



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

RELIABILITY & SECURITY

IN THE MATTER OF ALLEGED VIOLATIONS)	DECISION AND ORDER
OF THE UNDERGROUND FACILITIES)	
PROTECTION ACT, <u>N.J.S.A. 48:2-73 ET SEQ.</u>)	DOCKET NO. CS07110862K
BY CABLEVISION)	OC # 20-07

(SERVICE LIST ATTACHED)

BY THE BOARD:

The Board of Public Utilities ("Board") is vested with the jurisdiction to oversee the establishment and operation of the statewide New Jersey One-Call Damage and Prevention System ("One-Call System") under the authority granted by the Underground Facilities Protection Act ("UFPA") N.J.S.A. 48:2-73 et seq. The One Call System, as described in the UFPA, requires anyone who intends to engage in excavation or demolition to give advance notice to facility operators ("Operator(s)") prior to excavation to prevent facility damage and service outages. N.J.A.C. 14:2-3.1, et seq. An Operator must mark-out its underground facilities in compliance with the mark-out standards in N.J.A.C. 14:2-5.1 et seq. within three business days after receipt of the One Call System notice. N.J.A.C. 14:2-4.2.

Cablevision, an 'Operator, ("Operator") has contracted with UtiliQuest LLC to provide mark-out services on the Company's behalf. The Operator is required to ensure that all mark-outs are made in accordance with the UFPA. N.J.A.C. 14:2-4.2(b)(1).

Board Staff has determined that from the period of April 15, 2007 through May 21, 2007, the Operator, repeatedly failed to complete mark-outs within three business days resulting in multiple late or incomplete mark-outs. Board Staff directed the Operator to take corrective action, which included assigning additional personnel to complete all outstanding mark-outs.

On July 2, 2007, Board Staff forwarded the Operator a Notice of Alleged One-Call Violation for failure to comply with the UFPA. The violation is uncontested by the Operator. Board Staff has worked with the Operator to reach a settlement of the violation by requiring the implementation of a remediation plan and the payment of a monetary penalty.

On September 28, 2007, Board Staff received an executed settlement from the Operator, which is attached hereto as Exhibit A. On November 15, 2007, the Operator submitted a remediation plan which is attached as Exhibit B.

The Board has reviewed the settlement and HEREBY FINDS it to be a reasonable settlement of the outstanding issues, in the public interest, and in accordance with the law, including the UFPA. Therefore, the Board HEREBY ADOPTS the settlement and attached remediation plan as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

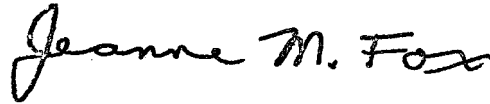
The Board has reviewed the remediation plan and HEREBY ORDERS that in addition to the procedures described in the attached remediation plan, within 30 days of this Order, the Operator shall implement a remediation plan that includes:

1. A backup system that utilizes the Operator's company staff or additional resources to complete daily mark-outs should the primary resource fail. A description of the backup process including the deployment mechanism shall be submitted to Board staff.
2. An in-house, daily monitoring process that ensures the quality and timeliness of work being performed by the contract vendor resource. A description of the monitoring process including the name, phone number and location of the staff members who are doing the monitoring shall be submitted to Board staff.
3. If the monitoring identifies outstanding mark-out requests, then the Operator shall deploy additional resources on an immediate basis to complete the outstanding mark-outs as required under the UFPA. A description of this implementation including the name and contact information of the Operator's staff person who will identify, assign and monitor the Operator's company resources to complete the outstanding mark-outs shall be submitted to Board staff.
4. The Operator shall begin the distribution and installation of promotional items in order to increase damage prevention awareness and help prevent underground damages. A plan and tracking report of this distribution must be submitted to Board staff.

The Board HEREBY ORDERS the Operator to pay a penalty of \$25,000.00. Such payment has been received by the Board in accordance with Exhibit A.

DATED: 12/20/07

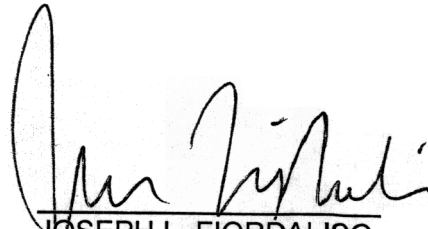
BOARD OF PUBLIC UTILITIES
BY:



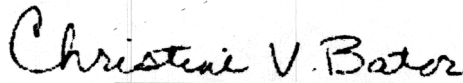
JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



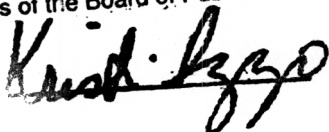
CHRISTINE V. BATOR
COMMISSIONER

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





STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

July 2, 2007

CERTIFIED MAIL RRR

Cablevision

Attn: Andy Skop, Director Performance Planning
6 Eastmans Road
Parsippany, NJ 07054

Received
7/30/07
A. Skop

ALLEGED ONE-CALL VIOLATION

LOCATION: Multiple

DATE OF ALLEGED VIOLATION: On or About April 14, 2007 thru May 21, 2007

BRIEF DESCRIPTION OF PROBABLE VIOLATION: Did Not Properly Mark Out/
Failure to Mark Out Within Three Business Days

STATUTE, REGULATION, OR ORDER VIOLATED: N.J.S.A. 48:2-80

RE: OC#20-07

Dear Mr. Skop:

The Board of Public Utilities (Board) has jurisdiction to oversee and enforce the provisions of the Underground Facility Protection Act (Act), N.J.S.A. 48:2-73 et. seq. The Act requires excavators to notify the New Jersey One-Call Center (formerly the Garden State Underground Plant Location Service) prior to excavating. Violators of the Act are subject to a civil penalty of not less than \$1,000 and not more than \$2,500 per violation per day. The civil penalty for a related series of violations may not exceed \$25,000. If the violation of the Act involves natural gas facilities, the maximum penalties are \$25,000 per penalty per day, with a total maximum of \$500,000 for a related series of violations.

In this instance, the Board's staff is willing to resolve this violation prior to the commencement of formal enforcement proceedings. In your case, Board's staff offers you a compromise and settlement in the amount of **\$25,000 plus, the submission of an approved remediation/prevention plan to Board Staff.** If you accept this compromise and settlement, Board's staff will recommend that this matter involving **only the specific violation listed above** be terminated by formal Board acceptance of this compromise and settlement at a regularly-scheduled public agenda meeting. You are advised that you have the right to a hearing in this matter and that, if you accept this settlement offer, you are waiving your right to such a hearing or to otherwise contest this matter through the administrative or judicial processes.

Should you wish to accept this offer of compromise and settlement as outlined above, signify your agreement to the terms of this compromise offer by signing in the space provided below, and kindly send your check in the amount of \$25,000, made payable to: TREASURER, STATE OF NEW JERSEY, to:


Joseph J. Potena
Chief Fiscal Officer
Board of Public Utilities
44 South Clinton Avenue - 7th Fl.
PO Box 350
Trenton, NJ 08625

You must write the OC Case Number, as indicated above on your check.

This offer of compromise and settlement made to you is without prejudice as to the position of the State of New Jersey or any agency or subdivision thereof if other violations are present. This offer of compromise is for settlement purposes only, and only applies to the specific incident listed herein.

If you do not accept this settlement offer within 30 days, from the date of this letter, this offer shall be deemed withdrawn, and Board's staff will recommend that the Board institute formal enforcement proceedings. If you have any questions concerning this matter, please contact Phil Affinito at (973) 648-3400.

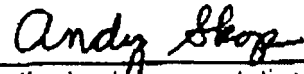
Very truly yours,


Douglas R. Zemba, Sr. Chief Engineer
One Call/Meter Testing

DZ/vv

I hereby accept and consent to the terms of the offer of compromise and settlement as set forth herein.

Date: 8/9/07


Authorized Representative of
Cablevision

OC#20-07

cc: Joseph J. Potena, CFO

CSC HOLDINGS, INC
Cable Disbursement Account
(516) 803-1500

JPMORGAN CHASE BANK
5801 E Taft Road
North Syracuse, NY 13212-4710

CHECK DATE
08/16/07
VENDOR NUMBER
1003109

CHECK NUMBER
1031350
AMOUNT
\$25,000.00

PAY ***Twenty five thousand and 00/100 Dollars***

TO THE ORDER OF STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
44 SOUTH CLINTON AVE 7TH FL
P O BOX 350
TRENTON, NJ 08625



⑈0001031350⑈ ⑆021309379⑆ 601895907⑈


DETACH AT PERFORATION BEFORE DEPOSITING CHECK

CSC HOLDINGS, INC
Cable Disbursement Account
(516) 803-1500

VENDOR NUMBER: 1003109

REMITTANCE ADVICE

CHECK NUMBER: 1031350

INVOICE NO.	VOUCHER NO.	PO NUMBER	INVOICE DATE	DESCRIPTION	AMOUNT
OC2007	AP3223824		07/02/07		25,000.00
					

TOTAL: \$25,000.00



Phillip Galka
Division of Reliability and Security
NJ Board of Public Utilities

From: Andy Skop, Director – NWM Performance Planning

October 22, 2007

RE: Cablevision details of what the NJ BPU staff requires in order to finalize the settlement of case number OC#20-07.

Cablevision is committed to:

1) Evaluating our mark out vendor activity and ticket volume on a daily basis. The Area Directors and Area Managers receive daily ticket status reports each afternoon and the following business morning, Monday through Friday. The names and numbers of the staff members performing the monitoring include:

Andy Skop – Director of Performance Planning, 973.585.3480, 6 Eastmans Road, Parsippany NJ.
Barry Monopoli – Director of Construction, 631.846.5570, 1600 Motor Parkway, Hauppauge NY
Daniel Gannon – Area Manager for NJ North, 201.651.4030, 40 Potash Road, Oakland NJ
Craig McLeod – Area Manger for NJ South, 732-922.6700 ext 3203, 40 Pine Street, Tinton Falls NJ

2) Cablevision has sufficient manpower to meet our obligations as specified for mark out requests. In the instance where ticket volumes may exceed our ability to complete, Cablevision and it's mark out vendors have identified additional resources that we can draw upon in an expedient fashion.

Cablevision in house labor includes:

NJ South – 17 fully equipped employees, 9 employees in Monmouth, Ocean, and Mercer Counties, 5 employees in Somerset and Middlesex Counties and 3 employees in Morris Counties.

NJ North - 13 fully equipped employees, 3 employees in Passaic County, 2 employees in Bergen County, 5 employees in Rockland County NY, and 3 employees in Hudson and Essex Counties.

3) Cablevision is willing to accept educational and promotional items from the BPU relating to underground damage prevention. Cablevision will distribute these promotional items amongst our Construction depots to be utilized by our Construction technicians and on new construction projects.

Cablevision

CS07110862K

Service List

Andy Skop
Director, Performance Planning
Cablevision
6 Eastmans Road
Parsippany, New Jersey 07054

James Giuliano
Director, Division of Reliability and Security
NJ Board of Public Utilities
2 Gateway Center
Newark, New Jersey 07102

Geoffrey Gersten
Deputy Attorney General
State of New Jersey, Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101