

STATE CORPORATION COMMISSION

State Corporation Commission

AT RICHMOND, NOVEMBER 22, 2024

*Document Control Center**11/22/2024 - 11:11 am*COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2024-00194

BACKBONE CONSTRUCTION LLC,
DefendantORDER 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 Backbone Construction LLC ("Company"):

(1) On or about June 20, 2024, the Company excavated at or near Sherrington Drive, Hanover County, Virginia.

(2) In three instances, 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 lines, in violation of Code § 56-265.24 A.

(3) 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 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.* ("Damage Prevention Rules").

(4) In two instances, on the occasion set out in paragraph (1) above, the Company failed to ensure sufficient clearance was maintained between the bore path and any underground utility lines during pullback, in violation of Damage Prevention Rule 20 VAC 5-309-150 (A)(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 \$2,250 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-2024-00194.
- (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 Two Hundred Fifty Dollars (\$2,250) 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:
Douglas Eric Flink, Jr., Owner, Backbone Construction LLC, 2 Burlington Woods Drive,
PMB 1016, Suite 100, Burlington, Massachusetts 01803, dflink@backbone-constrcution.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.*

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BACKBONE CONSTRUCTION LLC,
Defendant

ADMISSION AND CONSENT

The Company, Backbone Construction LLC, 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.

Backbone Construction LLC

Company Representative: 

Printed Name: Douglas Elink

Email: dflink@backbone-construction.com

Date: 9/10/24