



prudently incurred, COVID-19-related costs beginning on March 9, 2020 through September 30, 2021; 60 days after Governor Murphy issues an order, declaration, proclamation, or similar announcement that the Public Health Emergency is no longer in effect; or 60 days from the time the Public Health Emergency automatically terminates pursuant to N.J.S.A. 26:13-3(b) (“Regulatory Asset Period”).<sup>1</sup>

The July 2020 Order required:

1. Each utility with a COVID-19 regulatory asset account to file quarterly reports, together with a verification by an authorized representative, with the Board detailing its COVID-19-related costs and offsets; and
2. All affected utilities to file a petition with the Board by December 31, 2021, or within 60 days of the close of the Regulatory Asset Period. The petition must address any potential rate recovery, including any prudency determinations, and the appropriate period of recovery for any approved amount of the regulatory asset and any associated savings; or, in the alternative, a utility may request that the Board defer consideration of rate recovery in future rate case.

On October 28, 2020, the Board retained this matter and designated President Joseph Fiordaliso as the Presiding Commissioner authorized to rule on all motions that arise during the pendency of these proceedings, and to modify any schedules that may be set, as necessary, to secure a just and expeditious determination of the issues.<sup>2</sup> On January 11, 2021, the Board granted AARP intervenor status. On March 16, 2021, the Board granted Legal Services of New Jersey, the Natural Resources Defense Council, and New Jersey Citizen Action participant status.

On July 6, 2021, Public Service Electric and Gas Company, South Jersey Gas Company, and Elizabethtown Gas Company jointly filed a letter motion seeking to extend the Regulatory Asset Period from September 30, 2021 to the end of 2023, and extend the deadline to file for COVID - 19 cost recovery to a date within 60 days of the corresponding extended Regulatory Asset Period. By Order dated September 14, 2021, the Board extended the Regulatory Asset Period from September 30, 2021 to December 31, 2022, and extended the filing deadline for recovery within 60 days of December 31, 2022.<sup>3</sup>

Board Staff, the New Jersey Division of Rate Counsel, and other interested parties participated in several working groups to discuss the cost recovery issues related to the regulatory assets. On July 20, 2022, President Fiordaliso directed interested parties to submit comments on 13 questions regarding the cost recovery issues within 60 days of July 20, 2022, and reply comments 21 days after the initial comments.<sup>4</sup>

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<sup>1</sup> In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated July 2, 2020 (“July 2020 Order”).

<sup>2</sup> In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated October 28, 2020 (expanding the scope of this docket to examine all COVID-19 Pandemic-related issues by way of a generic proceeding, which allowed for a public comment period through November 30, 2020).

<sup>3</sup> In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated September 14, 2021 (“September 2021 Order”).

<sup>4</sup> In re the New Jersey Board of Public Utilities’ Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated July 20, 2022.

On December 21, 2022, the Board issued an Order further extending the Regulatory Asset Period to March 15, 2023, and extending the filing for COVID-19 cost recovery to 60-days from the close of the extended Regulatory Asset Period.<sup>5</sup> The Board also ordered the utilities to file a formal plan within 15 days of December 21, 2022, detailing accessing and use of state and federal funds, arrearage and disconnection reduction strategies, arrearage recovery efforts, savings due to COVID related changes, et al., during the Regulatory Asset Period.

### **DISCUSSION AND FINDINGS**

As this is a matter of first impression involving COVID-19 regulatory asset cost recovery, and in light of the complexity of the issues and the comments received, the Board **HEREBY FINDS** that more time is necessary to analyze all issues and positions in this matter.

Accordingly, the Board **HEREBY ORDERS** that the May 15, 2023 filing deadline for recovery of COVID-19 regulatory asset balances is extended for an additional 60 days, to July 17, 2023. The Board **FURTHER ORDERS** that the close of the Regulatory Asset Period shall remain at March 15, 2023 consistent with the December 2022 Order.

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<sup>4</sup> In re the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic, BPU Docket No. AO20060471, Order dated December 21, 2022 ("December 2022 Order").

The effective date of this Order is May 17, 2023.

DATED: May 10, 2023

BOARD OF PUBLIC UTILITIES

BY:



\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT



\_\_\_\_\_  
MARY-ANNA HOLDEN  
COMMISSIONER



\_\_\_\_\_  
DIANNE SOLOMON  
COMMISSIONER



\_\_\_\_\_  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

ATTEST:



\_\_\_\_\_  
SHERRI L. GOLDEN  
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 NEW JERSEY BOARD OF PUBLIC UTILITIES' RESPONSE TO THE COVID-19  
PANDEMIC**

**DOCKET NO. AO20060471**

**SERVICE LIST**

**Board of Public Utilities**

44 South Clinton Ave, 1<sup>st</sup> Floor  
P.O. Box 350  
Trenton, NJ 08625-350

Sherri L. Golden, Secretary  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Taryn Boland, Chief of Staff  
[taryn.boland@bpu.nj.gov](mailto:taryn.boland@bpu.nj.gov)

[Robert Brabston, Esq., Executive Director](mailto:robert.brabston@bpu.nj.gov)  
[robert.brabston@bpu.nj.gov](mailto:robert.brabston@bpu.nj.gov)

Stacy Peterson, Deputy Executive Director  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

Benjamin Witherell, Chief Economist  
[benjamin.witherell@bpu.nj.gov](mailto:benjamin.witherell@bpu.nj.gov)

Counsel's Office

Michael Beck, General Counsel  
[abe.silverman@bpu.nj.gov](mailto:abe.silverman@bpu.nj.gov)

Carol Artale, Deputy General Counsel  
[carol.artale@bpu.nj.gov](mailto:carol.artale@bpu.nj.gov)

Heather Weisband, Senior Counsel  
[heather.weisband@bpu.nj.gov](mailto:heather.weisband@bpu.nj.gov)

Charles Gurkas, Paralegal  
[charles.gurkas@bpu.nj.gov](mailto:charles.gurkas@bpu.nj.gov)

Office of Communications

Peter Peretzman  
[peter.peretzman@bpu.nj.gov](mailto:peter.peretzman@bpu.nj.gov)

Division of Cable Television & Telecommunications

Lawanda Gilbert, Director  
[lawanda.gilbert@bpu.nj.gov](mailto:lawanda.gilbert@bpu.nj.gov)

Division of Water & Energy

Michael Kammer, Director  
[mike.kammer@bpu.nj.gov](mailto:mike.kammer@bpu.nj.gov)

Malike Cummings, Deputy Director  
[malike.cummings@bpu.nj.gov](mailto:malike.cummings@bpu.nj.gov)

Division of Water & Energy, cont.

Kofi Ocansey  
[kofi.ocansey@bpu.nj.gov](mailto:kofi.ocansey@bpu.nj.gov)

Bart Kilar  
[bart.kilar@bpu.nj.gov](mailto:bart.kilar@bpu.nj.gov)

Andrew Tuzzo  
[andrew.tuzzo@bpu.nj.gov](mailto:andrew.tuzzo@bpu.nj.gov)

Division of Customer Assistance

Julie Ford-Williams, Director  
[julie.ford@bpu.nj.gov](mailto:julie.ford@bpu.nj.gov)

Rich Lambert  
[richard.lambert@bpu.nj.gov](mailto:richard.lambert@bpu.nj.gov)

Raymond Matos  
[raymond.matos@bpu.nj.gov](mailto:raymond.matos@bpu.nj.gov)

Maureen Clerc  
[maureen.clerc@bpu.nj.gov](mailto:maureen.clerc@bpu.nj.gov)

Tony Iskander  
[tony.iskander@bpu.nj.gov](mailto:tony.iskander@bpu.nj.gov)

**Department of Law and Public Safety**

Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street, P.O. Box 112  
Trenton, NJ 08625

Daren Eppley, Section Chief  
[daren.eppley@law.njoag.gov](mailto:daren.eppley@law.njoag.gov)

Pamela Owen, Assistant Section Chief  
[pamela.owen@law.njoag.gov](mailto:pamela.owen@law.njoag.gov)

Steven Chaplar  
[Steven.Chaplar@law.njoag.gov](mailto:Steven.Chaplar@law.njoag.gov)

Terel Klein, DAG  
[terel.klein@law.njoag.gov](mailto:terel.klein@law.njoag.gov)

Matko Ilic, DAG  
[matko.ilic@law.njoag.gov](mailto:matko.ilic@law.njoag.gov)

**Division of Rate Counsel**

140 East Front Street, 4<sup>th</sup> Floor  
Trenton, NJ 08625-0003

[Brian O. Lipman, Esq., Director](mailto:blipman@rpa.nj.gov)  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Susan McClure, Esq.  
[smcclure@rpa.nj.gov](mailto:smcclure@rpa.nj.gov)

David Wand, Esq., Managing Attorney  
[dwand@rpa.nj.gov](mailto:dwand@rpa.nj.gov)

Brian Weeks, Esq.  
[bweeks@rpa.nj.gov](mailto:bweeks@rpa.nj.gov)

Robert Glover, Esq.  
[rglover@rpa.nj.gov](mailto:rglover@rpa.nj.gov)

Debora Layugan  
[dlayugan@rpa.nj.gov](mailto:dlayugan@rpa.nj.gov)

**Rate Counsel Consultant**

Susan Baldwin  
SM Baldwin Consulting  
13 Church Hill Street  
Watertown, MA 02472  
[smbaldwinconsulting@gmail.com](mailto:smbaldwinconsulting@gmail.com)

**AARP**

Evelyn Liebman,  
Directory of Advocacy  
AARP NJ State Office  
303 George St., Suite 505  
New Brunswick, NJ 08901  
[eliebman@aarp.org](mailto:eliebman@aarp.org)

Janine G. Bauer, Esq.  
101 Grovers Mill Road  
Suite 200  
Lawrenceville, NJ 08648  
[jbauer@szaferman.com](mailto:jbauer@szaferman.com)

**Legal Services of NJ**

David McMillan, Esq.  
Legal Services of New Jersey  
100 Metroplex Drive, Suite 402  
Edison, NJ 08818  
[DMcMillin@lsnj.org](mailto:DMcMillin@lsnj.org)

**Engineers Labor-Employer Cooperative**

Gina Sullivan  
The Labor Management Fund of Operating Engineers  
Local 825  
65 Springfield Avenue, 2nd Floor  
Springfield, NJ 07081  
[GSullivan@elec825.org](mailto:GSullivan@elec825.org)

**Department of Community Affairs**

Division of Housing & Community Resources  
101 South Broad Street  
Post Office Box 811  
Trenton, NJ 08624-0811

Janel Winter, Director  
[janel.winter@dca.nj.gov](mailto:janel.winter@dca.nj.gov)

Fidel Ekhelar, Director  
USF& LIHEAP Programs  
[fidel.ekhelar@dca.nj.gov](mailto:fidel.ekhelar@dca.nj.gov)

**NJ Department of Human Services**

Louise Rush, Division Director  
Division of Aging Services  
P.O. Box 715  
Trenton, NJ 08625-0715  
[louise.rush@dhs.nj.gov](mailto:louise.rush@dhs.nj.gov)

**Affordable Housing Alliance**

3535 Route 66, Parkway 100  
Building 4  
Neptune Township, NJ 07753

Randi Moore, COO  
[aha-coo@housingall.org](mailto:aha-coo@housingall.org)

Donna Blaze, CEO  
[aha-ceo@housingall.org](mailto:aha-ceo@housingall.org)

Kathy Kerr, Utility Programs Director  
[aha-utilitydirector@housingall.org](mailto:aha-utilitydirector@housingall.org)

**Anti-Poverty Network**

Renee Koubiadis  
Executive Director  
Anti-Poverty Network of NJ  
272 Dunns Mill Road, #327  
Acme Commons Center  
Bordentown, NJ 08505  
[renee@antipovertynetwork.org](mailto:renee@antipovertynetwork.org)

**Citizen Action**

Beverly Brown Ruggia  
Financial Justice Program Director  
The Hahne's Building  
625 Broad Street, Suite 270  
Newark, NJ 07102  
[beverly@njcitizenaction.org](mailto:beverly@njcitizenaction.org)

**NJUA**

Christina Farrell, VP Government and Public Affairs  
154 West State Street, 1st Floor  
Trenton, NJ 08608  
[csweeney@njua.com](mailto:csweeney@njua.com)

**National Utilities Contractors Association**

Evan Piscitelli, Executive Director  
National Utilities Contractors Association  
3925 Chain Bridge Road, Suite 300  
Fairfax, VA 22030  
[nucaofnj@gmail.com](mailto:nucaofnj@gmail.com)

**NJ SHARES**

Cheryl Stowell, CEO  
New Jersey SHARES, Inc.  
4 Walter E Foran Boulevard, Suite 105  
Flemington, NJ 08822  
[cstowell@njshares.org](mailto:cstowell@njshares.org)

**Cullen and Dykman LLP**

Bruce V. Miller  
Cullen and Dykman, LLP  
One Riverfront Plaza  
Newark, NJ 07102  
[bmiller@cullenllp.com](mailto:bmiller@cullenllp.com)

Sarmili Saha  
Cullen and Dykman LLP  
80 State Street, Suite 900  
Albany, New York 12207  
[ssaha@cullenllp.com](mailto:ssaha@cullenllp.com)

**Electric and Gas Companies**

**PSE&G**

80 Park Plaza, T-5  
Newark, NJ 07102-4194

Matthew Weissman, Esq.  
Managing Counsel, State Regulatory  
[matthew.weissman@pseg.com](mailto:matthew.weissman@pseg.com)

Danielle Lopez, Esq., Associate Counsel  
[danielle.lopez@pseg.com](mailto:danielle.lopez@pseg.com)

Katherine Smith, Esq., Associate Counsel  
[katherine.smith@pseg.com](mailto:katherine.smith@pseg.com)

Michele Falcao, Regulatory Case Supervisor  
[michele.falcao@pseg.com](mailto:michele.falcao@pseg.com)

Bernard Smalls, Paralegal  
[bernard.smalls@pseg.com](mailto:bernard.smalls@pseg.com)

Caitlyn White, Regulatory Case Coordinator  
[caitlyn.white@pseg.com](mailto:caitlyn.white@pseg.com)

Claire Bartolomeo, Payment Assistance Outreach  
[claire.bartolomeo@pseg.com](mailto:claire.bartolomeo@pseg.com)

Rosa Pagnillo-Lopez  
[rosa.pagnillo-lopez@pseg.com](mailto:rosa.pagnillo-lopez@pseg.com)

**Natural Resources Defense Council**

40 West 20th Street  
New York, NY 10011

Lawrence Levine, Esq.  
Director, Urban Water Infrastructure  
[llevine@nrdc.org](mailto:llevine@nrdc.org)

Eric Miller, Director  
NJ Energy Policy  
[EMiller@nrdc.org](mailto:EMiller@nrdc.org)

**Utility & Transportation Contractors Association of NJ**

Dan Kennedy  
Director  
Utility & Transportation Contractors Association of NJ  
P.O. Box 728  
Allenwood, NJ 08720-0728  
[kennedy@utcanj.org](mailto:kennedy@utcanj.org)

**Food and Water Watch**

Matthew Smith  
NJ Director  
Food & Water Watch  
100 Bayard Street  
New Brunswick, NJ 08901  
[msmith@fwwatch.org](mailto:msmith@fwwatch.org)

**NJNG**

1415 Wyckoff Road  
Post Office Box 1464  
Wall, NJ 07719

Andrew K. Dembia, Esq.  
[adembia@njng.com](mailto:adembia@njng.com)

Mark G. Kahrer  
[mkahrer@njng.com](mailto:mkahrer@njng.com)

Tina Trebino  
[ttrebino@njng.com](mailto:ttrebino@njng.com)

Susan Fastuca  
[sfastuca@njng.com](mailto:sfastuca@njng.com)

Maria Delaplain  
[mdelaplain@njng.com](mailto:mdelaplain@njng.com)

Suzanne Bostwick  
[sbostwick@njng.com](mailto:sbostwick@njng.com)

**Atlantic City Electric Co.**

Pepco Holdings, LLC – 92DC56  
500 N. Wakefield Drive  
PO Box 6066  
Newark, DE 19714-6066  
Philip J. Passanante, Esq.  
[philip.passanante@pepcoholdings.com](mailto:philip.passanante@pepcoholdings.com)

**Rockland Electric Co.**

Consolidated Edison Co. of NY  
4 Irving Place  
New York, NY 10003

John L. Carley, Esq., Associate General Counsel  
[carleyj@coned.com](mailto:carleyj@coned.com)

Margaret Comes, Esq., Regulatory Associate Counsel  
[comesm@coned.com](mailto:comesm@coned.com)

David Braunfotel  
Customer Assistance Director – O&R  
[braunfotel@oru.com](mailto:braunfotel@oru.com)

Jade Fell, Customer Energy Services  
[fellj@oru.com](mailto:fellj@oru.com)

**Borough of Butler**

Robert H Oostdyk, Jr., Esq.  
Murphy McKeon P.C.  
51 Route 23 South  
Post Office Box 70  
Riverdale, NJ 07457  
[roostdyk@murphymckeonlaw.com](mailto:roostdyk@murphymckeonlaw.com)

James Lampmann  
Borough Administrator  
1 Ace Road  
Butler, NJ 07405  
[jlampmann@butlerborough.com](mailto:jlampmann@butlerborough.com)

**JCP&L**

300 Madison Ave  
Morristown, NJ 07960

Joshua Eckert, Esq.  
[jeckert@firstenergycorp.com](mailto:jeckert@firstenergycorp.com)

Leonard Howell, Supervisor  
Human Services  
[lhowell@firstenergycorp.com](mailto:lhowell@firstenergycorp.com)

Michael Connolly, Esq.  
Cozen O'Connor  
One Gateway Center, Suite 910  
Newark, NJ 07102  
[mconnolly@cozen.com](mailto:mconnolly@cozen.com)

**Water/Wastewater Companies**

**Gordon's Corner Water Company**  
27 Vanderburg Road  
Post Office Box 145  
Marlboro, NJ 07746

David Ern, President  
[dgern@gordonscornerwater.com](mailto:dgern@gordonscornerwater.com)

Evalene Wright  
[evalene.wright@pepcoholdings.com](mailto:evalene.wright@pepcoholdings.com)

Alita Corbett  
[atcorbett@pepco.com](mailto:atcorbett@pepco.com)

**South Jersey Gas Company and Elizabethtown Gas Company**

520 Green Lane  
Union, NJ 07083

Deborah Franco, Esq., Regulatory Affairs Counsel  
[dfranco@sjindustries.com](mailto:dfranco@sjindustries.com)

Diana Donnelly  
Director Customer Experience ETG  
[ddonnelly@sjindustries.com](mailto:ddonnelly@sjindustries.com)

1 South Jersey Place  
Atlantic City, NJ 08401

Marissa Travaline, VP, Communications  
[mtravaline@sjindustries.com](mailto:mtravaline@sjindustries.com)

Gina O'Donnell  
[vodonnell@sjindustries.com](mailto:vodonnell@sjindustries.com)

Brian Jacobs, Director Customer Experience  
[bjacobs@sjindustries.com](mailto:bjacobs@sjindustries.com)

Dominick Di Rocco, Esq.  
[ddirocco@sjindustries.com](mailto:ddirocco@sjindustries.com)



Eric Olsen  
[eolsen@gordonscornerwater.com](mailto:eolsen@gordonscornerwater.com)

**Aqua NJ, Inc.**  
10 Black Forest Road  
Hamilton, NJ 08691

Lawrence Carson, President  
[lrcarson@aquaamerica.com](mailto:lrcarson@aquaamerica.com)

Adam Burger  
[aburger@aquaamerica.com](mailto:aburger@aquaamerica.com)

Kimberly Joyce  
[kajoyce@aquaamerica.com](mailto:kajoyce@aquaamerica.com)

Bill Packer  
[wcpackerjr@aquaamerica.com](mailto:wcpackerjr@aquaamerica.com)

**NJ American Water Company**  
One Water Street  
Camden, NJ 08102

Cheryl Norton  
Executive Vice President and Chief Operating Officer  
[Cheryl.norton@amwater.com](mailto:Cheryl.norton@amwater.com)

Mark K McDonough, President  
[Mark.mcdonough@amwater.com](mailto:Mark.mcdonough@amwater.com)

Stephen Bishop  
[Stephen.Bishop@Amwater.com](mailto:Stephen.Bishop@Amwater.com)

**Fayson Lakes Water Company**  
John Cannie, President  
160 Boonton Avenue  
Kinnelon, NJ 07405  
[flwc@optonline.net](mailto:flwc@optonline.net)

**Montague Water Company**  
J. Bryce Mendenhall  
2335 Sanders Road  
Northbrook, IL 60062  
[bryce.mendenhall@corix.com](mailto:bryce.mendenhall@corix.com)

**Lake Lenape Water Company**  
Jeffrey Fuller, President  
83 Eagle Chase  
Woodbury, NY 11797  
[JMF1294@yahoo.com](mailto:JMF1294@yahoo.com)

**Veolia Water New Jersey**  
461 From Road, Suite 400  
Paramus, New Jersey 07652

Alan Weland  
[alan.weland@suez.com](mailto:alan.weland@suez.com)

Gary Prettyman  
[gary.prettyman@suez.com](mailto:gary.prettyman@suez.com)

Rodolphe Bouichou  
[rodolphe.bouichou@suez.com](mailto:rodolphe.bouichou@suez.com)

Jim Cagle  
[jim.cagle@suez.com](mailto:jim.cagle@suez.com)

**Midtown Water Company**  
1655 US Highway 9  
Old Bridge, NJ 08857

John J. Brunetti, President  
[JBrunetti@Brunetti.com](mailto:JBrunetti@Brunetti.com)

William Iannacone, Tax Director  
[Wiannacone@Brunetti.com](mailto:Wiannacone@Brunetti.com)

Jennifer Zappola, Tax Manager  
[Jzappola@Brunetti.com](mailto:Jzappola@Brunetti.com)

**Shore Water Company**  
105-23<sup>rd</sup> Avenue  
South Seaside Park, NJ 08752  
[shorewaterco@gmail.com](mailto:shorewaterco@gmail.com)

Samuel Faiello, President  
[Samsif@verizon.net](mailto:Samsif@verizon.net)

Gloria Stuart  
[gloriafstuart@gmail.com](mailto:gloriafstuart@gmail.com)

**Simmons Water Company**  
David B. Simmons, Jr., President  
PO Box 900  
Branchville, NJ 07826  
[dbsjr@simmonstransport.com](mailto:dbsjr@simmonstransport.com)

**Mt. Olive Villages Water Company**  
Henryk Schwarz, President  
200 Central Avenue  
Mountainside, NJ 07902  
[ZLN1@aol.com](mailto:ZLN1@aol.com)

**Atlantic City Sewer Company**  
1200 Atlantic Avenue, Suite 300  
Atlantic City, NJ 08401

Wendy Stewart, President  
[wstewart@acsewerage.com](mailto:wstewart@acsewerage.com)

Carl Cordek  
[cordekc@aol.com](mailto:cordekc@aol.com)

**Municipal Water Utilities\***

\*The municipals listed are regulated only in terms of the customers served outside of the municipality's limits and only for service issues, if the rates are equalized. Currently, the NJBPU-regulated municipal water systems all have equalized rates.

**Village of Ridgewood**

131 N. Maple Ave #5  
Ridgewood, NJ 07450

Richard Calbi, Director  
[rcalbi@ridgewoodnj.net](mailto:rcalbi@ridgewoodnj.net)

[Heather Mailander, Clerk](mailto:hmailander@ridgewoodnj.net)  
[hmailander@ridgewoodnj.net](mailto:hmailander@ridgewoodnj.net)

**Borough of Park Ridge Water**

Chris O'Leary, General Manager  
53 Park Avenue  
Park Ridge, NJ 07656  
[coleary@parkridgeboro.com](mailto:coleary@parkridgeboro.com)

**Clinton Water and Sewer Utility**

43 Leigh Street  
Clinton, NJ 08809

Art Dysart, Superintendent  
[artdysart@clintonnj.gov](mailto:artdysart@clintonnj.gov)

Richard Phelan, Public Works/Business Administrator  
[rphelan@clintonnj.gov](mailto:rphelan@clintonnj.gov)

**Town of Dover Water Commissioners**

Andrew-Dujack, President  
100 Princeton Ave  
Dover, New Jersey 07801

37 North Sussex Street  
Dover, NJ 07081

John Gross, Interim CFO  
[jgross@dover.nj.us](mailto:jgross@dover.nj.us)

Robert Kinsey, Superintendent  
[rk Kinsey@dover.nj.us](mailto:rk Kinsey@dover.nj.us)

**Collingswood Water Department**

Steve DiOrio, Superintendent  
215 Hillcrest Ave  
Collingswood, NJ  
[sdiorio@collingswood.com](mailto:sdiorio@collingswood.com)

**Borough of Berlin Water Department**

John Allsebrook, Superintendent  
59 South White Horse Pike  
Berlin, NJ 08009  
[dpwsupt@berlinnj.org](mailto:dpwsupt@berlinnj.org)

**Borough of Berlin**

59 South White Horse Pike  
Berlin, NJ 08009

Stacey DiVello, Finance  
[Treasurer@berlinnj.org](mailto:Treasurer@berlinnj.org)

Debra DiMattia, CFO  
[ddimattia@berlinnj.org](mailto:ddimattia@berlinnj.org)

**Trenton Water Works**

333 Cortland Street  
Post Office Box 528  
Trenton, NJ 08604

Kristin Epstein, Assistant Director  
[kepstein@trentonnj.org](mailto:kepstein@trentonnj.org)

Maria Kelly, Assistant Municipal Attorney  
[mkelly@trentonnj.org](mailto:mkelly@trentonnj.org)

**City of Bordentown Water Department**

324 Farnsworth Avenue  
Bordentown, NJ 08505

Patricia McGowan, Water Clerk  
[Pmcgowan@cityofbordentown.com](mailto:Pmcgowan@cityofbordentown.com)

John J. Walls, Water Treatment Facility Operator  
[Jwalls@cityofbordentown.com](mailto:Jwalls@cityofbordentown.com)

**Borough of Collingswood**

Kathy McCarthy, Revenue Collector  
678 Haddon Ave  
Collingswood, NJ 08108  
[kmccarthy@collingswood.com](mailto:kmccarthy@collingswood.com)

**Wildwood Water Utility**

Mike McIntyre, Director  
3416 Park Boulevard  
Wildwood, NJ 08260  
[mmcintyre@wildwoodnj.org](mailto:mmcintyre@wildwoodnj.org)