



Agenda Date: 1/21/15
Agenda Item: 5A

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/

		<u>WATER</u>
ANTHONY J. MAIO,)	ORDER
Petitioner)	
)	
vs.)	
)	
NEW JERSEY AMERICAN WATER COMPANY,)	
Respondent)	DOCKET NO. WC14111333

Parties of Record:

Anthony J. Maio, Petitioner, *pro se*
Robert J. Brabston, Corporate Counsel, on behalf of Respondent, New Jersey American Water Company

BY THE BOARD¹:

By letter Petition filed with the New Jersey Board of Public Utilities (“Board”) on November 19, 2014, Anthony J. Maio (“Mr. Maio” or “Petitioner”) asserted that the water pressure on his water service line at 57 Shadybrook Drive in Middletown, New Jersey tested at 45 pounds per square inch (“psi”). Mr. Maio indicated that the water pressure of 45 psi was inadequate, but would accept water pressure of 52 psi. Although the relief requested is not clearly stated in the Petition, it appears that the Petitioner wants the Respondent to assist with the cost of installing a booster pump to increase the water pressure at his residence.

The rules pertaining to minimum water pressure for the State are presently set out in N.J.A.C. 7:10-11.10(d) and N.J.A.C. 5:21-5.3(i)3:

“Design capacity of water mains shall be such as to maintain a minimum pressure of 20 psi at street level under all flow conditions.”

¹ Commissioners Richard S. Mroz and Upendra J. Chivukula recused themselves due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

In order to ensure that the New Jersey American Water Company ("NJAW", "Company", or "Respondent") is in compliance with the aforementioned regulations, as part of its annual hydrant inspection program required by N.J.A.C. 14:9-2.2 "Inspection of Property", the Company tests the water pressure at the hydrants.

The annual historical water pressure data for the hydrant near the Petitioner's residence indicates an average pressure of 41.5 psi.²

The Company also had recently installed a water pressure recording device at the fire hydrant near the Petitioner's residence, in response to the Petitioner's informal complaint. This hydrant was chosen as it is at approximately the same elevation as Mr. Maio's residence, thus providing for a more accurate depiction of the water pressure at his home. The device recorded the water pressure from October 7, 2014 to October 19, 2014. The results indicate that the water pressure in that area was averaging approximately 40 psi. It should be noted that the pressure at street level would be expected to be approximately 5 psi higher than recorded at this hydrant, as the hydrant is above street level.

In its letter dated December 24, 2014, replying to the Petitioner's allegations, the Respondent requested that the Board dismiss the customer's Petition for the following reasons: it fails to accurately state the facts underlying the claim; it fails to state the relief sought; and it fails to state any claim for which relief may be granted. The Company also maintains that there is no actual claim that can be addressed by the Board.

The Company maintains that it is in compliance with all relevant regulations in regard to this matter, as set forth by the Board, the New Jersey Department of Environmental Protection, and the New Jersey Department of Community Affairs. The Company maintains that Mr. Maio's Petition and current and historical water pressure data both confirm that the system servicing Mr. Maio's property meets or exceeds all applicable standards. As such, the Company refuses to provide or pay for a pump to increase the water pressure at Mr. Maio's property, as requested in the Petition.

As all parties agree that the water pressure at Mr. Maio's residence is above 20 psi, no factual issues remain to be tried and the Petition can be decided upon the facts presented, without a hearing. It should be noted that the Petition does not reference statutory or other authority under which the Board's action is sought, as is required by N.J.A.C. 14:1-5.1. In this instance:

- The Petition asserts that the water pressure on the service line for 57 Shadybrook Drive is 45 psi. This is further supported by current and historical pressure data. As per regulation at "Permit requirement and standards for the construction of distribution systems; master permits" [N.J.A.C. 7:10-11.10(d)]; and at "Residential site improvement standards-System design and placement" [N.J.A.C. 5:21-5.3(i)3] the Company is required to maintain a minimum pressure of 20 psi at street level under all flow conditions. As such, NJAW is in compliance with the regulations requiring 20 psi at street level under all flow conditions.
- The Petition does not clearly state the relief requested, although it appears that the Petitioner wants NJAW to assist in paying for the installation of a booster pump to increase the water pressure at his residence. Again, as the Company is in compliance

² For the period of 2007 to 2014.

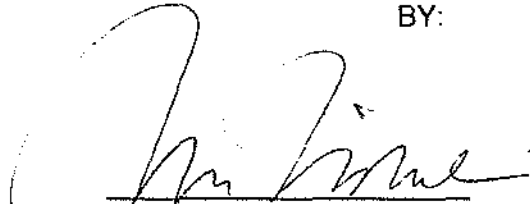
with the aforementioned pressure regulations, no further action by the Company is required.

Based on the foregoing, the Board finds that the Respondent is in compliance with the regulations contained in N.J.A.C. 7:10-11.10(d) and N.J.A.C. 5:21-5.3(i)3. As there are no contested issues in this matter, the Board, as a matter of law, **HEREBY DISMISSES** the Petition filed by Anthony J. Maio.

The effective date of the Order is February 2, 2015.

DATED: 1/21/15

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
COMMISSIONER




MARY-ANNA HOLDEN
COMMISSIONER

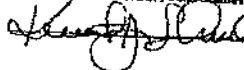


DIANNE SOLOMON
COMMISSIONER

ATTEST:



KENNETH J. SHEEHAN
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities


**ANTHONY J. MAIO,
Petitioner**

Vs.

**NEW JERSEY AMERICAN WATER COMPANY,
Respondent**

BPU DOCKET NO. WC14111333

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