



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st 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.)
)
) ORDER ACCEPTING
) SETTLEMENTS
)
) DOCKET NOS. GS24020128K
) et al. (see attached Appendix)

Party of Record:

- Fiscal Manager of Operations**, J. Carvajal Construction Svcs, LLC
- Mobeen Khan**, New Jersey Natural Gas Company
- Chelsey Gaworecki**, Public Service Electric and Gas Company
- Fiscal Manager of Operations**, KATO Corp.
- Fiscal Manager of Operations**, Hoff Brothers Plumbing
- Fiscal Manager of Operations**, Wesley Fence LLC
- Fiscal Manager of Operations**, Perna Finnegan
- Nick Depoto**, Elizabethtown Gas Company
- Fiscal Manager of Operations**, PAL Pro Contractors
- Priscilla Henson**, Verizon
- Fiscal Manager of Operations**, Witek Carpentry
- Fiscal Manager of Operations**, Envirocon
- Fiscal Manager of Operations**, Perfect Appearance Lawn Landscape
- Fiscal Manager of Operations**, Moore's Tank Service
- Keith Butler**, Atlantic City Electric Company

BY THE BOARD:

I. BACKGROUND

The New Jersey Board of Public Utilities ("Board") has jurisdiction to oversee and enforce the provisions of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. ("Act"). The Act establishes the One-Call Damage Prevention System ("One-Call 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, and/or hazardous liquids. 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.

Pursuant to the Act, violators of its provisions shall be subject 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 be subject 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, costs may be assessed related to any Board investigation, inspection, or monitoring survey, which leads to the establishment of a violation, and/or the reasonable costs of preparing and litigating the matter. N.J.S.A. 48:2-86(b)(2).

Following reports of various alleged violations under the Act including, but not limited to, failing to call the One-Call System prior to commencing excavation and failing to mark out or properly mark out underground facilities, Board Staff issued a Notice of Probable Violation and Offer of Settlement to each of the alleged violators and informed them of the date and location of the alleged violations. A complete list of entities that accepted said Offers of Settlement is provided in Appendix A attached hereto and made a part hereof.¹

II. DECISION AND FINDINGS

After consideration of the matters provided in Appendix A, including the alleged violations and the Offers of Settlement, the Board **HEREBY FINDS** the Offers of Settlement to be reasonable and in the public interest, and **HEREBY ACCEPTS** the Offers of Settlement in full satisfaction of the alleged violations of the Act as provided in Appendix A attached hereto and made part hereof.

¹ The 29 Offers of Settlement were accepted by the alleged violators, and each made full payment on the dates provided in Appendix A.

By acceptance of the 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 Appendix A. 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.

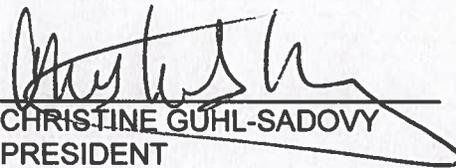
This Order shall be effective on May 29, 2024.

DATED: May 22, 2024

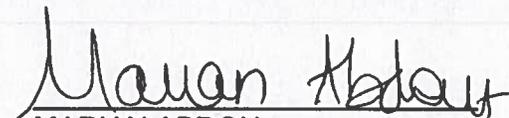
BOARD OF PUBLIC UTILITIES
BY:



DR. ZENON CHRISTODOULOU
COMMISSIONER



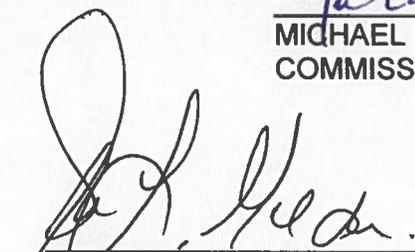
CHRISTINE GUHL-SADOVY
PRESIDENT



MARIAN ABDOU
COMMISSIONER



MICHAEL BANGE
COMMISSIONER

ATTEST: 
SHERRI L. GOLDEN
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.

DOCKET NOS. GS24020128K et al. (see attached Appendix)

SERVICE LIST

J. Carvajal Construction Services, LLC
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Attention: Fiscal Manager of Operations

Mobeen Khan
New Jersey Natural Gas Company
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mobeen.khan@njng.com

Chelsey Gaworecki
Public Service Electric and Gas Company
410 Silver Lake Avenue
Edison, NJ 08817
chelsey.gaworecki@pseg.com

Kato Corp 2161 Rt. 1
Rahway, NJ 07065
Attention: Fiscal Manager of Operations

Hoff Brothers Plumbing
2504 Plainfield Avenue
Scotch Plains, NJ 07076
Attention: Fiscal Manager of Operations

Wesley Fence LLC
69 Glen Avenue
Stockholm, NY 07960
Attention: Fiscal Manager of Operations

Perna Finnegan
1921 East Sherman Avenue
Vineland, NJ 08361
Attention: Fiscal Manager of Operations

Nick Depoto
Elizabethtown Gas Company
520 Green Lane
Union, NJ 07083
nick.depoto@siindustries.com

PAL Pro Contractors
100 Main Avenue
Elmwood Park, NJ 07407
Attention: Fiscal Manager of Operations

Priscilla Henson Verizon
999 West Market Street – 3rd Floor
Freehold, NJ 07728
priscilla.henson@verizon.com

Witek Carpentry 410 Clinton Street
Linden, NJ 07036
Attention: Fiscal Manager of Operations

Envirocon
490 Schooleys Mountain Road
Hackettstown, NJ 07840
Attention: Fiscal Manager of Operations

Perfect Appearance Lawn Landscape
P.O. Box 7527
Freehold, NJ 07728
Attention: Fiscal Manager of Operations

Moore's Tank Service
3459 Norwood Avenue
Pennsauken, NJ 08109
Attention: Fiscal Manager of Operations

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Atlantic City Electric Company
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APPENDIX A

In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

Docket Nos. GS24020128K et al.

Facility Damaged	BPU Docket #	Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS24020128K	GOC2016-1591	Did not have a valid mark out	\$3,000	J. Carvajal Const. Svcs LLC	10/20/2016	Valley Rd. Bernards Twp., NJ	08/24/2018
GAS	GS24020129K	GOC2016-1687	Did not properly mark out	\$3,000	NJ Natural Gas	11/02/2016	Knox Lane Manalapan, NJ	09/27/2023
GAS	GS24020130K	GOC2016-1664	Did not properly mark out	\$3,000	PSE&G	11/08/2016	New Milford Ave., Manalapan, NJ	08/10/2023
GAS	GS24020131K	GOC2016-1617	Did not have a valid mark out	\$3,000	KATO Corp.	11/09/2016	US Hwy 1 Rahway, NJ	11/10/2023
GAS	GS24020132K	GOC2016-1635	Failure to use reasonable care	\$3,000	Hoff Brothers Plumbing	11/10/2016	Mountain Blvd. Warren, NJ	09/28/2023
GAS	GS24020133K	GOC2016-1674	Did not properly mark out	\$3,000	PSE&G	11/10/2016	South Street Morris Twp., NJ	08/10/2023
GAS	GS24020134K	GOC2016-1809	Did not properly mark out	\$3,000	PSE&G	11/10/2016	Orchard Rd., Maplewood, NJ	09/22/2023
GAS	GS24020135K	GOC2016-1860	Did not have a valid mark out	\$3,000	Wesley Fence LLC	12/22/2016	High Street Montclair, NJ	02/08/2018
GAS	GS24020136K	GOC2017-0071	Failure to hand dig and locate	\$3,000	PSE&G	01/28/2017	Princeton Rd. Parlin, NJ	11/28/2023
GAS	GS24020137K	GOC2017-0161	Failure to use reasonable care	\$3,000	Perna Finnegan	02/16/2017	N. Hanover & Winchester Ave. Margate City, NJ	10/26/2017
GAS	GS24020138K	GOC2017-0130	Did not properly mark out	\$3,000	Elizabethtown Gas	02/27/2017	Plainfield Ave., Metuchen, NJ	09/07/2017
GAS	GS24020139K	GOC2017-0158	Did not have a valid mark out	\$3,000	PAL Pro Contrs	03/27/2017	Mead Street South Orange, NJ	02/26/2020
GAS	GS24020140K	GOC2017-0428	Did not properly mark out	\$3,000	Elizabethtown Gas	04/28/2017	Amboy Ave., Edison, NJ	04/02/2019
TELCO	TS24020141K	TOC2017-0018	Did not properly mark out	\$3,000	Verizon	03/23/2017	N. Black Horse Pike, Williamstown, NJ	09/20/2019
GAS	GS24020142K	GOC2017-0442	Did not properly mark out	\$3,000	PSE&G	05/01/2017	Lee Avenue, New Brunswick, NJ	06/11/2019

APPENDIX A

In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

Docket Nos. GS24020128K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS24020143K	GOC2017-0451	Did not properly mark out	\$3,000	Elizabethtown Gas	05/12/2017	Warren Street Woodbridge, NJ	09/07/2017
GAS	GS24020144K	GOC2017-0595	Failure to hand dig and locate	\$3,000	PSE&G	05/24/2017	Iroquois Ave., Oakland, NJ	11/29/2023
GAS	GS24020145K	GOC2017-0778	Did not have a valid mark out	\$3,000	Witek Carpentry	06/14/2017	Cumberland Street Englewood, NJ	12/20/2017
GAS	GS24020146K	GOC2017-0737	Did not properly mark out	\$3,000	NJ Natural Gas	06/20/2017	Ridgeview Court Toms River, NJ	03/08/2018
GAS	GS24020147K	NOC2017-0016	Did not have a valid mark out	\$3,000	Envirocon	06/23/2017	Municipal Plaza Freehold, NJ	06/05/2018
GAS	GS24020148K	GOC2017-0751	Did not have a valid mark out	\$3,000	Perfect App. Lawn	06/28/2017	Sunset Lane Monmouth Beach, NJ	11/01/2018
GAS	GS24020149K	GOC2017-0860	Did not have a valid mark out	\$3,000	Moore's Tank Svc.	07/14/2017	Collins Lane Washington, NJ	06/12/2018
GAS	GS24020150K	GOC2017-0956	Did not properly mark out	\$3,000	PSE&G	07/19/2017	River Drive Passaic, NJ	08/10/2023
GAS	GS24020151K	GOC2016-1325	Did not properly mark out	\$3,000	PSE&G	09/12/2016	Normandy Hgts Rd. Morristown, NJ	01/25/2024
GAS	GS24020152K	GOC2016-1332	Did not properly mark out	\$3,000	PSE&G	09/25/2016	Palisades Ave., Cliffside Park, NJ	01/25/2024
ELECTRIC	ES24020153K	EOC2016-0189	Did not properly mark out	\$3,000	Atlantic City Electric	09/23/2016	Eastwood Drive, Voorhees, NJ	10/15/2018
ELECTRIC	ES24020154K	EOC2016-0226	Did not properly mark out	\$3,000	Atlantic City Electric	10/08/2016	Breakneck Rd. Mullica Hill, NJ	10/12/2018
ELECTRIC	ES24020155K	EOC2016-0228	Did not properly mark out	\$3,000	Atlantic City Electric	12/19/2016	Weatherby Lane Glassboro, NJ	10/12/2018
GAS	GS24020156K	GOC2017-0893	Did not properly mark out	\$3,000	PSE&G	07/21/2017	Coolidge Avenue Trenton, NJ	08/10/2023
Total Cases: 29 Total Penalties: \$87,000								