

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7188

Petition of Department of Public Service to impose)
penalties upon Cable Connection of Vermont, Inc. re:)
probable Dig Safe violation involving a Verizon New)
England Inc., d/b/a Verizon Vermont, utility line located)
in West Dover, Vermont, on July 14, 2005)

Order entered: 7/27/2006

PROPOSAL FOR DECISION
AND ORDER

INTRODUCTION

This docket concerns an alleged violation of 30 V.S.A. § 7006b, a provision included in Chapter 86 of the Vermont Statutes: Underground Utility Damage Prevention System ("DigSafe statute").

Pursuant to 30 V.S.A. § 8, and based on the record and evidence before me, I present the following to the Board.

On February 10, 2006, the Vermont Department of Public Service ("Department") filed with the Public Service Board ("Board") a Notice of Probable Violation of Underground Utility Damage Prevention System Pursuant to Public Service Board Rule 3.807 ("Notice").¹ The Notice alleged that, on July 14, 2005, Cable Connection of Vermont, Inc. ("Cable Connection") violated the provisions of 30 V.S.A. § 7006b when it failed to take reasonable precautions and avoid damage to Verizon Vermont ("Verizon") underground facilities. The Notice further sought the following remedial action: Imposition of a fine in the amount of Two Hundred Dollars (\$200.00), and attendance by Cable Connection at a Department-approved Underground Damage Prevention Seminar.

1. Public Service Board DSN #250.

On, March 14, 2006, Cable Connection filed a response to the Notice ("Response"), in which it disagreed with the remedial action sought by the Department in the Notice, and requested that the Board hold a hearing in connection therewith.

On July 12, 2006, a Stipulation and Agreement ("Stipulation") between the Department and Cable Connection was filed. The Stipulation resolves all issues in this docket.

The Stipulation provides that an officer, director or employee of Cable Connection that is actively involved in excavation activities shall attend a Department-approved Underground Damage Prevention Seminar within a year from the date of a Board order approving the Stipulation.

CONCLUSION AND RECOMMENDATION

Cable Connection has not affirmatively admitted the violation alleged by the Department; however, it has agreed to accept the remedial action set forth in the Stipulation. This approach toward resolving Dig Safe violation complaints is consistent with the Dig Safe statute and Public Service Board Rule 3.800. The remedial action set forth in the Stipulation imposes an educational requirement upon Cable Connection that is designed to help it understand the Dig Safe system as well as the importance of compliance with Dig Safe standards, and thereby enhance prevention of future underground utility facility mishaps. Accordingly, I recommend that the Board approve the Stipulation.

Consistent with the provision of 3 V.S.A. § 811, this Proposal for Decision has not been served on all parties to this proceeding because it is not adverse to any party.

Dated at Montpelier, Vermont, this 24th day of July, 2006.

s/Judith M. Kasper

Judith M. Kasper, Esq.
Hearing Officer

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The findings and recommendation of the Hearing Officer are adopted.
2. Within one year of the date of this Order, an officer, director or employee of Cable Connection of Vermont, Inc., that is actively involved in excavation activities shall attend an Underground Damage Prevention Seminar that has been approved by the Vermont Department of Public Service.
3. This docket shall be closed.

Dated at Montpelier, Vermont, this 27th day of July, 2006.

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|------------------------|---|----------------|
| <u>s/James Volz</u> |) | |
| |) | PUBLIC SERVICE |
| |) | |
| <u>s/David C. Coen</u> |) | BOARD |
| |) | |
| |) | OF VERMONT |
| <u>s/John D. Burke</u> |) | |

OFFICE OF THE CLERK

FILED: July 27, 2006

ATTEST: s/Susan M. Hudson

Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.