

DM 99-209

KOCH & KOCH BUILDERS AND DEVELOPERS, INC.

**Hearing On Violation of Underground Utility Damage Prevention
Program**

**Order to Show Cause Why Koch and Koch Builders and Developers,
Inc. Should Not Be Held Liable For Penalties Assessed,
Expenses Incurred, and Whether Additional Penalties Should Be
Imposed**

O R D E R N O. 23,428

March 20, 2000

On May 20, 1999, Public Service of New Hampshire (PSNH) reported damage to underground facilities on Bellview Drive in Swanzey, New Hampshire. The report alleged that on April 7, 1999, Koch and Koch Builders and Developers, Inc. (Koch and Koch) damaged a single phase primary cable conduit system, transformer, elbows and feed thru and that Koch and Koch failed to follow the notification procedures prescribed by RSA 374:51 II.

On June 30, 1999, the Safety Division issued a Notice of Probable Violation (NOPV) No. 99028, referencing RSA 374:51 II by certified mail, to Koch and Koch Builders and Developers. Koch and Koch received the NOPV on July 2, 1999. Koch and Koch responded via Michael Bentley Esq., with a letter dated July 6, 1999.

Based on further investigation, the Division issued Notice of Violation (NOV) No. 99028V to Koch and Koch on

December 17, 1999. Koch and Koch received the NOV on December 21, 1999. Koch and Koch responded by letter dated December 27, 1999 requesting a hearing.

Based upon the foregoing, it is hereby

ORDERED, that Koch and Koch Builders and Developers, Inc. appear before the New Hampshire Public Utilities Commission at its offices at 8 Old Suncook Road, Concord, New Hampshire at 10:00 A.M. on April 13, 2000 to show cause why Koch and Koch should not be held liable for expenses incurred by PSNH and penalties pursuant to RSA 374:55.

By order of the Public Utilities Commission of New Hampshire this twentieth day of March, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary