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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

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AT RICHMOND, APRIL 22, 2024

COMMONWEALTH OF VIRGINIA, *ex rel.*

2024 APR 22 A 9:02

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2023-00334

JES CONSTRUCTION, LLC,  
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 JES Construction, LLC ("Company").

(1) On or about December 6, 2022, the Company damaged a one-half-inch plastic gas service line operated by Virginia Natural Gas, Inc., located at or near 636 Greentree Drive, Virginia Beach, Virginia, while excavating.

(2) On the occasion set out in paragraph (1) above, the Company failed to notify the notification center before beginning excavation, in violation of Code § 56-265.17 A.

(3) On or about March 23, 2023, the Company damaged a one-half-inch plastic gas service line operated by Washington Gas Light Company, located at or near 7909 Martha Washington Street, Fairfax, Virginia, while excavating.

(4) On the occasion set out in paragraph (3) above, the Company failed to exercise due care at all times to protect the underground utility line when exposing these lines by hand digging, in violation of Code § 56-265.24 A.

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 a proposal to settle all matters before the Commission arising from the Division's allegations herein, the Company has offered, and agreed to comply with, the following terms and undertakings:

(1) That it will pay a civil penalty to the Commonwealth of Virginia in the amount of \$3,200 to be paid contemporaneously with the entry of this Order.

(2) The Company will undertake a training session for its employees on the subject of underground utility damage prevention conducted by the Division and submit documentation evidencing the training session to the Commission contemporaneously with the entry of this Order.

The Company has now complied fully with the terms and undertakings of the settlement as outlined herein. Documentation evidencing the training session on the subject of underground utility damage prevention has been submitted on a timely basis in accordance with the undertakings set forth above.

NOW THE COMMISSION, being advised by the Division and finding sufficient basis herein for acceptance of the Company's offer of settlement and evidence of training, accepts this offer of settlement and evidence of training.

Accordingly, IT IS ORDERED THAT:

- (1) The captioned case is docketed and assigned Case No. URS-2023-00334.
- (2) Pursuant to the authority granted to the Commission by Code § 12.1-15, the offer of settlement made by the Company is accepted.

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

(4) This case is dismissed.

A COPY hereof shall be sent electronically by the Clerk of the Commission to: Jeffrey L. Marks, Registered Agent, JES Construction, LLC, 2101 Parks Avenue, Suite 700, Virginia Beach, Virginia 23451, jlm@jesconstruction.com; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.

DRAFT - 10/27/23 9:45 AM

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

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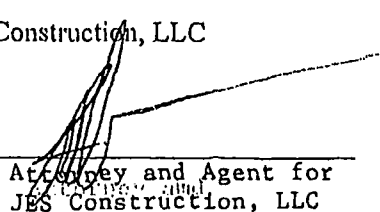
Defendant

ADMISSION AND CONSENT

The Company, JES Construction, LLC, 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 Company acknowledges that the Order of Settlement entered herein is a public record and is subject to review by the public.

The Company 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.

JES Construction, LLC

By:   
Attorney and Agent for  
Title: JES Construction, LLC

Email: jlmaks@kaufcan.comDate: November 21, 2023