



Stephen R. Bishop
Deputy General Counsel
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August 13, 2021

VIA ELECTRONIC MAIL

Hon. Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Ave., 3rd Fl., Suite 314
P.O. Box 350
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 the Township
of Mansfield, Burlington County**

Dear Secretary Camacho-Welch:

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.

By copy of this letter, I am providing the Department of Law & Public Safety and the Division of Rate Counsel with a copy of the Petition via email as well. New Jersey-American Water understands that the New Jersey Board of Public Utilities has waived all regulations requiring the filing of paper copies pursuant to its March 19, 2020 Order in Docket No. EO20040254, *I/M/O the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations*. We will provide paper copies to the BPU and all parties, as necessary, once the waiver is lifted.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Stephen R. Bishop
Deputy General Counsel

SRB:dlc

Attachments

cc: Stefanie Brand, Director, Division of Rate Counsel
Pamela Owen, DAG, Division of Law, Department of Law & Public Safety

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF
NEW JERSEY-AMERICAN WATER
COMPANY, INC. FOR APPROVAL OF A
MUNICIPAL CONSENT GRANTED BY
THE TOWNSHIP OF MANSFIELD,
COUNTY OF BURLINGTON

PETITION
BPU DOCKET NO.

TO: THE HONORABLE BOARD OF PUBLIC UTILITIES

Petitioner, New Jersey-American Water Company, Inc. (“NJAWC” or “Petitioner”), a duly organized and existing public utility corporation of the State of New Jersey, with its principal office at 1 Water Street, Camden, New Jersey, 08102, hereby petitions the Board of Public Utilities (“Board”) for authorization, pursuant to N.J.S.A. 48:2-14, N.J.S.A. 48:3-11 to 15, N.J.S.A. 48:19-17 and 48:19-20 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, to approve a municipal consent ordinance granted to NJAWC by the Township of Mansfield (the “Township”). In furtherance of this Petition, NJAWC states as follows:

1. NJAWC is a regulated public utility corporation engaged in the production, treatment and distribution of water and collection 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.

2. By this Petition, NJAWC is seeking approval of municipal consent Ordinance No. 2021-11, adopted by the Township Committee of the Township in the County of Burlington, State of New Jersey on July 21, 2021 (the “Ordinance”), a copy of which is attached hereto as Exhibit A.

(“Municipal Consent”) Said Ordinance was introduced and adopted pursuant to N.J.S.A. 48:2-14, N.J.S.A. 48:3-11 to 48:3-15, N.J.S.C. 14:1-5.5 to permit Petitioner to lay its pipes, valves, pumps, manholes and other equipment and related facilities to extend, operate and maintain sewer collection and treatment facilities (collectively, the “Facilities”) to expand NJAWC’s existing franchise to provide sanitary sewer service in the Township to Block 3 Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7. (the “Proposed Franchise Area”).

3. The Township encompasses approximately 21.89 square miles and has a population of approximately 8,580 people. With a population density of approximately 393.0 per square mile.

4. The Proposed Franchise Area encompasses the Mansfield Warehousing Area as shown on the map attached as Exhibit B, more specifically described as Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7 in the Municipal Consent.

5. The extension of the NJAWC’s franchise territory is necessary and proper for the public convenience and properly conserves the public interest by permitting the provision of sewer utility service to allow for the Mansfield Warehouse project to proceed. Approval will ensure that sewer service in the Proposed Franchise Area will be provided by an experienced owner/operator under the jurisdiction of the NJDEP and the Board.

6. In adopting the Ordinance, the Township recognized that 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 that it is in the public interest for the Facilities to be owned and operated by Petitioner. The 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 the financial wherewithal to maintain and improve the Facilities.

7. Approval of the Municipal Consent submitted to the Board with this Petition will serve the public interest by permitting NJAWC to provide wastewater utility service within the Township, and to leverage its experience, expertise and economies of scale to benefit the customers


of the Facilities. NJAWC's significant resources will provide safe, efficient service as well as system reliability to the Township.

8. For the reasons stated above, 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. NJAWC has not commenced the expansion of its existing partial sewer franchise within the Proposed Franchise Area.

WHEREFORE, Petitioner respectfully requests that the Board approve Municipal Consent Ordinance No. 2021-11 of the Township and grant such other and further relief as the Board may deem reasonable and appropriate under the circumstance.

Respectfully submitted,

By: 
Stephen R. Bishop, Esquire
Corporate Counsel
Attorney for Petitioner,
New Jersey-American Water Company, Inc.

Dated: August 12, 2021

Communications addressed to the
Petitioner in this case are to be sent to:

Stephen R. Bishop, Esquire
New Jersey-American Water Company, Inc.
1 Water Street
Camden, NJ 08102
856-309-4589

VERIFICATION


STATE OF NEW JERSEY

ss.

COUNTY OF CAMDEN

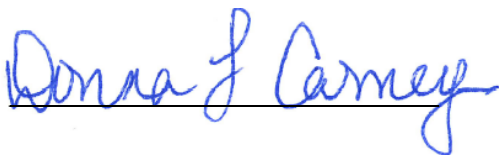
I, John S. Tomac, of full age, being duly sworn according to law, upon my oath depose and say:

1. I am the Director of Rates and Regulation, New Jersey-American Water Company, Inc., the Petitioner herein, and am authorized to make this verification on behalf of said Petitioner.
2. I have reviewed the within Petition and the attachments thereto, and the information contained therein is true and accurate according to the best of my knowledge, information and belief.



John S. Tomac

Sworn to and subscribed before me
this 12th day of August, 2021.



Donna J. Carney



Donna Carney
Notary Public
State of New Jersey
My Commission Expires May 24, 2023

Exhibit A

Ordinance

**TOWNSHIP OF MANSFIELD
COUNTY OF BURLINGTON**

ORDINANCE 2021-11

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY GRANTING CONSENT TO NEW JERSEY AMERICAN WATER
COMPANY, INC. TO PERMIT THE CONSTRUCTION, EXPANSION AND MAINTENANCE OF
SEWER FACILITIES ON PRIVATE AND PUBLIC PROPERTY TO SERVICE DEVELOPMENT ON
PROPERTY KNOWN AS BLOCK 3, LOT 5.03 AND BLOCK 4, LOTS 6.01 & 7 ON THE OFFICIAL
TAX MAP OF MANSFIELD TOWNSHIP**

WHEREAS, New Jersey-American Water Company, Inc. ("Company") is a regulated public utility corporation of the State of New Jersey seeking approval from the Township of Mansfield ("Township") of an exclusive and perpetual franchise to provide sewer service within the Township, and more specifically and limited to Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7 as designated on the official tax map of the Township of Mansfield, and the municipal consent of the Township to permit said Company to extend sewer service and its related facilities ("sewer facilities") to said Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7 in the Township; and

WHEREAS, the Company has requested the approval of an exclusive and perpetual franchise to provide sewer service limited to said Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7, pursuant to N.J.S.A. 48:2-14, and pursuant to rates and tariffs approved by the New Jersey Board of Public Utilities; and

WHEREAS, the Company has requested the consent of the Township as required by N.J.S.A. 48:3-11 and 48:3-15 for the use of the public streets, identified on the map attached hereto and made a part hereof as Exhibit A, with such consent limited to the fifty (50) year duration set forth in N.J.S.A. 48:3-15, including the consent of the Township pursuant to N.J.S.A. 48:13-11, as amended, to lay its pipes, valves, pumps, manholes and other equipment and related facilities ("sewer facilities") beneath and restore such public roads, streets and places as it may deem necessary for its corporate purposes, free from all charges to be made for such privilege, provided that said 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 the Township desires and permits the Company to construct and maintain sewer service and the sewer facilities on and along said roads, streets and places at locations to be designated by the Township in order to provide such sanitary sewer service to Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Mansfield in the County of Burlington, State of New Jersey as follows:

Section 1.

The Township hereby grants unto the Company, its successors and assigns, in perpetuity, the exclusive franchise to provide sewer service within the Township limited in this Ordinance to said Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7, pursuant to N.J.S.A. 48:2-14.

Section 2.

The Township hereby grants unto the Company, its successors and assigns the municipal consent to use the streets shown on the map attached as Exhibit A pursuant to N.J.S.A. 48:3-11 and 48:3-15, with such consent limited to the fifty (50) year duration set forth in N.J.S.A. 48:3-15; as well as the municipal consent as required pursuant to N.J.S.A. 48:13-11 as amended, without charge therefore, as the same may be required in order to permit the said Company to add to, extend, operate and maintain said sewer collection and treatment facilities on public and private property located in the Township. The privilege granted herein shall include the construction installation and maintenance of sewer service and its related sewer facilities on and along the Township roads, streets and places at locations as the Township shall designate from time to time. The consent provided in this Ordinance is limited to expanding the Company's existing franchise to provide service to Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7 and does not otherwise modify or amend the Company's existing franchise to provide sanitary sewer service in the Township.

Section 3.

Certified copies of this Ordinance, upon final passage, shall be sent to the Company who shall forward same to the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

Section 4.

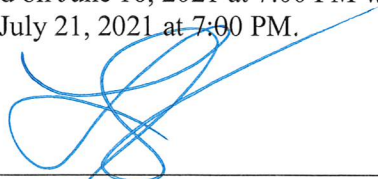
The consent granted herein shall be subject to the Company complying with the applicable Township Ordinances, including but not limited to, the requirements for review, inspections, performance guarantees and review and inspection escrows, State of New Jersey Statutes and any New Jersey Administrative agency's rules and regulations which apply to the subject matter of this Ordinance; and that the Mayor and Committee of the Township are authorized to execute any documents and agreements necessary to effectuate the municipal consent granted herein and to protect the rights of the public involved.

Section 5. ***REPEALER, SEVERABILITY AND EFFECTIVE DATE***

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

CERTIFICATION

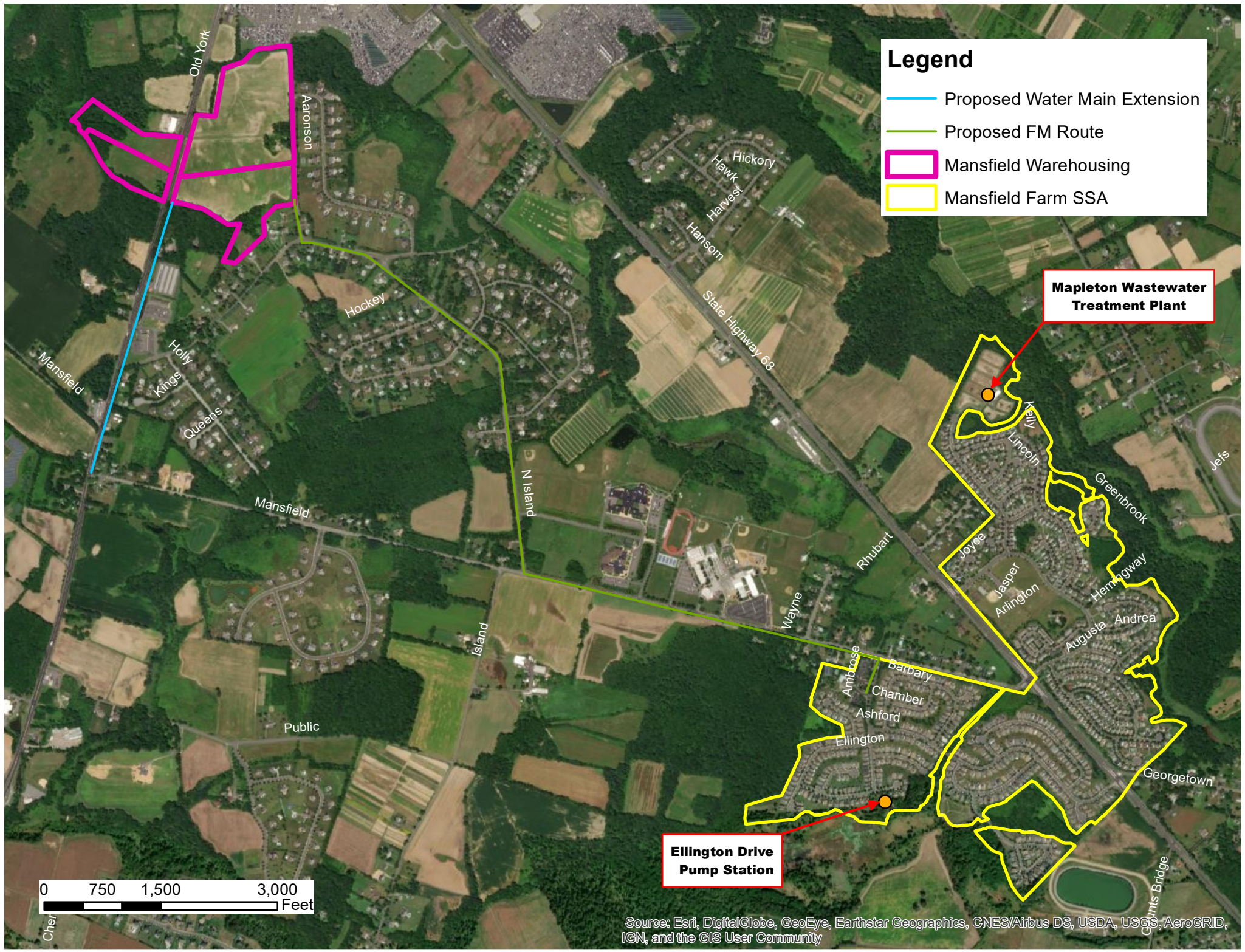
I, **Linda Semus, RMC, CMR**, Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance which was introduced by the Mansfield Township Committee, County of Burlington, State of New Jersey at their regular meeting held on June 16, 2021 at 7:00 PM with a Second Reading, public hearing and final adoption held on July 21, 2021 at 7:00 PM.



LINDA SEMUS, RMC, CMR
Municipal Clerk

Exhibit B

Mansfield Warehousing Area



Legend

- Proposed Water Main Extension
- Proposed FM Route
- Mansfield Warehousing
- Mansfield Farm SSA

Mapleton Wastewater Treatment Plant

Ellington Drive Pump Station

