



Agenda Date: 6/18/25
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 ALLEGED VIOLATIONS OF THE)	ORDER ACCEPTING
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A.)	SETTLEMENTS
48:2-73 ET SEQ. GOC2021-0304)	
)	DOCKET NOS. GS25030135K
)	et al. (see attached Appendix)

Parties of Record:

Chelsey Gaworecki, Public Service Electric and Gas Company
Michael Widmer, South Jersey Gas Company
Robert Polk, 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 for failing to mark out or properly mark out underground facilities, Board Staff issued Notices of Probable Violations and Offers of Settlement to the alleged violators 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 forty-one (41) Offers of Settlement were accepted by the alleged violators, and each made full payment on the dates provided in Appendix A.

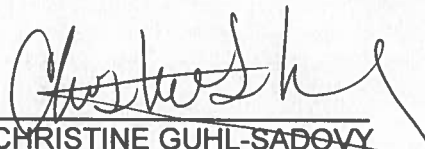
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED.

This Order shall be effective on June 28, 2025.

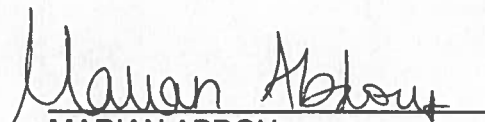
DATED: June 18, 2025

BOARD OF PUBLIC UTILITIES

BY:

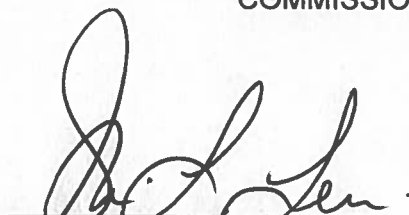

CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER

ATTEST:


SHERRI L. LEWIS
BOARD 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. GOC2021-0304
DOCKET NOS. GS2030135K et al. (see attached Appendix)

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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.

GOC2021-0304

Docket Nos. GS25030135K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GS25030135K	GOC2021-0304	Did not properly mark out	\$3,000	SJG	04/08/2021	N. New York Ave. Atlantic City, NJ	07/19/2023
GAS	GS25030136K	GOC2021-0409	Did not properly mark out	\$3,000	SJG	04/19/2021	Logan Court Sicklerville, NJ	09/25/2023
GAS	GS25030137K	GOC2021-0557	Did not properly mark out	\$3,000	SJG	04/08/2021	S Beecham Rd, Williamstown, NJ	09/20/2023
GAS	GS25030138K	GOC2021-0746	Did not properly mark out	\$3,000	SJG	06/30/2021	Fellowship Ct. Sicklerville, NJ	09/13/2023
GAS	GS25030139K	GOC2021-1629	Did not properly mark out	\$3,000	SJG	12/14/2021	W. Andrews Ave Wildwood, NJ	09/28/2023
GAS	GS25030140K	GOC2022-0113	Did not properly mark out	\$3,000	SJG	02/17/2022	Dune Dr. Avalon, NJ	09/28/2023
GAS	GS25030141K	GOC2022-0119	Did not properly mark out	\$3,000	SJG	02/23/2022	N. 3 rd Street Hammononton, NJ	10/04/2023
GAS	GS25030142K	GOC2022-0177	Did not properly mark out	\$3,000	SJG	03/02/2022	Simpson Ave Ocean City, NJ	10/26/2023
GAS	GS25030143K	GOC2022-0233	Did not properly mark out	\$3,000	SJG	03/25/2022	Higgins Drive Glassboro, NJ	11/01/2023
GAS	GS25030144K	GOC2022-0304	Did not properly mark out	\$3,000	SJG	04/01/2022	Sleepy Hollow Ln Sicklerville, NJ	09/20/2023
GAS	GS25030145K	GOC2022-0382	Did not properly mark out	\$3,000	SJG	04/25/2022	W Broadway Salem, NJ	02/21/2023
GAS	GS25030146K	GOC2022-0491	Did not properly mark out	\$3,000	SJG	05/02/2022	Pittsburg Ave Cape May, NJ	03/09/2023
GAS	GS25030147K	GOC2022-0546	Did not properly mark out	\$3,000	SJG	05/17/2022	Patridge Lane Cherry Hill, NJ	11/29/2023
GAS	GS25030148K	GOC2022-0869	Did not properly mark out	\$3,000	SJG	07/27/2022	Patridge Lane Cherry Hill, NJ	01/01/2024
GAS	GS25030149K	GOC2022-0870	Did not properly mark out	\$3,000	SJG	07/27/2022	S Carlton St Lindenwold, NJ	01/04/2024
GAS	GS25030150K	GOC2022-0872	Did not properly mark out	\$3,000	SJG	07/28/2022	N. Orchard Rd. Vineland, NJ	05/04/2023
GAS	GS25030151K	GOC2022-0919	Did not properly mark out	\$3,000	SJG	08/03/2022	Larue Ave., Egg Harbor, NJ	10/04/2023

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GAS	GS25030152K	GOC2022-0924	Did not properly mark out	\$3,000	SJG	08/09/2022	Broad Street Swedesboro, NJ	03/23/2023
GAS	GS25030153K	GOC2022-1014	Did not properly mark out	\$3,000	SJG	08/15/2022	Seashore Road Cape May, NJ	03/23/2023
GAS	GS25030154K	GOC2022-1022	Did not properly mark out	\$3,000	SJG	08/24/2022	Congress Street Cape May, NJ	03/23/2023
GAS	GS25030155K	GOC2022-1029	Did not properly mark out	\$3,000	SJG	08/30/2022	Kings Hwy Mickleton, NJ	09/20/2023
GAS	GS25030156K	GOC2022-1300	Did not properly mark out	\$3,000	SJG	10/05/2022	S. Black Hrs Pike Williamstown, NJ	06/19/2024
GAS	GS25030157K	GOC2022-1481	Did not properly mark out	\$3,000	SJG	11/01/2022	McCurdy Ave Frankville, NJ	09/13/2023
GAS	GS25030158K	GOC2023-0172	Did not properly mark out	\$3,000	SJG	03/13/2023	Fries Mill Road Frankville, NJ	01/08/2024
GAS	GS25030159K	GOC2023-0408	Did not properly mark out	\$3,000	SJG	05/21/2023	Harwood Drive Voorhees, NJ	02/21/2024
GAS	GS25030160K	GOC2023-0689	Did not properly mark out	\$3,000	SJG	06/23/2023	N. Princeton Ave. Wenonah, NJ	01/04/2024
GAS	GS25030161K	GOC2023-0691	Did not properly mark out	\$3,000	SJG	06/26/2023	Evesham Road Lawnside, NJ	10/04/2023
GAS	GS25030162K	GOC2023-0693	Did not properly mark out	\$3,000	SJG	06/26/2023	Ocean Heights Ave Egg Harbor, NJ	10/04/2023
GAS	GS25030163K	GOC2023-0779	Did not properly mark out	\$3,000	SJG	07/11/2023	W. North St/ S. Phil Ave Egg Harbor, NJ	10/04/2023
GAS	GS25030164K	GOC2023-0782	Did not properly mark out	\$3,000	SJG	07/12/2023	Dahliadel Drive Vineland, NJ	09/20/2023
GAS	GS25030165K	GOC2023-1423	Did not properly mark out	\$3,000	SJG	11/28/2023	N. Gladstone Ave. Margate City, NJ	05/22/2024
GAS	GS25030166K	GOC2024-0011	Did not properly mark out	\$3,000	SJG	01/11/2024	W. Mantua Ave. Wenonah, NJ	02/05/2024
GAS	GS25030167K	GOC2024-0051	Did not properly mark out	\$3,000	SJG	02/01/2024	Amherst Ave. Margate City, NJ	05/22/2024
GAS	GS25030168K	GOC2024-0163	Did not properly mark out	\$3,000	SJG	03/26/2024	E. Bayview Ave. Pleasantville, NJ	06/24/2024

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GAS	GS25030169K	GOC2024-0269	Did not properly mark out	\$3,000	SJG	04/04/2024	Park Ave Berlin, NJ	05/22/2024
GAS	GS25030170K	GOC2024-0406	Did not properly mark out	\$5,000	SJG	05/14/2024	White Horse/Haddfd Rd., Voorhees, NJ	06/19/2024
ELECTRIC	ES24100784K	EOC2022-0019	Did not properly mark out	\$2,500	ACE	02/17/2022	Trotter Way Lower Twsp., NJ	06/27/2024
ELECTRIC	ES24100785K	EOC2022-0025	Did not properly mark out	\$2,500	ACE	03/02/2022	Kingfisher Road Tuckerton, NJ	06/27/2024
ELECTRIC	ES24100786K	EOC2022-0026	Did not properly mark out	\$2,500	ACE	03/07/2022	Waterway Road Ocean City, NJ	06/27/2024
ELECTRIC	ES24100787K	EOC2022-0086	Did not properly mark out	\$2,500	ACE	04/04/2022	Holly Road Eagleswood, NJ	06/27/2024
ELECTRIC	ES24100788K	EOC2023-0322	Did not properly mark out	\$2,500	ACE	12/14/2023	Laurel Road Lindenwold, NJ	06/27/2024
Total Cases – 41 Total Fines - \$122,500								