



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

RELIABILITY & SECURITY

IN THE MATTER OF ALLEGED VIOLATIONS)	DECISION AND ORDER
OF THE UNDERGROUND FACILITIES)	
PROTECTION ACT, <u>N.J.S.A. 48:2-73 et seq.</u>)	DOCKET NO. CS07110863K
BY COMCAST)	OC # 21-07

(SERVICE LIST ATTACHED)

BY THE BOARD:

The Board of Public Utilities ("Board") is vested with the jurisdiction to oversee the establishment and operation of the statewide New Jersey One-Call Damage and Prevention System ("One-Call System") under the authority granted by the Underground Facilities Protection Act ("UFPA") N.J.S.A. 48:2-73 et seq. The One Call System, as described in the UFPA, requires anyone who intends to engage in excavation or demolition to give advance notice to facility operators ("Operator(s)") prior to excavation to prevent facility damage and service outages. N.J.A.C. 14:2-3.1, et seq. An Operator must mark-out its underground facilities in compliance with the mark-out standards in N.J.A.C. 14:2-5.1 et seq. within three business days after receipt of the One Call System notice. N.J.A.C. 14:2-4.2.

Comcast, an Operator, ("Operator") has contracted with UtiliQuest LLC to provide mark-out services on the Company's behalf. The Operator is required to ensure that all mark-outs are made in accordance with the UFPA. N.J.A.C. 14:2-4.2(b)(1).

Board Staff has determined that from the period of April 15, 2007 through May 21, 2007, the Operator, repeatedly failed to complete mark-outs within three business days resulting in multiple late or incomplete mark-outs. Board Staff directed the Operator to take corrective action, which included assigning additional personnel to complete all outstanding mark-outs.

On July 2, 2007, Board Staff forwarded the Operator a Notice of Alleged One-Call Violation for failure to comply with the UFPA. The violation is uncontested by the Operator. Board Staff has worked with the Operator to reach a settlement of the violation by requiring the implementation of a remediation plan and the payment of a monetary penalty.

On September 28, 2007, Board Staff received an executed settlement from the Operator, which is attached hereto as Exhibit A. On November 15, 2007, the Operator submitted a remediation plan which is attached as Exhibit B.

The Board has reviewed the settlement and HEREBY FINDS it to be a reasonable settlement of the outstanding issues, in the public interest, and in accordance with the law, including the UFPA. Therefore, the Board HEREBY ADOPTS the settlement and attached remediation plan as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

The Board has reviewed the remediation plan and HEREBY ORDERS that in addition to the procedures described in the attached remediation plan, within 30 days of this Order, the Operator shall implement a remediation plan that includes:

1. A backup system that utilizes the Operator's company staff or additional resources to complete daily mark-outs should the primary resource fail. A description of the backup process including the deployment mechanism shall be submitted to Board staff.
2. An in-house, daily monitoring process that ensures the quality and timeliness of work being performed by the contract vendor resource. A description of the monitoring process including the name, phone number and location of the staff members who are doing the monitoring shall be submitted to Board staff.
3. If the monitoring identifies outstanding mark-out requests, then the Operator shall deploy additional resources on an immediate basis to complete the outstanding mark-outs as required under the UFPA. A description of this implementation including the name and contact information of the Operator's staff person who will identify, assign and monitor the Operator's company resources to complete the outstanding mark-outs shall be submitted to Board staff.
4. The Operator shall begin the distribution and installation of promotional items in order to increase damage prevention awareness and help prevent underground damages. A plan and tracking report of this distribution must be submitted to Board staff.

The Board HEREBY ORDERS the Operator to pay a penalty of \$25,000.00. Such payment has been received by the Board in accordance with Exhibit A.

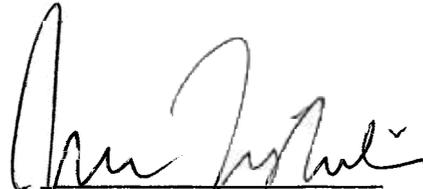
DATED:

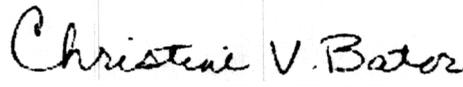
12/21/07

BOARD OF PUBLIC UTILITIES
BY:

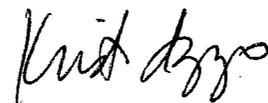

JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

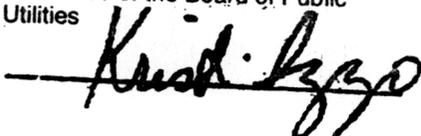

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities





STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

July 2, 2007

Emil. Sc...
to Dave Doremus.
See me on this

CERTIFIED MAIL RRR

Comcast
Attn: Warren Heimall, Director
Engineering & Technical Oper.
50 Millstone Road Building 300 Suite 200
East Windsor, NJ 08520

ALLEGED ONE CALL VIOLATION

LOCATION: Multiple

DATE OF ALLEGED VIOLATION: On or About April 14, 2007 thru May 21, 2007

BRIEF DESCRIPTION OF PROBABLE VIOLATION: Did Not Properly Mark Out/
Failure to Mark Out Within Three Business Days

STATUTE, REGULATION, OR OTHER VIOLATED. REFERENCE: N.J.S.A. 48:2-73

RE: OC#21-07

Dear Mr. Heimall:

The Board of Public Utilities (Board) has jurisdiction to oversee and enforce the provisions of the Underground Facility Protection Act (Act), N.J.S.A. 48:2-73 et. seq. The Act requires excavators to notify the New Jersey One-Call Center (formerly the Garden State Underground Plant Location Service) prior to excavating. Violators of the Act are subject to a civil penalty of not less than \$1,000 and not more than \$2,500 per violation per day. The civil penalty for a related series of violations may not exceed \$25,000. If the violation of the Act involves natural gas facilities, the maximum penalties are \$25,000 per penalty per day, with a total maximum of \$250,000 for a related series of violations.

In this instance, the Board's staff is willing to resolve this violation prior to the commencement of formal enforcement proceedings. In your case, Board's staff offers you a compromise and settlement in the amount of **\$25,000 plus, the submission of an approved remediation/prevention plan to Board Staff.** If you accept this compromise and settlement, Board's staff will recommend that this matter involving **only the specific violation listed above** be terminated by formal Board acceptance of this compromise and settlement at a regularly-scheduled public agenda meeting. You are advised that you have the right to a hearing in this matter and that, if you accept this settlement offer, you are waiving your right to such a hearing or to otherwise contest this matter through the administrative or judicial processes.

Should you wish to accept this offer of compromise and settlement as outlined above, signify your agreement to the terms of this compromise offer by signing in the space provided below, and kindly send your check in the amount of \$25,000, made payable to: TREASURER, STATE OF NEW JERSEY, to:

Joseph J. Potena
Chief Fiscal Officer
Board of Public Utilities
44 South Clinton Avenue - 7th Fl.
PO Box 350
Trenton, NJ 08625

You must write the OC Case Number, as indicated above on your check.

This offer of compromise and settlement made to you is without prejudice as to the position of the State of New Jersey or any agency or subdivision thereof if other violations are present. This offer of compromise is for settlement purposes only, and only applies to the specific incident listed herein.

If you do not accept this settlement offer within 30 days, from the date of this letter, this offer shall be deemed withdrawn, and Board's staff will recommend that the Board institute formal enforcement proceedings. If you have any questions concerning this matter, please contact Phil Affinito at (973) 648-3400.

Very truly yours,


Douglas R. Ziemba, Sr. Chief Engineer
One Call/Meter Testing

DZ/vv

I hereby accept and consent to the terms of the offer of compromise and settlement as set forth herein.

Date: Aug 9th, 2007 
Authorized representative of
Comcast

OC#21-07

cc: Joseph J. Potena, CFO



Comcast
 COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast Cable Communications Group Company
 Eastern Division
 200 Cresson Blvd.
 Oaks, PA 19456

CS07110863K Exhibit A

No. 239780657

Date : 05-SEP-07

Vendor Name : TREASURER STATE OF N

Vendor No. : 19507

INVOICE NO.	INVOICE DATE	DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
081007CKR	10-AUG-07	1PH D LAWTON	0.00	25,000.00
		OC# 21-07		
TOTAL			0.00	25,000.00

THE BACK OF THIS DOCUMENT HAS A MULTI COLORED BACKGROUND - NOT A WHITE BACKGROUND



COMCAST FINANCIAL AGENCY CORPORATION
 A Comcast Cable Communications Group Company
 Eastern Division
 200 Cresson Blvd
 Oaks, PA 19456



Bank One, NA
 Columbus, OH



No. 239780657

56-1544 / 441
 675528343

Date 05-SEP-07

Void After 180 Days

Pay Twenty-Five Thousand Dollars And 00 Cents*****

\$ *****25,000.00

To
 The
 Order
 Of
 TREASURER STATE OF NEW JERSEY
 BOARD OF PUBLIC UTILITIES
 44 SOUTH CLINTON AVENUE 7TH FLOOR
 P.O. BOX 350
 TRENTON, NJ 08625

Authorized Signature

David A. Scott

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈ 239780657⑈ ⑆044115443⑆

675528343⑈

RECEIVED
MAIL ROOMComcast Cable
Windsor Corporate Park
50 Millstone Road - Building 300 Suite 200
East Windsor, NJ 08520

07 OCT 22 PM 3: 01

BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

October 16, 2007

Mr. Phillip Galka,
Division of Reliability and Security
NJ Board of Public Utilities
Two Gateway Center
Newark, New Jersey

RE: OC#21-07

Dear Mr. Galka:

Please accept this letter on behalf of the cable television subsidiaries of Comcast Cable Communications, LLC ("Comcast") which own and operate cable television systems in New Jersey and were subject to the Notice of Alleged One-Call Violation (the "Notice") issued by the Board of Public Utilities (the "Board") on July 2, 2007. As you will recall, the Notice included an offer of compromise and settlement in the amount of \$25,000.00 and a request for the submission of an approved remediation and prevention plan ("Plan") to the Bureau of One-Call/Meter Testing ("Bureau"). Comcast has previously communicated to your office its intention to accept the offer of settlement and, in fact, Comcast has submitted its payment to the Board, which Comcast's records show was processed by the Board on September 10, 2007. The only open issue is the submission of the Plan, which you requested that we submit on or before October 19, 2007.

As you are, of course, aware, Comcast sought and received input from you in connection with the preparation of its Plan, which is set forth below.

The Bureau requested a summary as to the corrective actions taken by Comcast. As the Bureau is aware, Comcast has utilized the services of an underground facilities locating and marking service provider, UtiliQuest LLC ("UtiliQuest"). Comcast has advised UtiliQuest that it has a contractual obligation to locate and mark Comcast's underground facilities in accordance with the One-Call law and regulations. In response to the Notice, Comcast requested that UtiliQuest provide to Comcast a ticket due report twice daily, once in the morning and once in the afternoon. Earlier this month the number of due tickets listed on the morning reports had dropped substantially, and therefore, at UtiliQuest's request, Comcast has agreed to a single daily report each morning. Thus, Comcast is still able to monitor the completion of the pending tickets due on that day. Comcast also reserves the right to reinstitute the twice daily report and daily conference calls should the need arise.

Comcast personnel also continue to participate in a weekly conference call with UtiliQuest personnel to discuss mark out ticket quality control activity from the preceding week. Also, as the Bureau is aware, Verizon's ongoing FTTP project has resulted in a significant

increase in tickets. As such, Comcast personnel participate in weekly calls with representatives of UtiliQuest, Verizon and Verizon's FTTP contractors, which enables the parties to better prepare for future One-Call activity. Finally, Comcast and UtiliQuest are investigating whether there may be a more user friendly electronic map that would help retrieve information regarding the location of Comcast's underground facilities more expeditiously than is currently available.

In addition to the foregoing, and, due to UtiliQuest's previous failure to provide locating services in a timely fashion due to staffing shortages, Comcast and UtiliQuest have agreed that Comcast will bring in a second underground facilities locating and marking service provider to handle part of the Comcast locates within New Jersey. Moreover, the new locate company and UtiliQuest will provide back up services, if needed, to each other as a redundancy measure if one company begins to experience a significant back log in Comcast locate tickets due. Also, in order to better monitor ticket status and in an effort to avoid instances in which there are an excess number of tickets due on a particular day, Comcast is requiring that UtiliQuest provide a second daily report concerning the status of all pending tickets by CDC area.

With regard to the contact information for those Comcast personnel responsible for monitoring One-Call compliance, please see Exhibit A.

As you will recall, we have discussed how Comcast should treat instances where mark outs cannot be completed during the three day window, if at all, due to circumstances beyond its control. For example, in the event there is an extreme weather event, such as a hurricane, nor'easter or blizzard, during the three day mark out period, Comcast may not be able to complete the mark out in a timely fashion. In such instances, Comcast proposes that it, either directly or through its underground facilities locating and marking service providers, will notify the excavator and the One-Call Center of the anticipated delay in order to generate an update ticket. In addition to weather events, Comcast has, in the past, been faced with situations in which it has not received accurate information regarding a property location or has been denied access to a property or is otherwise unable to gain access due to barriers such as fencing, guard dogs, etc. Here again, Comcast proposes that in such situations, it will notify the excavator and the One-Call Center to generate an update ticket.

I trust that you will find the foregoing Plan satisfactory. Of course, should you have any questions or comments regarding the above, please do not hesitate to contact me.

Sincerely,



Warren Heimall
NJ Reg. Dir. Of Eng. and TechOps
CC: Greg Arnold
Bill Kettleon
Tom Tideman
Lauren Brown
Rich De Angelis

EXHIBIT A
ONE-CALL COMPLIANCE MONITORING CONTACT INFORMATION

Cherry Hill, Maple Shade, Burlington and Gloucester

Doris_Pascale@cable.comcast.com 856-427-4617
John_Marlin@cable.comcast.com 609-634-9191
Mike_McCabe@cable.comcast.com 856-427-4 620

Vineland

Vince_Dix@cable.comcast.com 856-694-6019
James_Parkinson@cable.comcast.com 609-280-2202

Pleasantville

Greg_Ssmith@cable.comcast.com 609-680-1079
Linda_Jadlocki@cable.comcast.com 609-677-7322
Mike_Neff@cable.comcast.com 609-839-1273

Mercer (Trenton) and Lambertville

Brian_Locker@cable.comcast.com 609-548-6307
Whitney_Segers@cable.comcast.com 609-394-8855
Jim_Lipsey@cable.comcast.com 609-851-9887

Wildwood and Avalon

Mike_garlardi@cable.comcast.com 609-680-1140
Kenneth_haungs@cable.comcast.com 609-408-8820

Monmouth

Bill_Brandow@cable.comcast.com 732-935-5482

Central

Bob_Schroeder@cable.comcast.com 609-426-3306

Monmouth, Ocean and Central

Joe_Postorino@cable.comcast.com 732-281-3732

Ocean

Bill_Vannote@cable.comcast.com 848-992-6904

Toms River

John_Cross@cable.comcast.com 732-281-3732
Vincent_Russo@cable.comcast.com 732-921-4040

LBI**Dan_Sharkey@cable.comcast.com****Jersey City, Meadowlands****Kevin_Rooney@cable.comcast.com****Jersey City****Angle_Cortez@cable.comcast.com****Meadowlands****Joe_Sheedy@cable.comcast.com****Union, Plainfield, MHL****George_Palyca@cable.comcast.com 908-851-8858****Lynn_Marasco@cable.comcast.com 908-851-8857****Ralph_Lamberti@cable.comcast.com 908-689-4363****Fran_Lancaster@cable.comcast.com 908-339-1329****Cherry Hill, Maple Shade, Burlington, Gloucester****Mike_McCabe@cable.comcast.com 856-427-4 620****Dispatch Groups****Cherry Hill, Burlington, Gloucester,
Maple Shade Dispatch Group 856-669-0100****Vineland, Pleasantville, Wildwood,
Avalon Dispatch Group 856-507-2641****Toms River, LBI Dispatch Group 732-281-3764****Monmouth, Ocean, Central
Dispatch Group 1-800-517-9874****Union, Plainfield Dispatch Group 1-800-228-0479****Jersey City, Meadowlands,
Northwest Dispatch Group 1-800 964-2225**

Comcast

CS07110863K

Service List

Warren Heimall
Director, Engineering and Technical Operations
Comcast
50 Millstone Road
Building 300, Suite 200
East Windsor, New Jersey 08520

James Giuliano
Director, Division of Reliability and Security
NJ Board of Public Utilities
2 Gateway Center
Newark, New Jersey 07102

Geoffrey Gersten
Deputy Attorney General
State of New Jersey, Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101