

CONSENT ORDER APPROVAL

CASE: 16-G-0520 - In the Matter of an Enforcement Proceeding Against Furdi's Homes 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: Furdi's Homes

Principal Contact: Mr. Greg Furlon

Address: 2920 Route 3 East
Fulton, NY 13609

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: February 2, 2016

Damaged Facility: 1-inch plastic high-pressure natural gas service

Date of NOPV: March 15, 2016

Response: Informal conference on April 5, 2016

Proposed Penalty: \$500

Circumstances

Furdi's Homes stated that the homeowner requested a front porch be added to the modular home it was installing. Furdi's Homes further noted that it typically contracts out any excavation work; however, on this occasion, it used its mini-excavator to install the footings for the porch. Furdi's Homes acknowledged that it failed to provide notice of intent to excavate to the one-call notificaiton system. Furdi's Homes 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. Furdi's Homes has no history of prior violations.
2. Furdi's Homes has committed to take remedial actions to prevent re-occurrence and has completed a training session given by Dig Safely New York.
3. Furdi's Homes was cooperative throughout the investigation and enforcement proceeding.