COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

FILED
DEC 22 2023
EXECUTIVE SECRETARY
GPSC

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET# 55328
DOCUMENT# 216878

IN THE MATTER OF:

GUFPA CASE NO. PSC 23-25667 and 23-25668

DOCKET NO. 55328

Avery Grading and Hauling, L.L.C.,
Respondent

MAILED
12-27-2023

FINAL ORDER

The Georgia Public Service Commission ("Commission") issues this Order to accept the Consent Agreement agreed to by Avery Grading and Hauling, L.L.C., ("Respondent"), on November 20, 2023. A copy of the Consent Agreement is attached hereto as Attachment A.

FINDINGS AND CONCLUSIONS

1.

All Findings and Conclusions contained within the attached Consent Agreement are incorporated herein by reference.

2.

The Commission has reviewed the terms of the Consent Agreement and finds that it is a reasonable and appropriate resolution of the allegations against Respondent.

ORDERING PARAGRAPHS

WHEREFORE IT IS ORDERED, that all findings of fact and conclusions of law contained within the preceding sections of this Order and/or as incorporated therein by reference, are hereby adopted as the findings and conclusions of this Commission;

ORDERED FURTHER, that the Commission hereby accepts and adopts the Consent Agreement attached as "Attachment 'A'" and executed by Avery Grading and Hauling, L.L.C.

on November 20, 2023. Nothing in this order shall resolve or prejudge any complaint or complaints against any other person involved in the matters from which this action arises;

ORDERED FURTHER, that Respondent shall abide by the terms of the Consent Agreement.

ORDERED FURTHER, that Respondent shall pay to the Commission, ***in certified funds***, a civil penalty of $20,000.00 within thirty (30) days from the date of this Order. Respondent may mitigate $16,000.00 of the above assessed civil penalty by attending Commission approved training , and shall pay remaining civil penalty of $0.00, ***in certified funds***, within thirty (30) days from the date of this Order. Proof that such training has been accomplished shall be furnished to the Commission within forty-five (45) days from the date of this Order.

ORDERED FURTHER, that failure to comply with the terms of this Order or the Consent Agreement could subject Respondent to further penalties under O.C.G.A. § 46-2-91.

ORDERED FURTHER, that a motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission; and

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above action of the Commission in Administrative Session on December 19, 2023.

Sallie Tanner
Executive Secretary

12-22-23
Date

Jason Shaw
Chairman

12-22-23
Date

COMMISSIONERS:

JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Avery Grading and Hauling, L.L.C.,	)	DOCKET NO. 55328
RESPONDENTS	)	(PSC Case No. 23-25667 and
	)	23-25668)

CERTIFICATE OF SERVICE

I hereby certify that this Commission Order was filed with the Commission's Executive Secretary and a copy of same was served upon all parties and persons listed below via hand delivery as indicated by an asterisk, or by depositing same in the United States mail.

*Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

Avery Grading and Hauling, L.L.C.
Attn: Chris Avery
P.O. Box 1692
Dawsonville, GA 30534

Respectfully Submitted this 27th day of December, 2023:

Maritza Rivera, Admin. Assistant
Facilities Protection Unit
Georgia Public Service Commission
244 Washington St. Ste. 112
Atlanta, GA 30334

3.

Respondent(s) agree to pay to the Commission a penalty of $20,000.00 within thirty (30) days after the date of an Order issued by the Commission approving of this Consent Agreement. Payment must be forwarded to:

Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, S.W.
Atlanta, Georgia 30334-5701

All payment of penalties must be remitted in certified funds: money order, cashier's check, or official check.

Personal/Company checks will not be accepted.

4.

If Respondent(s) choose training in lieu of paying $16,000.00 of the penalty described above, Respondent(s) agree to promptly complete a training program acceptable to the Commission, ***minimum of five (5) employees required to attend training***. **The respondent will be responsible for completing the training class and submitting the remaining $4,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

5.

Respondent(s) understands that all payments will be processed upon receipt. However, this does not release the Respondent of the terms of this agreement.

6.

Respondent(s) understands that failure to comply with the terms of this Consent Agreement could subject each to additional penalties.

7.

This Consent Agreement shall not become effective until and unless approved by the Commission. Respondent(s) enter into this Consent Agreement without admission of fault or liability.

8.

The undersigned authorized representative of the Respondent(s) acknowledges that he/she has read this Consent Agreement and understands its contents. The undersigned representative acknowledges that the undersigned party freely, knowingly and voluntarily enters into this agreement. The undersigned representative hereby consents to the resolution of this proceeding as provided herein.

This 20 day of November, 2023

RECEIVED
NOV 29 2023
GUFPA UNIT
GPSC

Consented to:
(***Sign, date, and mail, email, or fax***)

On behalf of: Avery Grading and Hauling, L.L.C.

PSC 23-25667 and 23-25668

THIS DOCUMENT HAS A TRUE WATERMARK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

143225 / M 787415-E

United Community

OFFICIAL CHECK 6575996

11/20/2023

64-305
611

PAY TO THE ORDER OF Georgia Public Service Commission

$ $4,000.00

**** Four Thousand and 00/100****

DOLLARS

NOTICE: An indemnity bond may be required before this check will be replaced or refunded if lost, misplaced or stolen.

William Chris Avery
PSC 23-25667

DRAWER: UNITED COMMUNITY BANK

REMITTER

AUTHORIZED SIGNATURE

ISSUED BY: MONEYGRAM PAYMENT SYSTEMS, INC. P.O. BOX 9476, MINNEAPOLIS, MN 55480 DRAWEE: WELLS FARGO BANK, N.A. BUFORD, GA

⑈6575996⑈ ⑆061103056⑆ 0160010729407⑈

RECEIVED
NOV 29 2023
GUFPA UNIT
GPSC