



Agenda Date: 2/18/26
Agenda Item: 3C

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENGINEERING

IN THE MATTER OF THE PETITION OF BETTER)
VIEW HOMES INC., A CORPORATION OF THE)
STATE OF NEW JERSEY)
) DOCKET NO EO25080476

Parties of Record:

Maria R. Cozzini, Esq., Attorney for Better View Homes Inc.
Stacey M. Mickles, Associate Counsel, Public Service Electric and Gas Company
Brian Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:¹

By this Order, the New Jersey Board of Public Utilities (“Board”) considers a request made by Better View Homes, Inc. (“Better View” or “Petitioner”) for approval of a waiver of N.J.A.C. 14:3-8.4(d) to allow Petitioner to install an overhead electric extension, including the main power line, wires and utility poles for Pheasant Run Estates (“Pheasant Run”) (“Petition”). By this Decision and Order, the Board considers a waiver of the requirements of N.J.A.C. 14:3-8.4(d) to put certain extensions to provide regulated services underground.

BACKGROUND

Better View is a new home builder licensed by the State of New Jersey with an address of P.O. Box 132, Fanwood, NJ 07023. Better View obtained approval to construct six (6) luxury single family homes (“Approved Construction”) in Pheasant Run Estates, a subdivision located at 6 Pheasant Lane, Block 15601, Lot 18.01, Scotch Plains, Union County New Jersey. As part of the Approved Construction, the Petitioner was to install underground electrical infrastructure in accordance with the Main Extension Rules.

THE PETITION

According to the Petition filed on May 29, 2025, after consultation with Public Service Electric and Gas Company (“PSE&G” or “Company”), it was determined that the site conditions precluded installation of an underground extension. Such site conditions included the curvature of the road,

¹ Commissioners Rebhorn and Coviello abstained from voting on this matter.

the terrain, and obstructions within the right-of-way such as storm water drainage lines, a filtration system, sewer lines, water lines, and gas facilities which occupied a large portion of the right of way due to a low-pressure gas distribution system. By the Petition, Better View stated that PSE&G engineering representatives directed Petitioner to pursue overhead electric approval given numerous constraints and obstacles for the Approved Construction. Furthermore, the Petitioner asserted that there are no other large parcels of land in the area suitable for single family development, that the surrounding homes and adjacent streets in the established area are all serviced by overhead facilities and wires, and that overhead construction would be consistent with the area.

In support of its request, the Petitioner included a plat map of the development, correspondence where PSE&G opined that overhead construction was best suited for the Approved Construction, and correspondence from the Scotch Plains Township Engineer not objecting to the overhead lines within the right-of-way, provided that each new electrical service to the houses be installed underground.

PSE&G RESPONSE

On October 10, 2025, PSE&G filed a response to the Petition (“Response”) stating it does not object to Better View’s request for the installation of an overhead extension, including the main power line wires and utility poles, to bring electricity into Pheasant Run. The Response provided that an underground extension would result in a significant increase in cost because the location of the underground utilities and other structural considerations would require additional turns, manholes, and other required civil work. Additionally, PSE&G stated that according to the tariff, underground services in an overhead area are the responsibility of the homeowner, and as such, the request for an underground service line is initiated by a homeowner. According to PSE&G, it is the responsibility of the homeowner to maintain and/or repair an underground service. PSE&G requested that Better View be required to disclose this information to the homeowners of Pheasant Run at the time of the sale.

RATE COUNSEL COMMENTS

By letter dated September 26, 2025, the New Jersey Division of Rate Counsel (“Rate Counsel”) filed comments in this matter reiterating the requirements of the N.J.A.C. 14:3-8.1 et seq. (“Main Extension Rules”), took no position on the Petition, and recommended that the Board use its best judgment. On December 18, 2025, Rate Counsel filed a letter stating they had no further comments after reviewing discovery responses submitted by the Petitioner dated November 28, 2025.

DISCUSSION AND FINDINGS

The Board’s Main Extension Rules, specifically N.J.A.C. 14:3-8.4(d), provides as follows:

An extension of electric or telecommunications service to residential development shall be made underground if both of the criteria below are met. Portions of the extension that do not meet these criteria may be made overhead:

1. The extension is located within, and will serve, a development of three or more residential units in the same geographic area that do not have electric or telecommunications service as of August 15, 2005; and

2. Either of the following criteria are met:
 - i. The extension will be placed along streets that were constructed after August 15, 2005; or
 - ii. The extension will be placed along streets constructed prior to August 15, 2005, which are not already served by overhead facilities.

Pursuant to N.J.A.C. 14:3-8.4(j), a regulated entity or an applicant for an extension of service may request an exemption from N.J.A.C. 14:3-8.4(d):

When the requirement that an extension be located underground will result in hardship, inequity, or will be discriminatory to other affected parties, the regulated entity or applicant may request from the Board a special exemption, or approval of special conditions. The Board may require that the requesting party submit, as part of such a request, documentation that the requesting party has deposited in an escrow account an amount up to the estimated difference in cost between underground and overhead service.

After careful consideration of the Main Extension Rules, the Petition, PSE&G's Response, and Rate Counsel's comments the Board **HEREBY FINDS** that the Petitioner satisfied the criteria for an exemption to the Main Extension Rules, specifically N.J.A.C. 14:3-8.4(j), because construction of an underground extension 1) will constitute a hardship due to increased costs to avoid obstructions within the right-of-way; and 2) may prevent future opportunities for expansion of service to additional development of Pheasant Run, thus limiting the benefit of an underground extension of service.

Accordingly, the Board **HEREBY GRANTS** the Petitioner an exemption from the requirements of N.J.A.C. 14:3-8.4(d) of the Main Extension Rules, and **HEREBY AUTHORIZES** PSE&G to install an overhead electric extension for Pheasant Run, including the main power line wires and utility poles, subject to the following:

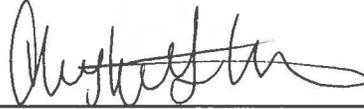
1. This Order shall not affect or in any way limit the Board's, or State's, exercise of authority in any future petition, or in any proceeding with respect to rates, franchises, service, financing, accounting, capitalization, depreciation, or in any matter affecting the Company.
2. The Petitioner remains responsible for paying for the extension in accordance with N.J.A.C. 14:3-8.1 et seq. The additional cost of underground service connections to each house, above what overhead service would cost, shall be a nonrefundable construction in aid of construction paid by Better View, in accordance with N.J.A.C. 14:3-8.4(g). This contribution shall include a gross-up amount for income tax effects.
3. PSE&G shall follow its tariff provisions regarding the installation and maintenance of underground service in an overhead zone for each underground service connection.
4. The Petitioner is required to disclose to the purchaser of a Pheasant Run property at the time of sale that, according to PSE&G's tariff, underground services in an overhead zone are the responsibility of the homeowner to maintain and/or repair. The Petitioner shall submit to the Board this disclosure, signed by the purchaser, within forty-five (45) days of closing.
5. This approval is limited to the Pheasant Run subdivision and is based on the specific conditions described herein. It remains the responsibility of developers to coordinate

all future projects in a manner that facilitates the installation of extensions to provide regulated utility service consistent with the Board's Main Extension Rules.

This Order shall be effective on February 25, 2026.

DATED: February 18, 2026

BOARD OF PUBLIC UTILITIES
BY:



CHRISTINE GUHL-SADOVY
PRESIDENT



DR. ZENON CHRISTODOULOU
COMMISSIONER



MICHAEL BANGE
COMMISSIONER

ATTEST:



SHERRI L. LEWIS
BOARD 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 VEOLIA WATER NEW JERSEY INC. FOR APPROVAL OF AN AFFILIATE
CONTRACT FOR MEMBRANE FILTRATION EQUIPMENT SERVICES

BPU DOCKET NO. EO25080476

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