondent reported to the Commission 19.6 jurisdictional pipeline miles on its Act 127 Pennsylvania Pipeline Operator Annual Registration form for the 2023 calendar year (“2023 Annual Registration Form”). Complaint ¶ 21.

17. On or about September 6, 2024, the Commission mailed to Respondent, by certified mail, an assessment invoice for the 2024-2025 Fiscal Year that was based on Respondent’s reported, jurisdictional pipeline miles for the 2023 calendar year. Complaint ¶ 22.

18. Respondent’s assessment amount for the 2024-2025 Fiscal Year was \$1,823. Complaint ¶ 22.

19. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. Complaint ¶ 23.

20. The assessment invoice and notice of assessment were mailed to the Company address. Complaint ¶ 24.

21. On or about September 9, 2024, Respondent provided an electronic signature to the United States Postal Service for the certified mailing, which

indicated that it received the assessment invoice and notice of assessment for the 2024-2025 Fiscal Year. Complaint ¶ 25.

22. The Commission did not receive objections nor payment from Respondent for the assessment amount set forth in the 2024-2025 Fiscal Year Assessment Invoice. Complaint ¶ 26.

23. On October 21, 2024, the ADM sent Respondent a letter by First-Class Mail warning Respondent that if it did not pay its 2024-2025 Fiscal Year Assessment within 30 days of receipt of the letter, then ADM would refer the matter to I&E for prosecution. Complaint ¶ 27.

24. The letter also stated that in addition to Respondent's 2024-2025 Fiscal Year Assessment balance of \$1,823, Respondent had a past due assessment balance from the 2023-2024 Fiscal Year of \$1,882. Complaint ¶ 27.

25. On or about March 10, 2025, I&E again sent Respondent a letter by First-Class Mail warning Respondent that if it did not pay its 2024-2025 Fiscal Year Assessment within 20 days of receipt of the letter, then I&E would file a Formal Complaint against Respondent seeking payment of the outstanding assessment and a civil penalty and revocation of Respondent's Certificate. Complaint ¶ 29.

26. Respondent failed to pay its cumulative 2023-2024 Fiscal Year and 2024-2025 Fiscal Year assessment invoices in the amount of \$3,705. Complaint ¶ 30.

27. On August 27, 2025, I&E filed a motion seeking default judgment, which included a notice to plead.

28. The Company did not file an answer or object to the motion.

DISCUSSION

Authority

The Commission has general administrative authority to supervise and regulate pipeline operators¹ within the Commonwealth consistent with Federal pipeline safety laws. 58 P.S. § 801.501(a). Correspondingly, each pipeline operator, its officers, agents and employees are required to comply with Act 127. 58 P.S. § 801.501(b).

Section 501(a)(7) of Act 127 provides, that the Commission shall have the duty, “[t]o enforce the Federal pipeline safety laws and, after notice and opportunity for a hearing, impose civil penalties and fines and take other appropriate enforcement action”. 58 P.S. § 801.501(a)(7).

For violations of Act 127, Section 502(a) authorizes the Commission to impose civil penalties on pipeline operators. Specifically, under Section 502(a) of Act 127, pipeline operators are subject to a civil penalty provided under Federal pipeline safety laws² or 66 Pa.C.S. § 3301(c) of the Public Utility Code, whichever is greater. 58 P.S. § 801.502.

¹ Pipeline operator is defined as, “A person that owns or operates equipment or facilities in this Commonwealth for the transportation of gas or hazardous liquids by pipeline or pipeline facility regulated under Federal pipeline safety laws. The term does not include a public utility or an ultimate consumer who owns a service line on his real property.” 58 P.S. § 801.102.

² Under federal law, a person found to have violated 49 U.S.C.A. §§ 60114(b), 60114(d), or 60118(a) is liable to the United States Government for a civil penalty of not more than \$200,000 for each violation. A separate violation occurs for each day the violation continues. The maximum civil penalty under this paragraph for a related series of violations is \$2,000,000. 49 U.S.C.A. § 60122(a)(1).

Section 3301(c) of the Public Utility Code allows for the imposition of a civil penalty for gas pipeline safety violations not to exceed \$200,000 for each violation for each day that the violation persists subject to a maximum civil penalty of \$2,000,000 for any related series of violations. 66 Pa.C.S. § 3301(c). This civil penalty is equivalent to the civil penalty provided for under Federal pipeline safety law.

Section 503(b) of Act 127, 58 P.S. § 801.503(b), authorizes the Commission to levy upon applicable pipeline operators a yearly assessment. The Commission's total costs of the Act 127 gas safety program, less costs otherwise reimbursed by the federal government, will be allocated among the newly regulated entities in proportion to their miles of intrastate regulated pipelines.

Burden of Proof

I&E is the Commission's bureau established to take enforcement actions against public utilities and other entities subject to the Commission's jurisdiction. 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 (Order entered Aug. 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E). As the participant seeking an order from the Commission, I&E bears the burden of proof, pursuant to the provisions of 66 Pa.C.S. § 332(a). The degree of proof that I&E must meet to establish its case before the Commission is preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). The phrase "preponderance of the evidence" means that one party has presented evidence that is more convincing, by even the smallest amount, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

Motion for Default Judgment

Commission regulations provide that a Respondent failing to file an answer within the applicable period may be deemed in default, and relevant facts stated in the pleadings may be deemed admitted. 52 Pa.C.S. § 5.61(c); *see also Pa. Pub. Util. Comm'n v. Glenn's Inc.*, Docket No. C-2014-2413366 (Opinion and Order entered Aug. 3, 2015). The Commonwealth Court has also upheld the Commission's authority to sustain complaints that are not answered within twenty days. *Fusaro v. Pa. Pub. Util. Comm'n*, 382 A. 2d 794, 797 (Pa. Cmwlth. 1978).

In the current case, the Company was advised in the notice to plead attached to the complaint that it had 20 days from the date of service to file an answer to the complaint. The Commission served the complaint on the Company by certified mail on July 31, 2025. The Company failed to file an answer to the complaint.

Thereafter, the Company was advised in the notice to plead attached to the motion for default judgment that it had 20 days from the date of service to file a response to the motion. The motion was served on the Company by First-Class Mail on August 27, 2025. The Company failed to file a response to the motion.

As the Company failed to file an answer to the complaint or respond to the motion, the Company is deemed to be in default and the averments in the complaint are deemed to be admitted. 52 Pa.C.S. § 5.61(c).

Disposition

Among the relevant facts deemed admitted is that Respondent is a pipeline operator subject to the authority of the Commission pursuant to Section 501 of Act 127, 58 P.S. § 801.501. Complaint ¶¶ 4-6. Additionally, the following facts are deemed

admitted: (1) the Company was served with an assessment invoice and notice of assessment for the 2023-2024 Fiscal Year advising the Company it was required to pay \$1,882, (2) the Company was served with an assessment invoice and notice of assessment for the 2024-2025 Fiscal Year advising the Company it was required to pay \$1,823, (3) the ADM sent follow-up warning letters to the Company for its failure to satisfy the 2023-2024 Fiscal Year and 2024-2025 Fiscal Year assessment invoices, (4) I&E sent a warning letter advising the Company that it was required to satisfy its outstanding assessments, (5) the Company failed to satisfy its assessments for the 2023-2024 Fiscal Year and 2024-2025 Fiscal Year and (6) the Company owes a total of \$3,705 in assessments. Complaint ¶¶ 12-31.

The Company is deemed to be a pipeline operator and is subject to assessments by the Commission. 58 P.S. § 801.503(b). Section 503(b) of Act 127 provides, in pertinent part:

(1) The commission shall determine an appropriate annual assessment based on intrastate regulated transmission, regulated distribution and regulated onshore gathering pipeline miles. The assessment shall be adjusted to collect the commission's total costs of the pipeline operators' portion, excluding the costs otherwise reimbursed by the Federal Government, of:

(i) The gas pipeline safety program, plus a reasonable allocation of indirect costs.

(ii) The hazardous liquids pipeline safety program.

(2) The assessment shall be paid by pipeline operators and shall not be applicable to natural gas public utilities.

58 P.S. § 801.503(b).

As a pipeline operator, the Company was required to report to the Commission, on or before March 31 of each calendar year, its total intrastate regulated

transmission, regulated distribution and regulated onshore gathering pipeline miles in operation for the transportation of gas and hazardous liquids in this Commonwealth during the prior calendar year. 58 P.S. § 801.503(d). In this case, the Company reported to the Commission 19.6 jurisdictional pipeline miles for both the 2022 and 2023 calendar years. Complaint ¶¶ 12, 21.

Based on the information reported by the Company, the Commission assessed the Company \$1,882, on September 6, 2023, for the 2023-2024 Fiscal Year. Complaint ¶¶ 13-14. The Commission subsequently assessed the Company \$1,823, on September 6, 2024, for the 2023-2024 Fiscal Year for a total of \$3,705. Complaint ¶¶ 22, 27, 30. The Company was required to pay its assessment invoices within 30 days of the notice of amount due from the Commission. 58 P.S. § 801.503(c). The Company failed to satisfy its assessment requirements for both the 2023-2024 Fiscal Year and the 2024-2025 Fiscal Year within the required timeframe. Complaint ¶ 31. Thus, the Company violated two counts of Section 503(b) of Act 127, 58 P.S. § 801.503(b).

Civil Penalty

As noted earlier, the Commission is authorized to impose civil penalties on pipeline operators under Section 3301(c) of the Public Utility Code, 66 Pa.C.S. § 3301(c). 58 P.S. § 801.502. Section 3301(c) of the Public Utility Code allows for the imposition of a civil penalty for gas pipeline safety violations not to exceed \$200,000 for each violation for each day that the violation persists subject to a maximum civil penalty of \$2,000,000 for any related series of violations. 66 Pa.C.S. § 3301(c). This is similar to the available penalties at the federal level. 49 U.S.C.A. § 60122(a)(1).

I&E proposes a total civil penalty of \$926, which is 25% of the outstanding assessment balance. I&E indicates that this proposed civil penalty is based on the nature

of the violation, the Company's history of compliance with Act 127, and the need to deter future violations of the Act and past Commission decisions in similar cases.

The Commission developed a multifactor process for the assessment of civil penalties for failure to pay annual assessments and/or failure to file annual assessment reports. *See Pa. Pub. Util. Comm'n v. Juan Genet Enter., LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Order entered Aug. 3, 2017); *Pa. Pub. Util. Comm'n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528 (Order entered Aug. 3, 2017); *Pa. Pub. Util. Comm'n v. Hoffman Landscaping & Trucking, LLP*, Docket No. C-2015-2495061 (Order entered Sept. 21, 2017); *Pa. Pub. Util. Comm'n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Order entered Oct. 26, 2017); *Pa. Pub. Util. Comm'n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Order entered Oct. 26, 2017); *Pa. Pub. Util. Comm'n v. TTM Operating Corporation Inc.*, Docket No. C-2016-2558445 (Order entered Apr. 19, 2018). The process utilizes the following factors: (1) the type of violation involved which can be the failure to pay the assessment amount and/or the failure to file an assessment report, (2) the assessment amount in question and (3) the utility's compliance history with Commission Regulations for the three years prior to the filing of the Complaint. *Pa. Pub. Util. Comm'n v. Safety 1st Paratransit Inc.*, Docket No. C-2021-3029522 (Opinion and Order entered Apr. 14, 2022) ("*Safety 1st Paratransit*"); *Pa. Pub. Util. Comm'n v. Moore Family Holdings, LLC*, Docket No. C-2021-3029489 (Order entered Apr. 14, 2022); *Pa. Pub. Util. Comm'n v. JB Jr. Trucking LLC*, Docket No. C-2021-3029458 (Order entered Feb. 24, 2022).

Based on these factors, the Commission generally uses the following approach to determine civil penalties when a company fails to pay its assessment: (1) if the Company's past-due assessment amount is less than or equal to \$350, then the civil penalty is \$50 for any company with a good compliance history and \$100 for any company with an unacceptable compliance history; or (2) if the Company's past-due assessment amount is greater than \$350, then the civil penalty is 15% of the past-due

yearly assessment on a company with a good compliance history or 25% of the past-due yearly assessment on a company with an unfavorable compliance history. *Safety 1st Paratransit.*

If the company fails to file its annual assessment reports, the civil penalty process also includes the following: (1) if the company's yearly assessment amount is less than or equal to \$500 and the company has a good compliance history then the civil penalty is \$250; but if the company has an unfavorable compliance history then the civil penalty is \$500; or (2) if the company's yearly assessment amount is greater than \$500 and the company has a good compliance history then the civil penalty is \$500; but if the company has an unfavorable compliance history then the civil penalty is \$1000. *Id.*

These factors are addressed below.

(1) The type of violation involved which can be the failure to pay the assessment amount and/or the failure to file an assessment report

In this case, the Company filed its annual registration forms reporting jurisdictional pipeline miles for both 2022 and 2023. This qualifies as the Company's compliance with filing annual assessment reports. This leaves only the violations for the Company's failure to pay its assessment invoice amounts for the 2023-2024 Fiscal Year and the 2024-2025 Fiscal Year as subject to civil penalty.

(2) The assessment amount in question

In this case, the Company owed outstanding assessment balances of \$1,882 for the 2023-2024 Fiscal Year and \$1,823 for the 2023-2024 Fiscal Year for a total assessment balance of \$3,705. Thus, the Company's assessment amount owed is over the \$350 threshold established in prior Commission precedent.

(3) The Company's compliance history with Commission Regulations for the three years prior to the filing of the Complaint.

I&E asserts that a review of Commission records for a period of three years prior to the date of the filing reflects that the Company does not have an acceptable compliance history due to failing to pay its assessments for the past two Fiscal Years. Complaint n.2. The violations established in this matter support that the Company has violated 58 P.S. § 801.503(b) for the past two consecutive Fiscal Years. As such, the record supports that the Company has an unfavorable compliance history for the past three years.

In addition to the above factors, the Commission also factors in the need to deter future violations and past Commission decisions as important considerations when determining the amount of a civil penalty. *Safety 1st Paratransit*; 52 Pa. Code § 69.1201. In this case, I&E requests a civil penalty of 25% of the outstanding assessment balance owed, which amounts to a civil penalty of \$926. I&E asserts that this amount is also sufficient to deter the Company from future violations and is in compliance with past Commission decisions. Complaint ¶ n.3-4.

Applying the Commission's precedential factors in this case, the Company owes more than \$350 in assessments for each violation of 58 P.S. § 801.503 and the Company has an unfavorable compliance history over the last three years. Thus, the applicable civil penalty standard is 25% of the past due assessment amount. The Company owes \$1,882 for the 2023-2024 Fiscal Year and \$1,823 for the 2022-2023 Fiscal Year for a total assessment balance of \$3,705. Thus, I&E's proposed civil penalty of \$926, which is 25% of the outstanding assessment balance, is reasonable, falls within the authorized penalty parameters, qualifies as appropriate to deter the Company from future violations and is in conformance with past Commission decisions.

Accordingly, I&E's motion will be granted, and the complaint will be sustained. This decision will order payment of the \$3,705 assessment balance owed and \$926 in civil penalties, for a total of \$4,631. If the Respondent does not make payment of the outstanding assessment and the imposed civil penalty within thirty days of the date of entry of a Final Order, the Company's Certificate of Public Convenience will be revoked and the matter referred to the Pennsylvania Office of Attorney General for collection of all outstanding amounts due and the Commission will pursue all permissible remedies, to ensure timely compliance with the Code, Commission regulations and orders.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 58 P.S. § 801.501.

2. The Commission's Bureau of Investigation and Enforcement is authorized to take enforcement actions against public utilities and other entities subject to the Commission's jurisdiction. 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 (Order entered Aug. 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. The Commission's Bureau of Investigation and Enforcement bears the burden of proof. 66 Pa.C.S. § 332(a).

4. The degree of proof that the Commission's Bureau of Investigation and Enforcement must meet is preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990), *alloc. denied*, 602 A.2d 863 (Pa. 1992).

5. Preponderance of the evidence means that a party has presented evidence that is more convincing, by even the smallest amount, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

6. Commission regulations provide that a Respondent failing to file an answer within the applicable 20-day period may be deemed in default, and relevant facts stated in the pleadings may be deemed admitted. 52 Pa.C.S. § 5.61(c); *see also Pa. Pub. Util. Comm'n v. Glenn's Inc.*, Docket No. C-2014-2413366 (Opinion and Order entered Aug. 3, 2015).

7. The Commission has authority to sustain Formal Complaints that are not answered within twenty days. *See Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794 (Pa. Cmwlth. 1978).

8. United States Gypsum Company is deemed to be a pipeline operator by statute. 58 P.S. §§ 801.102; 801.501.

9. Pipeline operators are required to pay assessment invoices within 30 days from the notice of amount due from the Commission. 58 P.S. § 801.503.

10. Failure of a pipeline operator to satisfy an assessment invoice subjects the pipeline operator to civil penalties not to exceed \$200,000 for each violation for each day that the violation persists subject to a maximum civil penalty of \$2,000,000. 66 Pa.C.S. § 3301(c).

11. A civil penalty for failure to satisfy a yearly assessment is based on review of factors such as: (1) the violation at issue, (2) the assessment amount in question and (3) the Company's compliance history. 52 Pa. Code § 69.1201; *Pa. Pub. Util.*

Comm'n v. Safety 1st Paratransit Inc., Docket No. C-2021-3029522 (Opinion and Order entered Apr. 14, 2022).

12. A civil penalty in the amount of \$926, which is 25% of the total assessment amount owed, imposed against United States Gypsum Company for failure to pay \$3,705 in assessments is reasonable and appropriate. *Pa. Pub. Util. Comm'n v. Safety 1st Paratransit Inc.*, Docket No. C-2021-3029522 (Opinion and Order entered Apr. 14, 2022); 52 Pa. Code § 69.1201.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion for Default Judgment filed by the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, against United States Gypsum Company at Docket No. C-2025-3056612 is granted.

2. That the Formal Complaint filed in Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. United States Gypsum Company at Docket No. C-2025-3056612 is sustained.

3. That within thirty (30) days of the entry of this Opinion and Order, United States Gypsum Company shall remit \$4,631, consisting of its outstanding assessment balance of \$3,705 and a civil penalty of \$926, payable by certified check or

