



Serving Glen Rock, Midland Park, Ridgewood and Wyckoff

131 North Maple Avenue, Ridgewood, NJ 07451 • Tel: [REDACTED] Fax: [REDACTED]

September 14, 2015

New Jersey Board of Public Utilities
44 South Clinton Avenue 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350

Re: Docket No. WC15080975

Attachments: First Notice, Final Notice, Yellow tag, Response Letter, Red Tag, Proposed Pit Location.

This letter is written in response to the petition submitted by William N. Sosis (Petitioner) to the New Jersey Board of Public Utilities (NJBPUB) objecting to the installation of a new water meter for his property at 80 Franklin Avenue, Midland Park, New Jersey. I, David Scheibner, Business Manager for Ridgewood Water, a Department of the Village of Ridgewood (Village) will respond to each part of the petition below.

I. Petitioner

The customer of record at 80 Franklin Avenue, Midland Park, New Jersey was Wm Nieves until July 31, 2015. Kenneth Welsh of the NJBPUB forwarded to the Village on that date an email sent to him from William N. Sosis stating that he, William N. Sosis, had legally changed his name as of July 29, 2013.

II. Background and Procedural History

The narrative presented by the petitioner has errors of fact, omissions, and irrelevant information. The essential facts of the case are:

- 1) The Petitioner failed to provide reasonable access the water meter at the above address in violation of N.J.A.C 14:3-3.6 (a),
- 2) Said water meter was last read by the Village on June 8, 2011.
- 3) The Village 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
- 4) The Petitioner suffered no harm or interruption of water service as a result of any actions or inactions by himself or the Village related to this matter.

III. Legal Argument

Point 1.

The designation of any device, including the make and model of water meter used by the Village, as a "smart meter" is irrelevant. The term is vague and is not used in any applicable statute or regulation.

Point 2.

The Petitioner has not provided any empirical evidence that the type of water meter used by the Village has harmed any person, despite being installed in hundreds of thousands of locations in New Jersey and millions of locations worldwide.

Point 3.

Opinions of FCC standards and regulations and the frequency with which they are updated are not relevant to this case. Equipment used by the Village is compliant with all applicable regulations.

Point 4.

Analysis of conflicting studies regarding radio waves has no bearing in this case.

Point 5.

The petitioner has not provided any evidence that his insurance carrier will invalidate coverage of his home due to the installation of the type of water meter used by the Village.

Point 6.

No water meter, person, or other entity outside of the Petitioner's premises can reliably determine what happens to water after it has been measured by the meter and enters the private plumbing of the premises.

Point 7.

N.J.A.C. 14:3-3.6 (a) requires that reasonable access to the premises be provided to the Village. The Village made the following communications with the Petitioner to accomplish a meter change:

- 1) "First Notice" was sent by USPS in October 2014.
- 2) "Final Notice" was sent by USPS in January, 2015.
- 3) "Yellow tag" was hand-delivered by a Ridgewood Water technician July 17, 2015.
- 4) "Response Letter" was sent by USPS July 21, 2015.
- 5) "Red Tag" with statutes attached was hand-delivered by MPPD July 27, 2015.

The Village's requests to access the meter at 80 Franklin Avenue, Midland Park, NJ have been reasonable and notices of the consequences of failure to provide access have met or exceeded regulatory requirements.

Point 8.

The Americans with Disabilities Act (ADA) provides for equal access in public places and equal opportunities for employment and other activities. The only relevance of the ADA in this case is that the meter type used by the Village is more easily read by a disabled meter

reader than a manual analog meter.

Verification.

No comments.

The Village denies in full the allegations the Petitioner makes regarding the water meter's negative impact on his health, wellbeing, and privacy. The Village does not challenge the sincerity of the Petitioner's beliefs, however, and has previously presented to him an alternative that mitigates many of his concerns while preserving the Village's operational efficiency. The alternative offered is to relocate the meter installation 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. The charge for materials and labor to effect this change is \$2,351.00. It would be improper for the Village to absorb the cost of the alteration because, being a municipal utility, this cost would effectively and unfairly be borne by the other ratepayers. The Village has offered to allow the charges to be amortized over a three year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Scheibner".

David Scheibner
Business Manager

cc: William N. Sosis
Richard Calbi, Jr., P.E., P.P.
Matthew S. Rogers

NOTICE
VILLAGE OF RIDGEWOOD
WATER METER REPLACEMENT PROGRAM

Dear Village of Ridgewood Water Customer:

The Village of Ridgewood is implementing a Water Meter Replacement Program to ensure continued accuracy for customer billing purposes. Additionally, the new water meters, which will be read automatically by radio frequency, will give the Village a more efficient method to collect water usage data.

Your cooperation will be needed to implement this Program. The Borough has engaged LENEGAN Plumbing & Heating, LLC to manage the Water Meter Replacement Program and to perform the meter replacement work. The cost of the new meter and associated installation will be borne by the Village of Ridgewood.

Access into your residence will be necessary, so appointments for the meter installations will be required. It is important that you call the telephone number listed below to set up your appointment as soon as possible. Appointments will be scheduled Monday through Saturday 9 AM to 6 PM and Saturday 9 AM to 4 PM. The Village of Ridgewood will require that all meters be replaced, it is mandatory for all water customers. It is expected that the replacement work will require approximately 15-20 minutes to complete. The installers from Lenegan Plumbing and Heating, LLC will have personnel identification badges that are approved by The Village of Ridgewood. Please insure that your water meter is accessible prior to the scheduled installation date/time.

Please contact LENEGAN Plumbing & Heating, LLC upon receipt of this notice for your appointment or if you have any questions concerning the Water Meter Replacement Program. Our TOLL FREE number is:

[REDACTED]

Or

EMAIL: LENEGAN@[REDACTED]

METER REPLACEMENT IS MANDATORY!

We thank you in advance for your cooperation with the implementation of this Program.

FINAL NOTICE
RIDGEWOOD WATER
WATER METER REPLACEMENT PROGRAM

Several weeks ago Ridgewood MUA sent you a notice of the Water Meter Replacement Program that is currently underway. The meter at your home or business must be changed in order to be compatible with the drive-by reading system currently in use. There is no cost to you for this work.

As of the date this notice was sent we have not heard back from you. It is important that you contact the Village's Water Meter Replacement Program Manager, LENEGAN Plumbing & Heating at the telephone number or web address listed below to set up an appointment for the meter replacement work as soon as possible. Access to the meter in your residence or business is required. Appointments are available Monday through Friday 9 AM to 6 PM and Saturday 8 AM to 4 PM. The meter installer will have an identification badge that is approved by the Village of Ridgewood. It takes about 15-20 minutes to change the meter. Please be sure that your water meter is accessible prior to the scheduled installation date and time.

Call the Toll Free number listed below to schedule your appointment or if you have any questions concerning the Meter Replacement Program.


Book Online at:
www.OCNJPlumber.com
ZONE C

TO AVOID POSSIBLE INTERRUPTION OF SERVICE

METER REPLACEMENT IS MANDATORY BY:

FEBRUARY 15, 2015

7/17/15

IMPORTANT WATER NOTICE

Name WILLIAMS

Address 80 FRANKLIN AVE

Acct. # 2131-23-1

Our serviceman called today to:

☒ Replace Water Meter

☐ Repair Water Meter

☐ Read Water Meter

☐ Other

But found no one home.

Please call [REDACTED] Mon. - Fri
8:30 am thru 4:30 pm. Failure to do so
could result in the discontinuance of
water service

Ridgewood Water
131 N. Maple Avenue
Ridgewood, NJ 07451
[REDACTED]

Ridgewood
Water



Serving Glen Rock, Midland Park, Ridgewood and Wyckoff

131 North Maple Avenue, Ridgewood, NJ 07451 • Tel: [REDACTED] Fax: [REDACTED]

July 21, 2015

William N. Sosis
80 Franklin Avenue
Midland Park, NJ 07432

Mr. Sosis:

The water supply account for your address is currently in the name of Wm Nieves. Tax rolls indicate that the property is owned by William and Beth S. Nieves. Please provide documentation to confirm that you are the owner or co-owner of this property. By law, Ridgewood Water's service relationship is solely with the owner of the property. The rest of this letter is based on the assumption that this documentation will be provided.

A Ridgewood Water technician was at 80 Franklin Avenue, Midland Park on July 17, 2015 to change the water meter. Access to the meter was denied. After being refused admittance, the technician handed you a notice stating that we had attempted to gain access to the premises for the purpose of changing the meter without success and that admittance would be required or water service would be suspended. You then destroyed the notice.

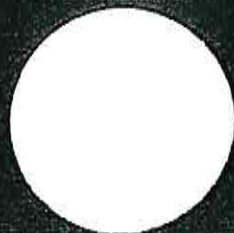
It is my understanding that you believe that the meter we intend to install is dangerous. Ridgewood Water strongly disagrees but you may have the new meter installed in a meter pit located in the public right of way instead of the current meter location inside your house. If you choose that option, the cost of the pit installation is added to your water bill and can be amortized over three years. The utility will still need to enter the premises to remove the old meter, take a final reading from it, and reconfigure the plumbing at the interior meter site.

If you elect to have the new meter installed inside the house, the meter will be installed when you provide access. If you choose to have the new meter installed at the curb in a pit setting, we will read the meter when you provide access and install the pit and new meter within two weeks. If you do not provide access to the meter by July 27, water service will be suspended.

Sincerely,

David Schelbner, Business Manager

cc: Richard Calbi, Jr., P.E., P.P., Director of Operations
Justin Popek, Management Assistant



FINAL WATER NOTICE

Notice No. 1111-1111-1111

WATER SERVICE WILL BE DISCONTINUED

ON 11/11/11 AT 11:11 AM

ADDRESS 1111 1111 1111

PHONE 1111 1111 1111

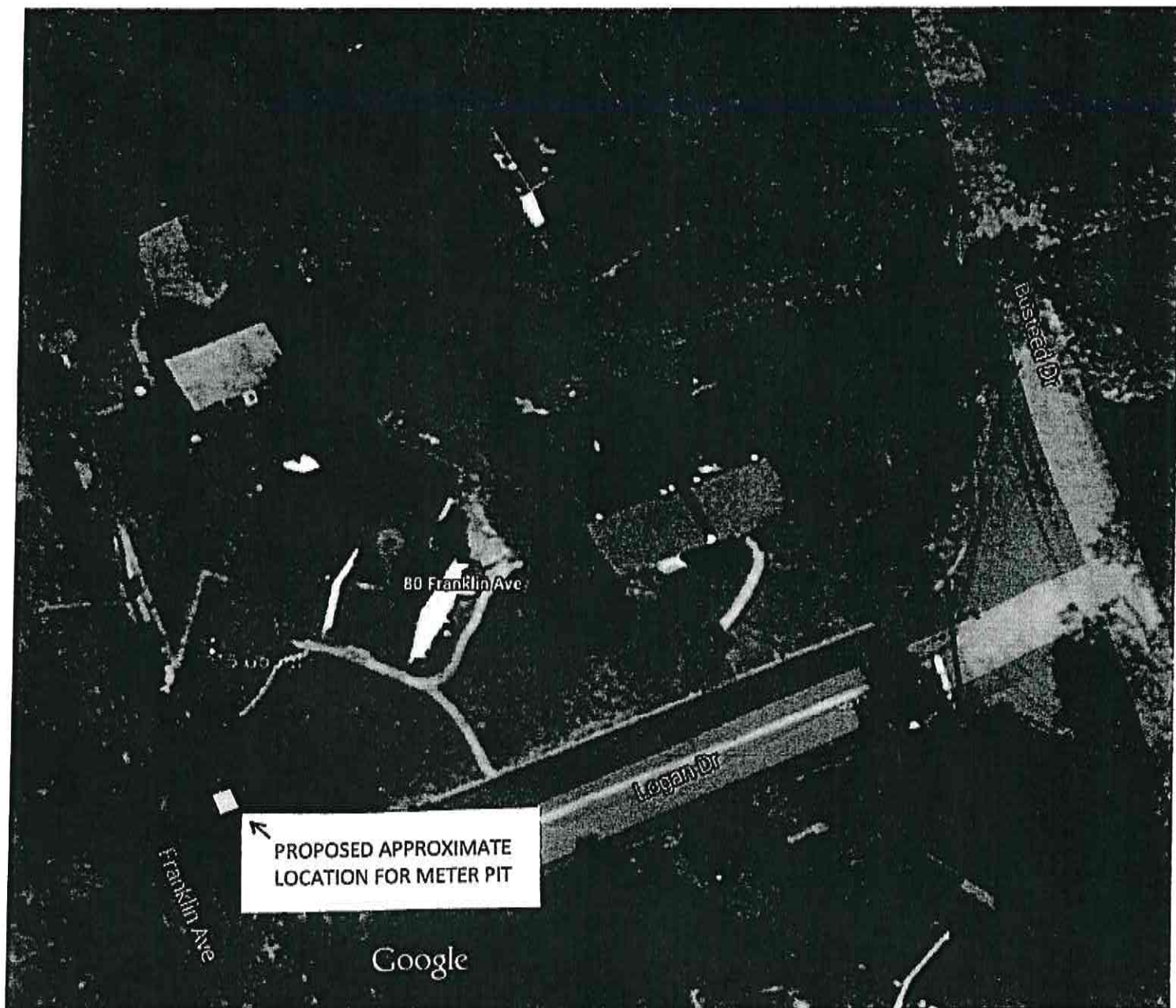
REPLACE METER

Property owner is notified that
water service will be discontinued
on 11/11/11 at 11:11 AM
due to non-payment of bill.

Please make payment for
outstanding bill immediately.

Ridgewood Water
1111 1111 1111
Ridgewood 1111 1111

lin Ave



3/80+Franklin+Ave,+Midland+Park,+NJ+07432/@40.987928,-74.1347112,79m/data=!3m1!1e3!4m2!3m1!... 7/29/2015

William & Beth Sosis

WILLIAM N SOSIS [REDACTED]

80 FRANKLIN AVENUE
MIDLAND PARK, NEW JERSEY 07432

October 5, 2015

Via Fax ([REDACTED]) & Email ([REDACTED])

MATTHEW S. ROGERS, ESQ.
Law Offices of Matthew S. Rogers, L.L.C.
123 Prospect Street
Ridgewood, New Jersey 07451

RE: BPU DOCKET NO. WC15080975
PETITIONER'S REPLY TO RESPONDENT'S ANSWER TO PETITION

Dear Mr. Rogers:

Below is my response to each of the terms in your October 2, 2015 offer to settle:

1. *The Meter to be installed will be a Neptune T-10 with direct read register.*

There are two versions of the T-10: a positive displacement (analog) version and an AMR version. I am agreeable to the analog meter that emits no radiation.

2. *Access to the meter will be provided at all reasonable times to Ridgewood Water personnel for reading and service as needed, which is required by the N.J.A.C.*

This has never been a genuine issue as your client pretends. My objection is only to the installation of a radiation emitting smart meter. Your client has chosen to read the meter only twice in the past seventeen years. Pretending that this is an issue in this matter is your client's way of deliberately misusing N.J.A.C. 14:3-3.6 to permit its installation of smart meters and abuse its water service monopoly.

3. *Routine quarterly readings by Ridgewood water personnel will be accomplished by appointment arranged by email or telephone*

No issue provided there is no charge for meter readings.

4. *A standard service call charge that is presently charged on all service calls of \$90.00 per visit will be assessed for each meter reading appointment*

I will not agree to this term. This is an absurd and unnecessary \$360 per year penalty. Calling this a "service call" charge is not supported by your client's tariff, water meter ordinances, or application for water service connection. N.J.A.C. 14:3-1.3(b)(3) and (f)(3). Service calls are understood to be trips to a customer's location for servicing or making repairs to equipment but not reading a meter for billing purposes. The routine quarterly readings your

MATTHEW S. ROGERS, ESQ.
October 5, 2015
Page 2

WILLIAM N. SOSIS

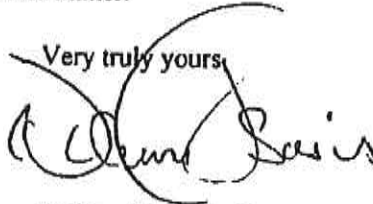
client is now requesting after reading the meter twice in seventeen years can easily be accomplished without this penalty. Your client's own website provides a sheet for a customer to read the meter and report the reading via phone, fax, or email. Your client can verify these reported readings on a yearly basis and eliminate the need for quarterly readings. Alternatively, your client can choose to read the meter without assessing this penalty. Having water meters installed inside a property owner's home or business and making the property owner responsible for babysitting your client's meter already provides significant savings.

In addition to the above, I am requesting that the following additional terms be included:

1. That only a Ridgewood Water Company employee is permitted to replace the existing meter.
2. That Paul A. Verduga or any employee of Lenegan Plumbing & Heating, LLC not be permitted anywhere on my property.
3. That prior to removing the existing meter, to have the meter tested and witnessed by the Board and a third party of my choice. N.J.A.C. 14:3-4.5(c).

Please advise as to your client's choice on the matter.

Very truly yours,



William N. Sosis, Esq.

Cc: File

10/5/2015 09:58

TO: [REDACTED] FROM: [REDACTED]

Page: 1

Fax Transmission

To: Matthew S. Rogers, Esq.

From: William N. Sosis, Esq.

Fax: [REDACTED]

Date: 10/5/2015

RE: Sosis v. Ridgewood (Petition)

Pages: 3

Comments:

**BEFORE THE NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

WILLIAM & BETH SOSIS

Petitioners,

v.

THE RIDGEWOOD WATER

Respondent.

OAL Docket # PUC 15788-2015

**MOTION TO SUPPLEMENT THE
RECORD WITH ADDITIONAL
EVIDENCE AND TRANSFER PETITION
TO THE NEW JERSEY APPELLATE
DIVISION**

Petitioners **WILLIAM & BETH SOSIS** hereby respectfully move pursuant to R. 4:9-4 to supplement their Petition with newly-obtained evidence supporting their existing claims, attached as *Exhibit 1* to this Motion in Support of this motion, Petitioners state as follows:

**RESPONDENT'S POSITION THAT ITS SMART METERS
ARE SAFE MUST BE JUDICIALLY ESTOPPED**

1. On August 15, 2013, Matthew S. Rogers (hereinafter "Rogers"), on behalf of the Respondent, submitted a letter in lieu of a more formal petition to the Board of Public Utilities (BPU) objecting to PSE&G's installation of high-voltage electrical utility poles in the Village of Ridgewood. *Exhibit 1*. In his letter requesting relief, Rogers, among other things requested a moratorium on the work to be performed by PSE&G, and that the BPU conduct a public hearing "to ensure the health and safety" of the Village and its affected rate payers. As a rationale for requesting this relief, Rogers and the Village of Ridgewood argued that the electromagnetic fields (EMFs) created by the higher voltage lines would expose its residents to "an unknown health and safety concern" and "negatively affect the health of persons who reside directly underneath these higher voltage lines."

2. In New Jersey, the doctrine of judicial estoppel protects the integrity of the judicial or quasi-judicial process by precluding a party from doing precisely what Respondent is intending to do in this case. That is, to take inconsistent positions before the same or prior proceedings. Ramer v. N.J. Transit Bus Operations, Inc., 335 N.J. Super. 304,

312 (App. Div. 2000). In its August 15, 2013 letter, Respondent took the position that EMFs create a "*substantive issue*" that has an adverse impact on human health. In the instant case, however, Respondent now claims that the EMFs emitted from its microwave radiation emitting devices installed directly inside residential homes are safe. Clearly, Respondent comes before this court with unclean hands and should be barred from making such claims. Leeds v. Chase Manhattan Bank, N.A., 331 N.J. Super. 416 (App. Div. 2000). Moreover, while Respondent stubbornly holds contradictory positions on the health effects of EMFs, it continues to bully ratepayers, such as Petitioners, who resist the installation of a smart meter inside their homes.

3. Accordingly, Petitioners respectfully request that they be allowed to supplement the record with *Exhibit 1* to this Motion and that Respondent be judicially estopped from avoiding its prior admission that exposure to EMFs create unwarranted health risks to humans.

**THERE IS A CONFLICT OF INTEREST IN THIS CASE THAT
BIASES PETITIONERS**

4. Petitioners strongly believe that the ultimate decision-maker in this matter, the BPU, has a conflict of interest that unfairly biases Petitioners. Petitioners therefore ask that Your Honor consider transferring the matter to the Appellate Division pursuant to R. 1:13-4(a)2 in advance of the Court's decision. Petitioners' reasons for this request include:

- a. The 2011 New Jersey Energy Master Plan (EMP): Although the 2011 EMP relates to the development of "Energy Technologies," page 10 of the plan states that "New Jersey should consider expanding the implementation of smart meters";
- b. BPU's Goals: During a news release on October 29, 2015, BPU President Richard S. Mroz and the CEO of New Jersey Natural Gas publicly announced their efforts to prioritize the 2011 EMP and increase the use of "microgrid technologies";
- c. BPU's Record: BPU prioritizes the economic interests of politics, investors and industry with little or no regard to New Jersey consumers. When considering the deregulation of public services, for example, the BPU's long history is that it favors private interests over public interests. One recent case is the deregulation of Verizon's landline telephone services in May 2015, an act that will inevitably lead to higher rates to New Jerseyans; and

- d. PSE&G's Energy Strong Investment Program includes installation of Smart Meters: On May 21, 2014, the BPU approved \$1.7 billion for PSE&G's Energy Strong Program to mitigate the effects of future storms such as Hurricane Sandy. Petitioners believe that the Energy Strong Program is, for the most part, the result of what is commonly called "the shock doctrine." Namely, the use of public tragedies to push through unpopular economic remedies at times when the public is disoriented and least likely to resist. By feigning concern for the environment, natural resources, emergency preparedness, and even public interest, businesses, investors, and utility companies are gratuitously given the opportunity to grab public funds and property for their own private interests.

5. On July 29, 2015, while their informal complaint was pending, Petitioners called the BPU's Division of Customer Assistance and spoke with Mr. Douglas K. Dickson. The call was digitally recorded pursuant to N.J.S.A. 2A:156A-4(d) and is available to the Court upon request. The purpose of the call was to request information on filing a Petition. To their surprise, as soon as Petitioners' mentioned that their complaint and Petition concerned the installation of a smart meter, Mr. Dickson immediately began speaking over them and repeating much of the following for nearly fifteen (15) minutes:

- a. "You don't have a choice";
- b. "Your choice is you don't have to have it you can have the water shut-off";
- c. "All the evidence shows that there's no interference between this and medical equipment";
- d. "You either accept it or you don't; if you don't accept it you don't have to have the water";
- e. "These are not smart meters; they are radio meters";
- f. "You're dealing with semantics here";
- g. "I'm predisposed to tell you it is not a smart meter";
- h. "It does not invade your privacy";
- i. "Forget the words "smart meter" and deal with radio meters and then you can go somewhere"; and
- j. "Smart meters record a whole bunch of other stuff that this meter does not; when you use your water, how much you use at any given time, where it's being used. This does not do it. This only records the total usage of water that goes through the meter."
- k. "I am passionate that it is a radio meter *because that is what we have all been instructed to tell people, it is not a smart meter.*"

6. Besides the gross misinformation, all of Mr. Dickson's comments, particularly that the BPU staff "have all been instructed to tell people, it is not a smart meter," further illustrate the concerns Petitioners have regarding the BPU's bias in this matter. Clearly, Petitioners' ability to have an impartial and fair hearing on the subject of smart meters is seriously in jeopardy.

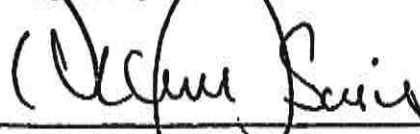
7. The BPU's August 4, 2015 response to Petitioners' informal complaint provided no analysis of the issues set forth in the complaint. The decision reads more like a cheerleading or opinion piece for smart meters than an impartial investigation into Petitioners' complaint.

CONCLUSION

WHEREFORE, Petitioners respectfully request that this Court:

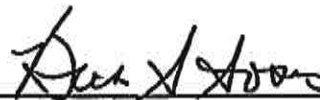
1. Supplement the record in this Petition with *Exhibit 1* attached to this Motion.
2. Enjoin Respondents from asserting the claim that smart meters pose no health threats;
3. Transfer this matter to the New Jersey Appellate Division for adjudication.

Respectfully Submitted,



DATED: December 2, 2015

By: WILLIAM N. SOSIS, ESQ.
Petitioner



DATED: December 2, 2015

By: BETH S. SOSIS
Petitioner

CERTIFICATION OF SERVICE

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

I further certify that a complete copy of this motion and attachments has been provided by Fax and electronic mail on this 2nd day of December, 2015 to Matthew S. Rogers, 123 Prospect Street, Ridgewood, New Jersey 07451.

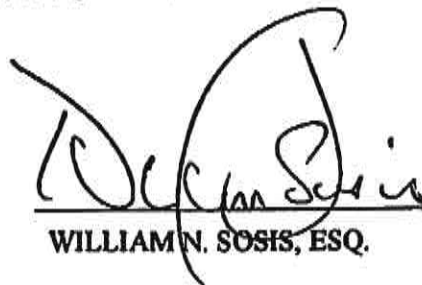

WILLIAM N. SOSIS, ESQ.

EXHIBIT 1

MATTHEW S. ROGERS
ATTORNEY AT LAW

123 PROSPECT STREET
RIDGEWOOD, NEW JERSEY 07451

Tel: [REDACTED]
Fax: [REDACTED]

Email: [REDACTED]
Website: [REDACTED]

August 15, 2013

Robert Hanna, President
Board of Public Utilities
44 South Clinton Avenue
P.O. box 350
Trenton, New Jersey 08625-0350

Dear Mr. Hanna:

Please be advised that I am Counsel to the Village of Ridgewood, Bergen County, New Jersey. This letter is submitted in lieu of a more formal petition pursuant to N.J.A.C. 14:1-5.1 requesting the following relief:

1. A public hearing to address certain substantive issues concerning the installation of 65 foot electrical utility poles on South Maple Avenue, Spring Avenue, Hope Street and East Ridgewood Avenue in the Village;
2. The continuation of a consensual moratorium on any further work to be performed by PSE&G on this project during the course of the review/hearing process to be conducted by the Board of Public Utilities (BPU);
3. An expedited schedule for the hearing process and review for this petition.

The following information and assertions are provided to give the Board a concise and succinct understanding of the factual background and issues presented in this matter.

FACTUAL BACKGROUND

Based upon information and belief, the work presently underway is a "Reliability Initiative" undertaken without B.P.U. approval. It is asserted by PSE&G the project is part of a Pennsylvania, New Jersey, Maryland (P.J.M.) Regional Transmission Expansion Plan, through P.J.M. Interconnection, LLC.

The Village doesn't challenge PSE&G's right to upgrade its service or improve the reliability of the service. The issues raised by the Village are more specifically expressed below.

On or about June 20, 2013, PSE&G began the installation of new electric utility poles in the Village in the public right of way along South Maple Avenue. The new poles are approximately sixty five (65) feet high, and are arguably designed to carry the existing 25,000 volt electric lines and the introduction of new 69,000 volt lines. The area along South Maple Avenue is predominantly a residential area, becoming a mixed use zone as it approaches in a northerly direction its intersection with Dayton Street and then East Ridgewood Avenue.

As a matter of its own preference, PSE&G continued the installation of these 65 foot poles north along South Maple Avenue to its intersection with Spring Avenue, then headed east on Spring Avenue to its intersection with Hope Street, and then going north on Hope Street to its terminus at the intersection with East Ridgewood Avenue. Please see attached (Exhibit A, pink highlight). That is where the work has stopped as presently agreed to by PSE&G.

As stated above, PSE&G began its work in the Village on or about June 20, 2013 on the Ridgewood/Glen Rock border on South Maple Avenue.

The Code of the Village of Ridgewood requires at Chapter 249, Section 72 that a Street Opening Permit be obtained prior to commencing any work in the Public Right of Way.

Chapter 249, Section 44 of the Village Code requires that: "Ground mounted utility facilities shall be of a design compatible with the visual quality of the road way section being traversed".

Chapter 190-104, entitled R-2 Single Family Residence District at subsection C (3) is applicable to Public Utility Buildings and Structures and at subsection E(1) established a maximum height for structures of 30 feet.

40:55D-70(b) empowers the Ridgewood Zoning Board of Adjustment as the sole authority to interpret the application of the Zoning Regulations of the Village.

On or about June 20, 2013, PSE&G began work without filing for a Street Opening permit pursuant to Chapter 249, Section 72.1 of the Village Code. It was not until July 17, 2013, that the Village Engineer, Christopher Rutishauser, forced PSE&G to file for the permit and pay the required filing fee. As a result of this failure, there was never any municipal review of the project prior to the installation of the first pole and several weeks had gone by prior to any street opening permit being filed. It is clearly apparent that PSE&G did not attempt to satisfy the requirements of the Village Code.

ISSUES PRESENTED

The following issues are presented and requested to be addressed by the Board:

1. **ROUTE**. As can be seen by the attached Exhibit A, the route designated by PSE&G takes the installation of the poles through exclusively residential neighborhoods of Spring Avenue and Hope Street. The sixty five foot poles with the 69,000 volts extend through the tree lined streets and provide unsafe and incompatible intrusion into the neighborhood. The issues of safety as will be discussed below.

However, there are alternative routes for the installation of the 65 foot poles the Village would like to address. Exhibit A shows the route presently proposed by PSE&G. Exhibit B shows the proposed route in pink, but also shows an existing PSE&G owned R.O.W. in yellow, which is several blocks away from the proposed route and not in a residential area. Exhibit C shows the proposed PSE&G route in pink, the PSE&G R.O.W. in yellow and the area of an existing underground conduit along South Maple Avenue to its intersection with East Ridgewood Avenue in blue.

The Board can clearly see reasonable alternative routes for the installation of the new 65 foot poles and 69 KV lines. The Village requests the opportunity to address the alternate routes as viable and safe alternatives to the proposed PSE&G route.

In addition, the proposed route installs the 65 foot poles in an area that floods regularly. The topography of the Spring Avenue/Hope Street Intersection regularly floods during most significant rain storms which include storms that are not classified as hurricanes or tropical storms. The placement of the poles in this area creates a potential safety hazard for the residents and travelers on the two roadways due to the potential undermining of the poles in the area that floods.

2. ENVIRONMENT. The residents along South Maple Avenue, Spring Avenue, Hope Street and East Ridgewood Avenue are concerned about the environmental and health impact of the new wires and poles. Data suggests such impact is not known and the long term issues that can negatively affect the health of persons who reside directly underneath these higher voltage lines, sleeping within 20 to 30 feet of these higher voltage lines are unclear. This creates an unknown health and safety concern that can be alleviated by rerouting the poles through a less populated area than Spring Avenue/Hope Street neighborhood, such as the PSE&G Right of Way depicted in Exhibit B and C and going underground in the same area of the existing underground conduit shown in Exhibit C.

Further, by using a different route such as the PSE&G right of way, or utilizing an underground conduit approach to the connection needed on East Ridgewood Avenue, PSE&G would alleviate not only environmental health and safety concerns, but alleviate the need to cut trees, and compensate individual property owners as it has already undertaken to do. At least one resident that I am aware of has received an offer of compensation from PSE&G for the placement of one of the 65 foot poles on his property along Spring Street.

3. REVENUE. The impact of the installation of 65 foot poles in this quiet neighborhood may in the future negatively impact the assessed value. This places the Village in a precarious position to anticipate potential lost revenue from a tax base that is already depleted due to reduce State assistance and a downturn in the real estate market. The average property width is approximately 50 frontage where the new poles are located. There are 36 residences on the area of Hope Street where the poles are located, and 11 on the Spring Avenue area. The location of the poles places many of them directly in front of the residences. The next year tax appeals are not to be filed until February 2014. The only aspect of this that the Village can predetermine is having to vigorously defend any new appeals that are filed.

4. **LEGAL.** PSE&G's failure to properly advise the Village of the scope and breadth of this project and timely file for a Street Opening Permit as required by the Village Code has brought about the present status of the project.

Since the filing of the permit application, the Village has worked with the representatives of PSE&G to understand the entirety of the project, provide an opportunity to address all local issues and to consensually bring this matter to the B.P.U. Board for review. The New Jersey Administrative Code does not permit such a process to bring this matter to the Board and the appropriate filing for the Board to take jurisdiction of this matter is by N.J.A.C. 14:1-5.1.

Prior case law decisions in this State indicate that there are authorizations granted to the Electrical Utility through State Statute and Municipal Authorization. N.J.S.A. 48:7-1 requires Municipal Authorization prior to the installation of electricity poles. However, that initial authorization, whether by Franchise Agreement, Ordinance or Resolution adopting the statutory framework, was done almost a century ago, and there does not appear to be any known document evidencing the authorization, nor is there known any location where all such municipal authorization documents are kept. The review of the earlier authorizations would be telling in regard to the authorization granted and provide an understanding of the clear intent of the actions taken by the municipalities.

In 1949, the Superior Court decided the Dues vs. PSE&G case, 3 N.J. Super. 439, (1949). In that case, the defendant utility intended to install taller poles and electric lines with greater capacity, similar to the present circumstances. The Court determined that taller poles and the increased voltage lines created a condition that was different than what had been authorized previously by the Municipality. Although not completely controlling and dispositive in the matter we bring before you, this decision should be an indication that the present PSE&G project is a significant change to the existing condition on Spring Avenue and Hope Street. Without any review and hearing being provided, it creates significant concerns that can be alleviated by utilization of alternate routes which are available to PSE&G for the installation of the project.

CONCLUSION

The lack of any review to this project by B.P.U. or the local development boards fails to ensure the health and safety, environmental and financial concerns of the Village and the affected rate payers in our community. As a Municipality, we have worked closely with PSE&G on many issues and projects and would have attempted to do so in regard to this project as well if PSE&G had followed proper procedures and promises. Even so, the level of communication between PSE&G and the Village has been professional and courteous, and continues to be so.

However, due to the failure to properly proceed in accordance with Municipal Ordinances and provide details of the project, the rate payers whom the Village represents need the issues raised above in this petition addressed and considered.

It is respectfully requested the Board of Public Utilities provide a hearing, on an expedited schedule, to understand these concerns and consider an alternate route for the

installations of these 65 foot high poles and the increased voltage wires through the residential neighborhood where it's proposed.

Thank you for attention and consideration in this regard.

Respectfully submitted,

LAW OFFICES OF MATTHEW S. ROGERS, LLC

By

MATTHEW S. ROGERS

MSR/plh

**cc: Dr. Kenneth Gabbert
Village Council
Village Clerk
Kenneth Sheehan, Esq.**

**BEFORE THE NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

WILLIAM & BETH SOSIS

Petitioners,

v.

THE RIDGEWOOD WATER

Respondent.

OAL Docket # PUC 15788-2015

**MOTION TO SUPPLEMENT THE
RECORD WITH ADDITIONAL
EVIDENCE AND TRANSFER PETITION
TO THE NEW JERSEY APPELLATE
DIVISION**

Petitioners WILLIAM & BETH SOSIS hereby respectfully move pursuant to R. 4:9-4 to supplement their Petition with newly-obtained evidence supporting their existing claims, attached as *Exhibit 1* to this Motion in Support of this motion, Petitioners state as follows:

**RESPONDENT'S POSITION THAT ITS SMART METERS
ARE SAFE MUST BE JUDICIALLY ESTOPPED**

1. On August 15, 2013, Matthew S. Rogers (hereinafter "Rogers"), on behalf of the Respondent, submitted a letter in lieu of a more formal petition to the Board of Public Utilities (BPU) objecting to PSE&G's installation of high-voltage electrical utility poles in the Village of Ridgewood. *Exhibit 1*. In his letter requesting relief, Rogers, among other things requested a moratorium on the work to be performed by PSE&G, and that the BPU conduct a public hearing "to ensure the health and safety" of the Village and its affected rate payers. As a rationale for requesting this relief, Rogers and the Village of Ridgewood argued that the electromagnetic fields (EMFs) created by the higher voltage lines would expose its residents to "an unknown health and safety concern" and "negatively affect the health of persons who reside directly underneath these higher voltage lines."

2. In New Jersey, the doctrine of judicial estoppel protects the integrity of the judicial or quasi-judicial process by precluding a party from doing precisely what Respondent is intending to do in this case. That is, to take inconsistent positions before the same or prior proceedings. Ramer v. N.J. Transit Bus Operations, Inc., 335 N.J. Super. 304,

312 (App. Div. 2000). In its August 15, 2013 letter, Respondent took the position that EMFs create a "*substantive issue*" that has an adverse impact on human health. In the instant case, however, Respondent now claims that the EMFs emitted from its microwave radiation emitting devices installed directly inside residential homes are safe. Clearly, Respondent comes before this court with unclean hands and should be barred from making such claims. Leeds v. Chase Manhattan Bank, N.A., 331 N.J. Super. 416 (App. Div. 2000). Moreover, while Respondent stubbornly holds contradictory positions on the health effects of EMFs, it continues to bully ratepayers, such as Petitioners, who resist the installation of a smart meter inside their homes.

3. Accordingly, Petitioners respectfully request that they be allowed to supplement the record with *Exhibit 1* to this Motion and that Respondent be judicially estopped from avoiding its prior admission that exposure to EMFs create unwarranted health risks to humans.

**THERE IS A CONFLICT OF INTEREST IN THIS CASE THAT
BIASES PETITIONERS**

4. Petitioners strongly believe that the ultimate decision-maker in this matter, the BPU, has a conflict of interest that unfairly biases Petitioners. Petitioners therefore ask that Your Honor consider transferring the matter to the Appellate Division pursuant to R. 1:13-4(a)2 in advance of the Court's decision. Petitioners' reasons for this request include:

- a. The 2011 New Jersey Energy Master Plan (EMP): Although the 2011 EMP relates to the development of "Energy Technologies," page 10 of the plan states that "New Jersey should consider expanding the implementation of smart meters";
- b. BPU's Goals: During a news release on October 29, 2015, BPU President Richard S. Mroz and the CEO of New Jersey Natural Gas publicly announced their efforts to prioritize the 2011 EMP and increase the use of "microgrid technologies";
- c. BPU's Record: BPU prioritizes the economic interests of politics, investors and industry with little or no regard to New Jersey consumers. When considering the deregulation of public services, for example, the BPU's long history is that it favors private interests over public interests. One recent case is the deregulation of Verizon's landline telephone services in May 2015, an act that will inevitably lead to higher rates to New Jerseyans; and

- d. PSE&G's Energy Strong Investment Program includes installation of Smart Meters: On May 21, 2014, the BPU approved \$1.7 billion for PSE&G's Energy Strong Program to mitigate the effects of future storms such as Hurricane Sandy. Petitioners believe that the Energy Strong Program is, for the most part, the result of what is commonly called "the shock doctrine." Namely, the use of public tragedies to push through unpopular economic remedies at times when the public is disoriented and least likely to resist. By feigning concern for the environment, natural resources, emergency preparedness, and even public interest, businesses, investors, and utility companies are gratuitously given the opportunity to grab public funds and property for their own private interests.

5. On July 29, 2015, while their informal complaint was pending, Petitioners called the BPU's Division of Customer Assistance and spoke with Mr. Douglas K. Dickson. The call was digitally recorded pursuant to N.J.S.A. 2A:156A-4(d) and is available to the Court upon request. The purpose of the call was to request information on filing a Petition. To their surprise, as soon as Petitioners' mentioned that their complaint and Petition concerned the installation of a smart meter, Mr. Dickson immediately began speaking over them and repeating much of the following for nearly fifteen (15) minutes:

- a. "You don't have a choice";
- b. "Your choice is you don't have to have it you can have the water shut-off";
- c. "All the evidence shows that there's no interference between this and medical equipment";
- d. "You either accept it or you don't; if you don't accept it you don't have to have the water";
- e. "These are not smart meters; they are radio meters";
- f. "You're dealing with semantics here";
- g. "I'm predisposed to tell you it is not a smart meter";
- h. "It does not invade your privacy";
- i. "Forget the words "smart meter" and deal with radio meters and then you can go somewhere"; and
- j. "Smart meters record a whole bunch of other stuff that this meter does not; when you use your water, how much you use at any given time, where it's being used. This does not do it. This only records the total usage of water that goes through the meter."
- k. "I am passionate that it is a radio meter *because that is what we have all been instructed to tell people, it is not a smart meter.*"

6. Besides the gross misinformation, all of Mr. Dickson's comments, particularly that the BPU staff "have all been instructed to tell people, it is not a smart meter," further illustrate the concerns Petitioners have regarding the BPU's bias in this matter. Clearly, Petitioners' ability to have an impartial and fair hearing on the subject of smart meters is seriously in jeopardy.

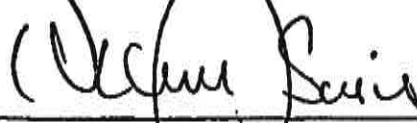
7. The BPU's August 4, 2015 response to Petitioners' informal complaint provided no analysis of the issues set forth in the complaint. The decision reads more like a cheerleading or opinion piece for smart meters than an impartial investigation into Petitioners' complaint.

CONCLUSION

WHEREFORE, Petitioners respectfully request that this Court:

1. Supplement the record in this Petition with *Exhibit 1* attached to this Motion.
2. Enjoin Respondents from asserting the claim that smart meters pose no health threats;
3. Transfer this matter to the New Jersey Appellate Division for adjudication.

Respectfully Submitted,



DATED: December 2, 2015

By: WILLIAM N. SOSIS, ESQ.
Petitioner



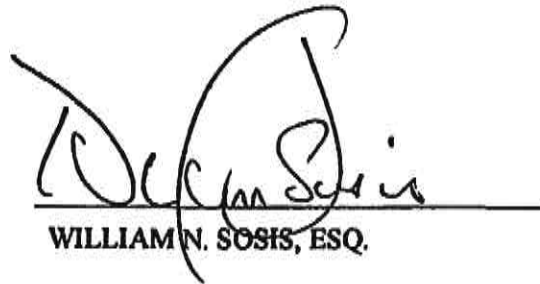
DATED: December 2, 2015

By: BETH S. SOSIS
Petitioner

CERTIFICATION OF SERVICE

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

I further certify that a complete copy of this motion and attachments has been provided by Fax and electronic mail on this 2nd day of December, 2015 to Matthew S. Rogers, 123 Prospect Street, Ridgewood, New Jersey 07451.



Handwritten signature of William N. Sosis, Esq. The signature is written in cursive and is positioned above a horizontal line.

WILLIAM N. SOSIS, ESQ.

EXHIBIT 1

MATTHEW S. ROGERS
ATTORNEY AT LAW

123 PROSPECT STREET
RIDGEWOOD, NEW JERSEY 07451

Tel: [REDACTED]
Fax: [REDACTED]

Email: [REDACTED]
Website: [REDACTED]

August 15, 2013

Robert Hanna, President
Board of Public Utilities
44 South Clinton Avenue
P.O. box 350
Trenton, New Jersey 08625-0350

Dear Mr. Hanna:

Please be advised that I am Counsel to the Village of Ridgewood, Bergen County, New Jersey. This letter is submitted in lieu of a more formal petition pursuant to N.J.A.C. 14:1-5.1 requesting the following relief:

1. A public hearing to address certain substantive issues concerning the installation of 65 foot electrical utility poles on South Maple Avenue, Spring Avenue, Hope Street and East Ridgewood Avenue in the Village;
2. The continuation of a consensual moratorium on any further work to be performed by PSE&G on this project during the course of the review/hearing process to be conducted by the Board of Public Utilities (BPU);
3. An expedited schedule for the hearing process and review for this petition.

The following information and assertions are provided to give the Board a concise and succinct understanding of the factual background and issues presented in this matter.

FACTUAL BACKGROUND

Based upon information and belief, the work presently underway is a "Reliability Initiative" undertaken without B.P.U. approval. It is asserted by PSE&G the project is part of a Pennsylvania, New Jersey, Maryland (P.J.M.) Regional Transmission Expansion Plan, through P.J.M. Interconnection, LLC.

The Village doesn't challenge PSE&G's right to upgrade its service or improve the reliability of the service. The issues raised by the Village are more specifically expressed below.

On or about June 20, 2013, PSE&G began the installation of new electric utility poles in the Village in the public right of way along South Maple Avenue. The new poles are approximately sixty five (65) feet high, and are arguably designed to carry the existing 25,000 volt electric lines and the introduction of new 69,000 volt lines. The area along South Maple Avenue is predominantly a residential area, becoming a mixed use zone as it approaches in a northerly direction its intersection with Dayton Street and then East Ridgewood Avenue.

As a matter of its own preference, PSE&G continued the installation of these 65 foot poles north along South Maple Avenue to its intersection with Spring Avenue, then headed east on Spring Avenue to its intersection with Hope Street, and then going north on Hope Street to its terminus at the intersection with East Ridgewood Avenue. Please see attached (Exhibit A, pink highlight). That is where the work has stopped as presently agreed to by PSE&G.

As stated above, PSE&G began its work in the Village on or about June 20, 2013 on the Ridgewood/Glen Rock border on South Maple Avenue.

The Code of the Village of Ridgewood requires at Chapter 249, Section 72 that a Street Opening Permit be obtained prior to commencing any work in the Public Right of Way.

Chapter 249, Section 44 of the Village Code requires that: "Ground mounted utility facilities shall be of a design compatible with the visual quality of the road way section being traversed".

Chapter 190-104, entitled R-2 Single Family Residence District at subsection C (3) is applicable to Public Utility Buildings and Structures and at subsection E(1) established a maximum height for structures of 30 feet.

40:55D-70(b) empowers the Ridgewood Zoning Board of Adjustment as the sole authority to interpret the application of the Zoning Regulations of the Village.

On or about June 20, 2013, PSE&G began work without filing for a Street Opening permit pursuant to Chapter 249, Section 72.1 of the Village Code. It was not until July 17, 2013, that the Village Engineer, Christopher Rutishauser, forced PSE&G to file for the permit and pay the required filing fee. As a result of this failure, there was never any municipal review of the project prior to the installation of the first pole and several weeks had gone by prior to any street opening permit being filed. It is clearly apparent that PSE&G did not attempt to satisfy the requirements of the Village Code.

ISSUES PRESENTED

The following issues are presented and requested to be addressed by the Board:

1. **ROUTE.** As can be seen by the attached Exhibit A, the route designated by PSE&G takes the installation of the poles through exclusively residential neighborhoods of Spring Avenue and Hope Street. The sixty five foot poles with the 69,000 volts extend through the tree lined streets and provide unsafe and incompatible intrusion into the neighborhood. The issues of safety as will be discussed below.

However, there are alternative routes for the installation of the 65 foot poles the Village would like to address. Exhibit A shows the route presently proposed by PSE&G. Exhibit B shows the proposed route in pink, but also shows an existing PSE&G owned R.O.W. in yellow, which is several blocks away from the proposed route and not in a residential area. Exhibit C shows the proposed PSE&G route in pink, the PSE&G R.O.W. in yellow and the area of an existing underground conduit along South Maple Avenue to its intersection with East Ridgewood Avenue in blue.

The Board can clearly see reasonable alternative routes for the installation of the new 65 foot poles and 69 KV lines. The Village requests the opportunity to address the alternate routes as viable and safe alternatives to the proposed PSE&G route.

In addition, the proposed route installs the 65 foot poles in an area that floods regularly. The topography of the Spring Avenue/Hope Street Intersection regularly floods during most significant rain storms which include storms that are not classified as hurricanes or tropical storms. The placement of the poles in this area creates a potential safety hazard for the residents and travelers on the two roadways due to the potential undermining of the poles in the area that floods.

2. ENVIRONMENT. The residents along South Maple Avenue, Spring Avenue, Hope Street and East Ridgewood Avenue are concerned about the environmental and health impact of the new wires and poles. Data suggests such impact is not known and the long term issues that can negatively affect the health of persons who reside directly underneath these higher voltage lines, sleeping within 20 to 30 feet of these higher voltage lines are unclear. This creates an unknown health and safety concern that can be alleviated by rerouting the poles through a less populated area than Spring Avenue/Hope Street neighborhood, such as the PSE&G Right of Way depicted in Exhibit B and C and going underground in the same area of the existing underground conduit shown in Exhibit C.

Further, by using a different route such as the PSE&G right of way, or utilizing an underground conduit approach to the connection needed on East Ridgewood Avenue, PSE&G would alleviate not only environmental health and safety concerns, but alleviate the need to cut trees, and compensate individual property owners as it has already undertaken to do. At least one resident that I am aware of has received an offer of compensation from PSE&G for the placement of one of the 65 foot poles on his property along Spring Street.

3. REVENUE. The impact of the installation of 65 foot poles in this quiet neighborhood may in the future negatively impact the assessed value. This places the Village in a precarious position to anticipate potential lost revenue from a tax base that is already depleted due to reduce State assistance and a downturn in the real estate market. The average property width is approximately 50 frontage where the new poles are located. There are 36 residences on the area of Hope Street where the poles are located, and 11 on the Spring Avenue area. The location of the poles places many of them directly in front of the residences. The next year tax appeals are not to be filed until February 2014. The only aspect of this that the Village can predetermine is having to vigorously defend any new appeals that are filed.

4. **LEGAL.** PSE&G's failure to properly advise the Village of the scope and breadth of this project and timely file for a Street Opening Permit as required by the Village Code has brought about the present status of the project.

Since the filing of the permit application, the Village has worked with the representatives of PSE&G to understand the entirety of the project, provide an opportunity to address all local issues and to consensually bring this matter to the B.P.U. Board for review. The New Jersey Administrative Code does not permit such a process to bring this matter to the Board and the appropriate filing for the Board to take jurisdiction of this matter is by N.J.A.C. 14:1-5.1.

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In 1949, the Superior Court decided the Dues vs. PSE&G case, 3 N.J. Super. 439, (1949). In that case, the defendant utility intended to install taller poles and electric lines with greater capacity, similar to the present circumstances. The Court determined that taller poles and the increased voltage lines created a condition that was different than what had been authorized previously by the Municipality. Although not completely controlling and dispositive in the matter we bring before you, this decision should be an indication that the present PSE&G project is a significant change to the existing condition on Spring Avenue and Hope Street. Without any review and hearing being provided, it creates significant concerns that can be alleviated by utilization of alternate routes which are available to PSE&G for the installation of the project.

CONCLUSION

The lack of any review to this project by B.P.U. or the local development boards fails to ensure the health and safety, environmental and financial concerns of the Village and the affected rate payers in our community. As a Municipality, we have worked closely with PSE&G on many issues and projects and would have attempted to do so in regard to this project as well if PSE&G had followed proper procedures and promises. Even so, the level of communication between PSE&G and the Village has been professional and courteous, and continues to be so.

However, due to the failure to properly proceed in accordance with Municipal Ordinances and provide details of the project, the rate payers whom the Village represents need the issues raised above in this petition addressed and considered.

It is respectfully requested the Board of Public Utilities provide a hearing, on an expedited schedule, to understand these concerns and consider an alternate route for the

installations of these 65 foot high poles and the increased voltage wires through the residential neighborhood where it's proposed.

Thank you for attention and consideration in this regard.

Respectfully submitted,

LAW OFFICES OF MATTHEW S. ROGERS, LLC

By

MATTHEW S. ROGERS

MSR/plh

**cc: Dr. Kenneth Gabbert
Village Council
Village Clerk
Kenneth Sheehan, Esq.**

William & Beth Sosis

WILLIAM N. SOSIS [REDACTED]

80 FRANKLIN AVENUE
MIDLAND PARK, NEW JERSEY 07432

TELEPHONE [REDACTED]
FAX [REDACTED]

September 25, 2015

Via Fax [REDACTED] & Regular Mail

MATTHEW S. ROGERS, ESQ.
Law Offices of Matthew S. Rogers, L.L.C.
123 Prospect Street
Ridgewood, New Jersey 07451

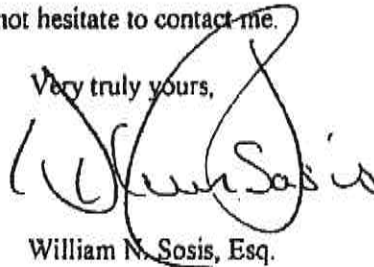
**RE: BPU DOCKET NO. WC15080975
PETITIONER'S REPLY TO RESPONDENT'S ANSWER TO PETITION**

Dear Mr. Rogers:

Enclosed is my reply to Respondent's answer to Petition.

Should you have any questions please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "William Sosis", is written over the typed name.

William N. Sosis, Esq.

Cc: Ms. Irene Kim Asbury

**STATE OF NEW JERSEY
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

PETITIONER'S REPLY TO RESPONDENT'S ANSWER TO PETITION

September 25, 2015

WILLIAM N. SOSIS, ESQ.
80 Franklin Avenue
Midland Park, New Jersey 07432
Telephone [REDACTED]
Fax [REDACTED]

**STATE OF NEW JERSEY
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 # WC15080975

**PETITIONER'S REPLY TO
RESPONDENT'S ANSWER**

PETITIONER'S REPLY TO RESPONDENT'S ANSWER

PRELIMINARY STATEMENT

1. Respondent's Answers to the Petition are baseless and without merit. They do not even make out a threshold basis upon which the BPU could or should entertain denying any of the relief requested by Petitioner. And most assuredly there is nothing in Respondent's Answer that would support a mandatory replacement of Respondent's analog meter with a microwave emitting smart meter. Simply stated Respondent's Answer is deficient in its content, unsubstantiated and completely contrary to the facts as they exist in this record presently.

ARGUMENT AND REPLY TO RESPONDENT'S ANSWER

POINT 1

THE NEPTUNE E-CODER R900i IS A "SMART METER"

2. Respondent's claim that the use of the term smart meter is vague, irrelevant, and unsupported by any statute or regulation is ridiculous. A Google search of the term smart meter returns 756,000 results. Over 6,920 of these results are exclusively located in U.S. government websites and 5,370 specifically reference the state of New Jersey. As already noted, Neptune—Respondent's smart meter supplier—uses the term in its website

and marketing campaigns. The term smart meter is also prolific throughout U.S. Congressional Records and www.whitehouse.gov where countless U.S. documents now use the term. Smart meters are also the subject of New Jersey Assembly Bill No. 3479, which requires utilities to obtain written consent and provide written disclosure prior to installing smart meters. Moreover, a state and federal jurisdictional search using West Law pulls up at least 40 cases, 38 statutes, 11 regulations and 124 overall results that include the term smart meter. Accordingly, Respondent's contention that the term smart meter is irrelevant is purposely misleading. Because of its well-deserved notoriety, the term smart meter has become a "bad word" among millions of people worldwide. From their inception, smart meters have earned the pejorative connotation that their proponents, such as Respondent, find impedimentary to their deployment of smart meters. Knowing this, Respondent's public relations scheme has been to employ its rhetorical warfare against smart meter opponents like Petitioner. Knowing the social divisiveness of smart meters, Respondent has chosen to use more universally acceptable terms such as "RF meters," "radio meters," or "cold water meters." These ennobling terms are used to avoid particular emotional connotations among the public that would otherwise lead to inquiry and investigation. Therefore, by keeping its customers misinformed about what smart meters are and what they do, Respondent's installation of microwave radiation emitting devices inside hundreds of thousands of homes and businesses has been an unlawful fait accompli.

POINT 2

RESPONDENT'S SMART METER IS A HARMFUL DEVICE

3. Respondent's conclusion that smart meters present no adverse health effects to consumers and are therefore safe is contrary to all science.
4. Outside of trauma that results in immediate physical injury, most radiation harms are not deterministic events. Harms from non-ionizing radiation require some latent

period between exposure and risk of harm. This latent period can take anywhere from several years to a person's life-span. Conversely, the exponential roll-out of wireless devices has only taken place within the last ten years. The vast majority of wireless smart meter installations, however, have only occurred in the last five years or since Obama's "Economic Stimulus Package" started offering \$4.5 billion in grants to private utilities to advance the federal "Smart Grid" program.

5. Respondent's claim that "Petitioner has not provided any empirical evidence" is wishful thinking. Respondent ignores both the Petition and Petitioner's February 5, 2015 letter which adduce evidence of the huge and growing body of scientific evidence demonstrating the harms caused by RF microwave radiation. There is now compelling empirical evidence that demonstrate how RF radiation affects human biology to the point of disability. This empirical evidence has been published in literally thousands of papers in the scientific literature that report biological effects of RF radiation well below the current FCC standards. In particular, these reports "prove" how even low frequency electromagnetic fields act by activating what is known as voltage-gated calcium channels (VGCCs) to elevate intracellular calcium and produce adverse effects in humans. These adverse effects include oxidative stress; breaks in cellular DNA; therapeutic effects; blood-brain barrier breakdown; depressed melatonin levels and sleep disruption; cancer; male and female infertility; immune dysfunction; neurological dysfunction; cardiac dysfunction including tachycardia, arrhythmia and sudden cardiac death. Moreover, the 1,400 page, Bioinitiative Report compiled by scientists from around the world, reported in 2012 that (1) the FCC standards are at least a million times too high to be safe; (2) that at least 3% of the general population will sustain immediate injury from the RF radiation from smart meters; and (3) that in 67 studies, the current FCC maximum permitted exposure (MPE) limits were found so high that they provide no protection from biological effects. The 2012 Bioinitiative Report can be found at: <http://www.bioinitiative.org/>.

6. There is now sufficient evidence that long-term use of 10 years or more of cellular phones dramatically increases the likelihood of brain cancers, especially in people who use cellular technology before the age of 20 years. This cellular technology is the same used in Respondent's smart meters, which use a form of pulsed radiation found to cause more biological activity than non-pulsed. Further, the FCC limits for RF radiation only apply to a single source of radiation. Because RF radiation is both additive and cumulative, these FCC limits fail to combine the exposures from all other sources. This makes the FCC limits not only too high to protect a person but totally dismissive of the actual RF radiation exposure received by a person from multiple sources of radiation. Moreover, there are now "window effects" demonstrating how the biological effects from multiple sources of RF radiation become maximal within specific exposure ranges yet decrease with both lower and higher exposures.

7. The smart meter is the first source of RF radiation exposure being mandated for installation in homes and businesses without the informed consent, or any consent of New Jersey residents. Respondent has achieved its deployment of smart meters by misinforming the public and creating the fear of injury or harm among ratepayers from having their water service discontinued and thereby extorting them to surrender their health, privacy, and property rights. The forceful introduction of these smart meters also shows exactly why this Petition directly affects not only Petitioner but a substantial public interest that should be decided by the BPU accordingly. For example, the American Time Use Survey (ATUS) conducted by the United States Bureau of Labor Statistics reports that between seventy-five to ninety percent of the activities people perform are conducted inside their homes. Because a smart meter can never be turned off, this means people with smart meters in their homes (or businesses) have increased their long-term exposure to RF radiation by 567 to 700 percent when compared with an average of 2.7 hours per day of cellular phone use. Promoting the wide-spread deployment of these devices therefore

amounts to no less than a massive involuntary experiment on the health and safety of New Jersey residents. People and their children should not be used as guinea pigs the same way big tobacco used American citizens.

8. Evidence is rarely found if you do not look for it. Yet, Respondent's approach to the dangers of smart meters is to wait for the body count.

POINT 3

THE FCC GUIDELINES FOR NON-THERMAL RADIATION ARE GROSSLY OUTDATED

9. Respondent's reference to "FCC standards" is in error. Per paragraph 32 of the Petition, the FCC has no federally developed national standard for safe levels of exposure to RF radiation. The FCC relies entirely on non-government organizations such as the Institute of Electrical and Electronics Engineers (IEEE) and the National Council on Radiation Protection and Measurements (NCRP) for its "guidelines." Moreover, the relevance and significance of FCC "standards" and regulations to this case have already been discussed at length in paragraphs 25 through 29 and 32 of the Petition as well as Point 2 above. Besides ignoring all this, Respondent fails to provide a narrative or other explanation of how he determines relevance.

10. Respondent's claim that the Village is in conformance "with all applicable regulations" including the terms of its tariff and Water Service Connection Application is a subject for discovery and adjudication.

POINT 4

THE REASON FOR CONFLICTING STUDIES ON NON-THERMAL ELECTROMAGNETIC RADIATION

11. Respondent's denial of the importance of conflicting studies in this case is willful blindness.

12. In addition to the federal Smart Grid program, smart meters are also a part of the "sustainable development" effort incorporated in the United Nation's Agenda 21.

This has fueled the worldwide installation of smart meters on gas, water, and electrical services by creating great incentives for utility companies and, in particular, the Telecommunications Industry (Telecom). Similar to the tobacco industry which for half a century funded junk-science "research" to cast doubt on the tobacco-cancer link, Telecom has joined the practice of manufacturing doubt and avoiding responsibility for the adverse effects of RF radiation exposure. There are now thousands of these junk-science reports now plastered throughout the internet and touting the "safety" of smart meters. This ongoing fraud to deceive not only the American public but the world at large is what confuses and makes it virtually impossible for the public to know what the "evidence" really says about smart meters.

13. Consequently, paragraphs 34 and 35 of the Petition are intended to explain the inconsistent evidence regarding the biological effects of wireless devices such as Respondent's smart meters.

POINT 5

THE E-CODER SMART METER IS NOT UL APPROVED AND MAY INVALIDATE HOMEOWNER INSURANCE

14. Respondent ignores the points made in paragraphs 36 and 37 of the Petition and instead argues a non-sequitur. The mere fact that Respondent has forcibly installed smart meters in thousands of homes and businesses by violating the public's trust has no relation whatsoever with whether smart meters are UL approved.

POINT 6

THE E-CODER SMART METER VIOLATES THE RIGHT TO PRIVACY

15. By ignoring the points made in paragraphs 38-40 of the Petition, Respondent attempts to downplay the overwhelming evidence of how smart meters invade privacy.

16. Besides the allegations made in paragraphs 38-40 of the Petition, the smart meter used by Respondent permits disaggregation of water consumption into specific usages that are associated with human activities. Since home appliances and fixtures such as showers, sinks, toilets, washers, etc. have similar consumption patterns, activity analysis using software applications can easily correlate water use patterns measured by smart meters with human activities. Consequently, once the smart meter is attached to your home, this software and graphing capability can determine how many people live inside the home, how many showers they take, how many loads of laundry they do, when they go to bed, get up, and even when they are not home.

POINT 7

**R ESPONDENT DOES NOT HAVE AN ABSOLUTE
RIGHT OF "ACCESS TO A CUSTOMER'S PREMISES"
PURSUANT TO N.J.A.C. 14:3-3.6**

17. Respondent repeats facts already alleged in the Petition as though they amount to "more" evidence.

18. Respondent admits that access to the meter was provided on June 8, 2011 but fails to note that during the past seventeen (17) years, while Petitioner and his family have lived at their current home, that Respondent has only requested access to Petitioner's home twice. The first request was on June 8, 2011 when access was granted, and the next request in January, 2015 which resulted in the Petition. Petitioner never received the "First Notice" Respondent purports to have sent in October 2014. Per paragraphs 5 - 7 of the Petition, Petitioner only became aware of Respondent's smart meter deployment in early January 2015. In addition, on July 17, 2015, Respondent claimed to have sent a letter in response to Petitioner's February 5, 2015 position letter on smart meters. Interestingly, Respondent fails to include any mention of this letter in his chronology of notifications to Petitioner. Also, as detailed in paragraphs 7-15 of the Petition, Respondent's hostile and

criminal trespasses on Petitioner's property on July 17 and 27, 2015 required police assistance and, therefore, were not "reasonable" as Respondent claims.

19. Respondent's assertion that it can replace a customer's meter with a microwave radiation emitting device that produces 6,172 non-stop pulses per day during person's entire lifetime is absurd. Unlike Respondent, Petitioner understands that individual health and environmental health are closely related. Regardless of an individual's health care, health problems increase if the environment is not healthy. Moreover, unless N.J.A.C. 14:3-3.6 (a) is *ultra vires*, Respondent's assertion that it has an absolute right to install any meter it wants runs afoul of public policy. N.J.S.A. 26:1A-93. Petitioner further notes that when interpreting a statute, the New Jersey Supreme Court has stated that its overarching duty is to construe and apply the statute as enacted. However, when a plain reading of the statute leads to an absurd result, the Court may resort to extrinsic evidence. Real v. Radir Wheels, Inc., 198 N.J. 511, 524 (2009). Here, it is axiomatic that New Jersey residents would never have voluntarily consented to abdicating their safety, property, and privacy rights to such an intrusion. Respondent has intruded on the public interest through stealth, misinformation and disinformation. It is therefore incumbent on the BPU to keep the public interest in mind at all times when deciding this Petition.

POINT 8

RESPONDENT'S ACTIONS VIOLATE 42 U.S.C.A. §§ 1983, 12101, 12132

20. Respondent's interpretation of the ADA's irrelevance to this case is wrong.

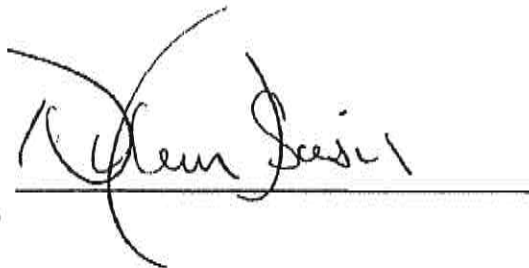
21. The ADA is comprised of five Titles. Respondent only points to Title I, which covers employment. Title II, Sec. 12132 of the ADA which applies to public entities, provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." And,

while Respondent may not qualify as a public entity, the state action doctrine applies because Respondent is owned and operated by the Village of Ridgewood, a public entity. State action may also apply from rulings administrative and regulatory agencies such as the BPU as well as from legislative or judicial action. N.J.S.A. 43:21-25 et seq., 46; U.S.C.A. Const. Amend. 14.

CONCLUSION

For the reasons set forth above and in the Petition, this case affects not only Petitioner but a substantial public interest. Petitioner respectfully requests that the BPU grant the relief requested in the Petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William Sosis", is written over a horizontal line.

By:

WILLIAM N. SOSIS, PMP, BS, MS, JD
PETITIONER

Dated: September 25, 2015

MATTHEW S. ROGERS
ATTORNEY AT LAW

123 PROSPECT STREET
RIDGEWOOD, NEW JERSEY 07451

Tel: [REDACTED]
Fax: [REDACTED]

Email: [REDACTED]
Website: [REDACTED]

October 14, 2015

Office of Administrative Law
33 Washington Street
Newark, NJ 07102

Attention: Deputy Clerk Kurt Schwartz

Re: Sosis v. Ridgewood Water Company
Docket No. PUC-15788-2015N
Agency Ref No.- WC 15080975

Dear Mr. Schwartz:

Please be advised that I represent the Ridgewood Water Company in regard to the above referenced contested hearing. Please accept this letter in objection to the Complainant Sosis' (hereinafter "Sosis") Motion to Compel Discovery which is dated October 9, 2015 for filing with the Office of Administrative Law. You should be aware that the Complainant Sosis is a licensed, practicing attorney in the State of New Jersey.

Opposition to this Motion is based upon the following grounds:

1. The filing of the subject Motion to Compel Discovery is in violation of N.J.A.C. 1:1-4 (d) which requires, as a condition precedent to the filing of every Motion to Compel Discovery, the moving party initiate a telephone conference with the Office of Administrative Law and the representative of the adversarial party to discuss the issues of discovery prior to filing of any such Motion. Sosis failed to do this and obviated the entire purpose and design of discovery in matters before the Office of Administrative law.
2. This case was received as filed by the Office of Administrative Law on October 5, 2015. In the Motion papers filed by Sosis, he failed to provide any of the Interrogatories, Document Demands and Request for Admission that he seeks to Compel. In doing so, the

Office of Administrative Law is unable to determine the relevancy and the likelihood that the subject Discovery requests will lead to the discovery of admissible evidence at the hearing (See N.J.A.C. 1:1-10.1 (B)). Since all discovery in these proceedings is meant to facilitate the disposition of the case, the Office of Administrative Law is unable to determine the viability of the requested discovery and weigh the burden it presents on the party from whom discovery is sought. (N.J.A.C. 1:1-10.1 (d). It is respectfully asserted that if the Office of Administrative Law was to review the Discovery requested by Sosis, it would clearly see that the intent of the discovery is to unduly burden the Respondent with unnecessary requests that do not lead to any relevant or admissible information pertaining to this matter. As the Office of Administrative Law will see, this is a very simple matter and the discovery requested is unnecessary, unduly burdensome and will not assist in the disposition of the relevant issues that are of concern to the Court.

3. On or about September 4, 2015, Sosis delivered the Interrogatories, Document Demand Requests and Request for Admissions to the Water Company. This was a month prior to October 5, 2015 when the Office of Administrative Law took jurisdiction of this Complaint. In response to the delivery of these documents, I inquired under what legal authority were the September 4, 2015 requests delivered. The response from Sosis was N.J.A.C. 1:1-10.2 et seq and New Jersey Rules of Court R.4:17-2 and 4:17-3. The assumption was that Sosis, an attorney, read these statutes. He delivered the discovery he now seeks to compel prior to this matter being accepted for jurisdiction by the Office of Administrative Law. Sosis' clear intent with the discovery is not to facilitate the disposition of this case. He is a licensed attorney, cited the New Jersey Rules of Court and the Administrative Code, but yet hoped to intimidate the Water Company into capitulating its position. This case is a simple matter regarding the installation of a replacement meter, one which is used regularly and approved by the B.P.U. Sosis had denied access to the Water Company to install the new meter, an issue that must also be resolved. The discovery requested on September 4, 2015 does not provide admissible evidence pertaining to the issues presented in the petition.

Thank you for your consideration in this regard.

Very truly yours,

LAW OFFICES OF MATTHEW S. ROGERS

Matthew S. Rogers, Esq.

Msr/lpr

Cc: Ridgewood Water
Service List
Sosis



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	)	ORDER ADOPTING INITIAL
N. SOSIS FOR A REVIEW OF COMPLAINT NO.	)	DECISION/SETTLEMENT
W#44-15 AND INJUNCTIVE RELIEF AGAINST	)	
THE RIDGEWOOD WATER COMPANY,	)	
RESPONDENT	)	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.

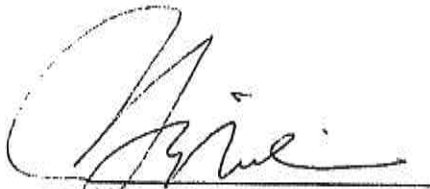
This Order shall be effective on May 7, 2016.

DATED: 4/27/16

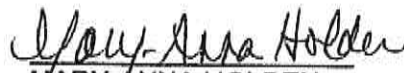
BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



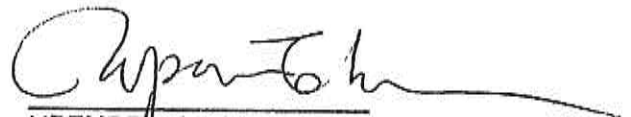
JOSEPH L. FIORDALISO
COMMISSIONER



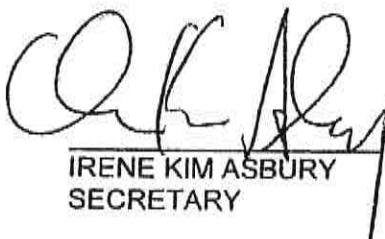
MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

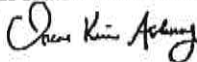


UPENDRA J. CHIVUKULA
COMMISSIONER

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

William N. Sosis, Esq.
80 Franklin Ave.
Midland Park, NJ 07432
william.n.sosis [REDACTED]
[REDACTED]

RESPONDENT- RIDGEWOOD WATER COMPANY

Matthew S. Rogers, Esq.
Law Offices of Matthew S. Rogers, L.L.C.
123 Prospect Street
Ridgewood, New Jersey 07451
[REDACTED]

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. 17:27-19.1 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.

March 21, 2016

DATE



IMRE KARASZEGI, JR., ALJ

Date Received at Agency:

Mailed to Parties:

dlc

William, Son's

vs

RIDGEWOOD WATER CO.
RIDGEWOOD WATER DEPT.

D.K.M.O. PUC

15788-2015

Agency Ref No: WIC 15080975

This matter having come before
the Honorable Anne Kavanaugh, A.C.J.
on a preliminary conference on March
14, 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 w/ the following terms
stated below, it is on this

16th day of March, 2016 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-
guarantees, read on 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} service
and separate billing of petitioners

meter, and

⑤ Water Department employee, Pascal Venetoga, will not be sent by

the Water Department to perform

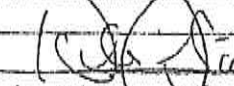
the annual meter read of the ^{on the meter} ~~meter~~

~~Water Department~~ meter.

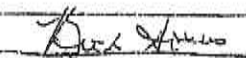
⑥ This settlement resolves all issues

~~potentially known~~ known at this time, ~~and~~

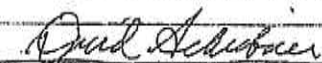
~~not to be~~ between the parties


William Sosio

3/16/2016
DATE


Brett Sosio

March 16, 2016
DATE


David Schickner

March 16, 2016
DATE

WILLIAM N. SOSIS, ESQ.

WILLIAM N. SOSIS [REDACTED]
[REDACTED]

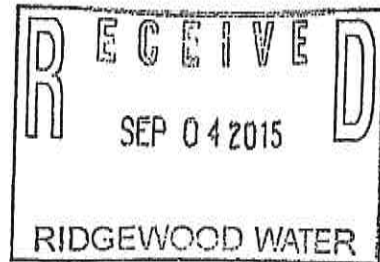
80 FRANKLIN AVENUE
MIDLAND PARK, NEW JERSEY 07432

TELEPHONE [REDACTED]

FAX [REDACTED]

September 2, 2015

VIA REGULAR MAIL



DAVID SCHEIBNER, BUSINESS MANAGER
Ridgewood Water Company
131 North Maple Avenue
Ridgewood, NJ 07451

**RE: 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 # WC15080975

Dear Mr. Scheibner:

With regard to the above-referenced matter, enclosed please find an original and two (2) copies of
Petitioner's:

1. First Set of Interrogatories to Respondent;
2. First Demand for Production of Documents to Respondent; and
3. Request of Admissions.

Please provide your responses to the enclosed Discovery within the time and in the manner
prescribed by the Rules.

Thank you for your attention to this matter. If you have any questions please call.

Yours very truly

A handwritten signature in dark ink, appearing to read "William N. Sosis". The signature is fluid and cursive, with a large loop at the end.

William N. Sosis, Esq.

WNS:bss

cc: Irene Asbury (Via Email: Irene.Asbury [REDACTED])
Board Secretary (Via Email: Board.Secretary [REDACTED])
Kenneth Welch (Via Email: Kenneth.Welch [REDACTED])



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.state.nj.gov/bpu/

Irene Kim Asbury
Secretary to the Board
Tel. # [REDACTED]

September 11, 2015

David Scheibner
Business Manager
Ridgewood Water Company
131 North Maple Avenue
Ridgewood, NJ 07451
dscheibner@ridgewoodnj.net

Re: In the Matter of the Petition of William N. Sosis For a Review of
Compliant No. W#44-15 and Injunctive Relieve Against Ridgewood Water Company,
Respondent Settlement Offer - Docket No. WC15080975

Dear Mr. Scheibner:

Staff has been advised by legal counsel that the offer of settlement must be made directly by Ridgewood Water Company ("Respondent") to Mr. Sosis ("Petitioner"). The Board's Office of the Secretary should be copied on this and all other correspondence.

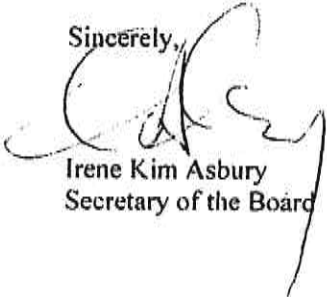
Also, the Company still needs to file an Answer to the Petition in accordance with N.J.A.C. 14:1-6.2.

Mr. Sosis can be reached at:

William N. Sosis, Esq.
80 Franklin Ave.
Midland Park, NJ 07432

[REDACTED]
william.n.sosis
[REDACTED]

Sincerely,


Irene Kim Asbury
Secretary of the Board

/ac



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	)	ORDER ADOPTING INITIAL
N. SOSIS FOR A REVIEW OF COMPLAINT NO.	)	DECISION/SETTLEMENT
W#44-15 AND INJUNCTIVE RELIEF AGAINST	)	
THE RIDGEWOOD WATER COMPANY,	)	
RESPONDENT	)	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

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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.

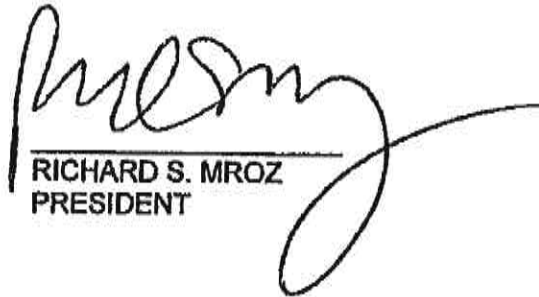
Accordingly, the Board **HEREBY ADOPTS** the Initial Decision approving the Settlement, **HEREBY ORDERS** that the Parties comply with the Settlement terms, and **HEREBY DISMISSES** the within petition with prejudice.

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.

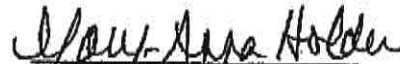
This Order shall be effective on May 7, 2016.

DATED: 4/27/16

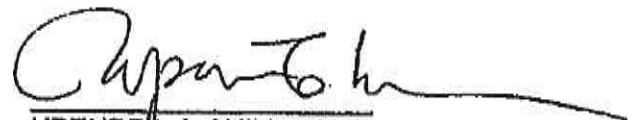
BOARD OF PUBLIC UTILITIES
BY:

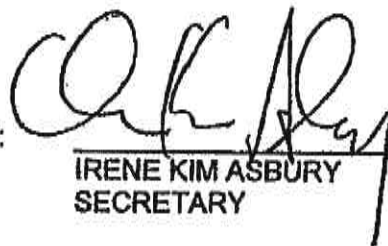

RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

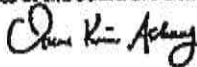

MARY-ANNA HOLDEN
COMMISSIONER


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

William N. Sosis, Esq.
80 Franklin Ave.
Midland Park, NJ 07432
william.n.sosis
[REDACTED]

RESPONDENT- RIDGEWOOD WATER COMPANY

Matthew S. Rogers, Esq.
Law Offices of Matthew S. Rogers, L.L.C.
123 Prospect Street
Ridgewood, New Jersey 07451
[REDACTED]

MAR 22 2016

MAIL RECIEVED



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. Gertman
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.

March 21, 2016
DATE


IMRE KARASZEGI, JR., ALJ

Date Received at Agency:

Mailed to Parties:

dlc

William, Son's

W3

RIDGEWOOD WATER CO.

RIDGEWOOD WATER DEPT.

DKFNO. PSC

15788-2015

Agency Ref No: WC 15080975

This matter being came before
the Honorable Judge Kanazaga, A.C.J.
on a preliminary conference on March
14, 2016, with both parties and
proponent appearing, but the
court having dismissed the merits
of the portions of the parties,
and the parties having mutually
agreed upon a resolution in
accordance w/ the following terms
stated below, it is on this

11th day of March, 2016 hereby
settled to follow:

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

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

(3) ~~Readings~~ 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 ^{making} service
and separate billing of petitioners



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, NJ 07102

OAL Docket, No.: PUC 15788-2015 N

Agency Ref. No.: WC15080975

Transmitting Agency: Board of Public Utilities

Judge: Karaszegi, Imre

Judge Phone No. [REDACTED]

Sosis, William N. v. Ridgewood Water Company

Notice of
In-Person
Prehearing

Nature of proceeding:
Service Dispute

The (in-person) prehearing conference in this case will be held on:

Date: 03/16/2016

Time: 9:30AM

Location: Office of Administrative Law 33 Washington St., 7th Floor Newark, NJ 07102

Directions are on the OAL website www.state.nj.us/oal (see the Locations tab).

The conference is limited to attorneys of record, approved non-lawyer representatives, and pro se parties. Parties must be familiar with the case and be fully prepared to discuss the items listed in N.J.A.C. 1:1-13.2. These rules can be accessed through a link on the Office of Administrative Law's website: www.state.nj.us/oal. (see the "Rules" section under the Rules tab).

If you do not attend the prehearing conference, the file will be returned to the transmitting agency for appropriate action which may include imposition of the proposed penalty or granting the relief requested by the other party.

In the event of inclement weather or other emergency, please contact the Superior Court in the county in which this matter is scheduled. If that Superior Court is closed, this matter will be cancelled and you will be notified by the OAL of the new date. *County courthouse closings:* www.judiciary.state.nj.us/closing.htm

December 10, 2015
Date

Deputy Clerk, OAL



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, NJ 07102

SERVICE LIST
OAL DOCKET NO. PUC 15788-2015 N

Donna Lee-Thomas
Bureau of Case Management
Board of Public Utilities
P.O. Box 350
Trenton, NJ 08625-0350

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Ridgewood, NJ 07450

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140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

William Sosis
80 Franklin Ave.
Midland Park, NJ 07432

**BEFORE THE NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

WILLIAM & BETH SOSIS

Petitioners,

v.

THE RIDGEWOOD WATER

Respondent.

OAL Docket # PUC 15788-2015

**MOTION TO SUPPLEMENT THE
RECORD WITH ADDITIONAL
EVIDENCE AND TRANSFER PETITION
TO THE NEW JERSEY APPELLATE
DIVISION**

Petitioners **WILLIAM & BETH SOSIS** hereby respectfully move pursuant to R. 4:9-4 to supplement their Petition with newly-obtained evidence supporting their existing claims, attached as *Exhibit 1* to this Motion in Support of this motion, Petitioners state as follows:

**RESPONDENT'S POSITION THAT ITS SMART METERS
ARE SAFE MUST BE JUDICIALLY ESTOPPED**

1. On August 15, 2013, Matthew S. Rogers (hereinafter "Rogers"), on behalf of the Respondent, submitted a letter in lieu of a more formal petition to the Board of Public Utilities (BPU) objecting to PSE&G's installation of high-voltage electrical utility poles in the Village of Ridgewood. *Exhibit 1*. In his letter requesting relief, Rogers, among other things requested a moratorium on the work to be performed by PSE&G, and that the BPU conduct a public hearing "to ensure the health and safety" of the Village and its affected rate payers. As a rationale for requesting this relief, Rogers and the Village of Ridgewood argued that the electromagnetic fields (EMFs) created by the higher voltage lines would expose its residents to "an unknown health and safety concern" and "negatively affect the health of persons who reside directly underneath these higher voltage lines."

2. In New Jersey, the doctrine of judicial estoppel protects the integrity of the judicial or quasi-judicial process by precluding a party from doing precisely what Respondent is intending to do in this case. That is, to take inconsistent positions before the same or prior proceedings. Ramer v. N.J. Transit Bus Operations, Inc., 335 N.J. Super. 304,

312 (App. Div. 2000). In its August 15, 2013 letter, Respondent took the position that EMFs create a "*substantive issue*" that has an adverse impact on human health. In the instant case, however, Respondent now claims that the EMFs emitted from its microwave radiation emitting devices installed directly inside residential homes are safe. Clearly, Respondent comes before this court with unclean hands and should be barred from making such claims. Leeds v. Chase Manhattan Bank, N.A., 331 N.J. Super. 416 (App. Div. 2000). Moreover, while Respondent stubbornly holds contradictory positions on the health effects of EMFs, it continues to bully ratepayers, such as Petitioners, who resist the installation of a smart meter inside their homes.

3. Accordingly, Petitioners respectfully request that they be allowed to supplement the record with *Exhibit 1* to this Motion and that Respondent be judicially estopped from avoiding its prior admission that exposure to EMFs create unwarranted health risks to humans.

**THERE IS A CONFLICT OF INTEREST IN THIS CASE THAT
BIASES PETITIONERS**

4. Petitioners strongly believe that the ultimate decision-maker in this matter, the BPU, has a conflict of interest that unfairly biases Petitioners. Petitioners therefore ask that Your Honor consider transferring the matter to the Appellate Division pursuant to R. 1:13-4(a)2 in advance of the Court's decision. Petitioners' reasons for this request include:

- a. The 2011 New Jersey Energy Master Plan (EMP): Although the 2011 EMP relates to the development of "Energy Technologies," page 10 of the plan states that "New Jersey should consider expanding the implementation of smart meters";
- b. BPU's Goals: During a news release on October 29, 2015, BPU President Richard S. Mroz and the CEO of New Jersey Natural Gas publicly announced their efforts to prioritize the 2011 EMP and increase the use of "microgrid technologies";
- c. BPU's Record: BPU prioritizes the economic interests of politics, investors and industry with little or no regard to New Jersey consumers. When considering the deregulation of public services, for example, the BPU's long history is that it favors private interests over public interests. One recent case is the deregulation of Verizon's landline telephone services in May 2015, an act that will inevitably lead to higher rates to New Jerseyans; and

- d. PSE&G's Energy Strong Investment Program includes installation of Smart Meters: On May 21, 2014, the BPU approved \$1.7 billion for PSE&G's Energy Strong Program to mitigate the effects of future storms such as Hurricane Sandy. Petitioners believe that the Energy Strong Program is, for the most part, the result of what is commonly called "the shock doctrine." Namely, the use of public tragedies to push through unpopular economic remedies at times when the public is disoriented and least likely to resist. By feigning concern for the environment, natural resources, emergency preparedness, and even public interest, businesses, investors, and utility companies are gratuitously given the opportunity to grab public funds and property for their own private interests.

5. On July 29, 2015, while their informal complaint was pending, Petitioners called the BPU's Division of Customer Assistance and spoke with Mr. Douglas K. Dickson. The call was digitally recorded pursuant to N.J.S.A. 2A:156A-4(d) and is available to the Court upon request. The purpose of the call was to request information on filing a Petition. To their surprise, as soon as Petitioners' mentioned that their complaint and Petition concerned the installation of a smart meter, Mr. Dickson immediately began speaking over them and repeating much of the following for nearly fifteen (15) minutes:

- a. "You don't have a choice";
- b. "Your choice is you don't have to have it you can have the water shut-off";
- c. "All the evidence shows that there's no interference between this and medical equipment";
- d. "You either accept it or you don't; if you don't accept it you don't have to have the water";
- e. "These are not smart meters; they are radio meters";
- f. "You're dealing with semantics here";
- g. "I'm predisposed to tell you it is not a smart meter";
- h. "It does not invade your privacy";
- i. "Forget the words "smart meter" and deal with radio meters and then you can go somewhere"; and
- j. "Smart meters record a whole bunch of other stuff that this meter does not; when you use your water, how much you use at any given time, where it's being used. This does not do it. This only records the total usage of water that goes through the meter."
- k. "I am passionate that it is a radio meter *because that is what we have all been instructed to tell people, it is not a smart meter.*"

6. Besides the gross misinformation, all of Mr. Dickson's comments, particularly that the BPU staff "have all been instructed to tell people, it is not a smart meter," further illustrate the concerns Petitioners have regarding the BPU's bias in this matter. Clearly, Petitioners' ability to have an impartial and fair hearing on the subject of smart meters is seriously in jeopardy.

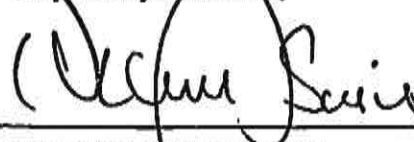
7. The BPU's August 4, 2015 response to Petitioners' informal complaint provided no analysis of the issues set forth in the complaint. The decision reads more like a cheerleading or opinion piece for smart meters than an impartial investigation into Petitioners' complaint.

CONCLUSION

WHEREFORE, Petitioners respectfully request that this Court:

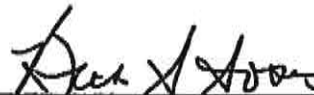
1. Supplement the record in this Petition with *Exhibit 1* attached to this Motion.
2. Enjoin Respondents from asserting the claim that smart meters pose no health threats;
3. Transfer this matter to the New Jersey Appellate Division for adjudication.

Respectfully Submitted,



DATED: December 2, 2015

By: WILLIAM N. SOSIS, ESQ.
Petitioner



DATED: December 2, 2015

By: BETH S. SOSIS
Petitioner

CERTIFICATION OF SERVICE

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

I further certify that a complete copy of this motion and attachments has been provided by Fax and electronic mail on this 2nd day of December, 2015 to Matthew S. Rogers, 123 Prospect Street, Ridgewood, New Jersey 07451.



WILLIAM N. SOSIS, ESQ.

EXHIBIT 1

MATTHEW S. ROGERS
ATTORNEY AT LAW

123 PROSPECT STREET
RIDGEWOOD, NEW JERSEY 07451

Tel: [REDACTED]
Fax: [REDACTED]

Email: [REDACTED]
Website: [REDACTED]

August 15, 2013

Robert Hanna, President
Board of Public Utilities
44 South Clinton Avenue
P.O. box 350
Trenton, New Jersey 08625-0350

Dear Mr. Hanna:

Please be advised that I am Counsel to the Village of Ridgewood, Bergen County, New Jersey. This letter is submitted in lieu of a more formal petition pursuant to N.J.A.C. 14:1-5.1 requesting the following relief:

1. A public hearing to address certain substantive issues concerning the installation of 65 foot electrical utility poles on South Maple Avenue, Spring Avenue, Hope Street and East Ridgewood Avenue in the Village;
2. The continuation of a consensual moratorium on any further work to be performed by PSE&G on this project during the course of the review/hearing process to be conducted by the Board of Public Utilities (BPU);
3. An expedited schedule for the hearing process and review for this petition.

The following information and assertions are provided to give the Board a concise and succinct understanding of the factual background and issues presented in this matter.

FACTUAL BACKGROUND

Based upon information and belief, the work presently underway is a "Reliability Initiative" undertaken without B.P.U. approval. It is asserted by PSE&G the project is part of a Pennsylvania, New Jersey, Maryland (P.J.M.) Regional Transmission Expansion Plan, through P.J.M. Interconnection, LLC.

The Village doesn't challenge PSE&G's right to upgrade its service or improve the reliability of the service. The issues raised by the Village are more specifically expressed below.

On or about June 20, 2013, PSE&G began the installation of new electric utility poles in the Village in the public right of way along South Maple Avenue. The new poles are approximately sixty five (65) feet high, and are arguably designed to carry the existing 25,000 volt electric lines and the introduction of new 69,000 volt lines. The area along South Maple Avenue is predominantly a residential area, becoming a mixed use zone as it approaches in a northerly direction its intersection with Dayton Street and then East Ridgewood Avenue.

As a matter of its own preference, PSE&G continued the installation of these 65 foot poles north along South Maple Avenue to its intersection with Spring Avenue, then headed east on Spring Avenue to its intersection with Hope Street, and then going north on Hope Street to its terminus at the intersection with East Ridgewood Avenue. Please see attached (Exhibit A, pink highlight). That is where the work has stopped as presently agreed to by PSE&G.

As stated above, PSE&G began its work in the Village on or about June 20, 2013 on the Ridgewood/Glen Rock border on South Maple Avenue.

The Code of the Village of Ridgewood requires at Chapter 249, Section 72 that a Street Opening Permit be obtained prior to commencing any work in the Public Right of Way.

Chapter 249, Section 44 of the Village Code requires that: "Ground mounted utility facilities shall be of a design compatible with the visual quality of the road way section being traversed".

Chapter 190-104, entitled R-2 Single Family Residence District at subsection C (3) is applicable to Public Utility Buildings and Structures and at subsection E(1) established a maximum height for structures of 30 feet.

40:55D-70(b) empowers the Ridgewood Zoning Board of Adjustment as the sole authority to interpret the application of the Zoning Regulations of the Village.

On or about June 20, 2013, PSE&G began work without filing for a Street Opening permit pursuant to Chapter 249, Section 72.1 of the Village Code. It was not until July 17, 2013, that the Village Engineer, Christopher Rutishauser, forced PSE&G to file for the permit and pay the required filing fee. As a result of this failure, there was never any municipal review of the project prior to the installation of the first pole and several weeks had gone by prior to any street opening permit being filed. It is clearly apparent that PSE&G did not attempt to satisfy the requirements of the Village Code.

ISSUES PRESENTED

The following issues are presented and requested to be addressed by the Board:

1. **ROUTE**. As can be seen by the attached Exhibit A, the route designated by PSE&G takes the installation of the poles through exclusively residential neighborhoods of Spring Avenue and Hope Street. The sixty five foot poles with the 69,000 volts extend through the tree lined streets and provide unsafe and incompatible intrusion into the neighborhood. The issues of safety as will be discussed below.

However, there are alternative routes for the installation of the 65 foot poles the Village would like to address. Exhibit A shows the route presently proposed by PSE&G. Exhibit B shows the proposed route in pink, but also shows an existing PSE&G owned R.O.W. in yellow, which is several blocks away from the proposed route and not in a residential area. Exhibit C shows the proposed PSE&G route in pink, the PSE&G R.O.W. in yellow and the area of an existing underground conduit along South Maple Avenue to its intersection with East Ridgewood Avenue in blue.

The Board can clearly see reasonable alternative routes for the installation of the new 65 foot poles and 69 KV lines. The Village requests the opportunity to address the alternate routes as viable and safe alternatives to the proposed PSE&G route.

In addition, the proposed route installs the 65 foot poles in an area that floods regularly. The topography of the Spring Avenue/Hope Street Intersection regularly floods during most significant rain storms which include storms that are not classified as hurricanes or tropical storms. The placement of the poles in this area creates a potential safety hazard for the residents and travelers on the two roadways due to the potential undermining of the poles in the area that floods.

2. ENVIRONMENT. The residents along South Maple Avenue, Spring Avenue, Hope Street and East Ridgewood Avenue are concerned about the environmental and health impact of the new wires and poles. Data suggests such impact is not known and the long term issues that can negatively affect the health of persons who reside directly underneath these higher voltage lines, sleeping within 20 to 30 feet of these higher voltage lines are unclear. This creates an unknown health and safety concern that can be alleviated by rerouting the poles through a less populated area than Spring Avenue/Hope Street neighborhood, such as the PSE&G Right of Way depicted in Exhibit B and C and going underground in the same area of the existing underground conduit shown in Exhibit C.

Further, by using a different route such as the PSE&G right of way, or utilizing an underground conduit approach to the connection needed on East Ridgewood Avenue, PSE&G would alleviate not only environmental health and safety concerns, but alleviate the need to cut trees, and compensate individual property owners as it has already undertaken to do. At least one resident that I am aware of has received an offer of compensation from PSE&G for the placement of one of the 65 foot poles on his property along Spring Street.

3. REVENUE. The impact of the installation of 65 foot poles in this quiet neighborhood may in the future negatively impact the assessed value. This places the Village in a precarious position to anticipate potential lost revenue from a tax base that is already depleted due to reduce State assistance and a downturn in the real estate market. The average property width is approximately 50 frontage where the new poles are located. There are 36 residences on the area of Hope Street where the poles are located, and 11 on the Spring Avenue area. The location of the poles places many of them directly in front of the residences. The next year tax appeals are not to be filed until February 2014. The only aspect of this that the Village can predetermine is having to vigorously defend any new appeals that are filed.

4. **LEGAL.** PSE&G's failure to properly advise the Village of the scope and breadth of this project and timely file for a Street Opening Permit as required by the Village Code has brought about the present status of the project.

Since the filing of the permit application, the Village has worked with the representatives of PSE&G to understand the entirety of the project, provide an opportunity to address all local issues and to consensually bring this matter to the B.P.U. Board for review. The New Jersey Administrative Code does not permit such a process to bring this matter to the Board and the appropriate filing for the Board to take jurisdiction of this matter is by N.J.A.C. 14:1-5.1.

Prior case law decisions in this State indicate that there are authorizations granted to the Electrical Utility through State Statute and Municipal Authorization. N.J.S.A. 48:7-1 requires Municipal Authorization prior to the installation of electricity poles. However, that initial authorization, whether by Franchise Agreement, Ordinance or Resolution adopting the statutory framework, was done almost a century ago, and there does not appear to be any known document evidencing the authorization, nor is there known any location where all such municipal authorization documents are kept. The review of the earlier authorizations would be telling in regard to the authorization granted and provide an understanding of the clear intent of the actions taken by the municipalities.

In 1949, the Superior Court decided the Dues vs. PSE&G case, 3 N.J. Super. 439, (1949). In that case, the defendant utility intended to install taller poles and electric lines with greater capacity, similar to the present circumstances. The Court determined that taller poles and the increased voltage lines created a condition that was different than what had been authorized previously by the Municipality. Although not completely controlling and dispositive in the matter we bring before you, this decision should be an indication that the present PSE&G project is a significant change to the existing condition on Spring Avenue and Hope Street. Without any review and hearing being provided, it creates significant concerns that can be alleviated by utilization of alternate routes which are available to PSE&G for the installation of the project.

CONCLUSION

The lack of any review to this project by B.P.U. or the local development boards fails to ensure the health and safety, environmental and financial concerns of the Village and the affected rate payers in our community. As a Municipality, we have worked closely with PSE&G on many issues and projects and would have attempted to do so in regard to this project as well if PSE&G had followed proper procedures and promises. Even so, the level of communication between PSE&G and the Village has been professional and courteous, and continues to be so.

However, due to the failure to properly proceed in accordance with Municipal Ordinances and provide details of the project, the rate payers whom the Village represents need the issues raised above in this petition addressed and considered.

It is respectfully requested the Board of Public Utilities provide a hearing, on an expedited schedule, to understand these concerns and consider an alternate route for the

installations of these 65 foot high poles and the increased voltage wires through the residential neighborhood where it's proposed.

Thank you for attention and consideration in this regard.

Respectfully submitted,

LAW OFFICES OF MATTHEW S. ROGERS, LLC

By

**_____
MATTHEW S. ROGERS**

MSR/plh

**cc: Dr. Kenneth Gabbert
Village Council
Village Clerk
Kenneth Sheehan, Esq.**

**BEFORE THE NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

WILLIAM & BETH SOSIS

Petitioners,

v.

THE RIDGEWOOD WATER

Respondent.

OAL Docket # PUC 15788-2015

**MOTION TO SUPPLEMENT THE
RECORD WITH ADDITIONAL
EVIDENCE AND TRANSFER PETITION
TO THE NEW JERSEY APPELLATE
DIVISION**

Petitioners WILLIAM & BETH SOSIS hereby respectfully move pursuant to R. 4:9-4 to supplement their Petition with newly-obtained evidence supporting their existing claims, attached as *Exhibit 1* to this Motion in Support of this motion, Petitioners state as follows:

**RESPONDENT'S POSITION THAT ITS SMART METERS
ARE SAFE MUST BE JUDICIALLY ESTOPPED**

1. On August 15, 2013, Matthew S. Rogers (hereinafter "Rogers"), on behalf of the Respondent, submitted a letter in lieu of a more formal petition to the Board of Public Utilities (BPU) objecting to PSE&G's installation of high-voltage electrical utility poles in the Village of Ridgewood. *Exhibit 1*. In his letter requesting relief, Rogers, among other things requested a moratorium on the work to be performed by PSE&G, and that the BPU conduct a public hearing "to ensure the health and safety" of the Village and its affected rate payers. As a rationale for requesting this relief, Rogers and the Village of Ridgewood argued that the electromagnetic fields (EMFs) created by the higher voltage lines would expose its residents to "an unknown health and safety concern" and "negatively affect the health of persons who reside directly underneath these higher voltage lines."

2. In New Jersey, the doctrine of judicial estoppel protects the integrity of the judicial or quasi-judicial process by precluding a party from doing precisely what Respondent is intending to do in this case. That is, to take inconsistent positions before the same or prior proceedings. Ramer v. N.J. Transit Bus Operations, Inc., 335 N.J. Super. 304,

312 (App. Div. 2000). In its August 15, 2013 letter, Respondent took the position that EMFs create a "*substantive issue*" that has an adverse impact on human health. In the instant case, however, Respondent now claims that the EMFs emitted from its microwave radiation emitting devices installed directly inside residential homes are safe. Clearly, Respondent comes before this court with unclean hands and should be barred from making such claims. Leeds v. Chase Manhattan Bank, N.A., 331 N.J. Super. 416 (App. Div. 2000). Moreover, while Respondent stubbornly holds contradictory positions on the health effects of EMFs, it continues to bully ratepayers, such as Petitioners, who resist the installation of a smart meter inside their homes.

3. Accordingly, Petitioners respectfully request that they be allowed to supplement the record with *Exhibit 1* to this Motion and that Respondent be judicially estopped from avoiding its prior admission that exposure to EMFs create unwarranted health risks to humans.

**THERE IS A CONFLICT OF INTEREST IN THIS CASE THAT
BIASES PETITIONERS**

4. Petitioners strongly believe that the ultimate decision-maker in this matter, the BPU, has a conflict of interest that unfairly biases Petitioners. Petitioners therefore ask that Your Honor consider transferring the matter to the Appellate Division pursuant to R. 1:13-4(a)2 in advance of the Court's decision. Petitioners' reasons for this request include:

- a. The 2011 New Jersey Energy Master Plan (EMP): Although the 2011 EMP relates to the development of "Energy Technologies," page 10 of the plan states that "New Jersey should consider expanding the implementation of smart meters";
- b. BPU's Goals: During a news release on October 29, 2015, BPU President Richard S. Mroz and the CEO of New Jersey Natural Gas publicly announced their efforts to prioritize the 2011 EMP and increase the use of "microgrid technologies";
- c. BPU's Record: BPU prioritizes the economic interests of politics, investors and industry with little or no regard to New Jersey consumers. When considering the deregulation of public services, for example, the BPU's long history is that it favors private interests over public interests. One recent case is the deregulation of Verizon's landline telephone services in May 2015, an act that will inevitably lead to higher rates to New Jerseyans; and

- d. PSE&G's Energy Strong Investment Program includes installation of Smart Meters: On May 21, 2014, the BPU approved \$1.7 billion for PSE&G's Energy Strong Program to mitigate the effects of future storms such as Hurricane Sandy. Petitioners believe that the Energy Strong Program is, for the most part, the result of what is commonly called "the shock doctrine." Namely, the use of public tragedies to push through unpopular economic remedies at times when the public is disoriented and least likely to resist. By feigning concern for the environment, natural resources, emergency preparedness, and even public interest, businesses, investors, and utility companies are gratuitously given the opportunity to grab public funds and property for their own private interests.

5. On July 29, 2015, while their informal complaint was pending, Petitioners called the BPU's Division of Customer Assistance and spoke with Mr. Douglas K. Dickson. The call was digitally recorded pursuant to N.J.S.A. 2A:156A-4(d) and is available to the Court upon request. The purpose of the call was to request information on filing a Petition. To their surprise, as soon as Petitioners' mentioned that their complaint and Petition concerned the installation of a smart meter, Mr. Dickson immediately began speaking over them and repeating much of the following for nearly fifteen (15) minutes:

- a. "You don't have a choice";
- b. "Your choice is you don't have to have it you can have the water shut-off";
- c. "All the evidence shows that there's no interference between this and medical equipment";
- d. "You either accept it or you don't; if you don't accept it you don't have to have the water";
- e. "These are not smart meters; they are radio meters";
- f. "You're dealing with semantics here";
- g. "I'm predisposed to tell you it is not a smart meter";
- h. "It does not invade your privacy";
- i. "Forget the words "smart meter" and deal with radio meters and then you can go somewhere"; and
- j. "Smart meters record a whole bunch of other stuff that this meter does not; when you use your water, how much you use at any given time, where it's being used. This does not do it. This only records the total usage of water that goes through the meter."
- k. "I am passionate that it is a radio meter *because that is what we have all been instructed to tell people, it is not a smart meter.*"

6. Besides the gross misinformation, all of Mr. Dickson's comments, particularly that the BPU staff "have all been instructed to tell people, it is not a smart meter," further illustrate the concerns Petitioners have regarding the BPU's bias in this matter. Clearly, Petitioners' ability to have an impartial and fair hearing on the subject of smart meters is seriously in jeopardy.

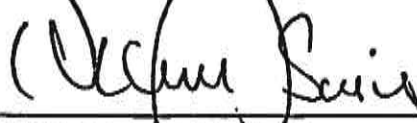
7. The BPU's August 4, 2015 response to Petitioners' informal complaint provided no analysis of the issues set forth in the complaint. The decision reads more like a cheerleading or opinion piece for smart meters than an impartial investigation into Petitioners' complaint.

CONCLUSION

WHEREFORE, Petitioners respectfully request that this Court:

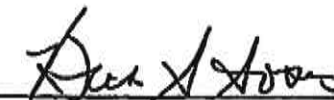
1. Supplement the record in this Petition with *Exhibit 1* attached to this Motion.
2. Enjoin Respondents from asserting the claim that smart meters pose no health threats;
3. Transfer this matter to the New Jersey Appellate Division for adjudication.

Respectfully Submitted,



DATED: December 2, 2015

By: WILLIAM N. SOSIS, ESQ.
Petitioner



DATED: December 2, 2015

By: BETH S. SOSIS
Petitioner

CERTIFICATION OF SERVICE

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

I further certify that a complete copy of this motion and attachments has been provided by Fax and electronic mail on this 2nd day of December, 2015 to Matthew S. Rogers, 123 Prospect Street, Ridgewood, New Jersey 07451.

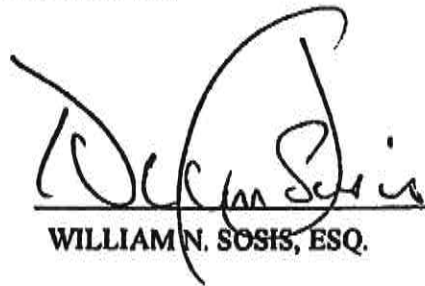

WILLIAM N. SOSIS, ESQ.

EXHIBIT 1

MATTHEW S. ROGERS
ATTORNEY AT LAW

123 PROSPECT STREET
RIDGEWOOD, NEW JERSEY 07451

Tel: [REDACTED]
Fax: [REDACTED]

Email: [REDACTED]
Website: [REDACTED]

August 15, 2013

Robert Hanna, President
Board of Public Utilities
44 South Clinton Avenue
P.O. box 350
Trenton, New Jersey 08625-0350

Dear Mr. Hanna:

Please be advised that I am Counsel to the Village of Ridgewood, Bergen County, New Jersey. This letter is submitted in lieu of a more formal petition pursuant to N.J.A.C. 14:1-5.1 requesting the following relief:

1. A public hearing to address certain substantive issues concerning the installation of 65 foot electrical utility poles on South Maple Avenue, Spring Avenue, Hope Street and East Ridgewood Avenue in the Village;
2. The continuation of a consensual moratorium on any further work to be performed by PSE&G on this project during the course of the review/hearing process to be conducted by the Board of Public Utilities (BPU);
3. An expedited schedule for the hearing process and review for this petition.

The following information and assertions are provided to give the Board a concise and succinct understanding of the factual background and issues presented in this matter.

FACTUAL BACKGROUND

Based upon information and belief, the work presently underway is a "Reliability Initiative" undertaken without B.P.U. approval. It is asserted by PSE&G the project is part of a Pennsylvania, New Jersey, Maryland (P.J.M.) Regional Transmission Expansion Plan, through P.J.M. Interconnection, LLC.

The Village doesn't challenge PSE&G's right to upgrade its service or improve the reliability of the service. The issues raised by the Village are more specifically expressed below.

On or about June 20, 2013, PSE&G began the installation of new electric utility poles in the Village in the public right of way along South Maple Avenue. The new poles are approximately sixty five (65) feet high, and are arguably designed to carry the existing 25,000 volt electric lines and the introduction of new 69,000 volt lines. The area along South Maple Avenue is predominantly a residential area, becoming a mixed use zone as it approaches in a northerly direction its intersection with Dayton Street and then East Ridgewood Avenue.

As a matter of its own preference, PSE&G continued the installation of these 65 foot poles north along South Maple Avenue to its intersection with Spring Avenue, then headed east on Spring Avenue to its intersection with Hope Street, and then going north on Hope Street to its terminus at the intersection with East Ridgewood Avenue. Please see attached (Exhibit A, pink highlight). That is where the work has stopped as presently agreed to by PSE&G.

As stated above, PSE&G began its work in the Village on or about June 20, 2013 on the Ridgewood/Glen Rock border on South Maple Avenue.

The Code of the Village of Ridgewood requires at Chapter 249, Section 72 that a Street Opening Permit be obtained prior to commencing any work in the Public Right of Way.

Chapter 249, Section 44 of the Village Code requires that: "Ground mounted utility facilities shall be of a design compatible with the visual quality of the road way section being traversed".

Chapter 190-104, entitled R-2 Single Family Residence District at subsection C (3) is applicable to Public Utility Buildings and Structures and at subsection E(1) established a maximum height for structures of 30 feet.

40:55D-70(b) empowers the Ridgewood Zoning Board of Adjustment as the sole authority to interpret the application of the Zoning Regulations of the Village.

On or about June 20, 2013, PSE&G began work without filing for a Street Opening permit pursuant to Chapter 249, Section 72.1 of the Village Code. It was not until July 17, 2013, that the Village Engineer, Christopher Rutishauser, forced PSE&G to file for the permit and pay the required filing fee. As a result of this failure, there was never any municipal review of the project prior to the installation of the first pole and several weeks had gone by prior to any street opening permit being filed. It is clearly apparent that PSE&G did not attempt to satisfy the requirements of the Village Code.

ISSUES PRESENTED

The following issues are presented and requested to be addressed by the Board:

1. **ROUTE**. As can be seen by the attached Exhibit A, the route designated by PSE&G takes the installation of the poles through exclusively residential neighborhoods of Spring Avenue and Hope Street. The sixty five foot poles with the 69,000 volts extend through the tree lined streets and provide unsafe and incompatible intrusion into the neighborhood. The issues of safety as will be discussed below.

However, there are alternative routes for the installation of the 65 foot poles the Village would like to address. Exhibit A shows the route presently proposed by PSE&G. Exhibit B shows the proposed route in pink, but also shows an existing PSE&G owned R.O.W. in yellow, which is several blocks away from the proposed route and not in a residential area. Exhibit C shows the proposed PSE&G route in pink, the PSE&G R.O.W. in yellow and the area of an existing underground conduit along South Maple Avenue to its intersection with East Ridgewood Avenue in blue.

The Board can clearly see reasonable alternative routes for the installation of the new 65 foot poles and 69 KV lines. The Village requests the opportunity to address the alternate routes as viable and safe alternatives to the proposed PSE&G route.

In addition, the proposed route installs the 65 foot poles in an area that floods regularly. The topography of the Spring Avenue/Hope Street Intersection regularly floods during most significant rain storms which include storms that are not classified as hurricanes or tropical storms. The placement of the poles in this area creates a potential safety hazard for the residents and travelers on the two roadways due to the potential undermining of the poles in the area that floods.

2. ENVIRONMENT. The residents along South Maple Avenue, Spring Avenue, Hope Street and East Ridgewood Avenue are concerned about the environmental and health impact of the new wires and poles. Data suggests such impact is not known and the long term issues that can negatively affect the health of persons who reside directly underneath these higher voltage lines, sleeping within 20 to 30 feet of these higher voltage lines are unclear. This creates an unknown health and safety concern that can be alleviated by rerouting the poles through a less populated area than Spring Avenue/Hope Street neighborhood, such as the PSE&G Right of Way depicted in Exhibit B and C and going underground in the same area of the existing underground conduit shown in Exhibit C.

Further, by using a different route such as the PSE&G right of way, or utilizing an underground conduit approach to the connection needed on East Ridgewood Avenue, PSE&G would alleviate not only environmental health and safety concerns, but alleviate the need to cut trees, and compensate individual property owners as it has already undertaken to do. At least one resident that I am aware of has received an offer of compensation from PSE&G for the placement of one of the 65 foot poles on his property along Spring Street.

3. REVENUE. The impact of the installation of 65 foot poles in this quiet neighborhood may in the future negatively impact the assessed value. This places the Village in a precarious position to anticipate potential lost revenue from a tax base that is already depleted due to reduce State assistance and a downturn in the real estate market. The average property width is approximately 50 frontage where the new poles are located. There are 36 residences on the area of Hope Street where the poles are located, and 11 on the Spring Avenue area. The location of the poles places many of them directly in front of the residences. The next year tax appeals are not to be filed until February 2014. The only aspect of this that the Village can predetermine is having to vigorously defend any new appeals that are filed.

4. LEGAL. PSE&G's failure to properly advise the Village of the scope and breadth of this project and timely file for a Street Opening Permit as required by the Village Code has brought about the present status of the project.

Since the filing of the permit application, the Village has worked with the representatives of PSE&G to understand the entirety of the project, provide an opportunity to address all local issues and to consensually bring this matter to the B.P.U. Board for review. The New Jersey Administrative Code does not permit such a process to bring this matter to the Board and the appropriate filing for the Board to take jurisdiction of this matter is by N.J.A.C. 14:1-5.1.

Prior case law decisions in this State indicate that there are authorizations granted to the Electrical Utility through State Statute and Municipal Authorization. N.J.S.A. 48:7-1 requires Municipal Authorization prior to the installation of electricity poles. However, that initial authorization, whether by Franchise Agreement, Ordinance or Resolution adopting the statutory framework, was done almost a century ago, and there does not appear to be any known document evidencing the authorization, nor is there known any location where all such municipal authorization documents are kept. The review of the earlier authorizations would be telling in regard to the authorization granted and provide an understanding of the clear intent of the actions taken by the municipalities.

In 1949, the Superior Court decided the Dues vs. PSE&G case, 3 N.J. Super. 439, (1949). In that case, the defendant utility intended to install taller poles and electric lines with greater capacity, similar to the present circumstances. The Court determined that taller poles and the increased voltage lines created a condition that was different than what had been authorized previously by the Municipality. Although not completely controlling and dispositive in the matter we bring before you, this decision should be an indication that the present PSE&G project is a significant change to the existing condition on Spring Avenue and Hope Street. Without any review and hearing being provided, it creates significant concerns that can be alleviated by utilization of alternate routes which are available to PSE&G for the installation of the project.

CONCLUSION

The lack of any review to this project by B.P.U. or the local development boards fails to ensure the health and safety, environmental and financial concerns of the Village and the affected rate payers in our community. As a Municipality, we have worked closely with PSE&G on many issues and projects and would have attempted to do so in regard to this project as well if PSE&G had followed proper procedures and promises. Even so, the level of communication between PSE&G and the Village has been professional and courteous, and continues to be so.

However, due to the failure to properly proceed in accordance with Municipal Ordinances and provide details of the project, the rate payers whom the Village represents need the issues raised above in this petition addressed and considered.

It is respectfully requested the Board of Public Utilities provide a hearing, on an expedited schedule, to understand these concerns and consider an alternate route for the

installations of these 65 foot high poles and the increased voltage wires through the residential neighborhood where it's proposed.

Thank you for attention and consideration in this regard.

Respectfully submitted,

LAW OFFICES OF MATTHEW S. ROGERS, LLC

By

MATTHEW S. ROGERS

MSR/plh

cc: Dr. Kenneth Gabbert
Village Council
Village Clerk
Kenneth Sheehan, Esq.

BEFORE THE NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

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

OAL Docket # PUC 15788-2015

PETITIONER'S MOTION
TO COMPEL DISCOVERY

MOTION TO COMPEL DISCOVERY

1. Petitioner moves the Office of Administrative Law for an order compelling Respondent, Ridgewood Water Company, to comply with their discovery obligations and produce responses and documents to Petitioner's First Set of Interrogatories, Demand for Production of Documents, and Request for Admissions.

FACTUAL AND PROCEDURAL BACKGROUND

2. On September 3, 2015 Petitioner served Respondent with Petitioner's first request for Discovery.

3. On September 26 and 28, 2015, through email and regular mail, Petitioner made good faith efforts to resolve Respondent's failure to respond to said Discovery request.

4. On September 28, 2015, Respondent responded that it has no intention of cooperating in Discovery unless compelled to do so. Respondent's position specifically states, "[e]ven if there is an Administrative hearing determined in this matter, my position is you would have to request discovery from the Hearing Tribunal or an Administrative Law Judge before a party is required to respond. So at this time, there is no intent to respond to the questions or provide any documents."

5. To date, Respondent refuses to provide answers to Petitioner's First Request for Discovery.

LEGAL STANDARD

6. N.J.A.C. 1:1-10.1 through 1:1-10.6 provide for discovery in Office of Administrative Law hearings. They provide, in part, that the parties in any contested case shall commence immediately to exchange information voluntarily, and to make good faith efforts to exhaust other informal means of obtaining discoverable material relevant to the subject matter involved in the pending action. A discovery request is not grounds for objection that the information sought will be inadmissible if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. When a party refuses to respond to a discovery request, the propounding party may notify the Administrative Law Judge to compel discovery.

RESPONDENT'S SPECIFIC OBJECTIONS

7. Respondent provides no specific objections which Petitioner can argue.
8. Respondent merely denies that it even needs to provide a response to Petitioner's request for Discovery. Accordingly, Respondent's willful non-compliance with its Discovery obligation fails to meet its burden of establishing lack of relevance or undue burden and necessitates this motion to compel.

CONCLUSION

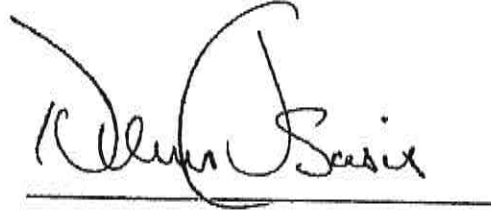
Based on the foregoing reasons, Petitioner requests the Public Utilities Commission to grant Petitioner's Motion to Compel and to order Respondent to produce answers to Petitioner's First Set of Interrogatories, Demand for Production of Documents, and Request for Admissions.

10/9/2015 08:35

TO: [REDACTED] FROM: [REDACTED]

Page: 5

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "William N. Sosis", is written over a horizontal line.

By:

WILLIAM N. SOSIS, PMP, BS, MS, JD
PETITIONER

Dated: October 9, 2015

William & Beth Sosis

WILLIAM N. SOSIS [REDACTED]

80 FRANKLIN AVENUE
MIDLAND PARK, NEW JERSEY 07432

TELEPHONE [REDACTED]
[REDACTED]

October 9, 2015

Via Regular Mail

MR. KURT SCHWARTZ, Deputy Clerk
Office of Administrative Law
33 Washington Street
Newark, New Jersey 07102

**RE: · IN THE MATTER OF THE PETITION OF WILLIAM N. SOSIS FOR A REVIEW
OF COMPLAINT NO. WH44-15 AND INJUNCTIVE RELIEF AGAINST THE
RIDGEWOOD WATER COMPANY, RESPONDENT
· BPU Docket No. WC15080975
· OAL Docket No. PUC 15788-2015
· PETITIONER'S MOTION TO COMPEL DISCOVERY**

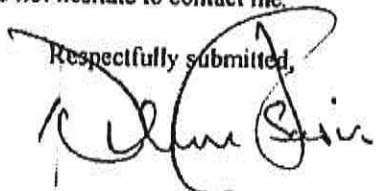
Dear Mr. Schwartz:

Enclosed please find Petitioner's Motion to Compel Discovery.

A copy of this motion has been served on Respondent's attorney, Mr. Matthew S. Rogers, Esq., via fax and email.

Should you have any questions please do not hesitate to contact me.

Respectfully submitted,


William N. Sosis, Esq.

WNS:BSS

Cc: Matthew S. Rogers, Esq. (via fax [REDACTED] & email [REDACTED])

10/9/2015 08:35

TO:

FROM:

Page: 1

Fax Transmission

To: Matthew S. Rogers, Esq.

From: William N. Sosis, Esq.

Fax:

Date: 10/9/2015

RE: SOSIS V. RIDGEWOOD *

Pages: 5

Comments:

William & Beth Sosis

WILLIAM N. SOSIS [REDACTED]

80 FRANKLIN AVENUE
MIDLAND PARK, NEW JERSEY 07432

TELEPHONE [REDACTED]
FAX [REDACTED]

May 9, 2016

Via Email & Fax [REDACTED]

MATTHEW S. ROGERS, ESQ.
Law Offices of Matthew S. Rogers, L.L.C.
123 Prospect Street
Ridgewood, New Jersey 07451

RE: SOSIS v. RIDGEWOOD WATER
OAL Dkt. No. PUC 15788-15
BPU Dkt. No. WC15080975
Water Meter Test (WMT# 23-16)

Dear Mr. Rogers:

Regarding the above matter, I called your office today and confirmed your receipt of my letter dated May 3, 2016. *Exhibit 1* You never responded to this letter. Nonetheless, your client appeared unannounced at my door this morning knocking twice while I was on the phone with a client. When I came to the door, I managed to speak with David Scheibner before he could pull away in his car. I asked Mr. Scheibner if he had received the letter I sent you and specifically informing Ridgewood Water that the meter could be replaced on May 10, 2016 at 8:00 A.M. Mr. Scheibner said he was not aware of any letter regarding the scheduling of the meter replacement.

After returning to my desk, I immediately found a voice-mail from the New Jersey Board of Public Utilities (BPU). I note that this voicemail arrived at 8:53 AM and at approximately the same time I was speaking to Mr. Scheibner. The message was from Marjorie Moore informing me that "the water company told [her] that they have not been able to contact [me] to take [my] meter out." I then called Ms. Moore who informed me that she had received a call from "Justin Popek" informing her that I could not be contacted and that I had not responded to your client's letters. I explained to Ms. Moore that I could not understand how Mr. Popek could say I had not contacted Ridgewood Water when, on May 4, 2016, I specifically received a signed confirmation from the New Jersey Lawyers Service that your office had received my May 3, 2016 letter. *Exhibit 2.* Ms. Moore then indicated she would personally call Mr. Popek informing him that the water meter in my home was scheduled for replacement tomorrow, May 10, 2016 at 8:00 AM.

I then called Mr. Popek asking why he had called the BPU. Mr. Popek said he had received no communications from anyone in your office or in the Ridgewood Water Department (including Mr. Scheibner.) I next spoke with Mr. Scheibner who also indicated he had not received any letter or communication from your office regarding the meter replacement. I further asked if the replacement meter would be an "analog" meter. Mr. Scheibner hesitated and, evading the question, would only say that the replacement meter would be a "direct read" meter with a digital display.

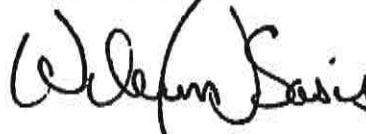
MATTHEW S. ROGERS, ESQ.
May 9, 2016
Page 2

WILLIAM N. SOSIS

I think you will agree that none of the above appears to be in the spirit of cooperation. In fact, it appears more a sign of bad faith, unfair business practices, and untrustworthiness on the part of your client. While I will not, at this time, address much of your client's misconduct, I urge that you remind your client that paragraph 1 of our March 16, 2016 Agreement clearly states that "[t]he Company will install, at no charge, an 'analog' meter in the Petitioner's home." These terms of our March 16, 2016 Agreement are also memorialized in the BPU's Order issued April 27, 2016. *Exhibit 3*.

Finally, should your client fail to install an "analog" meter tomorrow inside my home, be advised that I will not consent to such installation and will consider them in violation of our March 16, 2016 Agreement.

Very truly yours,

A handwritten signature in black ink, appearing to read "William N. Sosis". The signature is fluid and cursive, with the first name "William" and last name "Sosis" clearly distinguishable.

William N. Sosis, Esq.

WNS:bss

Enclosures

Cc: Kurt Schwartz, Deputy Clerk, Office of Administrative Law
Patricia Krogman, DAG, Division of Law
Donna Lee-Thomas, Bureau of Case Management
Alex Moreau, DAG, Division of Law
Stefanie A. Brand, Director, Division of Rate Counsel
David Scheibner

Exhibit 1

William & Beth Sosis

WILLIAM N. SOSIS

80 FRANKLIN AVENUE
MIDLAND PARK, NEW JERSEY 07432

TELEPHONE

FAX

May 3, 2016

Via New Jersey Lawyer's Service

MATTHEW S. ROGERS, ESQ.
Law Offices of Matthew S. Rogers, L.L.C.
123 Prospect Street
Ridgewood, New Jersey 07451

RE: SOSIS v. RIDGEWOOD
OAL Dkt. No. PUC 15788-15
BPU Dkt. No. WC15080975
Water Meter Test (WMT# 23-16)

Dear Mr. Rogers:

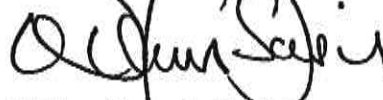
I am in receipt of the letter to you from the Board of Public Utilities dated April 15, 2016 regarding replacement and testing of the water meter currently in my home.

Inasmuch as the meter's replacement must occur 48 hours prior to its testing, please advise your client of the following:

1. Ridgewood Water may remove the meter on **May 10, 2016 at 8:00 A.M.**
2. Ridgewood Water must, at least 24 hours in advance, provide the name of the service technician who will be removing and replacing the meter inside my home. You may provide an alternate name if you wish and you may notify me via email at: bill@sosislaw.com.
3. I will require proof of identification before allowing your service technician into our home.
4. I will be expecting Ridgewood Water to comply with the proper chain-of-custody procedure following removal of the meter.

Also please advise your client that in accordance with my telephone conversation with Mr. Scheibner on March 30, 2016, that I will be present during the testing of the meter on **Thursday, May 12, 2016 at 10:30 A.M.**

Very truly yours,



William N. Sosis, Esq.

Enclosures



131 North Maple Avenue, Ridgewood, NJ 07451 • Tel: [REDACTED] • Fax: [REDACTED]

April 22, 2016

William Sosis
80 Franklin Ave.
Midland Park, NJ 07432

RE: Account #213058-1
NJBP Water Meter Test

Mr. Sosis:

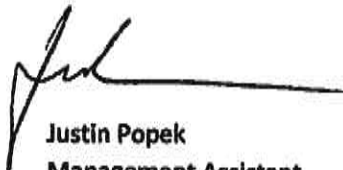
Ridgewood Water has been notified by the New Jersey Board of Public Utilities that a meter test has been scheduled for May 12, 2016. Meter #44783398 which is currently located in your residence must be removed and replaced at least 48 hours prior to the testing date. Please contact me at [REDACTED] to schedule an appointment.

Be advised that Ridgewood Water will be checking the curbstop to ensure functionality prior to the meter change appointment. This will not cause any disruption of service.

Also, we would recommend that you operate your valve located after the water meter to confirm it is working properly.

If you have any questions please let me know.

Thank you,



Justin Popek
Management Assistant

Enclosures (1)