

That damage to underground facilities caused by excavation and the discharge of explosives poses a significant risk to the public safety; that such damage to underground natural gas facilities poses a substantial risk to the public safety; and that the implementation of a comprehensive One-Call Damage Prevention System can substantially reduce the frequency of damage caused by these activities.

The Legislature therefore determines that it is in the public interest for the State to require all operators of underground facilities to participate in a One-Call Damage Prevention System and to require all excavators to notify the One-Call Damage Prevention System prior to excavation or demolition.

N.J.S.A. 48:2-74.

The Act defines "excavator" as "any person performing excavation or demolition," and "operator" as "a person owning or operating, or controlling the operation of, an underground facility..." N.J.S.A. 48:2-75. The One-Call Damage Prevention System ("the System") coordinates communication and responsive action between these two groups of persons. N.J.S.A. 48:2-80, -82.

The Act subjects violators of its provisions to civil penalties of not less than \$1,000.00 and not more than \$2,500.00 per violation per day, not to exceed \$25,000 for any related series of violations. N.J.S.A. 48:2-88(a). Violations 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, a 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 for its 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.

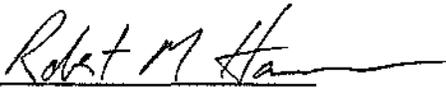
By acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing, and the Board has waived any rights to bring an action for civil penalties as permitted by the Underground Facility Protection Act in connection with the above-referenced 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 described 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.

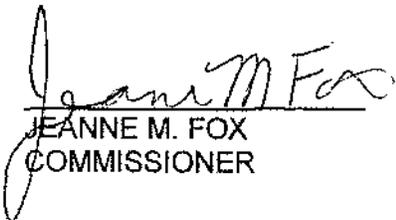
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED

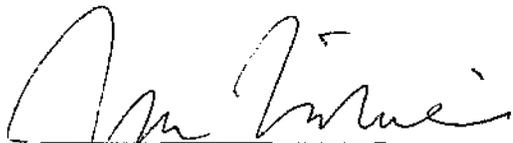
This Order shall be effective on November 29, 2013.

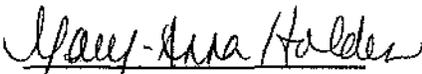
DATED: 11/22/13

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

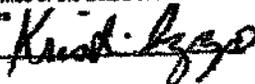

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
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 ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY
PROTECTION ACT, N.J.S.A. 48:2-73 ET. SEQ. ORDER ACCEPTING SETTLEMENTS
DOCKET NOs. GS13080790K et al. (see attached appendix)**

SERVICE LIST

<p>Craig Lynch, Vice President New Jersey Natural Gas Company 1415 Wyckoff Rd. Box 1464 Wall NJ 07719</p>	<p>Wayne Souders J.Souders and Son Excavating 3349 Dante Ave. Vineland NJ 08361</p>
<p>Ricky Harding Elizabethtown Gas Co. 520 Green Lane Union NJ 07083</p>	<p>T. Watkins Carroll Engineering Corp 949 Easton Rd. Warrington Pa 18976</p>
<p>Frank Coriano Public Service Electric and Gas 80 Park Plaza Mail Code T14 Newark NJ 07101</p>	<p>Mike Adoni Mike Adoni LLC 16 Franklin Street Mahwah NJ 07430</p>
<p>M. Bryan Passaic Valley Water Commission 1525 Main Ave Clifton NJ 07011</p>	<p>Matthew Esposito Esposito Construction 253 Main St. Matawan NJ 07747</p>
<p>Joseph Deluca Jonico Inc. Box 751 Lambertville NJ 08530</p>	<p>Mike Smit Shore Top Construction 2803 Bridge Ave Point Pleasant Beach NJ 08742</p>
<p>Spiro Mitrow Atlas Concrete 40 Brunswick Ave Edison NJ 08817</p>	<p>Mark Schwartz J.F. Kiely Construction Co 700 McClellan St. Long Branch NJ 07740</p>
<p>R. Evans Brick MUA 1551 Highway 88 Brick NJ 08724</p>	<p>James Giuliano, Director Division of Reliability & Security Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350</p>
<p>John Holmes N.J. Department of Human Services Ancora Hospital 301 Spring Garden Rd. Hammonton NJ 08037</p>	<p>Douglas Ziemba, Chief Engineer Division of Reliability & Security Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350</p>

Geoffrey Gersten, DAG
State of New Jersey
Department of Law & Public Safety
Division of Law
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Newark, NJ 07101-45029

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Board of Public Utilities
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Trenton, New Jersey 08625-0350

IN THE MATTER OF:
 ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY PROTECTION ACT,
 N.J.S.A. 48:2-73 ET.SEQ. ORDER ACCEPTING SETTLEMENTS

Bureau of One Call - Settlements -APPENDIX-November 2013

Damage Type	BPU Dkt.No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage Gas	GS13080790K	GOC2010-0046	Did not properly mark out	\$ 3,000.00	Elizabethtown Gas	-	04/26/10	Elizabeth Ave. Linden	11/20/12
Damage Gas	GS13080791K	GOC2010-0047	Did not properly mark out	\$ 3,000.00	Elizabethtown Gas	-	04/28/10	6th Ave. Roselle	11/20/12
Damage Gas	GS13080792K	GOC2010-0048	Did not have a valid markout	\$ 3,000.00	NJ Natural Gas	NJ Natural Gas	03/21/10	Riverside Rd. Neptune	12/05/12
Damage Gas	GS13080793K	GOC2010-0049	Did not have a valid markout	\$ 3,000.00	NJ Natural Gas	NJ Natural Gas	03/29/10	Castlewall Rd. Eiberton	12/05/12
Damage Gas	GS13080794K	GOC2010-0050	Did not have a valid markout	\$ 3,000.00	NJ Natural Gas	JF Kiely Const	05/10/10	Maria Dr. Toms River	11/29/12
Damage Gas	GS13080795K	GOC2010-0051	Did not properly mark out	\$ 3,000.00	NJ Natural Gas	-	05/11/10	Rt 36 Hazlet	12/28/12
Damage Gas	GS13080796K	GOC2010-0056	Did not have a valid markout	\$ 3,000.00	NJ Natural Gas	Shore Top Const	05/13/10	Woodview Ave. Whiting	03/22/13
Damage Gas	GS13080797K	GOC2010-0059	Did not have a valid markout	\$ 3,000.00	NJ Natural Gas	Esposito Const.	05/06/10	Rt 34, Malawan	03/22/13
Damage Gas	GS13080798K	GOC2010-0062	Did not have a valid markout	\$ 3,000.00	NJ Natural Gas	Mike Adoni LLC	06/03/10	Konner Rd. Montville	11/29/12
Damage Gas	GS13080800K	GOC2010-0067	Did not have a valid markout	\$ 3,000.00	SJG	Carroll Engineering	06/10/10	Bambridge Dr. Harrison	11/14/12
Damage Gas	GS13080801K	GOC2010-0068	Did not have a valid markout	\$ 3,000.00	SJG	NJ Dept Human Svc Ancora Maintance	06/14/10	Lake Dr. Winslow Twp	01/17/13
Damage Gas	GS13080802K	GOC2010-0070	Did not have a valid markout	\$ 3,000.00	SJG	J. Souders and Son	06/18/10	Salvatore Dr. Mullica	11/30/12
Damage Gas	GS13080803K	GOC2010-0074	Did not properly mark out	\$ 3,000.00	PSE&G	-	05/26/10	Broadmead St. Princeton	11/21/12
Damage Gas	GS13080804K	GOC2010-0075	Failure to Use Reasonable Care	\$ 1,000.00	PSE&G	Passaic Valley Water	05/28/10	13th Ave. Paterson	03/22/13
Damage Gas	GS13080805K	GOC2010-0078	Did not have a valid markout	\$ 3,000.00	NJ Natural Gas	Atlas Concrete	07/08/10	rt 35 Holmdel	03/25/13
Damage Gas	GS13080806K	GOC2010-0083	Did not have a valid markout	\$ 3,000.00	PSE&G	Jonico Inc	08/03/10	Orchard Rd Montgomery	03/09/13
Damage Gas	GS13080807K	GOC2010-0085	Did not properly mark out	\$ 6,000.00	Elizabethtown Gas	-	08/04/10	Main St. Hackettstown	12/06/12
Damage Gas	GS13080808K	GOC2010-0090	Did not have a valid markout	\$ 3,000.00	NJ Natural Gas	Brick MUA	07/27/10	Spruce Dr. Brick Twsp	11/27/12
Damage Gas	GS13080809K	GOC2010-0097	Did not properly mark out	\$ 3,000.00	NJ Natural Gas	-	08/10/10	Eagle Dr. Towaco	12/28/12
Total	19			\$ 58,000.00					