

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2023-00194

CABLE PROTECTION SERVICES, 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 that:

(1) Cable Protection Services, Inc. ("Company"), is a contract locator as that term is defined in Code § 56-265.15 and, as a contract locator acting on behalf of an operator, if the Company fails to perform the duties imposed by Chapter 10.3 of Title 56 of the Code, it is subject to the civil penalties set out in Code § 56-265.32 pursuant to Code § 56-265.19 D.

(2) On or about July 17, 2023, Heritage Irrigation LLC damaged a cable line operated by Comcast Cable Communications, Inc., located at or near 8201 Westdale Lane, Henrico County, Virginia, while excavating.

(3) On the occasion set out in paragraph (2) above, the Company failed to mark the underground utility line by no later than 7 a.m. on the third working day following the excavator's locate request, in violation of Code § 56-265.19 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 represents and undertakes that it will pay a civil penalty to the Commonwealth of Virginia in the amount of \$1,250 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-2023-00194.
- (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 One Thousand Two Hundred Fifty Dollars (\$1,250) 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:
Debra W. King, President, Cable Protection Services, Inc., Post Office Box 4816,
Midlothian, Virginia 23112, Debbie_King@cableps.com; and a copy shall be delivered to the
Commission's Office of General Counsel and Division of Utility and Railroad Safety.

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ADMISSION AND CONSENT

The Company, Cable Protection Services, 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 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.

Cable Protection Services, Inc.

By: D Kinney

Title: President

Email: _____

Date: 10/25/24