



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

RELIABILITY & SECURITY

IN THE MATTER OF THE LETTER REQUEST BY ONE) ORDER
CALL CONCEPTS, INC. FOR APPROVAL OF A)
TARIFF FOR OPERATION OF THE NEW JERSEY)
ONE-CALL DAMAGE PREVENTION SYSTEM AND) DOCKET NO. AA15090993
REQUEST TO EXTEND CONTRACT FOR)
UNDERGROUND FACILITIES PROTECTION)
SERVICES)

Party of Record:

Thomas Hoff, President, One Call Concepts, Inc.

BY THE BOARD:

By this Decision and Order, the New Jersey Board of Public Utilities ("Board") considers a third one-year extension of a contract awarded to One Call Concepts, Inc. ("OCC") to act as the operator of the One-Call Damage Prevention System ("System") to allow for continuity of service during the procurement process.

BACKGROUND

The 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 mandates the Board to establish the System to prevent damage to underground facilities resulting from excavation and/or demolition. Underground facilities include, but are not limited to, facilities that convey water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, or traffic control, or transport hazardous liquids. The Act also grants the Board the authority to designate an operator, provide oversight to the System, and to promulgate any necessary regulations to implement the provisions of the Act. The System operator, among other things, receives excavator requests to mark the location of underground facilities in an area planned for excavation or demolition ("Message"), then provides the Message to the underground facility operator ("Ticket").

PROCEDURAL HISTORY

On February 11, 2015, the Board authorized Board Staff (“Staff”), in coordination with the Department of Treasury (“Treasury”), to issue a Request for Proposal (“RFP”) to solicit bids for a System operator.¹ On October 15, 2015, through an evaluation committee process conducted by Staff, the Board selected OCC to be the System operator for a five-year term beginning March 1, 2016 and ending February 28, 2021 (“Contract”).² The Contract allowed two (2) one-year extensions of the five-year term. The first extension began on March 1, 2021 and ended on February 28, 2022. The second extension began on March 1, 2022 and ended on February 28, 2023.³

CURRENT APPLICATION

Incorporated into the Contract is the State of New Jersey Standard Terms and Conditions (“SSTC”). The SSTC permits additional extensions of the term of the Contract when the extension is in the best interest of the State:

5.3 CONTRACT TERM AND EXTENSION OPTION

If, in the opinion of the Director, it is in the best interest of the State to extend a contract, the contractor shall be so notified of the Director’s Intent at least 30 days prior to the expiration date of the existing contract. The contractor shall have 15 calendar days to respond to the Director’s request to extend the term and period of performance of the contract. If the contractor agrees to the extension, all terms and conditions of the original contract shall apply unless more favorable terms for the State have been negotiated.⁴

Under the Contract, OCC provides a federally mandated service that protects excavators, utility employees, and New Jersey residents from potential harm or death caused by damaged gas, electric, water, sewerage, and telecommunications lines. A continuation of the Contract is compulsory and necessary to avoid endangering the lives of New Jersey residents. As such, consistent with the requirements of Section 5.3 of the SSTC, Staff sought approval for a one-year extension from Treasury to ensure continuity of services while Staff continues to work with Treasury in finalizing a new RFP for public bidding. Treasury’s Office of Management and Budget granted Staff’s request on January 19, 2023.

¹ In re the Request for Proposal 15-X-23298 Designation of a System Operator for New Jersey’s One-Call Damage Prevention System, Non-Docketed Matter, Item 1A, Order dated February 11, 2015.

² In re the Request for Proposal 15X23298 Designation of System Operator for New Jersey’s One-Call Damage Prevention System, Docket No. AA15090993, Order dated October 15, 2015.

³ In re the Rate Charged by One Call Concepts, Inc. for Operation of the New Jersey One-Call Damage Prevention System and Request to Extend Contract, BPU Docket No. AA15090993, Order dated April 6, 2020.

⁴ State of New Jersey Standard Terms and Conditions, Revised 9/1/2022 (“Section 5.3”).

OCC has agreed to continue as the System operator under the current terms and conditions of the Contract, including the per Message rate of \$7.41 per incoming message, as stated in the tariff approved on April 6, 2020, for an additional year commencing March 1, 2023 and ending on February 28, 2024 (“Third Contract Extension”).⁵

DISCUSSION AND FINDINGS

The Board, having thoroughly reviewed the record in this matter, **HEREBY FINDS** that the Third Contract Extension is in the best interest of the State to ensure continuity of service for the health, protection, and safety of all New Jersey residents. The Board **FURTHER FINDS** that the Third Contract Extension would benefit the State as the original terms and conditions of the Contract shall continue without modification, including the rates described in the current, associated tariff. The Board is satisfied there is just cause for the extension and there has been substantial compliance with Section 5.3 of the SSTC. Therefore, the Board **HEREBY ORDERS** that the Contract be extended for a period beginning March 1, 2023 and ending on February 28, 2024 under the existing Contract terms, including the per Message rate, with all other terms and conditions remaining in full force and effect, until such time as the expiration of the Third Contract Extension or further Order of the Board, subject to final approval by Treasury.

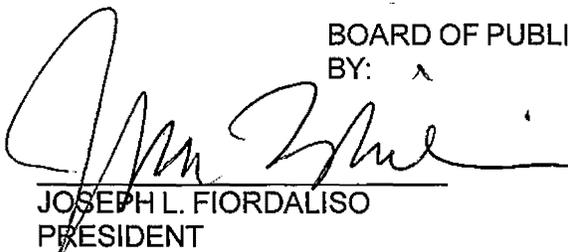
The Board **HEREBY DIRECTS** Board Staff to complete the process of procuring a System operator under a new RFP at least 30 days prior to February 28, 2024.

The information presented by OCC, and a review of the proper collection and calculation of rates and ratios, is subject to audit by the Board, including a review of collection activities, proper expenditure of money, and any additional over/under collections. This Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate because of any such audit.

⁵ In re the Rate Charged by One Call Concepts, Inc. for Operation of the New Jersey One-Call Damage Prevention System and Request to Extend Contract, BPU Docket No. AA15090993, Order dated April 6, 2020.

The effective date of this Order is February 24, 2023.

DATED: February 17, 2023

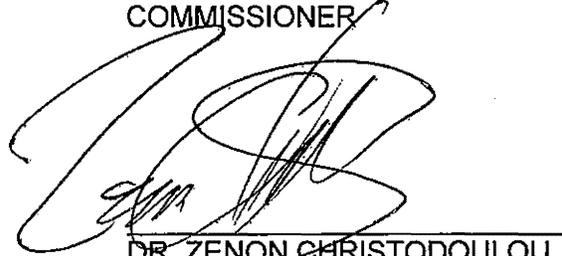
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ATTEST:


CARMEN D. DIAZ
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 THE LETTER REQUEST BY ONE CALL CONCEPTS, INC. FOR APPROVAL OF A
TARIFF FOR OPERATION OF THE NEW JERSEY ONE-CALL DAMAGE PREVENTION SYSTEM AND
REQUEST TO EXTEND CONTRACT FOR UNDERGROUND FACILITIES PROTECTION SERVICES
DOCKET NO. AA15090993

SERVICE LIST

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