



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..." N.J.S.A. 48:2-75.

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.

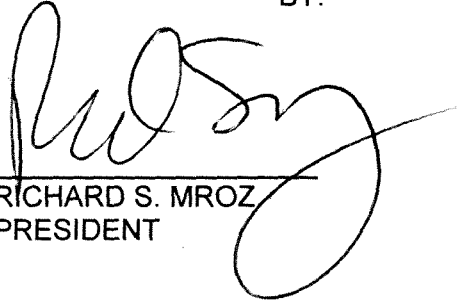
By acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing, and the Board has waived any rights to bring an action for civil penalties as permitted by the Underground Facility Protection Act in connection with the above-referenced 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 September 21, 2015.

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

DATED: 9-11-15

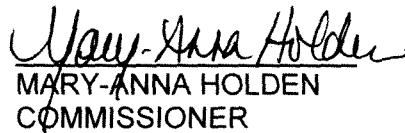
BOARD OF PUBLIC UTILITIES  
BY:



RICHARD S. MROZ  
PRESIDENT



JOSEPH L. FIORDALISO  
COMMISSIONER



MARY-ANNA HOLDEN  
COMMISSIONER



DIANNE SOLOMON  
COMMISSIONER



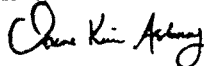
UPENDRA J. CHIVUKULA  
COMMISSIONER

ATTEST:



IRENE KIM ASBURY  
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. GS15080929K et al. (see attached appendix)**

SERVICE LIST

Craig Lynch  
NJ Natural Gas  
1415 Wyckoff Rd., P.O. Box 1464  
Wall, NJ 07719

Michael Elward  
J.F. Kiely  
700 McClellan St.,  
Long Branch, NJ 07440

Minna Kipper  
A to Z Site Contractors  
112 Clifton Ave., #21  
Lakewood, NJ 08701

Thomas E. Wilson  
La Prima Builders  
7 Conover Lane, P.O. Box 63,  
Middletown, NJ 07740

Greg Pol  
Pol Landscaping  
P.O. Box 76,  
Oakland, NJ 07436

Julio Nunez Jimenez  
Highlander Landscaping, LLC.  
8 Mount Vernon Rd.,  
Manalapan, NJ 07726

Mark Rohrmann  
Charger Electric  
165 Bernard Dr.,  
Red Bank, NJ 07701

Albert Jasani  
RAS313, LLC.  
1050 King Georges Post Rd.,  
Fords, NJ 08863

James Guiliano, Director  
Division of Reliability & Security  
Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350

James P. Kane, Esq.  
Counsel's Office  
Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350

Geoffrey Gersten, DAG  
Division of Law and Public Safety  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029

James Federle  
Affordable Home Services  
140 Arlington Ave.,  
Clifton, NJ 07011

Trisha Quartarolo  
Montana  
37 Millpond Rd.,  
Woodland Park, NJ 07424

Antonio Pereira  
Concrete Systems, Inc.  
45 Lupine Way,  
Sterling, NJ 07980

Robert Yaremko  
Reclamation of Kingston, LLC.  
20 Haarlem Ave.,  
White Plains, NJ 10803

Robert McClure  
A&E Construction  
152 Garret Rd.,  
Upper Darby, PA 19082

Matthew Pennisi  
Sun Valley Services, Inc.  
60 Peachtree Ave.,  
East Hanover, NJ 07936

Pat Ferrie  
Country Masons  
215 Woodport Rd., P.O. Box 158  
Sparta, NJ 07871

Chris Althaver  
Taves Tree Service  
49 Newbury Rd.,  
Howell, NJ 07731

Ki Chang  
Kikun Development  
434 Andre Ave.,  
Northvale, NJ 07647

Clifford J. Weininger, Esq.  
Bednar Landscaping  
94 Diamond Spring Rd., P.O. Box 1154  
Denville, NJ 07834

Robert Haley  
EIF-NEC, LLC.  
955 Delancy St.,  
Newark, NJ 07105

Salvatore Mattiaccio  
Level and Square  
3105 Bridge Ave.,  
Point Pleasant, NJ 08742

Tom Squindo  
Toscana Contractors, LLC.  
457 Black Horse Lane,  
North Brunswick, NJ 08902

Gregory Garnich  
Gregs Landscaping  
1598 Reed Rd.,  
Pennington, NJ 08534

Scott Woodfield  
Union Paving & Construction  
1140 Globe Ave.,  
Mountainside, NJ 07092

Richard McLaughlin  
J Fletcher Creamer  
101 East Broadway,  
Hackensack, NJ 07601

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 VIA 2015

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Gas Damage	GS15080929K	GOC2014-0774	Did not properly mark out	\$3,000	NJ Natural Gas		9/11/2014	Narbeth Way, Toms River	5/21/2015
Gas Damage	GS15080928K	GOC2014-1069	Did not have a valid markout	\$3,000		J.F. Kiely	10/27/2014	Trinity Ave, Atlantic City	6/30/2015
Electric Damage	ES15080927K	EOC2014-0014	Did not have a valid markout, non-gas damage	\$2,000		A to Z Site Contractors	4/29/2014	Rosebank St, Lakewood	6/3/2015
Gas Damage	GS15080926K	GOC2014-0972	Did not have a valid markout	\$3,000		La Prima Builders	4/28/2015	Dayna Ct, Toms River	6/21/2015
Gas Damage	GS15080925K	GOC2014-0448	Did not have a valid markout	\$3,000		Pol Landscaping	7/18/2014	Chuckanut Dr, Oakland	6/29/2015
Gas Damage	GS15080924K	GOC2014-0607	Did not have a valid markout	\$3,000		Highlander Landscaping, LLC.	8/12/2014	Spring House, Manalapan	7/1/2015
Gas Damage	GS15080923K	GOC2014-0962	Did not have a valid markout	\$3,000		Charger Electric	10/3/2014	Cedar St, Highlands	5/8/2015
Gas Damage	GS15080922K	GOC2014-0313	Did not have a valid markout	\$3,000		RAS313, LLC.	6/26/2014	King Georges Post Rd, Woodbridge	7/7/2015
Non Damage	AS15080921K	NOC2014-0118	Did not have a valid markout/ Emergency	\$1,000		Montana	12/5/2014	Putnam St, Lodi	6/9/2015
Non Damage	AS15080920K	NOC2014-0117	Did not have a valid markout/ Emergency	\$1,000		Montana	12/5/2014	Massey St, Lodi	6/9/2015
Non Damage	AS15080919K	NOC2014-0116	Did not have a valid markout/ Emergency	\$1,000		Montana	12/5/2014	Liberty St, Lodi	6/9/2015
Non Damage	AS15080918K	NOC2014-0115	Did not have a valid markout/ Emergency	\$1,000		Montana	12/5/2014	Massey St, Lodi	6/9/2015
Gas Damage	GS15080936K	GOC2014-0358	Did not have a valid markout	\$3,000		Concrete Systems, Inc.	6/30/2014	Lackawana Pl, Bloomfield	7/2/2015
Gas Damage	GS15080937K	GOC2014-0389	Did not have a valid markout	\$3,000		Reclamation of Kingston, LLC.	7/9/2014	Passaic Ave, Fairfield	6/11/2015
Gas Damage	GS15080938K	GOC2014-1023	Did not have a valid markout	\$3,000		A&E Construction	10/13/2014	Burlington-Mt. Holy Rd, Burlington	6/17/2015
Gas Damage	GS15080939K	GOC2014-0053	Did not have a valid markout	\$3,000		Sun Valley Services, Inc.	1/27/2014	River Dr, Parsipany	6/16/2015
Gas Damage	GS15080940K	GOC2014-0581	Did not have a valid markout	\$3,000		Country Masons	8/13/2014	Wagon Wheel Rd, Sparta	6/12/2015
Gas Damage	GS15080941K	GOC2014-0764	Did not have a valid markout	\$3,000		Taves Tree Service	9/9/2014	Fox Chase Ct, Freehold	6/11/2015
Gas Damage	GS15080942K	GOC2014-1235	Did not have a valid markout	\$3,000		Kikun Development	11/20/2014	Country Club Dr, Chatham	6/9/2015
Non Damage	AS15080933K	NOC2014-0073	Did not have a valid markout, Failed to use care	\$3,000		Bednar Landscape	10/1/2014	Rockaway Valley Rd, Boonton	6/9/2015
Non Damage	AS15080935K	NOC2015-0065	Failed to file damage report	\$3,000	EIF-NEC, LLC.		3/9/2015	Failure to file report to BPU	6/24/2015
Non Damage	GS15080930K	NOC2014-0135	Did not have a valid markout, non-gas	\$1,000		Level and Square	10/15/2014	Osborn Ave, Bayhead	6/24/2015
Non Damage	AS15080931K	NOC2015-0067	Did not have a valid markout- non gas	\$1,000		Toscana Contractors, LLC.	6/17/2015	Farmhaven Ave, Edison	7/28/2015

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Non Damage	AS15080932K	NOC2015-0066	Did not have a valid markout- non gas	\$1,000		Gregs Landscaping	6/16/2015	South Clinton Ave, Trenton	7/20/2015
Gas Damage	GS15080895K	GOC2015-0005	Did not have a valid markout	\$3,000		Union Paving & Construction	1/9/2015	Central Ave & K Street, Seaside Park	7/21/2015
Gas Damage	GS15080896K	GOC2015-0001	Did not have a valid markout	\$3,000		J Fletcher Creamer	1/15/2015	Shire Rd, Holland	7/17/2015
Gas Damage	GS15080934K	GOC2014-1080	Did not have a valid markout	\$3,000		Affordable Home Services	10/28/2014	Roosevelt Ave, Lyndhurst	6/3/2015
<b>Total</b>	27			\$66,000					