

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JULY 17, 2024

CCJ - CLERK'S OFFICE
COMMONWEALTH CENTER

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

2024 JUL 17 P 3:43

v.

CASE NO. URS-2024-00076

H AND W CONSTRUCTION CO., 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 H and W Construction Co., Inc. ("Company"):

(1) On or about November 14, 2023, the Company damaged a twelve-inch cement/concrete sewer main operated by Loudoun Water, located at or near the intersection of Ryan Road and Beaverdam Drive, Loudoun County, Virginia, while excavating.

(2) On the occasion set out in paragraph (1) above, the Company failed to submit a locate request to the notification center, in violation of Code § 56-265.17 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 \$700 to be paid contemporaneously with the entry of this Order.

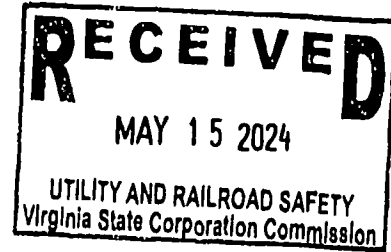
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NOW THE COMMISSION, being advised by the Division and finding sufficient basis herein for the entry of this Order, accepts this settlement.

Accordingly, IT IS ORDERED THAT:

- (1) The captioned case is docketed and assigned Case No. URS-2024-00076.
- (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 Seven Hundred Dollars (\$700) 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:
William H. Aikens, Vice President and Registered Agent, H and W Construction Co., Inc.,
Post Office Box 2468, Winchester, Virginia 22604, william@aikensgroup.com; and a copy shall
be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad
Safety.



COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

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Defendant

ADMISSION AND CONSENT

The Company, H and W Construction Co., 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.

H and W Construction Co., Inc.

By: William A. Jones

Title: Vice President

Email: William@arkensgroup.com

Date: May 13, 2024