



Agenda Date: 2/11/10
Agenda Item: 6A

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

AUDITS/RELIABILITY & SECURITY

IN THE MATTER OF THE INITIAL RATE CHARGED)
BY ONE CALL CONCEPTS, INC. FOR OPERATION) ORDER
OF THE NEW JERSEY ONE-CALL DAMAGE)
PREVENTION SYSTEM)
)
) DOCKET NO. AA09020127

SERVICE LIST ATTACHED

Kevin Conti, Esq, Decotiis, Fitzpatrick, Cole & Wisler, LLP, Teaneck, N.J. 07666

BY THE BOARD:

The Board of Public Utilities ("Board") has jurisdiction to oversee and enforce the provisions of the Underground Facility Protection Act ("the Act") pursuant to the provisions set forth in N.J.S.A. 48:2-73 et seq. The primary purpose of the Act is to establish the One-Call Damage Prevention System ("the System") for the protection of underground facilities that are used for the conveyance of water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, traffic control, or for the transportation of a hazardous liquid.

Through the Department of Treasury, Division of Purchase and Property, a Request for Proposal was issued to designate a System Operator for the System. On September 16, 2009, after reviewing the report and recommendations of the Evaluation Committee, the Board selected One Call Concepts, Inc. ("OCC" or "the Vendor"), of Hanover, Maryland, as System Operator of the System for a period beginning February 17, 2010 and ending February 16, 2015. Accordingly, the Department of Treasury, Division of Purchase and Property entered into contract No. A75304 ("Contract") with OCC, on behalf of the Board, for the five-year period effective February 17, 2010 through February 16, 2015, including by reference the original solicitation issued, Number 20634, and any addenda thereto, and OCC's bidder's proposal as accepted by the State.

As System Operator, the Vendor's primary responsibility is to process incoming messages from excavators of planned excavation or demolition activity and send notifications ("Tickets") to underground facility operators with facilities in the area of the proposed activity. The Contract provides that OCC will be compensated for each request for mark-out ("Message") that it

receives and that it will collect this compensation through a per-Ticket charge to underground facility operators. The exact amount of this charge is calculated based upon an estimate, made at the beginning of each contract year, of the average number of Tickets that will be sent for each Message received ("the Ratio"). The Ratio is established to ensure that the charges for Tickets will provide sufficient revenue to pay OCC at the Contract rate of \$6.90 per Message. Because the estimated Ratio for any given year may result in the over-compensation of the System Operator, the Contract also provides that "OCC shall, at the request of NJBPU staff, set a lower charge per Ticket [for the next contract year] if sufficient funds are available from prior 12-month periods or collections."

On January 18, 2010, OCC filed a petition with the Board, seeking approval of its initial tariff for facilities protection services, in accordance with approved contract rates which establishes the first year's per Ticket rate at \$1.07. The charge is subject to an annual adjustment, up or down, based upon actual revenues received.

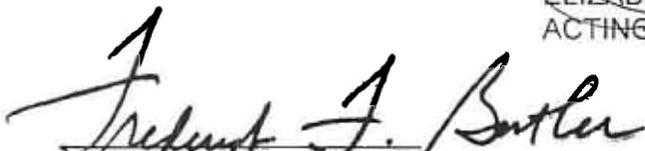
In addition to the Contract rate, the Tariff sets forth rates for other permissible services provided by OCC under the Contract. Any revenue from these charges shall be included by OCC when calculating the annual reconciliation as well as any subsequent rate changes and true-ups. .

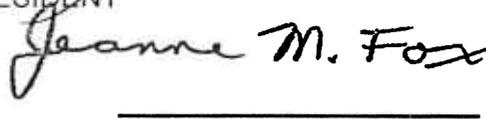
The Board HEREBY ORDERS that the rate per Ticket be established at \$1.07 for the first year the contract rate be established at \$6.90 per message and that OCC's initial tariff be approved to be effective on February 17, 2010.

DATED: 2/17/10

BOARD OF PUBLIC UTILITIES
BY:


ELIZABETH RANDALL
ACTING PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


JEANNE M. FOX
COMMISSIONER

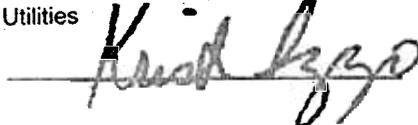

JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
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



IN THE MATTER OF THE INITIAL RATE CHARGED BY ONE CALL CONCEPTS, INC. FOR
OPERATION OF THE NEW JERSEY ONE-CALL DAMAGE PREVENTION SYSTEM
DOCKET NO. AA09020127

SERVICE LIST

Petitioner

Thomas Hoff, President
One Call Concepts, Inc.
7223 Parkway Drive, Suite 210
Hanover, MD 21076

Petitioner's Attorney

Kevin Conti, Esq.
Decotiis, Fitzpatrick, Cole & Wisler, LLP
Glenpointe Centre West
500 Frank W. Burr Blvd. Suite 31
Teaneck, N.J. 07666

Board Staff

Dennis Moran, Director
Division of Audits
Board of Public Utilities
Two Gateway Center
Newark, N.J. 07102

Board Staff

James Giuliano, Director
Division of Reliability & Security
Board of Public Utilities
Two Gateway Center
Newark, N.J. 07102

Deputy Attorney General

Geoffrey Gersten, DAG
Division of Law
124 Halsey St. 5th Floor
Newark, N.J. 07102