



Agenda Date: 4/22/26
Agenda Item: IIIA

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

ENGINEERING

IN THE MATTER OF THE PETITION OF VEOLIA)
WATER NEW JERSEY, INC. FOR APPROVAL TO)
EXPAND ITS FRANCHISE AREA IN THE)
TOWNSHIP OF BYRAM IN THE COUNTY OF)
SUSSEX, STATE OF NEW JERSEY) DOCKET NO. WE25120632

Parties of Record:

Brian J. Yarzab, Esq., Corporate Counsel, Veolia Water New Jersey, Inc.
Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities (“Board”) considers a petition filed by Veolia Water New Jersey, Inc. (“Veolia” or “Company”) on December 16, 2025, pursuant to N.J.A.C. 14:1-5.1, N.J.A.C. 14:1-5.5, and other related statues and regulations, seeking approval of Ordinance No. 015-2025 (“Municipal Consent”). The Municipal Consent was adopted on November 5, 2025 by the Township of Byram, County of Sussex (“Township” or “Byram”), allowing the Company to provide water service to certain properties in the Township (“Proposed Franchise Expansion Area”) and to lay pipes and install other utility facilities as may be necessary (“Petition”).¹ The Company also sought authority to incorporate the Proposed Franchise Expansion Area into the Company’s tariff, setting forth the Company’s expanded service area.

BACKGROUND

Veolia is a regulated public utility corporation engaged in the business of collecting, treating, and distributing water for retail service and wastewater collection and treatment services to approximately 268,000 water customers and approximately 6,300 sewer customers located in portions of Bergen, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Sussex, and Warren counties.

The Proposed Franchise Expansion Area is not currently within Veolia’s existing franchise, which it currently serves in certain parts of the Township. However, certain properties included in the Proposed Franchise Expansion Area within the East Brookwood area of the Township (“East

¹ Ordinance No. 015-2025 is attached to this Order as Exhibit A.

Brookwood”) are impacted by contaminated groundwater related to the Mansfield Trail Dump Site. The United States Environmental Protection Agency (“EPA”) agreed to design and construct a water main extension, standby generator, and a building for housing a well, booster pump, and treatment system in accordance with Veolia’s specifications. Veolia agreed to accept and be responsible for operating and maintaining the same, and to service the customers as part of its water system, upon completion of the project. The agreements are detailed in a Letter of Intent dated April 14, 2022, and an Addendum to Letter of Intent dated October 2, 2025, from Veolia to the EPA.

By the Municipal Consent, the Township permitted the Company to expand its provision of water service to the Proposed Franchise Expansion Area and to access public streets and places as necessary for the construction and maintenance of water facilities for the purpose of providing water service to the Proposed Franchise Expansion Area.

PETITION

By the Petition, Veolia sought Board approval of the Municipal Consent authorizing the Company to expand its franchise to provide water service within the Township. Veolia indicated that this expansion is necessary and proper for public convenience and properly serves the public interest. The Company further stated that the expansion is necessary to ensure that the residents within East Brookwood have access to the essential services provided by the Company.

Veolia noted that it’s not seeking the Board’s determination on any ratemaking treatment relative to the Proposed Franchise Expansion Area as there will be no increase in rates at this time.

On February 19, 2026, following proper notice to the public, a virtual public hearing was held on the Petition and presided over by a hearing officer of the Board. Representatives from the Company, the New Jersey Division of Rate Counsel (“Rate Counsel”), and Board Staff (“Staff”) appeared. One (1) member of the public attended without identifying themselves or providing comments, and the Board received no written public comments on this matter.

By letter dated February 20, 2026, Rate Counsel submitted comments on the Petition noting that, subject to certain conditions, it did not oppose the Municipal Consent. However, Rate Counsel expressed concerns that Veolia’s right to provide water service, as currently granted by the Municipal Consent, is perpetual. Rate Counsel also stated that the Municipal Consent fails to comply with the fifty (50) year limit on the duration of the consent to lay pipes in public places set forth in N.J.S.A. 48:3-15. Therefore, Rate Counsel recommended that the Board modify the term of the Municipal Consent to be limited to fifty (50) years for the specific authorization to provide water service and to access public streets and places within the Township under N.J.S.A. 48:3-15. Rate Counsel stated that its recommended provisions would satisfy its concerns that Veolia complies with the proper statutory framework, that Board approval is limited to the specific approvals requested, and that there is no authorization to include any specific assets or amounts in rate base, nor authorization for any other ratemaking treatment.

DISCUSSION AND FINDINGS

No municipality or other political subdivision of the State may grant a privilege or franchise to any public utility unless approved by the Board. N.J.S.A. 48:2-14. The Board should grant approval when, after hearing, the Board determines the franchise is necessary and proper for the public convenience and properly conserves the interests of the public. Ibid. The Board may impose conditions on its approval as the public convenience and interest may require. Ibid.

The Board, having reviewed the Petition and the entire record in this matter, **HEREBY FINDS** the Municipal Consent is necessary and proper for the public convenience and properly conserves the public interest.

Accordingly, the Board **HEREBY APPROVES** the Municipal Consent for the expansion of Veolia's service territory to include the customers in the Proposed Franchise Expansion Area. The Board **FURTHER FINDS** that the Company has the ability to provide safe, adequate, and proper service in the Proposed Franchise Expansion Area. The approvals granted hereinabove shall be subject to the following provisions:

1. This Order shall not affect or in any way limit the exercise of the authority of the Board, or of the State, regarding 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. This Order shall not be construed as directly or indirectly fixing, for any purposes whatsoever, any value of any tangible or intangible assets or liabilities now owned or hereafter to be owned by the Company.
3. The Company shall not depreciate the portion of the water system expansion that is funded by Contributions in Aid of Construction.
4. Pursuant to N.J.S.A. 48:3-15, the Municipal Consent for the use of streets is limited to a term of fifty (50) years from the effective date of this Order.
5. In order to ensure periodic municipal and Board review, the term of the Company's authority to provide water service under N.J.S.A. 48:2-14 shall be limited to the same period as the Company's authority for the use of streets and other places.
6. Nothing in this Order shall constitute Board approval of the rates to be paid by customers in the Township. Any rates represented by the Company are not guaranteed and the Board has the authority to set rates at an amount it deems just and reasonable as part of the next base rate case filed by the Company, regardless of any representations made by the Company to the Township or its residents.
7. Approval of the Municipal Consent does not constitute approval of any specific main extension or plan for service. In extending service, the Company must comply with all applicable laws.
8. Staff is authorized to approve, subject to comments filed by Rate Counsel, any written request by the Company for additional time to comply with any applicable terms set forth in this Order.
9. Board approval in this proceeding is limited to approval of the Municipal Consent only.

Additionally, the Board **HEREBY APPROVES** the proposed revisions to the Company's tariff setting forth the Company's expanded service area. The Company is **HEREBY DIRECTED** to file revised tariff sheets within ten (10) days of the effective date of this Order.



This Order shall be effective on April 29, 2026.


DATED: April 22, 2026

BOARD OF PUBLIC UTILITIES
BY:



DR. ZENON CHRISTODOULOU
COMMISSIONER


CHRISTINE GUHL-SADOVY
PRESIDENT
MICHAEL BANGE
COMMISSIONER
EMMA REBHORN
COMMISSIONER
JOSEPH COVIELLO
COMMISSIONER

ATTEST: 
SHERRIL 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 TO EXPAND ITS
FRANCHISE AREA IN THE TOWNSHIP OF BYRAM IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY

DOCKET NO. WE25120632

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**BYRAM TOWNSHIP
ORDINANCE NO. 015-2025**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF BYRAM TOWNSHIP, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR THE MUNICIPAL CONSENT OF THE TOWNSHIP FOR VEOLIA WATER NEW JERSEY, INC. TO PROVIDE WATER SERVICE TO CERTAIN PROPERTIES IDENTIFIED ON EXHIBIT A ANNEXED HERETO IN BYRAM TOWNSHIP AND FOR THE LAYING OF PIPES AND THE INSTALLATION OF OTHER UTILITY FACILITIES AS MAY BE NECESSARY.

WHEREAS, the properties identified on Exhibit A annexed hereto on the Byram Township Tax Assessment Map (the "Properties") are either vacant or have historically received water service from wells and the Township desires to connect said Properties to the public water supply; and

WHEREAS, Byram Township has been working in conjunction with the United States Environmental Protection Agency ("EPA") in regards to contamination within the East Brookwood area of the Township related to the Mansfield Trail Dump Site for which the properties are affected and are to be included in the requested franchise expansion area; and

WHEREAS, the provision of water services to these Properties is in the best interest of the Township and its citizens; and

WHEREAS, Veolia Water New Jersey, Inc., ("Veolia") is a New Jersey Public utility corporation providing water service to certain areas within the State of New Jersey, including within other Properties within Byram Township;

WHEREAS, Veolia desires to secure the consent of the Township to (i) provide water service to the Properties, and (ii) to lay water pipes beneath such public roads, streets, alleys and places adjacent thereto as it may deem necessary for its corporate purpose to provide water service to the Property.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of Byram Township in the County of Sussex and the State of New Jersey as follows:

Section 1.

1. Veolia is hereby given the consent and permission of Byram Township to provide water service to the Properties identified on Exhibit A annexed hereto, and to lay, maintain and relay its water pipes, mains, connections, apparatus and appurtenances beneath such public roads, streets, alleys and places as it may deem necessary in the future for its corporate purposes, subject to such additional approvals or consents the law may require, within the lands and premises hereinafter designated and under all public roads, streets, alleys, or places abutting same for the purpose of providing water service to:

All those tracts or parcels of lands shown on the Tax Assessment Map of Byram Township as identified on Exhibit A, annexed hereto.

2. The consent granted by this Ordinance is made expressly subject to the following conditions:
 - a. In the event that Byram Township shall hereafter lawfully elect to alter or change the grade of any street, alley or other public way within its jurisdiction, Veolia shall upon reasonable notice by the Township, remove, relay or relocate its water mains, service pipes, manholes and other fixtures at its own expense.

- b. In case of any disturbance of pavement, sidewalk, driveway or other surfacing of any public street, road, highway or other public places cause by Veolia, Veolia shall, at its own costs and expense and in a manner required by the Township Code and as approved by the Township Engineer, replace and restore all paving, sidewalks, driveways and other surfaces of any street, road, highway or other public places disturbed in as good condition as before said work was commenced;
- c. This consent shall take effect upon the approval of the Board of Public Utilities as required by law.

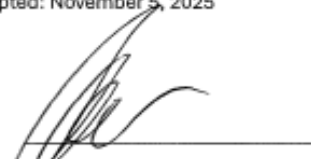
Section 2. Should any part, portion or provision of his ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. This ordinance shall take effect immediately upon publication and final passage according to law.

Introduced: September 16, 2025 Adopted: November 5, 2025


 Cynthia Church, RMC
 Township Clerk


 Alexander Rubenstein
 Mayor

BYRAM TOWNSHIP COUNCIL

	Councilwoman Franco	Councilman Gallagher	Councilman Proctor	Councilman Roseff	Mayor Rubenstein
Motion			✓		
2nd	✓				
Yes			✓	✓	✓
No	✓				
Abstain					
Absent		✓			

NOTICE OF ADOPTION

NOTICE is hereby given that Ordinance 015-2025 was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 16th day of September 2025. The said ordinance was further considered for final adoption at a meeting of the Township Council of The Township of Byram, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on the 5th day of November at 7:30 p.m. at which time all persons were given the opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.


 Cynthia Church, RMC
 Township Clerk

EXHIBIT A

Parcels that will be connected to VWNJ water main extension initially upon completion of EPA project:

Block 365.01, Lots 17, 18, 19, 20, 21, 22, 22.01, 22.02
Block 365.06, Lots 4, 5, 6, 7, 8, 9, 10, 12, 13
Block 365.07, Lots 3, 4, 5, 6,

Additional parcels along the water main extension that could potentially be connected to the VWNJ system in the future:

Block 365.01, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Block 365.02, Lot 1
Block 365.03, Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
Block 365.07, Lots 1, 2

As identified on the attached Tax Maps of Byram Township

