

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 NATURAL GAS
COMPANY ALLEGED VIOLATIONS OF THE
UNDERGROUND FACILITY PROTECTION ACT,
N.J.S.A. 48:2-73 ET SEQ. GOC 2021-0843

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ORDER ACCEPTING
SETTLEMENTS

DOCKET NO. GS26090538K,
et al. (see attached Appendix)

Parties of Record:

Zevy Shteirman, All Set Party Rental
Helayne De Queiroz, Brasusa Construction
Brian G. Broadley, Broadley's Mechanical
John Callaghan, Calmar Associates
Jared Yoder, CMM Custom Homes
Nick DePoto, Elizabethtown Gas Company
Thomas Potash, James Construction Co. Inc.
Kevin Little, Little K. Construction
Vincent Mendoza, Mendoza Fence LLC
Kim Meano, Mikula Contracting Inc.
Alison Sbriscia, New Jersey Natural Gas Company
Derek Varricchio, Pristine Development LLP
Chelsey Gaworecki, Public Service Electric and Gas Company
Joseph Pierson, R.E. Pierson Construction
Anthony Tavormina, Railroad - Posillico Joint-Venture
Samuel Regalbuto, Regalbuto Septics
Joseph Zargo, S. Batata Construction
Mike Widmer, South Jersey Gas Company
Bill Metcalf, The Underground Sprinkler Co.

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 Board 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

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.

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.

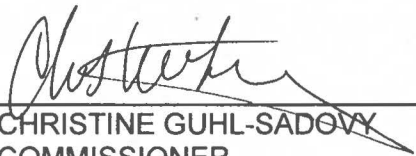
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED.

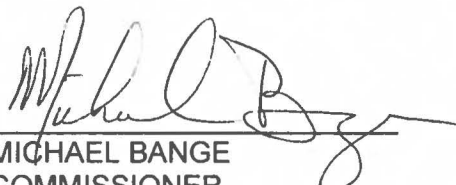
This Order shall be effective on October 21, 2026.

DATED: October 14, 2026

BOARD OF PUBLIC UTILITIES
BY:


BEN HERTZ-SHARGEL
PRESIDENT

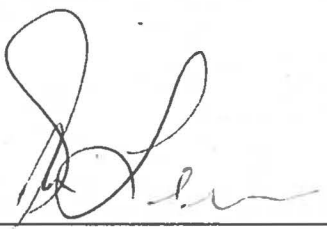

CHRISTINE GUHL-SADOVY
COMMISSIONER


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 NATURAL GAS COMPANY ALLEGED VIOLATIONS OF THE
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. GOC 2021-0843

DOCKET NO. GS26090538K et al. (see attached Appendix)

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APPENDIX A

**IN THE MATTER OF NEW JERSEY NATURAL GAS COMPANY ALLEGED VIOLATIONS OF THE
UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. GOC 2021-0843**

Facility Damaged	One Call Case #	Docket Number	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GOC2021-0843	GS26090538K	Did Not Properly Mark	\$3,000	NJ Natural Gas	07/14/2021	60 W River Rd. Rumson	12/06/2024
GAS	GOC2021-0928	GS26090539K	Did Not Properly Mark	\$3,000	PSE&G	07/14/2021	61 Temple Pl. Passaic	10/24/2023
GAS	GOC2021-0879	GS26090540K	Did Not Properly Mark	\$3,000	NJ Natural Gas	07/15/2021	164 Tinton Ave. Tinton Falls	12/06/2024
GAS	GOC2021-0890	GS26090541K	Did Not Properly Mark	\$3,000	NJ Natural Gas	07/22/2021	91 Crestview Rd. Mountain Lakes	12/06/2024
GAS	GOC2021-0894	GS26090542K	Did Not Properly Mark	\$3,000	NJ Natural Gas	07/26/2021	140 Division St. West Creek	12/06/2024
GAS	GOC2021-0858	GS26090543K	Did Not Properly Mark	\$3,000	Elizabethtown Gas	07/29/2021	221 W Colfax Ave. Roselle Park	08/11/2025
GAS	GOC2021-0875	GS23040248K	Did Not Have a Valid Markout	\$3,000	Calmar Associates	07/29/2021	52 Lennox Ave. Pleasantville	01/31/2023
GAS	GOC2021-1102	GS26090544K	Did Not Properly Mark	\$3,000	PSE&G	08/20/2021	1347 Pennington Rd. Teaneck	08/22/2025
GAS	GOC2021-1108	GS25070425K	Failure to Use Reasonable Care	\$3,000	S. Batata Construction	08/25/2021	726 24Th St. Union City	03/21/2025
GAS	GOC2021-1024	GS26090545K	Did Not Properly Mark	\$3,000	Elizabethtown Gas	08/26/2021	644 New Dover Rd. Colonia	07/10/2024
GAS	GOC2021-1045	GS26090546K	Did Not Properly Mark	\$3,000	NJ Natural Gas	08/27/2021	60 W River Rd. Rumson	12/06/2024
GAS	GOC2021-1122	GS24090746K	Did Not Properly Mark	\$3,000	PSE&G	08/31/2021	259 Union St. Hackensack	01/03/2024
GAS	GOC2021-1135	GS26090547K	Did Not Have a Valid Markout	\$3,000	CMM Custom Homes	09/2/2021	202 Pointe Dr. Mantoloking	10/18/2023
GAS	GOC2021-1147	GS26090548K	Did Not Properly Mark	\$3,000	NJ Natural Gas	09/14/2021	10 Lynn Blvd. Hazlet	12/06/2024
GAS	GOC2021-1215	GS26090549K	Did Not Properly Mark	\$3,000	NJ Natural Gas	09/15/2021	36 Snyder Ave. Denville	12/06/2024
GAS	GOC2021-1262	GS26090550K	Did Not Have a Valid Markout	\$3,000	Mikula Contracting Inc.	09/20/2021	73 Highway 46 W Elmwood Park	08/23/2023
GAS	GOC2021-1265	GS26090551K	Did Not Properly Mark	\$3,000	PSE&G	09/21/2021	67 Midland Blvd. Maplewood	08/08/2024
GAS	GOC2021-1267	GS26090552K	Did Not Properly Mark	\$3,000	PSE&G	09/21/2021	135 38Th St. Union City	10/30/2025
GAS	GOC2021-1274	GS23040245K	Did Not Have a Valid Markout	\$3,000	Little K. Construction	09/23/2021	11 Harmon Pl. Pequannock	01/31/2023
GAS	GOC2021-1279	GS26090553K	Did Not Have a Valid Markout	\$3,000	Pristine Development LLP	09/27/2021	581 Fairmount Ave. Chatham	03/28/2024
GAS	GOC2021-1283	GS26090554K	Did Not Properly Mark	\$3,000	PSE&G	09/29/2021	87 W Central Blvd. Palisades Park	12/23/2024

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UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. GOC 2021-0843**

Facility Damaged	One Call Case #	Docket Number	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GOC2021-1284	GS26090555K	Did Not Properly Mark	\$3,000	PSE&G	09/29/2021	50 Lakeview St. River Edge	10/03/2024
GAS	GOC2021-1285	GS26090556K	Did Not Properly Mark	\$3,000	PSE&G	09/30/2021	1610 Main Ave. Clifton	01/29/2025
GAS	GOC2021-1313	GS26090557K	Did Not Have a Valid Markout	\$3,000	Mendoza Fence LLC	10/01/2021	84 Obre Pl. Shrewsbury	11/08/2024
GAS	GOC2021-1387	GS26090558K	Did Not Properly Mark	\$3,000	PSE&G	10/01/2021	358 Cherry Ln. Mendham	01/24/2025
GAS	GOC2021-1246	GS26090559K	Did Not Properly Mark	\$3,000	Elizabethtown Gas	10/01/2021	175 Monmouth Ave. Elizabeth	10/11/2024
GAS	GOC2021-1247	GS26090560K	Did Not Properly Mark	\$3,000	Elizabethtown Gas	10/04/2021	970 Lehigh Ave. Union	10/17/2024
GAS	GOC2021-1314	GS26090561K	Did Not Properly Mark	\$3,000	NJ Natural Gas	10/04/2021	85 Curlew Rd. Tuckerton	12/06/2024
GAS	GOC2021-1248	GS26090562K	Did Not Properly Mark	\$3,000	Elizabethtown Gas	10/05/2021	71 James Ave. Clark	10/11/2024
GAS	GOC2021-1395	GS26090563K	Did Not Have a Valid Markout	\$3,000	Brasusa Construction	10/05/2021	16 Pansy Ct. Franklin	03/13/2024
GAS	GOC2021-1391	GS26090564K	Did Not Properly Mark	\$3,000	PSE&G	10/05/2021	171 Porter Ave. Bergenfield	01/16/2025
GAS	GOC2021-1404	GS26090565K	Did Not Properly Mark	\$3,000	PSE&G	10/06/2021	233 Madison Ave. Irvington	01/17/2025
GAS	GOC2021-1318	GS25070430K	Did Not Have a Valid Markout	\$3,000	All Set Party Rental	10/06/2021	69 Canary Dr. Lakewood	02/01/2024
GAS	GOC2021-1300	GS25070439K	Did Not Have a Valid Markout	\$3,000	Broadley's Mechanical	10/07/2021	10 Fresh Spring Cove Somers Point	11/15/2023
GAS	GOC2021-1411	GS26090566K	Did Not Properly Mark	\$3,000	PSE&G	10/07/2021	99 Pequannock Ave. Pequannock	02/13/2025
GAS	GOC2021-1419	GS26090567K	Did Not Properly Mark	\$3,000	PSE&G	10/07/2021	3 Ridge Rd. North Haledon	01/24/2025
GAS	GOC2021-1428	GS26090568K	Did Not Properly Mark	\$3,000	PSE&G	10/07/2021	Laurel Ave. Poplar Dr. Long Hill	10/02/2024
GAS	GOC2021-1324	GS26090569K	Did Not Have a Valid Markout	\$1,000	The Underground Sprinkler Co.	10/11/2021	6 Lisa Pl. Pine Brook	12/07/2023
GAS	GOC2021-1455	GS26090570K	Failure to Hand Dig	\$3,000	Railroad - Posillico Joint-Venture	10/11/2021	600 Wilson Ave. Newark	03/20/2024
GAS	GOC2021-1304	GS26090571K	Did Not Have a Valid Markout	\$3,000	R.E. Pierson Construction	10/11/2021	206 E Willow St. Wenonah	12/07/2023
GAS	GOC2021-1332	GS26090572K	Did Not Properly Mark	\$3,000	Elizabethtown Gas	10/12/2021	64 Center St. Metuchen	10/15/2024

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UNDERGROUND FACILITY PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. GOC 2021-0843

Facility Damaged	One Call Case #	Docket Number	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
GAS	GOC2021-1333	GS26090573K	Did Not Properly Mark	\$3,000	Elizabethtown Gas	10/12/2021	536 Faitoute Ave. Roselle Park	10/15/2024
GAS	GOC2021-1467	GS26090574K	Did Not Properly Mark	\$3,000	PSE&G	10/12/2021	1325 John F Kennedy Blvd. Bayonne	01/22/2025
GAS	GOC2021-1469	GS26090575K	Did Not Properly Mark	\$3,000	PSE&G	10/13/2021	6 Stanley Ave. Princeton	01/17/2025
GAS	GOC2021-1470	GS26090576K	Did Not Properly Mark	\$3,000	PSE&G	10/13/2021	183 Union Ave. Belleville	01/17/2025
GAS	GOC2021-1307	GS26090577K	Did Not Have a Valid Markout	\$3,000	Regalbuto Septics	10/13/2021	121 Strawberry Ave. Vineland	09/23/2024
GAS	GOC2021-1308	GS26090578K	Did Not Properly Mark	\$3,000	South Jersey Gas	10/14/2021	137 Emerald Ave. Cape May	09/23/2024
GAS	GOC2021-1475	GS26090579K	Did Not Properly Mark	\$3,000	PSE&G	10/15/2021	14 High Ridge Rd. Cherry Hill	01/30/2025
GAS	GOC2021-1477	GS26090580K	Failure to Hand Dig	\$3,000	James Construction Co. Inc.	10/19/2021	701 Union Blvd. Totowa	12/19/2024
GAS	GOC2021-1480	GS26090581K	Did Not Properly Mark	\$3,000	PSE&G	10/20/2021	225 Crescent Ave. Wyckoff	01/24/2025
Total Cases: 50 Total Penalties: \$148,000								