

Pursuant to the Agreement, which resolves a dispute with respect to unbilled and unpaid charges for water consumption at premises located at 6001 Polk Street, West New York, New Jersey, the Petitioner has agreed to pay \$9,976.94 to Respondent in full and final satisfaction for unbilled and unpaid water consumption provided at the subject premises. The parties have further agreed that the Agreement supersedes any prior bills and that the Petitioner is free to share the information with the North Hudson Sewer Authority in the event that an additional sewer bill may be required.

The parties have also agreed that Respondent could reserve its right to collect \$14,252.65 in the event that the Petitioner defaults making the settlement payment or tampers with the meter after the date of the Settlement Agreement. As part of the Agreement, Petitioner will voluntarily dismiss its petition in this matter.

After review of the Initial Decision and the Settlement Agreement of the parties, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the Agreement as evidenced by their signatures and that by the terms of the Settlement Agreement have fully resolved all outstanding contested issues in this matter.

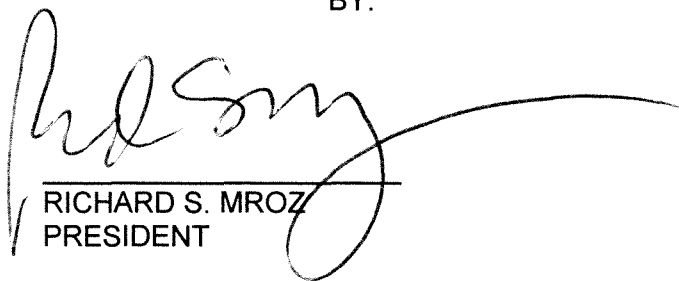
Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and Settlement Agreement executed by the parties in their entirety as if set forth at length herein..

This order shall be effective on August 1, 2015.

DATED:

July 23, 2015

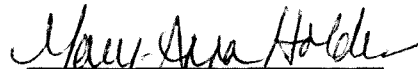
BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



JOSEPH L. FIORDALISO
COMMISSIONER

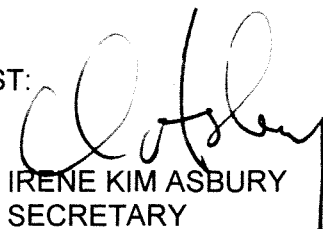


MARY-ANNA HOLDEN
COMMISSIONER



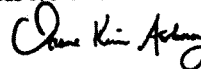
DIANNE SOLOMON
COMMISSIONER

ATTEST:



IRENE KIM ASBURY
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



HERNANDEZ REALTY P/A 6100 POLK STREET, WEST NEW YORK, NJ

V.

UNITED WATER NEW JERSEY

BPU DOCKET NO. WC14010059U

OAL DOCKET NO. PUC 05138-14

SERVICE LIST

Mario M. Blanch, Esq.
440 65th Street
West New York, New Jersey 07093

Hernandez Realty P/A 6001 Polk Street,
West New York, NJ
5418 Bergenline Avenue
West New York, New Jersey 07093-1697

John P. Wallace, Esq.,
171 East Ridgewood Avenue
Ridgewood, New Jersey 07450

Christopher Psihoules DAG
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07102-45029

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

Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

Case management

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 05138-14

AGENCY DKT. NO. WC14010059U

**HERNANDEZ REALTY P/A 6001 POLK
STREET, WEST NY, NJ,**

Petitioner,

v.

UNITED WATER NEW JERSEY,

Respondent.

Mario M. Blanch, Esq. on behalf of petitioner

John P. Wallace, Esq. on behalf of respondent (United Water New Jersey)

Record Closed: June 12, 2015

Decided: June 15, 2015

BEFORE KIMBERLY A. MOSS, ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to-15 and N.J.S.A. 52:14F 1 to- 13. A telephone prehearing was conducted during which time the hearing date was scheduled. Several hearings and telephone conferences were scheduled, the last being March 23, 2015. During the March 23, 2015 conference the parties resolved all issues in dispute. On June 12, 2015 respondent's counsel submitted a Stipulation of Settlement, which is attached hereto for reference.

I have reviewed the record and terms of the Stipulation of Settlement and **FIND:**

1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

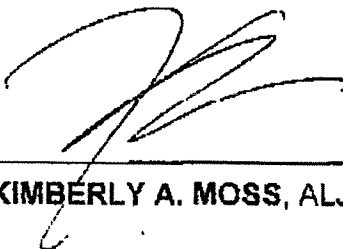
I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby concluded.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

6-15-13

DATE



KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties:

ljb

Jun 16, 2015 2:48PM

RECEIVED

SETTLEMENT AGREEMENT

2015 JUN 12 P 1:05

WHEREAS HERNANDEZ REALTY & 6001 POLK STREET LLC (hereinafter "Customer") and UNITED WATER NEW JERSEY, (hereinafter "UWNJ") have agreed to a resolution of a dispute with respect to unbilled and unpaid charges for water consumption at premises at 6001 Polk Street, West New York, New Jersey, it is hereby agreed by said parties as follows:

1. Customer agrees to pay the total settlement sum of \$9,976.94 to UWNJ for the unbilled and unpaid water consumption provided to the property at 6001 Polk Street, West New York, New Jersey, in full and final satisfaction, of the disputed bill issued by UWNJ to Customer, dated November 13, 2013, copy of which is attached hereto as "EXHIBIT A".

2. This settlement agreement supersedes the disputed bills, and constitutes a new service charge for the usage of water that shall be paid as and due within ten (10) days of the date of this Settlement Agreement. Said parties agree that Customer is free to share the content of this settlement agreement with NORTH HUDSON SEWER AUTHORITY (hereinafter "NHSA") in the event that a sewer bill results from the unbilled water consumption that is the subject of this settlement agreement. Said parties acknowledge that NHSA is separate from and unaffiliated with UWNJ and UWNJ has no input or control with respect to NHSA, its management or operations.

3. UWNJ reserves the right to collect \$14,252.65 in the event that Customer defaults in making the settlement payment due per the settlement agreement or tampers with the meter after the date of this Agreement.

4. Customer agrees to file voluntary dismissals of its complaints against UWNJ filed

and/or pending in: (i) the Office of Administrative Law under Docket Number WC14010059-U, and (ii) the Superior Court of New Jersey, Bergen County under Docket Number L-868-15 within 7 days of the date hereof.

5. This Settlement Agreement is not an acknowledgment of wrongdoing by either party.

DATED: March , 2015

3001 POLK STREET LLC
& HERNANDEZ REALTY

by

March , 2015

UNITED WATER NEW JERSEY

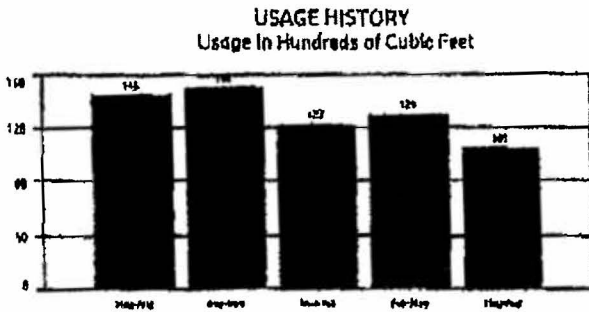
by

Laurent Carrot
Vice President & General Manager



UNITED WATER

United Water New Jersey
 Customer Service Center
 69 DuVoie Place
 Pockansack, NJ 07601
 Telephone: 800-422-5987
 www.unitedwater.com



Next meter reading date on or about 02/12/2014

Billing Date:	11/13/13
Account Number:	[REDACTED]
Previous Balance	\$0.00
Payments Through 11/13/13 THANK YOU	\$846.36CR
Balance Forward	\$846.36CR
Current Charges Due 12/02/2013	\$14,899.01
TOTAL AMOUNT DUE	\$14,899.01
CORRECTED BILL	

SERVICE TO: 6001 POLK STREET LLC M SERVICE ADDRESS: 6001 POLK ST WEST NEW YORK NJ

Meter Number	Start	To	Days of Service	Meter Reading Previous	Meter Reading Present	Usage	Unit of Measure	Reading Type	Rate
88213531	05/10/13	07/31/13	82	4089	4151	62	CCF	PRORATED ESTIMATE	GSQ
88419869	07/31/13	08/15/13	16	0000	0043	A3	CCF	METER CHANGE	GSQ
						EQUIVALENT TO		78,040 GALLONS	

WATER CHARGE	\$14,427.41	DSIC SURCHARGE	\$0.41
WATER CHARGES	\$416.00	TOTAL CURRENT CHARGES	\$14,899.01
FACILITY CHARGE	\$54.31		

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

IMPORTANT MESSAGES

Save a stamp and go paperless today! Log on to www.unitedwater.com or call Customer Service to find out more information and to enroll in eBilling.

Make it easy with Direct Debit! Pay your bill automatically by having your payment electronically deducted from your checking or savings account. For details, call us or visit unitedwater.com.

Your account has been estimated. We are unable to obtain an actual meter reading. Kindly call us at 800-422-5987 to schedule a meter reading.

Approximately 14.0625% or \$2095.17 of your current period charges reflects the average Gross Receipt and Franchise Taxes which are paid to the State of New Jersey and distributed to New Jersey municipalities.

On May 31, 2013, the Company filed its first Distribution System Improvement Charge (DSIC) related to infrastructure improvements. As a result, the Company will be implementing a surcharge effective July 15, 2013. The surcharge is a fixed amount based on meter size and is only applicable to General Metered and Private Fire customers.

PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED.



UNITED WATER
Customer Service Center
69 DuVoie Place
Pockansack, NJ 07601

Temp - Return Service Requested

SERVICE ADDRESS: 6001 POLK ST
WEST NEW YORK NJ

Please check this box if you have made any changes to the information on the reverse side.

000005

PL : 5
6001 POLK STREET LLC M
HERNANDEZ REALTY
6418 BERGENLINE AVE
WEST NEW YORK NJ 07093-1697

10004364722220001425265000000000

Account Number:	[REDACTED]
Balance Forward	\$846.36CR
Current Charges Due 12/02/2013	\$14,899.01
TOTAL AMOUNT DUE	\$14,899.01
Payment Amount Enclosed	\$ _____

UNITED WATER NEW JERSEY
PAYMENT CENTER
PO BOX 371804
PITTSBURGH PA 15250-7804

EXHIBIT A

JOHN P. WALLACE
COUNSELLOR AT LAW

MEMBER N.J. AND N.Y. BAR

171 EAST RIDGEWOOD AVE.
RIDGEWOOD, N.J. 07450

(201) 445-3533
FAX: (201) 447-0417

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2015 JUN 12 P 1:05

June 10, 2015

Honorable Kimberly Moss
Office of Administrative Law
33 Washington Street
Newark, NJ 07102

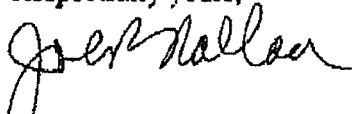
Re: Hernandez Realty P/A 6001 Polk Street, West New York, New Jersey
vs. United Water New Jersey
Billing Dispute
Docket No. WC14010059U

5704 Hudson Realty, LLC vs. United Water New Jersey
Billing Dispute
Docket No. WC12121170U

Dear Judge Moss:

As directed by your assistant, Ms. Bryant, I am enclosing original Settlement Agreement pertaining to the above matters.

Respectfully yours,


JOHN P. WALLACE

JPW:pj
Enclosures

cc: Mario Blanch, Esq. (w/out enclosures)



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
FAX TRANSMITTAL

DATE: 6-16-15
TIME: _____

TELECOPIED TO:
Donna Lee-Thomas

FAX NO:
609-777-3349

FROM: Dee Holloway

Office of Administrative Law: Newark, Trenton, Atlantic City
OFFICE (CIRCLE ONE)

973-648-6002
TELEPHONE NUMBER

FAX TELEPHONE NUMBER: (Circle One)

(Newark) 973-648-6124 (7th flr) or 973-648-³⁶⁷⁸6058 (10th flr)
(Trenton) 609-588-3730 (1st flr) or 609-588-6536 (2nd flr)
(Atlantic City) 609-441-3824

2-2
THERE ARE _____ PAGES TO FOLLOW. IF YOU DO NOT RECEIVE ALL OF
THE PAGES, PLEASE CALL THE SENDER AT THE TELEPHONE NUMBER
LISTED ABOVE. THANK YOU.