



Agenda Date: 10/23/24

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 VIOLATION OF THE	)	SETTLEMENTS
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A.	)	
48:2-73 ET SEQ. GOC 2023-0765	)	DOCKET NOS. GS24090732K
	)	et al. (see attached Appendix)

**Parties of Record:**

**Chelsey Gaworecki**, 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 it 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.

---

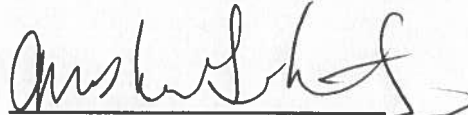
<sup>1</sup> The forty (40) Offers of Settlement were accepted by the alleged violator, and each made full payment on the dates provided in Appendix A.

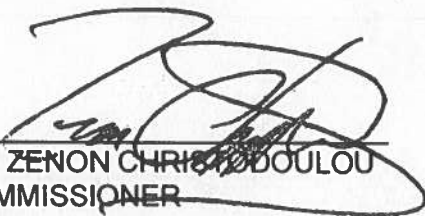
**NO FURTHER ACTION BY THE RESPONDENT IS REQUIRED.**

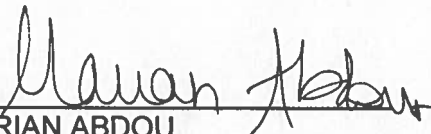
This Order shall be effective on October 30, 2024.

DATED: October 23, 2024

BOARD OF PUBLIC UTILITIES  
BY:

  
CHRISTINE GUHL-SADOVY  
PRESIDENT

  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

  
MARIAN ABDOU  
COMMISSIONER

  
MICHAEL BANGE  
COMMISSIONER

ATTEST:

  
SHERRIL 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 VIOLATION OF THE UNDERGROUND FACILITY  
PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. GOC 2023-0765  
DOCKET NOS. GS24090732K et al. (see attached Appendix)

SERVICE LIST

Chelsey Gaworecki  
Public Service Electric and Gas Company  
240 Kuller Rd.  
Clifton, NJ 07011  
[chelsey.gaworecki@pseg.com](mailto:chelsey.gaworecki@pseg.com)

**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
PO Box 350  
Trenton NJ, 08625-0350

Sherri L. Golden, Board Secretary  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Stacy Peterson, Deputy Executive Director  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

Heather Weisband, Senior Counsel  
[heather.weisband@bpu.nj.gov](mailto:heather.weisband@bpu.nj.gov)

Division of Reliability & Security

Francis Gaffney, Director  
[francis.gaffney@bpu.nj.gov](mailto:francis.gaffney@bpu.nj.gov)

Shawn McIvor, Deputy Director  
[shawn.mcivor@bpu.nj.gov](mailto:shawn.mcivor@bpu.nj.gov)

Ann Lang  
[ann.lang@bpu.nj.gov](mailto:ann.lang@bpu.nj.gov)

Lauren Mattox  
[lauren.mattox@bpu.nj.gov](mailto:lauren.mattox@bpu.nj.gov)

Phillip Galka  
[phillip.galka@bpu.nj.gov](mailto:phillip.galka@bpu.nj.gov)

Amanda Davila  
[amanda.davila@bpu.nj.gov](mailto:amanda.davila@bpu.nj.gov)

**Attorney General's Office**

Matko Ilic, DAG  
Richard J. Hughes Justice Complex  
25 Market Street– P.O. Box 112  
Trenton, NJ 08625  
[matko.ilic@law.njoag.gov](mailto:matko.ilic@law.njoag.gov)

**APPENDIX A**

In the Matter of Public Service Electric and Gas Company Alleged Violation of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. GOC 2023-0765  
Docket Nos. GS24090732K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS24090732K	GOC2023-0765	Did not properly mark out	\$3,000	PSE&G	06/28/2023	Stephen Dr. & Church Rd. Cinnaminson, NJ	10/13/2023
GAS	GS24090733K	GOC2023-0773	Did not properly mark out	\$3,000	PSE&G	06/30/2023	Cooper Avenue Roseland, NJ	10/13/2023
GAS	GS24090734K	GOC2021-0610	Did not properly mark out	\$3,000	PSE&G	05/24/2021	Pope Street Manville, NJ	10/18/2023
ELECTRIC	ES24090735K	EOC2021-0006	Failure to use care	\$2,500	PSE&G	01/27/2021	Bergenline Ave., W. New York, NJ	10/26/2023
GAS	GS24090736K	GOC2022-0333	Did not properly mark out	\$3,000	PSE&G	03/25/2022	Washington Ave., Plainfield, NJ	10/26/2023
GAS	GS24090737K	GOC2022-0352	Did not properly mark out	\$3,000	PSE&G	03/31/2022	Gail Dr., E. Hanover, NJ	10/26/2023
GAS	GS24090738K	GOC2017-1056	Did not properly mark out	\$3,000	PSE&G	08/10/2017	Bell Road Mt. Ephraim, NJ	12/27/2023
GAS	GS24090739K	GOC2021-0698	Did not properly mark out	\$3,000	PSE&G	06/07/2021	Summit Place Highland Park, NJ	12/27/2023
GAS	GS24090740K	GOC2017-0593	Failure to hand dig	\$3,000	PSE&G	05/30/2017	Dunkerly Street Totowa, NJ	01/03/2024
GAS	GS24090741K	GOC2017-1821	Failure to use reasonable Care	\$3,000	PSE&G	12/11/2017	Harvard Rd., Old Bridge, NJ	01/03/2024
GAS	GS24090742K	GOC2021-0163	Did not properly mark out	\$3,000	PSE&G	02/25/2021	Ferguson Rd., Warren, NJ	01/03/2024
GAS	GS24090743K	GOC2021-0450	Did not properly mark out	\$3,000	PSE&G	04/28/2021	Jackson Ave., S. Plainfield, NJ	01/03/2024
GAS	GS24090744K	GOC2021-0795	Did not properly mark out	\$3,000	PSE&G	06/24/2021	Orient Way Rutherford, NJ	01/03/2024
GAS	GS24090745K	GOC2021-0935	Failure to maintain/preserve mark out	\$3,000	PSE&G	07/16/2021	Mountain View Ave., Bridgewater, NJ	01/03/2024
GAS	GS24090746K	GOC2021-1122	Did not properly mark out	\$3,000	PSE&G	08/31/2021	Union Street Hackensack, NJ	01/03/2024
GAS	GS24090747K	GOC2022-1446	Did not properly mark out	\$3,000	PSE&G	09/29/2022	US Hwy 206, Hillsborough, NJ	01/03/2024
GAS	GS24090748K	GOC2023-0237	Did not properly mark out	\$3,000	PSE&G	02/13/2023	Whitewood Ave., Plainfield, NJ	01/03/2024

**APPENDIX A**

In the Matter of Public Service Electric and Gas Company Alleged Violation of the Underground  
Facility Protection Act, N.J.S.A. 48:2-73 et seq. GOC 2023-0765  
Docket Nos. GS24090732K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS24090749K	GOC2023-0241	Did not properly mark out	\$3,000	PSE&G	02/14/2023	Dayton Road Mendham, NJ	01/03/2024
GAS	GS24090750K	GOC2021-0337	Did not properly mark out	\$3,000	PSE&G	03/23/2021	Triangle Rd., New Brunswick, NJ	01/25/2024
GAS	GS24090751K	GOC2021-0909	Did not properly mark out	\$3,000	PSE&G	07/06/2021	Hathaway St., Wallington, NJ	01/25/2024
GAS	GS24090752K	GOC2021-0706	Did not properly mark out	\$3,000	PSE&G	06/11/2021	Stuyvesant Ave., Lyndhurst, NJ	01/26/2024
GAS	GS24090753K	GOC2021-0444	Did not properly mark out	\$3,000	PSE&G	04/26/2021	Camden Ave., S. Plainfield, NJ	02/15/2024
GAS	GS24090754K	GOC2021-0604	Did not properly mark out	\$3,000	PSE&G	05/20/2021	Overlook Place Mahwah, NJ	02/15/2024
GAS	GS24090755K	GOC2021-0695	Did not properly mark out	\$3,000	PSE&G	06/07/2021	N. Bridge Street Paterson, NJ	02/15/2024
GAS	GS24090756K	GOC2023-0232	Did not properly mark out	\$3,000	PSE&G	02/09/2023	Beloit Ave., Audubon, NJ	02/15/2024
GAS	GS24090757K	GOC2023-1099	Failure to hand dig	\$3,000	PSE&G	08/18/2023	Alpha Ave., Old Bridge, NJ	02/15/2024
GAS	GS24090758K	GOC2023-1323	Did not properly mark out	\$3,000	PSE&G	09/20/2023	Dock Rd., Old Bridge, NJ	02/15/2024
ELECTRIC	ES24090759K	EOC2021-0110	Did not properly mark out	\$2,500	PSE&G	06/08/2021	US Hwy 206, Hillsborough, NJ	02/21/2024
GAS	GS24090760K	GOC2021-0595	Did not properly mark out	\$3,000	PSE&G	05/19/2021	Passaic Ave., Passaic, NJ	03/08/2024
GAS	GS24090761K	GOC2021-0792	Did not properly mark out	\$3,000	PSE&G	06/24/2021	Washington Corner Rd., Bernardsville, NJ	03/08/2024
GAS	GS24090762K	GOC2023-0498	Failure to use care	\$2,500	PSE&G	04/05/2023	St. Andrews St. Mt. Laurel, NJ	03/13/2024
GAS	GS24090763K	GOC2021-0578	Did not properly mark out	\$3,000	PSE&G	05/11/2021	Kennedy Lane Wood-ridge, NJ	03/13/2024
GAS	GS24090764K	GOC2021-0584	Did not properly mark out	\$3,000	PSE&G	05/13/2021	Yardley Rd., Mendham, NJ	03/13/2024
GAS	GS24090765K	GOC2021-0606	Did not properly mark out	\$3,000	PSE&G	05/21/2021	Chosin Few Way Bayonne, NJ	03/13/2024
GAS	GS24090766K	GOC2022-0593	Did not properly mark out	\$3,000	PSE&G	05/02/2022	Inwood Terr., Fort Lee, NJ	03/13/2024

**APPENDIX A**

In the Matter of Public Service Electric and Gas Company Alleged Violation of the Underground  
Facility Protection Act, N.J.S.A. 48:2-73 et seq. GOC 2023-0765  
Docket Nos. GS24090732K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS24090767K	GOC2022-0618	Did not properly mark out	\$3,000	PSE&G	05/10/2022	Spring Valley Rd., Maywood, NJ	03/31/2024
GAS	GS24090768K	GOC2022-0692	Did not properly mark out	\$3,000	PSE&G	05/23/2022	Park Ave., Summit, NJ	03/13/2024
GAS	GS24090769K	GOC2022-0695	Did not properly mark out	\$3,000	PSE&G	05/26/2022	Station Ave., Haddon Heights, NJ	03/13/2024
GAS	GS24090770K	GOC2023-0504	Failure to use care	\$3,000	PSE&G	04/10/2023	W. Virginia Rd., Browns Mills, NJ	03/13/2024
GAS	GS24090771K	GOC2023-0667	Failure to use care	\$3,000	PSE&G	06/05/2023	Currie Ave., Wallington, NJ	03/13/2024
Total Cases - 40 Total Fines - \$118,500								