



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 NEW JERSEY AMERICAN WATER)
COMPANY ALLEGED VIOLATIONS OF THE)
UNDERGROUND FACILITY PROTECTION ACT,)
N.J.S.A. 48:2-73 ET SEQ. WOC 2020-0050)

ORDER ACCEPTING
SETTLEMENTS

DOCKET NO. WS26070358K,
et al. (see attached Appendix)

Parties of Record:

Christopher Lepore, New Jersey-American Water Company, Inc.
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 established the One-Call Damage Prevention System ("One-Call System") for the protection of underground facilities that convey 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 use reasonable care, failing to report damage to the BPU 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 alleged violations and Offers of Settlement provided in Appendix A, the Board **HEREBY FINDS** that the Offers of Settlement are reasonable, in the public interest, and paid in full. As such, the Board **HEREBY ACCEPTS** the Offers of Settlement as full satisfaction of the alleged violations of the Act.

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.

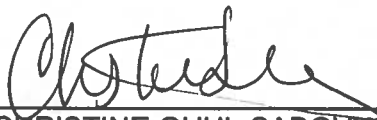
¹ The fifty (50) Offers of Settlement were accepted by the alleged violators, and each made full payment on the dates provided in Appendix A.

This Order shall be effective on August 19, 2026.

DATED: August 12, 2026

BOARD OF PUBLIC UTILITIES
BY:


BEN HERTZ-SHARGEL
PRESIDENT

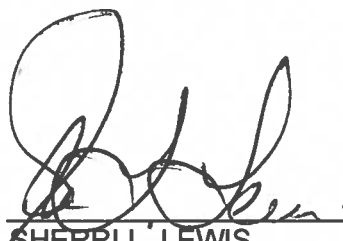

CHRISTINE GUHL-SADOVY
COMMISSIONER


MICHAEL BANGE
COMMISSIONER


EMMA REBHORN
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 NEW JERSEY AMERICAN WATER COMPANY ALLEGED VIOLATIONS OF THE
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. WOC 2020-0050

DOCKET NO. WS26070358K et al. (see attached Appendix)

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APPENDIX A

**IN THE MATTER OF NEW JERSEY AMERICAN WATER COMPANY ALLEGED VIOLATIONS OF THE
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. WOC 2020-0050**

Facility Damaged	One Call Case #	Docket Number	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
Water	WOC2020-0050	WS26070358K	Did Not Properly Mark	\$2,500	NJ American Water	9/17/2020	1702 Riverton Rd, Cinnaminson	03/05/2026
Water	WOC2021-0047	WS25080514K	Did Not Properly Mark	\$2,500	NJ American Water	06/28/2021	126 Myrtle Ave, Millburn	12/13/2023
Water	WOC2021-0048	WS25070391K	Did Not Properly Mark	\$2,500	NJ American Water	6/29/2021	21 Molter Ave, Springfield	12/13/2023
Water	WOC2021-0057	WS26070359K	Did Not Properly Mark	\$2,500	NJ American Water	07/29/2021	218 3rd St, Green Brook	08/22/2025
Water	WOC2021-0059	WS25070392K	Did Not Properly Mark	\$2,500	NJ American Water	07/22/2021	225 Temple Blvd, Palmyra	12/13/2023
Water	WOC2021-0061	WS26070360K	Did Not Properly Mark	\$2,500	NJ American Water	7/12/2021	49 Southern Slope Dr, Millburn	06/18/2025
Water	WOC2021-0062	WS26070361K	Did Not Properly Mark	\$2,500	NJ American Water	07/14/2021	Morrison Rd, Springfield	06/25/2025
Water	WOC2021-0063	WS26070362K	Did Not Properly Mark	\$2,500	NJ American Water	7/28/2021	40 Glendale Rd, Summit	06/25/2025
Water	WOC2021-0070	WS25070393K	Did Not Properly Mark	\$2,500	NJ American Water	08/03/2021	94 Longview Dr, Green Brook	05/29/2025
Water	WOC2021-0073	WS25070394K	Did Not Properly Mark	\$2,500	NJ American Water	08/05/2021	10 Glenbrook Dr, Mendham	11/14/2023
Water	WOC2021-0101	WS26070363K	Did Not Properly Mark	\$3,000	NJ American Water	10/27/2021	319 E 2nd St, Plainfield	06/17/2025
Water	WOC2021-0104	WS25070395K	Did Not Properly Mark	\$3,000	NJ American Water	10/26/2021	11 Coventry Ct, Cherry Hill	12/13/2023
Water	WOC2021-0110	WS25070396K	Did Not Properly Mark	\$2,500	NJ American Water	11/03/2021	515 Van Buren Ave, Linden	11/15/2023
Water	WOC2021-0111	WS25070397K	Did Not Properly Mark	\$2,500	NJ American Water	11/17/2021	763 Kimball Ave, Westfield	11/15/2023
Water	WOC2021-0127	WS25070398K	Did Not Properly Mark	\$2,500	NJ American Water	12/03/2021	48 Pine St, Beverly	07/17/2024
Water	WOC2022-0006	WS25070399K	Did Not Properly Mark	\$2,500	NJ American Water	01/05/2022	917 Cranford Ave, Linden	05/22/2024
Water	WOC2022-0007	WS25070401K	Did Not Properly Mark	\$2,500	NJ American Water	01/11/2022	803 Rahway Ave, Westfield	05/22/2024
Water	WOC2022-0008	WS25070403K	Did Not Properly Mark	\$2,500	NJ American Water	01/20/2022	535 Arlington Ave, Westfield	05/29/2025
Water	WOC2022-0009	WS25070404K	Did Not Properly Mark	\$2,500	NJ American Water	01/24/2022	727 Oak Ave, Westfield	11/15/2023
Water	WOC2022-0016	WS25070400K	Did Not Properly Mark	\$2,500	NJ American Water	01/05/2022	Laurel St, Beverly	07/17/2024
Water	WOC2022-0017	WS25070402K	Did Not Properly Mark	\$2,500	NJ American Water	01/18/2022	Church Rd, Cherry Hill	07/17/2024
Water	WOC2022-0063	WS25070406K	Did Not Properly Mark	\$3,000	NJ American Water	04/27/2022	NJ-70 W, Cherry Hill	12/13/2023

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UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. WOC 2020-0050**

Facility Damaged	One Call Case #	Docket Number	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
Water	WOC2022-0064	WS25070407K	Did Not Properly Mark	\$3,000	NJ American Water	04/28/2022	9 Princeton Dr, Voorhees	12/01/2023
Water	WOC2022-0072	WS25070408K	Did Not Properly Mark	\$2,500	NJ American Water	05/27/2022	207 North Ave W, Cranford	10/24/2024
Water	WOC2022-0082	WS25070409K	Did Not Properly Mark	\$2,500	NJ American Water	06/03/2022	1512 Myrtle Ave, Plainfield	11/13/2024
Water	WOC2022-0092	WS26070364K	Did Not Properly Mark	\$2,500	NJ American Water	06/07/2022	516 Finlay Pl, South Orange	08/29/2025
Water	WOC2022-0094	WS25070405K	Did Not Properly Mark	\$2,500	NJ American Water	04/18/2022	32 Crestmont Rd, West Orange	11/14/2023
Water	WOC2022-0124	WS26070365K	Did Not Properly Mark	\$2,500	NJ American Water	08/03/2022	1 N White Horse Pike, Stratford	06/18/2026
Water	WOC2022-0129	WS25070410K	Did Not Properly Mark	\$2,500	NJ American Water	08/17/2022	431 Queensboro Ln, Haddonfield	12/13/2023
Water	WOC2022-0135	WS25070411K	Did Not Properly Mark	\$3,000	NJ American Water	09/15/2022	39 Terrill Rd, Plainfield	09/28/2023
Water	WOC2022-0148	WS25070414K	Failure to Report Damage to NJ BPU	\$3,000	NJ American Water	10/25/2022	158 Leland Ave, Plainfield	08/08/2023
Water	WOC2022-0149	WS25070412K	Did Not Properly Mark	\$3,000	NJ American Water	10/11/2022	151 Guest St, Penns Grove	12/01/2023
Water	WOC2022-0151	WS25070413K	Did Not Properly Mark	\$3,000	NJ American Water	10/21/2022	State Highway 70, Cherry Hill	12/13/2023
Water	WOC2022-0155	WS26070366K	Did Not Properly Mark	\$3,000	NJ American Water	11/15/2022	744 W Front St, Plainfield	06/17/2025
Water	WOC2022-0156	WS26070367K	Did Not Properly Mark	\$3,000	NJ American Water	11/15/2022	109 Hilton Ave, Union	07/03/2025
Water	WOC2022-0159	WS25070415K	Did Not Properly Mark	\$3,000	NJ American Water	11/09/2022	327 Lake St, Mount Ephraim	12/01/2023
Water	WOC2022-0160	WS25070416K	Did Not Properly Mark	\$3,000	NJ American Water	11/14/2022	522 Cooper St, Beverly	12/01/2023
Water	WOC2022-0161	WS25070417K	Did Not Properly Mark	\$3,000	NJ American Water	11/28/2022	Hayes Ave, Camden	12/01/2023
Water	WOC2022-0166	WS25070418K	Did Not Properly Mark	\$3,000	NJ American Water	12/05/2022	508 Heron Dr, Swedesboro	12/13/2023
Water	WOC2023-0003	WS26070368K	Did Not Properly Mark	\$2,500	NJ American Water	01/14/2023	1350 Saint Nicholas Blvd, Plainfield	11/18/2024
Water	WOC2023-0004	WS26070369K	Did Not Properly Mark	\$2,500	NJ American Water	02/18/2023	535 Carleton Rd, Westfield	05/28/2025
Water	WOC2023-0005	WS26070370K	Did Not Properly Mark	\$2,500	NJ American Water	01/24/2023	1000 Stuyvesant Ave, Union	05/29/2025
Water	WOC2023-0012	WS26070371K	Failure to Use Reasonable Care	\$2,500	Public Service Electric and Gas	01/30/2023	185 Hickson Dr, New Providence	08/15/2025

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Facility Damaged	One Call Case #	Docket Number	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
Water	WOC2023-0015	WS26070372K	Did Not Properly Mark	\$2,500	NJ American Water	02/07/2023	114 Reeve Terr, Plainfield	05/29/2025
Water	WOC2023-0016	WS26070373K	Did Not Properly Mark	\$2,500	NJ American Water	02/10/2023	1372 Saint Nicholas Blvd, Plainfield	05/29/2025
Water	WOC2023-0017	WS26070374K	Did Not Properly Mark	\$2,500	NJ American Water	02/10/2023	154 Leland Ave, Plainfield	05/29/2025
Water	WOC2023-0018	WS26070375K	Did Not Properly Mark	\$2,500	NJ American Water	02/13/2023	224 Cowperthwaite Pl, Westfield	01/29/2025
Water	WOC2023-0019	WS26070376K	Did Not Properly Mark	\$2,500	NJ American Water	2/15/2023	514 3rd Ave, Roselle	5/29/2025
Water	WOC2023-0023	WS26070377K	Did Not Properly Mark	\$2,500	NJ American Water	2/27/2023	525 Bell Rd, Mount Ephraim	3/5/2026
Water	WOC2023-0024	WS26070378K	Did Not Properly Mark	\$2,500	NJ American Water	2/2/2023	7 Sagamore Rd, Maplewood	8/22/2025
Total Cases: 50 Total Penalties: \$132,000								