



Agenda Date: 4/27/16
Agenda Item: 5A

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

WATER

IN THE MATTER OF THE PETITION OF WILLIAM)
N. SOSIS FOR A REVIEW OF COMPLAINT NO.)
W#44-15 AND INJUNCTIVE RELIEF AGAINST)
THE RIDGEWOOD WATER COMPANY,)
RESPONDENT)
ORDER ADOPTING INITIAL)
DECISION/SETTLEMENT)
DOCKET NO. WC15080975)
OAL DOCKET NO. PUC 15788-2015N)

Parties of Record:

William N. Sosis, Esq., Petitioner
Matthew S. Rogers, Esq., Law Offices of Matthew S. Rogers, L.L.C., on behalf of
Ridgewood Water Company

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities ("Board" or "BPU") adopts the Initial Decision Settlement ("Initial Decision") of Administrative Law Judge Imre Karaszegi, Jr. ("ALJ Karaszegi"), recommending to the Board a Settlement Agreement ("Settlement") between William N. Sosis ("Mr. Sosis" or "Petitioner") and the Ridgewood Water Company ("Ridgewood Water" or "Company") (collectively, "the Parties") whereby the Parties resolved their dispute on the Company's installation of a radio frequency ("RF") water meter in Mr. Sosis' home.

BACKGROUND AND PROCEDURAL HISTORY

Ridgewood Water is a municipal water utility serving approximately 20,294 customers in the Village of Ridgewood ("Ridgewood"), Glen Rock, Midland Park, and Wyckoff. As a municipal utility with levelized (equal or the same) customer rates for its entire service territory, the Board only has jurisdiction over service and reliability issues for the municipalities served outside of Ridgewood.

By letter dated July 21, 2015, Ridgewood Water advised Mr. Sosis that his refusal to grant it access to his Midland Park residence to replace the water meter would result in suspension of service. It appeared that Mr. Sosis believed that the meter that the Company intended to install is dangerous. The Company unsuccessfully tried to assure Mr. Sosis of the meter's safety and

therefore offered to relocate the meter installation, at Mr. Sosis' cost with payment options, from the interior of his home to a pit setting located in the public right-of-way in front of his home, a distance of approximately fifty feet from the structure of the home.

By letter dated July 28, 2015, Mr. Sosis requested the Board's intervention regarding the installation of the RF metering device at his Midland Park residence. By letter dated August 4, 2015, Board Staff advised Mr. Sosis that it had ordered Ridgewood Water to hold the discontinuance of his water service for refusal of access to his home, pending the results of Staff's investigation. Board Staff also informed Mr. Sosis of the safety of the meter and his options of having a functioning meter at his premises so that the Company can provide accurate billing for water service.

On August 21, 2015, Mr. Sosis filed a Petition with the Board against Ridgewood Water to prevent the installation of a RF water meter in his home. In sum, Mr. Sosis alleged:

- 1) Ridgewood Water's "smart meters" have adverse effects on health, safety, privacy, and property rights;
- 2) Petitioner is a disabled person, therefore, exposure to a smart meter will result in imminent and irreparable harm;
- 3) Respondent's refusal to provide accommodations is violative of federal and state law;
- 4) BPU's response to Petitioner's informal complaint to either accept the smart meter or pay Respondent \$2,351.00 to have the smart meter installed in a pit at the curb in the street violate Petitioner's constitutional and property rights; and
- 5) BPU has failed to satisfy its statutory duty to protect the rights of the public by ensuring public utilities, such as Respondent, furnish safe, adequate and proper service. [Petition at 1-2]

By letter dated September 14, 2015, Ridgewood Water responded to the Petition, stating that (i) Petitioner failed to provide reasonable access to the water meter at the above address in violation of N.J.A.C. 14:3-3.6(a); (ii) the water meter was last read by the Respondent on June 8, 2011; (iii) Respondent met or exceeded the requirements in N.J.A.C. 14:3-3A.1(a)5i for notice of its actions in this case; and (iv) Petitioner suffered no harm or interruption of water service as a result of any actions or inactions by Respondent. [Answer at 1-2.]

In addition to denying any wrongdoing and asserting the lack of merits of Petitioner's claims, Respondent stated that (i) its offer to relocate the meter installation would mitigate many of Mr. Sosis' concerns while preserving its operational efficiency; (ii) the charge for materials and labor to effect the relocation would be \$2,351.00; (iii) it would be inappropriate for Ridgewood Water to absorb the cost of the alteration because, as a municipal utility, this cost would effectively and unfairly be borne by the other ratepayers; and (iv) it had offered to allow the charges to be amortized over a three-year period. Id. at 2-3.

On October 2, 2015, the Board transmitted the matter to the Office of Administrative Law ("OAL") as a contested case, after the Parties had failed to reach a settlement in the matter. The matter was assigned to ALJ Karaszegi.

On March 16, 2016, a Prehearing Conference was held at the OAL in Newark. At this meeting, the Parties executed a Settlement with the assistance of ALJ Karaszegi.

On March 22, 2016, the Board received ALJ Karaszegi's Initial Decision regarding the matter, which concluded that the Settlement met the requirements of N.J.A.C. 1:1-19.1 and should be approved. Specifically, ALJ Karaszegi found that the Parties voluntarily agreed to the Settlement, that the Settlement is consistent with the law, and that the Settlement fully disposes of all issues in dispute.

DISCUSSION AND FINDINGS

The terms of the Settlement, set out more fully in the agreement attached to the Initial Decision, are as follows:¹

1. The Company will install, at no charge, an analog meter in the Petitioner's home.
2. The Petitioner will provide quarterly meter readings to the Company, on or about March 1, June 1, September 1, and December 1 of each year.
3. The Company is permitted access to the Petitioner's home on or about March 1 of every year, to perform an actual reading of the water meter.
4. The Petitioner will be charged an annual service fee of forty five dollars (\$45.00) for the reading and separate billing of the Petitioner's meter.

After review of the Initial Decision and the record in this matter, the Board **HEREBY FINDS** that ALJ Karaszegi correctly concluded that the Settlement meets the requirements of N.J.A.C. 1:1-19.1, the Parties voluntarily agreed to the Settlement as evidenced by their signatures on the Settlement, the Settlement fully disposes of all issues in controversy, and the Settlement is consistent with the law.

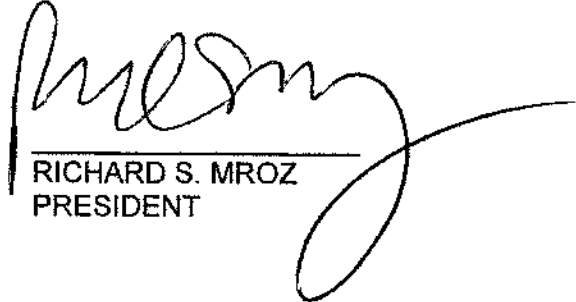
Accordingly, the Board **HEREBY ADOPTS** the Initial Decision approving the Settlement, **HEREBY ORDERS** that the Parties comply with the Settlement terms, and **HEREBY DISMISSES** the within petition with prejudice.

¹ Although described in this Order at some length, should there be any conflict between this summary and the Settlement, the terms of the Settlement control, subject to the findings and conclusions in this Order.

This Order shall be effective on May 7, 2016.

DATED: 4/27/16

BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



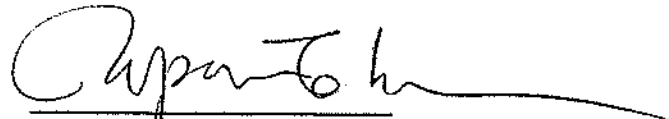
JOSEPH L. FIORDALISO
COMMISSIONER



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

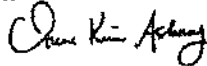


UPENDRA J. CHIVUKULA
COMMISSIONER

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



**IN THE MATTER OF THE PETITION OF WILLIAM N. SOSIS FOR A REVIEW OF
COMPLAINT NO. W#44-15 AND INJUNCTIVE RELIEF AGAINST THE RIDGEWOOD WATER
COMPANY, RESPONDENT**

**BPU DOCKET NO. WC15080975
OAL DOCKET NO. PUC 15788-2015N**

SERVICE LIST

PETITIONER

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bill@sosislaw.com

RESPONDENT- RIDGEWOOD WATER COMPANY

Matthew S. Rogers, Esq.
Law Offices of Matthew S. Rogers, L.L.C.
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msr@mrogerslaw.com

MAR 22 2016

MAIL RECEIVED



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

MAR 23 2016

CMS

INITIAL DECISION
SETTLEMENT

OAL DKT. NO. PUC 15788-15
AGENCY DKT. NO. WC15080975

WILLIAM N. SOSIS,

Petitioner,

v.

RIDGEWOOD WATER COMPANY,

Respondent.

MAR 24 2016

Water/Welch

William N. Sosis, petitioner, pro se

Matthew S. Rogers, Esq., for respondent

Record Closed: March 16, 2016

Decided: March 21, 2016

BEFORE IMRE KARASZEGI, JR., ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) on October 5, 2015, for a 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.

An in-person prehearing conference was held on March 16, 2016, and the parties, having reached an amicable resolution of the matter executed a Settlement Agreement indicating the terms thereof, which is attached and fully incorporated herein.

CMS
V. Haynes
D. Lee Thomas
M. Moran
M. Kammer
K. Welch
J. Gertsman
B. Agee
C. Vachier

Having reviewed the record and the settlement terms, I **FIND** as follows:

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

Therefore, I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. Accordingly, it is **ORDERED** that the parties comply with the settlement terms, and it is **FURTHER ORDERED** that the proceedings in this matter be 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 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.

April 21, 2016

DATE



IMRE KARASZEGI, JR., ALJ

Date Received at Agency:

Mailed to Parties:

dlc

Mulligan, Sonis

vs

RIDGEWOOD WATER CO.

RIDGEWOOD WATER DEPT.

D.K.M.O. Proc

15788-2015

Agency Ref No: WC 15080975

This matter being come before
the Honorable Judge Karaszewski, A.C.J.
on a preliminary conference on March
16, 2016, with both parties and
proponent appearing, and the
Court having discussed the merits
of the positions of the parties,
and the parties having mutually
agreed upon a resolution in
accordance with the following terms
stated below, it is on this

16th day of March, 2014 hereby
settled as follows:

① The Water Department will install
at no charge, an "analog" meter
in the petitioners home; and

② The petitioners will provide read-
quarterly, on or about March 1,
June 1, September 1, and December
1 of each year; and

③ ~~Read~~ The Water Department
is permitted access on or about
March 1 of every year to perform
a reading of the water meter;

④ Petitioners will be charged an
annual service fee of forty five
(\$45.00) dollars for the ^{reading} services
and separate billing of petitioners

meter, and

⑤ Water Department employee, Pascal

Verahega, will not be sent by

the Water Department to perform

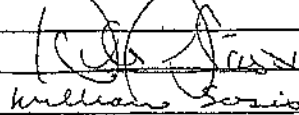
the annual meter read of the ^{on the water meter} ~~meter~~

~~to the Department~~ meter.

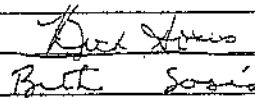
⑥ This settlement resolves all issues

~~known~~ known at this time.

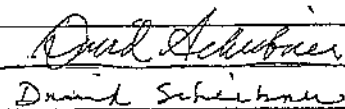
~~not~~ between the parties


William Sosio

3/16/2016
DATE


Paul Sosio

March 16, 2016
DATE


David Schickner

March 16, 2016
DATE