

CONSENT ORDER APPROVAL

CASE: 16-G-0516 - In the Matter of an Enforcement Proceeding Against Pioneer Asphalt Paving Contractors, LLC for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of KeySpan Gas East Corporation d/b/a National Grid.

Company Name: Pioneer Asphalt Paving Contractors, LLC  
(Pioneer Asphalt)

Principal Contact: Mr. Kevin Cox

Address: 168 Townline Road  
Kings Park, NY 11754

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: April 25, 2015

Damaged Facility: 2-inch natural gas service

Date of NOPV: January 29, 2016

Response: Letter dated February 10, 2016

Proposed Penalty: \$1,000

Circumstances

Pioneer Asphalt stated that it was contracted to re-stabilize a driveway and that it hired a private locator to mark the underground facilities. Pioneer Asphalt admitted that it failed to provide notice of intent to excavate to the one-call notification system. Pioneer Asphalt 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. Pioneer Asphalt Paving Contractors, LLC has no history of prior violations.
2. Pioneer Asphalt Paving Contractors, LLC has committed to take remedial actions to prevent re-occurrence and will complete a training session given by New York 811.
3. Pioneer Asphalt Paving Contractors, LLC was cooperative throughout the investigation and enforcement proceeding.