



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

RELIABILITY & SECURITY

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. GS14070696K  
) et al. (see attached appendix)

**Parties of Record:**

- John Stanziola, Director, South Jersey Gas Company**
- Craig Lynch, Vice President, New Jersey Natural Gas Company**
- Salvatore Albanese, President, Albanese Construction**
- Fred Rasiewicz, Director of Public Works, Jackson Township**
- Ryan Litton, President, Murphy Fence Co.**
- Manuel Abadin, President, Abadin Plumbing**
- Jim Hawthorne, Project Manager, Joe Percario Gen. Con.**
- Frank Coriano, Manager, Public Service Electric and Gas Company**
- Sonja Marshall, Sr. Staff Consultant, Verizon**
- Joseph Lippincott, Lippincott Inc**
- Phil Salvatore, Compliance Engineer, Elizabethtown Gas**
- Susan Todd, Phencemen LLC**
- Frank Pulido, Curb Con, Inc.**
- Robert Stilo Jr., Stilo Paving Inc.**
- Daniel Rosa, Navasink Ridge Estates**
- Edward Panuska, V.P. Project Management, George Harms Construction Co Inc.**
- Ralph Ronghelli, Waste Recycling**
- Robert Silverstri, Owner, GSG Home Improvements**
- Joseph Manzi, Manager, Thirau LLC**
- Jeff Reynolds, JRG Development**
- Mike Smit, ASAP Inc.**
- Nicholas Tselepis, Nicholas Real Estate**
- Fred Stein, Fred Stein Contractors**
- Peter Krebs, Krebs Construction**
- Peter Breslauer, Breslauer Building Contractors**
- Pat Peterson, SPD Electric**

**BY THE BOARD:**

The Board of Public Utilities ("Board") has jurisdiction to oversee and enforce the provisions of the Underground Facility Protection Act ("the Act") pursuant to the provisions set forth in

N.J.S.A. 48:2-73, et seq. The primary purpose of the Act is to establish the One-Call Damage Prevention 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, 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..."

The Act subjects violators of its provisions to civil penalties of not less than \$1,000 and not more than \$2,500 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 per violation per day and not to exceed \$1,000,000 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 the 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.

This Order shall be effective on October 10, 2014.

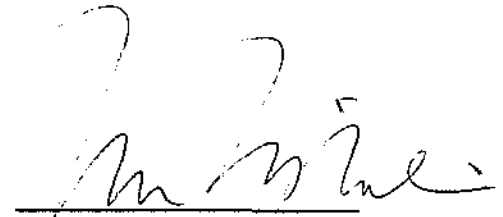
**NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED**

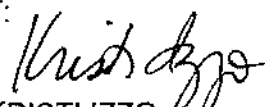
DATED: 9/30/14

BOARD OF PUBLIC UTILITIES  
BY:

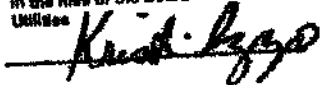
  
DIANNE SOLOMON  
PRESIDENT

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
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. GS14070696K et. al. (see attached appendix)**

**SERVICE LIST**

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Mountain Lakes, NJ 07046

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Clifton, NJ 07011

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South Plainfield, NJ 07080

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Waste Recycling  
17 Old Dock Road  
Yaphank, NY 11980

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GSG Home Improvements  
2 Woodens Lane  
Lambertville, NJ 08530

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Fred Stein Contractors  
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Tuckerton, NJ 08087

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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-September 2014

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Gas	GS14070696K	GOC2014-0001	Did not properly mark out	\$3,000	South Jersey Gas		01/16/14	39th St, Ocean City	05/28/14
Damage, Gas	GS14070695K	GOC2013-0063	Did not properly mark out	\$3,000	NJ Natural Gas		10/08/13	Old Squan Rd, Manasquan	05/29/14
Damage, Gas	GS14060559K	GOC2013-0023	Did not properly mark out	\$3,000	Elizabethtown Gas		10/3/2013	E Elizabeth Ave, Linden	5/19/2014
Damage, Gas	GS14060557K	GOC2013-0021	Did not properly mark out	\$3,000	Elizabethtown Gas		10/2/2013	Summit Trail, Felmtington	5/19/2014
Damage, Gas	GS14060560K	GOC2013-0024	Did not properly mark out	\$3,000	Elizabethtown Gas		10/3/2013	Brigham Way, Hopewell	5/19/2014
Damage, Gas	GS14060566K	GOC2012-0027	Did not have a valid markout	\$3,000		Albanese Const.	8/22/2012	Batchelor St, Toms River	5/14/2014
Damage, Gas	GS14060562K	GOC2013-0029	Did not properly mark out	\$3,000	South Jersey Gas		10/4/2013	East 23rd Ave, North Wildwood	5/19/2014
Damage, Gas	GS14060564K	GOC2013-0031	Did not properly mark out	\$3,000	South Jersey Gas		10/5/2013	Cornwall Ave & Cedarville Rd, Millville	5/19/2014
Damage, Gas	GS14060563K	GOC2013-0038	Did not properly mark out	\$3,000	South Jersey Gas		10/1/2013	Jimmie Leeds Rd & Laurel Ave, Galloway	5/20/2014
Damage, Gas	GS14060565K	GOC2010-0011	Did not have a valid markout	\$3,000		Jackson Public Works	12/30/2009	Red Cedar Run, Jackson	5/20/2014
Damage, Gas	GS14060561K	GOC2014-0042	Did not have a valid markout	\$3,000		Murphy Fence Co.	1/9/2014	W Poplar Ave, Wildwood	5/21/2014
Damage, Gas	GS14060566K	GOC2013-0026	Did not have a valid markout	\$3,000		Abadin Plumbing	10/7/2013	Highlands Way, Phillipsburg	5/21/2014
Non Damage	GS14070684K	OC 15-10	Did not properly mark out	\$3,000	PSE&G		9/11/2010	E. Shirley Ave, Middlesex	6/6/2014
Damage, Gas	GS14070683K	GOC2013-0084	Did not properly mark out	\$3,000	PSE&G		10/5/2013	Tyler Pl, South Plainfield	6/6/2014
Damage, Gas	GS14070682K	GOC2013-0008	Did not properly mark out	\$3,000	PSE&G		9/18/2013	Northfield Ct, Livingston	6/6/2014
Damage, Gas	GS14070681K	GOC2014-0043	Did not properly mark out	\$3,000	NJ Natural Gas		1/16/2014	Barnegat Ave, Seaside	6/6/2014
Damage, Gas	GS14070680K	GOC2013-0048	Did not have a valid markout	\$3,000		Lippincott Inc.	10/1/2013	Bayhill Dr, Lakewood	6/3/2014
Damage, Gas	GS14070679K	GOC2013-0080	Did not properly mark out	\$3,000	PSE&G		10/3/2013	Hwy 130 North Brunswick	6/6/2014
Damage, Gas	GS14070678K	GOC2013-0074	Did not properly mark out	\$3,000	PSE&G		10/1/2013	Mansion Ave, Haddon	6/2/2014

Damage, Gas	GS14070677K	GOC2013-0077	Did not properly mark out	\$3,000	PSE&G		10/2/2013	Ridge Rd, Warren	6/5/2014
Damage, Gas	GS14070676K	GOC2013-0013	Did not properly mark out	\$3,000	PSE&G		9/21/2013	2nd St, Bergen	6/5/2014
Damage, Gas	GS14070675K	GOC2014-0029	Did not properly mark out	\$3,000	Elizabethtown Gas		1/30/2014	Stimpson Ave, Linden	6/3/2014
Damage, Gas	GS14070674K	GOC2013-0090	Did not properly mark out	\$3,000	PSE&G		10/8/2013	Bispham St, Mt. Holly	6/3/2014
Non Damage	TS14070691K	OC 1-10	Did not properly mark out	\$1,000	Verizon		4/30/2010	Marchesi Dr, Lawrence	6/9/2014
Non Damage	TS14070690K	OC 2-10	Did not properly mark out	\$1,000	Verizon		4/30/2010	Richards Rd, Lawrence	6/9/2014
Non Damage	TS14070689K	OC 3-10	Did not properly mark out	\$1,000	Verizon		4/30/2010	Yorkshire Village Rd, Lawrence	6/9/2014
Non Damage	TS14070688K	OC 4-10	Did not properly mark out	\$1,000	Verizon		4/30/2010	Nash Ct, Lawrence	6/9/2014
Non Damage	TS14070687K	OC 5-10	Did not properly mark out	\$1,000	Verizon		4/30/2010	Canoe Ln, Lawrence	6/9/2014
Non Damage	TS14070686K	OC 6-10	Did not properly mark out	\$1,000	Verizon		4/30/2014	Canal View Dr, Lawrence	6/9/2014
Non Damage	TS14070685K	OC 14-10	Did not properly mark out	\$1,000	Verizon		8/18/2010	Malibu Ct, Old Bridge	6/9/2014
Damage, Gas	GS14070692K	GOC2014-0018	Did not properly mark out	\$3,000	PSE&G		1/14/2014	Halsey St, Newark	6/9/2014
Damage, Gas	GS14060554K	GOC2014-0022	Failure to use reasonable care	\$3,000		Joe Percario	1/15/2014	Soltes Ave, Carteret	5/28/2014
Damage, Gas	GS14060555K	GOC2013-0025	Did not properly mark out	\$3,000	Elizabethtown Gas		10/4/2013	Orchard St, Elizabeth	5/28/2014
Damage, Gas	GS14070816K	GOC2013-0065	Did not have a valid markout	\$3,000		Curboon	10/9/2013	Route 9, West Creek	6/12/2014
Damage, Gas	GS14070693K	GOC2013-0046	Did not have a valid markout	\$3,000		Phencemen Inc.	10/14/2013	Franklin Drive, Somer Point	6/12/2014
Damage, Gas	GS14070818K	GOC2014-0024	Did not properly mark out	\$3,000	Elizabethtown Gas		1/16/2014	Algonquin Dr, Scotch Plains	6/16/2014
Damage, Gas	GS14080852K	GOC2014-0075	Did not properly mark out	\$3,000	Elizabethtown Gas		02/12/14	Carter Terrace, Hackettstown	07/23/14
Damage, Gas	GS14080845K	GOC2014-0032	Did not properly mark out	\$3,000	South Jersey Gas		02/27/14	Anna Dr, Mullica Twp	07/23/14
Damage, Gas	GS14080855K	GOC2013-0057	Did not have a valid markout	\$3,000		George Harms Inc	10/7/2013	Virginia Ave, Lavalette	6/19/2014
Damage, Gas	GS14080883K	GOC2012-0026	Did not have a valid markout	\$3,000		Navasink Ridge Estates	7/12/2012	Locust Point Rd, Middletown	6/19/2014
Non Damage	AS14080854K	NOC2014-0001	Did not have a valid markout	\$3,000		Stillo Paving	4/4/2014	Russell Rd, Madison Ave, Hunter Ave, Weaver St, Farwood	6/19/2014
Damage, Gas	GS14080882K	GOC2014-0010	Did not properly mark out	\$3,000	South Jersey Gas		1/28/2014	2nd St, Ocean City	6/19/2014
Damage, Gas	GS14080857K	GOC2014-0100	Did not properly mark out	\$3,000	South Jersey Gas		3/5/2014	Central Ave, Sea Isle City	6/19/2014
Damage, Gas	GS14080856K	GOC2014-0009	Did not properly mark out	\$3,000	South Jersey Gas		1/27/2014	West High St, Glassboro	6/19/2014

Damage, Gas	GS14080878L	GOC2014-0103	Did not properly mark out	\$3,000	NJ Natural Gas		4/3/2014	Main Ave & Egbert St, Bay Head	7/2/2014
Damage, Gas	GS14080858K	GOC2014-0089	Did not properly mark out	\$3,000	Elizabethtown Gas		3/11/2014	Elm St, Linden	6/27/2014
Non Damage	AS14080884K	NOC2014-0012	Did not have a valid markout	\$1,000		Waste Recycling	5/20/2014	Independence Way, South Brunswick	7/9/2014
Non Damage	AS14080851K	NOC2014-0011	Did not have a valid markout	\$1,000		Waste Recycling	5/20/2014	Willow Rd, Lawrence	7/9/2014
Damage, Gas	GS14080850K	GOC2013-0071	Did not have a valid markout	\$3,000		GSG Home Improvements LLC	11/19/2013	Woodcrest Drive & Liberty View, Lambertville	7/9/2014
Damage, Gas	GS14080853K	GOC2012-0014	Did not have a valid markout	\$3,000		Thirau LLC	7/2/2012	West Drive, Atlantic City	7/9/2014
Damage, Gas	GS14080846K	GOC2014-0086	Did not properly mark out	\$3,000	Elizabethtown Gas		3/6/2014	Essex Ave, Linden	7/11/2014
Damage, Gas	GS14080849K	GOC2014-0088	Did not properly mark out	\$3,000	Elizabethtown Gas		3/10/2014	Dill Ave, Linden	7/11/2014
Damage, Gas	GS14080848K	GOC2014-0027	Did not properly mark out	\$3,000	Elizabethtown Gas		1/24/2014	7th Street, Elizabeth	7/11/2014
Damage, Gas	GS14080847K	GOC2014-0087	Did not properly mark out	\$3,000	Elizabethtown Gas		3/7/2014	Essex Ave, Linden	7/15/2014
Damage, Gas	GS14080817K	GOC2013-0044	Did not have a valid markout	\$3,000		JRG Development	10/3/2013	Oakwood Dr, Shamong	6/12/2014
Damage, Gas	GS14080879K	GOC2013-0051	Did not have a valid markout	\$3,000		ASAP Inc.	10/2/2013	Harrison Ave, Brick	7/21/2014
Damage, Gas	GS14080860K	GOC2014-0085	Did not properly mark out	\$3,000	Elizabethtown Gas		3/4/2014	E Elm, Linden	7/25/2014
Non Damage	AS14080868K	NOC2014-0010	Did not have a valid markout	\$1,000		Fred Stein Contractors	5/15/2014	Radio Rd, Little Egg Harbor	7/15/2014
Damage, Gas	GS14080881K	GOC2014-0017	Did not properly mark out	\$3,000	Elizabethtown Gas		1/9/2014	Parker Rd, Elizabeth	7/25/2014
Damage, Gas	GS14080866K	GOC2010-0026	Did not have a valid markout	\$3,000		Nicholas Real Estate	3/21/2010	E 22nd st, Paterson	7/21/2014
Damage, Gas	GS14080865K	GOC2013-0030	Did not have a valid markout	\$3,000		SPD Electric	10/4/2013	Spruce Rd, Ocean City	7/1/2014
Damage, Gas	GS14080862K	GOC2014-0073	Did not properly mark out	\$3,000	Elizabethtown Gas		2/5/2014	Norris Ave, & Dorian Rd, Metuchen	7/25/2014
Damage, Gas	GS14080863K	GOC2014-0082	Did not properly mark out	\$3,000	Elizabethtown Gas		2/24/2014	Hall Ave, Perth Amboy	7/25/2014
Damage, Gas	GS14080864K	GOC2014-0102	Did not have a valid markout	\$3,000		Breslauer Building Contractor	4/1/2014	Rainbow Trail, Denville	7/29/2014
Damage, Gas	GS14090951K	GOC2014-0104	Did not have a valid markout	\$3,000		Krebs Construction	4/4/2014	South Dr, Brick	7/29/2014
Non Damage	ES14080913K	NOC2014-0036	Failure to file multiple Underground Damage Reports	\$17,000	Rockland Electric		2010-2014		
Total	66			\$192,000					