



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

November 21, 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.
California Borough
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/nb
Enclosures

cc: Allison C. Kaster, Director, I&E (via email – akaster@pa.gov)
Carrie B. Wright, Deputy Chief Prosecutor, I&E (via email – carwright@pa.gov)
Robert Horensky, Manager, Safety Division (via email – rhorensky@pa.gov)
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-
	:	
California Borough,	:	
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 California Borough (“California,” “the Borough,” or “Respondent”) alleging violations of the PA One Call Law in connection with a strike on a 1-inch gas service line operated by Columbia Gas of Pennsylvania at 178 Hillcrest Drive, California Borough, Washington 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*, facility owners, 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 California Borough, with a main mailing address of 225 3rd Street, California, PA 15419.

5. California Borough meets the definition of a “facility owner” pursuant to Section 176 of the PA One Call Law, 73 P.S. § 176.¹

6. Section 177 of the PA One Call Law, 73 P.S. § 177, imposes duties on facility owners.

¹ “Facility owner” is defined as the public utility or agency, political subdivision, **municipality**, authority, rural electric cooperative or other person or entity who or which owns or operates a line.” 73 P.S. § 176. (emphasis added). A “line” or “facility” is defined as “an underground pipe used in . . . sewage, water or other service to one or more . . . consumers or customers of such service and the appurtenances thereto, regardless of whether such line or structure is located on land owned by a person or public agency or whether it is located within an easement or right-of-way.” 73 P.S. § 176.

7. Specifically, Section 177(5)(vii) of the PA One Call Law, 73 P.S. § 177(5)(vii), requires facility owners to “respond to emergency notifications as soon as practicable following receipt of notification of such emergency.” 73 P.S. § 177(5)(vii).

8. Respondent, as a facility owner, is subject to the power and authority of this Commission pursuant to Section 182.10 of the PA One Call Law, which requires facility owners to comply with the PA One Call Law. 73 P.S. § 182.10.

9. An “emergency” is defined in the PA One Call Law as “a sudden or unforeseen occurrence involving a clear and immediate danger to life, property or the environment, including, but not limited to, serious breaks or defects in a facility owner's lines.” 73 P.S. § 176.

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 facility owners 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 January 20, 2025, a homeowner submitted a New Excavation Emergency Ticket, serial number 20250201294 (“Emergency Ticket”) on behalf of Lees Plumbing (“the excavator”) to repair a sewer line at 178 Hillcrest Drive, California Borough, Washington County, Pennsylvania. I&E Exhibit 1.

15. The response due date for the Emergency Ticket was January 20, 2025, with excavation scheduled to begin on January 21, 2025. Id.

16. California Borough received notification of the Emergency Ticket on January 20, 2025, at 3:36 PM. Id.

17. Excavation began January 22, 2025, at 10:36 AM.

18. California Borough did not respond to the Emergency Ticket until January 22, 2025, at 11:38 AM. Id.

19. During repair of a sewer line, Lee’s Plumbing struck and damaged the accurately marked 1-inch gas service line operated by Columbia Gas of Pennsylvania (“Columbia Gas”).

20. Columbia Gas was immediately notified when the damage occurred.

21. Although this incident involved an excavator striking a gas service line,² California Borough, as a facility owner, was required to provide a response “as soon as practicable following receipt of notification of the emergency by the One Call System.” 73 P.S. § 176.

² Lee’s Plumbing, West Center Joint Sewer Authority, West Penn Power, and the homeowner were also cited for violations of the PA One Call Law.

22. Here, a specific response due date was provided on the Emergency Ticket, and Respondent did not provide a response by that date.

23. On April 28, 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 California Borough informing Respondent that it was in violation of the PA One Call Law by failing to respond to the Emergency Ticket as soon as practicable. 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”).

24. California Borough never responded to the DPI’s April 28, 2025, letter. As a result, Respondent’s case was referred to the DPC.

25. On July 9, 2025, a copy of the DPC’s Informal Determination accepting the DPI’s report and proposed penalty was mailed to California Borough, 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.

25. On July 18, 2025, California Borough rejected the DPC’s informal determination via an email to the DPI.

III. VIOLATIONS

26. Paragraphs 1-25 are incorporated herein as if stated in their entirety.

Count 1

27. Respondent failed to respond to an emergency notification as soon as practicable following notification.

If proven, this is a violation of Section 177(5)(vii) of the PA One Call Law, 73 P.S. § 177(5)(vii). As a facility owner, Respondent was obligated to respond to the emergency notification “as soon as practicable.” Additionally, the Emergency Ticket specified January 20, 2025, as the due date for a response.

Although this incident involved an excavator striking a gas service line, California Borough, as a facility owner, was required to provide a response “as soon as practicable following receipt of notification of the emergency by the One Call System.” Facility owners such as Respondent must respond expeditiously to emergency tickets submitted by excavators so that they may proceed with their emergency repairs to sewer, water, electric, and gas lines across the Commonwealth.

Here, Respondent failed to respond to the Emergency Ticket by the required response due date.

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

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

- (1) Find the California Borough to be in violation of the PA One Call Law at 73 P.S. § 177(5)(vii);
- (2) Impose an administrative penalty upon the California Borough in Washington County in the amount of \$1,000, to be paid within 30 days of the entry of a Final Order; and
- (3) Order California Borough to attend Online Compliance Training through the Pennsylvania One Call System for facility owners 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: November 21, 2025

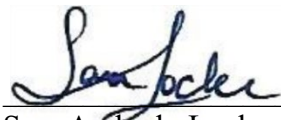
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
California Borough,	:	
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: November 21, 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

CDC 00000 POCS MM/DD/YY TT:TT:TT 20250201294-000 NEW XCAV EMER

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

Serial Number--[20250201294]-[000] Channel#--[1527A999][0513][2019-08]
Message Type--[NEW][EXCAVATION][EMERGENCY]

County--[WASHINGTON] Municipality--[CALIFORNIA BORO]
Work Site--[178 HILLCREST DR]
Nearest Intersection--[WOOD ST]
Second Intersection--[]
At Intersection--[N] Between Intersections--[N] Site Marked in White--[N]
Subdivision--[]
Location Information--
[WOOD ST IS ROUTE 88 MARKED IN RED ADD SECURITY SIGN DRIVEWAY TO LEFT
CORNER OF HOUSE]
Caller Lat/Lon--[]
Mapped Type--[P] Mapped Lat/Lon--
[40.063794/-79.897394,40.063513/-79.897657,40.063330/-79.897324,
40.063617/-79.897085]
Attachments--[http://www.pa811.org/attachments/20250201294]
Type of Work--[REPAIRING SWR LINE] Depth--[10-11FT]
Extent of Excavation--[45-50FT] Method of Excavation--[POWER EQUIP]
Equip Type--[EXCAVATOR]
Street--[X] Sidewalk--[] Pub Prop--[] Pvt Prop--[X] Other--[]
Private Front--[X] Rear--[] Left--[] Right--[]

Lawful Start Dates--[] thru [] Response Due Date--[20-Jan-25]
Scheduled Excavation Date--[21-Jan-25] Dig Time--[0800] Duration--[10-12 HOURS]

Caller--[CHRISTOPHER HAYES]
Caller Phone--[814-449-3346]
Excavator--[CHRISTOPHER HAYES]
Address--[178 HILLCREST DR]
City--[CALIFORNIA] State--[PA] Zip--[15419]
FAX--[] Caller Type--[H]
Email--[hayesc58@gmail.com]
Work For--[CHRISTOPHER HAYES]
Called For Contractor--[LEES PLUMBING]
Onsite Contact--[CHRISTOPHER HAYES]
Onsite Contact Phone--[814-449-3346]
Best Time to Call--[ANYTIME]
Onsite Contact Email--[hayesc58@gmail.com]

Prepared--[20-Jan-25] at [1536] by [KEVIN DONAHUE]
Remarks--
[]

CAL0 CAL=CALIFORNIA BORO CCH0 CCH=COL GAS CHAR CWJ0 CWJ=CTR W JT S A
HC10 HC1=PAWC BROWNSVILLE KN 0 KN =WEST PENN POWER

Serial Number--[20250201294]-[000]
===== Copyright (c) 2025 by Pennsylvania One Call System, Inc. =====

RESPONSES for S/N: 20250201294:

Ver	CDC	Name	Response	Time	Respondent
0	KN	WEST PENN POWER	KN-SCHEDULED MARK	1/20/2025 3:47:37 PM	MBR-WEBSVC
0	KN	WEST PENN POWER	KN-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	1/21/2025 9:13:48 AM	MBR-WEBSVC
0	HC1	PENNSYLVANIA AMERICAN WATER BROWNSVIL	HC1-NO RESPONSE	1/21/2025 12:00:54 AM	Auto-KARL
0	HC1	PENNSYLVANIA AMERICAN WATER BROWNSVIL	HC1-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	1/21/2025 2:02:20 PM	MCC-WEBSVC
0	CAL	CALIFORNIA BOROUGH OF	CAL-NO RESPONSE	1/21/2025 12:00:54 AM	Auto-KARL
0	CAL	CALIFORNIA BOROUGH OF	CAL-FIELD MARKED	1/22/2025 11:58:54 AM	CZ-OTM
0	CWJ	CENTER WEST JOINT SEWER AUTHORITY	CWJ-NO RESPONSE	1/21/2025 12:00:54 AM	Auto-KARL
0	CWJ	CENTER WEST JOINT SEWER AUTHORITY	CWJ-CLEAR. NO FACILITIES OR FACIL NOT INVOLVED	1/22/2025 11:41:01 AM	EH-WEB
0	CCH	COLUMBIA GAS OF PA INC CHARLEROI	CCH-NO RESPONSE	1/21/2025 12:00:54 AM	Auto-KARL
0	CCH	COLUMBIA GAS OF PA INC CHARLEROI	CCH-FIELD MARKED	1/21/2025 1:32:54 PM	AAA-WEBSVC

DELIVERIES for S/N: 20250201294:

Ver	CDC	Name	To	Time	Seq	Type
0	KN	WEST PENN POWER	KN	1/20/2025 3:36:43 PM	179	MAIL
0	HC1	PENNSYLVANIA AMERICAN WATER BROWNSVIL	HC1	1/20/2025 3:36:43 PM	7	MAIL
0	CAL	CALIFORNIA BOROUGH OF	CAL	1/20/2025 3:37:50 PM	2	FM1
0	CWJ	CENTER WEST JOINT SEWER AUTHORITY	CWJ	1/20/2025 3:36:42 PM	2	MAIL
0	CCH	COLUMBIA GAS OF PA INC CHARLEROI	CCH	1/20/2025 3:36:42 PM	24	MAIL

ATTACHMENT for S/N: 20250201294 (20250201294-0.gif):



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2025-
	:	
California Borough,	:	
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

California Borough
225 3rd Street
California, PA 15419

California Borough
Attn: Thomas Agrafiotis, Esq.
Melenzyer & Agrafiotis, LLC
337 Fallowfield Avenue
Charleroi, PA 15022
Counsel for California Borough



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

Dated: November 21, 2025