

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JULY 23, 2024

SEC - CLERK'S OFFICE
GOVERNMENT CONTROL CENTER

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

2024 JUL 23 P 3:30

v.

CASE NO. URS-2024-00015

AVES CONSTRUCTION CORPORATION,
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 Aves Construction Corporation ("Company"):

(1) On or about June 7, 2023, the Company damaged a three-quarter-inch plastic gas service line operated by Washington Gas Light Company, located at or near 3116 Sleepy Hollow Road, Fairfax County, Virginia, while excavating.

(2) On the occasion set out in paragraph (1) above, the Company failed to confirm that all applicable operators had either marked their underground utility lines or reported that no lines were present in the vicinity of the excavation or demolition, in violation of Code § 56-265.17 B. 2.

(3) 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.

(4) On the occasion set out in paragraph (1) above, the Company failed to expose the underground utility line to its extremities by hand digging within the excavation area when

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excavation was expected to come within two feet of the marked location of the underground utility line, in violation of 20 VAC 5-309-140 (2) of the Commission's Rules for Enforcement of the Underground Utility Damage Prevention Act, 20 VAC 5-309-10 *et seq.* ("Rule").

(5) On the occasion set out in paragraph (1) 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 Rule 20 VAC 5-309-140 (4).

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 \$600 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-2024-00015.
- (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 Six Hundred Dollars (\$600) 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:
Anish Senan, Registered Agent, Aves Construction Corporation, 4749 Clifton Road, Unit C,
Temple Hills, Maryland 20748, anish@avesconstruction.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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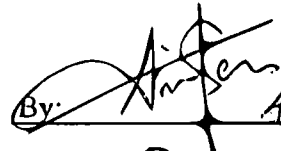
AVES CONSTRUCTION CORPORATION,
Defendant

ADMISSION AND CONSENT

The Company, Aves Construction Corporation, 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.

Aves Construction Corporation

By:  ANISH SENAN

Title: PRESIDENT

Email: anish@avesconstruction.com

Date: 05/14/2024