

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JULY 24, 2024

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2023-00386

J. FLETCHER CREAMER & SON, 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 J. Fletcher Creamer & Son, Inc. ("Company"):

(1) On or about February 1, 2023, the Company damaged a three-quarter-inch plastic gas service line operated by Washington Gas Light Company, located at or near 800 South Overlook Drive, Alexandria, Virginia, while excavating.

(2) On or about April 27, 2023, the Company damaged a half-inch plastic gas service line operated by Washington Gas Light Company, located at or near 101 East Glendale Avenue, Alexandria, Virginia, while excavating.

(3) On or about May 15, 2023, the Company damaged a half-inch plastic gas service line operated by Washington Gas Light Company, located at or near 2711 Mosby Street, Alexandria, Virginia, while excavating.

(4) On the occasions set out in paragraphs (1) and (3) above, the Company failed to expose the underground utility lines to their extremities by hand digging, in violation of Code § 56-265.24 A.

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(5) On the occasion set out in paragraph (2) above, the Company failed to take all reasonable steps necessary to properly protect, support and backfill the underground utility line, in violation of Code § 56-265.24 A.

(6) On the occasions set out in paragraphs (1), (2) and (3) above, the Company failed to maintain a reasonable clearance between the marked location of an underground utility line and the cutting edge or point of any mechanized equipment, in violation of 20 VAC 5-309-140 (4) 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 a proposal to settle all matters before the Commission arising from the Division's allegations herein, the Company represents and undertakes that it will pay a civil penalty to the Commonwealth of Virginia in the amount of \$2,600 to be paid contemporaneously with the entry of this Order.

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

Accordingly, IT IS ORDERED THAT:

- (1) The captioned case is docketed and assigned Case No. URS-2023-00386.
- (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 Two Thousand Six Hundred Dollars (\$2,600) 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:

Martin Downs, President, J. Fletcher Creamer & Son, Inc., 101 East Broadway, Hackensack,
New Jersey 07601, martin.downs@jfcson.us; and a copy shall be delivered to the Commission's
Office of General Counsel and Division of Utility and Railroad Safety.

