



Agenda Date: 9/25/24

Agenda Item: VIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

RELIABILITY & SECURITY

IN THE MATTER OF PUBLIC SERVICE ELECTRIC AND	)	ORDER ACCEPTING
GAS COMPANY ALLEGED VIOLATIONS OF THE	)	SETTLEMENTS
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A.	)	
48:2-73 ET SEQ. GOC2021-1507	)	DOCKET NOS. GS24070555K
	)	et al. (see attached Appendix)

**Party of Record:**

**Franky Coriano**, Public Service Electric And 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 Settlement 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.<sup>1</sup>

## **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.

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<sup>1</sup> The thirty-five (35) Offers of Settlement were accepted by the alleged violator, and each made full payment on the dates provided in Appendix A.

**NO FURTHER ACTION BY THE RESPONDENT IS REQUIRED.**

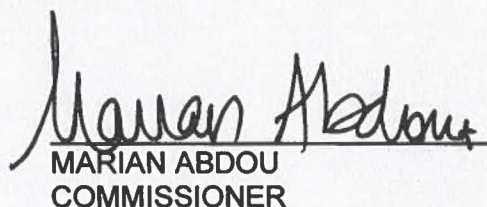
This Order shall be effective on October 2, 2024.

DATED: September 25, 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 PUBLIC SERVICE ELECTRIC AND GAS COMPANY ALLEGED VIOLATIONS OF THE  
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. GOC2021-1507

DOCKET NOS. GS24070555K et al. (see attached Appendix)

SERVICE LIST

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**APPENDIX A**

In the Matter of Public Service Electric and Gas Company Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. GOC2021-1507  
Docket Nos. GS24070555K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS24070555K	GOC2021-1507	Did not properly mark out	\$3,000	PSE&G Company	10/29/2021	Garrabrant Rd., Clifton, NJ	3/3/2022
GAS	GS24070556K	GOC2022-0079	Did not properly mark out	\$3,000	PSE&G Company	1/26/2022	Shunpike Rd. West Orange, NJ	4/18/2022
GAS	GS24070558K	GOC2021-1613	Did not properly mark out	\$3,000	PSE&G Company	11/3/2021	Union Street Hackensack, NJ	10/20/2022
GAS	GS24070559K	GOC2022-0432	Did not properly mark out	\$3,000	PSE&G Company	4/13/2022	Sullivan Way/Corona Rd E. Brunswick, NJ	1/3/2023
GAS	GS24070560K	GOC2022-0686	Did not properly mark out	\$3,000	PSE&G Company	5/17/2022	Tall Okas Dr., E. Brunswick, NJ	1/3/2023
GAS	GS24070561K	GOC2022-1267	Did not properly mark out	\$3,000	PSE&G Company	8/23/2022	Oak Street Old Bridge, NJ	1/3/2023
GAS	GS24070562K	GOC2022-0975	Did not properly mark out	\$3,000	PSE&G Company	7/12/2022	Lanza Avenue Garfield, NJ	1/4/2023
GAS	GS24070563K	GOC2022-0979	Did not properly mark out	\$3,000	PSE&G Company	7/13/2022	E. Main Street Somerville, NJ	1/17/2023
GAS	GS24070564K	GOC2022-0993	Did not properly mark out	\$3,000	PSE&G Company	7/20/2022	Walnut Court Warren, NJ	1/10/2023
GAS	GS24070565K	GOC2021-0168	Failure to use Care	\$3,000	PSE&G Company	3/5/2021	Plainfield Ave., Plainfield, NJ	2/1/2023
GAS	GS24070566K	GOC2022-0419	Did not obtain a mark out	\$3,000	PSE&G Company	4/5/2022	US Hwy 22 Martinsville, NJ	2/23/2023
GAS	GS24070567K	GOC2022-0830	Did not properly mark out	\$3,000	PSE&G Company	6/21/2022	Smith Manor Blvd W. Orange, NJ	8/10/2023
GAS	GS24070568K	GOC2022-1140	Did not properly mark out	\$3,000	PSE&G Company	8/2/2022	Creek Crossing Blvd. Hainesport, NJ	8/23/2023
GAS	GS24070569K	GOC2023-0767	Did not properly mark out	\$3,000	PSE&G Company	8/2/2022	Deland Ave., Cherry Hill, NJ	9/20/2023
GAS	GS24070570K	GOC2021-0574	Did not properly mark out	\$3,000	PSE&G Company	5/7/2021	Kinderkamack Rd. Hillside, NJ	9/28/2023
GAS	GS24070571K	GOC2021-1559	Did not properly mark out	\$3,000	PSE&G Company	11/4/2021	3 <sup>RD</sup> Street Palisades Park, NJ	9/28/2023
GAS	GS24070572K	GOC2021-1577	Did not properly mark out	\$3,000	PSE&G Company	11/11/2021	Union Avenue Irvington, NJ	9/28/2023

**APPENDIX A**

In the Matter of Public Service Electric and Gas Company Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. GOC2021-1507  
Docket Nos. GS24070555K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS24070573K	GOC2021-1611	Did not properly mark out	\$3,000	PSE&G Company	11/29/2021	Lawrence Penn. Rd. Lawrenceville, NJ	9/28/2023
GAS	GS24070574K	GOC2022-0992	Did not properly mark out	\$3,000	PSE&G Company	7/20/2022	Cherry Lane Mendham, NJ	9/28/2023
GAS	GS24070575K	GOC2023-0750	Did not properly mark out	\$3,000	PSE&G Company	6/21/2023	Park Street Ridgefield Park, NJ	11/28/2023
GAS	GS24070576K	GOC2023-0760	Did not properly mark out	\$3,000	PSE&G Company	6/26/2023	Lake Shore Dr. Haworth, NJ	9/28/2023
GAS	GS24070577K	GOC2020-1467	Did not properly mark out	\$3,000	PSE&G Company	9/30/2020	Meadowlark Lane E. Brunswick, NJ	10/10/2023
GAS	GS24070578K	GOC2021-1170	Did not properly mark out	\$3,000	PSE&G Company	9/2/2021	Livingstone Ave. New Brunswick, NJ	10/10/2023
GAS	GS24070579K	GOC2022-0083	Did not properly mark out	\$3,000	PSE&G Company	1/25/2022	4 <sup>th</sup> Street Dunellen, NJ	10/10/2023
GAS	GS24070580K	GOC2023-0774	Did not properly mark out	\$3,000	PSE&G Company	6/30/2023	Main Street E. Brunswick, NJ	10/10/2023
GAS	GS24080581K	GOC2021-0577	Did not properly mark out	\$3,000	PSE&G Company	5/11/2021	Felton Ave. Highland Park, NJ	11/1/2023
GAS	GS24080582K	GOC2017-1198	Failure to use Care	\$3,000	PSE&G Company	8/7/2017	2 <sup>nd</sup> Street South Amboy, NJ	11/29/2023
GAS	GS24080583K	GOC2017-1199	Failure to use Care	\$3,000	PSE&G Company	8/7/2017	2 <sup>nd</sup> Street South Amboy, NJ	1/5/2024
GAS	GS24080584K	GOC2021-1071	Failure to Hand Dig	\$3,000	PSE&G Company	8/9/2021	Pascack Rd. Washington, NJ	1/5/2024
GAS	GS24080585K	GOC2021-1094	Did not properly mark out	\$3,000	PSE&G Company	8/18/2021	Burlington Distr. Maple Shade, NJ	1/5/2024
GAS	GS24080586K	GOC2023-0756	Did not properly mark out	\$3,000	PSE&G Company	6/26/2023	Daytona Ave., Cherry Hill, NJ	1/5/2024
GAS	GS24080587K	GOC2023-0771	Did not properly mark out	\$3,000	PSE&G Company	6/29/2023	River Road New Milford, NJ	1/5/2024
GAS	GS24080588K	GOC2021-1259	Failure to hand Dig	\$3,000	PSE&G Company	9/18/2021	Center Avenue Maple Shade, NJ	12/13/2023
GAS	GS24080589K	GOC2023-0235	Did not properly mark out	\$3,000	PSE&G Company	12/13/2023	Langrock Way Burlington, NJ	12/13/2023
GAS	GS24080590K	GOC2023-0763	Did not properly mark out	\$3,000	PSE&G Company	6/27/2023	Avon Avenue Newark, NJ	8/29/2023
Total Cases - 35 Total Fines - \$105,000								