



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 RIGGS DISTLER & CO INC
ALLEGED VIOLATIONS OF THE UNDERGROUND
FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET
SEQ. GOC 2020-1389

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ORDER ACCEPTING
SETTLEMENTS

DOCKET NO. GS25050255K,
et al. (see attached Appendix)

Parties of Record:

Michael Crescenzo, Arawak Paving
Brooke Borel, Borel Docks Marine Construction
Carl Gallagher, Carl Gallagher Masonry
Fran Smith, Cavan Construction Co.
Jim Hemingway, Drain Doctor
Bill Mead, Earle Asphalt Co.
Nick DePoto, Elizabethtown Gas Company
Soni De Souza, Gema Construction LLC
Stuart Hartnett, Gray Supply Co.
Hector Torres, Hector Torres Concrete Co LLC
Mike Landberg, Landberg Construction
Martha Hall, Lantier Construction
Jay Kooper, Middlesex Water Company
Alison Sbriscia, New Jersey Natural Gas Company
Michael A. Roy, Old Bridge Municipal Utilities Authority
Chelsey Gaworecki, Public Service Electric and Gas Company
Manfred Konrath, Riggs Distler & Co Inc
Joseph Belott, Roman E&G Corp.
Yosef Avrahami, Yosef Avrahami Inc
Pedro Costa, Your Way Construction

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.

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.

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.

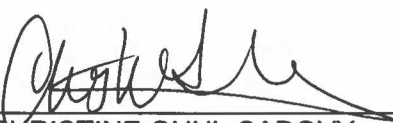
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED.

This Order shall be effective on September 16, 2026.

DATED: September 9, 2026

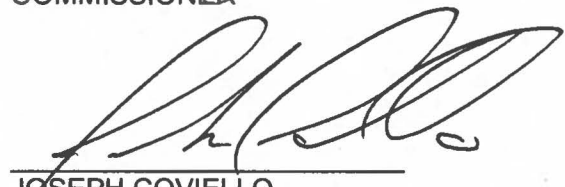
BOARD OF PUBLIC UTILITIES
BY:


BEN HERTZ-SHARGEL
PRESIDENT

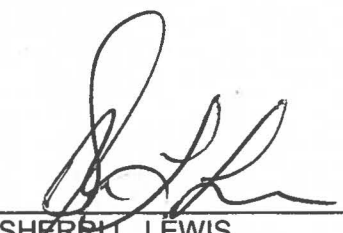

CHRISTINE GUHL-SADOVY
COMMISSIONER


MICHAEL BANGE
COMMISSIONER


EMMA REBHORN
COMMISSIONER


JOSEPH COVIELLO
COMMISSIONER

ATTEST:


SHERRIL 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 RIGGS DISTLER & CO INC ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY
PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. GOC 2020-1389

DOCKET NO. GS25050255K et al. (see attached Appendix)

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APPENDIX A

**IN THE MATTER OF RIGGS DISTLER & CO INC ALLEGED VIOLATIONS OF THE UNDERGROUND
FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. GOC 2020-1389**

Facility Damaged	One Call Case #	Docket Number	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GOC2020-1389	GS25050255K	Failure to Use Reasonable Care	\$3,000	Riggs Distler & Co Inc	09/25/2020	6 Rita Dr, Cape May Court House	10/30/2024
GAS	GOC2020-1458	GS25050257K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	09/25/2020	180 Central Ave, Edison	01/16/2025
GAS	GOC2020-1465	GS25050261K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	09/29/2020	341 Sharps Ln, Hamilton Square	06/03/2024
GAS	GOC2020-1518	GS25050263K	Did Not Have a Valid Markout	\$3,000	Drain Doctor	10/15/2020	215 E 4th Ave, North Wildwood	02/15/2024
GAS	GOC2021-0185	GS26080421K	Did Not Properly Mark	\$3,000	NJ Natural Gas	03/07/2021	129 Sea Girt Ave, Manasquan	12/06/2024
GAS	GOC2021-0190	GS26080422K	Did Not Properly Mark	\$3,000	NJ Natural Gas	03/09/2021	1440 Amsterdam Ave, Manchester	12/06/2024
GAS	GOC2021-0274	GS26080423K	Did Not Properly Mark	\$3,000	NJ Natural Gas	03/17/2021	15 Howland Rd, Middletown	12/06/2024
GAS	GOC2021-0276	GS26080424K	Did Not Have a Valid Markout	\$2,000	Borel Docks Marine Construction	03/19/2021	640 E Riviera Ave, Ocean Gate	08/29/2025
GAS	GOC2021-0283	GS26080425K	Did Not Properly Mark	\$3,000	Elizabethtown Gas	04/04/2021	814 2nd Ave, Elizabeth	08/11/2025
GAS	GOC2021-0333	GS26080426K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	03/22/2021	1096 Rt 46, Clifton	08/22/2025
GAS	GOC2021-0339	GS26080427K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	03/23/2021	3 Peru Rd, Clifton	08/22/2025
GAS	GOC2021-0366	GS26080428K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	04/01/2021	78 Eastern States Pkwy, Somerville	06/11/2025
GAS	GOC2021-0433	GS26080429K	Did Not Have a Valid Markout	\$3,000	Yosef Avrahami Inc	04/21/2021	447 Rutherford, Blvd, Clifton	09/20/2022
GAS	GOC2021-0440	GS26080430K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	04/26/2021	40 Cedar Ave, Highland Park	01/16/2025
GAS	GOC2021-0469	GS26080431K	Did Not Have a Valid Markout	\$3,000	Carl Gallagher Masonry	04/13/2021	279 11th St, Surf City	10/24/2023
GAS	GOC2021-0472	GS26080432K	Did Not Properly Mark	\$3,000	NJ Natural Gas	04/14/2021	275 9th St, Ship Bottom	01/10/2025
GAS	GOC2021-0476	GS26080433K	Did Not Properly Mark	\$3,000	NJ Natural Gas	04/19/2021	3 Donna Ct, Bayville	12/06/2024
GAS	GOC2021-0488	GS26080434K	Did Not Properly Mark	\$3,000	NJ Natural Gas	04/26/2021	315 US Highway 46, Rockaway	12/23/2024
GAS	GOC2021-0514	GS26080435K	Failure to Hand Dig	\$3,000	Cavan Construction Co.	05/12/2021	10 43rd St, Sea Isle City	05/21/2025
GAS	GOC2021-0531	GS26080436K	Did Not Properly Mark	\$3,000	NJ Natural Gas	05/03/2021	280 Lake Rd, Brick	12/23/2024
GAS	GOC2021-0533	GS26080437K	Failure to Hand Dig	\$3,000	Old Bridge MUA	05/06/2021	Bayview Dr & Cleveland Ave, Laurence Harbor	06/09/2025

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GAS	GOC2021-0534	GS26080438K	Did Not Properly Mark	\$3,000	NJ Natural Gas	05/06/2021	326 Hope Rd, Tinton Falls	12/23/2024
GAS	GOC2021-0573	GS26080439K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	05/06/2021	463 Passaic Ave, Passaic	04/02/2024
GAS	GOC2021-0575	GS26080440K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	05/10/2021	12 Watson St, Paterson	04/24/2024
GAS	GOC2021-0580	GS25110614K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	05/11/2021	Dwight Ave, Hillsdale	04/12/2024
GAS	GOC2021-0586	GS25110615K	Failure to Hand Dig	\$3,000	Your Way Construction	05/14/2021	95 Western Rd, Kearny	04/24/2024
GAS	GOC2021-0587	GS25080509K	Did Not Have a Valid Markout	\$3,000	Hector Torres Concrete Co Llc	05/14/2021	212 Hilltop Cir, Mansfield	10/12/2023
GAS	GOC2021-0590	GS26080441K	Did Not Have a Valid Markout	\$3,000	Public Service Electric & Gas	05/17/2021	100 Ryan St, South Plainfield	12/05/2025
GAS	GOC2021-0602	GS26080442K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	05/20/2021	Lincoln Ave, Carlstadt	05/13/2024
GAS	GOC2021-0609	GS26080443K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	05/24/2021	242 S 7th Ave, Highland Park	03/22/2024
GAS	GOC2021-0616	GS26080444K	Failure to Use Reasonable Care	\$3,000	Roman E&G Corp.	05/26/2021	8 Eastern Dr, South Brunswick	04/24/2024
GAS	GOC2021-0624	GS26080445K	Failure to Maintain Markout	\$3,000	Gray Supply Co.	05/17/2021	59 Randolph Ave, Dover	05/16/2025
GAS	GOC2021-0639	GS25110616K	Failure to Hand Dig	\$3,000	Public Service Electric & Gas	05/13/2021	Rosewell St, South Amboy	12/04/2024
GAS	GOC2021-0656	GS26080446K	Did Not Properly Mark	\$3,000	NJ Natural Gas	06/01/2021	988 Woodgate Ave, Long Branch	12/23/2024
GAS	GOC2021-0666	GS26080447K	Did Not Properly Mark	\$3,000	NJ Natural Gas	06/07/2021	382 S Morris St, Randolph	12/23/2024
GAS	GOC2021-0678	GS26080448K	Failure to Use Reasonable Care	\$3,000	Middlesex Water Company	06/09/2021	33 E Pine St, Colonia	03/05/2026
GAS	GOC2021-0692	GS26080449K	Failure to Hand Dig	\$3,000	Earle Asphalt Co.	06/04/2021	336 Stockton St, Hightstown	04/24/2024
GAS	GOC2021-0712	GS26080450K	Did Not Properly Mark	\$3,000	NJ Natural Gas	06/15/2021	200 Pennsylvania Ave, Barnegat	12/23/2024
GAS	GOC2021-0717	GS25080512K	Failure to Use Reasonable Care	\$3,000	Arawak Paving	06/16/2021	105 Avocado Rd, Cape May Court House	12/13/2023
GAS	GOC2021-0723	GS25080513K	Failure to Use Reasonable Care	\$3,000	Landberg Construction	06/22/2021	8 W Crestwood Ave, Somerdale	12/13/2023
GAS	GOC2021-0754	GS26080451K	Did Not Properly Mark	\$3,000	NJ Natural Gas	06/27/2021	101 Crawfords Corner Rd, Holmdel	12/23/2024
GAS	GOC2021-0756	GS26080452K	Did Not Properly Mark	\$3,000	NJ Natural Gas	06/28/2021	318 Edward Rd, Parsippany	12/23/2024

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Facility Damaged	One Call Case #	Docket Number	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GOC2021-0760	GS26080453K	Did Not Properly Mark	\$3,000	NJ Natural Gas	06/29/2021	28 Arrowwood Ct, Middletown	12/23/2024
GAS	GOC2021-0773	GS25080515K	Failure to Use Reasonable Care	\$3,000	Lantier Construction	07/06/2021	214 1st St, Perth Amboy	09/22/2023
GAS	GOC2021-0803	GS26080454K	Failure to Use Reasonable Care	\$3,000	Gema Construction LLC	06/28/2021	585 57th St, West New York	04/03/2024
GAS	GOC2021-0806	GS26080455K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	06/29/2021	300 Bergen Ave, Kearny	04/24/2024
GAS	GOC2021-0808	GS26080456K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	06/30/2021	140 Highland Ave, Kearny	07/22/2024
GAS	GOC2021-0826	GS26080457K	Did Not Properly Mark	\$3,000	NJ Natural Gas	07/07/2021	Koll Road & Knoll Dr, Parsippany	12/23/2024
GAS	GOC2021-0902	GS26080458K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	07/01/2021	52 Bergen St, Paterson	08/22/2025
GAS	GOC2021-0911	GS26080459K	Did Not Properly Mark	\$3,000	Public Service Electric & Gas	07/08/2021	139 10th Ave, Hawthorne	10/30/2024
Total Cases: 50 Total Penalties: \$149,000								