

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

MEMORANDUM

TO: Respondents

FROM: **Emily Hamrock**, Pipeline Safety Division, Division Counsel

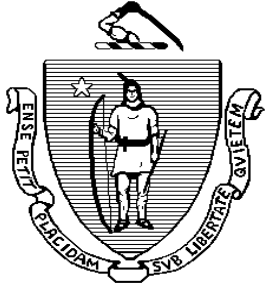
RE: Dig Safe Remedial Order, D.P.U. **24-23**

DATE: **July 1, 2024**

To Whom it May Concern:

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 DPU.DamagePrevention@mass.gov.



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 24-23

July 1, 2024

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: **Emily Hamrock**, 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

Respondent Name	Prior Docket Number	New Docket Number
219 Union Street Masonry Supply Corp.	D.P.U. 23-DS-629U	D.P.U. 24-23-1
A.F. Amorello & Sons, Inc.	D.P.U. 23-DS-397U	D.P.U. 24-23-2
A.F. Amorello & Sons, Inc.	D.P.U. 23-DS-495U	D.P.U. 24-23-3
A.F. Amorello & Sons, Inc.	D.P.U. 23-DS-720U	D.P.U. 24-23-4
Above Grade Excavation	D.P.U. 23-DS-267U	D.P.U. 24-23-5
ACME Concrete Paving Inc.	D.P.U. 23-DS-1095U	D.P.U. 24-23-6
Adams Excavating Company, Inc.	D.P.U. 23-DS-943U	D.P.U. 24-23-7
All Around Management	D.P.U. 23-DS-328U	D.P.U. 24-23-8
All Star Excavating	D.P.U. 23-DS-1287U	D.P.U. 24-23-9
Alvaro Ochoa Landscaping	D.P.U. 23-DS-268U	D.P.U. 24-23-10
Andrade Carpentry Inc.	D.P.U. 23-DS-142U	D.P.U. 24-23-11
Arteaga Junk Removal	D.P.U. 23-DS-1033U(1)	D.P.U. 24-23-12
AT&T	D.P.U. 23-DS-1259E(1)	D.P.U. 24-23-13
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CJM Construction	D.P.U. 23-DS-227U	D.P.U. 24-23-21
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Detail Floor Services Corporation	D.P.U. 23-DS-1127U	D.P.U. 24-23-31
Dos Santos Construction, Inc.	D.P.U. 23-DS-757U	D.P.U. 24-23-32
E & J Masonry Landscaping Construction Inc.	D.P.U. 23-DS-1193U	D.P.U. 24-23-33
Elite Builders General Contractors Corp.	D.P.U. 23-DS-336U	D.P.U. 24-23-34
Epicos Corp.	D.P.U. 23-DS-128U	D.P.U. 24-23-35
Everbright Solar Company	D.P.U. 23-DS-740U	D.P.U. 24-23-36
F&G Construction Group Inc.	D.P.U. 23-DS-1202U(1)	D.P.U. 24-23-37

Respondent Name	Prior Docket Number	New Docket Number
Fanciful General Construction, LLC	D.P.U. 23-DS-624U	D.P.U. 24-23-38
FC Construction Corporation	D.P.U. 23-DS-1196U	D.P.U. 24-23-39
Frank Chiavarini	D.P.U. 23-DS-009I	D.P.U. 24-23-40
Gallant Grader Service, Inc.	D.P.U. 23-DS-1153U	D.P.U. 24-23-41
Graci Enterprises	D.P.U. 23-DS-635U	D.P.U. 24-23-42
Greener Group LLC	D.P.U. 23-DS-855U	D.P.U. 24-23-43
GTA Landscaping	D.P.U. 21-DS-0476U	D.P.U. 24-23-44
GTA Landscaping	D.P.U. 23-DS-1172U	D.P.U. 24-23-45
GTA Landscaping	D.P.U. 23-DS-1233U	D.P.U. 24-23-46
Hawk Brook Excavation	D.P.U. 23-DS-455O	D.P.U. 24-23-47
Heads Up Irrigation LTD	D.P.U. 23-DS-715U	D.P.U. 24-23-48
Hollerbrook Builders	D.P.U. 23-DS-017U	D.P.U. 24-23-49
Homeowner - Bill Finsthwait	D.P.U. 23-DS-403I	D.P.U. 24-23-50
Imperial Construction	D.P.U. 23-DS-1113U	D.P.U. 24-23-51
J Machado Bridi	D.P.U. 23-DS-135U	D.P.U. 24-23-52
J. White Contracting, Inc.	D.P.U. 23-DS-1418U(2)	D.P.U. 24-23-53
J.L. Raymakers and Sons	D.P.U. 23-DS-1328U	D.P.U. 24-23-54
JC Construction	D.P.U. 23-DS-188U(1)	D.P.U. 24-23-55
JC Construction	D.P.U. 23-DS-775U(1)	D.P.U. 24-23-56
JC Construction	D.P.U. 23-DS-820U(1)	D.P.U. 24-23-57
JML Brothers Construction Inc.	D.P.U. 23-DS-1053U	D.P.U. 24-23-58
John H. Canto Complete Paving	D.P.U. 23-DS-1215U	D.P.U. 24-23-59
JonQuill Construction Co. Inc.	D.P.U. 23-DS-703E	D.P.U. 24-23-60
Josi Landscaping Inc.	D.P.U. 23-DS-1393U	D.P.U. 24-23-61
K. Daponte Construction Corp.	D.P.U. 22-DS-0308U	D.P.U. 24-23-62
K. Daponte Construction Corp.	D.P.U. 22-DS-0303(i)	D.P.U. 24-23-63
K. Daponte Construction Corp.	D.P.U. 22-DS-0630U	D.P.U. 24-23-64
K. Daponte Construction Corp.	D.P.U. 22-DS-0599UA	D.P.U. 24-23-65
K. Daponte Construction Corp.	D.P.U. 22-DS-0636U	D.P.U. 24-23-66
K. Daponte Construction Corp.	D.P.U. 22-DS-0714U	D.P.U. 24-23-67
K. Daponte Construction Corp.	D.P.U. 23-DS-170U	D.P.U. 24-23-68
K. Daponte Construction Corp.	D.P.U. 23-DS-806E	D.P.U. 24-23-69
KJS LLC	D.P.U. 23-DS-333U	D.P.U. 24-23-70
Kline House Lifting	D.P.U. 23-DS-1133U	D.P.U. 24-23-71
KNJ Builders Inc.	D.P.U. 23-DS-149I	D.P.U. 24-23-72
Lac Landscaping and Construction	D.P.U. 23-DS-357U	D.P.U. 24-23-73
Lampasona Concrete	D.P.U. 23-DS-581U	D.P.U. 24-23-74
Lima Brothers Irrigation Corp.	D.P.U. 23-DS-415U	D.P.U. 24-23-75
LL Excavation and Utilities	D.P.U. 23-DS-183U	D.P.U. 24-23-76
LL Excavation and Utilities	D.P.U. 23-DS-232U	D.P.U. 24-23-77

Respondent Name	Prior Docket Number	New Docket Number
LRV Construction	D.P.U. 23-DS-1316U	D.P.U. 24-23-78
Made 2 Build Inc.	D.P.U. 23-DS-494U	D.P.U. 24-23-79
Martorelli Landscaping Inc.	D.P.U. 23-DS-154U	D.P.U. 24-23-80
Mathieu Rebello Septic Inspections	D.P.U. 23-DS-589U(1)	D.P.U. 24-23-81
McGue Excavating	D.P.U. 23-DS-213I(1)	D.P.U. 24-23-82
McKnight Landscaping and Excavation Services	D.P.U. 23-DS-440U	D.P.U. 24-23-83
MGR Construction Inc.	D.P.U. 23-DS-031U	D.P.U. 24-23-84
Michaels Construction	D.P.U. 23-DS-086U	D.P.U. 24-23-85
MR Landscaping & Construction, Inc.	D.P.U. 23-DS-436U	D.P.U. 24-23-86
MT Realty	D.P.U. 23-DS-1028U	D.P.U. 24-23-87
Northern Landscaping	D.P.U. 23-DS-930U	D.P.U. 24-23-88
Northface Structural Engineering	D.P.U. 23-DS-482U	D.P.U. 24-23-89
P.J. Keating	D.P.U. 23-DS-325U	D.P.U. 24-23-90
Paul F. Young Co, Inc.	D.P.U. 23-DS-1239U	D.P.U. 24-23-91
Perez Brothers Landscaping	D.P.U. 23-DS-509U	D.P.U. 24-23-92
Phaze 5 Contracting LLC	D.P.U. 23-DS-838U	D.P.U. 24-23-93
Pro Hardscape Inc.	D.P.U. 23-DS-468I	D.P.U. 24-23-94
R. Sasso & Sons Construction	D.P.U. 23-DS-1027U	D.P.U. 24-23-95
Racca Septic and Excavation	D.P.U. 23-DS-887U	D.P.U. 24-23-96
Rahalls Landscaping	D.P.U. 23-DS-127U	D.P.U. 24-23-97
Red Oak Remodeling	D.P.U. 23-DS-207U	D.P.U. 24-23-98
Ricard Electric	D.P.U. 23-DS-852U	D.P.U. 24-23-99
Rigid Rock Construction LLC	D.P.U. 23-DS-419U	D.P.U. 24-23-100
Rigid Rock Construction LLC	D.P.U. 23-DS-949U(1)	D.P.U. 24-23-101
Rigid Rock Construction LLC	D.P.U. 23-DS-1137U	D.P.U. 24-23-102
Riley Brothers	D.P.U. 23-DS-176I(1)	D.P.U. 24-23-103
Riley Brothers	D.P.U. 23-DS-182U	D.P.U. 24-23-104
Riley Brothers	D.P.U. 23-DS-367U(1)	D.P.U. 24-23-105
Robco Excavation	D.P.U. 23-DS-659U	D.P.U. 24-23-106
Robert Scena Electrical	D.P.U. 23-DS-048I	D.P.U. 24-23-107
Rochester Bituminous Products Inc.	D.P.U. 23-DS-335U	D.P.U. 24-23-108
Rock Solid Paving & Maintenance	D.P.U. 23-DS-654U	D.P.U. 24-23-109
Royal Fence Co	D.P.U. 23-DS-459U	D.P.U. 24-23-110
Salvidio Construction	D.P.U. 23-DS-184U	D.P.U. 24-23-111
Sergi Landscaping & Construction	D.P.U. 23-DS-1367U	D.P.U. 24-23-112
Shiny Star, Inc.	D.P.U. 23-DS-734U	D.P.U. 24-23-113
Silva Landscaping	D.P.U. 23-DS-131I	D.P.U. 24-23-114
Steve Miller General Contracting	D.P.U. 23-DS-362U(1)	D.P.U. 24-23-115
Suburban Construction	D.P.U. 23-DS-693U	D.P.U. 24-23-116

Respondent Name	Prior Docket Number	New Docket Number
Tarnowski Construction LLC	D.P.U. 23-DS-119U	D.P.U. 24-23-117
TCE LLC	D.P.U. 23-DS-433U	D.P.U. 24-23-118
The Pros, Inc.	D.P.U. 23-DS-725O	D.P.U. 24-23-119
Tri Star Construction	D.P.U. 23-DS-974U(1)	D.P.U. 24-23-120
Tylerson LLC	D.P.U. 23-DS-1325U	D.P.U. 24-23-121
Unified Contracting	D.P.U. 23-DS-540U	D.P.U. 24-23-122
Unified Contracting	D.P.U. 23-DS-1244U	D.P.U. 24-23-123
Upgrade Construction and Painting Inc.	D.P.U. 23-DS-178U	D.P.U. 24-23-124
VanZandt Plumbing Inc.	D.P.U. 23-DS-1337U(1)	D.P.U. 24-23-125
Venice Construction	D.P.U. 23-DS-307U	D.P.U. 24-23-126
Vinny Mofford Excavation LLC	D.P.U. 22-DS-0775U	D.P.U. 24-23-127
Vinny Mofford Excavation LLC	D.P.U. 23-DS-1102U	D.P.U. 24-23-128
W.R. Dumais	D.P.U. 23-DS-172U	D.P.U. 24-23-129
Wade Construction & Remodeling	D.P.U. 23-DS-796U(1)	D.P.U. 24-23-130
Wayne Johnson	D.P.U. 23-DS-735U	D.P.U. 24-23-131

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 the Dig Safe Law, G.L. c. 82, §§ 40 through 40E, or Dig Safe Regulations, 220 CMR 99.00, 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. 24-23. Each Respondent’s matter is identified by an individual number designation at the end of the docket number (i.e., D.P.U. 24-23-1 through D.P.U. 24-23-131). 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

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

premark the excavation location, provide notice of the excavation to Dig Safe, Inc., 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 that 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).² 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 Department to find the facts to be as alleged in the NOPV and

² 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).

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.³ 220 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

³ 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.

to pay the assessed civil penalty through the issuance of this Remedial Order.⁴ 220 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 draft 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. 24-23-*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

⁴ 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.

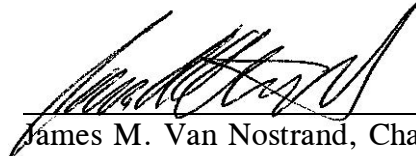
Commonwealth of Massachusetts pursuant to 220 CMR 99.12(4), with a request for action in the Superior Court, or may seek other action.⁵


IV. ORDER

Accordingly, after due notice, opportunity to respond, and consideration, it is hereby

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.

By Order of the Department,


James M. Van Nostrand, Chair


Cecile M. Fraser, Commissioner


Staci Rubin, Commissioner

⁵ A Respondent that chooses to appeal its matter to the Supreme Judicial Court must note the specific docket number as D.P.U. 22--*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. **24-23-n** with the individual number designation for that particular matter.

ALPHABETICAL LIST OF RESPONDENTS

Respondent Name	Prior Docket Number	New Docket Number
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CJM Construction	D.P.U. 23-DS-227U	D.P.U. 24-23-21
Commonwealth Construction & Utilities	D.P.U. 23-DS-215U	D.P.U. 24-23-22
Communications Construction Group, LLC	D.P.U. 23-DS-880U(2)	D.P.U. 24-23-23
Crown Castle NG Networks	D.P.U. 23-DS-997E	D.P.U. 24-23-24
Crown Castle NG Networks	D.P.U. 23-DS-1070E	D.P.U. 24-23-25
Cut Development LLC	D.P.U. 23-DS-037U	D.P.U. 24-23-26
Dartmouth Stone	D.P.U. 23-DS-106U	D.P.U. 24-23-27
deMartin Dunham Builders	D.P.U. 23-DS-658U	D.P.U. 24-23-28
DeMeule Excavation and Hardscaping, LLC	D.P.U. 23-DS-377U(1)	D.P.U. 24-23-29
Design Construction Co.	D.P.U. 23-DS-869U	D.P.U. 24-23-30
Detail Floor Services Corporation	D.P.U. 23-DS-1127U	D.P.U. 24-23-31
Dos Santos Construction, Inc.	D.P.U. 23-DS-757U	D.P.U. 24-23-32
E & J Masonry Landscaping Construction Inc.	D.P.U. 23-DS-1193U	D.P.U. 24-23-33
Elite Builders General Contractors Corp.	D.P.U. 23-DS-336U	D.P.U. 24-23-34
Epicos Corp.	D.P.U. 23-DS-128U	D.P.U. 24-23-35
Everbright Solar Company	D.P.U. 23-DS-740U	D.P.U. 24-23-36
F&G Construction Group Inc.	D.P.U. 23-DS-1202U(1)	D.P.U. 24-23-37
Fanciful General Construction LLC	D.P.U. 23-DS-624U	D.P.U. 24-23-38

Respondent Name	Prior Docket Number	New Docket Number
FC Construction Corporation	D.P.U. 23-DS-1196U	D.P.U. 24-23-39
Frank Chiavarini	D.P.U. 23-DS-009I	D.P.U. 24-23-40
Gallant Grader Service, Inc.	D.P.U. 23-DS-1153U	D.P.U. 24-23-41
Graci Enterprises	D.P.U. 23-DS-635U	D.P.U. 24-23-42
Greener Group LLC	D.P.U. 23-DS-855U	D.P.U. 24-23-43
GTA Landscaping	D.P.U. 21-DS-0476U	D.P.U. 24-23-44
GTA Landscaping	D.P.U. 23-DS-1172U	D.P.U. 24-23-45
GTA Landscaping	D.P.U. 23-DS-1233U	D.P.U. 24-23-46
Hawk Brook Excavation	D.P.U. 23-DS-455O	D.P.U. 24-23-47
Heads Up Irrigation LTD	D.P.U. 23-DS-715U	D.P.U. 24-23-48
Hollerbrook Builders	D.P.U. 23-DS-017U	D.P.U. 24-23-49
Homeowner - Bill Finsthwait	D.P.U. 23-DS-403I	D.P.U. 24-23-50
Imperial Construction	D.P.U. 23-DS-1113U	D.P.U. 24-23-51
J Machado Bridi	D.P.U. 23-DS-135U	D.P.U. 24-23-52
J. White Contracting, Inc.	D.P.U. 23-DS-1418U(2)	D.P.U. 24-23-53
J.L. Raymaakers and Sons	D.P.U. 23-DS-1328U	D.P.U. 24-23-54
JC Construction	D.P.U. 23-DS-188U(1)	D.P.U. 24-23-55
JC Construction	D.P.U. 23-DS-775U(1)	D.P.U. 24-23-56
JC Construction	D.P.U. 23-DS-820U(1)	D.P.U. 24-23-57
JML Brothers Construction Inc.	D.P.U. 23-DS-1053U	D.P.U. 24-23-58
John H. Canto Complete Paving	D.P.U. 23-DS-1215U	D.P.U. 24-23-59
JonQuill Construction Co. Inc.	D.P.U. 23-DS-703E	D.P.U. 24-23-60
Josi Landscaping Inc.	D.P.U. 23-DS-1393U	D.P.U. 24-23-61
K. Daponte Construction Corp.	D.P.U. 22-DS-0308U	D.P.U. 24-23-62
K. Daponte Construction Corp.	D.P.U. 22-DS-0303(i)	D.P.U. 24-23-63
K. Daponte Construction Corp.	D.P.U. 22-DS-0630U	D.P.U. 24-23-64
K. Daponte Construction Corp.	D.P.U. 22-DS-0599UA	D.P.U. 24-23-65
K. Daponte Construction Corp.	D.P.U. 22-DS-0636U	D.P.U. 24-23-66
K. Daponte Construction Corp.	D.P.U. 22-DS-0714U	D.P.U. 24-23-67
K. Daponte Construction Corp.	D.P.U. 23-DS-170U	D.P.U. 24-23-68
K. Daponte Construction Corp.	D.P.U. 23-DS-806E	D.P.U. 24-23-69
KJS LLC	D.P.U. 23-DS-333U	D.P.U. 24-23-70
Kline House Lifting	D.P.U. 23-DS-1133U	D.P.U. 24-23-71
KNJ Builders Inc.	D.P.U. 23-DS-149I	D.P.U. 24-23-72
Lac Landscaping and Construction	D.P.U. 23-DS-357U	D.P.U. 24-23-73
Lampasona Concrete	D.P.U. 23-DS-581U	D.P.U. 24-23-74
Lima Brothers Irrigation Corp	D.P.U. 23-DS-415U	D.P.U. 24-23-75
LL Excavation and Utilities	D.P.U. 23-DS-183U	D.P.U. 24-23-76
LL Excavation and Utilities	D.P.U. 23-DS-232U	D.P.U. 24-23-77
LRV Construction	D.P.U. 23-DS-1316U	D.P.U. 24-23-78

Respondent Name	Prior Docket Number	New Docket Number
Made 2 Build Inc.	D.P.U. 23-DS-494U	D.P.U. 24-23-79
Martorelli Landscaping Inc.	D.P.U. 23-DS-154U	D.P.U. 24-23-80
Mathieu Rebello Septic Inspections	D.P.U. 23-DS-589U(1)	D.P.U. 24-23-81
McGue Excavating	D.P.U. 23-DS-213I(1)	D.P.U. 24-23-82
McKnight Landscaping and Excavation Services	D.P.U. 23-DS-440U	D.P.U. 24-23-83
MGR Construction Inc.	D.P.U. 23-DS-031U	D.P.U. 24-23-84
Michaels Construction	D.P.U. 23-DS-086U	D.P.U. 24-23-85
MR Landscaping & Construction, Inc.	D.P.U. 23-DS-436U	D.P.U. 24-23-86
MT Realty	D.P.U. 23-DS-1028U	D.P.U. 24-23-87
Northern Landscaping	D.P.U. 23-DS-930U	D.P.U. 24-23-88
Northface Structural Engineering	D.P.U. 23-DS-482U	D.P.U. 24-23-89
P.J. Keating	D.P.U. 23-DS-325U	D.P.U. 24-23-90
Paul F. Young Co, Inc.	D.P.U. 23-DS-1239U	D.P.U. 24-23-91
Perez Brothers Landscaping	D.P.U. 23-DS-509U	D.P.U. 24-23-92
Phaze 5 Contracting LLC	D.P.U. 23-DS-838U	D.P.U. 24-23-93
Pro Hardscape Inc.	D.P.U. 23-DS-468I	D.P.U. 24-23-94
R. Sasso & Sons Construction	D.P.U. 23-DS-1027U	D.P.U. 24-23-95
Racca Septic and Excavation	D.P.U. 23-DS-887U	D.P.U. 24-23-96
Rahalls Landscaping	D.P.U. 23-DS-127U	D.P.U. 24-23-97
Red Oak Remodeling	D.P.U. 23-DS-207U	D.P.U. 24-23-98
Ricard Electric	D.P.U. 23-DS-852U	D.P.U. 24-23-99
Rigid Rock Construction LLC	D.P.U. 23-DS-419U	D.P.U. 24-23-100
Rigid Rock Construction LLC	D.P.U. 23-DS-949U(1)	D.P.U. 24-23-101
Rigid Rock Construction LLC	D.P.U. 23-DS-1137U	D.P.U. 24-23-102
Riley Brothers	D.P.U. 23-DS-176I(1)	D.P.U. 24-23-103
Riley Brothers	D.P.U. 23-DS-182U	D.P.U. 24-23-104
Riley Brothers	D.P.U. 23-DS-367U(1)	D.P.U. 24-23-105
Robco Excavation	D.P.U. 23-DS-659U	D.P.U. 24-23-106
Robert Scena Electrical	D.P.U. 23-DS-048I	D.P.U. 24-23-107
Rochester Bituminous Products Inc.	D.P.U. 23-DS-335U	D.P.U. 24-23-108
Rock Solid Paving & Maintenance	D.P.U. 23-DS-654U	D.P.U. 24-23-109
Royal Fence Co.	D.P.U. 23-DS-459U	D.P.U. 24-23-110
Salvidio Construction	D.P.U. 23-DS-184U	D.P.U. 24-23-111
Sergi Landscaping & Construction	D.P.U. 23-DS-1367U	D.P.U. 24-23-112
Shiny Star, Inc	D.P.U. 23-DS-734U	D.P.U. 24-23-113
Silva Landscaping	D.P.U. 23-DS-131I	D.P.U. 24-23-114
Steve Miller General Contracting	D.P.U. 23-DS-362U(1)	D.P.U. 24-23-115
Suburban Construction	D.P.U. 23-DS-693U	D.P.U. 24-23-116
Tarnowski Construction LLC	D.P.U. 23-DS-119U	D.P.U. 24-23-117
TCE LLC	D.P.U. 23-DS-433U	D.P.U. 24-23-118

Respondent Name	Prior Docket Number	New Docket Number
The Pros, Inc.	D.P.U. 23-DS-725O	D.P.U. 24-23-119
Tri Star Construction	D.P.U. 23-DS-974U(1)	D.P.U. 24-23-120
Tylerson LLC	D.P.U. 23-DS-1325U	D.P.U. 24-23-121
Unified Contracting	D.P.U. 23-DS-540U	D.P.U. 24-23-122
Unified Contracting	D.P.U. 23-DS-1244U	D.P.U. 24-23-123
Upgrade Construction and Painting Inc.	D.P.U. 23-DS-178U	D.P.U. 24-23-124
VanZandt Plumbing Inc.	D.P.U. 23-DS-1337U(1)	D.P.U. 24-23-125
Venice Construction	D.P.U. 23-DS-307U	D.P.U. 24-23-126
Vinny Mofford Excavation LLC	D.P.U. 22-DS-0775U	D.P.U. 24-23-127
Vinny Mofford Excavation LLC	D.P.U. 23-DS-1102U	D.P.U. 24-23-128
W.R. Dumais	D.P.U. 23-DS-172U	D.P.U. 24-23-129
Wade Construction & Remodeling	D.P.U. 23-DS-796U(1)	D.P.U. 24-23-130
Wayne Johnson	D.P.U. 23-DS-735U	D.P.U. 24-23-131

D.P.U. 24-23-1 [previously D.P.U. 23-DS-629U]

**219 Union Street Masonry Supply Corp.
219 Union Street
Randolph, MA 02368**

On **August 11, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **219 Union Street Masonry Supply Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **July 1, 2023**, the Respondent performed excavations at **137 Union Street, Randolph, 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-2 [previously D.P.U. 23-DS-397U]

A.F. Amorello & Sons, Inc.
115 Southwest Cutoff
Worcester, MA 01604

On **July 7, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **A.F. Amorello & Sons, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 16, 2023**, the Respondent performed excavations at **29 Piehl Avenue, Worcester, 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 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); 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 **\$15,000**, 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 this Order, the Respondent shall pay a civil penalty of **\$15,000**.

D.P.U. 24-23-3 [previously D.P.U. 23-DS-495U]

A.F. Amorello & Sons, Inc.
115 Southwest Cutoff
Worcester, MA 01604

On **July 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **A.F. Amorello & Sons, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 5, 2023**, the Respondent performed excavations at **1179 S Main 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 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 **\$15,000**, 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 this Order, the Respondent shall pay a civil penalty of **\$15,000**.

D.P.U. 24-23-4 [previously D.P.U. 23-DS-720U]

A.F. Amorello & Sons, Inc.
115 Southwest Cutoff
Worcester, MA 01604

On **September 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **A.F. Amorello & Sons, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **July 27, 2023**, the Respondent performed excavations at **41 Francis Street, 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 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 **\$15,000**, 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 this Order, the Respondent shall pay a civil penalty of **\$15,000**.

D.P.U. 24-23-5 [previously D.P.U. 23-DS-267U]

**Above Grade Excavation
33 Spring Hill Drive
North Attleboro, MA 02760**

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Above Grade Excavation** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 20, 2023**, the Respondent performed excavations at **5 Cape Club Drive, 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 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); failed to notify the operator of the underground facility that damage occurred, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(8); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-6 [previously D.P.U. 23-DS-1095U]

ACME Concrete Paving Inc.
33 Albert Avenue
Springfield, MA 01151

On **December 1, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **ACME Concrete Paving Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 25, 2023**, the Respondent performed excavations at **489 Main 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-7 [previously D.P.U. 23-DS-943U]

Adams Excavating Company, Inc.
22 Newark Street
Adams, MA 01220

On **October 13, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Adams Excavating Company, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 6, 2023**, the Respondent performed excavations at **3 Grove Avenue, Lanesborough, 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-8 [previously D.P.U. 23-DS-328U]

**All Around Management
P.O. Box 300728
Jamaica Plain, MA 02130**

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **All Around Management** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 25, 2023**, the Respondent performed excavations at **23 Fernview Avenue, North 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 have its name included on the Dig Safe ticket as the excavator, as required by the Dig Safe Law, G.L. c. 82, § 40A; 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-9 [previously D.P.U. 23-DS-1287U]

**All Star Excavating
126 Holmes Road
Lenox, MA 01240**

On **December 13, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **All Star Excavating** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 3, 2023**, the Respondent performed excavations at **71 Benton Drive, Otis, 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-10 [previously D.P.U. 23-DS-268U]

Alvaro Ochoa Landscaping
36 Prescott Street
Boston, MA 02128

On **June 13, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Alvaro Ochoa Landscaping** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 16, 2023**, the Respondent performed excavations at **27 Amelian Road, Randolph, 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); failed to send dig safe violation report within 30 days of the knowing about the incident as required by 220 CMR 99.07(10); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-11 [previously D.P.U. 23-DS-142U]

Andrade Carpentry Inc.
386 Summer Street, Apt. S16
Lynn, MA 01905

On **June 14, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Andrade Carpentry Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 28, 2023**, the Respondent performed excavations at **76 Collins Street, Danvers, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-12 [previously D.P.U. 23-DS-1033U(1)]

**Arteaga Junk Removal
14 Newton Park Road
Framingham, MA 01705**

On **November 15, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Arteaga Junk Removal** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 6, 2023**, the Respondent performed excavations at **276 Fairmount Avenue, 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-13 [previously D.P.U. 23-DS-1259E(1)]

AT&T
5 Lincoln Street
Canton, MA 02021

On **December 13, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **AT&T** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 1, 2023**, the Respondent performed excavations at **Chauncy 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-14 [previously D.P.U. 23-DS-092U]

B & J Supreme Construction LLC
285 Main Street, Apt. 3
Everett, MA 02149

On **April 4, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **B & J Supreme Construction LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **February 10, 2023**, the Respondent performed excavations at **49 Savannah Avenue, Mattapan, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-15 [previously D.P.U. 23-DS-1200U]

Blackstone Masonry LLC
6 Bow Street
Halifax, MA 02338

On **December 1, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Blackstone Masonry LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 28, 2023**, the Respondent performed excavations at **57 Gurnet Road, Duxbury, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-16 [previously D.P.U. 23-DS-910U]

Brusa Construction
337 Turnpike Road, Suite 205
Southborough, MA 01772

On **October 17, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Brusa Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 6, 2023**, the Respondent performed excavations at **99 East Central 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 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); 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-17 [previously D.P.U. 23-DS-819U]

Bryon Chavez Construction
333 Boston Street
Lynn, MA 01905

On **October 6, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Bryon Chavez Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 6, 2023**, the Respondent performed excavations at **148 Malden 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-18 [previously D.P.U. 23-DS-524U]

C Donnell Homes, Inc.
106 Lancaster Road
Shirley, MA 01464

On **August 29, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **C Donnell Homes, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 23, 2023**, the Respondent performed excavations at **41 Onyx Path, Gardner, 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); failed to notify the operator of the underground facility that damage occurred, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(8); and 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-19 [previously D.P.U. 23-DS-667U]

Cardoso Landscaping Construction
245 River Road W
Berlin, MA 01503

On **August 25, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Cardoso Landscaping Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **July 14, 2023**, the Respondent performed excavations at **23 Saint James Circle, Hudson, 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-20 [previously D.P.U. 23-DS-733U]

**Champlain Excavating
165 S Main Street
Middleton, MA 01949**

On **September 15, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Champlain Excavating** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 9, 2023**, the Respondent performed excavations at **9 Cliff Road, Saugus, 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 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 this Order, the Respondent shall pay a civil penalty of **\$5,000**.

D.P.U. 24-23-21 [previously D.P.U. 23-DS-227U]

**CJM Construction
43 Quissett Road
Mendon, MA 01756**

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **CJM Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 1, 2023**, the Respondent performed excavations at **12 Emily Drive, 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-22 [previously D.P.U. 23-DS-215U]

Commonwealth Construction & Utilities
10 Walnut Hill Park, Suite 3F
Woburn, MA 01801

On **June 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Commonwealth Construction & Utilities** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 29, 2023**, the Respondent performed excavations at **46 Speedwell 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$3,000**.

D.P.U. 24-23-23 [previously D.P.U. 23-DS-880U(2)]

Communications Construction Group, LLC
200 Chace Road
East Freetown, MA 02717

On **October 13, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Communications Construction Group, LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 29, 2023**, the Respondent performed excavations at **Route 28, Randolph Avenue, 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-24 [previously D.P.U. 23-DS-997E]

**Crown Castle NG Networks
145 Island Street
Stoughton, MA 02072**

On **October 26, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Crown Castle NG Networks** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 22, 2023**, the Respondent performed excavations at **1 Winthrop Square, 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 designate the location of the underground facilities within 72 hours of receiving notification, as required by the Dig Safe Law, G.L. c. 82, § 40B and 220 CMR 99.06(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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-25 [previously D.P.U. 23-DS-1070E]

**Crown Castle NG Networks
103 Clayton Street
Boston, MA 02122**

On **November 9, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Crown Castle NG Networks** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 2, 2023**, the Respondent performed excavations at **749 East 5th 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-26 [previously D.P.U. 23-DS-037U]

**Cut Development LLC
11 Bramhall Lane
Plymouth, MA 02360**

On **April 4, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Cut Development LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **January 31, 2023**, the Respondent performed excavations at **654 East Broadway, 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); 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 notify the operator of the underground facility that damage occurred, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(8).**

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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-27 [previously D.P.U. 23-DS-106U]

Dartmouth Stone
12 Seth Davis Way
Dartmouth, MA 02748

On **March 29, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Dartmouth Stone** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **February 13, 2023**, the Respondent performed excavations at **9 Country Way, Dartmouth, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-28 [previously D.P.U. 23-DS-658U]

deMartin Dunham Builders
42 Wianno Ave #1164
Barnstable, MA 02655

On **September 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **deMartin Dunham Builders** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 7, 2023**, the Respondent performed excavations at **225 Whiffletree Avenue, Brewster, 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-29 [previously D.P.U. 23-DS-377U(1)]

DeMeule Excavation and Hardscaping, LLC
18 David Road
Carver, MA 02330

On **October 26, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **DeMeule Excavation and Hardscaping, LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 26, 2023**, the Respondent performed excavations at **281 Lamartine 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-30 [previously D.P.U. 23-DS-869U]

Design Construction Co.
1382 West Street
Mansfield, MA 02048

On **October 13, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Design Construction Co.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 2, 2023**, the Respondent performed excavations at **5 Kings Road, 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 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 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 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.

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 **October 19, 2023**, 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 **April 10, 2024**, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-31 [previously D.P.U. 23-DS-1127U]

**Detail Floor Services Corporation
15 Kenwood Road
Everett, MA 02149**

On **November 15, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Detail Floor Services Corporation** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 11, 2023**, the Respondent performed excavations at **92 West Milton 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); 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); 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.

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 16, 2024**, 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 **April 10, 2024**, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-32 [previously D.P.U. 23-DS-757U]

Dos Santos Construction, Inc.
10 Cold Harbor Drive
Northborough, MA 01532

On **September 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Dos Santos Construction, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 3, 2023**, the Respondent performed excavations at **4 Walter Edwards Street, Uxbridge, 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-33 [previously D.P.U. 23-DS-1193U]

E & J Masonry Landscaping Construction Inc.
413 Worcester Avenue
Lynn, MA 01904

On **December 13, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **E & J Masonry Landscaping Construction Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 13, 2023**, the Respondent performed excavations at **413 Western Avenue, Lynn, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-34 [previously D.P.U. 23-DS-336U]

Elite Builders General Contractors Corp.
9 Union Street
Lynn, MA 01902

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Elite Builders General Contractors Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 27, 2023**, the Respondent performed excavations at **53 Concord 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 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); failed to notify the operator of the underground facility that damage occurred, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(8); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-35 [previously D.P.U. 23-DS-128U]

Epicos Corp.
19 Summer Street
Woburn, MA 01801

On **May 9, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Epicos Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 6, 2023**, the Respondent performed excavations at **68 Lowell Road, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-36 [previously D.P.U. 23-DS-740U]

Everbright Solar Company
4425 Enterprise Street
Fremont, CA 94538

On **September 26, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Everbright Solar Company** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 16, 2023**, the Respondent performed excavations at **85 Dartmouth Street, Lynn, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-37 [previously D.P.U. 23-DS-1202U(1)]

**F&G Construction Group Inc.
4 Welsh Street
Hudson, MA 01749**

On **January 31, 2024**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **F&G Construction Group Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 7, 2023**, the Respondent performed excavations at **62 Evelyn Road, 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-38 [previously D.P.U. 23-DS-624U]

Fanciful General Construction LLC
36 Nelson Street
Lynn, MA 01905

On **August 29, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Fanciful General Construction LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **July 14, 2023**, the Respondent performed excavations at **16 June Lane, 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-39 [previously D.P.U. 23-DS-1196U]

**FC Construction Corporation
P.O. Box 1630, 133 State Road
Westport, MA 02790**

On **December 1, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **FC Construction Corporation** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 23, 2023**, the Respondent performed excavations at **14-16 Edgeworth Street, Worcester, 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 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-40 [previously D.P.U. 23-DS-009I]

Frank Chiavarini
55 Woodland Road
Southborough, MA 01772

On **April 4, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Frank Chiavarini** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **January 12, 2023**, the Respondent performed excavations at **481 Weston 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-41 [previously D.P.U. 23-DS-1153U]

Gallant Grader Service, Inc.
1356 Hanover Street
Hanover, MA 02339

On **November 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Gallant Grader Service, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 12, 2023**, the Respondent performed excavations at **81 Leisurewoods Drive, Rockland, 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-42 [previously D.P.U. 23-DS-635U]

**Graci Enterprises
620 Boxberry Hill Road
Falmouth, MA 02536**

On **September 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Graci Enterprises** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 1, 2023**, the Respondent performed excavations at **554 West Falmouth Highway, 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-43[previously D.P.U. 23-DS-855U]

**Greener Group LLC
123 Bolt Street
Lowell, MA 01852**

On **October 13, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Greener Group LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 7, 2023**, the Respondent performed excavations at **1605 Andover 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$3,000**.

D.P.U. 24-23-44 [previously D.P.U. 21-DS-0476U]

**GTA Landscaping
140 Tremont Street
Everett, MA 02149**

On **May 20, 2022**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **GTA Landscaping** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 26, 2021**, the Respondent performed excavations at **126 Woodside Lane, 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 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 this Order, the Respondent shall pay a civil penalty of **\$5,000**.

D.P.U. 24-23-45 [previously D.P.U. 23-DS-1172U]

**GTA Landscaping
140 Tremont Street
Everett, MA 02149**

On **November 22, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **GTA Landscaping** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 19, 2023**, the Respondent performed excavations at **55 Walkers Brook Drive, 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 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 **\$2,500**, 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 this Order, the Respondent shall pay a civil penalty of **\$2,500**.

D.P.U. 24-23-46 [previously D.P.U. 23-DS-1233U]

**GTA Landscaping
140 Tremont Street
Everett, MA 02149**

On **December 22, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **GTA Landscaping** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 21, 2023**, the Respondent performed excavations at **52 Winchester 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$3,000**.

D.P.U. 24-23-47 [previously D.P.U. 23-DS-4550]

Hawk Brook Excavation
10 Lake Street
Haverhill, MA 01832

On **July 26, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Hawk Brook Excavation** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 14, 2023**, the Respondent performed excavations at **111 River Road, West 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-48 [previously D.P.U. 23-DS-715U]

Heads Up Irrigation LTD
P.O. Box 574
East Wareham, MA 02538

On **September 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Heads Up Irrigation LTD** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **July 27, 2023**, the Respondent performed excavations at **45 Torrey Road, 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-49 [previously D.P.U. 23-DS-017U]

Hollerbrook Builders
736 Boston Post Road
Sudbury, MA 01776

On **April 4, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Hollerbrook Builders** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **January 12, 2023**, the Respondent performed excavations at **30 Snake Brook Road, Wayland, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-50 [previously D.P.U. 23-DS-403I]

Bill Finsthwait
132 W 8th Street
Boston, MA 02128

On **July 11, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Bill Finsthwait** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 1, 2023**, the Respondent performed excavations at **132 W 8th 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-51 [previously D.P.U. 23-DS-1113U]

Imperial Construction
662 Clark Road, Suite 13
Tewksbury, MA 01876

On **December 5, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Imperial Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 25, 2023**, the Respondent performed excavations at **235 N Llewellyn St., Lowell, 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.

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 23, 2024**, 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 **April 10, 2024**, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-52 [previously D.P.U. 23-DS-135U]

J Machado Bridi
91 Bayshore Drive
Mashpee, MA 02649

On **June 14, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **J Machado Bridi** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 18, 2023**, the Respondent performed excavations at **750 Santuit Road, Cotuit, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-53 [previously D.P.U. 23-DS-1418U(2)]

J. White Contracting, Inc.
3 Murray Hill Lane
Andover, MA 01810

On **March 12, 2024**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **J. White Contracting, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **December 27, 2023**, the Respondent performed excavations at **49 School Street, 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 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) ; performed the excavation using an Emergency Dig Safe ticket or indicated to Dig Safe, Inc. or a company that an event was an emergency where the safety of the public was not in imminent danger, such as a threat to life or health, in violation of the Dig Safe Law, G.L. c. 82, § 40A and 220 CMR 99.05(2); and 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-54 [previously D.P.U. 23-DS-1328U]

J.L. Raymakers and Sons
P.O. Box 238, 1106 East Mountainview Road, Suite B
Westfield, MA 01086

On **December 29, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **J.L. Raymakers and Sons** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 28, 2023**, the Respondent performed excavations at **4 Scenic Road, Westfield, 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-55 [previously D.P.U. 23-DS-188U(1)]

JC Construction
2711 Riverside Avenue
Somerset, MA 02726

On **July 26, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **JC Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 10, 2023**, the Respondent performed excavations at **7 School Street, Manchester-by-the-Sea, 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$3,000**.

D.P.U. 24-23-56 [previously D.P.U. 23-DS-775U(1)]

JC Construction
2711 Riverside Avenue
Somerset, MA 02726

On **October 20, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **JC Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 1, 2023**, the Respondent performed excavations at **135 Grovers Avenue, Winthrop, 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$3,000**.

D.P.U. 24-23-57 [previously D.P.U. 23-DS-820U(1)]

JC Construction
2711 Riverside Avenue
Somerset, MA 02726

On **November 9, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **JC Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 12, 2023**, the Respondent performed excavations at **116 Grovers Avenue, Winthrop, 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-58 [previously D.P.U. 23-DS-1053U]

JML Brothers Construction Inc.
397 Boston Street, Unit 2
Lynn, MA 01905

On **December 1, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **JML Brothers Construction Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 24, 2023**, the Respondent performed excavations at **16-18 Alexander 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 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-59 [previously D.P.U. 23-DS-1215U]

John H. Canto Complete Paving
12 Evergreen Way
Harwich, MA 02645

On **December 1, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **John H. Canto Complete Paving** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 23, 2023**, the Respondent performed excavations at **10 Easterly Drive, 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 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-60 [previously D.P.U. 23-DS-703E]

JonQuill Construction Co. Inc.
9 Access Road
Beverly, MA 01915

On **September 22, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **JonQuill Construction Co. Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 17, 2023**, the Respondent performed excavations at **1 Howlett Street, Topsfield, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-61 [previously D.P.U. 23-DS-1393U]

**Josi Landscaping Inc.
381 West Tisbury Road
Edgartown, MA 02539**

On **January 10, 2024**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Josi Landscaping Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **December 9, 2023**, the Respondent performed excavations at **47 Head of the Pond Road, Oak Bluffs, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-62 [previously D.P.U. 22-DS-0308U]

K. Daponte Construction Corp.
100 Weybosset Street
Fall River, MA 02723

On **December 19, 2022**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **K. Daponte Construction Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 31, 2022**, the Respondent performed excavations at **682 Tyler Street, 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$10,000**.

D.P.U. 24-23-63 [previously D.P.U. 22-DS-0303(i)]

K. Daponte Construction Corp.
100 Weybosset Street
Fall River, MA 02723

On **December 19, 2022**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **K. Daponte Construction Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 13, 2022**, the Respondent performed excavations at the intersection of **Depot Street and Washington Street, Easton, 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$10,000**.

D.P.U. 24-23-64 [previously D.P.U. 22-DS-0630U]

K. Daponte Construction Corp.
100 Weybosset Street
Fall River, MA 02723

On **December 19, 2022**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **K. Daponte Construction Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **July 25, 2022**, the Respondent performed excavations at **311 Cranberry Highway, 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 call for a new Dig Safe ticket after 30 calendar days as required by 220 CMR 99.07(2); and 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 this Order, the Respondent shall pay a civil penalty of **\$10,000**.

D.P.U. 24-23-65 [previously D.P.U. 22-DS-0599UA]

K. Daponte Construction Corp.
100 Weybosset Street
Fall River, MA 02723

On **February 14, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **K. Daponte Construction Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 10, 2022**, the Respondent performed excavations at **500 Paradise Road, 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 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 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 this Order, the Respondent shall pay a civil penalty of **\$10,000**.

D.P.U. 24-23-66 [previously D.P.U. 22-DS-0636U]

K. Daponte Construction Corp.
100 Weybosset Street
Fall River, MA 02723

On **December 19, 2022**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **K. Daponte Construction Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 12, 2022**, the Respondent performed excavations at **253 N 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 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 failed to reply through any methods outlined in the NOPV.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$10,000**.

D.P.U. 24-23-67 [previously D.P.U. 22-DS-0714U]

K. Daponte Construction Corp.
100 Weybosset Street
Fall River, MA 02723

On **December 19, 2022**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **K. Daponte Construction Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 24, 2022**, the Respondent performed excavations at **460 Tyler Street, 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$10,000**.

D.P.U. 24-23-68 [previously D.P.U. 23-DS-170U]

K. Daponte Construction Corp.
100 Weybosset Street
Fall River, MA 02723

On **June 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, 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 3, 2023**, the Respondent performed excavations at **277 Atlantic Avenue, 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 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 **\$12,500**, 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 this Order, the Respondent shall pay a civil penalty of **\$12,500**.

D.P.U. 24-23-69 [previously D.P.U. 23-DS-806E]

K. Daponte Construction Corp.
100 Weybosset Street
Fall River, MA 02723

On **October 13, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **K. Daponte Construction Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 12, 2023**, the Respondent performed excavations at **1139 Braley Road, New 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 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 this Order, the Respondent shall pay a civil penalty of **\$7,500**.

D.P.U. 24-23-70 [previously D.P.U. 23-DS-333U]

KJS LLC
14 Renmar Avenue
Walpole, MA 02081

On **June 30, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **KJS LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 11, 2023**, the Respondent performed excavations at **276 Beechwood Street, Cohasset, 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 this Order, the Respondent shall pay a civil penalty of **\$5,000**.

D.P.U. 24-23-71 [previously D.P.U. 23-DS-1133U]

**Kline House Lifting
100 Old Chatham Road
Harwich, MA 02645**

On **December 7, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Kline House Lifting** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 6, 2023**, the Respondent performed excavations at **27 Myrtle 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 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); 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-72 [previously D.P.U. 23-DS-149I]

**KNJ Builders Inc.
20 Gorham Street, Apt. 1
Waltham, MA 02453**

On **June 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **KNJ Builders Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 31, 2023**, the Respondent performed excavations at **491 Dudley 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-73 [previously D.P.U. 23-DS-357U]

Lac Landscaping and Construction
90 Eutaw Avenue
Lynn, MA 01902

On **June 30, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Lac Landscaping and Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 23, 2023**, the Respondent performed excavations at **38 Grover 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-74 [previously D.P.U. 23-DS-581U]

Lampasona Concrete
24 Williams Way
Bellingham, MA 02019

On **August 11, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Lampasona Concrete** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **July 7, 2023**, the Respondent performed excavations at **735 Broadway, 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-75 [previously D.P.U. 23-DS-415U]

Lima Brothers Irrigation Corp.
109 Tripp Street
Framingham, MA 01702

On **July 26, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Lima Brothers Irrigation Corp.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 2, 2023**, the Respondent performed excavations at **16 Maryknoll Drive, Hingham, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-76 [previously D.P.U. 23-DS-183U]

LL Excavation and Utilities
8 Wabash Street
Boston, MA 02126

On **June 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **LL Excavation and Utilities** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 7, 2023**, the Respondent performed excavations at **27 Copeland 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-77 [previously D.P.U. 23-DS-232U]

LL Excavation and Utilities
8 Wabash Street
Boston, MA 02216

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **LL Excavation and Utilities** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 21, 2023**, the Respondent performed excavations at **4 Burton Avenue, 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 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); 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-78 [previously D.P.U. 23-DS-1316U]

LRV Construction
20 Camelot Way, Apt 4M
Weymouth, MA 02190

On **December 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **LRV Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 20, 2023**, the Respondent performed excavations at **311 North Avenue, Rockland, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-79 [previously D.P.U. 23-DS-494U]

Made 2 Build Inc.
300 Woodview Way, Apt 3410
Franklin, MA 02038

On **August 16, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Made 2 Build Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 2, 2023**, the Respondent performed excavations at **5 Winthrop Street, 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 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-80 [previously D.P.U. 23-DS-154U]

Martorelli Landscaping Inc.
70 Butler Street
Revere, MA 02151

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Martorelli Landscaping Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 7, 2023**, the Respondent performed excavations at **1 Arboretum 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-81 [previously D.P.U. 23-DS-589U(1)]

**Mathieu Rebello Septic Inspections
30 Norse Road
South Dennis, MA 02660**

On **December 6, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Mathieu Rebello Septic Inspections** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **July 11, 2023**, the Respondent performed excavations at **84 Cap'n Lijah's 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 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-82 [previously D.P.U. 23-DS-213I(1)]

**McGue Excavating
25 Beaufield Street
Boston, MA 02124**

On **August 3, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **McGue Excavating** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 14, 2023**, the Respondent performed excavations at **20 Norman Street, 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 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-83 [previously D.P.U. 23-DS-440U]

McKnight Landscaping and Excavation Services
11 Ash Lane
Peru, MA 01235

On **August 16, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **McKnight Landscaping and Excavation Services** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 25, 2023**, the Respondent performed excavations at **56 Gilbert Street, 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 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-84 [previously D.P.U. 23-DS-031U]

MGR Construction Inc.
85 North Main Street
Brockton, MA 02301

On **March 8, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **MGR Construction Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **January 3, 2023**, the Respondent performed excavations at **244 Copeland Street, Brockton, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-85 [previously D.P.U. 23-DS-086U]

Michaels Construction
2 Cooper Street
Camden, NJ 08102

On **August 4, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Michaels Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **February 24, 2023**, the Respondent performed excavations at **15 Girard 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-86 [previously D.P.U. 23-DS-436U]

MR Landscaping & Construction, Inc.
881 Franklin Street
Wrentham, MA 02093

On **August 16, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **MR Landscaping & Construction, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 24, 2023**, the Respondent performed excavations at **8 Ashland 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-87 [previously D.P.U. 23-DS-1028U]

MT Realty
7 Ramsdell Way
Lynnfield, MA 01940

On **November 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **MT Realty** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 16, 2023**, the Respondent performed excavations at **60 Vane 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-88 [previously D.P.U. 23-DS-930U]

Northern Landscaping
119 Crescent Street, Apt. 9
Waltham, MA 02453

On **October 31, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Northern Landscaping** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 28, 2023**, the Respondent performed excavations at **55 Woodchester Drive, Weston, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-89 [previously D.P.U. 23-DS-482U]

Northface Structural Engineering
7 Rockingham Avenue
Boston, MA 02139

On **August 16, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Northface Structural Engineering** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 7, 2023**, the Respondent performed excavations at **442 High Street, Dedham, 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-90 [previously D.P.U. 23-DS-325U]

P.J. Keating
998 Reservoir Road
Lunenburg, MA 01462

On **July 6, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **P.J. Keating** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 15, 2023**, the Respondent performed excavations at **162 Fox Avenue, 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-91 [previously D.P.U. 23-DS-1239U]

Paul F. Young Co, Inc.
600 South Avenue
Weston, MA 02493

On **December 7, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Paul F. Young Co, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 2, 2023**, the Respondent performed excavations at **55 Widow Rites Lane, Sudbury, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-94 [previously D.P.U. 23-DS-509U]

Perez Brothers Landscaping
53 A Chatham Street, Apt 1
Lynn, MA 01902

On **August 24, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Perez Brothers Landscaping** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 22, 2023**, the Respondent performed excavations at **6 Draper Road, 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-93 [previously D.P.U. 23-DS-838U]

Phaze 5 Contracting LLC
50 Caldwell Road
Nashua, NH 03060

On **September 29, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Phaze 5 Contracting LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 21, 2023**, the Respondent performed excavations at **68 Windsor Avenue, 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-94 [previously D.P.U. 23-DS-468I]

**Pro Hardscape Inc.
114 Stetson Street
Yarmouth, MA 02601**

On **August 16, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Pro Hardscape Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 26, 2023**, the Respondent performed excavations at **25 Bay View 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-95 [previously D.P.U. 23-DS-1027U]

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

On **November 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **R. Sasso & Sons Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 19, 2023**, the Respondent performed excavations at **453 Main Street, Winthrop, 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; 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-96 [previously D.P.U. 23-DS-887U]

**Racca Septic and Excavation
8 Gillette Drive
Londonderry, NH 03053**

On **October 6, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Racca Septic and Excavation** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 1, 2023**, the Respondent performed excavations at **845 Hartford Turnpike, Shrewsbury, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-97 [previously D.P.U. 23-DS-127U]

Rahalls Landscaping
100 Adams Street
Newton, MA 02458

On **June 8, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Rahalls Landscaping** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 3, 2023**, the Respondent performed excavations at **157 Babcock Street, 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-98 [previously D.P.U. 23-DS-207U]

**Red Oak Remodeling
300 Whaley Hollow Road
Coventry, RI 02816**

On **July 6, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Red Oak Remodeling** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 30, 2023**, the Respondent performed excavations at **92 Faunce Corner Road, Dartmouth, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-99 [previously D.P.U. 23-DS-852U]

**Ricard Electric
16 Rayber Road
Orleans, MA 02653**

On **October 26, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Ricard Electric** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 19, 2023**, the Respondent performed excavations at **45 Swift Road, 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-100 [previously D.P.U. 23-DS-419U]

Rigid Rock Construction LLC
1000 Blossom Road
Westport, MA 02790

On **July 6, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Rigid Rock Construction LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 9, 2023**, the Respondent performed excavations at **63 Lee 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 have its name included on the Dig Safe ticket as the excavator, as required by the Dig Safe Law, G.L. c. 82, § 40A; 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-101 [previously D.P.U. 23-DS-949U(1)]

Rigid Rock Construction LLC
1000 Blossom Road
Westport, MA 02790

On **November 17, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Rigid Rock Construction LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 29, 2023**, the Respondent performed excavations at **46-48 Pinkert 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 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); 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$3,000**.

D.P.U. 24-23-102 [previously D.P.U. 23-DS-1137U]

Rigid Rock Construction LLC
1000 Blossom Road
Westport, MA 02790

On **November 17, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Rigid Rock Construction LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 13, 2023**, the Respondent performed excavations at **46 Park Avenue, 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$3,000**.

D.P.U. 24-23-103 [previously D.P.U. 23-DS-176I(1)]

**Riley Brothers
84 Tosca Drive
Stoughton, MA 02072**

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Riley Brothers** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 19, 2023**, the Respondent performed excavations at **60 Birchbrow Avenue, Weymouth, 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-104 [previously D.P.U. 23-DS-182U]

**Riley Brothers
84 Tosca Drive
Stoughton, MA 02072**

On **July 6, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Riley Brothers** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 6, 2023**, the Respondent performed excavations at **4 North Grove 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); 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 **\$7,000**, 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 this Order, the Respondent shall pay a civil penalty of **\$7,000**.

D.P.U. 24-23-105 [previously D.P.U. 23-DS-367U(1)]

**Riley Brothers
84 Tosca Drive
Stoughton, MA 02072**

On **July 5, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Riley Brothers** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 24, 2023**, the Respondent performed excavations at **23 Saunders Street, Weymouth, 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$7,500**.

D.P.U. 24-23-106 [previously D.P.U. 23-DS-659U]

**Robco Excavation
15 Hirsch Road
Mashpee, MA 02644**

On **September 7, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Robco Excavation** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 4, 2023**, the Respondent performed excavations at **706 Old Barnstable 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 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 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.

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 **October 16, 2023**, 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 **January 17, 2024**, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-107 [previously D.P.U. 23-DS-048I]

Robert Scena Electrical
Saint Margaret Street
Bourne, MA 02532

On **April 3, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Robert Scena Electrical** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **January 24, 2023**, the Respondent performed excavations at **137 Phillips 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-108 [previously D.P.U. 23-DS-335U]

Rochester Bituminous Products Inc.
83 King's Highway
West Wareham, MA 02576

On **July 6, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Rochester Bituminous Products Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 11, 2023**, the Respondent performed excavations at **507 East Third Street, South 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 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$3,000**.

D.P.U. 24-23-109 [previously D.P.U. 23-DS-654U]

Rock Solid Paving & Maintenance
P.O. Box 367
Whitman, MA 02382

On **August 24, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Rock Solid Paving & Maintenance** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **July 11, 2023**, the Respondent performed excavations at **241 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-110 [previously D.P.U. 23-DS-459U]

**Royal Fence Co.
99 Precinct Street
Taunton, MA 02718**

On **August 16, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Royal Fence Co.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 2, 2023**, the Respondent performed excavations at **426 Weir Street, Taunton, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-111 [previously D.P.U. 23-DS-184U]

Salvidio Construction
20 Wescott Street
Worcester, MA 01603

On **July 6, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Salvidio Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 11, 2023**, the Respondent performed excavations at **20 Milton Street, Worcester, 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-112 [previously D.P.U. 23-DS-1367U]

**Sergi Landscaping
2 Sarahbeth Lane
Wareham, MA 02571**

On **March 19, 2024**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Sergi Landscaping** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **December 19, 2023**, the Respondent performed excavations at **19 Susan Carsley Way, 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-113 [previously D.P.U. 23-DS-734U]

Shiny Star, Inc.
P.O. Box 505074
Chelsea, MA 02150

On **September 28, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Shiny Star, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 21, 2023**, the Respondent performed excavations at **10 Thorndike 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 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-114 [previously D.P.U. 23-DS-131I]

**Silva Landscaping
45 Ayers Village Road
Methuen, MA 01844**

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Silva Landscaping** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 20, 2023**, the Respondent performed excavations at **97 Summer Street, Manchester-by-the-Sea, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-115 [previously D.P.U. 23-DS-362U(1)]

**Steve Miller General Contracting
870 Belmont Street
Watertown, MA 02472**

On **July 5, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Steve Miller General Contracting** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 18, 2023**, the Respondent performed excavations at **37 Dwight Street, 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-116 [previously D.P.U. 23-DS-693U]

**Suburban Construction
8 Middle Street
Wakefield, MA 01880**

On **September 14, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Suburban Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 14, 2023**, the Respondent performed excavations at **957 Main Street, Melrose, 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-117 [previously D.P.U. 23-DS-119U]

Tarnowski Construction LLC
10 Sunnyvale Street
Beverly, MA 01915

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Tarnowski Construction LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **March 1, 2023**, the Respondent performed excavations at **10 Scotts Way, Essex, 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-118 [previously D.P.U. 23-DS-433U]

**TCE LLC
23 Youngs Way
Nantucket, MA 02554**

On **July 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **TCE LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 22, 2023**, the Respondent performed excavations at **28 N. Mill Street, 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$3,000**.

D.P.U. 24-23-119 [previously D.P.U. 23-DS-7250]

**The Pros, Inc.
29 Hanover Street
Lynn, MA 01902**

On **September 25, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **The Pros, Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 19, 2023**, the Respondent performed excavations at **89 Palomino Drive, North 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-120 [previously D.P.U. 23-DS-974U(1)]

**Tri Star Construction
P.O. Box 168
Norton, MA 02766**

On **October 30, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Tri Star Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 23, 2023**, the Respondent performed excavations at **147 Leahy Drive, Taunton, 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-121 [previously D.P.U. 23-DS-1325U]

Tylerson LLC
P.O. Box 89, 227 Long Pond Road
Great Barrington, MA 01236

On **December 20, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Tylerson LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 20, 2023**, the Respondent performed excavations at **327 Chester Road, Becket, 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.

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 19, 2024**, 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 **April 10, 2024**, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-122 [previously D.P.U. 23-DS-540U]

Unified Contracting
381 W. Third Street
Everett, MA 02149

On **July 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Unified Contracting** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **June 13, 2023**, the Respondent performed excavations at **1894 Massachusetts Avenue, 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 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-123 [previously D.P.U. 23-DS-1244U]

Unified Contracting
381 W. Third Street
Everett, MA 02149

On **December 7, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Unified Contracting** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 7, 2023**, the Respondent performed excavations at **49 Valleyfield 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 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 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-124 [previously D.P.U. 23-DS-178U]

**Upgrade Construction and Painting Inc.
164 West Long Pond Road
Plymouth, MA 02360**

On **June 22, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Upgrade Construction and Painting Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 4, 2023**, the Respondent performed excavations at **191 MA-6A, 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 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); failed to notify the operator of the underground facility that damage occurred, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(8); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-125 [previously D.P.U. 23-DS-1337U(1)]

VanZandt Plumbing Inc.
46 Fuller Street
Lee, MA 01238

On **December 27, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **VanZandt Plumbing Inc.** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **November 20, 2023**, the Respondent performed excavations at **188 Elm Street, 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 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); 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-126 [previously D.P.U. 23-DS-307U]

Venice Construction
350 Central Street
Saugus, MA 01906

On **July 12, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Venice Construction** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **May 6, 2023**, the Respondent performed excavations at **44 Great Pond Road, Boxford, 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 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); 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.

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 **August 15, 2023**, 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 **October 18, 2023**, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-127 [previously D.P.U. 22-DS-0775U]

Vinny Mofford Excavation LLC
5 Bryant Circle
Middleborough, MA 02346

On **December 23, 2022**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Vinny Mofford Excavation LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **September 14, 2022**, the Respondent performed excavations at **200 Hoods Lane, Marblehead, 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 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 **\$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 **July 17, 2023**, 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 **October 18, 2023**, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-128 [previously D.P.U. 23-DS-1102U]

Vinny Mofford Excavation LLC
5 Bryant Circle
Middleborough, MA 02346

On **November 9, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Vinny Mofford Excavation LLC** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **October 2, 2023**, the Respondent performed excavations at **14 Jakes Lane, Acushnet, 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); 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 **\$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 this Order, the Respondent shall pay a civil penalty of **\$2,000**.

D.P.U. 24-23-129 [previously D.P.U. 23-DS-172U]

W.R. Dumais
87 Downey Street
Hopkinton, MA 01748

On **June 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **W.R. Dumais** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **April 4, 2023**, the Respondent performed excavations at **1 Nicklaus Way, 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); 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 this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-130 [previously D.P.U. 23-DS-796U(1)]

Wade Construction & Remodeling
25 Millett Avenue
South Weymouth, MA 02190

On **January 3, 2024**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Wade Construction & Remodeling** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 15, 2023**, the Respondent performed excavations at **69 Belcher Street, Holbrook, 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.

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 29, 2024**, 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 **April 10, 2024**, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$1,000**.

D.P.U. 24-23-131 [previously D.P.U. 23-DS-735U]

Wayne Johnson
7 Allen Avenue
Lynn, MA 01940

On **September 21, 2023**, the Pipeline Safety Division (“Division”) of the Department of Public Utilities, pursuant to 220 CMR 99.07, issued **Wayne Johnson** (“Respondent”) a Notice of Probable Violation (“NOPV”), stating that the Division had reason to believe that on or about **August 15, 2023**, the Respondent performed excavations at **41 Roy 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 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.

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 **October 12, 2023**, 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 **October 18, 2023**, in lieu of paying the penalty, but the Respondent failed to attend the training.

Consistent with the Department’s findings in this Order, the Respondent shall pay a civil penalty of **\$1,000**.