



Agenda Date: 9/4/24

Agenda Item: VIA

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 NEW JERSEY NATURAL GAS)	ORDER ACCEPTING
COMPANY ALLEGED VIOLATIONS OF THE)	SETTLEMENTS
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A.)	
48:2-73 ET SEQ.)	DOCKET NOS. GS24070498K
)	et al. (see attached Appendix)

Parties of Record:

Maria Diaz, New Jersey Natural Gas Company
Maura Clark, New Jersey Natural Gas 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 Notices of Probable Violations and Offers of Settlements to the alleged violator and informed them of the date and location of the alleged violations. A complete list of accepted said Offers of Settlement is provided in Appendix A attached hereto and made a part hereof.¹

II. DISCUSSION 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.

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.

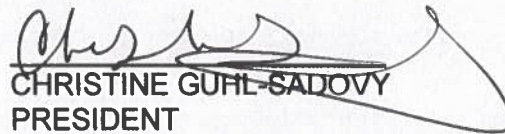
¹ The twenty-five (25) Offers of Settlement were accepted by the alleged violators, and each made full payment on the dates provided in Appendix A.

NO FURTHER ACTION BY THE RESPONDENT IS REQUIRED.


This Order shall be effective on September 11, 2024.

DATED: September 4, 2024

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


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 NEW JERSEY NATURAL GAS COMPANY ALLEGED VIOLATIONS OF
THE UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ.
DOCKET NOS. GS24070498K et al.
(See attached Appendix)

SERVICE LIST

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APPENDIX A

In The Matter Of New Jersey Natural Gas Company Alleged Violations Of The Underground Facility
Protection Act, N.J.S.A. 48:2-73 Et. Seq.
Docket Nos. GS24070498K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS24070498K	GOC2018-0826	Did not properly mark out	\$3,000	NJ Natural Gas	07/17/2018	Russel Ave., Oceanport, NJ	02/01/2024
GAS	GS24070499K	GOC2021-0468	Did not properly mark out	\$3,000	NJ Natural Gas	04/07/2021	Cornell Way, Aberdeen, NJ	07/12/2023
GAS	GS24070500K	GOC2021-1139	Did not properly mark out	\$3,000	NJ Natural Gas	09/07/2021	River Road Red Bank, NJ	09/20/2023
GAS	GS24070501K	GOC2021-1218	Did not properly mark out	\$3,000	NJ Natural Gas	09/17/2021	River Road Fair Haven, NJ	09/22/2023
GAS	GS24070502K	GOC2022-0736	Did not properly mark out	\$3,000	NJ Natural Gas	06/27/2022	County Hwy 524 Howell, NJ	01/11/2024
GAS	GS24070503K	GOC2022-0898	Did not properly mark out	\$3,000	NJ Natural Gas	07/27/2022	W. Thames Road Mystic Isl., NJ	01/11/2024
GAS	GS24070504K	GOC2022-1036	Did not properly mark out	\$3,000	NJ Natural Gas	08/17/2022	Conover Ln., Rumson, NJ	10/27/2022
GAS	GS24070505K	GOC2022-1041	Did not properly mark out	\$3,000	NJ Natural Gas	08/21/2022	Cross Street Lakewood, NJ	10/27/2022
GAS	GS24070506K	GOC2022-1050	Did not properly mark out	\$3,000	NJ Natural Gas	08/26/2022	S. Bay Avenue Highlands, NJ	07/19/2023
GAS	GS24070507K	GOC2022-13981	Did not properly mark out	\$3,000	NJ Natural Gas	10/15/2022	Yellowbrook Road Howell, NJ	01/17/2023
GAS	GS24070508K	GOC2022-1412	Did not properly mark out	\$3,000	NJ Natural Gas	10/18/2022	Oak Avenue Toms River, NJ	01/17/2023
GAS	GS24070509K	GOC2022-1415	Did not properly mark out	\$3,000	NJ Natural Gas	10/18/2022	N. Beverwyck Rd., Lke Hiawatha, NJ	01/17/2023
GAS	GS24070510K	GOC2022-1426	Did not properly mark out	\$3,000	NJ Natural Gas	10/19/2022	Brevent & Center Ave., Middletown, NJ	12/07/2023
GAS	GS24070511K	GOC2022-14323	Did not properly mark out	\$3,000	NJ Natural Gas	10/27/2022	Mantoloking Rd., Brick, NJ	01/04/2023
GAS	GS24070512K	GOC2022-1499	Did not properly mark out	\$3,000	NJ Natural Gas	11/01/2022	Concord Ave., Leonardo, NJ	10/11/2023
GAS	GS24070513K	GOC2022-1503	Did not properly mark out	\$3,000	NJ Natural Gas	11/03/2022	Alabrama, Ct., Matawan, NJ	09/22/2023
GAS	GS24070514K	GOC2023-0072	Did not properly mark out	\$3,000	NJ Natural Gas	02/10/2023	Old York Rd., Randolph, NJ	09/06/2023

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 Docket Nos. GS24070498K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS24070515K	GOC2023-0183	Did not properly mark out	\$3,000	NJ Natural Gas	03/09/2023	7 TH Avenue Belmar, NJ	05/04/2023
GAS	GS24070516K	GOC2023-0725	Did not properly mark out	\$3,000	NJ Natural Gas	06/20/2023	Forman Ave., Pt. Pleasant. Beach, NJ	09/22/2023
GAS	GS24070517K	GOC2023-0726	Did not properly mark out	\$3,000	NJ Natural Gas	06/21/2023	Michael Ct., Jackson, NJ	09/23/2023
GAS	GS24070518K	GOC2023-0728	Did not properly mark out	\$3,000	NJ Natural Gas	06/23/2023	Southard Ave., Farmingdale, NJ	11/15/2023
GAS	GS24070519K	GOC2023-0732	Did not properly mark out	\$3,000	NJ Natural Gas	06/26/2023	Brevent & Viola Ave., Middletown, NJ	09/22/2023
GAS	GS24070520K	GOC2023-0735	Did not properly mark out	\$3,000	NJ Natural Gas	06/27/2023	Green Grove Rd., Neptune, NJ	02/21/2024
GAS	GS24070521K	GOC2023-0738	Did not properly mark out	\$3,000	NJ Natural Gas	06/28/2023	E. Washington Ave., Atlantic Highlands, NJ	09/22/2023
GAS	GS24070522K	GOC2023-0739	Did not properly mark out	\$3,000	NJ Natural Gas	06/29/2023	Brevent & Vanderbilt Ave., Leonardo, NJ	09/22/2023
Total Cases: 25 Total Penalties: \$75,000								