



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

BOARD OF PUBLIC UTILITIES
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

Kristi Izzo
Secretary of the Board
Tel. # (609) 292-1599

October 4, 2012

To: Parties on the attached service list

Re: Appellate Ruling, June 22, 2012
Docket No. AX12070601 - In the Matter of the Board's Main Extension Rules
N.J.A.C. 14:3-8.1 et seq., 426 N.J. Super. 38 (App. Div. 2012)

Please be advised that on June 22, 2012, the Appellate Division ruled in the aforementioned proceeding and reversed and remanded the matter to the Board and Ordered the Board to apply full retroactivity to the Centex decision (In re Centex Homes, LLC, 411. N.J. Super. 244 (App. Div. 2009). The Court also indicated that its decision must be implemented through a rulemaking process pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), and that in addition to time, place and manner requirements for refund requests, the Board may consider whether costs associated with the invalidated rules were passed on to home buyers by developers.

In the near future, a stakeholder process will convene to advance a rulemaking process to amend the Board's Main Extension Rules at N.J.A.C. 14:3-8.1 et seq. In order to prepare a proposal for the stakeholder process, all utilities must review their records from March 1, 2005 through December 30, 2009 and identify the following:

1. All main extensions built where refunds were denied based on the identified designated growth area / area not designated for growth distinction of N.J.A.C. 14:3-8.1 et seq.;
2. A list of each extension including: the name of the applicant; the name of the current utility account holder at the location of the extension; whether the extension was made for a single residential customer or a multi-unit or nonresidential development; the amount paid; and whether the extension was built for the applicant's own use or built to sell; and
3. Any amount that would constitute a non-refundable contribution in aid of construction under the Board's rules at N.J.A.C. 14:3-8.1 for reasons other than the designated growth area / area not designated for growth distinction.

This information must be provided no later than December 3, 2012 and submitted in the following formats:

1. By e-mail in **Microsoft Word format**, or in a format that can be easily converted to Word, to rule.comments@bpu.state.nj.us; and
2. Six (6) copies on paper to:

Kristi Izzo, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: AX12070601
44 South Clinton Ave., 9th floor
Post Office Box 350
Trenton, NJ 08625-0350

Sincerely,



Kristi Izzo
Secretary of the Board

/ac

In the Matter of the Board's Main Extension Rules N.J.A.C. 14:3-8.1 et seq.
Docket No. AX12070601

SERVICE LIST

Lou Waters
Atlantic City Sewerage Company
1200 Atlantic Avenue
Suite 300
Atlantic City, NJ 08404
lwaters@acsewerage.com

Mike Sgro
New Jersey American Water Company
131 Woodcrest Road
Cherry Hill, NJ 08034
michael.sgro@amwater.com

Frank Simpson
New Jersey American Water Company
131 Woodcrest Road
Cherry Hill, NJ 08034
Frank.Simpson@amwater.com

Ken Quinn
Middlesex Water Company
1500 Ronson Road
PO Box 1500
Iselin, NJ 08830-0452
Kquinn@middlesexwater.com

Bruce O'Connor
Middlesex Water Company
1500 Ronson Road
PO Box 1500
Iselin, NJ 08830-0452
aboconnor@middlesexwater.com

Bill Davis
Aqua New Jersey Water Company
10 Black Forest Road
Hamilton, NJ 08691
WBDavis@aquaamerica.com

Jim Cagle
United Water New Jersey
200 Old Hook Road
Harrington Park, NJ 07640-1716
Jim.cagle@unitedwater.com

Eric Olsen
Shorelands Water Company
1709 Union Avenue
Hazlet, NJ 07730
eolsen@shorelandswater.com

Dave Ern
Gordon's Corner Water Company
475 County Road 520
Marlboro, NJ 07746
dqern@gordonscornerwater.com

Sylvia L. DeVecchio
Senior Consultant
State Government Relations
Verizon Communications, Inc.
540 Broad Street, Floor 17
Newark, NJ 07101
Sylvia.l.del.vecchio@verizon.com

Jim P. Roberts
Regulatory Affairs
CenturyLink
240 North 3rd Street
Suite 200
Harrisburg, PA 17101
Jim.roberts@CentruryLink.com

Scott Sommerer, Director
Regulatory Compliance & Strategy
WVT Communications
Post Office Box 592
47 Main Street
Warwick, NY 10990
s.sommerer@wvtc.com

Ira G. Megdal, Esq.
Cozen O'Connor
457 Haddonfield Road
Suite 300
Cherry Hill, NJ 08002

John L. Carley, Esq.
Assistant General Counsel
Consolidated Edison of NY, Inc.
Law Department, Room 1815-S
4 Irving Place
New York, NY 10003

Tamara L. Linde, Esq.
Vice President – Regulatory
PSEG Services Corporation
80 Park Place
TSG
Newark, NJ 07102

Mary Patricia Keefe, Esq.
Vice President, Regulatory Affairs
300 Connell Drive, Suite 3000
Berkeley Heights, NJ 07922

Philip J. Passanante, Esq.
Associate General Counsel
ACE- 92DC42
500 North Wakefield Drive
P.O. Box 6066
Newark, DE 19714-6066

Gregory Eisenstark, Esq.
Morgan Lewis & Bockius LLP
89 Headquarters Plaza North
Suite 1419
Morristown, NJ 07960

Tracey Thayer, Esq.
New Jersey Natural Gas Company
1415 Wyckoff Road
Wall, NJ 07719

Roger E. Pedersen
Manager, NJ Regulatory Affairs
External Issues and Compliance
ACE- 63ML38
5100 Harding Highway
Mays Landing, NJ 08330

Michael J. Connolly, Esq.
Morgan Lewis & Bockius LLP
89 Headquarters Plaza North
Suite 1419
Morristown, NJ 07960

Kristi Izzo
Secretary of the Board
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Tricia Caliguire
Chief Counsel
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Maria Moran, Director
Division of Water
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Jerry May, Director
Division of Energy
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Anthony Centrella, Director
Division of Telecommunications
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Eric Hartsfield, Director
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Jake Gertsman
Legal Specialist
Counsel's Office
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Michael Kammer, Chief
Division of Water
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Kenneth Welch
Administrative Analyst
Division of Water
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Jackie Galka
Division of Energy
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Geoffrey Gersten, DAG
Department of Law and Public Safety
Division of Law
124 Halsey St. 5th Floor
P.O. Box 45029
Newark, NJ 07101