



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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[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. CS24040248K  
et al. (see attached Appendix)

**Party of Record:**

**Stan Barrett, Esq.**, Scarinci & Hollenbeck, on behalf of Comcast

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 establishes the One-Call Damage Prevention System (“One-Call 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, 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 call the One-Call System prior to commencing excavation and failing to mark out or properly mark out underground facilities, Board Staff issued a Notice of Probable Violation and Offer of Settlement to the alleged violator 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.<sup>1</sup>

## **II. DISCUSSION AND FINDINGS**

After consideration of the matters provided in Appendix A, including the alleged violations and the Offers of Settlement, the Board **HEREBY FINDS** the Offers of Settlement to be reasonable and in the public interest, and **HEREBY ACCEPTS** the Offers of Settlement in full satisfaction of the alleged violations of the Act as provided in Appendix A attached hereto and made part hereof.

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 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.

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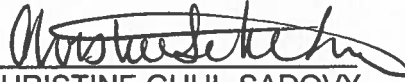
<sup>1</sup> The 32 Offers of Settlement were accepted by the alleged violators, and each made full payment on the dates provided in Appendix A.

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

This Order shall be effective on July 3, 2024.

DATED: June 27, 2024

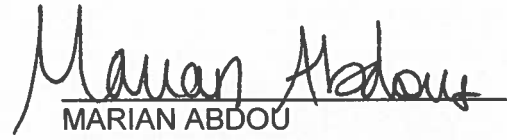
BOARD OF PUBLIC UTILITIES  
BY:



CHRISTINE GUHL-SADOVY  
PRESIDENT



DR. ZENON CHRISTODOULOU  
COMMISSIONER



MARIAN ABDOU  
COMMISSIONER



MICHAEL BANGE  
COMMISSIONER



ATTEST:

SHERRIL L. GOLDEN  
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.

DOCKET NOS. CS24040248K et al. (see attached Appendix)

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**APPENDIX A**

In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

Docket Nos. CS24040248K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
CABLE	CS24040248K	COC2016-0003	Did not properly mark out	\$3,000	Comcast	03/31/2016	Laurel Court, Verona, NJ	10/09/2023
CABLE	CS24040249K	COC2016-0006	Did not properly mark out	\$2,000	Comcast	10/01/2016	Crabapple Cove, Hampton, NJ	10/09/2023
CABLE	CS24040250K	COC2016-0052	Did not properly mark out	\$3,000	Comcast	05/13/2016	King Hill Rd, High Bridge, NJ	10/09/2023
CABLE	CS24040251K	COC2016-0064	Did not properly mark out	\$2,000	Comcast	04/06/2016	David Brainerd Dr., Monroe Twp., NJ	10/09/2023
CABLE	CS24040252K	COC2016-0070	Did not properly mark out	\$3,000	Comcast	05/19/2016	Fox Wood Run, Middletown, NJ	10/09/2023
CABLE	CS24040253K	COC2016-0075	Did not properly mark out	\$2,000	Comcast	05/18/2016	Rocktown Lambertville Rd., Lambertville, NJ	10/09/2023
CABLE	CS24040254K	COC2016-0077	Did not properly mark out	\$3,000	Comcast	04/05/2016	Wythe Circle, Hillsborough, NJ	10/09/2023
CABLE	CS24040255K	COC2016-0083	Did not properly mark out	\$3,000	Comcast	04/20/2016	Edgewood Dr., Flemington, NJ	10/09/2023
CABLE	CS24040256K	COC2016-0086	Did not properly mark out	\$3,000	Comcast	05/02/2016	Harrison St., N. Princeton, NJ	10/09/2023
CABLE	CS24040257K	COC2016-0092	Did not properly mark out	\$3,000	Comcast	06/22/2016	Auten Rd., Hillsborough, NJ	10/09/2023
CABLE	CS24040258K	COC2016-0094	Did not properly mark out	\$2,000	Comcast	04/12/2016	Coddington Rd., Whitehouse Station, NJ	10/08/2023
CABLE	CS24040259K	COC2016-0105	Did not properly mark out	\$2,000	Comcast	04/15/2016	E. Kennedy Dr., Camden, NJ	02/05/2024
CABLE	CS24040260K	COC2016-0107	Did not properly mark out	\$2,000	Comcast	04/15/2016	Grant Dr, Camden, NJ	10/09/2023
CABLE	CS24040261K	COC2016-0129	Did not properly mark out	\$2,000	Comcast	05/16/2016	Elm St., Camden, NJ	10/09/2023
CABLE	CS24040262K	COC2016-0142	Did not properly mark out	\$3,000	Comcast	03/29/2016	Parker Rd., Plainsboro, NJ	10/09/2023
CABLE	CS24040263K	COC2016-0174	Did not properly mark out	\$3,000	Comcast	07/29/2016	John St., Hackettstown, NJ	10/09/2023
CABLE	CS24040264K	COC2016-0205	Did not properly mark out	\$2,000	Comcast	07/15/2016	Argyle Ave., Gloucester Twp., NJ	10/09/2016

**APPENDIX A**

In the Matter of Alleged Violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

Docket Nos. CS24040248K et al.

Facility Damaged	BPU Docket #	One Call Case #	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
CABLE	CS24040265K	COC2016-0233	Did not properly mark out	\$3,000	Comcast	08/22/2016	Fernwood Rd., Moorestown, NJ	10/09/2023
CABLE	CS24040266K	COC2016-0240	Did not properly mark out	\$2,000	Comcast	09/07/2016	Marter Ave., Mt. Laurel, NJ	10/09/2023
CABLE	CS24040267K	COC2016-0245	Did not properly mark out	\$3,000	Comcast	09/09/2016	Perry Dr., Mt. Laurel, NJ	10/09/2023
CABLE	CS24040268K	COC2016-0251	Did not properly mark out	\$3,000	Comcast	07/19/2016	Wigwam Rd., Tinton Falls, NJ	11/01/2023
CABLE	CS24040269K	COC2016-0261	Did not properly mark out	\$2,000	Comcast	08/09/2016	Chetwood Ct., Hillsborough, NJ	11/01/2023
CABLE	CS24040270K	COC2016-0262	Did not properly mark out	\$2,000	Comcast	08/17/2016	Covered Bridge Rd., Branchburg, NJ	11/01/2023
CABLE	CS24040271K	COC2016-0343	Did not properly mark out	\$2,000	Comcast	10/16/2016	Long Way, Hopewell, NJ	11/01/2023
CABLE	CS24040272K	COC2017-0010	Did not properly mark out	\$3,000	Comcast	03/07/2017	Partridge Ln., Cherry Hill, NJ	11/01/2023
CABLE	CS24040273K	COC2017-0041	Did not properly mark out	\$3,000	Comcast	03/03/2017	Homestead Rd., Readington Twp., NJ	11/01/2023
CABLE	CS24040274K	COC2017-0084	Did not properly mark out	\$2,500	Comcast	05/16/2017	Devonshire Dr., Somerset, NJ	02/21/2024
CABLE	CS24040275K	COC2017-0119	Did not properly mark out	\$3,000	Comcast	05/31/2017	Dressage Dr., Sewell, NJ	11/01/2023
CABLE	CS24040276K	COC2022-0023	Did not properly mark out	\$3,000	Comcast	06/23/2022	Plymouth St., Fairfield, NJ	10/30/2023
CABLE	CS24040277K	COC2022-0090	Failure to report Damage	\$3,000	Comcast	10/05/2022	Bennet Court, Swedesboro, NJ	10/30/2023
CABLE	CS24040278K	COC2022-0092	Failure to report Damage	\$3,000	Comcast	10/10/2022	Penfield Lane, Winslow, NJ	10/30/2023
CABLE	CS24040279K	COC2022-0093	Failure to report Damage	\$3,000	Comcast	10/11/2022	Kingswood Rd., Branchburg, NJ	10/30/2023
Total Cases: 32 Total Penalties: \$83,500								