

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, OCTOBER 7, 2024

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COMMONWEALTH OF VIRGINIA, *ex rel.*

2024 OCT -7 P 3: 04

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2023-00405

EPIC FIBER UNDERGROUND CONSTRUCTION, LLC,
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 Epic Fiber Underground Construction, LLC ("Company"):

- (1) On or about March 8, 2023, the Company excavated at or near 1108 Key Avenue, Chesapeake, Virginia.
- (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 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.
- (4) 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

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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.*

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 \$1,000 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-2023-00405.
- (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 One Thousand Dollars (\$1,000) 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:

Jose Luis Franco, Registered Agent, Epic Fiber Underground Construction, LLC, 11306 West Providence Road, North Chesterfield, Virginia 23236, epicfiberllc@gmail.com; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.

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(4) This case hereby is dismissed.

A COPY hereof shall be sent electronically by the Clerk of the Commission to: Jose Luis Franco, Registered Agent, Epic Fiber Underground Construction, LLC, 11306 West Providence Road, North Chesterfield, Virginia 23236; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.

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EPIC FIBER UNDERGROUND CONSTRUCTION, LLC,

Defendant

ADMISSION AND CONSENT

The Company, Epic Fiber Underground 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.

Epic Fiber Underground Construction, LLC

By: José Franco Confidential

Title: President

Email: EpicFiberLlc@gmail.com

Date: 07/28/24