

CONSENT ORDER APPROVAL

CASE: 17-G-0086 - In the Matter of an Enforcement Proceeding Against Professional Landscaping Services, LLC for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of Niagara Mohawk Power Corporation, d/b/a National Grid.

Company Name: Professional Landscaping Services, LLC
(Professional Landscaping)

Principal Contact: Mr. Paul Rosati

Address: P.O. Box 411
Westmorland, NY 13490

Alleged Code Violation: 753-3.1(a)(1)

Description of Violation: Failure to provide notice of intent to excavate to the one-call notification system

Date of Violation: June 3, 2016

Affected Facility: 4-inch plastic natural gas main

Date of NOPV: August 3, 2016

Response: Informal Conference on September 27, 2016

Proposed Penalty: \$500

Circumstances

Professional Landscaping admitted that it was using mechanized equipment without having provided notice of intent to excavate to the one-call notification system. Professional Landscaping did not believe it needed to provide notice due to the fact that it was excavating nearly 4,000-feet from the nearest roadway. Professional Landscaping has no prior

violations, committed to taking corrective action and training, and was cooperative throughout the investigation.

Mitigating Factors to Support a Reduced Penalty

1. Professional Landscaping Services, LLC has no history of prior violations.
2. Professional Landscaping Services, LLC has committed to take remedial actions to prevent re-occurrence and will complete a training session given by Dig Safely New York.
3. Professional Landscaping Services, LLC was cooperative throughout the investigation and enforcement proceeding.