

CONSENT ORDER APPROVAL

CASE: 11-G-0063 In the Matter of an Enforcement Proceeding Against Lucio Masonry, Inc. for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of Consolidated Edison Company of New York, Inc.

Company Name: Lucio Masonry, Inc. (Lucio)

Principal Contact: Ms. Sylvia Trejo

Address: 37 Teresa Avenue  
Yonkers, NY 10704-2709

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: August 3, 2010

Damaged Facilities: Plastic high pressure natural gas service

Date of NOPV: October 4, 2010

Response: Letter dated October 12, 2010

Proposed Penalty: \$500

Circumstances

Lucio stated that it was hired to perform excavation as a subcontractor and was told that all permits were in place.

Staff conducted a ticket search for one call notifications at this location and no tickets were found. Regardless, pursuant to 16 NYCRR §753-3.1(a)(1), the entity performing the excavation work is responsible for providing notice of intent to excavate to the one-call notification system. Lucio 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. Lucio Masonry, Inc. has no history of prior violations.
2. Lucio Masonry, Inc. has committed to take remedial actions to prevent re-occurrence - it has completed a training session given by Dig Safely New York.
3. Lucio Masonry, Inc. was cooperative throughout the investigation and enforcement proceeding.