

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 no less than \$1,000.00 and no 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 \$200,000.00 per violation per day and not to exceed \$2,000,000.00 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 is for settlement purposes only, and applies 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.

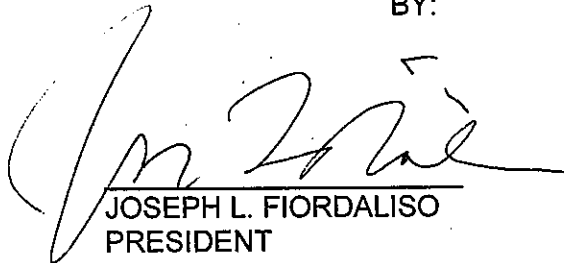
of New Jersey or any agency or subdivision thereof if other violations are present, now or in the future.

This Order shall be effective on December 16, 2019.

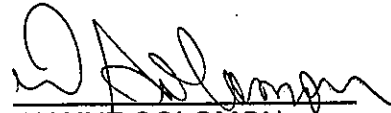
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED.

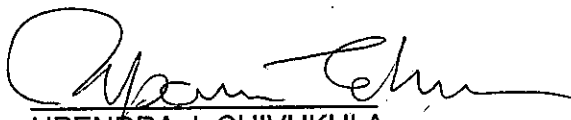
DATED: 12/6/19

BOARD OF PUBLIC UTILITIES
BY:


JOSEPH L. FIORDALISO
PRESIDENT

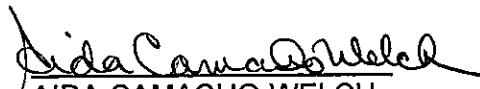

MARY ANNA HOLDEN
COMMISSIONER


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.

**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. ES19080981K et al. (see attached appendix)**

SERVICE LIST

Paula James
Atlantic City Electric Co.
5100 Hudy Highway
Mays Landing, NJ 08330

Frank Coriano
Public Service Electric & Gas Co.
80 Park Plaza
Newark, NJ 07103

Stephen R. Bishop
New Jersey American Water Co.
167 JFK Pkwy
Short Hills, NJ 07078

Thomas Mecouch, Sr., President
Crown Pipeline Construction
3345 Delsea Dr.
Franklinville, NJ 08322

Jim Bruno
Telecable, Inc.
1511 New Market Ave.
South Plainfield, NJ 07080

JMOC Builders
1099 Mt. Kimble Rd.
Morristown, NJ 07096

Choice Landscape & Design, Inc.
49 Ridge Rd.
White House Station, NJ 08889

Kmetz
499 Marlboro Rd.
Old Bridge, NJ 08857

Deborah Franco
South Jersey Gas Co.
One South Jersey Plaza
Folsom, NJ 08037

Sebastian Camps
Joe's Masonry LLC
14 Garden St.
Bergenfield, NJ 07641

Shawn McGaha
McGaha Landscaping
47 Meadow Brook Rd.
Randolph, NJ 07869

Geraldine Tedesco
Acme Piling Company
2110 Route 37, E.
Toms River, NJ 08753

D. Forlenza
Bella Landscape
P.O. Box 798
Lake Hopatcong, NJ 07849

William L. Hare
Pool Con, LLC
315 W. County Line Rd.
Hatboro, PA 19040

C. Lombarrato
Wetlands Inc.
569 N. Midland Ave.
Saddle Brook, NJ 07663

Nick Pinto
New Jersey American Water Co.
1025 Laurel Oak Road
Voorhees, NJ 08043

Donald Richards
Jersey Central Power & Light Co.
55 River Avenue
Lakewood, NJ 08701

Rocco Pistone
Piston Plumbing & Heating
58 Brandywine Road
Wayne, NJ 07470

Mark LaMalco
Malco Electric Company
602 Ryan Avenue
Westville, NJ 08093

Maria Diaz
New Jersey Natural Gas Co.
1415 Wyckoff Road
Wall, NJ 07719

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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- December 6, 2019

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Electric	ES19080981K	EOC2016-0218	Did not properly mark out	\$2,000	Atlantic City Electric Company		11/07/16	Voorhees, NJ	11/07/19
Damage, Electric	ES19080982K	EOC2016-0219	Did not properly mark out	\$2,000	Atlantic City Electric Company		11/07/16	Voorhees, NJ	3/19/19
Damage, Electric	ES19080983K	EOC2016-0187	Did not properly mark out	\$2,000	Atlantic City Electric Company		08/21/16	Beach Haven West, NJ	10/25/18
Damage, Gas	GS19030292K	GOC2016-0767	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		06/23/16	Raritan, NJ	12/07/18
Damage, None	AS19101378K	NOC2018-0193	Did not properly mark out	\$3,000	New Jersey American Water Co.		03/12/19	Cape May, NJ	09/03/19
Damage, Electric	ES19101377K	EOC2016-0111	Did not have valid mark out	\$3,000		Crown Pipeline Construction	06/27/16	Aura, NJ	03/19/19
Damage, Gas	GS19101376K	GOC2016-0555	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		05/18/16	Caldwell, NJ	01/02/19
Damage, Electric	ES19101375K	EOC2017-0058	Failure to use reasonable care	\$3,000		Tele Cable, Inc.	03/03/17	East Brunswick NJ	03/19/19
Damage, Gas	GS19101374K	GOC2016-0546	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		05/19/16	Wingston, NJ	05/29/19
Damage, Gas	GS19101373K	GOC2017-0543	Did not have valid mark out	\$3,000		JMOC Builders	05/16/17	South Orange, NJ	07/22/19
Damage, Gas	GS19101372K	GOC2017-1307	Did not have valid mark out	\$3,000		Choice Landscape & Design, Inc.	09/26/17	Benardsville, NJ	05/31/19
Damage, Gas	GS19101371K	GOC2017-1309	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		09/28/17	Oaklyn, NJ	07/23/19
Damage, Gas	GS19101370K	GOC2017-1774	Failure to use reasonable care	\$3,000		Kmetz	12/18/17	Hillsborough, NJ	06/19/19
Damage, Gas	GS19101369K	GOC2018-0473	Did not properly mark out	\$3,000	South Jersey Gas Company		05/15/18	Laurel Springs, NJ	07/22/19
Damage, Gas	GS19101368K	GOC2018-0815	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		07/11/18	New Brunswick, NJ	07/23/19
Damage, Gas	GS19101367K	GOC2018-0924	Did not properly mark out	\$3,000	Public Service Electric & Gas Co.		07/24/18	Hillsdale, NJ	07/23/19
Damage, Gas	GS19101366K	GOC2018-1059	Did not properly mark out	\$3,000	South Jersey Gas Company		08/23/18	Stratford, NJ	07/22/19
Damage, Gas	GS19101358K	GOC2018-1372	Did not properly mark out	\$3,000	South Jersey Gas		10/30/18	Ocean City, NJ	07/22/19
Damage, Gas	GS19101359K	GOC2017-0514	Did not have valid mark out	\$3,000		Joe's Masonry LLC	05/17/17	Haworth, NJ	07/22/19
Damage, Gas	GS19101360K	GOC2017-0931	Did not have valid mark out	\$3,000		McGaha Landscaping	07/18/17	Aberdeen, NJ	07/22/19
Damage, Gas	GS19101361K	GOC2017-0657	Did not have valid mark out	\$3,000		Acme Piling	06/08/17	Toms River, NJ	07/22/19
Damage, Gas	GS19101362K	GOC2016-0142	Did not have valid mark out	\$3,000		Bella Landscape	02/27/16	Parsippany Troy Hills, NJ	07/11/19
Damage, Gas	GS19101363K	GOC2019-0342	Did not have valid mark out	\$3,000		Pool Con LLC	04/16/19	Oceanport, NJ	7/15/19
Damage, None	AS19101393K	NOC2019-0004	Did not have valid mark out	\$3,000		Wetlands Inc.	04/30/19	Linden, NJ	7/22/19
Damage, Gas	GS19101394K	GOC2019-0132	Did not properly mark out	\$3,000	New Jersey Natural Gas Company		02/13/19	Allenhurst, NJ	7/22/19

