

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 ELIZABETHTOWN GAS)
COMPANY ALLEGED VIOLATIONS OF THE)
UNDERGROUND FACILITY PROTECTION ACT,)
N.J.S.A. 48:2-73 ET SEQ. GOC2025-0002)
ORDER ACCEPTING)
SETTLEMENTS)
DOCKET NO. GS26030060K et)
al. (see attached Appendix)

Parties of Record:

- Catarina Hanna**, Alcoa Concrete Construction, Inc.
- Guilherme DeOliveira**, AR Masonry LLC
- Damaso Bautista**, D Best Railing Fence Contractor LLC
- Ed Johnson**, Ed Johnson Plumbing & Heating
- Nick DePoto**, Elizabethtown Gas Company
- Adam Gorga**, GD Group LLC
- Matthew Scatigna**, Jersey Shore Septic and Sewer LLC
- Michael Elward**, Kiely Civil
- Christopher Lepore**, New Jersey-American Water Company, Inc.
- Alison Sbriscia**, New Jersey Natural Gas Company
- Chelsey Gaworecki**, Public Service Electric and Gas Company
- Mike Widmer**, South Jersey 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, 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 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 RESPONDENTS IS REQUIRED.

This Order shall be effective on May 28, 2026.

DATED: May 21, 2026

BOARD OF PUBLIC UTILITIES
BY:

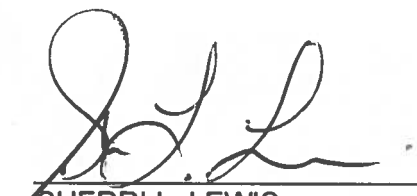

CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER


EMMA REBORN
COMMISSIONER


JOSEPH COVIELLO
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 ELIZABETHTOWN GAS COMPANY ALLEGED VIOLATIONS OF THE UNDERGROUND
FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ.GOC2025-0002

DOCKET NOS. GS26030060K et al. (see attached Appendix)

SERVICE LIST

Board of Public Utilities

44 South Clinton Avenue, 1st Floor
PO Box 350
Trenton NJ, 08625-0350

Sherri L. Lewis, Board Secretary
board.secretary@bpu.nj.gov

Stacy Peterson, Deputy Executive Director
stacy.peterson@bpu.nj.gov

Counsel's Office

Ava-Marie Madeam, General Counsel
avamarie.madeam@bpu.nj.gov

Heather Weisband, Senior Counsel
heather.weisband@bpu.nj.gov

Division of Reliability & Security

Francis Gaffney, Director
francis.gaffney@bpu.nj.gov

Phillip Galka
phillip.galka@bpu.nj.gov

Amanda Davila
amanda.davila@bpu.nj.gov

Lauren Mattox
lauren.mattox@bpu.nj.gov

Ann Lang
ann.lang@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

Parties of Record

Catarina Hanna
Alcoa Concrete Construction, Inc.
1221 Hayes Blvd.
Bristol, PA 19007
channa@alcoaconcrete.com

Guilherme DeOliveira
AR Masonry LLC
PO Box 4019
Long Branch, NJ 08619
armasonryinc@outlook.com

Damaso Bautista
D Best Railing Fence Contractor LLC
117 Harvey Dr
Northfield, NJ 08225
damasob44@gmail.com

Ed Johnson
Ed Johnson Plumbing & Heating
100 Betty Drive
West Creek, NJ 08092
edjohnsonplumber@aol.com

Nick DePoto
Elizabethtown Gas Company
520 Green Lane
Union, NJ 07083
cdepoto@sjindustries.com

Adam Gorga
GD Group, LLC
271 Route 46 W
Suite G 208
Fairfield, NJ 07004
info@gograpnj.com

Matthew Scatigna
Jersey Shore Septic & Sewer LLC
P.O. Box 68
Toms River, NJ 08753
jerseyshoreseptic@gmail.com

Michael Elward
J F Kiely Construction
700 McClellan St.
Long Branch, NJ 07740
mweward@jfskiely.com

Christopher Lepore
New Jersey-American Water Company, Inc.
1341 North Ave.
Plainfield, NJ 07062
christopherlepore@amwater.com

Mike Widmer
South Jersey Gas Company
1 South Jersey Plaza
Folsom, NJ 08037
mwidmer@sjindustries.com

Alison Sbriscia
New Jersey Natural Gas Company
1415 Wyckoff Road
Wall, NJ 07719
asbriscia@njng.com

Chelsey Gaworecki
Public Service Electric and Gas Company
80 Park Plaza
Newark, NJ 07101
chelsey.gaworecki@pseg.com

APPENDIX A

In the Matter of Elizabethtown Gas Company Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. GOC2025-0002
 Docket Nos. GS26030060K et al.

Facility Damaged	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
Gas	GOC2025-0002	Did Not Properly Mark	\$5,000	Elizabethtown Gas Company	1/10/2025	1075 Central Ave, Clark	6/25/2025
Gas	GOC2025-0005	Did Not Have a Valid Markout	\$4,000	Ed Johnson Plumbing & Heating	1/7/2025	240 Drake Rd, Brick	3/21/2025
Gas	GOC2025-0009	Failure to Hand Dig & Locate	\$5,000	Kiely Civil LLC	1/14/2025	5681 Rt 42, Washington	5/28/2025
Gas	GOC2025-0015	Did Not Properly Mark	\$5,000	NJ Natural Gas Company	1/16/2025	22 Scott Dr, Bayville	5/14/2025
Gas	GOC2025-0019	Failure to Use Reasonable Care	\$4,000	AR Masonry LLC	1/27/2025	121 Saint Katherine Pl, Lakewood	10/3/2025
Gas	GOC2025-0023	Did Not Properly Mark	\$5,000	South Jersey Gas	1/15/2025	2703 Atlantic Ave, Longport	10/30/2025
Gas	GOC2025-0028	Did Not Properly Mark	\$5,000	South Jersey Gas	1/24/2025	2805 Atlantic Ave, Longport	5/8/2025
Gas	GOC2025-0035	Did Not Properly Mark	\$5,000	South Jersey Gas	1/30/2025	330 London Ave, Egg Harbor City	5/8/2025
Gas	GOC2025-0036	Did Not Have a Valid Markout	\$5,000	D Best Railing Fence Contractor LLC	1/30/2025	321 Murphys Way, Linwood	7/3/2025
Gas	GOC2025-0037	Did Not Properly Mark	\$5,000	Elizabethtown Gas Company	1/28/2025	88 New York Ave, Metuchen	6/25/2025
Gas	GOC2025-0038	Did Not Properly Mark	\$5,000	Elizabethtown Gas Company	2/4/2025	8 Belvidere Ave, Oxford	6/25/2025
Gas	GOC2025-0039	Did Not Properly Mark	\$5,000	Elizabethtown Gas Company	2/5/2025	51 Alice Ln, Clark	5/22/2025
Gas	GOC2025-0040	Failure to Hand Dig & Locate	\$4,000	NJ American Water	2/10/2025	83 Reinhold Terrace, Union	9/12/2025
Gas	GOC2025-0042	Did Not Properly Mark	\$5,000	South Jersey Gas	2/3/2025	3 Bartram Ln, Ocean City	5/8/2025
Gas	GOC2025-0043	Did Not Properly Mark	\$5,000	South Jersey Gas	2/3/2025	32nd St & Landis Ave, Sea Isle City	5/28/2025
Gas	GOC2025-0059	Did Not Properly Mark	\$5,000	New Jersey Natural Gas Company	2/13/2025	Route 35 S & Haddonfield Ave, Lavallette	5/14/2025
Gas	GOC2025-0062	Did Not Properly Mark	\$5,000	Elizabethtown Gas Company	2/21/2025	2252 Copper Hill Dr, Union	10/6/2025
Gas	GOC2025-0065	Did Not Properly Mark	\$5,000	Public Service Electric & Gas	1/3/2025	1117 Woodmere Pl, Plainfield	6/11/2025
Gas	GOC2025-0066	Did Not Properly Mark	\$5,000	Public Service Electric & Gas	1/3/2025	36 Erie St, Jersey City	6/26/2025
Gas	GOC2025-0068	Did Not Properly Mark	\$5,000	Public Service Electric & Gas	1/6/2025	476 Hudson Terrace, Englewood Cliffs	6/6/2025

APPENDIX A

In the Matter of Elizabethtown Gas Company Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. GOC2025-0002
 Docket Nos. GS26030060K et al.

Facility Damaged	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
Gas	GOC2025-0072	Did Not Have a Valid Markout	\$5,000	Alcoa Concrete Construction, Inc.	2/19/2025	10 Charleston St, Howell	8/22/2025
Gas	GOC2025-0071	Did Not Have a Valid Markout	\$5,000	GD Group LLC	2/19/2025	7 Manchester St, Lake Hiawatha	3/6/2026
Gas	GOC2025-0079	Did Not Have a Valid Markout	\$5,000	Jersey Shore Septic and Sewer LLC	2/25/2025	6 Emerald Ct, Freehold	10/3/2025
Gas	GOC2025-0083	Did Not Properly Mark	\$5,000	Public Service Electric & Gas	1/8/2025	140 Hawthorne Ave, Hawthorne	6/9/2025
Gas	GOC2025-0084	Did Not Properly Mark	\$5,000	Public Service Electric & Gas	1/9/2025	152 5th Ave, Paterson	6/11/2025
Total Cases: 25 Total Penalties: \$122,000							