



Agenda Date: 01/21/15
Agenda Item: VIB

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

RELIABILITY & SECURITY

IN THE MATTER OF ALLEGED VIOLATIONS OF THE)
UNDERGROUND FACILITY PROTECTION ACT,)
N.J.S.A. 48:2-73 ET SEQ.)
)
) DOCKET NOs. GS14121372K et al.
) (see attached appendix)

Parties of Record:

Frank Coriano, Manager, Public Service Electric and Gas Company
Phil Salvatore, Manager, Elizabethtown Gas Company
John Stanziola, Manager, South Jersey Gas Company
Bernard Smalls, Manager, Verizon

BY THE BOARD¹:

The Board of Public Utilities ("Board") has jurisdiction to oversee and enforce the provisions of the Underground Facility Protection Act ("the Act") pursuant to N.J.S.A. 48:2-73, et seq. The primary purpose of the Act is to establish the One-Call Damage Prevention 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. In declaring its findings and the purpose of the Act, the Legislature stated, in pertinent part:

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.

¹ Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

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..."

The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 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 per violation per day and not to exceed \$1,000,000 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 provided on the Appendix submitted an Offer of Settlement to the Board for consideration. Each such Offer of Settlement is summarized in the Appendix. The Offers of Settlement were reviewed by the Board. After consideration of the matters, the Board **HEREBY FINDS** the Offers of Settlement as provided in the Appendix to be reasonable and in the public interest, and **HEREBY ACCEPTS** said Offers of Settlement in full satisfaction of the above referenced alleged violations of the Act.

By acceptance of the Offers of Settlement and the timely payment thereof, the excavator or operator right to a hearing, and the Board waives theright to bring an action for civil penalties as permitted the Act. 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.

This Order shall be effective on February 2, 2015.

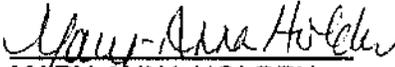
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED

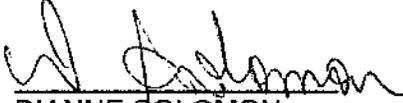
DATED: 1/21/15

BOARD OF PUBLIC UTILITIES
BY:

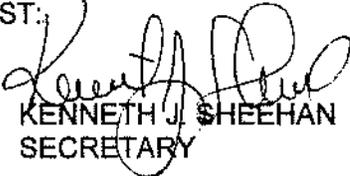

RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER

ATTEST:


KENNETH J. SHEEHAN
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. GS14121372K et al. (see attached appendix)**

SERVICE LIST

Frank Coriano
Public Service Electric and Gas Company
410 Silver Lake Rd
Edison, NJ 08817

Phil Salvatore
Elizabethtown Gas Company
300 Connell Drive, Suite 3000
Berkeley Heights, NJ 07922

John Stanziola
South Jersey Gas Company
1 South Jersey Plaza
Folsom, NJ 08037

Bernard Smalls
Verizon
540 Broad St.
Newark, NJ 17017

James Guiliano, Director
Division of Reliability & Security
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Douglas Ziemba, Chief Engineer
Division of Reliability & Security
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

James P. Kane, Esq.
Counsel's Office
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Geoffrey Gersten, DAG
Division of Law and Public Safety
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029

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-January VIB 2015

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Gas	GS14121372K	GOC2014-0393	Did not properly mark	\$3,000	PSE&G		7/9/2014	Castle Point Terr., Hoboken	10/20/2014
Damage, Telephone	TS14121373K	TOC2013-0007	Did not properly mark	\$2,000	Verizon		10/15/2013	Hillside Ave., Roxbury	11/6/2014
Damage, Telephone	TS14121374K	TOC2014-0002	Did not properly mark	\$2,000	Verizon		1/6/2014	Washington St., Cape May	11/4/2014
Damage, Telephone	TS14121375K	TOC2014-0005	Did not properly mark	\$2,000	Verizon		1/13/2014	Willow Brook Dr., North Brunswick	10/8/2014
Damage, Telephone	TS14121376K	TOC2014-0014	Did not properly mark	\$2,000	Verizon		1/31/2014	Whispering Woods Blvd., Montmouth Junction	10/8/2014
Damage, Telephone	TS14121371K	TOC2014-0015	Did not properly mark	\$2,000	Verizon		2/5/2014	46th St., Pennsauken	10/8/2014
Damage, Gas	GS14121370K	GOC2014-0378	Did not properly mark	\$3,000	South Jersey Gas		7/3/2014	Salvatore Dr., Harrison Twp.	10/28/2014
Damage, Gas	GS14121369K	GOC2014-0433	Did not properly mark	\$3,000	PSE&G		7/14/2014	Barbour St., Haledon	10/6/2014
Damage, Gas	GS14121368K	GOC2014-0280	Did not properly mark	\$3,000	Elizabethtown Gas		6/16/2014	McCandless St., Linden	11/6/2014
Damage, Gas	GS14121367K	GOC2014-0310	Did not properly mark	\$3,000	Elizabethtown Gas		6/18/2014	Magnolia Ave., Elizabeth	11/6/2014
Damage, Telephone	TS14121366K	TOC2013-0017	Did not properly mark	\$2,000	Verizon		10/28/2013	Roanoke Rd., Matawan	11/20/2014
Non Damage	TS14121365K	NOC2014-0006	Did not properly mark	\$1,000	Verizon		3/27/2014	Hoos Ln., & Park Ave., Piscataway	11/18/2014
Damage, Gas	GS14121364K	GOC2014-0130	Did not properly mark	\$3,000	PSE&G		4/22/2014	Sturgis Rd., South Brunswick	11/12/2014
Damage, Gas	GS14121361K	GOC2014-0442	Did not properly mark	\$3,000	PSE&G		7/22/2014	JFK Blvd. Union	11/10/2014
Damage, Gas	GS14121362K	GOC2014-0432	Did not properly mark	\$3,000	PSE&G		7/10/2014	Hinckle Ave., Ewing	11/10/2014
Damage, Gas	GS14121363K	GOC2014-0421	Did not properly mark	\$3,000	PSE&G		7/16/2014	Colonial Ave., Hamilton Twp.	11/10/2014
Damage, Gas	GS14121383K	GOC2013-0087	Did not properly mark	\$3,000	PSE&G		10/7/2014	Main St., Garfield	11/10/2014
Damage, Gas	GS14121382K	GOC2014-0417	Did not properly mark	\$3,000	PSE&G		7/7/2014	Tilden Ct., Livingston	11/10/2014
Damage, Gas	GS14121381K	GOC2014-0396	Did not properly mark	\$3,000	Elizabethtown Gas		7/11/2014	Arthur Terr., Hackettstown	11/25/2014
Damage, Gas	GS14121380K	GOC2014-0174	Did not properly mark	\$3,000	Elizabethtown Gas		5/20/2014	Ohio St., Union	11/25/2014
Damage, Gas	GS14121379K	GOC2014-0471	Did not properly mark	\$3,000	Elizabethtown Gas		7/29/2014	Mitchell Rd., Hackettstown	11/25/2014
Damage, Gas	GS14121378K	GOC2014-0692	Did not properly mark	\$3,000	Elizabethtown Gas		8/19/2014	Campbell St., Rahway	11/25/2014
Damage, Gas	GS14121377K	GOC2014-0384	Did not properly mark	\$3,000	South Jersey Gas		7/10/2014	Grape St., Hammonton	11/26/2014
Total		23		\$61,000					