

CONSENT ORDER APPROVAL

CASE: 18-G-0411 - In the Matter of an Enforcement Proceeding Against D'Angelo Builders & Developers, Inc. for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of Rochester Gas and Electric Corporation.

Company Name: D'Angelo Builders & Developers, Inc.
(D'Angelo Builders & Developers)

Principal Contact: Mr. Nicholas D'Angelo

Address: P.O. Box 613
Ontario, NY 14519

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 10, 2017

Damaged Facility: Plastic natural gas service

Date of NOPV: December 20, 2017

Response: Letter dated January 2, 2018

Proposed Penalty: \$1,000

Circumstances

In letter dated January 2, 2018, D'Angelo Builders & Developers stated that it did not provide notice due to another contractor having already done so at this location, and that the natural gas service was damaged while D'Angelo Builders & Developers was using hand tools.

During its damage investigation, Rochester Gas & Electric Corporation confirmed that mechanized was being

utilized by D'Angelo Builders & Developers. Pursuant to 16 NYCRR §753-3.1(a)(1), the entity performing the excavation work is responsible for providing notice of intent to excavate to the one-call notification system.

D'Angelo Builders & Developers 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. D'Angelo Builders & Developers, Inc. has no history of prior violations.
2. D'Angelo Builders & Developers, Inc. has committed to take remedial actions to prevent re-occurrence and will complete a training session with Dig Safely New York.
3. D'Angelo Builders & Developers, Inc. was cooperative throughout the investigation and enforcement proceeding.