

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 8, 2024

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2023-00331

COX COMMUNICATIONS, INC.,
Defendant

ORDER OF SETTLEMENT

Pursuant to § 56-265.30 of the Code of Virginia ("Code"), the State Corporation Commission ("Commission") is charged with enforcing the provisions of the Underground Utility Damage Prevention Act, Code § 56-265.14 *et seq.* The Commission's Division of Utility and Railroad Safety ("Division"), after having conducted an investigation of this matter, alleges the following concerning Cox Communications, Inc. ("Company"):

(1) On or about July 20, 2023, Garcia Cable, Inc., excavated at or near Allison Drive, Chesapeake, Virginia.

(2) On the occasion set out in paragraph (1) above, the Company failed to accurately report the marking status of the underground utility line to the positive response system by no later than 7:00 a.m. on the third working day following the excavator's locate request, or by 7:00 a.m. on the day of scheduled excavation, in violation of Code § 56-265.19 A.

(3) On the occasion set out in paragraph (1) above, the Company failed to provide to the notification center data that will allow proper notification to the operator of excavation near the operator's utility lines, in violation of 20 VAC 5-309-130 of the Commission's Rules for Enforcement of the Underground Utility Damage Prevention Act, 20 VAC 5-309-10 *et seq.*

As evidenced in the attached Admission and Consent document, the Company neither admits nor denies these allegations but admits to the Commission's jurisdiction and authority to enter this Order.

As an offer to settle all matters before the Commission arising from the Division's allegations made herein, the Company represents and undertakes that:

(1) The Company will pay a civil penalty to the Commonwealth of Virginia in the amount of \$1,200 to be paid contemporaneously with the entry of this Order.

(2) Any amounts paid in accordance with this Order shall not be recovered in the Company's rates as part of the cost of service. Any such amounts shall be booked in Uniform System of Accounts No. 426.3. The Company shall verify its booking by filing a copy of the journal entries made to record such amounts with the Commission's Division of Utility Accounting and Finance.

NOW THE COMMISSION, being advised by the Division and finding sufficient basis herein for the entry of this Order, hereby accepts this settlement.

Accordingly, IT IS ORDERED THAT:

(1) The captioned case hereby is docketed and assigned Case No. URS-2023-00331.

(2) Pursuant to the authority granted to the Commission by Code § 12.1-15, the offer of settlement made by the Company hereby is accepted.

(3) The sum of One Thousand Two Hundred Dollars (\$1,200) tendered contemporaneously with the entry of this Order is accepted.

(4) This case hereby is dismissed.

Commissioner James C. Dimitri participated in this matter.

A COPY hereof shall be sent electronically by the Clerk of the Commission to: Mark A. Brown, Sr., Director, Vendor Manager Analyst, Cox Communications, Inc., 1341 Crossways Boulevard, Chesapeake, Virginia 23320, mark.brown2@cox.com; and a copy shall be delivered to the Commission's Office of General Counsel and Divisions of Utility and Railroad Safety and Utility Accounting and Finance.

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

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CASE NO. URS-2023-00331

COX COMMUNICATIONS, INC.,
Defendant

ADMISSION AND CONSENT

The Defendant, Cox Communications, Inc., admits the jurisdiction of the State Corporation Commission ("Commission") as to the party and subject matter hereof and, without admitting or denying the allegations made herein by the Division of Utility and Railroad Safety, hereby consents to the form, substance, and entry of the foregoing Order of Settlement. The Defendant acknowledges that the Order of Settlement entered herein is a public record and is subject to review by the public.

The Defendant further states that no offer, tender, threat, or promise of any kind has been made by the Commission or by any member, officer, agent, or representative thereof in consideration of this Admission and Consent.

Cox Communications, Inc.

By: Mark A Brown Sr

Title: Vendor Manager Analyst

Email: mark.brown2@cox.com

Date: 11/28/2023