

CONSENT ORDER APPROVAL

CASE: 16-G-0517 - In the Matter of an Enforcement Proceeding Against Kingsview Paving & Excavating for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of National Fuel Gas Distribution Corporation.

Company Name: Kingsview Paving & Excavating
(Kingsview)

Principal Contact: Mr. Thomas Rowe Sr.

Address: 7 West 1st Street
Lakewood, NY 14750

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: July 24, 2014

Damaged Facility: 2-inch plastic high-pressure natural gas main

Date of NOPV: July 9, 2015

Response: Letters dated July 14, 2015, and June 9, 2016

Proposed Penalty: \$500

Circumstances

Kingsview stated that it was hired to construct a new building and acknowledged that it failed to provide notice of intent to excavate to the one-call notification system for this work. Kingsview committed to taking corrective action and training, and was cooperative throughout the investigation.

Mitigating Factors to Support a Reduced Penalty

1. Kingsview Paving & Excavating has committed to take remedial actions to prevent re-occurrence and has completed a training session given by Dig Safely New York.
2. Kingsview Paving & Excavating was cooperative throughout the investigation and enforcement proceeding.