

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JULY 24, 2024

STATE CORPORATION COMMISSION
DOCUMENT CONTROL CENTER

2024 JUL 24 A 10:11

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2023-00332

GARCIA CABLE, 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 Garcia Cable, Inc. ("Company"):

- (1) On or about July 20, 2023, the Company excavated at or near Allison Drive, Chesapeake, Virginia.
- (2) On or about September 7, 2023, the Company excavated at or near 2633 Campostella Road, Chesapeake, Virginia.
- (3) On the occasion set out in paragraph (2) above, the Company failed to wait three hours to begin excavating after an additional call was made to the notification center for the area, in violation of Code § 56-265.17 C.
- (4) On the occasions set out in paragraphs (1) and (2) above, 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.

240730141

(5) On the occasion set out in paragraph (1) above, the Company failed to make an additional call to the notification center after observing clear evidence of the presence of an unmarked utility line, in violation of Code § 56-265.24 C.

(6) On the occasion set out in paragraph (2) above, the Company failed to maintain a reasonable clearance between the marked location of an underground utility line and the cutting edge or point of any mechanized equipment, in violation of 20 VAC 5-309-140 (4) of the Commission's Rules for Enforcement of the Underground Utility Damage Prevention Act, 20 VAC 5-309-10 *et seq.* ("Rule").

(7) On the occasions set out in paragraphs (1) and (2) above, the Company 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 Rule 20 VAC 5-309-150 (A)(6).

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 \$2,700 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-2023-00332.

(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 Two Thousand Seven Hundred Dollars (\$2,700) 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: Julian Jimenez-Garcia, President, Garcia Cable, Inc., 15271 Frederick Road, Woodbine, Maryland 21797, josejimenez@garciacable.com; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.

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 Rule 20 VAC 5-309-150 (A)(6).

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 \$2,700 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, hereby accepts this settlement.

Accordingly, IT IS ORDERED THAT:

- (1) The captioned case hereby is docketed and assigned Case No. URS-2023-00332.
- (2) Pursuant to the authority granted to the Commission by Code § 12.1-15, the offer of settlement made by the Company hereby is accepted.
- (3) The sum of Two Thousand Seven Hundred Dollars (\$2,700) tendered contemporaneously with the entry of this Order is accepted.
- (4) This case hereby is dismissed.

A COPY hereof shall be sent electronically by the Clerk of the Commission to: Julian Jimenez-Garcia, President, Garcia Cable, Inc., 15271 Frederick Road, Woodbine, Maryland 21797; 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-2023-00332

GARCIA CABLE, INC.,

Defendant

ADMISSION AND CONSENT

The Company, Garcia Cable, 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.

Garcia Cable, Inc.

By: 

Title: General Manager

Email: Josejimenez@garciacable.com

Date: 6/24/24