



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

May 18, 2026

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.
Keystone Custom Homes LLC
Docket No. C-2026-
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', is 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: Stephanie M. Wimer, Deputy Chief Prosecutor, I&E-Enf (*via email* – stwimer@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-2026-
	:	
Keystone Custom Homes 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 Keystone Custom Homes LLC (“Keystone Custom Homes” or “Respondent”) alleging violations of the PA One Call Law in connection with an April 1, 2025 strike on a gas line during excavation for Keystone Custom Homes on Gala Lane in East Nottingham Township, Chester 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*, project 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 Keystone Custom Homes, with a main mailing address of 227 Granite Run Drive, Lancaster, PA, 17601.

5. Keystone Custom Homes meets the definition of a “project owner” pursuant to Section 176 of the PA One Call Law, 73 P.S. § 176.¹

¹ “Project owner” is defined as “any person who or which engages an excavator for construction or any other project which requires excavation or demolition work.” A “line” or “facility” is defined as “an underground pipe used in carrying, gathering, transporting or providing natural or artificial gas, 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.

6. Section 181.1 of the PA One Call Law, 73 P.S. § 181.1, imposes duties on project owners.

7. Specifically, Section of the PA One Call Law, 73 P.S. § 181.1(7), required project owners to “submit a report of alleged violation to the commission through the One Call System not more than thirty days after striking or damaging a facility owner's line during excavation or demolition work activities, after a project owner's contracted excavator strikes or damages a facility owner's line during excavation or demolition activities” 73 P.S. § 181.1(7).

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

9. 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 project 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.

10. 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).

11. 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).

12. 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

13. On April 1, 2025, Abel Construction Company, Inc. (“Abel”) was excavating using a track loader on Gala Lane, East Nottingham Township, Chester County.

14. While excavating, the track loader sank into the mud over top of a gas line service tee and broke the tee off of the main. Photographs of the gas line after being damaged by the track loader are attached hereto as I&E Exhibits 1a and 1b.

15. The gas line and service tee belonged to UGI Utilities Inc. (“UGI”).

16. Abel properly submitted an Alleged Violation Report (“AVR”)² to the Commission alerting the Commission of the line strike. The AVR submitted by Abel is attached hereto at I&E Exhibit 2.

17. After damaging the UGI gas line, Abel submitted a New Damage Emergency Ticket to POCS, serial number 20250910968.

18. Keystone Custom Homes was at all times relevant hereto the project owner, as that term is defined in the PA One Call Law, as it was the party responsible for hiring, contracting with, or otherwise engaging Abel, the excavator, to perform excavation or demolition work on Gala Lane.

² The purpose of an AVR is to report to the Commission through the Pennsylvania One Call System (“POCS”) an alleged violation of the PA One Call Law. 73 P.S. §§ 176 and 181.1(7).

19. Keystone Custom Homes failed to submit an AVR to the Commission through POCS, as required by the PA One Call Law.

20. On June 9, 2025 a copy of the Notification of Damage Prevention Investigator Report (“Report”) prepared by the Damage Prevention Investigator (“DPI”) from the Commission’s Bureau of Investigation and Enforcement, Damage Prevention Section (“DPS”), was mailed to Keystone Custom Homes informing Respondent that it was in violation of the PA One Call Law by failing to submit a AVR within 30 business days of the damage. The letter further informed Respondent that it could either accept the findings in the DPI’s report or, within 20 days and in writing, reject them and present its case to the Damage Prevention Committee (“DPC”).

21. Respondent neither accepted the findings in the DPI’s Report nor rejected them within the 20 days as requested in the letter.

22. Although Respondent did not respond to the DPI Report, on July 9, 2025, Respondent was mailed a notice that its case would be heard and voted upon at the August 12, 2025 DPC meeting.

23. On August 12, 2025, the DPC voted to accept the violation and penalty as assessed in the DPI Report.

24. On August 13, 2025, a copy of the DPC’s Informal Determination accepting the DPI’s report and proposed education and penalty was mailed to Keystone Custom Homes.

25. On September 8, 2025, Keystone Custom Homes disputed the DPC’s findings via email.

III. VIOLATIONS

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

Count 1

27. Respondent failed to submit an Alleged Violation Report to the Commission through POCS within 10 business days after its contracted excavator, Abel, damaged a gas line.

If proven, this is a violation of 73 P.S. § 181.1(7).

Here, Respondent did not submit an AVR within the statutorily required time frame of 10 business days to the Commission through POCS. In fact, Respondent did not submit an AVR to the Commission at all.

The Bureau of Investigation and Enforcement's proposed administrative penalty for this violation is \$2,000.

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

- (1) Find Keystone Custom Homes to be in violation of the PA One Call Law at 73 P.S. § 181.1(7);
- (2) Impose an administrative penalty upon Keystone Custom Homes in the amount of \$2,000, to be paid within 30 days of the entry of a Final Order;
- (3) Order Keystone Custom Homes to attend Online Compliance Training through the Pennsylvania One Call System for project 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

Dated: May 18, 2026

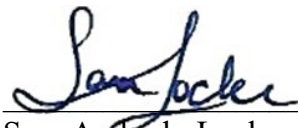
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2026-
	:	
Keystone Custom Homes 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.

Dated: May 18, 2026



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 1a



I&E Exhibit 1b



I&E Exhibit 2



Alleged Violation Report

PA Act 287, as amended 73 P. S. § 176 et. seq.
Powered by Pennsylvania One Call System, Inc.

AVR Number AVR2025APR020021
AVR Version 1
First Name CHAD **Last Name** BARSHINGER
Company Name ABEL CONSTRUCTION COMPANY, INC.
Address 3925 COLUMBIA AVE
City MOUNTVILLE
State PA
Zip Code 17554
Email CBARSHINGER@ABELCONST.COM **Phone** 7172853103

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?

Alleged Violation Information

PUC Case Number (if known)

Related AVR Number (?)

Type of Alleged Violation (?) Excavator Issue

Reason Failed to exercise due care and take all reasonable steps necessary to avoid injury to or interference with all lines §2(5) §5(4)

When did the alleged violation occur? (?) 04/01/2025

08:00:00 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.

20250910968

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 CHESTER
Municipality EAST NOTTINGHAM TWP
Ward 0
Work Site GALA LN
Nearest Intersection MCKENNA DR
Second Intersection
Geolocation (?)

Affected Facility Information

Primary Right of Way Type Public
Public Right of Way Type County Road
Private Right of Way Type

Affected Operation Gas
Facility Subtype Affected Service/Drop/Lateral
Facility Owner Company Name UGI
Contact First Name GARRETT Last Name REED
Address 7 DYKEMAN COURT
City SHIPPENSBURG
State PA

Zip 17257

Email GREED@UGI.COM Phone 717-262-3999

Joint Trench? Yes No Unknown

Involve Cross Bore? Yes No Unknown

Measured Depth from Grade 18" - 36" / 46 - 91 cm

Exact Measured Depth from Grade Enter the inches or centimeters with number and measurement used

Work Information



Start Date of Excavation (?) 03/24/2025
07:00:00 AM

Excavation Activity UNKNOWN/OTHER

Excavator Company Name ABEL CONSTRUCTION COMPANY, INC.

Contact First Name MIKE Last Name HABJANETZ

Address 3925 COLUMBIA AVENUE

City MOUNTVILLE

State PA

Zip 17554

Email MHABJANETZ@ABELCO Phone 717-917-5251
NST.COM

Marked in White Yes No Unknown

Method of Excavation BACKFILLING

Equipment Used What Equipment was used for excavation or demolition when the event occurred?
LOADER

Type of Excavator What is the type of excavator for whom the work was being done when the event occurred?
Site Developer

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?	B (Utility Designation)		
Estimated cost of the entire project	Less than \$400,000		
What was the length of the entire project?	UNKOWN		
Project Owner Company Name	KEYSTONE CUSTOM HOMES		
Contact First Name	DAVE	Last Name	MCGOUGH
Address	227 GRANITE RUN DRIVE		
City	LANCASTER		
State	PA		
Zip	17601		
Email	DAVEM@KEYSTONECU STOMHOME.COM	Phone	717-517-0055

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 ERIN PERRY

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 hr

Exact Value of Service Interruption

Approximately how many customers were affected? Unknown

Exact Number of Customers Affected

Cost of Damaged Line Repair? \$1-\$1,000

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? Contract 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 TRENCH LINE

Were offset markings used? Yes No Unknown

Condition of Marks Not Visible

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/markings 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

WHILE SPREADING TOPSOIL THE TRACK LOADER SUNK INTO THE GAS TRENCH CAUSING DAMAGE TO THE SERVICE TEE. THE SERVICE TRENCHES WERE LEFT OPEN ALL WINTER LEFT FULL OF WATER MAKING IT FOR VERY SOFT CONDITIONS.

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

Attachments

Attach pictures and additional documents

Submit Date

04/02/2025

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-2026-
	:	
Keystone Custom Homes 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

Keystone Custom Homes LLC
227 Granite Run Drive
Lancaster, PA 17601



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

Dated: May 18, 2026