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May 24, 2021

**VIA EMAIL**

Aida Comacho Welch  
Board Secretary  
New Jersey Board of Public Utilities  
44 S. Clinton Ave., 3<sup>rd</sup> Floor  
P.O. Box 350  
Trenton, NJ 08625

**Re: Request to Resume Petition #WO20110723 (“Petition”) On Behalf of  
68-72 Franklin Place, LLC and the Village Courtyard Condo. Assoc.**

Dear Ms. Comacho Welch:

This firm represents 68-72 Franklin Place, LLC (“Developer”) and the Village Courtyard Condominium Association (the “Association”) (collectively, the “Petitioner”) in connection with the above-referenced Petition to the New Jersey Board of Public Utilities (“BPU”). Please accept this correspondence as an update to the status of this Petition and a request for the BPU to resume proceedings in connection with same.

As you are aware, this Petition seeks relief from certain industrial meter service charges set forth in New Jersey American Water Company Inc.’s (“NJAW”) “Tariff for Water and Wastewater Service” (“Tariff”) that have been needlessly applied against twelve (12) condominium owners residing in the City of Summit to the tune of \$123.34 in monthly water expenses per customer, exclusive of actual water usage and other fees and taxes. Specifically, Petitioner seeks relief from application of NJAW’s 8-inch industrial meter rate which has a fixed service charge of \$1,480/month.

On February 24, 2021, the parties participated in a virtual meeting with the leadership of the BPU’s Division of Water and the State Division of Rate Counsel. At that meeting, the suggestion was made to activate individual meters that are already within the condominium building (the “Condominium”) at the Association’s property located at 68-72 Franklin Place in Summit (“Property”), and to register the individual unit owners as NJAW’s “customers of record.” This would allow the customers to be billed at the 5/8-inch meter fixed service charge which is set forth under the Tariff at \$18.50/month. This proposal would have provided a much more reasonable figure that is closer in line with what is experienced by ratepayers residing in single-

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family developments located on public streets. NJAW's counsel appeared to be amenable to this suggestion at the time, but unfortunately, that is no longer the case. NJAW has offered to settle this matter with a proposal that is non-negotiable and not acceptable to the Developer.

Another focal point of the February 24<sup>th</sup> meeting was the impact of certain private fire hydrants that are located at the back of the parking lot on the Property. Between the Condominium's sprinkler system, and the existence of a public fire hydrant located at the driveway entrance to the Property, it became apparent that the private fire hydrants could be replaced with 2-inch blow-off valves for occasional flushing purposes. It remains Petitioner's strong preference that the private fire hydrants be replaced with blow-off valves in order to eliminate any charges attributable thereto.

As an alternative option, Rate Counsel suggested that if private fire hydrants remain on the Property, NJAW could impose charges related thereto which are set forth under Section L1 of the Tariff. We understand this suggestion was made for negotiation purposes as a way to offset NJAW's losses from the reduced fixed service charge noted above. Respectfully, this offer neglects the equitable considerations at issue in the Petition, i.e., the fact that the Developer spent over \$386,000 to upgrade aspects NJAW's water supply system in ways that have no bearing upon the Condominium's system or needs. The suggestion further neglects the fact that the subject fire hydrants are **privately owned**, and the referenced fee has never been imposed by NJAW against the Association before. If imposed, the Section L1 charge of \$330.20/month would amount to an additional charge of \$27.50 per unit owner. Aside from the fact that this would be arbitrarily imposed without any legal basis, the additional charge impedes any chance for a meaningful reduction to the individual unit owner's already-egregious water expenses.

We appreciate the BPU's patience as we have sought to resolve this matter amicably. Based on the developments to date, however, Petitioner respectfully wishes to proceed with this matter to alleviate the financial burdens that have been and continue to be imposed on the Association's unit owners. Thank you.

Very truly yours,

/s/ Robert L. Podvey

Robert L. Podvey

RLP/mja

cc: Service List for WO20110723