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State of New Jersey

BOARD OF PUBLIC UTILITIES
44 South Clinton Avenue, 9th Floor
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Trenton, New Jersey 08625-0350
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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
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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

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