

Atlantic City encompasses approximately 17.037 square miles, including 10.747 square miles of land and 6.290 square miles of water. The city is located on 8.1 mile long Absecon Island, along with Ventnor City, Margate City and Longport to the southwest.

On May 17, 2016, a duly noticed public hearing on the Company's petition was held at the Board's Trenton office. Legal Specialist James Kane presided over the hearing at which representatives of the Company, Division of Rate Counsel ("Rate Counsel") and Board Staff appeared. No members of the public appeared at the hearing.

By letter dated May 19, 2016, Rate Counsel submitted its written comments to the petition and is not opposed to its approval and noted that the term of the municipal consent related to the use of streets is limited to fifty (50) years. On the same date, the Company submitted a letter acknowledging receipt of Rate Counsel's letter and stating it had no additional comments.

Based on the foregoing and a thorough review of the entire record to this proceeding and pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, the Board **HEREBY APPROVES** the Municipal Consent, Ordinance No. 84 adopted on December 10, 2015, granted to ACSC by Atlantic City for the continued use of its public streets for a period of fifty (50) years consistent with N.J.S.A. 48:3-15. The Board **FINDS** that ACSC has the capacity necessary to ensure the continuation of its sewerage collection service to its existing customers and does not expect any increase in the service territory. The Board **FURTHER FINDS** the continuation of the use of the streets is necessary and proper for the public convenience and properly conserves the public interests.

The approvals granted, hereinabove, shall be subject to the following provisions:

1. 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 the Company.
2. This Order shall not affect or in any way limit the exercise of the authority of this Board or of this State, in any future petition or in any future proceeding, with respect to rates, franchise, services, financing, accounting, capitalization, depreciation or in any other matters affecting ACSC.
3. In an appropriate subsequent proceeding, ACSC shall have the burden of demonstrating whether, and to what extent, any of the costs associated with this petition shall be allocated to ratepayers.
4. Approval of this municipal consent does not constitute approval by the Board of any costs or expenses associated with this petition. Any determination as to the appropriateness or reasonableness of the costs and expenses related to the franchise, including, but not limited to, cost of construction, contributions in aid of construction, depreciation of contributed plant, the cost of connection or any related capital improvements, and the allocation of such costs and expenses, shall be made in an appropriate subsequent proceeding.

5. The term of the municipal consent as to the right to provide service is not limited by this Order and shall be effective as previously granted by the City of Atlantic City.

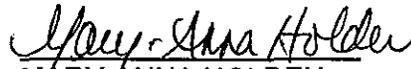
This Order shall be effective on June 4, 2016.

DATED: *May 25, 2016*

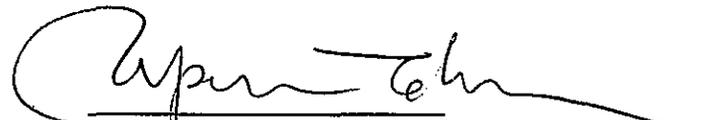
BOARD OF PUBLIC UTILITIES
BY:

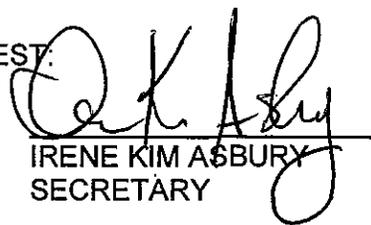

RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

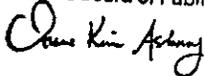

MARY-ANNA HOLDEN
COMMISSIONER


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



IN THE MATTER OF THE PETITION OF THE ATLANTIC CITY SEWERAGE COMPANY
FOR APPROVAL OF A MUNICIPAL CONSENT IN THE CITY OF ATLANTIC CITY,
ATLANTIC COUNTY - DOCKET NO. WE16010046

SERVICE LIST

Stacy A. Mitchell, Esq.
Cozen O'Connor, PC
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Cherry Hill, NJ 08002
SMitchell@cozen.com

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
sbrand@rpa.state.nj.us

Exhibit A

Ordinance

Ordinance No. 84

OF THE
CITY OF ATLANTIC CITY, N.J.

Date..11-24-2015

Date to Mayor.12-10-2015

Approved as to Form and Legality on Basis of Facts Set Forth Factual contents certified to by

Deputy City Solicitor /s/ Irving Jacoby

Business Administrator /s/ Arthur M. Liston

Prepared by the City Solicitor's Office

Council Members MOORE & SMALL Present the following Ordinance:

AN ORDINANCE GRANTING RENEWED CONSENT FOR PERMISSION TO THE ATLANTIC CITY SEWERAGE COMPANY TO USE THE PUBLIC STREETS FOR SEWERAGE COLLECTION IN THE CITY OF ATLANTIC CITY

WHEREAS, the Atlantic City Sewerage Company, a corporation of the State of New Jersey provides the sewerage collection service for the City of Atlantic City pursuant to the municipal consent first granted to the Atlantic City Sewerage Company in that certain Ordinance 83 approved on December 30, 1905; and

WHEREAS, N.J.S.A.48:3-15 provides that any consent granted by the City of Atlantic City to the Atlantic City Sewerage Company for the use of the streets for the purpose of providing sewerage collection therein is subject to a fifty-year limitation; and

WHEREAS, it is in the best interests of the public health, safety and welfare of the residents of Atlantic City to maintain sewerage collection service and to offer this renewed consent authorizing the continuation of the use of the streets in Atlantic City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Atlantic City as follows:

SECTION ONE

That exclusive consent and permission is hereby renewed and granted to The Atlantic City Sewerage Company to lay its pipes and conduits beneath such public roads, streets, avenues and alleys within the City of Atlantic City in the manner prescribed by N.J.S.A.48:13-11, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

SECTION TWO

This consent is granted for the entire geographical area of the City of Atlantic City and extends to the boundaries of the City of Atlantic City and shall remain in effect for a period of fifty (50) years from the date of final adoption of this ordinance.

SECTION THREE

The Atlantic City Sewerage Company shall within thirty (30) days after the passage of this ordinance file with the City Clerk a bond in the amount of One Thousand (\$1,100.00) Dollars conditioned upon the restoration of any street or public place which may be opened by it in a manner satisfactory to the Director of the Department of Public Works for the City of Atlantic City.

SECTION FOUR

All ordinances or parts of ordinances inconsistent with terms of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FIVE

This ordinance shall take effect upon final passage and publication as provided by law.

kc December 14, 2015 11:47 AM 20-B

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DELGADO				X			MOORE	X				X	
MALIK		X					RANDOLPH	X					X
MANCUSO	X						SMALL	X					
MARSH	X						TIBBITT	X					
GILLIAM, PRESIDENT								X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...NOVEMBER 24, 2015.....

Adopted on second and final reading after hearing on.....DECEMBER 09, 2015.....

Reconsidered Over

Approved By.../s/...DONALD A. GUARDIAN....Date...12-10-2015.....By Council.....Ride

Mayor

Aye

Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

.../s/...RHONDA WILLIAMS, City Clerk

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FIRST PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DELGADO	X						MOORE				X		
MALIK	X						RANDOLPH	X					
MANCUSO	X						SMALL	X				X	
MARSH	X						TIBBITT	X					X
GILLIAM, PRESIDENT								X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...NOVEMBER 24, 2015.....

Exhibit B

THE ATLANTIC CITY SEWERAGE COMPANY

1200 ATLANTIC AVENUE, SUITE 300 • P.O. BOX 1830 • ATLANTIC CITY, N.J. 08404

www.acsewerage.com
lwalters@acsewerage.com

PHONE 609.345.0131 x 11

FAX 609.347.8745

January 8, 2016

Rhonda Williams, Municipal Clerk
City of Atlantic City
1301 Bacharach Blvd #704
Atlantic City, NJ 08401

RE: Acceptance of Ordinance No. 84 Granting Municipal Consent to Atlantic City
Sewerage Company to Use the Public Streets for Sewerage Collection

Dear Ms. Williams:

I am writing on behalf of the Atlantic City Sewerage Company ("ACSC") to advise that we received a fully executed copy of Ordinance No. 84 (copy attached) granting municipal consent for ACSC to use the public streets in the City of Atlantic City for sewerage collection. Pursuant to the requirements of N.J.S.A. 48:3-16, ACSC hereby accepts Ordinance No. 84, as passed.

Very truly yours,



Louis M. Walters, President
Atlantic City Sewerage Company

Enclosure

cc: Stacy A. Mitchell, Esquire