



Agenda Date: 7/22/15  
Agenda Item: VIII E

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CUSTOMER ASSISTANCE

**5704 HUDSON REALTY, LLC,**  
Petitioner

V.

**UNITED WATER NEW JERSEY**  
Respondent

)  
)  
)  
)  
)  
)  
)

ORDER ADOPTING INITIAL  
DECISION SETTLEMENT

BPU DOCKET NO. WC13121170U  
OAL DOCKET NO. PUC 02555-14

**Parties of Record:**

**Mario M. Blanch, Esq.,** appearing on behalf of Petitioner, 5704 Hudson Realty, L.L.C  
**John P. Wallace, Esq.,** appearing on behalf of Respondent, United Water New Jersey

BY THE BOARD:<sup>1</sup>

On December 13, 2013, 5704 Hudson Realty, L.L.C. ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with United Water New Jersey ("Respondent") for utility services rendered by Respondent.

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ") Kimberly A. Moss.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement Agreement ("Agreement") that was submitted to the ALJ. By Initial Decision issued on June 15, 2015 and submitted to the Board on June 16, 2015, to which the Agreement was attached and made part thereof, ALJ Moss found that the Agreement was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

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<sup>1</sup> Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

Pursuant to the Agreement, which resolves a dispute with respect to unbilled and unpaid charges for water consumption at premises located at 5704 Hudson Avenue, West New York, New Jersey, the Petitioner has agreed to pay the total settlement sum of \$44,152.47 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 \$63,074.96 in the event that the Petitioner defaults in the making of the settlement payment or tampers with the meter after the date of the Agreement. As part of the Agreement, Petitioner will voluntarily dismiss its petition in this matter.

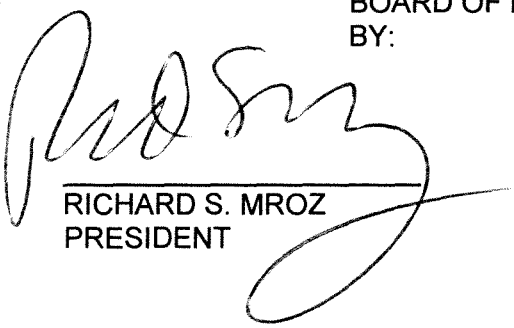
After review of the Initial Decision and the Agreement of the parties, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the Agreement as evidenced by their signatures and that by the terms of the Agreement have fully resolved all outstanding contested issues in this matter.


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

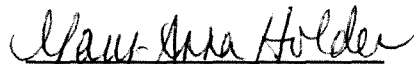
The effective date of this order is August, 1, 2015.

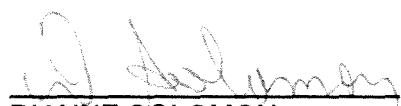
DATED: July 23, 2015


BOARD OF PUBLIC UTILITIES  
BY:

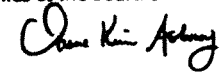
  
RICHARD S. MROZ  
PRESIDENT

  
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  


5704 HUDSON REALTY, LLC

V.

UNITED WATER NEW JERSEY

BPU DOCKET NO. WC13121170U

OAL DOCKET NO. PUC 02555-14

SERVICE LIST

Mario M. Blanch, Esq.  
440 65<sup>th</sup> Street  
West New York, New Jersey 07093

Selim Nesimi & 5704 Hudson Realty L.L.C.  
5704 Hudson Avenue  
West New York, New Jersey 07093

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

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

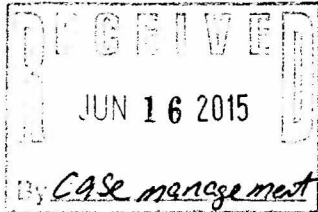
Christopher Psihoules, DAG  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**JUN 16 2015**

BOARD OF PUBLIC UTILITIES  
MAIL ROOM



**INITIAL DECISION**

**SETTLEMENT**

OAL DKT. NO. PUC 02555-14

AGENCY DKT. NO. WC13121170U

**5704 HUDSON REALTY, LLC,**

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.

*CMS*  
*V. Haynes*  
*D. Lee-Thomas*  
*E. Hartsfield*  
*J. Ford*  
*C. Jordan*  
*R Lambert*  
*E. Bestow*  
*J. Gertsma*  
*C. Vachier*

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.

6-13-15  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
KIMBERLY A. MOSS, ALJ

Date Received at Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

ljb

SETTLEMENT AGREEMENT

RECEIVED

2015 JUN 12 P 1:05

WHEREAS SELIM NESIMI & 5704 HUDSON REALTY 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 5704 Hudson Avenue, West New York, New Jersey, it is hereby agreed by said parties as follows:

1. Customer agrees to pay the total settlement sum of \$44,152.47 to UWNJ for the unbilled and unpaid water consumption provided to the premises at 5704 Hudson Avenue, West New York, New Jersey, in full and final satisfaction of the disputed bill issued by UWNJ to Customer, dated August 21, 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 \$63,074.96 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 W-1312117011  
and (ii) the Superior Court of New Jersey, Bergen County under Docket Number L-869-15  
within 7 days of the date hereof.

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

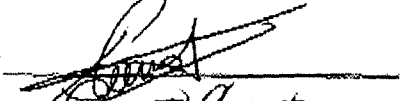
DATED: March , 2015

SELIM NESIMI &  
5704 HUDSON REALTY LLC

by 

March , 2015

UNITED WATER NEW JERSEY

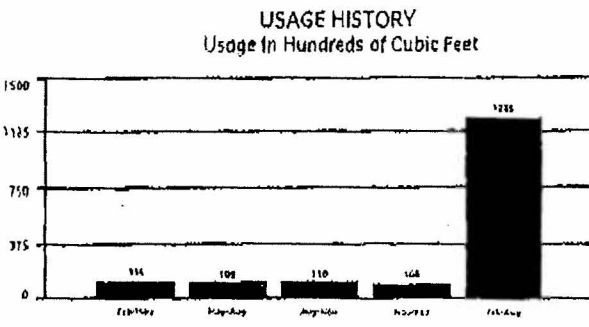
by   
Vincent Carrot  
Vice President General Mgr

114447 00004 1 2 00001 0 0 0 1



# UNITED WATER

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



Next meter reading date: on or about 11/14/2013

Billing Date:	08/21/13	
Account Number:	[REDACTED] 1111	
Previous Balance		\$0.00
Payments Through 08/21/13 THANK YOU		\$2,146.75CR
Balance Forward		\$2,146.75CR
Current Charges Due 09/09/2013		\$63,074.96
<b>TOTAL AMOUNT DUE</b>		<b>\$60,928.21</b>
CORRECTED BILL		

SERVICE TO: SELIM NESIMI M SERVICE ADDRESS: 5704 HUDSON AVE WEST NEW YORK NJ

Meter Number	Service		Days of Service	Meter Reading		Usage	Unit of Measure	Reading Type	Rate
	From	To		Previous	Present				
[REDACTED]	02/11/13	03/19/13	36	6296	6364	68	CCF	PRORATED ACTUAL	GSQ
[REDACTED]	03/19/13	08/14/13	140	0000	1137	1137	CCF EQUIVALENT TO	001,340 GALLONS	GSQ

WATER CHARGE	\$58,188.38	DSIC SURCHARGE	\$0.40
WATER CHARGES	\$4,784.21	TOTAL CURRENT CHARGES	\$63,074.96
FACILITY CHARGE	\$101.97		

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

**IMPORTANT MESSAGES**

Your consumption is based on an actual reading of your water meter. United Water's budget billing plan lets you pay the same amount each month for your water bill. Make budgeting easier sign up today. For information call our Customer Service Center at 1-800-422-5987. Save a stamp and go paperless today! Log on to [www.unitedwater.com](http://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](http://unitedwater.com). Approximately 14.0625% or \$8869.92 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. The New Jersey State Board of Public Utilities (BPU) has approved a rate increase effective December 19, 2011 for United Water New Jersey customers that is related primarily to system improvements. The typical residential customer will see an average bill increase of \$4.67 per month or approximately 16 cents per day. A schedule of new rates is being prepared and will be sent to you in the form of a bill insert and can also be viewed on our website at [www.unitedwater.com](http://www.unitedwater.com). CONTINUED ON NEXT PAGE.

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



**UNITED WATER**  
Customer Service Center  
69 DeVoe Place  
Hackensack, NJ 07601

Temp - Return Service Requested

SERVICE ADDRESS: 5704 HUDSON AVE  
WEST NEW YORK NJ

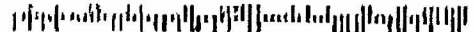
Please check this box if you have made any changes to the information on the reverse side.

000006



PL: 6  
SELIM NESIMI M  
394 JAMES WOODS CT  
NEW MILFORD NJ 07646-1463

Account Number:	[REDACTED] 1111
Balance Forward	\$2,146.75CR
Current Charges Due 09/09/2013	\$63,074.96
<b>TOTAL AMOUNT DUE</b>	<b>\$60,928.21</b>
Please make payments to: UNITED WATER NEW JERSEY	
Payment Amount Enclosed	\$ _____



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

1000595201111100006092821000000006

EXHIBIT A