

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

SEN. CLERK'S OFFICE  
GOVERNMENT CONTROL CENTER

AT RICHMOND, JULY 23, 2024

2024 JUL 23 A 8: 26

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2024-00054

TOANO CONTRACTORS, INC.,  
Defendant

ORDER ACCEPTING OFFER OF SETTLEMENT  
AND DISMISSING PROCEEDING

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 Toano Contractors, Inc. ("Company"):

(1) On or about February 13, 2023, the Company damaged a one-half-inch plastic gas service line operated by Virginia Natural Gas, Inc., located at or near 209 Oxford Road, Williamsburg, Virginia, while excavating.

(2) On the occasion set out in paragraph (1) 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.

(3) On the occasion set out in paragraph (1) above, the Company utilized mechanized equipment within two feet of the extremities of all exposed utility lines, in violation of 20 VAC 5-309-140 (3) of the Commission's Rules for Enforcement of the Underground Utility Damage Prevention Act, 20 VAC 5-309-10 *et seq.*

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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 Accepting Offer of Settlement and Dismissing Proceeding.

As a proposal to settle all matters before the Commission arising from the Division's allegations herein, the Company has offered, and agreed to comply with, the following terms and undertakings:

(1) That it will pay a civil penalty to the Commonwealth of Virginia in the amount of \$350.

(2) That \$150 of said penalty will be vacated upon the condition that the Company conducts a training session for its employees on the subject of underground utility damage prevention and submits documentation evidencing the training session to the Commission contemporaneously with the entry of this Order.

(3) That the \$200 balance of said penalty will be paid contemporaneously with the entry of this Order.

The Company has now complied fully with the terms and undertakings of the settlement as outlined herein. Documentation evidencing the training session on the subject of underground utility damage prevention has been submitted on a timely basis in accordance with the undertakings set forth above.

NOW THE COMMISSION, being advised by the Division and finding sufficient basis herein for acceptance of the Company's offer of settlement and evidence of training, accepts this offer of settlement and evidence of training. Because the Company has complied with the terms and undertakings accepted herein, the remainder of the penalty should be vacated and this case dismissed.

Accordingly, IT IS ORDERED THAT:

- (1) The captioned case is docketed and assigned Case No. URS-2024-00054.
- (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 Company is penalized in the amount of Three Hundred Fifty Dollars (\$350).
- (4) The sum of Two Hundred Dollars (\$200) tendered contemporaneously with the entry of this Order is accepted.
- (5) The remainder of the penalty amount, One Hundred Fifty Dollars (\$150), is vacated.
- (6) This case is dismissed.

A COPY hereof shall be sent electronically by the Clerk of the Commission to:  
Randolph W. Taylor, Vice President and Registered Agent, Toano Contractors, Inc., 8589  
Richmond Road, Toano, Virginia 23168, randy@toanocontractors.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

v.

CASE NO. URS-2024-00054

TOANO CONTRACTORS, INC.,

Defendant

ADMISSION AND CONSENT

The Company, Toano Contractors, 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 Accepting Offer of Settlement and Dismissing Proceeding. The Company acknowledges that the Order Accepting Offer of Settlement and Dismissing Proceeding 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.

Toano Contractors, Inc.

By: Donna BIRCKINGTON

Title: SAFETY MANAGER

Email: donna@toancontractors.com

Date: MAY 20, 2024