

CONSENT ORDER APPROVAL

CASE: 18-G-0577 - In the Matter of an Enforcement Proceeding Against Manhattan Nest Designs LLC for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of Central Hudson Gas & Electric Corporation.

Company Name: Manhattan Nest Designs LLC (MND)

Principal Contact: Mr. Daniel Kanter

Address: 142 Clinton Avenue
Kingston, NY 12401

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: May 4, 2018

Jeopardized Facility: Natural gas facility

Date of NOPV: September 6, 2018

Response: Letter dated October 5, 2018

Proposed Penalty: \$250

Circumstances

In a letter dated October 5, 2018, MND stated that it is a small company mainly involved with interior home design and remodeling, and that MND failed to provide notice of intent to excavate to the one-call notification system due to an ignorance of 19 NYCRR §753 requirements.

MND did not damage any underground facilities, 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. Manhattan Nest Designs LLC has no history of prior violations.
2. Manhattan Nest Designs LLC has committed to take remedial actions to prevent re-occurrence and will complete a training session given by Dig Safely New York.
3. Manhattan Nest Designs LLC was cooperative throughout the investigation and enforcement proceeding.