

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. M-100, SUB 265

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Recommendation of Penalty by the N.C. Underground Damage Prevention Review Board against Brightspeed for Violation of the Underground Utility Safety and Damage Prevention Act	) ) ) ) ) )	ORDER IMPOSING PENALTY AS RECOMMENDED BY THE UNDERGROUND DAMAGE PREVENTION REVIEW BOARD CASE NO. 621
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BY THE COMMISSION: On June 12, 2024, the Underground Damage Prevention Review Board (Board) notified the Commission that the Board made a final determination in the above-captioned proceeding, recommending that a penalty be assessed against Brightspeed for a violation of the provisions of Chapter 87, Article 8A of the North Carolina General Statutes. The Board recommends that Brightspeed be required to pay a civil penalty of \$2,500.00. The Board further states that it notified Brightspeed of its determination and that the time period for Brightspeed to request a hearing before the Board has expired. Pursuant to N.C. Gen. Stat. § 87-129(b1), the Commission shall issue an order imposing the Board's recommended penalty.

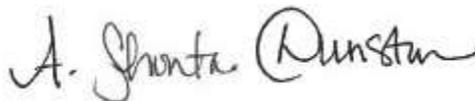
IT IS, THEREFORE, ORDERED as follows:

1. That upon the recommendation of the Board, Brightspeed is hereby required to pay a \$2,500.00 civil penalty;
2. That the Chief Clerk of the Commission shall serve a copy of this Order on the Board by electronic mail, delivery confirmation requested; and on Brightspeed by United States certified mail, return receipt requested, with an explanation of the right to appeal provided in N.C.G.S. § 87-129(c), attached hereto as Attachment A; and
3. That within 30 days of the date of this Order, Brightspeed shall file with the Commission either payment of the civil penalty or a notice of appeal of the Board's determination in accordance with Attachment A.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of July, 2024.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Chief Clerk

## ATTACHMENT A

### *Explanation of Right to Appeal under N.C.G.S. § 87-129.*

Pursuant to the foregoing Order Imposing Penalty, the North Carolina Underground Damage Prevention Review Board (Board) determined that you violated one or more provisions of the Underground Utility Safety and Damage Prevention Act (Act) and recommends that a penalty be assessed against you.

PIPES Plus educational training can be taken online at: <https://ncpipesplus.org/> or may be taken in person. The completion certificate should be emailed to UDPRB@NC.gov and mailed to the NC Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300. You must include the Docket Number listed in this Order when completing the certificate.

If you have any questions about the imposition of the penalty, the process by which the Board arrived at recommending the penalty to the North Carolina Utilities Commission for enforcement, or questions about satisfying the imposed penalty, direct those questions to the Board at the following addresses or contact number:

Underground Damage Prevention Review Board  
ATTN: Underground Utility Safety and Damage Prevention Act  
701 Exposition Place, Suite 206  
Raleigh, NC 27615

Email: UDPRB@nc.gov  
Phone: 919-670-4114

Payment for a civil penalty should be made payable to the North Carolina Utilities Commission and mailed to the Chief Clerk of the Utilities Commission at the below listed address. You must include the Docket Number listed in this Order on the memo line of the check or preauthorized ACH transfer.

Additionally, you have the right to appeal the Board's determination by initiating an arbitration proceeding. If you elect to initiate an arbitration proceeding, you must file a written request in the docket assigned to your case within 30 days of the date of this Order, and pay a filing fee of \$250.00 to the Utilities Commission at the following address:

A. Shonta Dunston, Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, NC 27699-4300

If the Utilities Commission receives a timely written request and the \$250.00 filing fee, the Commission will direct the parties to the dispute to select an arbitrator. An arbitrator is a neutral third party selected by the parties to resolve the dispute. The parties are responsible for selecting and contracting with the arbitrator. Upon completion of the arbitration process, the arbitrator will deliver a report to the Utilities Commission. The Utilities Commission will then enter an order encompassing the outcome of the arbitration process pursuant to the Act.