



Agenda Date: 9/23/16  
Agenda Item: VIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
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 NOs.  
GS16080770K et. al.  
(see attached appendix)

**Parties of Record:**

- Frank Coriano**, Public Service Electric and Gas
- William Tappin**, South Jersey Gas
- Ralph Hillmer**, Jersey Central Power & Light
- Matthew White**, Jo Mar Masonry
- Marjarie Broomall**, Bluefin Services
- Bryan Malcolm**, Perfect Touch
- Joe Uzzolino**, Burke Contracting LLC
- Michael Hillis**, The Hillis Group LLC
- Ronald Brancato**, Brancato Landscaping
- Robert Watson**, Apex Development & Property Management
- Robert A. Napier**, Vineland Electric
- Greg Fondacaro**, Ninsa Vinyl Fence
- Jennifer Spencer**, CM Dicocco
- Nino Colonnelli**, Colonnelli Construction
- Elaine Gedeiko**, Yaboo Fence

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

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 \$25,000.00 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 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. N.J.S.A. 48:2-86(c). 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

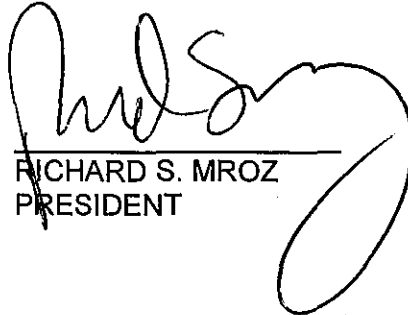
the specific incidents described in the Appendix. This acceptance is without prejudice as to the position of the State of New Jersey or any agency or subdivision thereof if other violations are present, now or in the future.

This Order shall be effective on October 3, 2016.

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

DATED: 9/23/16

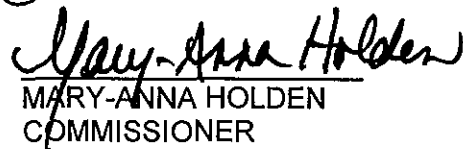
BOARD OF PUBLIC UTILITIES  
BY:



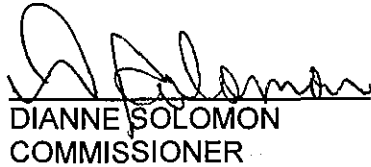
RICHARD S. MROZ  
PRESIDENT



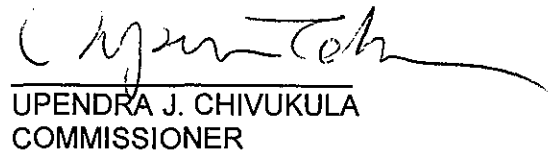
JOSEPH L. FIORDALISO  
COMMISSIONER



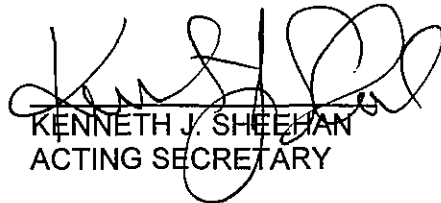
MARY-ANNA HOLDEN  
COMMISSIONER



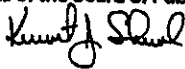
DIANNE SOLOMON  
COMMISSIONER



UPENDRA J. CHIVUKULA  
COMMISSIONER

ATTEST:   
KENNETH J. SHEEHAN  
ACTING 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. GS16080770K et al. (see attached appendix)**

**SERVICE LIST**

Frank Coriano  
Public Service Electric and Gas  
410 Silver Lake Ave.  
Edison, NJ 08817

Ronald Brancato  
Brancato Landscaping  
105 Ohlson Ave.  
Nutley, NJ 07110

William Tappin  
South Jersey Gas  
1 South Jersey Plaza  
Folsom, NJ 08037

Robert Watson  
Apex Development & Property Management  
108 Rte. 70  
Medford, NJ 08055

Ralph Hillmer  
Jersey Central Power and Light  
300 Madison Ave.  
P.O. Box 1911  
Morristown, NJ 07962

Robert A. Napier  
Vineland Electric  
415 North West Ave.  
Vineland, NJ 08360

Matthew White  
Jo Mar Masonary  
209 Fresh Ponds Rd.  
Jamesburg, NJ 08831

Greg Fondacaro  
Ninsa Vinyl Fence  
125 Lincoln Dr.  
Hammonton, NJ 08037

Marjarie Broomall  
Bluefin Services  
196 Quigley Blvd.  
New Castle, DE 19720

Jennifer Spencer  
CM Dicocco  
P.O. Box 465, Rt. 579  
Pennington, NJ 08534

Bryan Malcolm  
Perfect Touch  
270 Jessup Rd.  
West Deptford, NJ 08086

Nino Colonnelli  
Colonnelli Construction  
409 South River St.  
Hackensack, NJ 07601

Joe Uzzolino  
Burke Contracting LLC  
3408 Sunset Ave.  
Ocean Township, NJ 07712

Elaine Gedeiko  
Yaboo Fence  
95 West Nyack Way.  
West Nyack, NJ 10994

Michael Hillis  
The Hillis Group LLC  
2100 Wood Ave.  
Easton, PA 18042

**Board of Public Utilities**

44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350

Irene Kim Asbury, Esq.  
Secretary of the Board  
[Irene.asbury@bpu.nj.gov](mailto:Irene.asbury@bpu.nj.gov)

James P. Giuliano, Director  
Division of Reliability & Security  
[James.giuliano@bpu.state.nj.us](mailto:James.giuliano@bpu.state.nj.us)

James P. Kane, Esq.  
Counsel's Office  
[James.kane@bpu.state.nj.us](mailto:James.kane@bpu.state.nj.us)

Emma Yao Xiao, DAG  
Division of Law and Public Safety  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029  
[Emma.Xiao@dol.lps.state.nj.us](mailto:Emma.Xiao@dol.lps.state.nj.us)

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 2016

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Gas	GS16080770K	GOC2015-1800	Did not have a valid markout	\$3,000		Apex Development & Prop. Mgt.	12/3/2015	Bakers Basin Rd., Lawrence Township	6/29/2016
Damage, Gas	GS16080771K	GOC2015-0070	Failure to use reasonable care	\$3,000		Vineland Electric	1/29/2015	Avas Ct., Vineland	6/29/2016
Damage, Gas	GS16080765K	GOC2016-0073	Did not have a valid markout	\$3,000		Ninsa Vinyl Fence	1/18/2016	Darby La., Hamilton Township	6/16/2016
Damage, Gas	GS16080766K	GOC2015-1884	Failure to hand dig and locate	\$3,000		PSE&G	12/4/2015	Liverpool Wy., Medford	7/7/2016
Damage, Gas	AS16080767K	NOC2016-0002	Did not have a valid markout	\$1,000		CM DiCocco	2/4/2016	Harbourton Rd., Pennington	6/17/2016
Damage, Gas	AS16080768K	NOC2016-0010	Did not have a valid markout	\$1,000		Colonnelli Construction	4/9/2016	North St & Green St., Teterboro	6/16/2016
Damage, Gas	GS16080769K	GOC2015-1171	Did not have a valid markout	\$3,000		Yaboo Fence	8/18/2015	Tappan Rd., Northvale	6/20/2016
Damage, Cable	GS16080764K	GOC2015-1731	Did not properly mark out	\$3,000	PSE&G		11/18/2015	Cupsaw Dr., Ringwood	6/30/2016
Damage, Gas	GS16080763K	GOC2015-1882	Did not properly mark out	\$3,000	PSE&G		12/28/2015	Park Rd., Morris Plains	6/29/2016
Water-Damage	GS16080762K	GOC2015-1811	Did not properly mark out	\$3,000	PSE&G		12/7/2015	Export St., Newark	6/29/2016
Damage, Gas	ES16080761K	EOC2016-0033	Did not properly mark out	\$3,000	JCP&L		4/13/2016	Dickinson & Greenbriar I, Brick	7/7/2016
Damage, Gas	GS16080760K	GOC2015-1649	Did not properly mark out	\$3,000	PSE&G		11/5/2015	N 34th St., Camden	7/14/2016
Damage, Gas	GS16080782K	GOC2015-1567	Did not properly mark out	\$3,000	PSE&G		11/2/2015	US Highway 130, North Brunswick	7/6/2016
Damage, Gas	GS16080780K	GOC2015-1648	Did not properly mark out	\$3,000	PSE&G		11/4/2015	Johnston Dr Ext., North Plainfield	7/6/2016
Damage, Gas	GS16080779K	GOC2015-0474	Did not properly mark out	\$3,000	PSE&G		5/6/2015	Ford Ln., Kearny	6/30/2016
Damage, Gas	GS16080778K	GOC2015-1657	Did not properly mark out	\$3,000	PSE&G		11/6/2015	Bergen Ave., Jersey City	6/30/2016
Damage, Gas	GS16080777K	GOC2016-0029	Did not properly mark out	\$3,000	PSE&G		1/12/2016	Pearsall Ave., Jersey City	6/30/2016
Damage, Gas	GS16080776K	GOC2016-0358	Did not properly mark out	\$3,000	PSE&G		4/14/2016	Lock St., Newark NJ	6/30/2016
Damage, Gas	GS16080775K	GOC2015-1750	Did not properly mark out	\$3,000	PSE&G		11/27/2016	W 29th St., Bayonne	6/30/2016
Damage, Gas	GS16080774K	GOC2015-1653	Did not have a valid markout	\$3,000		Jo Mar Masonary	11/13/2015	Mt Lucas Rd., Princeton	7/6/2016
Damage, Gas	GS16080773K	GOC2015-1864	Did not properly mark out	\$3,000	PSE&G		12/18/2015	Conover St., South Amboy	7/6/2016
Damage, Electric	GS16080772K	GOC2015-1809	Did not properly mark out	\$3,000	PSE&G		12/4/2015	Mountain Ave., West Orange	7/6/2016
Damage, Gas	GS16080793K	GOC2015-1806	Did not properly mark out	\$3,000	PSE&G		12/3/2015	N. Grove St., East Orange	7/6/2016
Damage, Telephone	GS16080795K	GOC2015-1847	Did not properly mark out	\$3,000	PSE&G		12/3/2015	Bloomfield Ave., Bloomfield	7/6/2016
Damage, Gas	GS16080796K	GOC2015-1169	Did not properly mark out	\$3,000	PSE&G		8/18/2015	Johnson Ave., Hackensack	7/11/2016
Damage, Gas	GS16080797K	GOC2015-1170	Did not properly mark out	\$3,000	PSE&G		8/18/2015	Lorraine Ave., Plainfield	7/6/2016
Damage, Gas	ES16080798K	EOC2015-0256	Did not properly mark out	\$2,000	PSE&G		11/20/2015	Commerce St., S. Brunswick	6/10/2016
Damage, Gas	GS16080799K	GOC2016-0011	Did not have a valid markout	\$3,000		Bluefin Services	1/4/2016	N. Lincoln Ave., Lower Twp.	6/13/2016
Damage, Gas	GS16080800K	GOC2016-0033	Did not properly markout	\$3,000	PSE&G		1/13/2016	Peach Tree Ave., Bridgewater	6/20/2016

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Gas	GS16080801K	GOC2015-1223	Did not have a valid markout	\$3,000		Perfect Touch	8/27/2015	114th St., Stone Harbor	5/19/2016
Damage, Gas	GS16080802K	GOC2014-0339	Did not have a valid markout	\$3,000		Burke Contracting LLC	6/26/2016	Union Ave., Union Beach	7/14/2016
Damage, Gas	GS16080803K	GOC2015-1543	Did not have a valid markout	\$3,000		The Hillis Group LLC.	10/22/2015	Hardy Dr., Princeton	6/28/2016
Damage, Gas	GS16080804K	NOC2016-0019	Did not properly markout	\$1,000	South Jersey Gas		6/29/2015	Moss Mill Rd., Galloway	7/1/2016
Damage, Gas	GS16080805K	GOC2015-1412	Did not properly markout	\$3,000	PSE&G		9/29/2015	Nuttman St., Newark	6/16/2016
Damage, Gas	GS16080809K	GOC2016-0028	Did not properly markout	\$3,000	PSE&G		1/8/2016	Pulaski St., Bayonne	6/16/2016
Damage, Gas	GS16080810K	GOC2015-1192	Did not properly markout	\$3,000	PSE&G		8/10/2015	Monroe St., Orange	6/14/2016
Damage, Gas	GS16080811K	GOC2015-1292	Did not properly markout	\$3,000	PSE&G		6/16/2016	Jelliff Ave., Newark	6/16/2016
Damage, Gas	GS16080812K	GOC2015-1721	Did not have a valid markout	\$3,000		Brancato Landscaping	11/20/2015	Burgh Ave., Clifton	6/17/2016
Damage, Gas	GS16080813K	GOC2015-1284	Did not properly markout	\$3,000	PSE&G		9/3/2015	Seven Oaks Rd., Orange	6/7/2016
Damage, Gas	GS16080808K	GOC2015-1181	Did not properly markout	\$3,000	PSE&G		8/22/2015	Prince Ave., Camden	6/8/2016
<b>Total</b>		40		\$113,000					