

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.

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 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 \$25,000.00 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. N.J.S.A. 48:2-86(c). 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 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 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 Act in connection with the above-referenced alleged violations. 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

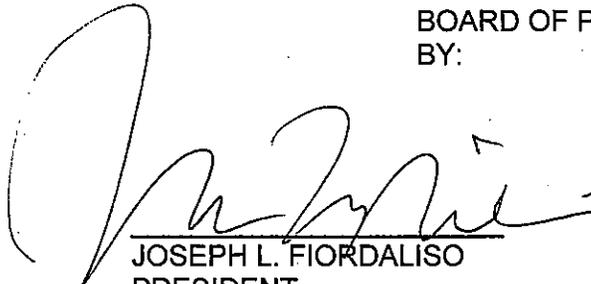
described in the Appendix. This acceptance is without prejudice as to the position of the State of New Jersey or any agency or subdivision thereof if other violations are present, now or in the future.

This Order shall be effective on March 9, 2019.

NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED.

DATED: 2/27/19

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



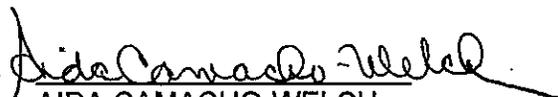
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities.

Docket Nos. GS18121260K, et al. – In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 to -91 (see attached appendix)

SERVICE LIST

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Edgewater, NJ 07020

Miquel Berkowitz
Berkowitz Electric
1153 Tiffany Lane
Lakewood, NJ 08701

Nick Pinto
New Jersey American Water Co.
167 JFK Pkwy
Short Hills, NJ 07078

Bryant Gonzalez
Suez Water Company
461 From Road – Suite 400
Paramus, NJ 07652

Paula M. James
Atlantic City Electric Company
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Town of Newton
39 Trinity Street
Newton, NJ 07860

Howard Horoky
Eastern Propane Company
255 Oak Ridge Road
Oak Ridge, NJ 07438

Carlo DelPizzo
Carl's Fencing Decking & Home Imprv.
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Verizon
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Asphalt Paving Systems, Inc.
P.O. Box 530
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Edmund Johnson
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Trenton, NJ 08638

James Bestys
North Creek LLC
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IN THE MATTER OF:
 ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY PROTECTION ACT,
 N.J.S.A. 48:2-73 to -91 ORDER ACCEPTING SETTLEMENTS
 Bureau of One Call - Settlements - APPENDIX- February 27, 2019

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, None	GS18121260K	GOC2016-1484	Did not have a valid mark out	\$3,000		Waterside Construction	10/05/2016	North Bergen, NJ	10/12/2018
Damage, None	WS18121261K	WOC2016-0066	Did not properly mark out	\$2,000	New Jersey American Water Co.		11/01/2016	Irvington, NJ	10/12/2018
Damage, None	GS18121262K	GOC2015-1709	Did not have a valid mark out	\$3,000		Berkowitz Electric Company	11/13/2015	Lakewood, NJ	09/20/2018
Damage, None	ES18121263K	EOC2017-0028	Did not properly mark out	\$3,000	Atlantic City Electric Co.		01/04/2017	Burlington, NJ	09/07/2018
Damage, None	WS18121264K	WOC2018-0062	Did not properly mark out	\$3,000	Suez Water Co.		08/17/2018	Cliffside Park, NJ	10/12/2018
Damage, None	WS18121265K	WOC2018-0063	Did not properly mark out	\$3,000	Suez Water Co.		08/30/2018	Rivervale, NJ	10/12/2018
Damage, None	WS18121266K	WOC2018-0064	Did not properly mark out	\$3,000	Suez Water Co.		09/04/2018	Washington, NJ	10/12/2018
Damage, None	WS18121267K	WOC2018-0065	Did not properly mark out	\$3,000	Suez Water Co.		05/31/2018	Teaneck, NJ	10/12/2018
Damage, None	WS18121268K	WOC2018-0066	Did not properly mark out	\$3,000	Suez Water Co.		05/25/2018	Ridgefield Park, NJ	10/12/2018
Damage, None	WS18121269K	WOC2018-0067	Did not properly mark out	\$3,000	Suez Water Co.		08/28/2018	Hackensack, NJ	10/12/2018
Damage, None	ES18121270K	EOC2017-0050	Did not properly mark out	\$2,500	Atlantic City Electric Co.		03/29/2017	Cape May, NJ	08/03/2018
Damage, None	ES18121271K	EOC2017-0040	Did not properly mark out	\$3,000	Atlantic City Electric Co.		02/22/2017	Pine Hill, NJ	07/26/2018
Damage, None	ES18121272K	EOC2016-0208	Did not properly mark out	\$2,500	Atlantic City Electric Co.		10/10/2016	Voorhees, NJ	07/26/2018
Damage, None	ES18121274K	NOC2017-0089	Did not respond to mark out request	\$3,000	Public Service Electric & Gas Co.		11/28/2017	East Windsor, NJ	07/31/2018
Damage, None	ES18121275K	NOC2018-0109	Did not respond to mark out request	\$3,000	Public Service Electric & Gas Co.		05/05/2018	Toms River, NJ	07/13/2018
Damage, None	GS18121276K	NOC2018-0110	Did not respond to mark out request	\$3,000	South Jersey Gas Co.		08/15/2018	Ocean City, NJ	08/23/2018
Damage, None	AS18121277K	NOC2018-0111	Did not respond to mark out request	\$3,000	Town of Newton		02/20/2018	Newton, NJ	04/23/2018
Damage, None	AS18121278K	NOC2017-0090	Did not respond to mark out request	\$3,000	Town of Newton		12/13/2017	Sparta, NJ	04/23/2018
Damage, None	GS18121279K	GOC2018-1563	Did not properly mark out	\$3,000	Eastern Propane Company		08/08/2018	Rockaway Twp., NJ	09/07/2018
Damage, Gas	GS18121280K	GOC2015-1577	Did not have valid mark out	\$3,000		Carls Fencing Decking & Home Improvement	10/15/2015	Brielle, NJ	10/09/2018
Damage, None	GS18121282K	GOC2018-0759	Did not properly mark out	\$3,000	South Jersey Gas Co.		07/12/2018	N. Magnolia, NJ	10/03/2018
Damage, Gas	GS18121283K	GOC2018-0480	Did not have valid mark out	\$3,000		Fred M. Schiavone Construction, Inc.	05/17/2018	Wildwood, NJ	10/04/2018
Damage, Gas	GS18121285K	GOC2017-0755	Did not properly mark out	\$3,000	South Jersey Gas Co.		06/19/2017	Woolwich Twp., NJ	10/03/2018
Damage, None	GS18121284K	NOC2018-0071	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		02/12/2018	Rock Hill, NJ	10/26/2018
Damage, Gas	GS18121286K	GOC2017-0458	Failure to use reasonable care	\$3,000		Township of Mantua	05/03/2017	Mantua, NJ	09/26/2018
Damage, None	TS18121287K	NOC2018-0006	Did not have valid mark out	\$3,000		Verizon	05/09/2018	Hopewell, NJ	10/16/2018
Damage, None	GS18121294K	GOC2017-0357	Failure to use reasonable care	\$3,000		Asphalt Paving Systems, Inc.	04/14/2017	Stone Harbor, NJ	09/20/2018

IN THE MATTER OF:
 ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY PROTECTION ACT,
 N.J.S.A. 48:2-73 to -91 ORDER ACCEPTING SETTLEMENTS
 Bureau of One Call - Settlements - APPENDIX- February 27, 2019

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, None	GS18121295K	GOC2017-0271	Failure to use reasonable care	\$3,000		Asphalt Paving Systems, Inc.	03/27/2017	North Wildwood, NJ	09/20/2018
Damage, None	WS18121296K	WOC2017-0092	Did not properly mark out	\$3,000	Township of Winslow		12/07/2017	Winslow, NJ	02/15/2018
Damage, None	ES18121297K	NOC2018-0113	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		06/11/2018	Wayne, NJ	08/09/2018
Damage, None	ES18121298K	NOC2018-0114	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		06/19/2018	Saddle River, NJ	08/09/2018
Damage, None	GS18121299K	NOC2018-0115	Did not properly mark out	\$3,000	South Jersey Gas Company		08/03/2018	Penns Grove, NJ	08/09/2018
Damage, None	GS18121300K	NOC2018-0116	Did not properly mark out	\$3,000	Elizabethtown Gas Company		06/04/2018	Woodbridge, NJ	08/07/2018
Damage, None	GS18121304K	NOC2018-0117	Did not properly mark out	\$3,000	Elizabethtown Gas Company		06/04/2018	Woodbridge, NJ	08/07/2018
Damage, None	GS18121305K	NOC2018-0118	Did not properly mark out	\$3,000	Elizabethtown Gas Company		06/18/2018	Union, NJ	08/07/2018
Damage, None	ES18121306K	NOC2018-0119	Did not properly mark out	\$3,000	Jersey Central Power & Light Company		06/18/2018	Upper Freehold, NJ	07/16/2018
Damage, None	ES18121307K	NOC2018-0120	Did not properly mark out	\$3,000	Jersey Central Power & Light Company		03/27/2018	Holmdel, NJ	04/03/2018
Damage, None	ES18121308K	NOC2018-0121	Did not properly mark out	\$3,000	Jersey Central Power & Light Company		03/19/2018	Chester Twsp., NJ	04/03/2018
Damage, None	GS18121309K	NOC2018-0122	Did not properly mark out	\$3,000	South Jersey Gas Company		03/19/2018	Woolwich NJ	04/12/2018
Damage, None	WS18121315K	NOC2018-0123	Did not properly mark out	\$3,000	New Jersey American Water Co.		03/15/2018	Bridgewater, NJ	04/09/2018
Damage, None	TS18121316K	NOC2018-0124	Did not properly mark out	\$3,000	Verizon		03/16/2018	Washington, NJ	04/18/2018
Damage, None	TS18121317K	NOC2018-0125	Did not properly mark out	\$3,000	Verizon		03/14/2018	Washington, NJ	04/18/2018
Damage, None	TS18121318K	NOC2018-0126	Did not properly mark out	\$3,000	Verizon		02/20/2018	Camden, NJ	04/18/2018
Damage, None	TS18121319K	NOC2018-0127	Did not properly mark out	\$3,000	Verizon		02/20/2018	Camden, NJ	04/18/2018
Damage, None	WS18121320K	NOC2018-0128	No response to markout	\$3,000	New Jersey American Water Co.		02/21/2018	Rocky Hill, NJ	02/23/2018
Damage, None	WS18121321K	NOC2018-0129	No response to markout request	\$3,000	Trenton Water Works		02/15/2018	Ewing, NJ	03/14/2018
Damage, None	WS18121322K	NOC2018-0130	No response to markout request	\$3,000	Trenton Water Works		02/16/2018	Ewing, NJ	3/14/2018
Damage, Gas	TS18121323K	NOC2018-0131	Did not properly mark out	\$3,000	Verizon		08/13/2018	Marlboro, NJ	10/22/2018
Damage, None	TS18121324K	NOC2018-0132	Did not properly mark out	\$3,000	Verizon		08/13/2018	Marlboro, NJ	10/22/2018
Damage, None	TS18121325K	NOC2018-0133	Did not properly mark out	\$3,000	Verizon		08/17/2018	Delaware, NJ	10/22/2018
Damage, None	TS18121326K	NOC2018-0134	Did not properly mark out	\$3,000	Verizon		08/17/2018	Readington, NJ	10/22/2018
Damage, None	TS18121327K	NOC2018-0135	Did not properly mark out	\$3,000	Verizon		08/28/2018	Randolph, NJ	10/22/2018
Damage, None	WS19010019K	GOC2016-1086	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		08/17/2016	Irvington, NJ	10/19/2018
Damage, None	WS19010020K	GOC2016-1340	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		09/21/2016	Newark, NJ	10/19/2018

IN THE MATTER OF:
 ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY PROTECTION ACT,
 N.J.S.A. 48:2-73 to -91 ORDER ACCEPTING SETTLEMENTS
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Damage None	WS19010021K	GOC2016-1242	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		9/07/2016	Newark, NJ	10/19/2018
Damage None	GS19010022K	GOC2016-0547	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		05/20/2016	North Bergen, NJ	10/19/2018
Damage Gas	GS19010023K	GOC2016-0152	Did not have valid mark out	\$3,000		North Creek LLC	02/29/2016	Basking Ridge, NJ	10/17/2018
Damage Gas	GS19010024K	GOC2016-1258	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		09/08/2016	Bloomingtondale, NJ	10/19/2018
Total	58	\$172,000.00							