

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, AUGUST 20, 2024

REGULATORY OFFICE
COMMONWEALTH OF VIRGINIA

2408500000

COMMONWEALTH OF VIRGINIA, *ex rel.*
STATE CORPORATION COMMISSION

2024 AUG 20 3:09

v.

CASE NO. URS-2022-00339

HAK JIN KIM, INDIVIDUALLY AND
D/B/A GLOBAL SERVICES & SYSTEMS INC.,
Defendant

FINAL ORDER

On October 12, 2023, the State Corporation Commission ("Commission") issued a Rule to Show Cause ("Rule") against Hak Jin Kim, individually and d/b/a Global Services & Systems Inc. ("Company"), the Defendant, which set forth allegations by the Commission's Division of Utility and Railroad Safety ("Division") that the Company violated provisions of the Underground Utility Damage Prevention Act ("Act"), Chapter 10.3 (§ 56-265.14 A *et seq.*) of Title 56 of the Code of Virginia ("Code") and the Commission's Rules for Enforcement of the Underground Utility Damage Prevention Act, 20 VAC 5-309-10 *et seq.* ("Damage Prevention Rules").

Specifically, the Rule alleged that on or about March 15, 2022, the Company damaged a two-inch plastic gas main operated by Columbia Gas of Virginia, Inc., located at or near 10106 Governors Lane, Spotsylvania County, Virginia, while excavating. The Rule alleges that on this occasion, the Company failed to take all reasonable steps necessary to properly protect, support and backfill the underground utility lines, in violation of Code § 56-265.24 A.

The Rule alleged that on or about June 4, 2022, the Company damaged a one-half-inch plastic gas service line operated by Columbia Gas of Virginia, Inc., located at or near 43 Lightfoot Drive, Stafford County, Virginia, while excavating. The Rule alleges that on this

occasion, the Company failed to take all reasonable steps necessary to properly protect, support and backfill the underground utility lines, in violation of Code § 56-265.24 A; and failed to expose all utility lines which were in the bore path by hand digging to establish the underground utility line's location prior to commencing bore, in violation of 20 VAC 5-309-150 (A) (6) of the Damage Prevention Rules.

The Rule alleged that on or about June 6, 2022, the Company damaged a one-half-inch plastic gas service line operated by Columbia Gas of Virginia, Inc., located at or near 53 Lightfoot Drive, Stafford County, Virginia, while excavating. The Rule alleges that on this occasion, 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, and failed to expose all utility lines which were in the bore path by hand digging to establish the underground utility line's location prior to commencing bore, in violation of 20 VAC 5-309-150 (A) (6) of the Damage Prevention Rules.

The Rule alleged that on or about August 16, 2022, the Company damaged a two-inch plastic gas main operated by Columbia Gas of Virginia, Inc., located at or near 5308 Ivy Hill Drive, Spotsylvania County, Virginia, while excavating. On this occasion, the Company allegedly failed to notify the notification center after markings locating the underground utility lines became illegible, in violation of Code § 56-265.24 B.

The Rule alleged that on or about September 8, 2022, the Company damaged a one-inch plastic gas service line operated by Columbia Gas of Virginia, Inc., located at or near 216 Olympic Drive, Stafford County, Virginia, while excavating. On this occasion, the Company allegedly failed to exercise due care at all times to protect the underground utility lines when exposing these lines by hand digging, in violation of Code § 56-265.24 A.

On December 13, 2023, the matter was heard by C. Mitch Burton, Jr., Hearing Examiner. M. Aaron Campbell and William H. Harrison IV appeared at the hearing as counsel for the Division. During the hearing, counsel for the Division moved for a general continuance of the matter ("Motion").¹

On January 19, 2024, the Hearing Examiner issued a ruling granting the Division's Motion and continuing the matter generally.

On April 18, 2024, the Division filed its Motion to Accept Settlement wherein it seeks approval of a settlement agreement reached with the Company. The Division stated that as a proposal to settle all matters before the Commission arising from the allegations contained in the Rule, the Company had agreed to pay a civil penalty in the amount of \$3,600.

On April 25, 2024, the Hearing Examiner issued the Report of C. Mitch Burton, Jr., Hearing Examiner ("Report"). In the Report, the Hearing Examiner found that the Division's Motion to Accept Settlement should be granted. The Hearing Examiner recommended adopting the findings in the Report; accepting the Division's proposed settlement of the allegations contained in the Rule to Show Cause; and dismissing this matter from the Commission's active cases.²

As evidenced in the attached Training Verification, the Company has also undertaken a training session for its employees on the subject of underground utility damage prevention conducted by the Division.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the findings and recommendations of the Report should be adopted.

¹ Tr. at 36.

² Report at 2.

Accordingly, IT IS ORDERED THAT:

- (1) Pursuant to the authority granted to the Commission by Code § 12.1-15, the offer of settlement made by the Company is accepted.
- (2) The sum of Three Thousand Six Hundred Dollars (\$3,600) tendered contemporaneously with the entry of this Order is accepted.
- (3) This case hereby is dismissed.

A COPY hereof shall be sent by the Clerk of the Commission to:

Hak Jin Kim, Director, Hak Jin Kim, individually and d/b/a Global Services & Systems Inc., 223 Midsummer Drive, Gaithersburg, Maryland 20878; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.