



Agenda Date: 10/15/15
Agenda Item: VIIA

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

THE WOODLANDS CONDOMINIUM ASSOCIATION,)
Petitioner)

V.)

MIDDLESEX WATER COMPANY,)
Respondent)

ORDER ADOPTING INITIAL
DECISION/SETTLEMENT

BPU DOCKET NO. WC15010071U
OAL DOCKET NO. PUC02671-15

Parties of Record:

Luke J. Kealy, Esq., (Greenbaum, Rowe, Smith & Davis, LLP) on behalf of the Petitioner, The Woodlands Condominium Association.
Jay L. Cooper, Esq., on behalf of the Respondent, Middlesex Water Company

BY THE BOARD:

The Woodlands Condominium Association (“Petitioner” or “Association”) is located on approximately twelve (12) acres in Edison, New Jersey and is provided with water service to its development by Middlesex Water Company (“Respondent” or “Company”) through two (2) separate interconnections between the systems of the Petitioner and Respondent. Each of the meter pits are owned by the Petitioner and contains an 8-inch meter owned by the Company and assigned an individual customer account number.

On January 12, 2015, the Association filed a petition with the Board of Public Utilities (“Board”) alleging that the bills for the two accounts showed high volumes of water usage flowing from the Respondent’s system to the Association’s system. After the filing of the Respondent’s answer, in which the Company asserted that the two meters serving the Association’s system were within the accepted range of accuracy in accordance with the Board’s rules thereby resulting in accurate billings, the Board transmitted this matter to the Office of Administrative Law (“OAL”) for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge (“ALJ”) Joan Bedrin Murray.

While this matter was pending at the OAL, the ALJ held a telephone pre-hearing conference on May 13, 2015 followed by in-person and telephonic status conferences held on June 10, 2015, and July 21, 2015, respectively. In addition, on July 29, 2015, the Petitioner received written approval from the Edison Township Fire Official to terminate service at one of the two 8-inch meters serving the Association ("Exhibit A").

Prior to the scheduling of any evidentiary hearings and in the interest of resolving this matter without further cost and delay, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on August 31, 2015, to which the Stipulation was attached and made part thereof, ALJ Murray found that the Stipulation was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

Pursuant to the terms of the Stipulation, Respondent will terminate service at the 8-inch meter approved for termination by the Edison Fire Official, as reflected in Exhibit A to the Stipulation. Under the Company's current tariff for Private Fire Protection, this service termination shall reduce the Association's facilities charge from \$1,619.18 per month, or \$19,430.16 per year, for two 8-inch meters to \$809.59 per month, or \$9,715.08 per year, for one 8-inch meter. In addition, the Company will not impose a facilities charge for the connection designated for termination of service after September 30, 2015. All other costs not associated with the Company's distribution system infrastructure as may be required by the Township will be the responsibility of the Association. But the Company shall be responsible for the costs associated with the removal of the meter and service line designated to be terminated by the Township of Edison Fire Official. In addition, Petitioner shall pay all monies still owed on previous invoices issued by the Company, including all past due amounts and late penalty charges and stipulates that it is current on all payments owed to the Company as of the date of the execution of the Stipulation.

After review of the record and the Stipulation of the parties, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that by the terms of the Stipulation of Settlement, have fully resolved all outstanding contested issues in this matter.

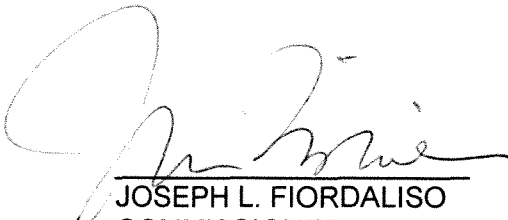
Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Stipulation executed by the parties in their entirety as if fully set forth herein.


The effective date of this Order is October 25, 2015.

DATED: *October 15, 2015*


BOARD OF PUBLIC UTILITIES
BY:

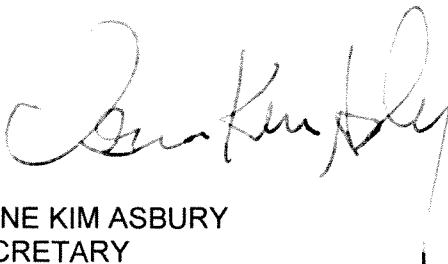

RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

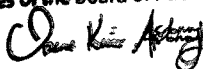

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST: 
IRENE KIM ASBURY
SECRETARY

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



THE WOODLANDS CONDOMINIUM ASSOCIATION, PETITIONER

V.

MIDDLESEX WATER COMPANY, RESPONDENT

BPU DOCKET NO. WC15010071U

OAL DOCKET NO. PUC02671-15

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SEP 1 2015
CMS

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SEP 01 2015

BOARD OF PUBLIC UTILITIES
MAIL ROOM



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 02671-15

AGENCY DKT. NO. WC15010071U

**THE WOODLANDS CONDOMINIUM
ASSOCIATION,**

Petitioner,

v.

MIDDLESEX WATER COMPANY,

Respondent.

Luke J. Kealy, Esq., for petitioner (Greenbaum, Rowe, Smith & Davis, LLP,
attorneys)

CMS

V. Haynes

D. Lee Thomas

E. Hartsfield

J. Ford

C. Jordan

R. Lambert

E. Beslow

J. Gertsman

C. Vachier

Jay L. Kooper, Esq., for respondent

Record Closed: August 21, 2015

Decided: August 31, 2015

BEFORE **JOAN BEDRIN MURRAY, ALJ:**

The Board of Public Utilities transmitted this matter to the Office of Administrative Law (OAL) on February 24, 2015, for determination as a contested case. Prior to the hearing, the parties reached an amicable resolution of the matter and submitted the attached Stipulation of Settlement indicating the terms thereof.

Having reviewed the record and the settlement terms, I **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties and/or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and, therefore, **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

August 31, 2015
DATE

Joan Bedrin Murray
JOAN BEDRIN MURRAY, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

dr

WHEREAS, a Middlesex Water-owned 8-inch meter is installed in each of the two above-referenced meter pits and Middlesex Water has established two customer accounts for each interconnection between the Middlesex Water and Woodlands distribution systems.

WHEREAS, the Woodlands filed a Petition with the New Jersey Board of Public Utilities (“Board”) on or about January 12, 2015 disputing bills issued for the two above-referenced customer accounts on the basis of what Petitioner believed were high volumes of water usage flowing from the Middlesex distribution system to the Woodlands distribution system.

WHEREAS, Middlesex Water filed an Answer to the Petition on or about February 12, 2015, asserting that the two meters serving the Woodlands tested well within the acceptable range of accuracy in accordance with Board standards as set forth in the Board’s regulations under the New Jersey Administrative Code, and therefore billing to the Woodlands has been accurate.

WHEREAS, on or about February 20, 2015 the Board transmitted this matter to the New Jersey Office of Administrative Law (“OAL”) as a contested case for adjudication and Administrative Law Judge Joan Bedrin Murray was assigned to hear the case.

WHEREAS, a telephone pre-hearing conference was held by Judge Murray on May 13, 2015 followed by an in-person status conference on June 10, 2015 and a telephone status conference on July 21, 2015.

WHEREAS, on July 29, 2015, the Township of Edison Fire Official granted the Woodlands written approval to terminate service at one of the two 8-inch meters serving the Woodlands; and

WHEREAS, the parties have engaged in negotiations and, in the interest of resolving this matter without further delay and cost, have decided to settle this matter by Stipulation of Settlement (“Stipulation”).

IT IS THEREFORE AGREED AS FOLLOWS:

1. Middlesex Water shall terminate service at the 8-inch meter approved for termination of service by the Township of Edison Fire Official as set forth in Exhibit A to this Stipulation, attached herein. Under Middlesex Water’s current tariff for Private Fire Service in effect as of the date of execution of this Stipulation, the termination of service referenced in this paragraph shall reduce the Woodlands’ facilities charge from \$1,619.18 per month (\$19,430.16 per year) for two 8-inch meters to \$809.59 per month (\$9,715.08 per year) for one 8-inch meter. Under no circumstances shall Middlesex Water impose a facilities charge for the service connection designated for termination of service after September 30, 2015.

2. Consistent with its Board-approved tariff, Middlesex Water shall be responsible for the costs associated with the removal of the meter and disconnection of the service line designated and approved for termination by the Township of Edison Fire Official. The Woodlands shall be responsible for all other costs not associated with Middlesex Water distribution system infrastructure including, but not limited to, costs associated with the fill-in and/or removal of any vacated meter pit and associated piping as may be required by the Township of Edison.

3. The parties acknowledge that the facilities charge referenced in Paragraph 1 above is set forth in Middlesex Water’s Board-approved tariff and is subject to change upon any future Board approval of a Middlesex Water rate petition in accordance with the Board’s ratemaking authority pursuant to N.J.S.A. 48:2-21 and all related statutory provisions.

4. The Woodlands agrees to pay all monies still owed on previous invoices issued by Middlesex Water, including all past due amounts and late penalty charges, and stipulates that it is current in all payments owed by it to Middlesex Water as of the date of execution of this Stipulation of Settlement.

5. This Stipulation of Settlement provides for a final resolution of this proceeding and releases each party from further action or liability in this matter. The parties recommend in favor of and request an Initial Decision and Board Order accepting this Stipulation in its entirety and dismissing the Petition with prejudice.

6. The undersigned agree that this Stipulation of Settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this Settlement is not accepted or approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare the Settlement to be null and void, and the parties shall be placed in the same position they were in immediately prior to its execution.

[SIGNATURES ON NEXT PAGE]

MIDDLESEX WATER COMPANY

August 20 2015
Date

By: Jay Kooper
Jay L. Kooper, Esq.
Vice President, General Counsel &

Secretary

ASSOCIATION THE WOODLANDS CONDOMINIUM

AUGUST 12 2015 By: Robert DePalmer PRESIDENT
Date Robert DePalmer W.C.A.

Woodlands Condo Assoc.
2 Giggleswick Way
Edison NJ 08820-1036

EXHIBIT A

From: Morley, Timothy [<mailto:TMorley@edisonfd.org>]
Sent: Wednesday, July 29, 2015 8:46 AM
To: 'Robert DePalmer'
Cc: Luke KEALY
Subject: RE: Woodlands Fire Hydrant testing

Bob,

Based on the information provided, I am approving the shutdown of pit B. Should you need anything further, please advise.

Regards,

Timothy Morley
Fire Official
Township of Edison
Office: 732-248-7441
Fax: 732-404-8646

Smoke Detectors save lives

MSEX Enterprise GIS
Middlesex Water Company

Additional Resources

Enter address

