

CONSENT ORDER APPROVAL

CASE: 12-G-0520 - In the Matter of an Enforcement Proceeding
Against Vinnie Buffolino Asphalt Paving Corp. 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: Vinnie Buffolino Asphalt Paving Corp.
(Buffolino Asphalt)

Principal Contact: Mr. Rocco Buffolino

Address: 210 Wilson Avenue
Westbury, NY 11590

Alleged Code
Violation(s): 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 9, 2012

Damaged Facilities: ½-inch natural gas service

Date of NOPV: August 20, 2012

Response: Informal Conference on August 30, 2012

Proposed Penalty: \$500

Circumstances

Buffolino Asphalt stated that on June 9, 2012 it was replacing curbs by hand trenching alongside the curbs and pulling them out with a skidsteer. Gas service, which was embedded in the concrete curb, was damaged. Buffolino Asphalt admitted that it failed to provide notice of intent to excavate to the one-call notification system. Buffolino Asphalt has no

prior violations, committed to taking corrective action and training, and was cooperative through-out the investigation.

Mitigating Factors to Support a Reduced Penalty

1. Vinnie Buffolino Asphalt Paving Corp. has no history of prior violations.
2. Vinnie Buffolino Asphalt Paving Corp. has committed to take remedial actions to prevent re-occurrence - it will complete a training session given by New York 811.
3. Vinnie Buffolino Asphalt Paving Corp. was cooperative throughout the investigation and enforcement proceeding.