FILED
JUN 11 2024
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 44719
DOCUMENT# 219012

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

DOCKET NO. 44719 All Premier Landscape, LLC; PSC Case No. 22-24457

FINAL ORDER

MAILED
6·13·2024

APPEARANCES:

Georgia Public Service Commission Staff: Chesley Dix

All Premier Landscape, LLC: No appearance

PROCEDURAL HISTORY

On August 5, 2022, while working at 2892 Eastwyck Road in Decatur, **All Premier Landscape, LLC** ("Respondent") caused damage to a utility facility while using mechanized equipment. Following its investigation of this incident, Commission Staff determined that the Respondent was in violation of O.C.G.A. §§ 25-9-6(a) and 25-9-8(e) (the "Violations"), sections of the Georgia Underground Facilities Protection Act ("GUFPA"). Staff recommended, through Consent Agreement, that Respondent be assessed a $10,000 civil penalty with the ability to mitigate $9,500 by completing a Commission approved damage prevention training program.

On March 1, 2023, Staff received a returned Consent Agreement signed by **All Premier Landscape, LLC**. The commission issued an order on March 21, 2023, requiring the Respondent to pay the civil penalty within thirty (30) days of the date of the order and provide proof of training within forty-five (45) days from the date of the order.

On October 3, 2023, the Commission issued a Notice of Hearing and Procedural and Scheduling Order to address Respondents failure to have complied with the Commission's Final Order. Specifically, the Commission asserted the following:

1. The Commission has the power and authority to enforce the provisions of O.C.G.A. T46, Ch 2-91.

2. The Commission issued Orders on March 21, 2023 requiring payment of a civil penalty and/or completion of a damage prevention-training program for Respondent committing the Violations. Respondent has neither paid the civil penalty nor completed a damage prevention course, thus violating the terms of the Order issued by the Commission.

A proceeding was held in accordance with O.C.G.A. § 46-2-91 on February 7, 2024.

FINDINGS AND CONCLUSIONS

Based upon the testimony of all witnesses, the documentary evidence at the evidentiary hearing, and an assessment of the credibility of the witnesses and evidence at this proceeding, the Commission hereby makes the following findings of fact and conclusions of law with respect to the issues involved in this case:

Morgan Mitchell testified in this proceeding on behalf of Commission Staff. Ms. Mitchell is the assistant to the GUFPA Program Managers for the Commission's Pipeline and Facilities Safety Section and is generally responsible for the delivery of consent agreements, Notice of Hearings, and Final Orders to probable violators of GUFPA and/or O.C.G.A. § 46-2-91.

During the hearing, Staff entered Exhibits 1 and 2 into evidence. Exhibit 1 was a chart that detailed information regarding the Final Order, Notice of Hearing, and the date of service for both the Final Order and Notice of Hearing. Exhibit 2 included copies of the Final Order, Notice of Hearing, and supporting documents for the date of service for both the Final Order and Notice of Hearing.

On March 21, 2023 the Commission issued a Final Order in this docket finding that the Respondent committed the Violations and provided Respondent thirty (30) days from the date of the Final Order to pay the Original Civil Penalty.

Ms. Mitchell testified that the Commission's Final Order was mailed to Respondents by certified mail. Per Ms. Mitchell, the certified mail copy of the Final Order was returned.

Ms. Mitchell testified that Respondents were provided notice of this proceeding by certified mail. The certified mail receipt and signed return receipt indicating the delivery of the Notice of Hearing and Procedural and Scheduling Order for this proceeding were entered into evidence as part of Staff Exhibit #2.

Ms. Mitchell testified that as of the date of this proceeding, Respondents failed to comply with the Order of the Commission in this Docket. Specifically, Respondents failed to pay the penalty and/or to mitigate a portion thereof through damage prevention training class and further, Respondents had not given any adequate explanation for the failure to comply.

Based upon the facts and circumstances presented in this case, and in accordance with O.C.G.A. § 46-2-91(b), the Commission finds that Respondents have failed to comply with a lawful Order of this Commission.

PENALTIES

Pursuant to O.C.G.A. § 46-2-91(a), the Commission has authority to impose a civil penalty not exceeding $15,000.00 for such violation of a Commission Order and an additional penalty not to exceed $10,000 for each day during which such violation continues. The Commission concludes that it is appropriate to impose a civil penalty against Respondents in the amount of **fifteen thousand dollars ($15,000)** for violation of O.C.G.A. § 46-2-91(a). This penalty is *in addition to* the Original Civil Penalty.

WHEREFORE IT IS ORDERED, that pursuant to O.C.G.A. § 46-2-91(a) The Commission concludes that it is appropriate to impose a civil penalty against Respondents in the amount of **fifteen thousand dollars ($15,000)** for violation of O.C.G.A. § 46-2-91(a). Respondents shall pay such civil penalty to the Commission, in certified funds, within thirty (30) days from the date of this Order.

ORDERED FURTHER, this penalty is *in addition to* those penalties already assessed by previous Commission Orders in this Docket.

ORDERED FURTHER, all findings, conclusions, and decisions contained within the preceding sections of this Order are hereby adopted as findings of fact, conclusions of law, and decisions of regulatory policy of this Commission.

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

ORDERED FURTHER, 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 by action of the Commission in Administrative Session on the 16th day of April, 2024.

Sallie Tanner

Sallie Tanner
Executive Secretary

6-11-24

Date

Jason Shaw
Chairman

6-11-24

Date

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET NO. 44719	All Premier Landscape, LLC;	Case Nos. 22-24457

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Final Order** was filed with the Executive Secretary of the Georgia Public Service Commission, and a copy of same was served upon all parties listed below via hand or electronic delivery as indicated, or by depositing same in the United States mail with sufficient postage thereon to insure delivery and addressed as follows:

Sallie Tanner, Executive Secretary Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY HAND)	All Premier Landscape, LLC Attn: Jose Rivera 203 Johnny Lane Dallas, GA 30132
Chesley Dix Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	
Ray-Kelle Preston Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	

This 13th day of June 2024.

Maritza Rivera
Clerk
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

FILED
MAR 01 2024
EXECUTIVE SECRETARY
G.P.S.C.

DOCKET# 44719
DOCUMENT# 217804

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

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ATLANTA, GEORGIA 30334-5701

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

DOCKET NO. 44719 All Premier Landscape, LLC; PSC Case No. 22-24457

RECOMMENDED FINAL ORDER

APPEARANCES:

Georgia Public Service Commission Staff: Chesley Dix

All Premier Landscape, LLC: No appearance

PROCEDURAL HISTORY

On August 5, 2022, while working at 2892 Eastwyck Road in Decatur, **All Premier Landscape, LLC** ("Respondent") caused damage to a utility facility while using mechanized equipment. Following its investigation of this incident, Commission Staff determined that the Respondent was in violation of O.C.G.A. §§ 25-9-6(a) and 25-9-8(e) (the "Violations"), sections of the Georgia Underground Facilities Protection Act ("GUFPA"). Staff recommended, through Consent Agreement, that Respondent be assessed a $10,000 civil penalty with the ability to mitigate $9,500 by completing a Commission approved damage prevention training program.

On March 1, 2023, Staff received a returned Consent Agreement signed by **All Premier Landscape, LLC**. The commission issued an order on March 21, 2023, requiring the Respondent to pay the civil penalty within thirty (30) days of the date of the order and provide proof of training within forty-five (45) days from the date of the order.

On October 3, 2023, the Commission issued a Notice of Hearing and Procedural and Scheduling Order to address Respondents failure to have complied with the Commission's Final Order. Specifically, the Commission asserted the following:

1. The Commission has the power and authority to enforce the provisions of O.C.G.A. T46, Ch 2-91.

2. The Commission issued Orders on March 21, 2023 requiring payment of a civil penalty and/or completion of a damage prevention-training program for Respondent committing the Violations. Respondent has neither paid the civil penalty nor completed a damage prevention course, thus violating the terms of the Order issued by the Commission.

A proceeding was held in accordance with O.C.G.A. § 46-2-91 on February 7, 2024.

FINDINGS AND CONCLUSIONS

Based upon the testimony of all witnesses, the documentary evidence at the evidentiary hearing, and an assessment of the credibility of the witnesses and evidence at this proceeding, the Commission hereby makes the following findings of fact and conclusions of law with respect to the issues involved in this case:

Morgan Mitchell testified in this proceeding on behalf of Commission Staff. Ms. Mitchell is the assistant to the GUFPA Program Managers for the Commission's Pipeline and Facilities Safety Section and is generally responsible for the delivery of consent agreements, Notice of Hearings, and Final Orders to probable violators of GUFPA and/or O.C.G.A. § 46-2-91.

During the hearing, Staff entered Exhibits 1 and 2 into evidence. Exhibit 1 was a chart that detailed information regarding the Final Order, Notice of Hearing, and the date of service for both the Final Order and Notice of Hearing. Exhibit 2 included copies of the Final Order, Notice of Hearing, and supporting documents for the date of service for both the Final Order and Notice of Hearing.

On March 21, 2023, the Commission issued a Final Order in this docket finding that the Respondent committed the Violations and provided Respondent thirty (30) days from the date of the Final Order to pay the Original Civil Penalty.

Ms. Mitchell testified that the Commission's Final Order was mailed to Respondents by certified mail. Per Ms. Mitchell, the certified mail copy of the Final Order was returned.

Ms. Mitchell testified that Respondents were provided notice of this proceeding by certified mail. The certified mail receipt and signed return receipt indicating the delivery of the Notice of Hearing and Procedural and Scheduling Order for this proceeding were entered into evidence as part of Staff Exhibit #2.

Ms. Mitchell testified that as of the date of this proceeding, Respondents failed to comply with the Order of the Commission in this Docket. Specifically, Respondents failed to pay the penalty and/or to mitigate a portion thereof through damage prevention training class and further, Respondents had not given any adequate explanation for the failure to comply.

Based upon the facts and circumstances presented in this case, and in accordance with O.C.G.A. § 46-2-91(b), the Commission finds that Respondents have failed to comply with a lawful Order of this Commission.

PENALTIES

Pursuant to O.C.G.A. § 46-2-91(a), the Commission has authority to impose a civil penalty not exceeding $15,000.00 for such violation of a Commission Order and an additional penalty not to exceed $10,000 for each day during which such violation continues. The Commission concludes that it is appropriate to impose a civil penalty against Respondents in the amount of **fifteen thousand dollars ($15,000)** for violation of O.C.G.A. § 46-2-91(a). This penalty is *in addition to* the Original Civil Penalty.

WHEREFORE IT IS ORDERED, that pursuant to O.C.G.A. § 46-2-91(a) The Commission concludes that it is appropriate to impose a civil penalty against Respondents in the amount of **fifteen thousand dollars ($15,000)** for violation of O.C.G.A. § 46-2-91(a). Respondents shall pay such civil penalty to the Commission, in certified funds, within thirty (30) days from the date of this Order.

ORDERED FURTHER, this penalty is *in addition to* those penalties already assessed by previous Commission Orders in this Docket.

ORDERED FURTHER, all findings, conclusions, and decisions contained within the preceding sections of this Order are hereby adopted as findings of fact, conclusions of law, and decisions of regulatory policy of this Commission.

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

ORDERED FURTHER, 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 by action of the Commission in Administrative Session on the __ day of _____, 2024.

Sallie Tanner	**Jason Shaw**
Executive Secretary	**Chairman**
Date	Date

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

DOCKET NO. 44719	All Premier Landscape, LLC;	Case Nos. 22-24457

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Recommended Final Order** was filed with the Executive Secretary of the Georgia Public Service Commission, and a copy of same was served upon all parties listed below via hand or electronic delivery as indicated, or by depositing same in the United States mail with sufficient postage thereon to insure delivery and addressed as follows:

Sallie Tanner, Executive Secretary Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY HAND)	All Premier Landscape, LLC Attn: Jose Rivera 203 Johnny Lane Dallas, GA 30132
Chesley Dix Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	
Ray-Kelle Preston Georgia Public Service Commission 244 Washington Street, SW Atlanta, GA 30334 (BY ELECTRONICALLY)	

This 29th day of February, 2024.

Nancy Gibson
Hearing Officer

Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

EXHIBIT 2

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

FILED
DEC 19 2023
EXECUTIVE SECRETARY

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

MAILED
12-19-2023

DOCKET# 44719
DOCUMENT# 216816

IN THE MATTER OF:

GUFPA CASE NO. PSC 22-24457

DOCKET NO. 44719

All Premier Landscape, L.L.C.
Respondent

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **All Premier Landscape, L.L.C.**
Attn: Jose Rivera
203 Johnny Lane
Dallas, GA 30132

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 February 7, 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 All Premier Landscape, 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 Utility Underground 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 October 3, 2023. ✓

Sallie Tanner
Executive Secretary

12-19-23
Date

Jason Shaw
Chairman

12-19-23
Date

EXHIBIT 2

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:	)	
	)	
All Premier Landscape, L.L.C.,	)	DOCKET NO. 44719
RESPONDENTS	)	(PSC Case No. 22-24457)
	)	

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

All Premier Landscape, L.L.C.
Attn: Jose Rivera
203 Johnny Lane
Dallas, GA 30132

Respectfully Submitted this 1st day of December, 2023:

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

EXHIBIT 2

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

FILED
MAR 31 2023
EXECUTIVE SECRETARY
G.P.S.C.

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

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ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

GUFPA CASE NO. PSC 22-24457

DOCKET NO. 44719

All Premier Landscape, L.L.C.,
Respondent

DOCKET # 44719
DOCUMENT # 193886

MAILED
4.6.2023

FINAL ORDER

The Georgia Public Service Commission ("Commission") issues this Order to accept the Consent Agreement agreed to by All Premier Landscape, L.L.C., ("Respondent"), on March 01, 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 All Premier Landscape, L.L.C. on

March 01, 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 $10,000.00 within thirty (30) days from the date of this Order. Respondent may mitigate $9,500.00 of the above assessed civil penalty by attending Commission approved training, and shall pay remaining civil penalty of $500.00, ***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 March 21, 2023.

Sallie Tanner
Executive Secretary

3-31-23
Date

Tricia Pridemore
Chairman

3-31-23
Date

EXHIBIT 2

COMMISSIONERS:

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

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
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Georgia Public Service Commission

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ATLANTA, GEORGIA 30334-5701

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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
All Premier Landscape, L.L.C.,	)	DOCKET NO. 44719
RESPONDENTS	)	(PSC Case No. 22-24457)
	)	

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

All Premier Landscape, L.L.C.
Attn: Jose Rivera
203 Johnny Lane
Dallas, GA 30132

Respectfully Submitted this 3rd day of April, 2023:

Rivera

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

EXHIBIT 2

PSC 22-24457, Docket No. 44719

3.

Respondent(s) agree to pay to the Commission a penalty of $10,000.00 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 $9,500.00 of the penalty described above, Respondent(s) agree to promptly complete a training program acceptable to the Commission, ***minimum of two (2) employees required to attend training.*** **The respondent will be responsible for completing the training class and submitting the remaining $500.00 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 21 day of March, 2023

RECEIVED
MAR 02 2023
GUFPA UNIT
GPSC

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

On behalf of: All Premier Landscape, L.L.C.

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

FILED
MAR 31 2023
EXECUTIVE SECRETARY
G.P.S.C.



EXHIBIT 2

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

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

244 WASHINGTON STREET, SW
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FAX: (404) 656-2341
psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

GUFPA CASE NO. PSC 22-24457

DOCKET NO. 44719

All Premier Landscape, L.L.C.,
Respondent

DOCKET #44719
DOCUMENT #193886

MAILED
4.3.2023

FINAL ORDER

The Georgia Public Service Commission ("Commission") issues this Order to accept the Consent Agreement agreed to by All Premier Landscape, L.L.C., ("Respondent"), on March 01, 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 All Premier Landscape, L.L.C. on

March 01, 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 $10,000.00 within thirty (30) days from the date of this Order. Respondent may mitigate $9,500.00 of the above assessed civil penalty by attending Commission approved training, and shall pay remaining civil penalty of $500.00, ***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 March 21, 2023.

Sallie Tanner
Executive Secretary

3-31-23
Date

Tricia Pridemore
Chairman

3-31-23
Date

COMMISSIONERS:

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

EXHIBIT 2

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
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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
All Premier Landscape, L.L.C.,	)	DOCKET NO. 44719
RESPONDENTS	)	(PSC Case No. 22-24457)
	)	

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

All Premier Landscape, L.L.C.
Attn: Jose Rivera
203 Johnny Lane
Dallas, GA 30132

Respectfully Submitted this 3rd day of April, 2023:

Rivera

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

EXHIBIT 2

PSC 22-24457, Docket No. 44719

3.

Respondent(s) agree to pay to the Commission a penalty of $10,000.00 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 $9,500.00 of the penalty described above, Respondent(s) agree to promptly complete a training program acceptable to the Commission, ***minimum of two (2) employees required to attend training.*** **The respondent will be responsible for completing the training class and submitting the remaining $500.00 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 21 day of March, 2023

RECEIVED
MAR 02 2023
GUFPA UNIT
GPSC

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

On behalf of: All Premier Landscape, L.L.C.

EXHIBIT 2

PSC 22-24457, Docket No. 44719

3.

Respondent(s) agree to pay to the Commission a penalty of $10,000.00 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

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Personal/Company checks will not be accepted.

4.

If Respondent(s) choose training in lieu of paying $9,500.00 of the penalty described above, Respondent(s) agree to promptly complete a training program acceptable to the Commission, ***minimum of two (2) employees required to attend training***. **The respondent will be responsible for completing the training class and submitting the remaining $500.00 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 01 day of March, 2023

RECEIVED
MAR 02 2023
GUFPA UNIT
GPSC

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

On behalf of: All Premier Landscape, L.L.C.

EXHIBIT 2

PSC 22-24457, Docket No. 44719

RESPONSE OPTIONS

(Please check only one)

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MAR 02 2023
GUFPA UNIT
GPSC

Respondent: All Premier Landscape, L.L.C. **REVISED**
Docket #: 44719
Case #: PSC 22-24457

Respondent may choose from **ONE** of the following **OPTIONS** to dispose of this case:

OPTION 1 – I Disagree and want to attend GUFPAAC: If you *disagree* with the probable violation(s) alleged you may request to appear and have your case heard before the Georgia Utility Facility Act Advisory Committee ("GUFPAAC"), a committee of industry stakeholders and peers. Please dispute same by submitting a detailed written response and return it along with all supporting evidence (pictures, diagrams, maps, witness statements and any other documentation to be used in support of your position) and sign/return the below statement within **thirty (30) days** of this NOPV:

I hereby request the opportunity to present my case to the GUFPAAC and I certify under the penalty of perjury that the response(s) and information provided regarding the afore-mentioned probable violation(s) are true and correct to the best of my knowledge.

_____ _____
Authorized Representative of Respondent Date

***Upon receipt of your signature above, your detailed written response and all supporting evidence, your case will be scheduled to be heard by the GUFPAAC and you will be notified by mail of the date of this GUFPAAC meeting.**

OPTION 2 – I Disagree and want a Hearing before the Hearing Officer: If you disagree with the probable violation(s) alleged, please dispute by submitting a detailed, written response along with all supporting evidence (pictures, diagrams, maps, witness statements and any other documentation) to be used in support of your position **within 30 days of receipt of this letter.** If you need more time to gather your information, **you must contact the GUFPA staff to request additional time. Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion. If at the point you still disagree with the findings of the investigator, your case will be heard by a Commission hearing officer.**

** **Sign below only if you are choosing Option 2** **

I certify under the penalty of perjury that the response(s) and information provided regarding the afore-mentioned probable violation(s) are true and correct to the best of my knowledge.

_____ _____
Authorized Representative of Respondent Date

OPTION 3 – I Agree and Wish to Pay the Mitigated Civil Penalty and attend Training: If you agree with the alleged probable violation(s) please complete, sign and return the **Consent Agreement** provided for in this package. A **minimum of two (2) employees** of your company shall attend Commission approved damage prevention training. You must pay the recommended **mitigated** civil penalty of **$500.00.** Staff must receive the signed **Consent Agreement** and **this "Response" page** indicating your decision, and the mitigated penalty amount by certified check or money order within 30 days of receipt of this letter.

PLEASE NOTE: Georgia Law requires that ALL information requested in OPTION 1 and OPTION 2 be provided upon Staff's request. (O.C.G.A. §§ 24-10-26, 46-2-20 and 25-9-1 *et. seq.*). Failure to respond and/or comply with these requests for information in the 30 days provided for shall result in the loss of one or more of the **OPTIONS** presented.

OPTION 4 – I Agree and Wish to Pay the Full Civil Penalty: If you agree with the alleged probable violation(s)

EXHIBIT 2

PSC 22-24457, Docket No. 44719

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

MICHELLE THE
FACILITIES PROTEC
UNIT DIRE

Georgia Public Service Commission

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(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 46
psc.

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

RECEIVED
MAR 02 2023 ~~2022~~

GUFPA UNIT
GPSC

IN THE MATTER OF:

All Premier Landscape, L.L.C.,
RESPONDENTS

CASE NUMBER: PSC 22-24457

CONSENT AGREEMENT

All Premier Landscape, L.L.C., ("Respondent(s)"), hereby agrees to presentation of the following proposed disposition of the above named matter to the Georgia Public Service Commission ("Commission"):

FINDINGS AND CONCLUSIONS:

1.

The Commission has the power and authority to enforce the provisions of the Georgia Utility Facility Protection Act, ("Act"), O.C.G.A. T. 25, Ch. 9.

2.

The Commission received a Notice of Probable Violation ("NOPV"), alleging that on 8/5/2022, Respondent(s) violated O.C.G.A. T. 25, Ch. 9. The Staff has recommended to the Commission that the NOPV be resolved pursuant to the terms set forth in this Consent Agreement.

AGREEMENT

By signing below, Respondent(s) hereby agree that this matter should be resolved as follows:

1.

This Consent Agreement, if approved by the Commission, shall constitute a final resolution of this proceeding. Respondent(s) agree that each will abide by the terms of this Consent Agreement.

2.

Respondent(s) agree that each will comply with all applicable provisions of the Act.

EXHIBIT 2

PSC 22-24457, Docket No. 44719

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

MICHELLE THE
FACILITIES PROTEC
UNIT DIRE

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(800) 282-5813

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ATLANTA, GEORGIA 30334-5701

FAX: (404) 46
psc.

2/2/2023

REVISED

All Premier Landscape, L.L.C.
Attn: Jose Rivera
203 Johnny Lane
Dallas, GA 30132

RECEIVED
MAR 02 2023
GUFPA UNIT
GPSC

Date of Incident: 8/5/2022
Docket #: 44719
Case #: PSC 22-24457
Incident Location: 2892 Eastwyck Road, Decatur

To Whom It May Concern:

A Notice of Probable Violation(s) ("NOPV") of the Georgia Utility Facility Protection Act ("GUFPA" or the "Act") has been filed with the Georgia Public Service Commission Pipeline/Facilities Safety Office ("Staff") naming you as the probable violator ("Respondent"). A copy of the Act can be found at www.lexisnexis.com/hottopics/gacode (Title 25, Chapter 9).The probable violations alleged are as follows:

O.C.G.A. Violations

25-9-6(a) Failure to contact the UPC before commencing excavation or blasting with mechanized equipment.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs

Violations of the Act are punishable by civil penalties of up to $10,000.00 (ten thousand dollars) *per violation*. **Staff recommends a civil penalty of $10,000.00. Respondent may choose from one of several options regarding the alleged probable violations. Staff recommends mitigation of $9,500.00 of the aforementioned civil penalty by attendance of two or more employees at a Commission approved damage prevention class. The respondent will be responsible for completing this training class and submitting the remaining $500.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

Specific information about the above probable violation(s) is provided in this packet so please read all documentation **completely** and **carefully.** In this packet, you will find the **Response Options, NOPV/Incident Report, Consent Agreement, GUFPA Questionnaire,** additional information on **Requests for GUFPAAC,** and a list of **Commission Approved Damage Prevention Trainers.**

YOUR AFFIRMATIVE WRITTEN RESPONSE IS REQUIRED WITHIN 30 DAYS OF THE DATE OF THIS NOPV (See "Response Options" page for more information). Failure to respond either by executing the consent agreement or requesting a hearing before the Advisory Committee will result in the issuance of a Rule NISI to be heard before the Georgia Public Service Commission.

If you have any questions, please call me at (404) 463-6526.

Sincerely,

Onterio Johnson

EXHIBIT 2

PSC 22-24457, Docket No. 44719

COMMISSIONERS:
TRICIA PRIDEMORE, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
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FAX: (404) 4
psc

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF: All Premier Landscape, L.L.C., RESPONDENTS	)	DOCKET NO. 44719 (PSC Case No. 22-24457)

CERTIFICATE OF SERVICE

I hereby certify that this Consent Agreement was served upon all parties and persons listed below by depositing same in the United States mail.

All Premier Landscape, L.L.C.
Attn: Jose Rivera
203 Johnny Lane
Dallas, GA 30132

Respectfully Submitted this 2nd day of February, 2023:

RECEIVED
MAR 02 2023
GUFPA UNIT
GPSC

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

EXHIBIT 2

TRANSACTION REPORT

MAR-01-2023 WED 04:33 PM

FOR: Ga. Pub. Ser. Comm 404 463 6532

RECEIVE

DATE	START	SENDER	RX TIME	PAGES	TYPE	NOTE	M#	DP
MAR-01	04:32 PM	7705052245	1'02"	5	FAX RX	OK		

RECEIVED
MAR 02 2022 2023 ym
GUFPA UNIT
GPSC