

violations. N.J.S.A. 48:2-88(a). Violation of a provision relating to natural gas or hazardous liquid underground pipelines or distribution facilities shall subject the violator to civil penalties not to exceed \$100,000.00 per violation per day and not to exceed \$1,000,000.00 for any related series of violations. In addition, the violator may be assessed the cost of any Board investigation, inspection or monitoring survey which leads to the establishment of a violation and for the reasonable costs of preparing and litigating the matter. N.J.S.A. 48:2-86(b)(2).

Following reports of failure to call the System prior to commencing excavation or demolition activities, failure to hand dig and locate facilities, failure to use reasonable care, or reports of failure to mark out underground facilities or properly mark them, Board Staff contacted the entities listed on the attached Appendix and informed them of the date and location of the alleged violations, also listed on the Appendix.

In an attempt to resolve these matters, each excavator or operator listed on the Appendix has submitted an Offer of Settlement to the Board for its consideration. Each such Offer of Settlement is summarized in the Appendix. The Offers of Settlement were made available to the Board to review. After consideration of these matters, the Board HEREBY FINDS these Offers of Settlement to be reasonable and in the public interest, and HEREBY ACCEPTS these Offers of Settlement in full satisfaction of the above referenced alleged violations of the Act.

By acceptance of the various Offers of Settlement and the timely payment thereof, the Excavator or Operator has waived any rights to a hearing, and the Board has waived any rights to bring an action for civil penalties as permitted by the Underground Facility Protection Act in connection with the above-referenced alleged violations of the Act. It must also be noted that the acceptance of the Offers of Settlement are for settlement purposes only and apply strictly to the specific incidents setout in the Appendix. This acceptance is without prejudice as to the position of the State of New Jersey or any agency or subdivision thereof if other violations are present, now or in the future.

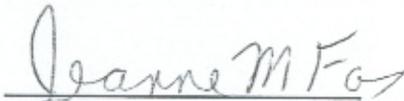
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED

DATED: 3/24/10

BOARD OF PUBLIC UTILITIES
BY:



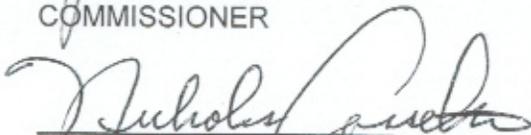
LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER

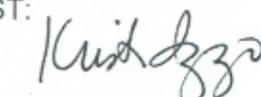


NICHOLAS ASSELTA
COMMISSIONER



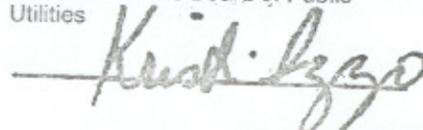
ELIZABETH RANDALL
COMMISSIONER

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



Damage Type	BPU Docket No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage Gas	GS10010070K	GOC2008-0097	Outside scope of Markout Requested	\$3,000		Township of Middletown Sewerage Authority	9/29/08	39 Virginia, Middletown	10/1/09
Damage Gas	GS10010071K	GOC2008-0067	No call	\$3,000		Borough of Point Pleasant	7/31/08	101 Curtis Avenue, Point Pleasant Kinderkamack Rd., Emerson-Major Operator/Excavator	10/8/09
Damage Gas	GS10010072K	GOC2008-0023	Outside scope	\$6,000		United Water of NJ	4/29/08	717 Rt. 36 Union Beach-Road Closure	10/1/09
Damage Gas	GS10010073K	GOC2008-0043	Expired Markout	\$6,000		Cruz Contractors, LLC	9/10/08		9/11/09
Damage Gas	GS10010074K	GOC2008-0028	Did not properly mark out	\$3,000	South Jersey Gas Co.		4/24/08	261 75th St., Avalon	9/2/09
Damage Gas	GS10010075K	GOC2008-0027	Did not properly mark out	\$3,000	South Jersey Gas Co.		4/11/08	717 Chelsea Rd., Mullica Hill	9/3/09
Damage Gas	GS10010076K	GOC2008-0048	No call	\$6,000				160 Mansfield Rd., E Mansfield-School	
Damage Gas	GS10010077K	GOC2008-0086	No call	\$3,000		Horner Brothers LLC	8/20/08	Evacuated	8/29/09
Damage Gas	GS10010078K	GOC2008-0117	Did not properly mark out	\$3,000	Elizabethtown Gas Co.	Millbrook Lawn Sprinklers, LLC	9/5/08	19 Tuttle, Spring Lake	8/26/09
Damage Gas	GS10010079K	GOC2008-0019	No call	\$3,000		F&P Construction Inc.	6/10/08	North Way, Sea Bright	8/26/09
Damage Gas	GS10010080K	GOC2008-0072	Did not properly mark out	\$3,000	New Jersey Natural Gas Co.		8/7/08	701 Broadway, Long Branch	8/27/09
Damage Gas	GS10010081K	GOC2008-0051	Did not properly mark out	\$3,000	New Jersey Natural Gas Co.		7/7/08	128 Park Ave., Bayhead	8/26/09
Damage Gas	GS10010082K	GOC2008-0049	Did not properly mark out	\$3,000	New Jersey Natural Gas Co.		7/1/08	875 Woodmere Dr., Cliffwood	8/26/09
Damage Gas	GS10010083K	GOC2008-0052	Did not properly mark out	\$3,000	New Jersey Natural Gas Co.		7/7/08	235 Edmunds Ave., Union Beach	8/26/09
Damage Gas	GS10010084K	GOC2008-0096	Did not properly mark out	\$3,000	New Jersey Natural Gas Co.		9/24/08	1415 Central Ave., Seaside Park	8/26/09
Damage Gas	GS10010085K	GOC2008-0062	Did not properly mark out	\$3,000	New Jersey Natural Gas Co.		7/23/08	28 Ridge Road, Colts Neck	8/26/09
Damage Gas	GS10010086K	GOC2008-0070	Did not properly mark out	\$3,000	New Jersey Natural Gas Co.		8/5/08	19 Morningside Court, Lakewood	8/26/09
Damage Gas	GS10010087K	GOC2007-0073	Did not properly mark out	\$3,000	South Jersey Gas Co.		11/20/06	230 Richwood0Aura Rd., Harrison Township	9/2/09
Damage Gas	GS10010088K	GOC2007-0098	Did not properly mark out	\$3,000	South Jersey Gas Co.		3/28/07	9311 Monmouth, Margate City	9/2/09

Damage Type	BPU Docket No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Gas	GS10020150K	GOC2008-0042	No call	\$6,000		Meco, Constructors, Inc.	8/8/08	307 Route 70, Evesham-Highway Closed	8/4/09
Damage, Gas	GS10020151K	GOC2008-0044	Did not properly mark out	\$3,000	PSE&G(G)		7/16/08	428 River Road, Chatham	9/21/09
Damage, Gas	GS10020152K	GOC2008-0047	Did not properly mark out	\$3,000	New Jersey Natural Gas Co.		10/15/08	Highway 35, Bayhead	8/12/09
Damage, Gas	GS10020153K	GOC2008-0050	Did not properly mark out	\$3,000	New Jersey Natural Gas Co.		7/7/08	171 5th Ave, Neptune City	8/12/09
Damage, Gas	GS10020154K	GOC2008-0041	Did not properly mark out	\$3,000	Elizabethtown Gas Co.		9/4/08	1133 Inman Ave, Edison	8/18/09
Damage, Gas	GS10020155K	GOC2008-0040	Did not properly mark out	\$3,000	Elizabethtown Gas Co.		9/3/08	2318 Edward Stec, Edison	8/20/09
Damage, Gas	GS10020156K	GOC2008-0038	Did not properly mark out	\$3,000	Elizabethtown Gas Co.		8/29/08	28 Ten Eyck Pl., Edison	8/20/09

Total Amount: \$90,000

26 Cases