

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

800 - 648 - 6100
DOCUMENT CONTROL CENTER

AT RICHMOND, JUNE 26, 2024

COMMONWEALTH OF VIRGINIA, *ex rel.*

2024 JUN 26 A 11:42

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2023-00137

BENCHMARK VA LLC SUBSURFACE
UTILITY SERVICES,
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 ("Act"), Code § 56-265.14 *et seq.* The Commission's Division of Utility and Railroad Safety ("Division"), charged with the investigation of probable violations of the Act, has completed investigations of certain incidents that occurred between June 27, 2022, and April 6, 2023, listed in Attachment A, involving Benchmark VA LLC Subsurface Utility Services ("Company"), the Defendant, and alleges that:

(1) The Company is a contract locator as that term is defined in Code § 56-265.15 and, as a contract locator acting on behalf of an operator, if the Company fails to perform the duties imposed by Chapter 10.3 of Title 56 of the Code, it is subject to the civil penalties set out in Code § 56-265.32 pursuant to Code § 56-265.19 D.

(2) During the aforementioned period, the Company violated the Act by the following conduct:

- (a) Failing on one occasion to mark the approximate horizontal location of the underground utility lines on the ground to within two feet of either side of the underground utility lines, in violation of Code § 56-265.19 A.
- (b) Failing on five occasions to mark the underground utility lines within the time prescribed in the Act, in violation of Code § 56-265.19 A.

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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.

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 \$5,500 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 is docketed and assigned Case No. URS-2023-00137.
- (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 Five Thousand Five Hundred Dollars (\$5,500) 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: Mike Fox, Regional Manager, Benchmark VA LLC Subsurface Utility Services, 9500 King Air Court, Ashland, Virginia 23005, mfox@benchmakrllc.us; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.

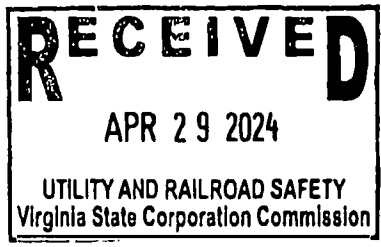
Attachment A

URS-2023-00137

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URS Report #	Date	Address	City/County	Code(s)	Civ. Pen.
23-0123	6/27/2022	3013 Garland Avenue	Richmond (City)	§ 56-265.19 A	\$1,100.00
23-0234	7/1/2022	1616 Selma Place	Henrico County	§ 56-265.19 A	\$950.00
23-0239	7/6/2022	629 East Main Street	Richmond (City)	§ 56-265.19 A	\$1,300.00
23-0057	1/12/2023	357 Wyndham Hill Drive	Augusta County	§ 56-265.19 A	\$700.00
23-0578	4/5/2023	12224 Woodson Hills Court	Henrico County	§ 56-265.19 A	\$750.00
23-0577	4/6/2023	161 Shannon Court	Frederick County	§ 56-265.19 A	\$700.00
					\$5,500.00

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Defendant

ADMISSION AND CONSENT

The Company, Benchmark VA LLC Subsurface Utility Services, 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.

Benchmark VA LLC Subsurface Utility Services

By: Michael A Fox
Title: Regional Manager
Email: mfox@benchmarkllc.us
Date: 4/24/24