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July 13, 2015

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CLERK OF SUPERIOR COURT
MAIL ROOM

ED15070805

VIA LAWYERS SERVICE

State of New Jersey
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
PO Box 350
Trenton, NJ 08625-0350

Re: **In re Verified Petition of the Township of South Orange Village**
PPGMS File No.: 4160.00124

Dear Sir/Madam:

This firm represents the Township of South Orange Village. Enclosed for filing, please find an original and thirteen (13) conformed copies of the Verified Petition of the Township of South Orange Village ("Petition") as well as a self-addressed stamped envelope and a check for \$25 to cover the cost of the filing fee. Kindly file the original, and return a copy stamped "filed" in the provided envelope. Pursuant to N.J.A.C. 14:1-4.5, conformed copies of the Petition are provided for service upon PSE&G by the Secretary of the Board. * 14th

Thank you in advance for your assistance. Please do not hesitate to contact this office should you require anything further.

Very truly yours,

POST, POLAK, GOODSSELL, MACNEILL & STRAUCHLER, P.A.

Kathryn B. Rockwood

CMS
LEGAL
DTG
RPA
S. Peterson
A. Bator
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KBR

ENERGY(5) TOC

Enclosures

Cc: Alexander C. Stern, Esq., PSE&G
Everton Scott, PSE&G
Township of South Orange Village



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BOARD OF PUBLIC UTILITIES
MAIL ROOM

Post, Polak, Goodsell, MacNeill & Strauchler, P.A.

Steven C. Rother (234581967)
425 Eagle Rock Avenue, Suite 200
Roseland, New Jersey 07068-1717
973-228-9900
Attorneys For Petitioner, Township of South Orange Village
Our File No. 4160.00124

STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES

In the Matter of the Verified Petition of the
**TOWNSHIP OF SOUTH ORANGE
VILLAGE** Seeking Approval to Mount
Automated License Plate Reader Cameras on
Light Poles Owned by PSE&G as an
"Unmetered Service" Pursuant to B.P.U.N.J 15
- Electric Tariff for Services

BPU Docket No.

VERIFIED PETITION

TO THE HONORABLE BOARD OF PUBLIC UTILITIES:

Petitioner, Township of South Orange Village (the "Petitioner" or the "Village"), a duly organized municipal corporation of the State of New Jersey subject to the regulatory jurisdiction of the Board of Public Utilities (the "Board") under *N.J.A.C. 14:3-2.3 et seq.*, and maintaining offices at the Township of South Orange Village, Village Hall, 76 South Orange Avenue, South Orange, New Jersey, 07079, in support of its above-captioned Verified Petition, respectfully shows:

1. Petitioner is responsible for organizing and facilitating all necessary services for the residents of the Village including but not limited to: providing law enforcement personnel, ensuring that all necessary water, gas, and electric services are readily available for use, and to maintain and repair all roadways.

2. The Board has jurisdiction over this matter pursuant to *N.J.A.C. 14:3-2.3(c)*, which reads as follows:

"In the event of a disagreement between a utility and a municipality or other utility as to the necessity of repair, replacement, or modification of a utility pole, facilities or attached equipment, the matter shall be submitted to the Board for determination."

3. Copies of all correspondence and other communications relating to this proceeding should be addressed to:

**Steven C. Rother, Esq.
Post, Polak, Goodsell, MacNeill & Strauchler, P.A.
425 Eagle Rock Avenue, Suite 200
Roseland, NJ 07068**

-and-

**Village Clerk
Township of South Orange Village
76 South Orange Avenue, 3rd Floor
South Orange, NJ 07079**

-and-

**Alexander C. Stern, Esq.
PSE&G Services Corporation
80 Park Plaza, T5G
Newark, NJ 07102**

-and-

**Everton Scott, Senior Public Affairs Manager
PSE&G
150 Circle Avenue
Clifton, NJ 07011**

BACKGROUND

4. The Village is a duly organized municipal corporation of the State of New Jersey and is governed by a special Charter enacted by the New Jersey Legislature. The Governing Body is comprised of six Trustees and a Village President.

5. Public Service Electric and Gas Company ("PSE&G") is the Village's sole provider of electric power. Approximately 16,964 residents¹ reside in South Orange Village.

6. The Village is located such that on its eastern border the major thoroughfares (South Orange Avenue and Irvington Avenue) are or have the potential of being corridors for criminal activity. Additionally, the Village is in close proximity the Garden State Parkway as well as Interstates 78 and 280. The combination of these factors makes the Village a potential thoroughfare for drivers that wish to avoid the more heavily travelled roads.

7. Currently, there exists an Automated License Plate Reader Camera ("ALPR") on Irvington Avenue in the Village. To combat and deter potential crime, the Village has requested permission from PSE&G to install another, more efficient ALPR, on a PSE&G light pole within the Village on South Orange Avenue as an "unmetered service" under PSE&G's New Jersey Board of Public Utilities ("BPU") approved "Tariff for Electric Service" ("Tariff"), *B.P.U.N.J.* 15, adopted pursuant to *N.J.A.C.* 14:3-1.3.

8. PIPS Technology ("PIPS") is the manufacturer of the ALPRs that the Village proposes to mount on PSE&G's light poles. According to the Manufacturers Data Sheet ("Data Sheet") provided by PIPS, the ALPRs have the ability to capture license plate images in real-time and alert local law enforcement of the presence of vehicles that trigger a "database hit." (see attached Data Sheet, at Exhibit A). Namely, this would include vehicles and/or people who are being sought by various law enforcement agencies.

9. Having an ALPR available along South Orange Avenue in the Village will be a significant asset in the mitigation of criminal activity and the apprehension of wanted persons. ALPRs are an innovative technology that would allow the Village to advance important public

¹ According to the U.S. Census Bureau Report of 2000.

policy initiatives by strengthening the safety of its roads and neighborhoods through a proactive method of interdicting crime.

PSE&G'S DENIAL OF REQUEST TO MOUNT ALPRS TO LIGHT POLES

10. In a letter dated June 3, 2015 ("Denial Letter"), PSE&G formally declined the Village's request to mount ALPRs on light poles for use by law enforcement (see attached Denial Letter, at **Exhibit B**). In part, PSE&G contended as follows:

The ALPR device is not eligible for "unmetered service" as described in the tariff because there is no way to bill for its usage or even adequately estimate the usage. Pursuant to the Tariff, unmetered service is supplied at the discretion of Public Service where estimates can be based upon adequate information. Absent Adequate information, the service must be metered.

11. The BPU Tariff outlines the qualifications for unmetered service, in relevant part, as follows:

Unmetered service will be supplied, at the discretion of Public Service, where estimates of kilowatts and kilowatt hours are based upon information supplied by the customer and agreed to by Public Service. Such estimates of demand and usage shall be constant on a monthly basis. Customers taking service under this Special Provision shall be subject to a monthly Unmetered Service Charge of \$1.83 (\$1.96 including SUT) in lieu of the Service Charge hereinbefore set forth.

Customer shall notify Public Service in writing at any time as to changes in conditions or operation of the equipment which may affect estimates of demand or use. Public Service reserves the right to meter any and all such installations where customer does not comply, and customer will no longer be eligible for service under this Special Provision. (See Section 7.1 of the Standard Terms and Conditions.) The customer may be required to furnish and install, at its own expense, a load-limiting device approved by Public Service, which shall be maintained by Public Service at customer's expense.

[BPU Tariff, *B.P.U.N.J.* 15, "Special Provisions," at Original Sheet 134, paragraph (e); available at

<https://pseg.com/family/pseandg/tariffs/electric/index.jsp> (last visited July 1, 2015).]

12. Despite PSE&G's contention, as early as April 20, 2015, Village Trustee Howard Levison advised Everton Scott, Senior Public Affairs Manager at PSE&G, of the minimal power required to power the cameras, which was less than 100 watts of continuous power, as stated in Data Sheet attached to the email. (See attached Email dated April 20, 2015 and April 21, 2015, at Exhibit C). In fact, according to the Data Sheet, the required power is "typically less than 20 watts."

13. Additionally, PSE&G argues in their Denial Letter that the ALPRs are also not subject to metered service because "all service installations must comply with the enumerated requirements in the 'Information and Requirements for Electric Service' (commonly referred to as the "Green Book")." The letter goes on to state, "[t]he Green Book specifically instructs that meters and/or disconnects are not permitted on PSE&G or jointly owned poles."

14. There is no reason why ALPRs should not qualify for unmetered service as, without meters, the Village can provide all necessary information to PSE&G regarding accurate power usage. Furthermore, to comply with PSE&G's Tariff, the Village will pay for unmetered service of the ALPRs at the rate of 100 watts per camera. This equals the power usage at peak traffic times, and also comports with the Tariff by providing a "constant usage on a monthly basis." See BPU Tariff, *B.P.U.N.J.* 15, "Special Provisions," at Original Sheet 134, paragraph (e), quoted *supra* at paragraph 11.

15. Another concern raised by PSE&G in prior discussions was the belief that the ALPRs function similarly to a "red-light camera," which could then lead to liability for PSE&G

due to camera-related errors.² This is simply not correct, as ALPRs are not used to detect violations but merely to identify vehicles maintained in law enforcement databases. ALPRs themselves do not make determinations about violations. Instead, ALPRs will be used in connection with existing Local and State databases to cross-reference license plate numbers with vehicles associated with prior criminal activity. This will allow law enforcement to apprehend violators in instances where previously it would not have had the ability to determine an individual's status but-for personally running a search on individual license plates. The sole function of these cameras is to identify the license plates themselves, and any criminal history a database might contain about that plate, so that officers can be dispatched quickly and efficiently to apprehend known violators.

16. The Village aims to support its public safety initiatives through these advances in technology. ALPRs are fundamentally different from "red-light cameras" because, as the Village intends to use them, they would not be relied on to make violation determinations. Instead, the purpose of fixed ALPRs at high-volume intersections in the Village would be to allow the police department to maintain a presence at those locations in order to apprehend those who have previously broken the law. The Village's goal is to increase the safety of its residents by increasing its ability to monitor multiple locations. The ALPRs give the Village the ability to cross-reference potentially thousands of license plates per day, simultaneously against multiple Local and State databases, to identify, including but not limited to, stolen vehicles, Silver Alerts, and vehicles registered to individuals with outstanding warrants. The addition of this technology will help the Village police department deploy its resources and manpower more efficiently to help prevent future crimes.

² See generally N.J.S.A 39:4-8.12 et. seq., which authorizes the use of red-light cameras as a pilot program for traffic monitoring systems; and see New Jersey Department of Transportation RLR FAQ (available at <http://www.state.nj.us/transportation/refdata/rlr/faq.shtm> , last visited July 1, 2015).

17. Lastly, the Denial Letter recommends “if South Orange would like to place its own poles, PSE&G would meter the device on the poles that South Orange owns.” To follow PSE&G’s suggestion would not only create unnecessary pole clutter along a major corridor, but it would also cost the Village thousands of dollars to install.

18. Simply put, there is no need to increase the number of the light poles on Village streets in order to achieve the Village’s objective. Moreover, it is important to note that light poles (as opposed to utility poles) are the only poles in the Village that can provide the required electric power and are currently located along the critical streets. This is due to the unique fact that in the Village all “utility” poles are located in rear yards, thus making them ineffective for the mounting of ALPRs in order to monitor vehicular traffic. Given their proximity to all major roads in the Village, light poles are the most advantageous facility on which to place the ALPRs. Finally, the installation of these cameras would neither impact PSE&G’s ability to supply safe, adequate, and proper electrical service to its customers, nor would it affect the PSE&G employees’ work environment in any significant way.

A PROCEDURE HAS ALREADY BEEN ESTABLISHED BY PSE&G TO ALLOW FOR SURVEILLANCE TECHNOLOGY ATTACHMENTS

19. On April 19, 2010, PSE&G published Bulletin 10-021 (“Bulletin”), which outlines the process and procedures that allow a municipality to apply for and attach surveillance technology to PSE&G wholly owned poles (**Exhibit D**). While the Bulletin discusses the requirements necessary to place Closed-Circuit Television (“CCTV”) cameras on light poles, identical procedures could allow for the installation of more recent technologies, such as the ALPRs, and may even be less burdensome than CCTV installation due to the refinement of technology in the area of wireless networks and compact data storage.

20. For these reasons, it is respectfully requested that the Board issue an Order allowing for the placement of ALPRs on PSE&G wholly owned light poles.

PREFILED TESTIMONY, SCHEDULES AND EXHIBITS

Attached hereto and made a part of this Verified Petition are the following prefiled exhibits thereto:

Exhibit A - Spike+ Model P372 Data Sheet

Exhibit B - June 3, 2015 Denial Letter

Exhibit C - Emails between Village Trustee, Howard Levison, and PSE&G

Exhibit D - PSE&G Bulletin 10-021 regarding Surveillance Technology Attachments

SERVICE OF PETITION

Pursuant to *N.J.A.C. 14:1-4.2*, an original and ten (10) conformed copies of this Verified Petition and of all exhibits thereto have been or will be filed with the Board for its own use, along with two (2) additional conformed copies for service by the Secretary in accordance with the provisions of *N.J.A.C. 14:1-4.5* upon Alexander C. Stern, Esq. and Everton Scott, PSE&G Services. In addition, a courtesy copy shall be duly served by Lawyers Service at the time of the filing hereof upon Alexander C. Stern, Esq., PSE&G Services Corporation, 80 Park Plaza, T5G, Newark, NJ 07102, and upon Everton Scott, Senior Public Affairs Manager, PSE&G, 150 Circle Avenue, Clifton NJ 07011.

CONCLUSION

WHEREFORE, the Petitioner, Township of South Orange Village, respectfully requests that the Board issue a final decision and order:

- (1) Approving the Village's Request to mount Automated License Plate Readers on PSE&G Light Poles as currently set forth in PSE&G's Tariff for Service, B.P.U.N.J. No. 15 – ELECTRIC as an "unmetered service".

- (2) Approving the unmetered service of the ALPRs to be billed on a constant monthly basis, consistent with the Electric Tariff, at a consumption rate of 100 watts per camera.

Respectfully Submitted,

POST, POLAK, GOODSSELL, MACNEILL &
STRAUCHLER, P.A.
Attorneys for Petitioner, Township of South Orange
Village

Dated: July 2, 2015

By: _____


Steven C. Rother, Esq.


AFFIDAVIT OF VERIFICATION

Howard Levison, being duly sworn upon his oath, deposes and says:

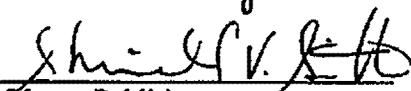
1. I am a member of the Board of Trustees for the Township of South Orange Village, Petitioner named in the foregoing Verified Petition, and I am duly authorized to make this Affidavit of Verification on its behalf.

2. I have read the contents of the foregoing Verified Petition by the Township of South Orange Village seeking approval from the BPU to mount Automated License Plate Reader Cameras on light poles owned by PSE&G as an "unmetered service" pursuant to B.P.U.N.J. 15 - Electric Tariff for Services, and I hereby verify that the statements of fact and other information contained therein are true and current to the best of my knowledge, information and belief.

Dated: July 8, 2015

By: 
Howard Levison

Sworn to and subscribed before me
this 8th day of July, 2015


(Notary Public)

County/City of Orange
Commonwealth/State of New Jersey
I certify this to be a complete, full, true and
exact reproduction of the original document
Certified this 8th day of July, 2015

Notary Public
My Commission Expires: 01/17/2019