

products, gas, optical signals, traffic control, or for the transportation of a hazardous liquid. 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. The One-Call Damage Prevention System ("the System") coordinates communication and responsive action between these two groups of persons. N.J.S.A. 48:2-80, -82.

The Act subjects violators of its provisions to civil penalties of not less than \$1,000.00 and not more than \$2,500.00 per violation per day, not to exceed \$25,000 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 subject the violator to civil penalties not to exceed \$100,000.00 per violation per day and not to exceed \$1,000,000.00 for any related series of violations. In addition, a violator may be assessed the cost of any Board investigation, inspection or monitoring survey which leads to the establishment of a violation and for the reasonable costs of preparing and litigating the matter. N.J.S.A. 48:2-86(b)(2).

Following reports of failure to call the System prior to commencing excavation or demolition activities, failure to hand dig and locate facilities, failure to use reasonable care, or reports of failure to mark out underground facilities or properly mark them, Board Staff contacted the entities listed on the attached Appendix and informed them of the date and location of the alleged violations, also listed on the Appendix.

In an attempt to resolve these matters, each excavator or operator listed on the Appendix has submitted an Offer of Settlement to the Board for its consideration. Each such Offer of Settlement is summarized in the Appendix. The Offers of Settlement were made available to the Board for its review. After consideration of these matters, the Board **HEREBY FINDS** these Offers of Settlement to be reasonable and in the public interest, and **HEREBY ACCEPTS** these Offers of Settlement in full satisfaction of the above referenced alleged violations of the Act.

By acceptance of the various 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 Underground Facility Protection Act in connection with the above-referenced alleged violations of the Act. It must also be noted that the acceptance of the Offers of Settlement are for settlement purposes only, and apply strictly to

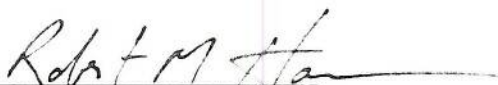
the specific incidents described in the Appendix. This acceptance is without prejudice as to the position of the State of New Jersey or any agency or subdivision thereof if other violations are present, now or in the future.

The effective date of this Order is May 9, 2013.

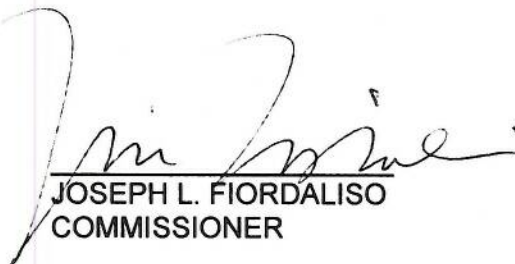
NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED

DATED: 4/29/13

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER

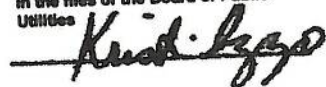

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

ATTEST:


KRISTI IZZO
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 ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY
PROTECTION ACT, N.J.S.A. 48:2-73 ET. SEQ. ORDER ACCEPTING SETTLEMENTS
DOCKET NO. GS12050401K et al. (see attached appendix)**

SERVICE LIST

Carmine Viola
Viola Construction
22 Old Quarry Rd.
Bernardsville N.J. 07924

Joseph Feriozzi
Feriozzi Concrete Co.
3010 Sunset Ave.
Atlantic City N.J. 08401

Marie Giberson
Giberson Plumbing
7 Park Dr.
Shamong N.J. 08088

James P. Pierson Esq.
Mantua Township
401 S. Main St.
Mantua N.J. 08051

John Boyd
John Boyd Construction
5299 Asbury Ave.
Tinton Falls N.J. 07753

Timothy Kwiat
Due Process Stables
264 Rt. 537 East
Colts Neck N.J. 07722

Joseph A. Pinkauo Jr.
Marlin Construction Co.
442 Whitesville N.J. 08527

Joseph Porchetta
GMP Contractors
56 Industrial Ave.
Fairview N.J. 07022

John Laezza
Township of Clark
430 Westfield Ave.
Clark N.J. 07066

Thomas Crowley
Crowley's Landscaping
129 Roundhill Rd.
Voorhees N.J. 08043

Paul Weikel
South Shore Contractors
6157 Mill Rd.
Egg Harbor N.J. 08234

M. Thaler
Thaler Electric
326 3rd Street
Lakewood N.J. 08701

Peter Streckland
Highway Safety Systems
Box 591
Hammonton N.J. 08037

Nancy Matt
Verizon
540 Borad St.
Newark NJ 07102

Andy Skop
Cablevision
6 Eastmans Rd.
Parsippany N.J. 07054

Rena Driver
Empco Contracting Inc
70-A Washington Ave.
Dumont N.J. 07628

Sam Pignatelli
South Jersey Gas Company
One South Jersey Plaza, Rt 54
Folsom N.J. 08037

James Glozzy Vice President & General
Manager
United Water New Jersey
60 DeVoe Place
Hackensack NJ 07601

Craig Lynch, Vice President
New Jersey Natural Gas Company
1415 Wyckoff Rd. Box 1464
Wall N.J. 07719

Christopher La Rossa
Public Service Electric and Gas
80 Park Plaza Mail Code T14
Newark NJ 07101

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Geoffrey Gersten, DAG
Division of Law
124 Halsey Street, 5th floor
Newark NJ 0710

IN THE MATTER OF:
 ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY PROTECTION ACT,
 N.J.S.A. 48:2-73 ET.SEQ. ORDER ACCEPTING SETTLEMENTS

Bureau of One Call - Settlements -APPENDIX-April 2013

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Gas	GS12050401K	GOC2010-0109	Did not have a valid markout	\$ 3,000.00		Viola Construction	08/10/10	Van Beuren Rd Morristown	11/25/11
Damage, Gas	GS12050402K	GOC2010-0112	Did not properly mark out	\$ 3,000.00	PSE&G		08/16/10	University Ave Newark	05/02/11
Damage, Gas	GS12050403K	GOC2011-0001	Did not properly mark out	\$ 3,000.00	PSE&G		01/05/11	Chestnut Ridge Rd. Woodcliff Lake	12/09/11
Damage, Gas	GS12050404K	GOC2011-0007	Did not have a valid markout	\$ 3,000.00		Feriozzi Concrete	01/04/11	S. Roosevelt , Brigantine	11/03/11
Damage, Gas	GS12050405K	GOC2011-0008	Did not have a valid markout	\$ 3,000.00		Feriozzi Concrete	04/30/10	S. Roosevelt , Brigantine	01/27/12
Damage, Gas	GS12050406K	GOC2011-0011	Did not have a valid markout	\$ 3,000.00		Giberson Plumbing	01/24/11	Stockton Ave. Cape May City	11/02/11
Damage, Gas	GS12050407K	GOC2011-0012	Did not have a valid markout	\$ 3,000.00		Mantua Twp	01/25/11	S Main St Mantua Twp	12/23/11
Damage, Gas	GS12050408K	GOC2011-0016	Failure to Use Reasonable Care	\$ 3,000.00		John Boyd Inc	03/20/11	Ride Ave. Lakewood	01/20/12
Damage, Gas	GS12050409K	GOC2011-0017	Failure to Use Reasonable Care	\$ 3,000.00		Due Process Stables	03/25/11	Rt 537 Colts Neck	09/28/11
Damage, Gas	GS12050410K	GOC2011-0019	Did not properly mark out	\$ 3,000.00	NJ Natural Gas		03/29/11	8th Ave Manchester	12/07/11
Damage, Gas	GS12050411K	GOC2011-0021	Did not have a valid markout	\$ 3,000.00		Marlin Construction	03/29/11	Bennetts Mills Jackson	01/09/12
Damage, Gas	GS12050412K	GOC2011-0023	Did not have a valid markout	\$ 3,000.00		GMP Contractor	04/13/11	Hoes Lane Piscataway	11/30/11
Damage, Gas	GS12050413K	GOC2011-0025	Did not properly mark out	\$ 3,000.00	PSE&G		03/15/11	Burnham Rd Morris Plains	01/23/12
Damage, Gas	GS12050414K	GOC2011-0028	Did not have a valid markout	\$ 3,000.00		Clark DPW	03/28/11	Westfield Ave Clark	01/05/12
Damage, Gas	GS12050415K	GOC2010-0029	Did not properly mark out / fire / road closure	\$ 25,000.00	PSE&G		04/19/10	Old Georgetown Rd/RD 518 Franklin Twp.	02/03/12
Damage, Gas	GS12050416K	GOC2011-0031	Did not have a valid markout	\$ 3,000.00		Crowley's Landscaping	03/15/11	Hurfville Rd Deptford	11/03/11
Damage, Gas	GS12050417K	GOC2011-0042	Did not properly mark out	\$ 3,000.00	SJG		09/27/11	Williamstown Rd. Gloucester	02/01/11
Damage, Gas	GS12050418K	GOC2011-0032	Did not have a valid markout	\$ 3,000.00		South Shore Contractors	03/16/11	Asbury Ave. Ocean City	01/06/12
Damage, Gas	GS12050419K	GOC2011-0006	Did not have a valid markout	\$ 3,000.00		Thaler Electric Inc	01/04/11	W Kennedy Lakewood	02/14/12
Damage, Gas	GS12050420K	GOC2011-0004	Did not properly mark out	\$ 3,000.00	NJ Natural Gas		01/21/11	Druy Ln Asbury Park	11/09/11
Damage, Water	WS12050425K	WOC2009-0001	Did not properly mark out / road closure	\$ 6,000.00	United Water		02/06/09	48th Street & Tonnela Ave North Bergen	07/29/10
No Damage	AS12050422K	OC 37-07	Did not have a valid markout /falsified emergency	\$ 9,000.00		Highway Safety Systems	10/19/07	Rt 18 & Millingtown Rd E.Brunswick	07/11/08
No Damage	TS12050423K	OC 15-09	Non Compliant Mark Out Flags	\$ 1,000.00	Verizon		09/01/09	general	11/02/10
No Damage	CS12050424K	OC 14-09	Non Compliant Mark Out Flags	\$ 1,000.00	Cablevision		09/22/10	general	10/06/10
Damage, Water	WS12050425K	WOC2008-0001	Did not have a valid markout	\$ 1,000.00		Empco Contracting	02/25/08	Wakelee Rd & Hardenburg Ave Demarrest	06/23/08
Total	25			\$100,000.00					