

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on October 13, 2016

COMMISSIONERS PRESENT:

Audrey Zibelman, Chair  
Patricia L. Acampora  
Gregg C. Sayre  
Diane X. Burman

CASE 16-G-0165 - In the Matter of an Enforcement Proceeding  
Against Baseline King Corp. for Alleged  
Violations of 16 NYCRR Part 753 - Protection  
of Underground Facilities, in the Service  
Territory of Rochester Gas and Electric  
Corporation.

ORDER DETERMINING PENALTY AND DIRECTING PAYMENT

(Issued and Effective October 21, 2016)

BY THE COMMISSION:

Respondent Information

Company Name: Baseline King Corp.  
Address: 111 Liberty Lane  
Barneveld, NY 13304

Background

At the April 20, 2016 Session, the Commission approved a Consent Order agreement with Baseline King Corp. to resolve an enforcement action for an alleged violation of 16 NYCRR §753-3.1(a)(1). The terms of the Consent Order agreement called for the penalty to be reduced from \$2,500 to \$1,000, which Baseline King Corp. has already remitted. It also required Baseline King Corp. to complete a training session given by Dig Safely New York, and to provide to Staff a copy of a sign-in sheet verifying that the training was completed. Finally, the Consent

Order stipulated that Baseline King Corp. admitted to the violation of 16 NYCRR §753-3.1(a)(1) as cited.

To date, Baseline King Corp. has not provided verification that it has completed the agreed upon training, nor has it responded to a reminder letter sent by the Secretary on July 9, 2016. That reminder letter stated that, if no reply was received from Baseline King Corp., this matter would be reported to the Commission for further action. No reply was received and thus Baseline King Corp. has failed to comply with the terms of the Consent Order agreement. Therefore, we find that Baseline King Corp. did commit a violation of 16 NYCRR §753-3.1(a)(1), and order that it either remit the remaining \$1,500 or provide verification that it completed the training as provided in the Consent Order agreement.

#### Determination

We find that Baseline King Corp. did commit a violation of 16 NYCRR §753-3.1(a)(1), which resulted in damage to a 1½-inch steel high-pressure natural gas service.

#### The Commission orders:

1. A penalty of \$2,500 is determined against Baseline King Corp. pursuant to §119-b(8) of the Public Service Law.
2. Baseline King Corp. is directed to either complete a training session with Dig Safely New York to satisfy the requirements of the Consent Order, or to remit, by certified check payable to the "Department of Public Service," the remaining sum of \$1,500 in payment of the penalty determined. The remaining \$1,500 sum is subject to Section 18 of the State Finance Law and shall be deposited into the underground facilities safety training account. The check shall be addressed to:

Ms. Carol Gnacik  
Director of Finance and Budget  
Department of Public Service  
Three Empire State Plaza  
16<sup>th</sup> Floor  
Albany, N.Y. 12223-1350

3. If the completed training or check is not received within 30 days after issuance of this Order, Staff is authorized to refer the case to the New York State Department of Law with a request that an action to collect the determined penalty be brought in a court of competent jurisdiction.

4. The proceeding is continued, pending compliance with ordering clause 2, following which it should be closed.

By the Commission,

(SIGNED)

KATHLEEN H. BURGESS  
Secretary