

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, FEBRUARY 13, 2015

SCC-CLERK'S OFFICE
DOCUMENT CONTROL CENTER

2015 FEB 13 P 3:04

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

v.

CASE NO. URS-2014-00524

MILLER PIPELINE, 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, § 56-265.14 *et seq.* of the Code. The Commission's Division of Utility and Railroad Safety ("Division"), after having conducted an investigation of this matter, alleges that:

- (1) On or about July 9, 2014, Miller Pipeline, LLC ("Company"), excavated at or near Hidden Well Lane, Chesterfield County, Virginia.
- (2) On the occasion set out in paragraph (1) above, the Company failed on four instances to exercise reasonable care to protect the underground sewer utility lines, in violation of § 56-265.19:1 G of the Code.
- (3) On the occasion set out in paragraph (1) above, the Company failed on two instances to exercise due care at all times to protect the underground sewer utility lines and excavated within 24 inches of the sewer utility lines, in violation of § 56-265.24 A of the Code.

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.

15021 0293

As a proposal to settle all matters before the Commission arising from the Division's allegations herein, the Company has offered, and agreed to comply with, the following terms and undertakings:

(1) That it will pay a civil penalty to the Commonwealth of Virginia in the amount of Fifteen Thousand Dollars (\$15,000) to be paid contemporaneously with the entry of this Order. The payment will be made by cashier's check or money order payable to the Treasurer of Virginia and directed to the attention of the Director of the Division of Utility and Railroad Safety.

(2) On or before December 23, 2014, the Company shall prepare a written Quality Assurance Plan, acceptable to the Division, and implement this plan for the Company's employees who perform excavation in the Commonwealth to protect underground utility lines from damage during trenchless excavation. This plan must, among other things, address how to prevent any "cross bores" involving underground sewer lines and damage to water lines that may not be marked.

The Company has now complied fully with the terms and undertakings of the settlement as outlined herein. The Quality Assurance Plan has been submitted on a timely basis in accordance with the undertakings set forth above.

NOW THE COMMISSION, being advised by the Division and finding sufficient basis herein for acceptance of the Company's offer of settlement.

Accordingly, IT IS ORDERED THAT:

- (1) The captioned case shall be docketed and assigned Case No. URS-2014-00524.
- (2) Pursuant to the authority granted to the Commission by § 12.1-15 of the Code, the offer of settlement made by the Company is hereby accepted.

(3) The sum of Fifteen Thousand Dollars (\$15,000) tendered contemporaneously with the entry of this Order is accepted.

(4) This case is hereby dismissed.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:
Greg Lindholm, Regional Manager, Miller Pipeline, LLC, 66 Le-Way Drive, Fredericksburg, Virginia 22406; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.

RECEIVED
JAN 26 2015
UTILITY AND RAILROAD SAFETY
VIRGINIA STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA, *ex rel.*
STATE CORPORATION COMMISSION

v.

CASE NO. URS-2014-00524

MILLER PIPELINE, LLC,
Defendant

ADMISSION AND CONSENT

The Company, Miller Pipeline, 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.

Miller Pipeline, LLC

By: 

Title: Executive Vice President

Date: January 20, 2015