



October 5, 2022

**VIA ELECTRONIC MAIL**

Hon. Carmen Diaz, Acting Secretary  
Board of Public Utilities  
44 South Clinton Ave.  
Trenton, NJ 08625-0350

**Re: In the Matter of the Petition of New Jersey-American Water Company, Inc.  
for Approval of a Municipal Consent Granted by Chester Township, Morris  
County**

Dear Acting Secretary Diaz:

Enclosed please find a Petition filed on behalf of New Jersey-American Water Company, Inc. in connection with the above-referenced matter.

Kindly file the Petition and advise of the docket number assigned to this case.

Very truly yours,

A handwritten signature in blue ink that reads "Stephen R. Bishop".

Stephen R. Bishop  
Deputy General Counsel

SRB:dlc

Enc.

cc: Attached service list (via email, w/enc.)

**I/M/O the Petition of New Jersey American Water Company, Inc. for  
Approval of a Municipal Consent Granted by the  
Township of Chester, Morris County  
BPU Docket No. WE22 \_\_\_\_\_**

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**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE PETITION OF : BPU DOCKET NO.: WE22 \_\_\_\_\_**  
**NEW JERSEY-AMERICAN WATER :  
COMPANY FOR APPROVAL OF A :  
MUNICIPAL CONSENT GRANTED BY : PETITION**  
**CHESTER TOWNSHIP, MORRIS :  
COUNTY, NEW JERSEY :**

**TO THE HONORABLE COMMISSIONERS OF THE  
NEW JERSEY BOARD OF PUBLIC UTILITIES:**

New Jersey-American Water Company, Inc. (“NJAWC”, the “Company” or “Petitioner”), a public utility corporation of the State of New Jersey, with its principal office at 1 Water Street, Camden, New Jersey 08102, hereby petitions the State of New Jersey Board of Public Utilities (the “Board” or “BPU”) for approval, pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, and such other regulations and statutes as may be deemed applicable and appropriate by the Board, of a municipal consent granted by Chester Township, NJ (the “Township”). In support thereof, Petitioner states as follows:

1. NJAWC is a regulated, public utility corporation engaged in the production, treatment and distribution of water and collection and treatment of sewage within its defined service territory within the State of New Jersey. Said service territory includes portions of the following counties: Atlantic, Bergen, Burlington, Camden, Cape May, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Union and Warren. NJAWC maintains its principal office at 1 Water Street Camden, New Jersey 08102.

2. Chester Township is a township in Morris County, New Jersey. On or about April 2022, the Chester School District requested that NJAWC supply potable water to the Bragg Elementary School and Dickerson Elementary School (collectively, the “Schools”) within the Township on Lot 38.01, Block 25.01, with a street address of 250 Route 24.

3. By this Petition, NJAWC is seeking approval of the Township’s municipal consent – officially Ordinance No. 2022-13, Granting Consent and Permission to New Jersey-American Water Company, Inc. to Furnish Potable Water for the Chester School District for the Bragg & Dickerson Elementary Schools in The Township of Chester, adopted by the Township on August 16, 2022 (“Municipal Consent”)<sup>1</sup>. The Municipal Consent was introduced and adopted pursuant to N.J.S.A. 48:3-11 to 15, N.J.S.A. 48:19-17 and N.J.S.A. 48:19-20 to permit Petitioner to construct, lay, maintain, and operate the necessary water mains, pipes and appurtenances (collectively, the “Facilities”) to extend its water service to furnish potable water to the Schools (hereinafter the “Proposed Franchise Area”). A copy of the Municipal Consent is attached hereto as Exhibit A and incorporated into this Petition by reference.

4. The governing body of the Township deemed it to be in the best interest of the citizens of the Township and enhance the health, safety and welfare of all persons utilizing the Schools to provide the Municipal Consent.

5. NJAWC will construct the Facilities necessary to serve the Schools from its existing franchise area to the Proposed Franchise Area to provide water service. The proposed route of the connection from the existing franchise area to the Proposed Franchise Area is depicted on the map attached hereto as Exhibit B.

6. The extension of NJAWC’s franchise territory is necessary and proper for public convenience and properly conserves the public interest by permitting the provision of water utility service to the Schools. The Facilities will be operated by a company that is a subsidiary of the largest provider of regulated water and wastewater services in the United States and under the jurisdiction of the Board and the New Jersey Department of Environmental Protection. The

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<sup>1</sup> The original municipal consent ordinance adopted in May 2022 did not conform to the statutory requirements of municipal consent ordinances. Therefore, NJAWC and the Township agreed that a new ordinance would be introduced and adopted.

Facilities will be subject to reasonable and prudent practices of Petitioner; safe and reliable service, including access to customer service representatives 24/7 in emergency situations; and served by a company with the financial wherewithal to maintain and improve the Facilities.

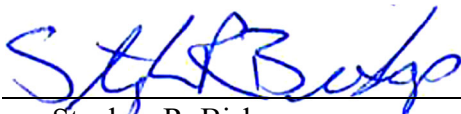
7. The Chester School District will pay general metered service tariff rates for all water service provided by the Company.

8. For the reasons stated above, the granting of approval of the Municipal Consent will serve the public convenience and properly serve the public interests pursuant to N.J.S.A. 48:2-14. As a result, the Board should approve the Municipal Consent.

9. While the Petitioner has not yet commenced water service within the area of the Township covered by the Municipal Consent, Petitioner is actively working with Chester School District on the application process to obtain service and meet the needs of the Schools.

WHEREFORE, Petitioner respectfully requests that the Board approve Ordinance No. 2022-13 of the Township and grant such other and further relief as the Board may deem reasonable and appropriate under the circumstances.

New Jersey-American Water Company, Inc

By:   
Stephen R. Bishop

DATED: October 5, 2022


Communications in this matter on behalf of Petitioner should be addressed to the following:

Stephen R. Bishop  
Deputy General Counsel  
New Jersey-American Water Company, Inc.  
1 Water Street  
Camden, New Jersey 08102  
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stephen.bishop@amwater.com

**VERIFICATION**

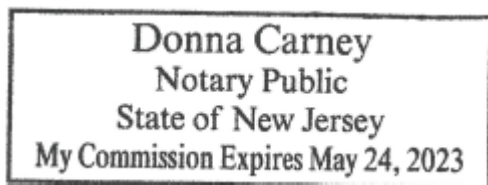
I, John S. Tomac, of full age, being duly sworn, according to law, deposes and says:

1. I am the Director of Rates and Regulation of New Jersey American Water Company, Inc., the Petitioner, and am authorized to make this Verification on behalf of said Petitioner.
2. I have read the contents of the foregoing Petition and hereby verify that the statements therein contained are true and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
John S. Tomac

Sworn to and subscribed before  
me this 5<sup>th</sup> day of October, 2022

  
\_\_\_\_\_  
Notary Public



Introduction: July 19, 2022  
Public Hearing: August 16, 2022

**ORDINANCE NO. 2022-13  
TOWNSHIP OF CHESTER**

**AN ORDINANCE VACATING AND DELETING IN ITS ENTIRETY  
ORDINANCE NO. 2022-07, CHAPTER 167, AND REPLACING IT WITH  
A NEW ORDINANCE GRANTING CONSENT AND PERMISSION TO  
NEW JERSEY – AMERICAN WATER COMPANY, INC., (“COMPANY”)  
TO FURNISH POTABLE WATER FOR THE CHESTER SCHOOL DISTRICT  
FOR THE BRAGG & DICKERSON ELEMENTARY SCHOOLS IN THE  
TOWNSHIP OF CHESTER (“TOWNSHIP”).**

**WHEREAS**, on May 17, 2022, the Township adopted at a public hearing an ordinance entitled “An Ordinance of the Township of Chester, County of Morris, State of New Jersey, Granting a Public Water System Connection to the Chester School District for Dickerson Elementary School and Bragg Elementary School by New Jersey American Water Company, Inc.;

and

**WHEREAS**, the Company has requested that Ordinance No. 2022-07 be vacated and deleted in its entirety and be replaced by a new ordinance and a new Chapter 167; and

**WHEREAS**, it is deemed to be in the best interests of the citizens of the Township and all persons utilizing the Bragg & Dickerson Elementary Schools to grant its consent for allowing potable water connections to take place for the said Schools; and

**WHEREAS**, the Mayor and Council of the Township have concluded that the granting of said consent shall enhance the health, safety, and welfare of those persons utilizing the said Schools; and

**WHEREAS**, the Chester School District has entered into an agreement with the Company for a potable water supply system connection to said Schools both located in the Township on Lot 38.01, Block 25.01 with a street address of 250 Route 24; and

**WHEREAS**, the Township hereby grants consent and permission to the Company to furnish a potable water supply to the Bragg Elementary School and Dickerson Elementary School; and

**WHEREAS**, the Company is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Township to permit the Company to extend its water service and its facilities to the said Schools; and

**WHEREAS**, the Company has requested the consent of the Township as required by N.J.S.A. 48:19-17 and 48:19-20, as amended, to lay its pipes beneath and restore such public roads, streets and places it may deem necessary for its water connection purposes, and agrees to fully repave any streets disturbed by excavation, pay fees for road opening permits and provide that all pipes shall be laid at least three feet (3') below the surface and shall not in any way unnecessarily obstruct or interfere with the public travel or cause or permit other than temporary damage to public or private property; and

**WHEREAS**, it is deemed to be in the best interest of the citizens of the Township with regard to the entire municipality to provide this consent.

**NOW THEREFORE, BE IT Resolved By The Mayor And Council Of The Township of Chester as follows:**

Section 1.

Ordinance No. 2022-07 is vacated and deleted in its entirety and is replaced with the following new ordinance.

Section 2.

That consent and permission to furnish water to that part of the Township, County of Morris, State of New Jersey more specifically described as Block 25.01, Lot 38.01, as shown on the Tax Map of the Township in existence on the date of the passage of this Ordinance is hereby



given and granted to the Company, its successor and assign, subject to approval of such consent and permission by the Board of Public Utilities of the State of New Jersey.

### Section 3.

That consent and permission is given to the Company, its successors and assigns, under the provisions of N.J.S.A. 48:19-17 and N.J.S.A. 48:19-20, as amended, without charge therefore, (except fees for road opening permits which shall be paid) as the same may be required in order to permit the Company to add to, extend, operate and maintain said water facilities in the public property described herein order to provide said water service. This shall include permission to lay pipes beneath the public roads, streets and public places. The public property shall include roads, streets and public places. The consent provided to the Company herein to use the public roads and streets of the Township is limited by statute to fifty (50) years. The Chester School District will pay the Company the filed tariff rates for all water service provided by the Company.

### Section 4.

That a certified copy of this Ordinance, upon final passage, shall be sent to the Company, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey by the Township.

### Section 5.

That the consent granted herein shall be subject to the Company complying with all applicable laws of the Township and/or the State of New Jersey including, but not limited to, any and all statutes and administrative agency rules and/or regulations.

### Section 6.

The Township Mayor and the Clerk/Administrator of the Township are authorized to execute the documents and agreements necessary to effectuate the municipal consent and to protect the rights of the public involved.

### Section 7.

The consent granted herein extends only to the property in the Township known as Block 25.01, Lot 38.01 as shown on the Tax Map of the Township of Chester in existence on the date of the passage of this Ordinance. Any extension of the consent granted herein to territory other than the property in question must be approved by the Township by ordinance.

### Section 8.

Each section, subsection, sentence, clause and the phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 9.

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

Section 10.

This Ordinance shall take effect upon its passage and publication according to law.

ATTEST:

TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF CHESTER

*Robin Collins*

Robin Collins  
Municipal Clerk/Administrator

*Marcia Asdal*

Marcia Asdal  
Mayor