



Agenda Date: 2/19/14
Agenda Item: 7B

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

IN THE MATTER OF THE PETITION OF UNITED)
WATER TOMS RIVER INC. FOR APPROVAL OF THE)
RELOCATION OF ITS ADMINISTRATIVE OFFICE)
FROM 15 ADAFRE AVENUE, TOMS RIVER TO 1451)
ROUTE 37 WEST, TOMS RIVER, NEW JERSEY AS A)
RESULT OF THE DESTRUCTION CAUSED BY)
SUPERSTORM SANDY)

ORDER OF APPROVAL

DOCKET NO. WO13100884

Parties of Record:

Kelly Ruggerio, Esq., United Water Management & Services Inc. on behalf of United Water
Toms River
Stefanie A. Brand, Esq., Director, Division of Rate Counsel

BY THE BOARD:

On October 1, 2013, United Water Toms River, Inc. ("UWTR or Petitioner") filed a petition, with Board of Public Utilities ("BPU"), seeking approval, as within time, to relocate its Principal Offices ("PO") and Customer Service Center ("CSC") from 15 Adafre Avenue, Toms River, New Jersey to 1451 Route 37 West, Toms River, New Jersey. The Company has complied with N.J.A.C. 14:3-5.1(c) and (e) in their entirety, including mailing copies of the petition to the Clerk of the affected municipality, as well as to the Division of Rate Counsel ("Rate Counsel").

In its petition, UWTR noted that the Board's order in Docket No. WR12090830, dated April 29, 2013, recognized that as a result of Superstorm Sandy, the Petitioner offices located at 15 Adafre Avenue, Toms River, became unusable. The main floor and equipment of its offices and operations center was destroyed. Petitioner was working out of several locations, including trailers, a townhouse, another building and a few employees were working out of the second floor of the Adafre Avenue office after repairs were made. Local customer services representatives were also working on the second floor, but the facility was deemed unsafe for customers.

A notice was posted at the door for customers, notifying them of the closure and offering a toll free number to call, if issues arose. Also, a drop box for payments, which were picked up daily, was made available and customers were notified at the drop box that three other locations could be utilized for payment.

UWTR obtained a lease, which was signed on July 11, 2013, for a facility outside of the flood zone at 1451 Route 37 West, Toms River to house its PO/CSC offices. The new location is easily accessible within the Company's service territory and offers more convenient and accessible parking facilities.

UWTR stated that the hours of operation at the Adafre Avenue Customer Service Cite will continue at the new site. The Company also stated that the functions and personnel will remain the same as well.

UWTR, in compliance with N.J.A.C. 14:3-5.1(c) and (e), provided customers and other interested parties with notification of the relocation, by posting a Notice at the Adafre Avenue site. The Notice also informed customers that they could call United Water's Hackensack call center, toll free for information and/or billing inquires. In addition, the Company published a copy of the Notice in the Asbury Park Press on September 12, 2013. All Company inquiry and collection telephone personnel were provided relocation information in order that they may direct customers to the new location upon its opening.

Based on the justification for relocation provided in its petition, United Water Toms River stated that the closure and relocation of its office is reasonable. The Petitioner also indicated that the relocation will not unduly prejudice or inconvenience the public interest. The Company requests that the Board authorize the closure and relocation of its Toms River Office from Adafre Avenue to Route 37.

The Division of the Rate Counsel advised Staff by letter dated November 20, 2013 (attached), that it does not oppose the relocation. The Board has received no letters in opposition to the relocation from interested parties or customers.

After review of the entire record in this matter, including the comments filed on behalf of Rate Counsel, the Board **HEREBY FINDS:**

1. On October 1, 2013, United Water Toms River filed a petition, pursuant to N.J.A.C. 14:3-5.1(c), to relocate its 15 Adafre Avenue, Toms River, New Jersey offices to 1451 Route 37 West, oms River, New Jersey; and
2. UWTR, in compliance with N.J.A.C. 14:3-5.1(c) and (e), provided customers and other interested parties with adequate notification of the relocation, by posting a Notice at the existing Adafre Avenue site. In addition, Petitioner posted notice of the change in the Asbury Park Press on September 12, 2013; and
3. No objections to this relocation have been received by the Board; and
4. The closure of the office located at 15 Adafre Avenue and its relocation to 1451 Route 37 West, Toms River, New Jersey is not unreasonable and will neither unduly prejudice or inconvenience the public nor adversely affect the public interest.

Therefore, based on the foregoing, the Board **APPROVES** the relocation, as within time of United Water Toms River PO/CSC offices which were located at 15 Adafre Avenue, Toms River, New Jersey to 1451 Route 37 West, Toms River, New Jersey, subject to the following conditions:

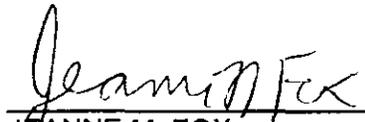
1. UWTR shall maintain the same hours of operation, staffing levels and level of service as were provided at its prior location;
2. This Order shall not be construed as directly or indirectly fixing for any purposes whatsoever the value of any tangible or intangible assets now owned or hereafter to be owned by UWTR; and
3. This Order shall not affect nor in any way limit the exercise of the authority of this Board or of this State, in any future petition or in any proceedings with respect to rates, franchises, service, financing, accounting, capitalization, depreciation or any other matter affecting the Company, including any request that may be made to recover costs associated with this move.

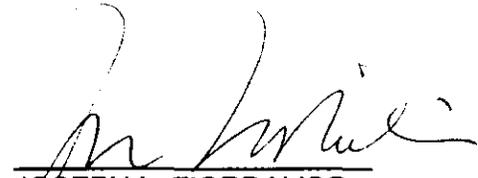
This Order shall be effective on March 1, 2014.

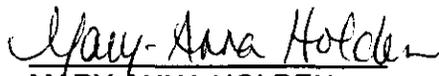
DATED: 2/19/14

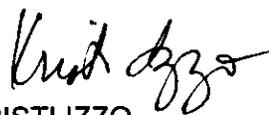
BOARD OF PUBLIC UTILITIES
BY:


DIANNE SOLOMON
PRESIDENT

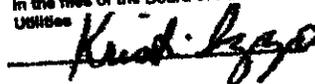

JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
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



IN THE MATTER OF THE PETITION OF UNITED WATER TOMS RIVER INC. FOR
APPROVAL OF THE RELOCATION OF ITS ADMINISTRATIVE OFFICE FROM 15 ADAFRE
AVENUE, TOMS RIVER TO 1451 ROUTE 37 WEST, TOMS RIVER, NEW JERSEY AS A
RESULT OF THE DESTRUCTION CAUSED BY SUPERSTORM SANDY
BPU Docket No. WO13100884

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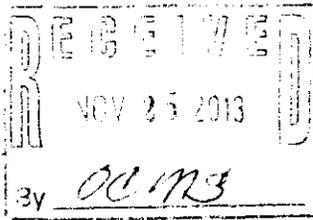
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KIM GUADAGNO
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November 20, 2013

VIA HAND DELIVERY

Kristi Izzo, Secretary
State of New Jersey, Board of Public Utilities
44 South Avenue, 9th Floor
Trenton, New Jersey 08625-0350

**Re: I/M/O the Petition of United Water Tom's River, Inc., for Approval to Move its Administrative Offices As a Result of Superstorm Sandy
BPU Docket No.: WO13100884**

Dear Secretary Izzo:

Please accept for filing an original and eleven copies of the Division of Rate Counsel's ("Rate Counsel") comments regarding the above referenced matter. Please date stamp the additional copy as "filed" and return it in the enclosed, self-addressed, stamped envelope. Thank you for your consideration and attention to this matter.

Background

On September 30, 2013, United Water Tom's River, Inc., ("UWTR" or the "Company") filed a Petition with the Board of Public Utilities ("BPU" or "Board") requesting approval, *nunc pro tunc*, to move its administrative offices as a result of Superstorm Sandy. Prior to Superstorm Sandy, the Company maintained its principal business offices at 15 Adafre Avenue, Toms River, New Jersey, 08754. The Company is seeking *nunc pro tunc* approval for the relocation of its principal office to 1451 Route 37 West, Toms River, New Jersey 08754. In an Order dated April 29, 2013, (the "Board Order") the Board recognized that as a result of Superstorm Sandy, the Company's office located at 15 Adafre Avenue had become unusable.¹ The Company states that

¹ See Exhibit 1 of Petition, Order dated April 29, 2013, BPU Docket No.: WR12090830.

attached

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Water

a drop box for payments was provided and a notice was posted at the door of the Adafre Avenue location, notifying customers of the closure and referring them to toll free call center in Hackensack. The Company states that a letter was submitted to the Board on April 24, 2013, explaining the situation and the status of its relocation.² Subsequently, UWTR obtained a lease for a facility located outside of the flood zone. The lease for the new location at 1451 Route 37 West, Toms River, was signed by UWTR on July 11, 2013. The Company met with Board Staff on August 27, 2013 and sent a follow up letter regarding the new location, dated August 29, 2013. UWTR ran a newspaper notice of the new location on September 12, 2013 and posted notice at Adafre Avenue.

Recommendation

Rate Counsel does not object to the Board's *nunc pro tunc* approval of the UWTR application to relocate its Adafre Avenue Office location to the new site to 1451 Route 37 West, Toms River, New Jersey. UWTR complied with the requirement of the April 29, 2013 Board Order, in that the Company did "[p]rovide customers and other interested parties with notification of the office relocation by causing newspaper publication of a copy of a Notice in the Asbury Park Press and by posted Notice at the former office location, as required by N.J.A.C. 14:3-5.1(e) 2." The Company must also "[m]aintain the same hours of operation, staffing levels [and] level of service as were provided at its prior location and continue to comply with all Board rules and regulations".³

Approval of the Petition should not include authorization to include in rate base the specific assets that will be acquired as a result of this Petition. The determination of any assets

² Exhibit 2 of Petition.

³ Board Order, at p.3.

to be included in rate base and the ratemaking impact should be addressed in the Company's next rate proceeding.

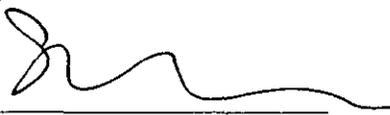
Accordingly, Rate Counsel recommends that any Board Order approving the Company's Petition contain the following language:

1. This Order shall not be construed as directly or indirectly fixing for any purposes whatsoever any value of any tangible or intangible assets now owned or hereafter to be owned by the Petitioner.
2. This Order shall not affect nor in any way limit the exercise of the authority of this Board or of this State, in any future Petition or in any proceedings with respect to rates, franchises, service, financing, accounting, capitalization, depreciation, or in any other matter affecting the Petitioner.

These provisions will satisfy the concerns of Rate Counsel that BPU approval is limited to the office relocation, and should not indicate authorization to include any specific assets or amounts in rate base, or indicate authorization for any other ratemaking treatment. With these caveats, Rate Counsel is not opposed to approval of the Petition.

Respectfully submitted,

STEFANIE A. BRAND, ESQ.
Director, Division of Rate Counsel

By: 
Susan E. McClure, Esq.
Assistant Deputy Rate Counsel

SEM/dn
cc: Service List

In the Matter of the Petition of
United Water Toms River, Inc. for
Approval to Move its Administrative
Offices as a Result of Superstorm
Sandy

BPU Docket No.: WO13100884

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