

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

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AT RICHMOND, OCTOBER 28, 2024

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2023-00237

STAKE CENTER LOCATING, 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 ("Act"), Code § 56-265.14 *et seq.* The Commission's Division of Utility and Railroad Safety ("Division"), charged with the investigation of probable violations of the Act, has completed investigations of certain incidents that occurred between July 25, 2022, and July 12, 2023, listed in Attachment A, involving Stake Center Locating, Inc. ("Company"), the Defendant, and alleges that:

(1) The 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) During the aforementioned period, the Company violated the Act by the following conduct:

(a) Failing on seven occasions to mark the approximate horizontal locations of the underground utility lines on the ground to within two feet of either side of the underground utility lines, in violation of Code § 56-265.19 A.

(b) Failing on sixteen occasions to mark the underground utility lines within the time prescribed in the Act, 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 \$19,750 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-2023-00237.
- (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 Nineteen Thousand Seven Hundred Fifty Dollars (\$19,750) 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: Shane Ayers, Director of Compliance, Stake Center Locating, Inc., 465 Southlake Boulevard, Richmond, Virginia 23236, shane.ayers@stakecenter.com; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.

Attachment A

URS-2023-00237

URS Report #	Date	Address	City/County	Code(s)	Civ. Pen.
23-0138	7/25/2022	1024 Virginia Avenue	Suffolk (City)	§ 56-265.19 A (1)	\$750.00
23-0284	8/3/2022	1165 Hillock Crossing	Virginia Beach (City)	§ 56-265.19 A (1)	\$700.00
23-0285	8/10/2022	5917 Andrew Place	Newport News (City)	§ 56-265.19 A (1)	\$750.00
23-0306	8/23/2022	Executive Drive and Hardy Cash	Hampton (City)	§ 56-265.19 A (1)	\$650.00
23-0324	8/31/2022	Pocahontas Trail and Green Mount Parkway	James City County	§ 56-265.19 A (1)	\$650.00
23-0466	9/19/2022	Delaware Avenue and Colonial Avenue	Norfolk (City)	§ 56-265.19 A (1)	\$700.00
23-0473	9/24/2022	2442 Webb Court	Norfolk (City)	§ 56-265.19 A (1)	\$650.00
23-0475	9/26/2022	700 Beech Street	Chesapeake (City)	§ 56-265.19 A (1)	\$700.00
23-0365	10/6/2022	3510 Tidewater Drive	Norfolk (City)	§ 56-265.19 A (1)	\$500.00
23-0223	11/15/2022	1214 Parkside Avenue	Hampton (City)	§ 56-265.19 A (1)	\$750.00
23-0215	11/16/2022	4521 Pretty Lake Avenue	Norfolk (City)	§ 56-265.19 A (1)	\$600.00
23-0605	12/20/2022	400 Bank Street	Suffolk (City)	§ 56-265.19 A (1)	\$650.00
23-0603	12/21/2022	107 Northbrooke Avenue	Suffolk (City)	§ 56-265.19 A (1)	\$800.00
23-0604	12/21/2022	1225 West 26th Street	Norfolk (City)	§ 56-265.19 A (1)	\$800.00
23-0613	12/28/2022	1667 Old Buckroe Road	Hampton (City)	§ 56-265.19 A (1)	\$800.00
23-0760	2/23/2023	216 Oxford Road	Williamsburg (City)	§ 56-265.19 A (1)	\$1,000.00
23-0667	4/13/2023	502 Tekoa Road	Chesapeake (City)	§ 56-265.19 A (1)	\$1,200.00
23-0742	5/2/2023	124 Murphys Mill Road	Suffolk (City)	§ 56-265.19 A (1)	\$1,200.00
23-0828	5/24/2023	202 Grant Street	Chesapeake (City)	§ 56-265.19 A (1)	\$950.00
23-0858	6/8/2023	1451 Myers Road	Chesapeake (City)	§ 56-265.19 A (1)	\$1,200.00
23-0860	6/15/2023	3110 Stonecreek Drive	Suffolk (City)	§ 56-265.19 A (1)	\$1,250.00
23-0861	6/15/2023	3204 Clearcreek Road	Suffolk (City)	§ 56-265.19 A (1)	\$1,250.00
23-0890	7/12/2023	15-41 Asher Loop	Augusta County	§ 56-265.19 A (1)	\$1,250.00
					\$19,750.00

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Defendant

ADMISSION AND CONSENT

The Company, Stake Center Locating, 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.

Stake Center Locating, Inc.

By: 

Title: DIRECTOR OF COMPLIANCE

Email: shane.ayers@stakecenter.com

Date: 4/24/2024