



Agenda Date: 9/18/23
Agenda Item: VIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
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. ES23080495K
) et al. (see attached Appendix)

Party of Record:

Chelsey Gaworecki, Public Service Electric and Gas Company

BY THE BOARD:

This matter concerns 62 settlements, totaling \$186,000, of alleged violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. (“Act”), by Public Service Electric and Gas Company (“PSE&G”), as an operator as defined by the Act.

BACKGROUND

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.

The New Jersey Board of Public Utilities (“Board”) has jurisdiction to oversee and enforce the Act. Pursuant to the Act, violators of its provisions are subject to civil penalties of no less than \$1,000 and no 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 related to natural gas or hazardous liquid underground pipelines or distribution facilities shall be subject to civil penalties not to exceed \$200,000 per violation per day, and not to exceed \$2,000,000 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).

APPENDIX A

A violation under the Act is failing to mark, or properly mark, underground facilities. Appendix A, which is attached hereto and made a part hereof, provides a list of 62 alleged violations of the Act made by PSE&G. Board Staff (“Staff”) issued Notices of Probable Violations to PSE&G, and in an attempt to resolve these matters, PSE&G agreed to Staff’s Offers of Settlement for the Board’s review and consideration. See Appendix A. PSE&G accepted all 62 Offers of Settlement, and made full payment for each on the dates provided in Appendix A.

DISCUSSION AND FINDINGS

After consideration of the matters provided in Appendix A, including the alleged violations, the Notices of 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.

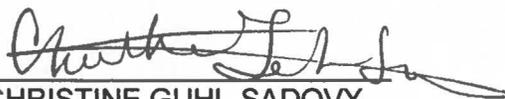
By acceptance of the Offers of Settlement and the timely payment thereof, the operator has waived any rights to a hearing, and the Board has waived any rights to bring an action for civil penalties as permitted by the Act in connection with the above-referenced alleged violations. It must also be noted 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.

NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED.

This Order shall be effective on September 25, 2023.

DATED: September 18, 2023

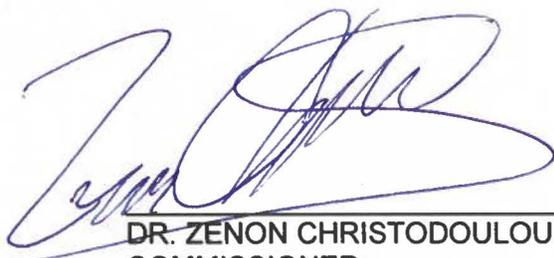
BOARD OF PUBLIC UTILITIES
BY:



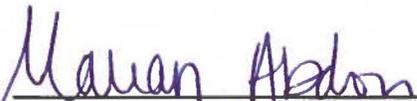
CHRISTINE GUHL-SADOVY
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER

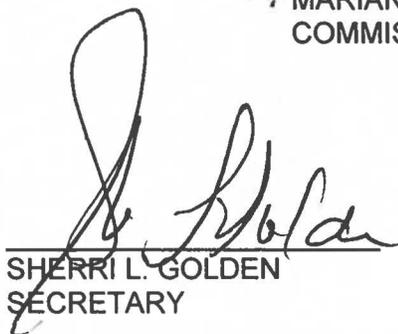


DR. ZENON CHRISTODOULOU
COMMISSIONER



MARIAN ABDOU
COMMISSIONER

ATTEST:



SHERRI 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. ES23080495K et al. (see attached Appendix)

SERVICE LIST

Chelsey Gaworecki
Public Service Electric and Gas Company
80 Park Plaza
Newark, NJ 07102
chelsey.gaworecki@pseg.com

Attorney General's Office

Matko Ilic, DAG
NJ Department of Law and Public Safety
Richard J. Hughes Justice Complex
25 Market Street – P.O. Box 112
Trenton, NJ 08625
matko.ilic@law.njoag.gov

Board of Public Utilities

44 South Clinton Avenue, 1st Floor
PO Box 350
Trenton NJ, 08625-0350

Sherri L. Golden, Board Secretary
board.secretary@bpu.nj.gov

Stacy Peterson, Deputy Executive
Director
stacy.peterson@bpu.nj.gov

Heather Weisband, Senior Counsel
heather.weisband@bpu.nj.gov

Division of Reliability & Security

Francis Gaffney, Director
francis.gaffney@bpu.nj.gov

Joseph Costa, Bureau Chief
joseph.costa@bpu.nj.gov

Amanda Davila
amanda.davila@bpu.nj.gov

Lauren Mattox
lauren.mattox@bpu.nj.gov

APPENDIX A

In the Matter of Alleged Violations of the Underground Facility Protection Act N.J.S.A. 48:2-73 et seq.
 Docket No. ES23080495K et al.

Facility Damaged	BPU Docket No.	One Call Case No.	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
Electric	ES23080495K	EOC2017-0017	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	1/19/2017	Newark, NJ	7/25/2018
Electric	ES23080496K	EOC2017-0074	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	3/10/2017	East Orange, NJ	7/25/2018
Natural Gas	GS23080484K	GOC2017-0540	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	5/11/2017	Somerville, NJ	7/25/2018
Natural Gas	GS23080485K	GOC2017-0725	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	6/20/2017	Wanaque, NJ	6/1/2018
Natural Gas	GS23080486K	GOC2017-0853	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/13/2017	Cresskill, NJ	7/25/2018
Natural Gas	GS23080487K	GOC2017-0868	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/17/2017	Wayne, NJ	6/1/2018
Natural Gas	GS23080488K	GOC2017-0870	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/18/2017	East Brunswick, NJ	5/30/2019
Natural Gas	GS23080489K	GOC2017-0873	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/20/2017	Garfield, NJ	7/25/2018
Natural Gas	GS23080490K	GOC2017-1278	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	9/13/2017	Cedar Grove, NJ	7/1/2019
Natural Gas	GS23080491K	GOC2017-1406	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	10/11/2017	Bridgewater, NJ	5/6/2019
Natural Gas	GS23080492K	GOC2018-0987	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	8/1/2018	Palmyra, NJ	6/24/2019
Natural Gas	GS23080493K	GOC2019-0540	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	5/29/2019	Maple Shade, NJ	Paid ACH
Electric	ES23080494K	EOC2016-0193	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	12/8/2016	East Brunswick, NJ	7/25/2018
Natural Gas	GS23080497K	GOC2016-0405	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	4/28/2016	Maplewood, NJ	7/25/2018
Natural Gas	GS23080498K	GOC2016-0470	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	5/9/2016	Madison, NJ	12/13/2017
Natural Gas	GS23080499K	GOC2016-0478	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	5/12/2016	Bedminster Township, NJ	3/18/2019
Natural Gas	GS23080500K	GOC2016-0524	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	5/5/2016	East Brunswick, NJ	11/15/2018
Natural Gas	GS23080501K	GOC2016-0528	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	5/12/2016	Park Ridge, NJ	7/25/2018
Natural Gas	GS23080502K	GOC2016-0529	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	5/12/2016	Sayreville, NJ	1/10/2017
Natural Gas	GS23080503K	GOC2016-0549	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	5/23/2016	Kearny, NJ	11/1/2018
Natural Gas	GS23080504K	GOC2016-0589	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	5/27/2016	North Haledon, NJ	1/10/2019
Natural Gas	GS23080505K	GOC2016-0711	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	6/15/2016	West Milford, NJ	7/25/2018
Natural Gas	GS23080506K	GOC2016-0873	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/11/2016	Ridgewood, NJ	3/18/2019
Natural Gas	GS23080507K	GOC2016-0874	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/18/2016	Newark, NJ	7/25/2018
Natural Gas	GS23080508K	GOC2017-0148	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	2/20/2017	Milltown, NJ	3/29/2018
Natural Gas	GS23080509K	GOC2017-0150	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	2/27/2017	Chatham, NJ	6/8/2018

APPENDIX A

In the Matter of Alleged Violations of the Underground Facility Protection Act N.J.S.A. 48:2-73 et seq.
 Docket No. ES23080495K et al.

Facility Damaged	BPU Docket No.	One Call Case No.	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
Natural Gas	GS23080510K	GOC2017-0183	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	3/2/2017	Trenton, NJ	1/2/2019
Natural Gas	GS23080511K	GOC2017-0206	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	3/13/2017	Harrison, NJ	10/23/2017
Natural Gas	GS23080512K	GOC2017-0265	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	3/20/2017	North Brunswick Twp, NJ	4/9/2018
Natural Gas	GS23080513K	GOC2017-0283	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	3/13/2017	Livingston, NJ	7/25/2018
Natural Gas	GS23080514K	GOC2017-0285	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	3/29/2017	Newark, NJ	1/10/2019
Natural Gas	GS23080515K	GOC2017-0290	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	3/29/2017	Orange, NJ	1/10/2019
Natural Gas	GS23080516K	GOC2017-0328	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	4/7/2017	Pequannock Township, NJ	6/1/2018
Natural Gas	GS23080517K	GOC2017-0333	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	4/13/2017	Plainfield, NJ	7/25/2018
Natural Gas	GS23080518K	GOC2017-0417	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	4/19/2017	Highland Park, NJ	4/9/2018
Natural Gas	GS23080519K	GOC2017-0423	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	4/28/2017	Hawthorne, NJ	8/1/2019
Natural Gas	GS23080520K	GOC2017-0433	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	4/25/2017	Bergenfield, NJ	3/12/2018
Natural Gas	GS23080521K	GOC2016-0875	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/18/2016	Evesham, NJ	1/3/2017
Natural Gas	GS23080522K	GOC2016-0924	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/9/2016	Spotswood, NJ	7/25/2018
Natural Gas	GS23080523K	GOC2016-0929	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/18/2016	Edison, NJ	12/30/2016
Natural Gas	GS23080524K	GOC2016-0932	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	7/21/2016	Maplewood, NJ	7/25/2018
Natural Gas	GS23080525K	GOC2016-1069	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	8/2/2016	Union City, NJ	11/1/2018
Natural Gas	GS23080526K	GOC2016-1245	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	9/8/2016	Bernards Twp, NJ	7/25/2018
Natural Gas	GS23080527K	GOC2016-1356	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	9/26/2016	West New York, NJ	3/18/2019
Natural Gas	GS23080528K	GOC2016-1441	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	10/13/2016	Dunellen, NJ	11/15/2018
Natural Gas	GS23080529K	GOC2016-1444	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	10/15/2016	Bloomfield, NJ	4/4/2019
Natural Gas	GS23080530K	GOC2016-1457	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	10/5/2016	Millburn, NJ	3/18/2019
Natural Gas	GS23080531K	GOC2016-1485	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	10/6/2016	Millburn, NJ	3/18/2019
Natural Gas	GS23080532K	GOC2016-1572	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	10/17/2016	Bellmawr, NJ	7/25/2018
Natural Gas	GS23080533K	GOC2016-1577	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	10/18/2016	Cinnaminson, NJ	11/15/2018
Natural Gas	GS23080534K	GOC2016-1594	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	10/25/2016	East Orange, NJ	1/10/2019
Natural Gas	GS23080535K	GOC2016-1613	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	10/29/2016	Pequannock, NJ	7/25/2018

APPENDIX A

In the Matter of Alleged Violations of the Underground Facility Protection Act N.J.S.A. 48:2-73 et seq.
 Docket No. ES23080495K et al.

Facility Damaged	BPU Docket No.	One Call Case No.	Type of Violation	Penalty	Alleged Violator	Violation Date	Location	Payment Date
Natural Gas	GS23080536K	GOC2016-1620	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	11/1/2016	Clifton, NJ	N/A
Natural Gas	GS23080537K	GOC2016-1623	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	11/3/2016	Haledon, NJ	7/25/2018
Natural Gas	GS23080538K	GOC2016-1625	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	11/5/2016	Old Bridge Township, NJ	7/25/2018
Natural Gas	GS23080539K	GOC2016-1640	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	11/14/2016	Haledon, NJ	7/25/2018
Natural Gas	GS23080540K	GOC2016-1660	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	11/1/2016	Newark, NJ	3/12/2018
Natural Gas	GS23080541K	GOC2016-1663	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	11/7/2016	Newark, NJ	7/25/2018
Natural Gas	GS23080542K	GOC2016-1725	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	11/17/2016	Orange, NJ	1/10/2019
Natural Gas	GS23080543K	GOC2016-1727	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	11/21/2016	Haledon, NJ	7/25/2018
Natural Gas	GS23080544K	GOC2016-1774	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	12/5/2016	Monroe Township, NJ	1/2/2019
Natural Gas	GS23080545K	GOC2016-1133	Did Not Properly Mark	\$3,000	Public Service Electric & Gas Company	8/12/2016	Piscataway, NJ	4/26/2017
Total Cases: 62 Total Penalty: \$186,000								