

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 listed on the Appendix 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 the 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 waives any rights to a hearing, and the Board waives 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.

This Order shall be effective on March 31, 2015.

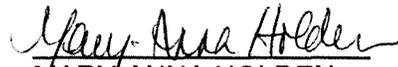
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED

DATED: 3/18/15

BOARD OF PUBLIC UTILITIES
BY:



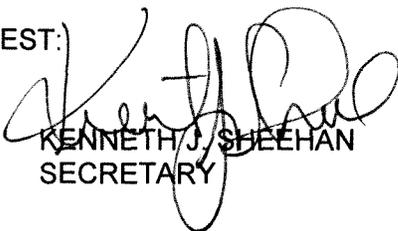
JOSEPH L. FIORDALISO
COMMISSIONER



MARY-ANNA HOLDEN
COMMISSIONER

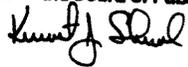


DIANNE SOLOMON
COMMISSIONER

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. TS15010017K et al. (see attached appendix)**

SERVICE LIST

Tom Shroba
New Jersey American Water
1341 North Ave
Plainfield, NJ 07062

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

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

Bernard Smalls
Verizon
540 Broad St.
Newark, NJ 17017

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

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

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-March VIB 2015

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Telephone	TS15010017K	TOC2014-0022	Did not have a valid markout	\$2,000		NJ American Water	2/27/2014	West Line Ave., Union	11/17/2014
Damage, Gas	GS15010016K	GOC2014-0474	Did not properly mark out	\$3,000	PSE&G		7/24/2014	Roosevelt Rd., Maplewood	12/10/2014
Damage, Gas	GS15010015K	GOC2014-0559	Did not properly mark out	\$3,000	PSE&G		8/4/2014	Hope Ct., Hillsborough	12/10/2014
Damage, Gas	GS15010014K	GOC2014-0160	Did not properly mark out	\$3,000	PSE&G		5/14/2014	Sanford Terr., Irvington	11/26/2014
Non Damage	TS15010013K	OC32-13	Did not properly mark out	\$1,000	Verizon		11/6/2013	Rambling Brook Dr., Holmdel	12/11/2014
Damage, Gas	GS15010012K	GOC2014-0403	Did not properly mark out	\$3,000	PSE&G		7/15/2014	Bergenline Ave., Union	12/3/2014
Damage, Gas	GS15010011K	GOC2014-0476	Did not properly mark out	\$3,000	PSE&G		7/31/2014	Country Club Rd., Bridgewater	12/1/2014
Damage, Gas	GS15010010K	GOC2014-0126	Did not properly mark out	\$3,000	PSE&G		5/15/2014	Dakota Dr. & Santa Fe Ct., Hamilton Twp.	12/1/2014
Damage, Gas	GS15010009K	GOC2014-0463	Did not properly mark out	\$3,000	PSE&G		7/22/2014	Waller Ct., Kendall Park	12/3/2014
Damage, Gas	GS15010008K	GOC2014-0577	Did not properly mark out	\$3,000	South Jersey Gas		8/14/2014	Berkshire Dr., Washington Twp.	11/26/2014
Damage, Gas	GS15010007K	GOC2014-0661	Did not properly mark out	\$3,000	South Jersey Gas		8/19/2014	Broad St., Northfield	11/21/2014
Damage, Gas	GS15010006K	GOC2014-0507	Did not properly mark out	\$3,000	South Jersey Gas		7/31/2014	Parkview Rd., Stratford	7/31/2014
Non Damage	WS15010005K	NOC2014-0039	Did not properly mark out	\$1,000	NJ American Water		8/19/2014	W. Main St., Holmdel	12/2/2014
Damage, Water	WS15010004K	WOC2013-0009	Did not properly mark out	\$2,000	NJ American Water		9/30/2013	White Horse Pike, Galloway	12/3/2014
Damage, Water	WS15010002K	WOC2013-0008	Did not properly mark out	\$2,000	NJ American Water		11/19/2014	Evesham Ave., Magnolia	12/2/2014
Damage, Gas	GS15010089K	GOC2014-0505	Did not properly mark out	\$3,000	South Jersey Gas		7/30/2014	Buck St., Millville	12/22/2014
Non Damage	AS15010087K	NOC2014-0053	Did not properly mark out	\$1,000	Verizon		9/2/2014	Rt. 35, Old Bridge	12/23/2014
Damage, Telephone	TS15010086K	TOC2014-0054	Did not properly mark out	\$2,000	Verizon		7/28/2014	Cranbury Neck Rd., Plainsboro	12/23/2014
Non Damage	AS15010088K	NOC2014-0096	Did not have a valid markout	\$1,000		Verizon	10/27/2014	Arneys Mount Rd., Springfield	12/23/2014
Non Damage	AS15010085K	NOC2014-0054	Did not properly mark out	\$1,000	Verizon		9/9/2014	Rose St., South Brunswick	1/6/2015
Damage, Water	WS15010135K	WOC2014-0026	Did not properly mark out	\$2,000	NJ American Water		5/22/2014	Ruby St., Springfield	1/8/2015
Damage, Gas	GS15010134K	GOC2014-0052	Did not have a valid markout	\$3,000		Verizon	1/24/2014	West Farms Rd. & Ethan Dr., Farmingdale	1/6/2015
Damage, Gas	GS15010133K	GOC2014-0724	Did not properly mark out	\$3,000	Elizabethtown Gas		9/5/2014	US 9, Woodbridge	1/15/2015
Damage, Gas	GS15010132K	GOC2014-0693	Did not properly mark out	\$3,000	Elizabethtown Gas		8/27/2014	Cross Ave., Elizabeth	1/20/2015

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Gas	GS15010131K	GOC2014-0541	Did not properly mark out	\$3,000	PSE&G		8/1/2014	Oak St., Audubon	1/5/2015
Damage, Gas	GS15010130K	GOC2014-0584	Did not properly mark out	\$3,000	PSE&G		7/28/2014	Rochelle Ave., Rochelle Park	1/16/2015
Damage, Gas	GS15010129K	GOC2014-0644	Did not properly mark out	\$3,000	PSE&G		8/27/2014	Liberty Corner Rd., Bernards Township	1/12/2015
Damage, Gas	GS15010001K	GOC2014-0083	Did not properly mark out	\$3,000	Elizabethtown Gas		2/27/2014	Portalnd Ave., Scotch Plains	6/17/2014
Total	28			\$69,000					