

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement
v.
MK Hauling LLC**

**Public Meeting November 6, 2025
3053287-ALJ
Docket No. C-2025-3053287**

STATEMENT OF COMMISSIONER JOHN F. COLEMAN, JR.

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Formal Complaint of the Commission's Bureau of Investigation & Enforcement (I&E) against MK Hauling LLC (MK Hauling).

I appreciate the careful consideration of this case. Preventing damage to underground facilities has been one of my priorities and that of the Commission. Here, I agree with the Administrative Law Judge's finding that I&E did not establish a *prima facie* case. In other words, I&E failed to prove that MK Hauling was an "excavator," as defined by the PA One Call Law, for the project at issue. There is no record evidence that MK Hauling owned the equipment used in this excavation. There is no record evidence of any relationship between the operator of the equipment and MK Hauling. I&E did not prove, for example, that the operator was an employee or agent of MK Hauling, or that the operator was paid by MK Hauling. Finally, there is no record evidence that the homeowner engaged MK Hauling for the project, or paid MK Hauling for the work. Rather, the record shows connections between Mark Kotch, as an individual, and the equipment, operator, homeowner, and nominal payment. Since I&E did not establish that MK Hauling was an "excavator" for this project, I cannot conclude that MK Hauling violated the PA One Call Law, and I do not support the assessment of an administrative penalty and the direction to complete education. Rather, the Formal Complaint should be dismissed.

Date: November 6, 2025



**JOHN F. COLEMAN, JR.
COMMISSIONER**