

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

MEMORANDUM

TO: Respondents

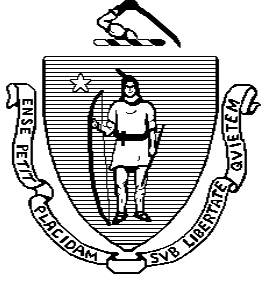
FROM: Patrick Leeman, Pipeline Safety Division Counsel

RE: Dig Safe Remedial Order, D.P.U. 22-66

DATE: October 28, 2022

You are receiving a copy of the attached **Comprehensive Disposition by Remedial Order** because the Department of Public Utilities (“Department”) has determined that you or your company are liable to pay a civil penalty for violating the Dig Safe Law, G.L. c. 82, §§ 40 through 40E or Dig Safe Regulations, 220 CMR 99.00. The facts of the specific matter(s) pertaining to you, or your company are attached to the Order, and there is a table of contents listing the matters alphabetically by name.

The Order contains information on how to pay the civil penalty. If you have any questions, please contact the Department’s Damage Prevention Program at 857-262-3182 or DPU.DamagePrevention@mass.gov.



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 22-66

October 28, 2022

In the matter of various Respondents concerning compliance with the Dig Safe Law, G.L. c. 82, §§ 40-40E or Dig Safe Regulations, 220 CMR 99.00.

COMPREHENSIVE DISPOSITION BY REMEDIAL ORDER

APPEARANCE: Patrick Leeman, Division Counsel
Pipeline Safety Division
Department of Public Utilities
One South Station
Boston, MA 02110
FOR: PIPELINE SAFETY DIVISION
Investigator

ALPHABETICAL LIST OF RESPONDENTS SUBJECT TO THIS ORDER

<u>Respondent Name</u>	<u>Prior Docket Number</u>	<u>New Docket Number</u>
A & B Landscaping	D.P.U. 20-DS-0448U	D.P.U. 22-66-1
A1 Drilling & Blasting	D.P.U. 20-DS-0576U	D.P.U. 22-66-2
Alleva Excavating	D.P.U. 20-DS-0616U	D.P.U. 22-66-3
Allied Paving Corporation	D.P.U. 20-DS-0201I	D.P.U. 22-66-4
Allied Paving Corporation	D.P.U. 20-DS-0429U	D.P.U. 22-66-5
Allied Paving Corporation	D.P.U. 20-DS-0803U	D.P.U. 22-66-6
American Environmental, Inc.	D.P.U. 20-DS-0703U	D.P.U. 22-66-7
Anderson Construction & Excavation, Inc.	D.P.U. 20-DS-0240I	D.P.U. 22-66-8
Anthony Valdala Masonry	D.P.U. 20-DS-0467U	D.P.U. 22-66-9
API Construction	D.P.U. 20-DS-0574U	D.P.U. 22-66-10
Arbor Care Tree Service	D.P.U. 20-DS-0863(i)	D.P.U. 22-66-11
Atlantic Excavation & Utility	D.P.U. 20-DS-0814U	D.P.U. 22-66-12
B.C. Murphy Landscape and Design	D.P.U. 20-DS-0690U	D.P.U. 22-66-13
Bald Hill Builders	D.P.U. 20-DS-0343U	D.P.U. 22-66-14
Baltazar Contractors, Inc.	D.P.U. 19-DS-0114A	D.P.U. 22-66-15
Barletta Heavy Division & Engineering	D.P.U. 20-DS-0805U	D.P.U. 22-66-16
Bartlett & Steadman Co., Inc.	D.P.U. 20-DS-0635U	D.P.U. 22-66-17
Bay State Sewage Disposal	D.P.U. 20-DS-0173U	D.P.U. 22-66-18
Baystate Engineering Corporation	D.P.U. 20-DS-0554U	D.P.U. 22-66-19
Baystate Engineering Corporation	D.P.U. 20-DS-0740U	D.P.U. 22-66-20
Beery Fence	D.P.U. 20-DS-0580U	D.P.U. 22-66-21
Bellingham Motor Sales	D.P.U. 20-DS-0457(i)	D.P.U. 22-66-22
Bergeron Outdoor Services	D.P.U. 20-DS-0145U	D.P.U. 22-66-23
Bill Andrade & Sons, Inc.	D.P.U. 20-DS-0870U	D.P.U. 22-66-24
Bostonian Excavation, Inc.	D.P.U. 20-DS-0776U	D.P.U. 22-66-25
Bouley Landscaping	D.P.U. 20-DS-0722U	D.P.U. 22-66-26
BP Landscaping	D.P.U. 20-DS-0316U	D.P.U. 22-66-27
Braza Construction Co.	D.P.U. 20-DS-0820U	D.P.U. 22-66-28
Cabral Electric	D.P.U. 19-DS-0907	D.P.U. 22-66-29
Calabrese Construction	D.P.U. 20-DS-0190U	D.P.U. 22-66-30
Camco Landscape	D.P.U. 19-DS-0246	D.P.U. 22-66-31
Cape Cod Septic Services	D.P.U. 20-DS-0172U	D.P.U. 22-66-32
Carri Corp.	D.P.U. 20-DS-0749U	D.P.U. 22-66-33
Carusso & McGovern Construction, Inc.	D.P.U. 20-DS-0274U	D.P.U. 22-66-34
Cassidy Corp.	D.P.U. 20-DS-0693U	D.P.U. 22-66-35
Catalano Masonry and Hardscape	D.P.U. 20-DS-0687U	D.P.U. 22-66-36
Charles River Express, LLC	D.P.U. 20-DS-0294U	D.P.U. 22-66-37
Cliff Construction	D.P.U. 20-DS-0619U	D.P.U. 22-66-38
CM Site Development	D.P.U. 20-DS-0523U	D.P.U. 22-66-39

<u>Respondent Name</u>	<u>Prior Docket Number</u>	<u>New Docket Number</u>
CN Corporation	D.P.U. 20-DS-0664E	D.P.U. 22-66-40
Cody Pearson	D.P.U. 20-DS-0575U	D.P.U. 22-66-41
Commonwealth Construction & Utilities	D.P.U. 20-DS-0468U	D.P.U. 22-66-42
Commonwealth Construction & Utilities	D.P.U. 20-DS-0491U	D.P.U. 22-66-43
Costa Development	D.P.U. 19-DS-0729	D.P.U. 22-66-44
Dagle Electrical Company	D.P.U. 20-DS-0788U	D.P.U. 22-66-45
D'Allessandro Corp.	D.P.U. 20-DS-0373U	D.P.U. 22-66-46
D'Allessandro Corp.	D.P.U. 20-DS-0419U	D.P.U. 22-66-47
D'Allessandro Corp.	D.P.U. 20-DS-0461U	D.P.U. 22-66-48
D'Allessandro Corp.	D.P.U. 20-DS-0852U	D.P.U. 22-66-49
Dardah Landscape and Masonry	D.P.U. 20-DS-0609U	D.P.U. 22-66-50
DaRosa Asphalt Service	D.P.U. 20-DS-0832U	D.P.U. 22-66-51
DeFelice Corporation	D.P.U. 20-DS-0601U	D.P.U. 22-66-52
Demolition Joe	D.P.U. 20-DS-0144U	D.P.U. 22-66-53
Diaz Construction Company	D.P.U. 20-DS-0076	D.P.U. 22-66-54
DT Landscape	D.P.U. 20-DS-0639U	D.P.U. 22-66-55
Dulany Home Improvement, Inc.	D.P.U. 20-DS-0773U	D.P.U. 22-66-56
E.Q. Enterprises	D.P.U. 20-DS-0556U	D.P.U. 22-66-57
Emanouil Brothers	D.P.U. 20-DS-0163U	D.P.U. 22-66-58
Environmentally Designed Landscapes	D.P.U. 20-DS-0656U	D.P.U. 22-66-59
Exterior Scale Services, Inc.	D.P.U. 19-DS-0155	D.P.U. 22-66-60
Extreme Excavating, Inc.	D.P.U. 20-DS-0421U	D.P.U. 22-66-61
FR Landscaping, Paving, Snow Removal LLC	D.P.U. 20-DS-0532U	D.P.U. 22-66-62
Gagliarducci Construction	D.P.U. 20-DS-0138U	D.P.U. 22-66-63
Gary Linsky	D.P.U. 20-DS-0577U	D.P.U. 22-66-64
GFM Enterprises	D.P.U. 20-DS-0256I	D.P.U. 22-66-65
Gino Perdoni Co.	D.P.U. 20-DS-0737U	D.P.U. 22-66-66
Golden Way Construction & Landscaping	D.P.U. 20-DS-0592U	D.P.U. 22-66-67
Gordon Fraser, Inc.	D.P.U. 20-DS-0383U	D.P.U. 22-66-68
Granite State Curbing	D.P.U. 20-DS-0610U	D.P.U. 22-66-69
Granite Street Realty Corp.	D.P.U. 20-DS-0557U	D.P.U. 22-66-70
Gressya Construction	D.P.U. 20-DS-0547U	D.P.U. 22-66-71
Griffin Brook Landscaping	D.P.U. 20-DS-0445U	D.P.U. 22-66-72
GTA Landscaping	D.P.U. 20-DS-0229U	D.P.U. 22-66-73
GTA Landscaping	D.P.U. 20-DS-0477U	D.P.U. 22-66-74
GTA Landscaping	D.P.U. 20-DS-0836U	D.P.U. 22-66-75
Harper Elm General Contractors	D.P.U. 20-DS-0620U	D.P.U. 22-66-76
Herzog Landscaping	D.P.U. 20-DS-0542U	D.P.U. 22-66-77
Heyland Development	D.P.U. 20-DS-0865U	D.P.U. 22-66-78
Hi Volt Line Construction and Maintenance, Inc.	D.P.U. 20-DS-0821U	D.P.U. 22-66-79
Inglewood General Contractors	D.P.U. 20-DS-0009	D.P.U. 22-66-80
J Pandella & Sons	D.P.U. 20-DS-0430U	D.P.U. 22-66-81

<u>Respondent Name</u>	<u>Prior Docket Number</u>	<u>New Docket Number</u>
J.T. Lynch Construction	D.P.U. 20-DS-0741U	D.P.U. 22-66-82
James Egan Land Design Associates	D.P.U. 20-DS-0582U	D.P.U. 22-66-83
James Furtado Excavating	D.P.U. 20-DS-0758U	D.P.U. 22-66-84
JC Construction	D.P.U. 20-DS-0259U	D.P.U. 22-66-85
JC Construction	D.P.U. 20-DS-0313U	D.P.U. 22-66-86
K & M Custom Homes & Improvements	D.P.U. 20-DS-0682U	D.P.U. 22-66-87
K. DaPonte Construction Corp.	D.P.U. 19-DS-0160	D.P.U. 22-66-88
Kelly Remodeling	D.P.U. 20-DS-0517U	D.P.U. 22-66-89
Kent Brothers LLC	D.P.U. 20-DS-0530U	D.P.U. 22-66-90
King Landscape	D.P.U. 19-DS-0217	D.P.U. 22-66-91
KJM Construction	D.P.U. 20-DS-0835U	D.P.U. 22-66-92
Landscape Visions	D.P.U. 20-DS-0702U	D.P.U. 22-66-93
Larovere Companies	D.P.U. 20-DS-0533U	D.P.U. 22-66-94
Linskey Excavating, Co.	D.P.U. 20-DS-0640U	D.P.U. 22-66-95
Longfellow Design Build	D.P.U. 20-DS-0744U	D.P.U. 22-66-96
LVMJ Corporation	D.P.U. 20-DS-0659U	D.P.U. 22-66-97
MA Home Improvements	D.P.U. 20-DS-0748U	D.P.U. 22-66-98
Mark Sundman Builders	D.P.U. 20-DS-0133U	D.P.U. 22-66-99
McIver Brothers	D.P.U. 20-DS-0247U	D.P.U. 22-66-100
McNamara Brothers	D.P.U. 20-DS-0783U	D.P.U. 22-66-101
MDR Construction Company Inc	D.P.U. 20-DS-0673U	D.P.U. 22-66-102
Michael S. Coffin Landscape Construction	D.P.U. 20-DS-0545U	D.P.U. 22-66-103
Middlesex Site Prep	D.P.U. 20-DS-0537U	D.P.U. 22-66-104
MJD Excavating Inc.	D.P.U. 20-DS-0879(i)	D.P.U. 22-66-105
Mr. Rooter	D.P.U. 20-DS-0104U	D.P.U. 22-66-106
North American Excavating	D.P.U. 20-DS-0747U	D.P.U. 22-66-107
North Shore Pavement	D.P.U. 20-DS-0393U	D.P.U. 22-66-108
Northern Atlantic Plumbing	D.P.U. 20-DS-0807U	D.P.U. 22-66-109
NPL Construction Company	D.P.U. 20-DS-0573U	D.P.U. 22-66-110
Pardini Driveways	D.P.U. 20-DS-0631(i)	D.P.U. 22-66-111
Parterre Garden Services	D.P.U. 20-DS-0613U	D.P.U. 22-66-112
Pelican Landscaping	D.P.U. 20-DS-0583U	D.P.U. 22-66-113
Plow King	D.P.U. 20-DS-0699U	D.P.U. 22-66-114
Premier Generator	D.P.U. 20-DS-0394(i)	D.P.U. 22-66-115
Prides Construction	D.P.U. 20-DS-0790U	D.P.U. 22-66-116
Proia Construction	D.P.U. 20-DS-0695U	D.P.U. 22-66-117
R&D Site Development	D.P.U. 20-DS-0786U	D.P.U. 22-66-118
R. Sasso & Sons Construction	D.P.U. 20-DS-0524U	D.P.U. 22-66-119
R.H. Contractors	D.P.U. 20-DS-0280U	D.P.U. 22-66-120
R.H. Gallo Builders	D.P.U. 20-DS-0075	D.P.U. 22-66-121
R.H. White Construction, Inc.	D.P.U. 20-DS-0268C	D.P.U. 22-66-122
R.J. Bevilacqua Construction	D.P.U. 20-DS-0238I	D.P.U. 22-66-123

<u>Respondent Name</u>	<u>Prior Docket Number</u>	<u>New Docket Number</u>
R.M. Pacella, Inc.	D.P.U. 20-DS-0160U	D.P.U. 22-66-124
R.M. Pacella, Inc.	D.P.U. 20-DS-0743U	D.P.U. 22-66-125
R.M. Pacella, Inc.	D.P.U. 20-DS-0768U	D.P.U. 22-66-126
R.P. Marzilli Construction	D.P.U. 20-DS-0637U	D.P.U. 22-66-127
R.P. Marzilli Construction	D.P.U. 19-DS-0500	D.P.U. 22-66-128
Ready Rooter Excavation	D.P.U. 20-DS-0629(i)	D.P.U. 22-66-129
Reliable Masonry & Landscaping	D.P.U. 20-DS-0525U	D.P.U. 22-66-130
Ribeiro Construction	D.P.U. 19-DS-0746	D.P.U. 22-66-131
Robell Excavating	D.P.U. 19-DS-0153	D.P.U. 22-66-132
Rocchio Corp	D.P.U. 20-DS-0336U	D.P.U. 22-66-133
Roche Building	D.P.U. 20-DS-0335	D.P.U. 22-66-134
Route 132 Motors	D.P.U. 20-DS-0653U	D.P.U. 22-66-135
SLT Construction Corporation	D.P.U. 20-DS-0838U	D.P.U. 22-66-136
Spillane's Nursery	D.P.U. 20-DS-0252U	D.P.U. 22-66-137
Spillane's Nursery	D.P.U. 20-DS-0465U	D.P.U. 22-66-138
Stone Pro Builders	D.P.U. 20-DS-0511U	D.P.U. 22-66-139
Summit Construction	D.P.U. 20-DS-0833U	D.P.U. 22-66-140
T&M Equipment Corporation	D.P.U. 20-DS-0296U	D.P.U. 22-66-141
T. Fuoco Jr. Paving and Excavation	D.P.U. 20-DS-0720U	D.P.U. 22-66-142
The Nunes Companies	D.P.U. 20-DS-0652U	D.P.U. 22-66-143
Thomas Monahan	D.P.U. 20-DS-0130E	D.P.U. 22-66-144
Tim Acton Landscaping, Inc.	D.P.U. 20-DS-0540U	D.P.U. 22-66-145
Tom Snell Construction	D.P.U. 20-DS-0024	D.P.U. 22-66-146
Trainor Construction	D.P.U. 20-DS-0123U	D.P.U. 22-66-147
Trainor Construction	D.P.U. 20-DS-0674U	D.P.U. 22-66-148
Walsh Contracting Corporation	D.P.U. 20-DS-0063	D.P.U. 22-66-149
WAM General Contractor	D.P.U. 20-DS-0410U	D.P.U. 22-66-150
WF Landscape Services	D.P.U. 20-DS-0355U	D.P.U. 22-66-151
William E. Tatro Construction	D.P.U. 20-DS-0463U	D.P.U. 22-66-152
Zacarias Tree Service	D.P.U. 20-DS-0611U	D.P.U. 22-66-153
Zen Associates	D.P.U. 20-DS-0188I	D.P.U. 22-66-154

I. INTRODUCTION

The Department of Public Utilities (“Department”) issues this Comprehensive Disposition by Remedial Order (“Remedial Order”) to the Respondents identified above regarding their failure to comply with G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or 220 CMR 99.00 (“Dig Safe Regulations”), and their failure to comply with the Department’s procedural rules for enforcing such violations, 220 CMR 99.09(4), 99.10(3). The Department has determined that it is administratively efficient to address these violations in a single Remedial Order, pursuant to 220 CMR 99.12(1).¹ This Remedial Order is a final decision of the Department within the meaning of G.L. c. 25, § 5, subject to review by the Supreme Judicial Court, and effective upon issuance unless stayed, suspended, modified, or rescinded. 220 CMR 99.12(2), (3).

The Department has docketed this proceeding as D.P.U. 22-66. Each Respondent’s matter is identified by an individual number designation at the end of the docket number (i.e., D.P.U. 22-66-1 through D.P.U. 22-66-154). The Attachment to this Remedial Order delineates the specific facts, allegations, and civil penalties applicable to each Respondent.

II. BACKGROUND

The Dig Safe Law and Dig Safe Regulations are designed to protect the public safety and promote safe excavation in construction, landscaping, and similar types of improvement projects. Pursuant to the Dig Safe Law and Dig Safe Regulations, an excavator must premark the

¹ This Remedial Order is being served on each Respondent listed in the attachment pursuant to 220 CMR 1.05.

excavation location, provide notice of the excavation to Dig Safe, Inc.,² wait 72 hours before excavating (except in the case of emergency), and use reasonable precaution to avoid damage to underground facilities. G.L. c. 82, §§ 40A, 40C; 220 CMR 99.03, 99.04, 99.05, 99.07. An excavator or company who fails to comply with these requirements may be found in violation of the law or regulations and subject to a civil penalty. G.L. c. 82, § 40E; 220 CMR 99.14.

The Department has the authority to enforce violations of the Dig Safe Law and Dig Safe Regulations and to assess civil penalties for such violations. G.L. c. 164, §§ 76D, 105A; G.L. c. 82, § 40E; 220 CMR 99.14. The Department has delegated the authority to administer and enforce the Dig Safe Law and Dig Safe Regulations to its Pipeline Safety Division (“Division”). Delegation Order, D.P.U. 18-44-B (2020). When the Division has reason to believe that an excavator or company has violated the Dig Safe Law or Dig Safe Regulations, it issues a Notice of Probable Violation (“NOPV”) to the Respondent, pursuant to 220 CMR 99.09(1). The NOPV states the allegations and informs the Respondent of its response options, which include a right to reply in writing or attend an informal conference. 220 CMR 99.09(2).³ The Division sends each NOPV by either regular mail or electronic mail and tracks the issuance of the NOPV to the Respondent. Failure to respond to an NOPV, without good cause, constitutes a waiver of the Respondent’s right to contest the allegations and authorizes the

² Dig Safe, Inc. is a not-for-profit clearinghouse that notifies participating utility companies of excavator’s plans to excavate. In turn, these utilities (or their contract locating companies) respond to mark out the location of their underground facilities. Dig Safe, Inc. is a free service, funded entirely by its member utility companies. Dig Safe, Inc. does not mark utility lines.

³ The NOPV also informs the Respondent that it may resolve the matter by paying the specified civil penalty and signing the enclosed consent order. 220 CMR 99.09(2).

Department to find the facts to be as alleged in the NOPV and to issue a remedial order directing the Respondent to pay the civil penalty. 220 CMR 99.09(4).

If the Respondent responds to the NOPV but the evidence, including the information provided by the Respondent, supports a finding that the Respondent committed the violations as alleged, the Division issues an Informal Review Decision (“IRD”) pursuant to 220 CMR 99.10(2). The IRD provides the factual basis for the violation, the amount of the civil penalty to be paid, and instructions on how to pay the civil penalty. The IRD also explains that if the Respondent is not satisfied with the decision, it may request an adjudicatory hearing.⁴ 220 CMR 99.10(3). As with NOPVs, the Division sends each IRD by either regular mail or electronic mail and tracks the issuance of the NOPV to the Respondent. Failure to request an adjudicatory hearing constitutes a waiver of the Respondent’s right to contest the IRD and authorizes the Department to issue a remedial order directing the Respondent to pay the civil penalty. 220 CMR 99.10(3).

III. ANALYSIS AND FINDINGS

Each of the Respondents to whom this Remedial Order is directed has failed to respond to an NOPV or to an IRD. In some cases, the Respondents were offered training in lieu of paying the civil penalty set forth in the IRD but failed to attend the training. Accordingly, each Respondent has waived its right to contest the allegations and is held liable to pay the assessed

⁴ Pursuant to 220 CMR 99.11(1), an adjudicatory hearing shall be an adjudicatory proceeding as defined in G.L. c. 30A, § 1, and conducted pursuant to 220 CMR 1.00: Procedural Rules.

civil penalty through the issuance of this Remedial Order.⁵ 220 CMR 99.09(4), 99.10(3). The specific facts, allegations, and civil penalties applicable to each Respondent are contained in the Attachment to this Remedial Order.

Each Respondent has **20 days** from the date of service of this Remedial Order to issue a check or money order made payable to the Commonwealth of Massachusetts in payment of the civil penalty specified in the attachment. The check or money order must note the specific docket number, **D.P.U. 22-66-*n***, using the individual number designation in place of “*n*” and be mailed to:

Damage Prevention Program Manager
Pipeline Safety Division
Department of Public Utilities
One South Station
Boston, MA 02110

This Remedial Order is effective upon issuance, in accordance with its terms, unless stayed, suspended, modified, or rescinded. 220 CMR 99.12(2). This Remedial Order is a final decision of the Department within the meaning of G.L. c. 25, § 5, and thereby subject to review by the Supreme Judicial Court. 220 CMR 99.12(3). If a Respondent fails to comply fully with this Remedial Order within 20 days or fails to appeal to the Supreme Judicial Court, the Department may refer the matter to the Attorney General of the Commonwealth of

⁵ The Department is concerned that the Respondents have not only operated in contravention of the Dig Safe Law and/or Dig Safe Regulations but also disregarded the procedural rules designed to protect their interests.

Massachusetts pursuant to 220 CMR 99.12(4), with a request for action in the Superior Court, or may seek other action.⁶

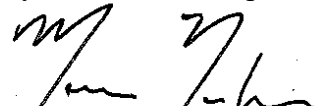
IV. ORDER

After due notice, opportunity to respond, and consideration, it is:


ORDERED: That within 20 days of the date of service of this Order, each Respondent named in the attachment to this Remedial Order must pay the assessed civil penalty for failure to comply with G.L. c. 82, §§ 40-40E or 220 CMR 99.00;

FURTHER ORDERED: That the Respondents shall comply with all other directives contained in this Order.

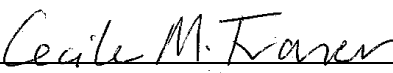
By Order of the Department,



Matthew H. Nelson, Chair



Robert E. Hayden, Commissioner



Cecile M. Fraser, Commissioner

⁶ A Respondent that chooses to appeal its matter to the Supreme Judicial Court must note the specific docket number as D.P.U. 22-66-*n*, using the individual number designation in place of “*n*.”

An appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. G.L. c. 25, § 5.

An appeal from this Comprehensive Disposition by Remedial Order shall indicate the particular matter from which the appeal is taken by using the docket number D.P.U. 22-66-*n* with the individual number designation for that particular matter.

ALPHABETICAL LIST OF RESPONDENTS

<u>Respondent Name</u>	<u>Prior Docket Number</u>	<u>New Docket Number</u>	<u>Page</u>
A & B Landscaping	D.P.U. 20-DS-0448U	D.P.U. 22-66-1	1
A1 Drilling & Blasting	D.P.U. 20-DS-0576U	D.P.U. 22-66-2	2
Alleva Excavating	D.P.U. 20-DS-0616U	D.P.U. 22-66-3	3
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D.P.U. 22-66-1 [previously D.P.U. 20-DS-0448U]

A & B Landscaping
Linwood Street
Brockton, MA 02301

On April 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued A & B Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 25, 2020, the Respondent performed excavations at 24 Pierce Avenue, Hanson, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-2 [previously D.P.U. 20-DS-0576U]

A1 Drilling & Blasting
275 Quaker Highway
Uxbridge, MA 01516

On March 2, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued A1 Drilling & Blasting (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 19, 2020, the Respondent performed excavations at 32 West Main Street, Norton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-3 [previously D.P.U. 20-DS-0616U]

Alleva Excavating
93 Whalom Road
Lunenburg, MA 01462

On February 16, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Alleva Excavating (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 17, 2020, the Respondent performed excavations at 2 Sinbad Way, Westford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-4 [previously D.P.U. 20-DS-0201I]

Allied Paving Corporation
10 Jean Avenue #17
Chelmsford, MA 01824

On December 17, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Allied Paving Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 4, 2020, the Respondent performed excavations at 3 Adams Street, Salisbury, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$7,500, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$7,500.

D.P.U. 22-66-5 [previously D.P.U. 20-DS-0429U]

Allied Paving Corporation
10 Jean Avenue #17
Chelmsford, MA 01824

On February 16, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Allied Paving Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 23, 2020, the Respondent performed excavations at 15 Charter Road, Acton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$7,500, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$7,500.

D.P.U. 22-66-6 [previously D.P.U. 20-DS-0803U]

Allied Paving Corporation
10 Jean Avenue #17
Chelmsford, MA 01824

On April 12, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Allied Paving Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 3, 2020, the Respondent performed excavations at 27 Pilling Street, Haverhill, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$8,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$8,000.

D.P.U. 22-66-7 [previously D.P.U. 20-DS-0703U]

American Environmental, Inc.
18 North Canal Street
Holyoke, MA 01040

On December 3, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued American Environmental, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 16, 2020, the Respondent performed excavations at 1090 Main Street, Williamstown, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on December 31, 2021.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on December 13, 2021, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could attend training on February 23, 2022, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-8 [previously D.P.U. 20-DS-0240I]

Anderson Construction & Excavation, Inc.
75 Walker Street
Norton, MA 02766

On February 18, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Anderson Construction & Excavation, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 21, 2020, the Respondent performed excavations at 713 Broadway, Hanover, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-9 [previously D.P.U. 20-DS-0467U]

Anthony Valdala Masonry
178 Haverhill Street
North Reading, MA 01864

On February 14, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Anthony Valdala Masonry (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 14, 2020, the Respondent performed excavations at 4 Duane Drive, North Reading, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-10 [previously D.P.U. 20-DS-0574U]

API Construction
100 Meadow Street
Westfield, MA 01085

On March 2, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued API Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 3, 2020, the Respondent performed excavations at 3 Wilmington Avenue, Springfield, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-11 [previously D.P.U. 20-DS-0863(i)]

Arbor Care Tree Service
P.O. Box 133
Gloucester, MA 01930

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Arbor Care Tree Service (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 25, 2020, the Respondent performed excavations at 337 Summer Street, Manchester, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-12 [previously D.P.U. 20-DS-0814U]

Atlantic Excavation & Utility
4 Gerrish Street
Brighton, MA 02135

On February 23, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Atlantic Excavation & Utility (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 9, 2020, the Respondent performed excavations at 64 Derby Street, Somerville, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-13 [previously D.P.U. 20-DS-0690U]

B.C. Murphy Landscape and Design
869 Main Street
Walpole, MA 02081

On April 12, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued B.C. Murphy Landscape and Design (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 6, 2020, the Respondent performed excavations at 44 Bearberry Path, Plymouth, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-14 [previously D.P.U. 20-DS-0343U]

Bald Hill Builders
25 Walpole Park S Suite 10
Walpole, MA 02081

On January 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Bald Hill Builders (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 23, 2020, the Respondent performed excavations at 115 Norwood Street, Sharon, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-15 [previously D.P.U. 19-DS-0114A]

Baltazar Contractors, Inc.
83 Carmelinas Circle
Ludlow, MA 01056

On August 14, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Baltazar Contractors, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 2, 2019, the Respondent performed excavations at 8 Moosewood Street, Billerica, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on August 26, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on November 24, 2020, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$5,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-16 [previously D.P.U. 20-DS-0805U]

Barletta Heavy Division & Engineering
40 Shawmut Road, Suite 200
Canton, MA 02021

On April 12, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Barletta Heavy Division & Engineering (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 10, 2020, the Respondent performed excavations at 244 Somerville Avenue, Somerville, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$7,500, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$7,500.

D.P.U. 22-66-17 [previously D.P.U. 20-DS-0635U]

Bartlett & Steadman Co., Inc.
67R Village Street
Marblehead, MA 01945

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Bartlett & Steadman Co., Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 1, 2020, the Respondent performed excavations at One Jefferson Avenue, Salem, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3), and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10)

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-18 [previously D.P.U. 20-DS-0173U]

Bay State Sewage Disposal
105 Kingman Street
Lakeville, MA 02347

On December 10, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Bay State Sewage Disposal (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 22, 2020, the Respondent performed excavations at 54 Head of the Bay Road, Bourne, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-19 [previously D.P.U. 20-DS-0554U]

Baystate Engineering Corporation
330 Hopping Brook Road
Holliston, MA 01746

On December 3, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Baystate Engineering Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 8, 2020, the Respondent performed excavations at 56 Boynton Road, Holliston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to request remarking at the location due to the obliteration, destruction, or other removal of such markings, and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$2,000.

D.P.U. 22-66-20 [previously D.P.U. 20-DS-0740U]

Baystate Engineering Corporation
330 Hopping Brook Road
Holliston, MA 01746

On December 3, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Baystate Engineering Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 15, 2020, the Respondent performed excavations at 5012 Avalon Drive, Acton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-21 [previously D.P.U. 20-DS-0580U]

Beery Fence
24 North Road
Peru, MA 01235

On December 3, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Beery Fence (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 20, 2020, the Respondent performed excavations at 601 Dalton Division Road, Dalton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-22 [previously D.P.U. 20-DS-0457(i)]

Bellingham Motor Sales
75 Mechanic Street
Bellingham, MA 02019

On April 8, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Bellingham Motor Sales (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 2, 2020, the Respondent performed excavations at 75 Mechanic Street, Bellingham, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-23 [previously D.P.U. 20-DS-0145U]

Bergeron Outdoor Services
101 Hartland Hollow Road
Granville, MA 01034

On December 10, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Bergeron Outdoor Services (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 9, 2020, the Respondent performed excavations at 6 Granaudo Circle, Southwick, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-24 [previously D.P.U. 20-DS-0870U]

Bill Andrade & Sons, Inc.
19 Old Onset Road
Onset, MA 02558

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Bill Andrade & Sons, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 20, 2020, the Respondent performed excavations at 25 12th Street, Wareham, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-25 [previously D.P.U. 20-DS-0776U]

Bostonian Excavation, Inc.
15 Lilac Terrace
Roslindale, MA 02131

On March 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Bostonian Excavation, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 21, 2020, the Respondent performed excavations at 40 Westmoreland Street, Dorchester, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-26 [previously D.P.U. 20-DS-0722U]

Bouley Landscaping
51 Elliot Street
Chelmsford, MA 01824

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Bouley Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 15, 2020, the Respondent performed excavations at 299 Lexington Street, Woburn, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1), and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-27 [previously D.P.U. 20-DS-0316U]

BP Landscaping
6 Dover Lane
Kingston, NH 03848

On January 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued BP Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 8, 2020, the Respondent performed excavations at 9 Birch Lane, Newbury, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-28 [previously D.P.U. 20-DS-0820U]

Braza Construction Co.
284 Main Street
Milford, MA 01757

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Braza Construction Co. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 18, 2020, the Respondent performed excavations at 48 Harding Street, Milford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-29 [previously D.P.U. 19-DS-0907]

Cabral Electric
201 Plymouth Street
New Bedford, MA 02740

On March 9, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Cabral Electric (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 4, 2019, the Respondent performed excavations at 205 Fountain Street, Fall River, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-30 [previously D.P.U. 20-DS-0190U]

Calabrese Construction
7 Brewster Road
West Springfield, MA 01001

On February 18, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Calabrese Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 1, 2020, the Respondent performed excavations at 47 Walnut Street, Agawam, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-31 [previously D.P.U. 19-DS-0246]

Camco Landscape
5 Jake Road
Londonderry, NH 03053

On July 5, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Camco Landscape (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 2, 2019, the Respondent performed excavations at 215 Donahue Road, Dracut, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3), and failed to premark the excavation site before giving notice to the Dig Safe Center, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.03(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on August 15, 2019.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on November 24, 2020, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$2,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$2,000.

D.P.U. 22-66-32 [previously D.P.U. 20-DS-0172U]

Cape Cod Septic Services
350 Route 28
Yarmouth, MA 02673

On December 10, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Cape Cod Septic Services (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 16, 2020, the Respondent performed excavations at 60 Locust Lane, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-33 [previously D.P.U. 20-DS-0749U]

Carri Corp.
275 Martine Street, Suite 110
Fall River, MA 02723

On February, 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Carri Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 30, 2020, the Respondent performed excavations at 999 Main Road, Westport, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3), and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-34 [previously D.P.U. 20-DS-0274U]

Carusso & McGovern Construction, Inc.
1 Industrial Way
Georgetown, MA 01833

On December 17, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Carusso & McGovern Construction, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 13, 2020, the Respondent performed excavations at One Salem Street, Swampscott, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-35 [previously D.P.U. 20-DS-0693U]

Cassidy Corp.
54 Cummings Park #304
Woburn, MA 01801

On April 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Cassidy Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 9, 2020, the Respondent performed excavations at 108 Brighton Street, Belmont, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-36 [previously D.P.U. 20-DS-0687U]

Catalano Masonry and Hardscape
27 Village Street
Millis, MA 02054

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Catalano Masonry and Hardscape (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 5, 2020, the Respondent performed excavations at 68 Green Street, Needham, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1), and failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-37 [previously D.P.U. 20-DS-0294U]

Charles River Express, LLC
14 Bradbury Avenue
Medford, MA 02155

On December 17, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Charles River Express, LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 2, 2020, the Respondent performed excavations at 95 County Road, Ipswich, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to maintain the designation marking of underground facilities and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-38 [previously D.P.U. 20-DS-0619U]

Cliff Construction
46 Karen Lee Lane
Tewksbury, MA 01876

On February 15, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Cliff Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 22, 2020, the Respondent performed excavations at 34 Lanaka Road, Tewksbury, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3), and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-39 [previously D.P.U. 20-DS-0523U]

CM Site Development
776 Franklin Street
Framingham, MA 01702

On March 4, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued CM Site Development (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 25, 2020, the Respondent performed excavations at 114 Rawson Road, Brookline, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$4,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$4,000.

D.P.U. 22-66-40 [previously D.P.U. 20-DS-0664E]

CN Corporation
106 Richmond Road
Assonet, MA 02702

On May 21, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued CN Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 14, 2020, the Respondent performed excavations at Sumner Street @ Bristol Drive, Norwood, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call 911 immediately following damage to an underground facility that resulted in the escape of any regulated natural or other gas, as required by 220 CMR 99.07(8)(a).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-41 [previously D.P.U. 20-DS-0575U]

Cody Pearson
23 Ainsworth Road
Woburn, MA 01801

On March 2, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Cody Pearson (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 3, 2020, the Respondent performed excavations at 147 Wollaston Street, Springfield, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-42 [previously D.P.U. 20-DS-0468U(A)]

Commonwealth Construction & Utilities
P.O. Box 972
Watertown, MA 02472

On April 1, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Commonwealth Construction & Utilities (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 10, 2020, the Respondent performed excavations at 22 Pine Street, Watertown, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call 911 immediately following damage to an underground facility that resulted in the escape of any regulated natural or other gas, as required by 220 CMR 99.07(8)(a).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$3,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$3,000.

D.P.U. 22-66-43 [previously D.P.U. 20-DS-0491U]

Commonwealth Construction & Utilities
P.O. Box 972
Watertown, MA 02472

On February 16, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Commonwealth Construction & Utilities (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 19, 2020, the Respondent performed excavations at 42-98 Essex Street, Watertown, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-44 [previously D.P.U. 19-DS-0729]

Costa Development
950 Taunton Avenue
Seekonk, MA 02771

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Costa Development (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 7, 2019, the Respondent performed excavations at 33 Hope Street, Seekonk, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$3,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on January 6, 2021.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on March 10, 2021, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$3,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$3,000.

D.P.U. 22-66-45 [previously D.P.U. 20-DS-0788U]

Dagle Electrical Company
68 Industrial Way
Wilmington, MA 01887

On March 8, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Dagle Electrical Company (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 28, 2020, the Respondent performed excavations at 71 Eldredge Parkway, Orleans, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to properly describe the excavation location or the scope of the work in the notice to Dig Safe, Inc., as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1); failed to premark the excavation site before giving notice to the Dig Safe Center, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.03(1); failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-46 [previously D.P.U. 20-DS-0373U]

D'Allessandro Corp.
41 Ledin Drive
Avon, MA 02322

On August 10, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued D'Allessandro Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 28, 2020, the Respondent performed excavations at 18 Swan Avenue, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to request remarking at the location due to the obliteration, destruction, or other removal of such markings, and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-47 [previously D.P.U. 20-DS-0419U]

D'Allessandro Corp.
41 Ledin Drive
Avon, MA 02322

On August 10, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued D'Allessandro Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 17, 2020, the Respondent performed excavations at 106 Cambridge Street, Boston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$2,000.

D.P.U. 22-66-48 [previously D.P.U. 20-DS-0461U]

D'Allessandro Corp.
41 Ledin Drive
Avon, MA 02322

On August 10, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued D'Allessandro Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 30, 2020, the Respondent performed excavations at 53 Chandler Street, Somerville, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$10,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$10,000.

D.P.U. 22-66-49 [previously D.P.U. 20-DS-0852U]

D'Allessandro Corp.
41 Ledin Drive
Avon, MA 02322

On April 12, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued D'Allessandro Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 19, 2020, the Respondent performed excavations at 91 Sheridan Street, Boston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$10,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$10,000.

D.P.U. 22-66-50 [previously D.P.U. 20-DS-0609U]

Dardah Landscape and Masonry
4 Rogers Avenue
Milford, MA 01757

On February 15, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Dardah Landscape and Masonry (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 18, 2020, the Respondent performed excavations at 39 Boston Road, Southborough, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-51 [previously D.P.U. 20-DS-0832U]

DaRosa Asphalt Service
49 Christina Avenue
Billerica, MA 01821

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued DaRosa Asphalt Service (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 12, 2020, the Respondent performed excavations at 256 South Street, Tewksbury, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-52 [previously D.P.U. 20-DS-0601U]

DeFelice Corporation
28 Silva Lane
Dracut, MA 01826

On March 4, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued DeFelice Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 9, 2020, the Respondent performed excavations at 50 Exeter Street, Lawrence, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-53 [previously D.P.U. 20-DS-0144U]

Demolition Joe
102 Bowman Street
Malden, MA 02148

On February 18, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Demolition Joe (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 18, 2020, the Respondent performed excavations at 58 Madison Street, Malden, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-54 [previously D.P.U. 20-DS-0076]

Diaz Construction Company
190 Boswell Street
Avon, MA 02322

On December 3, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Diaz Construction Company (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about February 24, 2020, the Respondent performed excavations at 300 Mishawum Road, Woburn, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$6,500, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$6,500.

D.P.U. 22-66-55 [previously D.P.U. 20-DS-0639U]

DT Landscape
P.O. Box 267
Walpole, MA 02081

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued DT Landscape (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 1, 2020, the Respondent performed excavations at 235 East Street, Sharon, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to maintain the designation marking of underground facilities and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07; failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3); and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-56 [previously D.P.U. 20-DS-0773U]

Dulany Home Improvement, Inc.
220 Northampton Street
Boston, MA 02118

On March, 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Dulany Home Improvement, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 21, 2020, the Respondent performed excavations at 326 Main Street, Gloucester, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2) and failed to have its name included on the Dig Safe ticket as the excavator, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-57 [previously D.P.U. 20-DS-0556U]

E.Q. Enterprises
452 Essex Street
Beverly, MA 01915

On March 4, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued E.Q. Enterprises (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 31, 2020, the Respondent performed excavations at 28 Boyles Street, Beverly, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-58 [previously D.P.U. 20-DS-0163U]

Emanouil Brothers
14 Kidder Road
Chelmsford, MA 01824

On December 10, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Emanouil Brothers (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 17, 2020, the Respondent performed excavations at 19 Littleton Road, Westford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-59 [previously D.P.U. 20-DS-0656U]

Environmentally Designed Landscapes
14 Russell Road
Weymouth, MA 02190

On April 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Environmentally Designed Landscapes (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 24, 2020, the Respondent performed excavations at 6 Beacon Road, Hull, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to maintain the designation marking of underground facilities and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07; failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2) and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-60 [previously D.P.U. 19-DS-0155]

Exterior Scale Services, Inc.
155 Bodwell Street
Avon, MA 02322

On June 3, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Exterior Scale Services, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 16, 2019, the Respondent performed excavations at 45 Marilyn Road, Milton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-61 [previously D.P.U. 20-DS-0421U]

Extreme Excavating, Inc.
36 Maple Road
North Andover, MA 01864

On February 16, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Extreme Excavating, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 18, 2020, the Respondent performed excavations at 32 Kings Row, North Reading, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-62 [previously D.P.U. 20-DS-0532U]

FR Landscaping, Paving, Snow Removal LLC
20 Norris Street
Lawrence, MA 01843

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued FR Landscaping, Paving, Snow Removal LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 11, 2020, the Respondent performed excavations at 48 Pleasant Street, Lawrence, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-63 [previously D.P.U. 20-DS-0138U]

Gagliarducci Construction
295 Pasco Road
Springfield, MA 01151

On December 10, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Gagliarducci Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 3, 2020, the Respondent performed excavations at 20 Alden Street, Springfield, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-64 [previously D.P.U. 20-DS-0577U]

Gary Linsky
216 Mount Holly Drive
Springfield, MA 01118

On March 2, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Gary Linsky (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 8, 2020, the Respondent performed excavations at 81 Sawmill Road, Springfield, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-65 [previously D.P.U. 20-DS-0256I]

GFM Enterprises
15 Diamond's Path
South Dennis, MA 02660

On December 17, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued GFM Enterprises (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 27, 2020, the Respondent performed excavations at 260 Ireland Way, Eastham, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1) and failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-66 [previously D.P.U. 20-DS-0737U]

Gino Perdoni Co.
One Hilltop Road
Wellesley, MA 02181

On February 23, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Gino Perdoni Co. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 12, 2020, the Respondent performed excavations at 45 Glen Avenue, Newton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-67 [previously D.P.U. 20-DS-0592U]

Golden Way Construction & Landscaping
389 Green Street
Weymouth, MA 02191

On April 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Golden Way Construction & Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 5, 2020, the Respondent performed excavations at 404 Newport Road, Hull, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-68 [previously D.P.U. 20-DS-0383U]

Gordon Fraser, Inc.
2 Gregglen Ave PMB 429
Nantucket, MA 02554

On February 16, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Gordon Fraser, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 29, 2020, the Respondent performed excavations at 3 Poplis Road, Nantucket, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-69 [previously D.P.U. 20-DS-0610U]

Granite State Curbing
21 Union Street
Pembroke, NH 03275

On February 23, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Granite State Curbing (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 28, 2020, the Respondent performed excavations at 299 Lexington Street, Woburn, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-70 [previously D.P.U. 20-DS-0557U]

Granite Street Realty Corp.
845 Washington Street
Braintree, MA 02184

On March 4, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Granite Street Realty Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 28, 2020, the Respondent performed excavations at 227 Prospect Street, Cambridge, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-71 [previously D.P.U. 20-DS-0547U]

Gressya Construction
66 Devir Street
Malden, MA 02148

On February 23, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Gressya Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 29, 2020, the Respondent performed excavations at 19 Curtis Road, Natick, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-72 [previously D.P.U. 20-DS-0445U]

Griffin Brook Landscaping
331 Wheeler Street
Dracut, MA 01826

On February 16, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Griffin Brook Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 26, 2020, the Respondent performed excavations at 16 Lakeshore Drive, Dracut, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-73 [previously D.P.U. 20-DS-0229U]

GTA Landscaping
140 Tremont Street
Everett, MA 02149

On December 17, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued GTA Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 11, 2020, the Respondent performed excavations at 123 Shirley Avenue, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-74 [previously D.P.U. 20-DS-0477U(A)]

GTA Landscaping
140 Tremont Street
Everett, MA 02149

On April 1, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued GTA Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 3, 2020, the Respondent performed excavations at 38 Essex Street, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call 911 immediately following damage to an underground facility that resulted in the escape of any regulated natural or other gas, as required by 220 CMR 99.07(8)(a).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$10,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$10,000.

D.P.U. 22-66-75 [previously D.P.U. 20-DS-0836U]

GTA Landscaping
140 Tremont Street
Everett, MA 02149

On April 12, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued GTA Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 16, 2020, the Respondent performed excavations at 8 Grover Street, Everett, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-76 [previously D.P.U. 20-DS-0620U]

Harper Elm General Contractors
53 School Street
Acton, MA 02720

On February 24, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Harper Elm General Contractors (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 7, 2020, the Respondent performed excavations at 22 Town Forest Road, Groton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-77 [previously D.P.U. 20-DS-0542U]

Herzog Landscaping
PO Box 307
Hingham, MA 02043

On April 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Herzog Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 17, 2020, the Respondent performed excavations at 24 Spruce Street, Somerset, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-78 [previously D.P.U. 20-DS-0865U]

Heyland Development
33 Ballard Street
Saugus, MA 01906

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Heyland Development (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 24, 2020, the Respondent performed excavations at Gould @ Ash Street, Reading, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-79 [previously D.P.U. 20-DS-0821U]

Hi Volt Line Construction and Maintenance, Inc.
P.O. Box 406
Raymond, NH 03077

On February, 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Hi Volt Line Construction and Maintenance, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 29, 2020, the Respondent performed excavations at 5 Winch Street, Fitchburg, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3) and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-80 [previously D.P.U. 20-DS-0009]

Inglewood General Contractors
123 Dwight Road
Longmeadow, MA 01106

On March 12, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Inglewood General Contractors (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about January 2, 2020, the Respondent performed excavations at 144 Lodge Lane, Wilbraham, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-81 [previously D.P.U. 20-DS-0430U]

J Pandella & Sons
P.O. Box 418
Newton, NH 03858

On February 16, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued J Pandella & Sons (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 23, 2020, the Respondent performed excavations at 2 Moncrief Street, Amesbury, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-82 [previously D.P.U. 20-DS-0741U]

J.T. Lynch Construction
77 Lowell Junction Road
Andover, MA 01810

On April 12, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued J.T. Lynch Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 15, 2020, the Respondent performed excavations at 7 Dearborn Road, Peabody, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on April 20, 2022.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on April 27, 2022, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could attend training on May 3, 2022, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-83 [previously D.P.U. 20-DS-0582U]

James Egan Land Design Associates
8 Bridgeview Circle
Walpole, MA 02081

On March 2, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued James Egan Land Design Associates (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 14, 2020, the Respondent performed excavations at 8 Pinnacle Drive, Walpole, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-84 [previously D.P.U. 20-DS-0758U]

James Furtado Excavating
204 Stevens Road
Swansea, MA 02777

On March 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued James Furtado Excavating (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 22, 2020, the Respondent performed excavations at 355 Chapman Street, Canton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2); failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3) and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-85 [previously D.P.U. 20-DS-0259U]

JC Construction
2711 Riverside Avenue
Somerset, MA 02726

On February 18, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued JC Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 28, 2020, the Respondent performed excavations at 11 Rogers Street, Gloucester, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-86 [previously D.P.U. 20-DS-0313U]

JC Construction
2711 Riverside Avenue
Somerset, MA 02726

On February 14, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued JC Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 29, 2020, the Respondent performed excavations at 11 Rogers Street, Gloucester, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-87 [previously D.P.U. 20-DS-0682U]

K & M Custom Homes & Improvements
12 Skelton Road
Burlington, MA 01803

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued K & M Custom Homes & Improvements (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 6, 2020, the Respondent performed excavations at 269 Jackson Street, Arlington, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-88 [previously D.P.U. 19-DS-0160]

K. DaPonte Construction Corp.
100 Weybossett Street
Fall River, MA 02723

On August 14, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued K. DaPonte Construction Corp. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 24, 2019, the Respondent performed excavations at 223 Cotuit Road, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-89 [previously D.P.U. 20-DS-0517U]

Kelly Remodeling
37 Eliot Street
Canton, MA 02021

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Kelly Remodeling (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 24, 2020, the Respondent performed excavations at 8 Shepard Way, Canton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-90 [previously D.P.U. 20-DS-0530U]

Kent Brothers LLC
376 College Highway
Southampton, MA 01073

On December 3, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Kent Brothers LLC (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 7, 2020, the Respondent performed excavations at 19 Moss Lane, Amherst, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-91 [previously D.P.U. 19-DS-0217]

King Landscape
9 Sebastian Lane
Sandwich, MA 02563

On June 17, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued King Landscape (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 11, 2019, the Respondent performed excavations at 62 Wachusett Avenue, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to have its name included on the Dig Safe ticket as the excavator, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-92 [previously D.P.U. 20-DS-0835U]

KJM Construction
180 Goldsmith Street
Littleton, MA 01460

On February 23, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued KJM Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 16, 2020, the Respondent performed excavations at 10 Chippewa Road, Westford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-93 [previously D.P.U. 20-DS-0702U]

Landscape Visions
P.O. Box 1294
Concord, MA 01742

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Landscape Visions (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 10, 2020, the Respondent performed excavations at 137 East Riding Drive, Carlisle, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1), and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-94 [previously D.P.U. 20-DS-0533U]

Larovere Companies
23 Garden Street
Everett, MA 02149

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Larovere Companies (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 29, 2020, the Respondent performed excavations at 41 Edwards Street, Medford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-95 [previously D.P.U. 20-DS-0640U]

Linskey Excavating, Co.
P.O. Box 325
Danvers, MA 01937

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Linskey Excavating, Co. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 28, 2020, the Respondent performed excavations at 1 Pelham Road, Lexington, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3) and failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-96 [previously D.P.U. 20-DS-0744U]

Longfellow Design Build
367 Main Street
Falmouth, MA 02540

On March 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Longfellow Design Build (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 16, 2020, the Respondent performed excavations at 8 Anders Lane, Falmouth, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1), and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-97 [previously D.P.U. 20-DS-0659U]

LVMJ Corporation
65 Howard Street
Braintree, MA 02184

On March 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued LVMJ Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 21, 2020, the Respondent performed excavations at 144 Highland Avenue, Somerville, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2) and failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-98 [previously D.P.U. 20-DS-0748U]

MA Home Improvements
77 Beaver Street
Milford, MA 01757

On March 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued MA Home Improvements (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 20, 2020, the Respondent performed excavations at 81-83 Alpine Street, Somerville, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-99 [previously D.P.U. 20-DS-0133U]

Mark Sundman Builders
P.O. Box 13
Sagamore, MA 02561

On December 3, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Mark Sundman Builders (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 30, 2020, the Respondent performed excavations at 54 Prince Avenue, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on December 13, 2021.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 4, 2022, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could attend training on February 23, 2022, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-100 [previously D.P.U. 20-DS-0247U]

McIver Brothers
P.O. Box 207
Lexington, MA 02149

On December 17, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued McIver Brothers (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 21, 2020, the Respondent performed excavations at 233 Pellham Street, Methuen, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on March 9, 2022, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could attend training on May 3, 2022, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-101 [previously D.P.U. 20-DS-0783U]

McNamara Brothers
492 Depot Street
Harwich, MA 02645

On March 15, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued McNamara Brothers (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 29, 2020, the Respondent performed excavations at 21 Lakeway Lane, Harwich, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3); failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2) and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-102 [previously D.P.U. 20-DS-0673U]

MDR Construction Company Inc
1693 Shawsheen Street
Tewksbury, MA 01876

On February 24, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued MDR Construction Company Inc (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 27, 2020, the Respondent performed excavations at 200 Springs Road, Bldg. 3, Bedford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-103 [previously D.P.U. 20-DS-0545U]

Michael S. Coffin Landscape Construction
56 Grove Street, #2
Hopkinton, MA 01748

On March 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Michael S. Coffin Landscape Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 10, 2020, the Respondent performed excavations at 8 Foxcroft Lane, Sandwich, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-104 [previously D.P.U. 20-DS-0537U]

Middlesex Site Prep
P.O. Box 79220
Belmont, MA 02478

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Middlesex Site Prep (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 31, 2020, the Respondent performed excavations at 43 Albert Street, Belmont, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-105 [previously D.P.U. 20-DS-0879(i)]

MJD Excavating Inc.
231 Plain Street
Rehoboth, MA 02769

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued MJD Excavating Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about December 21, 2020, the Respondent performed excavations at 8 Bluebird Lane, Mashpee, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-106 [previously D.P.U. 20-DS-0104U]

Mr. Rooter
194 Howeland Avenue
Adams, MA 01220

On December 3, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Mr. Rooter (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about February 24, 2020, the Respondent performed excavations at 91 Alfred Drive, Pittsfield, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-107 [previously D.P.U. 20-DS-0747U]

North American Excavating
17 Louis Street
Chelsea, MA 02150

On April 8, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued North American Excavating (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 23, 2020, the Respondent performed excavations at 43 Pinevale Avenue, Reading, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-108 [previously D.P.U. 20-DS-0393U]

North Shore Pavement
188 Main Street
Wilmington, MA 01887

On January 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued North Shore Pavement (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 6, 2020, the Respondent performed excavations at 61 Gage Avenue, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-109 [previously D.P.U. 20-DS-0807U]

Northern Atlantic Plumbing
26 Augustus Way
Middleborough, MA 02346

On April 8, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Northern Atlantic Plumbing (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 12, 2020, the Respondent performed excavations at 15 Upland Way, Mattapoisett, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-110 [previously D.P.U. 20-DS-0573U]

NPL Construction Company
121 Memorial Drive
Springfield, MA 01104

On April 5, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued NPL Construction Company (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 8, 2020, the Respondent performed excavations at 103 Greenwood Terrace, Chicopee, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$7,500, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$7,500.

D.P.U. 22-66-111 [previously D.P.U. 20-DS-0631(i)]

Pardini Driveways
191 Hebron Avenue
Seekonk, MA 02771

On April 5, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Pardini Driveways (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 3, 2020, the Respondent performed excavations at 64 East Bacon Street, Plainville, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2) and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-112 [previously D.P.U. 20-DS-0613U]

Parterre Garden Services
67 Smith Place
Cambridge, MA 02138

On February 23, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Parterre Garden Services (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 15, 2020, the Respondent performed excavations at 39 Adams Street, Lexington, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-113 [previously D.P.U. 20-DS-0583U]

Pelican Landscaping
P.O. Box 82
Marstons Mills, MA 02648

On March 2, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Pelican Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 2, 2020, the Respondent performed excavations at 142 Wading Place Road, Mashpee, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-114 [previously D.P.U. 20-DS-0699U]

Plow King
31 Hewins Street
Dorchester, MA 02121

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Plow King (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 6, 2020, the Respondent performed excavations at 901 Washington Street, Boston, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-115 [previously D.P.U. 20-DS-0394(i)]

Premier Generator
4 Jabez Bridge Road
Carver, MA 02330

On January 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Premier Generator (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 15, 2020, the Respondent performed excavations at 62 Highland Avenue, Abington, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to wait 72 hours prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.07(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-116 [previously D.P.U. 20-DS-0790U]

Prides Construction
1400 Worcester Road, #7321
Framingham, MA 01702

On April 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Prides Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 27, 2020, the Respondent performed excavations at 19 Prides Circle, Andover, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-117 [previously D.P.U. 20-DS-0695U]

Proia Construction
2020 Main Street
Walpole, MA 02081

On May 3, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Proia Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 6, 2020, the Respondent performed excavations at 117 South Main Street, Natick, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$2,000.

D.P.U. 22-66-118 [previously D.P.U. 20-DS-0786U]

R&D Site Development
7 Hemlock Lane
Groveland, MA 01834

On November 4, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R&D Site Development (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 28, 2020, the Respondent performed excavations at 45 George Street, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3) and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-119 [previously D.P.U. 20-DS-0524U]

R. Sasso & Sons Construction
73 Thurlow Street
Revere, MA 02151

On March 4, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R. Sasso & Sons Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 26, 2020, the Respondent performed excavations at Case Drive and Sargent Street, Revere, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$2,000.

D.P.U. 22-66-120 [previously D.P.U. 20-DS-0280U]

R.H. Contractors
400 Great Neck Road
Mashpee, MA 02649

On December 17, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R.H. Contractors (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 20, 2020, the Respondent performed excavations at 117 Alder Lane, Falmouth, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2); failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3) and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-121 [previously D.P.U. 20-DS-0075]

R.H. Gallo Builders
31 Galair Circle
Holden, MA 01520

On March 5, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R.H. Gallo Builders (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about February 26, 2020, the Respondent performed excavations at 32 Honeysuckle Road, Auburn, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent appeared at an informal conference on June 16, 2021.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 21, 2022 finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$1,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-122 [previously D.P.U. 20-DS-0268C]

R.H. White Construction, Inc.
41 Central Street
Auburn, MA 01501

On December 17, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R.H. White Construction, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about January 13, 2020, the Respondent performed excavations at 39 Briarwood Lane, Marlborough, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to maintain the designation marking of underground facilities and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07 and failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$10,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on January 18, 2022.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on March 9, 2022, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$10,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$10,000.

D.P.U. 22-66-123 [previously D.P.U. 20-DS-0238I]

R.J. Bevilacqua Construction
152 Kiahs Way
Sandwich, MA 02563

On December 17, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R.J. Bevilacqua Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 20, 2020, the Respondent performed excavations at 421 Old Wharf Road, Dennis, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-124 [previously D.P.U. 20-DS-0160U]

R.M. Pacella, Inc.
3 Madison Street
Plainville, MA 02762

On December 10, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R.M. Pacella, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 13, 2020, the Respondent performed excavations at 2910 Falmouth Road, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) December 21, 2021, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could attend training on February 23, 2022, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-125 [previously D.P.U. 20-DS-0743U]

R.M. Pacella, Inc.
3 Madison Street
Plainville, MA 02762

On April 13, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R.M. Pacella, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 15, 2020, the Respondent performed excavations at 2929 Falmouth Road, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-126 [previously D.P.U. 20-DS-0768U]

R.M. Pacella, Inc.
3 Madison Street
Plainville, MA 02762

On April 7, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R.M. Pacella, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 19, 2020, the Respondent performed excavations at 238 High Street, Newburyport, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3) and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,500, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,500.

D.P.U. 22-66-127 [previously D.P.U. 20-DS-0637U]

R.P. Marzilli Construction
21A Trotter Drive
Medway, MA 02053

On April 5, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R.P. Marzilli Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 26, 2020, the Respondent performed excavations at 21 Trotter Drive, Medway, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$9,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$9,000.

D.P.U. 22-66-128 [previously D.P.U. 19-DS-0500]

R.P. Marzilli Construction
21A Trotter Drive
Medway, MA 02053

On August 19, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued R.P. Marzilli Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 8, 2019, the Respondent performed excavations at 32 Suffolk Road, Newton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$2,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. Respondent submitted a written response, which the Division received on April 5, 2021.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on January 21, 2022, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$2,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent requested an adjudicatory hearing, and, on February 8, 2022, the appeal was docketed as D.P.U. 22-13. On July 15, 2022 the Department of Public Utilities dismissed the appeal with prejudice. The Division has not received payment for the outstanding matter.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$2,000.

D.P.U. 22-66-129 [previously D.P.U. 20-DS-0629(i)]

Ready Rooter Excavation
17 Jan Sebastian Drive, Unit #6
Sandwich, MA 02644

On February 16, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Ready Rooter Excavation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 22, 2020, the Respondent performed excavations at 53 Massachusetts Center, Falmouth, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on March 16, 2022, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could attend training on May 3, 2022, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-130 [previously D.P.U. 20-DS-0525U]

Reliable Masonry & Landscaping
88 Angelica Drive
Framingham, MA 01701

On February 22, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Reliable Masonry & Landscaping (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 25, 2020, the Respondent performed excavations at 7 Kendall Road, Lexington, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-131 [previously D.P.U. 19-DS-0746]

Ribeiro Construction
74 Robert Street
Westport, MA 02790

On December 21, 2020, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Ribeiro Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 15, 2019, the Respondent performed excavations at 162 Milk Street, Westborough, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent performed the excavation using an Emergency Dig Safe ticket or indicated to Dig Safe, Inc. that an event was an emergency; however, the safety of the public was not in imminent danger, such as a threat to life or health. Therefore, the Division has reason to believe that the Respondent requested an emergency ticket for a non-emergency event in violation of the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.05(2).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$10,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent filed a written reply to the NOPV, which we received on January 25, 2021.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on March 10, 2021, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$10,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$10,000.

D.P.U. 22-66-132 [previously D.P.U. 19-DS-0153]

Robell Excavating
72 Page Street
Lunenburg, MA 01462

On June 3, 2019, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Robell Excavating (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 17, 2019, the Respondent performed excavations at 535 Lowell Street, Peabody, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-133 [previously D.P.U. 20-DS-0336U]

Rocchio Corp
20 Lark Industrial Parkway
Smithfield, MA 02828

On January 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Rocchio Corp (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 22, 2020, the Respondent performed excavations at 24 W Main Street, Norton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-134 [previously D.P.U. 20-DS-0335U]

Roche Building
270 exchange Street
Millis, MA 02054

On February 14, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Rocchio Corp (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 8, 2020, the Respondent performed excavations at 206 Orchard Street, Millis, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference.

The Respondent appeared at an informal conference on April 19, 2021. After the informal conference, Respondent also submitted a written Response, prepared by Tom Roche, along with photographs, which the Division received on April 20, 2022.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on June 3, 2022, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could sign the consent order and pay the civil penalty of \$5,000, or it could request an adjudicatory hearing by submitting a written request within ten days of the date of receipt of the IRD. The Respondent failed to request an adjudicatory hearing or otherwise respond to the IRD.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U 22-66-135 [previously D.P.U. 20-DS-0653U]

Route 132 Motors
609 Iyannough Road
Hyannis, MA 02601

On February 24, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Route 132 Motors (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 14, 2020, the Respondent performed excavations at 609 Iyannough Road, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-136 [previously D.P.U. 20-DS-0838U]

SLT Construction Corporation
3 Marion Drive
Carver, MA 02330

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued SLT Construction Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 17, 2020, the Respondent performed excavations at 40 Industrial Drive, Canton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-137 [previously D.P.U. 20-DS-0252U]

Spillane's Nursery
1217 Plymouth Street
Middleborough, MA 02333

On May 12, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Spillane's Nursery (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about May 5, 2020, the Respondent performed excavations at 123 Dean Avenue, Franklin, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to properly describe the excavation location or the scope of the work in the notice to Dig Safe, Inc., as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1), and failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-138 [previously D.P.U. 20-DS-0465U]

Spillane's Nursery
182 Plymouth Street
Middleborough, MA 02346

On August 11, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Spillane's Nursery (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 13, 2020, the Respondent performed excavations at 123 Dean Avenue, Franklin, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$7,500, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$7,500.

D.P.U. 22-66-139 [previously D.P.U. 20-DS-0511U]

Stone Pro Builders
15 Warren Lane
Walpole, MA 02081

On February 24, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Stone Pro Builders (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 11, 2020, the Respondent performed excavations at 20 Stonewood Drive, Newton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-140 [previously D.P.U. 20-DS-0833U]

Summit Construction
43 Indian Hill Road
Medfield, MA 02052

On February 23, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Summit Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about November 13, 2020, the Respondent performed excavations at 39 Jackson Road, Wellesley, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to have its name included on the Dig Safe ticket as the excavator, as required by the Dig Safe Law, G.L. c. 82, § 40A.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-141 [previously D.P.U. 20-DS-0296U]

T&M Equipment Corporation
177 Rocus Street, #5
Springfield, MA 01104

On January 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued T&M Equipment Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 1, 2020, the Respondent performed excavations at 75 Dwight Street, Springfield, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to maintain the designation marking of underground facilities and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07.

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on February 7, 2022, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could attend training on February 23, 2022, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-142 [previously D.P.U. 20-DS-0720U]

T. Fuoco Jr. Paving and Excavation
89 Prospect Street
Lincoln, RI 02838

On February 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued T. Fuoco Jr. Paving and Excavation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 30, 2020, the Respondent performed excavations at 116 Sycamore Street, Somerville, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2), and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-143 [previously D.P.U. 20-DS-0652U]

The Nunes Companies
658 Center Street
Ludlow, MA 01056

On February 16, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued The Nunes Companies (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about September 22, 2020, the Respondent performed excavations at 38 Layzon Brothers Road, Springfield, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-144 [previously D.P.U. 20-DS-0130E]

Thomas Monahan
39 Great Road
Maynard, MA 01754

On October 29, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Thomas Monahan (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 1, 2020, the Respondent performed excavations at 37 Russell Avenue, Watertown, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-145 [previously D.P.U. 20-DS-0540U]

Tim Acton Landscaping, Inc.
232 White Oak Trail
Centerville, MA 02632

On February 23, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Tim Acton Landscaping, Inc. (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 31, 2020, the Respondent performed excavations at 161 Main Street, Barnstable, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-146 [previously D.P.U. 20-DS-0024]

Tom Snell Construction
225 South Main Street
West Bridgewater, MA 02379

On March 12, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Tom Snell Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about January 10, 2020, the Respondent performed excavations at 737 West Center Street, West Bridgewater, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference.

The Respondent filed a written reply to the NOPV, which we received on March 30, 2021. The Respondent appeared at an informal conference on April 12, 2021.

Based on a review of all the evidence in this investigation, including the information that the Respondent provided in response to the NOPV, the Division issued an Informal Review Decision (“IRD”) on December 13, 2021, finding that the Respondent violated the Dig Safe Law and/or the Dig Safe Regulations. The IRD informed the Respondent that it could attend training on February 23, 2022, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-147 [previously D.P.U. 20-DS-0123U]

Trainor Construction
9 Walnut Knoll
Canton, MA 02021

On October 29, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Trainor Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about March 12, 2020, the Respondent performed excavations at 869 Washington Street, Canton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-148 [previously D.P.U. 20-DS-0674U]

Trainor Construction
9 Walnut Knolls
Canton, MA 02021

On April 5, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Trainor Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about October 14, 2020, the Respondent performed excavations at 883 Edgell Road, Framingham, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone, in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3) and failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$5,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$5,000.

D.P.U. 22-66-149 [previously D.P.U. 20-DS-0063]

Walsh Contracting Corporation
82 North Avenue
North Attleborough, MA 02703

On December 3, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Walsh Contracting Corporation (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about January 21, 2020, the Respondent performed excavations at 138 Reservoir Avenue, North Attleborough, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-150 [previously D.P.U. 20-DS-0410U]

WAM General Contractor
P.O. Box 5186
Beverly, MA 01915

On January 21, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued WAM General Contractor (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 11, 2020, the Respondent performed excavations at 20 Rockholm Road, Gloucester, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-151 [previously D.P.U. 20-DS-0355U]

WF Landscape Services
P.O. Box 782
Marlborough, MA 01752

On February 18, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued WF Landscape Services (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about June 20, 2020, the Respondent performed excavations at 18 Lewis Street, Clinton, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-152 [previously D.P.U. 20-DS-0463U]

William E. Tatro Construction
3931 Route 9
Dalton, MA 01270

On February 14, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued William E. Tatro Construction (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about July 16, 2020, the Respondent performed excavations at 192 Willow Cove, Cheshire, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-153 [previously D.P.U. 20-DS-0611U]

Zacarias Tree Service
80 Mayfair Street
Lynn, MA 01902

On February 23, 2022, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Zacarias Tree Service (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about August 19, 2020, the Respondent performed excavations at 301 Park Avenue, Medford, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to provide a proper initial notice to Dig Safe, Inc. prior to commencing the excavation, as required by the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.04(1).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.

D.P.U. 22-66-154 [previously D.P.U. 20-DS-0188I]

Zen Associates
10 Micro Drive, Suite 200
Woburn, MA 01801

On December 10, 2021, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.09, issued Zen Associates (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about April 30, 2020, the Respondent performed excavations at 127 Dover Road, Woburn, Massachusetts, without complying with the provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”), and/or the applicable regulations at 220 CMR 99.00 (“Dig Safe Regulations”). Specifically, the Division had reason to believe that the Respondent failed to employ reasonable precautions to avoid damage to the underground facilities in violation of the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3).

The NOPV informed the Respondent that it could sign the enclosed consent order and pay the civil penalty of \$1,000, or it could reply in writing to the Division within thirty days, or request to appear before a Division investigator at an informal conference. The Respondent failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in D.P.U. 22-66, the Respondent shall pay a civil penalty of \$1,000.