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

FILED
APR 25 2024
EXECUTIVE SECRETARY
G.P.S.C.

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# 44731
DOCUMENT# 218471

IN THE MATTER OF:

GUFPA CASE NO. PSC 22-24402

DOCKET NO. 44731

Masterscaping Landscaping and Irrigation, L.L.C.
Respondent

MAILED
4.24.2024

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **Masterscaping Landscaping and Irrigation, L.L.C.**
Attn: Barry Henson
2405 Lawrenceville Highway
Lawrenceville, GA 30044

You are hereby notified that the Georgia Public Service Commission ("Commission") will hold a hearing in the Hearing Room of the Commission, located at 244 Washington Street, S.W., Atlanta, Georgia 30334-5701, **commencing at 10:00 o'clock a.m. on the June 5, 2024**, and continuing on such further days as the Commission deems necessary until completed, for the purpose of hearing evidence regarding alleged violations of O.C.G.A. T.46, Ch.2-91, as set forth herein under the heading titled "Matters Asserted" that, if proven, may result in the imposition of a penalty against Masterscaping Landscaping and Irrigation, L.L.C. (also referred to herein as "Respondent") in an amount not to exceed $15,000 per violation plus $10,000 for each day that the Respondent is found to be in violation of the Commission's Order. Notification of the following matters is hereby given:

LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Commission by O.C.G.A. § 46-2-91; and in accordance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13, and the Rules and Regulations of the Commission.

PROCEDURES

The following are the procedures to which any party to this hearing should adhere with respect to this docket:

1. **Intervention:**

   (a) Any person or party upon whom a statute does not confer an unconditional right to intervene must file an application to intervene within thirty (30) days following the first published notice of the proceedings.

   (b) Applications must clearly specify the docket in which the applicant seeks to intervene. In addition to the requirements prescribed in O.C.G.A. § 46-2-59 for applications for leave to intervene, the applicant must: (1) identify other intervening parties or intervening party applicants whose interest is similar to that of the applicant along with an explanation of why the identified intervening parties or intervening party applicant will not adequately represent the applicant's interest: and (2) state the applicant's present intention to submit direct testimony and by whom and on what subject. The requirements identified herein shall constitute a continuing obligation of the applicant or intervening party. Any objections to applications must be filed in accordance with O.C.G.A § 46-2-59(d).

   (c) Any application for leave to intervene that is filed late must state the reason why such application was not filed within thirty (30) days of the first published notice. Objections to later intervention application must be filed in conformity with the requirements of O.C.G.A. § 46-2-59(d).

   (d) The Commission will take up and rule on applications for leave to intervene at the first hearing date scheduled in this docket.

2. **Service:**

   In addition to filing an original and eight (8) copies of documents, with a 3.5" disk containing the electronic version of the document in either Microsoft Word for text documents or Microsoft Excel format for spreadsheets, with the Commission's Executive Secretary, copies of all pleadings, filings, correspondence, and any other documents related to an submitted in the course of this docketed matter should be served upon all other interveners recognized by the Commission in this docket.

3. **Hearing Exhibits:**

   It shall be the responsibility of the party sponsoring any hearing exhibits to see that the court reporter and all parties of record, in addition to the individual Commissioners or hearing officer, receive copies of all exhibits at the time of their introduction at the hearing.

RIGHTS OF RESPONDENT

The Respondent has the following rights in connection with this hearing:

(1) To respond to the matters asserted in this document and to present evidence on any relevant issue;

(2) To be represented by counsel at its expense;

(3) To subpoena witnesses and documentary evidence through the Commission by filing requests with the Executive Secretary of the Commission; and

(4) Such other rights as are conferred by law and the rules and regulations of the Commission.

MATTERS ASSERTED

1.

The Commission has the power and authority to enforce the provisions of O.C.G.A. T 46 , Ch 2-91.

2.

The Commission issued an Order on requiring payment of a fine and/or completion of a damage prevention-training program in settlement of a violation of the Georgia Utility Facility Protection Act. That Order specified that any fine was to be paid within thirty (30) days of the date of the Order, and any training was to be accomplished within forty-five (45) days of the date of the Order. Respondent has not paid such fine and/or completed a damage-prevention training program, violating the terms of the Order issued by the Commission.

STATUTES INVOLVED

O.C.G.A. § 46-2-91: Failure, neglect, or refusal to abide by the terms of an Order issued by the Commission

WHEREFORE, THE COMMISSION ORDERS that:

A. This Notice of Hearing and Procedural and Scheduling Order shall be served upon the Respondent by certified mail and shall constitute notice to the Respondent of the matters asserted pursuant to O.C.G.A. § 50-13-13(a). A copy of this Order shall be served upon the Consumers' Utility Counsel pursuant to Commission Rule 515-2-1-.09; and public notice of this investigation and hearing shall also be given by publication by the Commission.

B. The Commission hereby adopts the schedule, procedures, and statements regarding the issues and matters asserted set forth within this Order.

C. 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.

D. Jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

E. The Commission hereby assigns this matter for hearing before its hearing officer, Mr. Phillip J. Smith, Esq.

NOTICE: No continuance or postponement of the above-scheduled hearing will be granted, except upon 72 hours' written notice and except for good cause shown. All requests for continuance should be addressed to Mr. Will Culbreath, with a copy to Mrs. Yolanda Clay, at Georgia Public Service Commission, 244 Washington Street, SW, Atlanta, Georgia 30334-5701 [facsimile # 404-463-6532] or via e-mail to wculbreath@psc.state.ga.us and yclay@psc.state.ga.us. Please include documentation in support of your request for continuance. If your presence is required in court or before a government agency on the hearing date scheduled in this Notice, you must provide a copy of the court or agency calendar or subpoena showing the date and time of the conflicting hearing. Only upon receipt of written response from the Commission excusing your appearance are you excused from your duty to appear at the hearing noticed hereby.

The above by action of the Commission in Administrative Session on March 19, 2024.

Sallie Tanner
Executive Secretary

4-25-24
Date

Jason Shaw
Chairman

4-25-24
Date

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

REECE McALISTER
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ATLANTA, GEORGIA 30334-5701

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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
Masterscaping Landscaping and Irrigation, L.L.C.,	)	DOCKET NO. 44731
RESPONDENTS	)	(PSC Case No. 22-24402)
	)	

CERTIFICATE OF SERVICE

I hereby certify that this Notice of Hearing 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

Masterscaping Landscaping and Irrigation, L.L.C.
Attn: Barry Henson
2405 Lawrenceville Highway
Lawrenceville, GA 30044

Respectfully Submitted this 29th day of April, 2024:

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 $5,000.00 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 $4,000.00 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 $1,000.00 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 10th day of May, 2023

RECEIVED
MAY 16 2023
GUFPA UNIT
GPSC

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

On behalf of: Masterscaping Landscaping and Irrigation, L.L.C.

PSC 22-24402

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.

United Community Bank
Georgia

OFFICIAL CHECK

100134612

05/10/2023

64-305
611

PAY TO THE ORDER OF Georgia Public Service Commission

$ $1,000.00

**** One 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.

DRAWER: UNITED COMMUNITY BANK

Barry Henson/ Masterscaping
22-24402

REMITTER

AUTHORIZED SIGNATURE

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

⑈100134612⑈ ⑆061103056⑆016001072940 7⑈

gia Public Service Commission
244 WASHINGTON STREET, S.W.
LANTA, GEORGIA 30334-5701

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7011 2970 0003 0177 3473

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CERTI
(Domestic

For delivery

Georgia Public Service Commission
GUFPA Department
244 Washington Street
Atlanta, GA 30334

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $

Postmark Here

Sent To
Street, Apt. or PO Box
City, State, Z

PS Form 38

Masterscapin
Attn: Barry
2405 Lawre
Lawrencevil
46-2-91 22-24

Masterscaping Landscaping and Irrigation, L.L.C.
Attn: Barry Henson
2405 Lawrenceville Highway
Lawrenceville, GA 30044
46-2-91 22-24402 NOH 6/2/24

SENDER: COMPLETE THIS SECTI

- Complete items 1, 2, and 3. Also c
  item 4 if Restricted Delivery is des
- Print your name and address on th
  so that we can return the card to y
- Attach this card to the back of the
  or on the front if space permits.

1. Article Addressed to:

Masterscaping Landscaping and Irrigation, L.L.C.
Attn: Barry Henson
2405 Lawrenceville Highway
Lawrenceville, GA 30044
46-2-91 22-24402 NOH 6/2/24

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7011 2970 0003 0177 3473

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

FAILURE TO RESPOND MAY RESULT IN PENALTIES UP TO $15,000