

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
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Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

RELIABILITY & SECURITY

IN THE MATTER OF PUBLIC SERVICE ELECTRIC)	ORDER ACCEPTING
AND GAS ALLEGED VIOLATIONS OF THE)	SETTLEMENTS
UNDERGROUND FACILITY PROTECTION ACT,)	
N.J.S.A. 48:2-73 ET SEQ. EOC2020-0001)	DOCKET NO. ES25050232K
)	et al. (see attached Appendix)

Parties of Record:

Jason Anderson, A&A Construction
Richard Scagliotis, Adamsville Maintenance Inc.
Don Gural, Ameriscape Landscape & Design
Charles Boesch, C. Boesch Masonry
Stan Barrett, Comcast
Douglas Lanzo, D'Lanzo Plumbing & Sewer
Steven Hewitt, Drain Doctor
James Hemingway, Garden State General Construction
Michael Elward, J F Kiely Construction
Akorfa Gidiglo, Jersey Central Power & Light Company
Brian Sullivan, Jersey Shore Pavers
Kevin Marron, Joseph M Sanzari Inc
Karl Auwarter, Kavi Construction
George Weinroth, Michael Claps
Alison Sbriscia, New Jersey Natural Gas Company
Chelsey Gaworecki, Public Service Electric & Gas Company
Manfred Konrath, Riggs Distler & Co Inc
Joseph Zargo, S. Batata Construction
Deborah Lamorticella, Shauger Property Services
Mark Amechi, United Fence

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, failing to use reasonable care, failing to hand-dig and locate, 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 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

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 public interest, and **HEREBY ACCEPTS** the Offers of Settlement in full satisfaction of the

¹ The fifty (50) Offers of Settlement were accepted by the alleged violators, and each made full payment on the dates provided in Appendix A.

alleged violations of the Act as provided in Appendix A attached hereto and made part hereof.

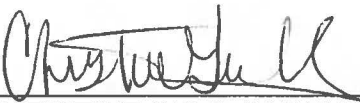
By acceptance of the Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing, and the Board has waived any rights to bring an action for civil penalties as permitted by the Act in connection with the above-referenced alleged violations. It must 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.

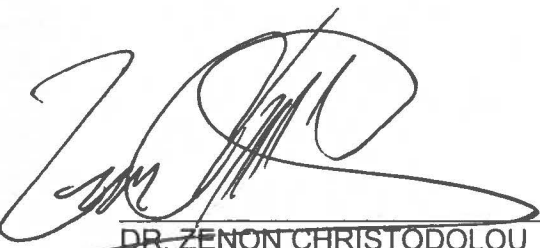
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED.

This Order shall be effective on August 20, 2025.

DATED: August 13, 2025

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOLOU
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 PUBLIC SERVICE ELECTRIC AND GAS ALLEGED VIOLATIONS OF THE
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. EOC2020-0001
DOCKET NOS. ES25050232K 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.

EOC2020-0001

Docket Nos. ES25050232K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
ELECTRIC	ES25050232K	EOC2020-0001	Failure to Use Reasonable Care	\$2,500	PSE&G (E)	10/21/2019	Belmont Ave, Jersey City, NJ	02/21/2024
ELECTRIC	ES25050233K	EOC2020-0193	Did Not Properly Mark	\$2,500	PSE&G (E)	09/10/2020	Brandon Rd, Hopewell, NJ	07/05/2024
ELECTRIC	ES25050234K	EOC2020-0204	Did Not Properly Mark	\$3,000	PSE&G (E)	09/30/2020	Garside St, Newark, NJ	06/03/2024
ELECTRIC	ES25050235K	EOC2020-0248	Did Not Properly Mark	\$2,500	PSE&G (E)	10/05/2020	Park Ave Newark, NJ	06/03/2024
ELECTRIC	ES25050236K	EOC2020-0253	Did Not Properly Mark	\$2,500	PSE&G (E)	10/09/2020	Mrt. Lr King Dr. Jersey City, NJ	06/05/2024
ELECTRIC	ES25050237K	EOC2020-0254	Did Not Properly Mark	\$2,500	PSE&G (E)	10/09/2020	Dickerson St, Newark	06/19/2024
ELECTRIC	ES25050238K	EOC2020-0288	Did Not Have a Valid Markout	\$2,000	Michael Claps	10/21/2020	Arntwn/Htown Rd. Allentown, NJ	07/19/2023
GAS	GS25050253K	GOC2020-0990	Did Not Have a Valid Markout	\$3,000	Garden State General Construction	07/07/2020	E 14Th Ave N. Wildwood, NJ	01/05/2022
GAS	GS25050254K	GOC2020-1325	Failure to Hand Dig	\$3,000	J F Kiely Construction	09/22/2020	Joline Ave Long Branch, NJ	08/29/2024
GAS	GS25050255K	GOC2020-1389	Failure to Use Reasonable Care	\$3,000	Riggs Distler & Co Inc	09/25/2020	Rita Drive Cape May Court House, NJ	10/30/2024
GAS	GS25050256K	GOC2020-1436	Did Not Have a Valid Markout	\$3,000	Adamsville Maintenance Inc.	09/29/2020	Moffett Ave Plainfield, NJ	09/23/2024
GAS	GS25050257K	GOC2020-1458	Did Not Properly Mark	\$3,000	PSE&G (G)	09/25/2020	Central Ave, Edison, NJ	01/16/2025
GAS	GS25050258K	GOC2020-1461	Did Not Properly Mark	\$3,000	PSE&G (G)	09/28/2020	Garrabrant Rd Clifton, NJ	06/05/2024
GAS	GS25050259K	GOC2020-1462	Did Not Properly Mark	\$3,000	PSE&G (G)	09/28/2020	4Th St Carlstadt, NJ	06/05/2024
GAS	GS25050260K	GOC2020-1463	Did Not Properly Mark	\$3,000	PSE&G (G)	09/29/2020	Cranbury Rd, West Windsor, NJ	06/04/2024
GAS	GS25050261K	GOC2020-1465	Did Not Properly Mark	\$3,000	PSE&G (G)	09/29/2020	Sharps Ln Hmil. Square, NJ	06/03/2024
GAS	GS25050262K	GOC2020-1466	Did Not Properly Mark	\$3,000	PSE&G (G)	09/29/2020	Westwood Blvd, Westwood, NJ	06/04/2024
GAS	GS25050263K	GOC2020-1518	Did Not Have a Valid Markout	\$3,000	Drain Doctor	10/15/2020	E 4Th Ave N. Wildwood, NJ	02/15/2024
GAS	GS25050264K	GOC2020-1563	Did Not Properly Mark	\$3,000	PSE&G (G)	10/01/2020	Riverview Ave, Piscataway	06/03/2024

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GAS	GS25050265K	GOC2020-1565	Did Not Properly Mark	\$3,000	PSE&G (G)	10/03/2020	Back Dr, Edison, NJ	06/03/2024
GAS	GS25050266K	GOC2020-1566	Did Not Properly Mark	\$3,000	PSE&G (G)	10/05/2020	Lanza Ave, Garfield, NJ	06/05/2024
GAS	GS25050267K	GOC2020-1569	Did Not Properly Mark	\$3,000	PSE&G (G)	10/05/2020	Orient Way & Rutherford Ave, Rutherford, NJ	06/03/2024
GAS	GS25050268K	GOC2020-1573	Did Not Properly Mark	\$3,000	PSE&G (G)	10/07/2020	Garside St, Newark, NJ	06/03/2024
GAS	GS25050269K	GOC2020-1619	Did Not Have a Valid Markout	\$3,000	S Batata Construction	10/15/2020	Runyon Ave, Deal, NJ	03/21/2025
GAS	GS25050270K	GOC2020-1620	Failure to Use Reasonable Care	\$3,000	Jersey Shore Pavers	10/20/2020	6th St, Ship Bottom, NJ	01/03/2023
GAS	GS25050271K	GOC2020-1621	Did Not Have a Valid Markout	\$3,000	Ameriscape Landscape & Design	10/20/2020	Wood Ave, Englishtown, NJ	11/14/2023
GAS	GS25050272K	GOC2021-0024	Did Not Have a Valid Markout	\$3,000	C. Boesch Masonry	01/12/2021	Powell Ln, Barnegat, NJ	03/08/2024
GAS	GS25050273K	GOC2021-0056	Did Not Properly Mark	\$3,000	NJ Natural Gas	01/20/2021	Deal Rd, Ocean, NJ	12/06/2024
GAS	GS25050274K	GOC2021-0151	Did Not Properly Mark	\$3,000	NJ Natural Gas	02/24/2021	James Crest Ct, Lakewood, NJ	12/06/2024
CABLE	CS25060334K	COC2021-0039	Failure to Use Reasonable Care	\$1,000	S Batata Construction	04/21/2021	Tracey Ter, Cherry Hill, NJ	03/21/2025
CABLE	CS25060335K	COC2022-0038	Did Not Properly Mark	\$2,500	Comcast	09/14/2022	Bryan Dr, Voorhees, NJ	02/20/2025
ELECTRIC	ES25060336K	EOC2021-0090	Failure to Hand Dig	\$2,500	United Fence	05/05/2021	Buttercup Ln, Willingboro, NJ	02/21/2024
ELECTRIC	ES25060337K	EOC2021-0099	Did Not Properly Mark	\$2,500	PSE&G (E)	05/20/2021	Ferry St, Newark, NJ	05/22/2024
ELECTRIC	ES25060338K	EOC2021-0105	Did Not Properly Mark	\$3,000	PSE&G (E)	05/24/2021	Clemnts Bidge Rd, Deptford, NJ	04/12/2024
ELECTRIC	ES25060339K	EOC2021-0106	Did Not Properly Mark	\$2,500	PSE&G (E)	05/26/2021	Hillcrest Ct, Montgomery, NJ	02/21/2024
ELECTRIC	ES25060340K	EOC2021-0111	Failure to Use Reasonable Care	\$2,500	D'Lanzo Plumbing & Sewer	06/10/2021	Pamrapo Ave, Jersey City, NJ	04/02/2024
ELECTRIC	ES25060341K	EOC2021-0118	Did Not Have a Valid Markout	\$2,500	Shauger Property Svcs.	06/18/2021	Fairmount Ave, Jersey City, NJ	03/13/2024
ELECTRIC	ES25060342K	EOC2021-0151	Did Not Have a Valid Markout	\$3,000	Kavi Construction	06/02/2021	Henkinsifkin Rd, Woodbine, NJ	06/29/2023

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EOC2020-0001

Docket Nos. ES25050232K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
ELECTRIC	ES25060343K	EOC2021-0190	Did Not Properly Markout	\$2,500	JCP&L	08/10/2021	Cabernet Ct. Toms River, NJ	10/17/2024
ELECTRIC	ES25060344K	EOC2021-0202	Did Not Properly Mark	\$2,500	JCP&L	08/19/2021	Pinebrook Dr, Neptune, NJ	10/31/2024
ELECTRIC	ES25060345K	EOC2021-0209	Did Not Properly Mark	\$2,500	JCP&L	08/30/2021	Olympia Dr, East Hanover, NJ	10/16/2024
ELECTRIC	ES25060346K	EOC2021-0218	Did Not Properly Mark	\$2,500	JCP&L	09/30/2021	Brookwillow Ave Long, Branch, NJ	10/31/2024
ELECTRIC	ES25060347K	EOC2021-0240	Did Not Properly Mark	\$2,500	PSE&G (E)	07/24/2021	Maine Tr, Medford, NJ	10/24/2023
ELECTRIC	ES25060348K	EOC2021-0282	Did Not Have a Valid Markout	\$3,000	PSE&G (E)	09/29/2021	Orly Ct, West Windsor, NJ	09/23/2024
ELECTRIC	ES25060349K	EOC2021-0297	Did Not Have a Valid Markout	\$2,500	A&A Construction	11/19/2021	Kaila Ct, Tabernacle, NJ	03/13/2024
ELECTRIC	ES25060350K	EOC2021-0323	Did Not Properly Mark	\$2,500	PSE&G (E)	10/04/2021	Piaget Ave, Clifton, NJ	03/05/2025
ELECTRIC	ES25060351K	EOC2021-0326	Did Not Properly Mark	\$2,500	PSE&G (E)	10/06/2021	Drysdale Ln, Bridgewater, NJ	02/27/2025
ELECTRIC	ES25060352K	EOC2021-0331	Did Not Properly Mark	\$2,500	PSE&G (E)	10/18/2021	Laurel Rd, Voorhees, NJ	03/05/2025
ELECTRIC	ES25060353K	EOC2021-0336	Did Not Properly Mark	\$2,500	PSE&G (E)	10/27/2021	Springfield Ave, Irvington, NJ	02/20/2025
ELECTRIC	ES25060354K	EOC2022-0009	Did Not Have a Valid Mark out	\$2,500	Joseph M Sanzari Inc	01/14/2022	Merrick Rd, Hamil. Square, NJ	12/19/2024
Total Cases – 50								
Total Fines - \$136,000								