

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION OF : BPU DOCKET NO.
THE ATLANTIC CITY SEWERAGE :
COMPANY FOR APPROVAL OF A :
MUNICIPAL CONSENT IN THE CITY OF : PETITION
ATLANTIC CITY, ATLANTIC COUNTY :

TO THE HONORABLE COMMISSIONERS OF THE BOARD OF PUBLIC UTILITIES:

By this Petition, the Atlantic City Sewerage Company (“ACSC” or the “Company”), hereby requests that the New Jersey Board of Public Utilities (“BPU” or the “Board”) pursuant to *N.J.S.A. 48:2-14* and *N.J.A.C. 14:1-5.5* approve the municipal consent granted by the City of Atlantic City, Atlantic County, New Jersey (the “City”). In support of its Petition, ACSC states the following:

BACKGROUND

1. ACSC is a regulated public utility engaged in the sewerage collection service in its defined service territory within the State of New Jersey. As such, ACSC is subject to the jurisdiction of the Board. Within its service territory, the Company serves approximately 7,350 customers.

2. ACSC currently provides sewerage collection service within the City and serves approximately 6,630 residential, and 720 commercial customers. ACSC does not anticipate any customer growth within its defined service territory in the next 3-5 years.

3. ACSC has the capacity necessary to ensure a continuation of its sewerage collection service and does not foresee any concerns regarding its ability to meet the existing and future demands of the City.

MUNICIPAL CONSENT

4. On or about December 30, 1905, pursuant to Ordinance 83 the City consented to: (1) the Company furnishing sewerage collection service in the City; and (2) the Company's use of the streets (the "Original Consent"). See December 30, 1905 Ordinance attached hereto as Exhibit "A".

5. Pursuant to *N.J.S.A. 48:3-15*, the portion of the Original Consent applicable to the Company's use of the streets expired on December 30, 1955. Specifically, *N.J.S.A. 48:3-15* provides, in relevant part, that "the board or body of such municipality authorized to grant consent may, by ordinance and not otherwise, grant for a period not exceeding fifty years, the right to use the streets petitioned for."

6. By virtue of this fifty (50) year statutory limitation, ACSC obtained the renewed consent of the City applicable to its use of the streets. Pursuant to Ordinance No. 84, the City acknowledged the Original Consent and granted consent and permission to ACSC to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the City for a period of fifty (50) years. See Ordinance No. 84 attached Exhibit "B".

7. By letter to the City dated January 8, 2016, ACSC accepted an agreed to the terms and conditions of such municipal consent pursuant to *N.J.S.A. 48:3-16*. A true and correct copy of the Company's January 8, 2016 correspondence is attached hereto as Exhibit "C".

MISCELLANEOUS

8. A proposed Public Notice is attached to this Petition as Exhibit "D". A copy of this Petition will be served on the Clerk of the City, the Clerk of the Board of Chosen Freeholders and County Executive simultaneously with the Company's Public Notice.

9. *N.J.S.A.* 48:2-14 requires Board approval of a municipal consent granted by a municipality to a public utility subject to the Board's jurisdiction. The consent, which is the subject matter of this Petition, complies with all statutory and administrative requirements necessary for its approval. The Board's approval of the consent is necessary and proper for the public convenience and properly conserves the public interests.

WHEREFORE, Atlantic City Sewerage Company respectfully requests that the Board grant the following:

1. Approve the municipal consent granted to ACSC by the City; and
2. Provide any and other further relief deemed just and equitable.

Respectfully submitted,

COZEN O'CONNOR, PC

By:


Stacy A. Mitchell, Esq.

Dated: Jan 15, 2016

Communications addressed to the
Petitioner in this case are to be sent to:


COZEN O'CONNOR, PC
A Professional Corporation
Attention: Stacy A. Mitchell, Esq.
LibertyView Building, Suite 300
457 Haddonfield Road
Cherry Hill, New Jersey 08002
(856) 910-5000

VERIFICATION


I, Louis M. Walters, of full age, being duly sworn to law upon my oath, depose and say:

1. I am President of Atlantic City Sewerage Company and am authorized to make this Verification on behalf of the Company.

2. I have reviewed the foregoing Petition and the information contained therein is true according to the best of my knowledge, information and belief.


Louis M. Walters

Sworn to and subscribed
Before me this 14th day of
January, 2016.


Notary Public

BARBARA S BRUCKLER
NOTARY PUBLIC
NEW JERSEY
MY COMMISSION EXPIRES 10-2-16

This Verification is being submitted in facsimile form because the affiant is not available to sign the Verification. The undersigned attorney, Stacy A. Mitchell, certifies that the affiant acknowledged the genuineness of the signature and that the Verification or a copy with an original signature affixed will be filed if requested by the Board of Public Utilities or a party to this proceeding.

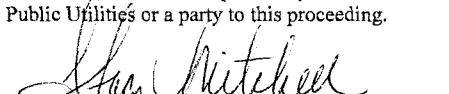

STACY A. MITCHELL, ESQUIRE

Exhibit A

ORDINANCE 83
CITY OF ATLANTIC CITY
NEW JERSEY

Introduced by Mr. Mathis, November 27, 1905

REVISED SCHEDULE OF RATES FOR SERVICE CHARGES

By the

ATLANTIC CITY SEWERAGE COMPANY

As Amended by the Board of Public Utility Commissioners of the State of New Jersey,

August 1st, 1922 and June 3rd, 1924

That the Atlantic City Sewerage Company may charge and collect, annually in advance for sewer service to be performed by it, the following rates per year, without rebate for or on account of disconnection or non-use by owner or lessee of the property for a portion of the year.

1. For each hotel or boarding house, connected with the sewer, one dollar and fifteen cents for each sleeping room, and an additional charge of one dollar and ten cents for each fixture connected with the sewer, in such hotels or boarding-houses.
2. All houses containing twenty sleeping rooms or more to be graded as hotels or boarding houses.
3. For each apartment house, boat house, cottage, dwelling, tenement or office building, one dollar and fifteen cents for each room, not counting bath or toilet rooms, pantries, vestibules, closets, heater rooms, laundries or hallways, and an additional charge of one dollar and ten cents for each fixture connected with the sewer.
4. For public saloons and bar rooms and pool rooms a charge of thirteen dollars and fifty cents and an additional charge of one dollar and ten cents for each fixture connected with the sewer.

5. For stores and offices for each two thousand square feet of floor area or fraction thereof, six dollars and seventy-five cents and an additional charge of one dollar and ten cents for each fixture connected with the sewer.

The word "fixture", in all cases herein mentioned, to mean bath tub with or without shower attachment, basin, water closet, sink, slop hopper, urinal, separate shower, or other bath, or laundry tub; a two-part laundry tub to be considered one fixture, and each additional part to be graded as a fixture.

For buildings or plants not enumerated above, the company may charge and collect annually in advance for sewer service to be performed by it, the following rates per year, without rebate for or on account of disconnection or non-use by owner or lessee of the property for a portion of the year.

6. Private school houses, having twenty-five or more scholars, sixteen dollars and ninety cents in addition to rate for dwelling.

7. Shooting galleries, with target apparatus operated by running water, eight dollars and forty-five cents in addition to rate for store.

8. Steam plants, having blow-off tanks connected with the sewer (which tanks must be of adequate size to prevent injury to sewer from high temperature or waste water) seventeen cents for each horse power connected with such tanks, the minimum charge to be sixteen dollars and ninety cents.

9. Livery stable, three dollars and forty cents for each stall and one dollar and ten cents for each fixture connected with sewer; carriage wash, twenty-five dollars and thirty-five cents additional.

10. Private stables, three dollars and forty cents per stall, and one dollar and ten cents for each fixture connected with sewer; carriage wash, eight dollars and forty-five cents additional.
11. Banking rooms, sixteen dollars and ninety cents, and one dollar and ten cents for each fixture connected with sewer.
12. Public bath houses, one dollar and seventy cents for each ten bath rooms or fraction thereof, and one dollar and ten cents for each fixture connected with sewer.
13. Bakeries, twenty dollars and thirty cents in addition to store rate for floor space of store, if any, and one dollar and ten cents for each fixture connected with sewer.
14. Public restaurants and cafes, (same rate as public saloons).
15. Steam laundries, sixty-seven dollars and sixty cents, and one dollar and ten cents for each fixture connected with sewer.
16. Hand laundry, twenty-five dollars and thirty-five cents in addition to store rates, and one dollar and ten cents for each fixture connected with sewer.
17. Dairies, twenty dollars and thirty cents, and one dollar and ten cents for each fixture connected with sewer.
18. Bottling houses, forty-two dollars and twenty-five cents and one dollar and ten cents for each fixture connected with sewer.
19. Sausage factories, thirty-three dollars and eighty cents, the company to have the right to require adequate grease traps, and one dollar and ten cents for each fixture connected with sewer.

20. Fish and oyster markets, twenty-five dollars and thirty-five cents, the company to have the right to require adequate sediment chamber to guard against stoppage of pipes, and one dollar and ten cents for each fixture connected with sewer.

21. Lumber mills, twenty-five dollars and thirty-five cents with one dollar and ten cents for each fixture connected with the sewer.

22. Churches, eight dollars and forty-five cents, with one dollar and ten cents for each fixture connected with the sewer.

23. Work shops, eight dollars and forty-five cents for each 2000 square feet of floor space or fraction thereof, with one dollar and ten cents for each fixture connected with the sewer.

24. For each theatre, music hall, or merry-go-round, forty-two dollars and twenty-five cents, with one dollar and ten cents for each fixture connected with the sewer.

25. Ice cream factories, thirty-three dollars and eighty cents and one dollar and ten cents for each fixture connected with the sewer.

26. Piers, one hundred and one dollars and forty cents, with one dollar and ten cents for each fixture connected with sewer.

27. Hall and lodge rooms, eight dollars and forty-five cents for each two thousand square feet of floor area or fraction thereof, and an additional charge of one dollar and ten cents for each fixture connected with the sewer.

28. Soda water stands and fountains, three dollars and forty cents in addition to store rate.

29. Meat markets, forty-two dollars and twenty-five cents, the company to have the right to require adequate protection against stopping sewer with offal, and one dollar and ten cents for each fixture connected with the sewer.

30. Trap designated as an "A" trap is one in floor under separate shower with outlet up to $1\frac{1}{2}$ " in diameter. Charge for "A" trap is one dollar and ten cents each.

31. Trap designated as "B" trap is one having outlet up to 4" in diameter in floors of hotels, restaurants, having ordinary use, private garages, apartment houses, public toilets and commercial ice boxes, soda fountains and bar gutter drains. Charge for "B" traps is eight dollars and forty-five cents each.

32. Trap designated as "C" trap is one having outlet up to 6" in diameter in floors of public garages, fish markets, meat markets, poultry markets, public bath houses, hand and steam laundries, private and public swimming pools, stables, dairies, slaughter houses, bottling establishments and traps in floors of hotel and restaurant kitchens having more than ordinary use. Charge for "C" trap is sixteen dollars and ninety cents each.

33. Dish washing machines, eight dollars and forty-five cents for each one connected with the sewer. Dish tubs, a charge of one dollar and seventy cents for each part.

34. Drinking fountains, dental fountains and ice box drains for family use only, a charge of eighty-five cents for each one connected with the sewer.

35. Private garages attached to buildings connected to sewer, a charge of one dollar and fifteen cents for each car space, in addition to one dollar and ten cents for each fixture and eight dollars and forty-five cents for floor trap.

36. Public garages containing 12,000 square feet, or under, a minimum charge of fifty-nine dollars and fifteen cents, with an additional charge of one dollar and ten cents for each fixture.

37. Public garages containing 12,000 square feet or over, a charge of five dollars and ten cents for each 1,000 square feet or fraction thereof, with an additional charge of one dollar and ten cents for each fixture, also a charge of sixteen dollars and ninety cents for each floor drain connected with the sewer and twenty-five dollars and thirty-five cents for each car wash connected with the sewer.

38. Dyeing and cleaning establishments, nineteen dollars and fifty cents and one dollar and ten cents for each fixture connected with the sewer, and sixteen dollars and ninety cents for each trap.

39. Storage houses, eight dollars and forty-five cents for each 2,000 square feet or fraction thereof and each fixture connected with the sewer, and sixteen dollars and ninety cents for each trap.

ORDINANCE 83
CITY OF ATLANTIC CITY
NEW JERSEY

INTRODUCED BY MR. MATHIS, NOVEMBER 27, 1905

AN ORDINANCE granting The Atlantic City Sewerage Company, a corporation duly organized under the laws of the State of New Jersey, the right to operate, maintain and lay down its system of sewerage beneath the surface of the streets, avenues and alleys of Atlantic City, and fixing charges to be made by said Company.

Whereas, The Atlantic City Sewerage Company is the successor entitled to all the property, rights, powers and franchises of the Improved Sewerage and Sewage Utilization Company, a corporation duly organized pursuant to the laws of the State of New York, and granted the right to lay pipes beneath the surface of the streets, avenues and alleys of Atlantic City, more particularly described in a certain ordinance passed by the City Council of Atlantic City, November twelfth, 1884, and the supplements thereto; and

Whereas, The great growth and development of Atlantic City have made demands upon the original sewerage system which could not have been foreseen at the time of making plans for same; and

Whereas, It has become necessary, in order that said Company may meet the demands caused by this growth and development, to expend large sums of money to extend and improve its system and plant; and

Whereas, The present and prospective income of the Company, based upon the present rentals, does not justify the expenditure of the sum of money necessary to make proper extensions and improvements; and

Whereas, Said Company has signified its desire to extend and improve its system and plant, provided the rentals be slightly increased;

Therefore be it enacted:

SECTION 1. Be it Ordained by the City Council of Atlantic City that authority be and the same is hereby granted to The Atlantic City Sewerage Company, a corporation of the State of New Jersey, its successors or assigns, to operate, maintain and lay down its system of sewerage beneath the surface of the streets, avenues and alleys of Atlantic City, that said grant is to be made to said Company upon the terms and conditions hereinafter set forth, viz:

SEC. 2. Any changes in or extensions or additions to said system and plant shall be in a good, thorough and workmanlike manner, and in accordance with the plans submitted to the Board of Health of Atlantic City by the said Company and approved by that Board on December 8, 1904, or in accordance with such other plans as may be submitted by said Sewerage Company and approved by said Board of Health; that said Company shall lay the house sewer pipes from the mains to the property line whenever application for sewer service shall be made by owners or lessees; that said Company shall at all times cause all sewage to be thoroughly and continuously removed through the pipes from the limits of said City as rapidly as shall be necessary in order to afford adequate sewer service to all parts of said city. Should any of the sewer pipes at any time prove insufficient in size to conduct the sewage to the well or pumping station, with proper rapidity to afford perfect sanitation, the said Company shall substitute other pipe of greater and sufficient capacity, and that the Company shall maintain at the well or pumping station a smoke and stench stack of sufficient size and height to carry off all gases from the well, the same to be so located and constructed as not to create a nuisance; that said Company shall comply with such regulations, and pay such permit fees as are now or as may hereafter, from time to time, be prescribed by ordinance of City Council for the opening of streets.

SEC. 3. That the said Company shall without cost to the city, adequately remove through its system all the sewage from all the public buildings, fire houses and public school houses belonging to the city.

That the Company may charge and collect, annually in advance for sewer service to be performed by it, the following rates per year, without rebate for or on account of disconnection or non-use by owner or lessee of the property for a portion of the year.

For each hotel or boarding house, connected with the sewer, seventy-five cents for each sleeping room, not exceeding thirty rooms, and fifty cents for each sleeping room in excess of thirty, and an additional charge of fifty cents for each fixture connected with the sewer, in such hotel or boarding-house.

All houses containing twenty sleeping rooms or more to be graded as hotels or boarding houses.

For each apartment house, boat house, cottage, dwelling, tenement or office building, seventy-five cents for each room, not counting bath or toilet rooms, pantries, vestibules, closets, heater rooms, laundries or hallways, not exceeding ten, and fifty cents for each additional room, and an additional charge of fifty cents for each fixture connected with the sewer.

For public saloons and bar rooms a charge of eight dollars and an additional charge of fifty cents for each fixture connected with the sewer.

For stores, for each two thousand square feet of floor area or fraction thereof, four dollars, and an additional charge of fifty cents for each fixture connected with the sewer.

The word "fixture," in all cases herein mentioned, to mean bath tub with or without shower attachment, basin, water closet, slop hopper, urinal, separate shower or other bath, or laundry tub; a two part laundry tub to be considered one fixture, and each additional part to be graded as a fixture.

For buildings or plants not enumerated above, the Company may charge and collect annually in advance for the sewer service to be performed by it, the following rates per year,

without rebate for or on account of disconnection or non-use by owner or lessee of the property for a portion of the year.

Private school houses, having twenty-five or more scholars, ten dollars in addition to rate for dwelling.

Shooting galleries, with target apparatus operated by running water, five dollars in addition to rate for store.

Steam plants, having blow-off tanks connected with the sewer (which tanks must be of adequate size to prevent injury to sewer from high temperature of waste water), ten cents for each horse power connected with such tank, the minimum charge to be ten dollars.

Livery stable two dollars for each stall and fifty cents for each fixture connected with sewer; carriage wash, fifteen dollars additional.

Private stables, two dollars per stall, and fifty cents for each fixture connected with sewer; carriage wash, five dollars additional.

Banking rooms, ten dollars.

Public bath houses, one dollar for each ten bath rooms or fraction thereof.

Bakeries, twelve dollars in addition to store rate for floor space of store, if any.

Public restaurants and cafes, (Same rate as public saloons).

Steam laundries, forty dollars.

Hand laundry, fifteen dollars in addition to store rate.

Dairies, twelve dollars.

Bottling houses, twenty-five dollars.

Sausage factories, twenty dollars, the Company to have the right to require adequate grease traps.

Fish and Oyster Markets, fifteen dollars, the Company to have the right to require adequate sediment chamber to guard against stoppage of pipes.

Lumber mills, fifteen dollars with fifty cents for each fixture connected with the sewer.

Churches, five dollars.

Work shops, five dollars, with fifty cents for each fixture connected with the sewer.

For each theatre, music hall, or merry-go-round, twenty-five dollars, with fifty cents for each fixture connected with the sewer.

Ice cream factories, twenty dollars.

Piers, sixty dollars, with fifty cents for each fixture connected with sewer.

Halls and lodge rooms, five dollars, with fifty cents for each fixture connected with the sewer.

Soda water stands and fountains, two dollars in addition to store rate.

Meat markets, twenty-five dollars, the Company to have the right to require adequate protection against stopping sewer with offal.

For all other places and fixtures such rates as may be agreed upon between the Company and the owners or lessees of such properties, but all special rates or special agreements shall be at the option of said Company. Provided, however, that Council reserves the right to hereafter fix the rates on any place or fixture not expressly enumerated in the foregoing provisions:

The foregoing rates are to be subject to a discount of twenty-two per cent., provided, however, that for each sum of twenty-five thousand dollars (\$25,000) expended in the manner provided by Section 6 of this ordinance there shall be a reduction in the discount rate of one per cent., until the sum of two hundred thousand dollars (\$200,000) shall have been expended, and thereafter for each sum of fifty thousand dollars (\$50,000) so expended there shall be a reduction of one per cent., until an additional sum of two hundred thousand dollars (\$200,000) shall have been expended, whereupon and thereafter the discount rate shall be ten (10) per cent. Such reduction of discount rate shall take effect upon the first day of April next following the calendar year within which such sums of money have been expended.

Sec. 4. That should any rate due and payable as provided by the foregoing section remain unpaid and in arrears for the space of thirty (30) days, the said Company may cut off all connections between its pipes and sewers and the pipes on the premises in respect to which said rates shall not be paid and shall be entitled to a charge of eight dollars and fifty cents on gravel streets and ten dollars on paved streets for making a re-connection.

Sec. 5. That the Company shall make all lateral connections with its main pipes, and shall receive for the same seventy-five cents per foot for making such connection, to be measured from the centre of the street to the property line, and to be paid for by the owner or lessee of the premises connected by said pipes. Said owner or lessee to furnish and pay for all permits required by the city for opening streets for new connection.

Sec. 6. In consideration of the increased rates herein authorized, the said The Atlantic City Sewerage Company shall be required, and by the acceptance of the provisions of this ordinance bind itself, to expend upon improvements and extensions to its system and plant (other than renewals and current repairs), on the lines of and in accordance with the plans approved and to be approved as aforesaid, by the Board of Health of Atlantic City, and in addition to such sums as it may

expend for real estate or rights of way, at least the sum of two hundred thousand dollars within five years from the first day of January, 1906, of which amount, the sum of at least forty thousand dollars shall be expended the first year, and at least twenty-five thousand dollars each subsequent year of said five year period, and thereafter at least the sum of twenty-five thousand dollars shall be expended in each calendar year until said Company shall have expended another or additional sum of two hundred thousand dollars, making a total of four hundred thousand dollars, or such sum additional to that as may be necessary to carry to completion the plans approved and to be approved as aforesaid.

SEC. 7. The said Company shall, on or before the first day of February, 1907, and thereafter, on or before the first day of February in each succeeding year, present to the City Comptroller of Atlantic City, an itemized statement, to be verified by the affidavit of its Treasurer, of its expenditures on account of such improvements and extensions to its system and plant during the preceding calendar year.

Thereupon the City Comptroller shall proceed to audit and verify such statement, by examination of the books, vouchers, payrolls and records of the Company, and upon the completion of such audit and examination, he shall prepare a report thereon showing:

(1) The amount of the expenditures of said Company during the preceding calendar year on account of the improvements and extensions to its system in accordance with the provisions of this ordinance as above set forth, as determined by him.

(2) The amounts of expenditures included in the statement of said Company (if any there be), that he shall determine to have not been made for such purposes.

(3) The total expenditures for such purposes made by the Company after the acceptance of this ordinance as herein-after provided, down to the thirty-first day of December of such preceding year, as he shall have determined the same.

(4) The rate of discount the Company shall be required to make during the period of one year from the first day of April, next following, as provided by this ordinance.

Such report shall be submitted to City Council before the first day of April in each year and shall be published in at least two public newspapers of Atlantic City, once a week for two weeks; which report so submitted and published shall be conclusive and binding upon both the City and the Company, unless either party shall within ten days except in writing thereto, specifying the disputed items included or omitted, in which case such items shall be referred to three arbitrators, one chosen by

the Company, another to be designated by the Mayor of the City, they to choose a third and the decision of a majority of said arbitrators shall be final, conclusive and binding on both the City and the Company.

SEC. 8. That, as a further consideration for the increased rates herein authorized, the said City of Atlantic City shall have the right to purchase the entire sewerage system of The Atlantic City Sewerage Company, including its entire plant and appurtenances thereunto belonging and all the real and personal property, of said Company and its rights and franchises used in connection with said system, which entire plant and appurtenances shall be construed to include the plant and appurtenances of the said Sewerage Company, as now existing, allowing for proper future changes in the nature of renewals and repairs, together with all improvements and extensions which in the future shall be made thereto, and also all other sewer plants in Atlantic City now operated by said Company by virtue of ownership, lease or other authority, including particularly the plant, system, rights, appurtenances and assets in Atlantic City of the Beach Sewerage and Improvement Company, to be acquired by said Atlantic City Sewerage Company, as is hereinafter in Section 11 provided; provided said right shall be exercised by ordinance duly enacted on or before the thirty-first day of December in the year one thousand nine hundred and twenty; provided, further, however, that anything herein contained nor the failure to exercise said option of purchase within the period aforesaid, shall in any way prejudice or preclude the right of the city to acquire said plant, property, rights and franchises by condemnation proceedings or other lawful process at any time before or after said date. In case said right to make said purchase shall be exercised as aforesaid the purchase price shall be the sum of seventy-five thousand dollars (\$75,000) and in addition thereto the amounts expended by the said Company for improvements and extensions after the acceptance of the provisions of this ordinance; provided that any amounts included as having been expended for rights of way for the extension to Beach Thoroughfare and real estate for the basin to be there located according to the said present plans approved by the Board of Health, shall not exceed the sum of thirty thousand dollars; and the property so purchased shall be taken subject to the first mortgage of the property of said Company given to secure the payment on April 15, 1927, of the amount due and to grow due on its bonds to the amount of two hundred and fifty thousand dollars (\$250,000) and also subject to a second mortgage of the property of said Company given to secure the payment on April 15th, 1927, of the amount due and to grow due on its bonds to the amount of two hundred and fifty thousand dollars

(\$250,000), together with any accrued and unpaid interest from the last preceding six months interest period upon said amounts or any portion thereof; provided that interest on said bonds and all advanced rentals which shall have been received by said Company at the date of settlement shall be apportioned to such date.

Sec. 9. In all bills for sewerage service the Company shall state the number of rooms and the number of fixtures for which charges are made, together with the rate charged for each.

Sec. 10. That all ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Sec. 11. That this ordinance shall not become operative until and unless the provisions thereof shall, within thirty days after its enactment, be accepted and agreed to by said The Atlantic City Sewerage Company, by a writing under its corporate seal, duly attested by its proper officers, (in pursuance of due authority from its stockholders and Board of Directors) and filed with the Mayor of Atlantic City; nor until and unless the said Atlantic City Sewerage Company shall, within ninety days from and after the enactment of this ordinance procure a legal and sufficient transfer and grant to it by deed in fee simple, duly executed and recorded in the Clerk's Office of Atlantic County of all the pipes, plant, system and property appurtenant thereto, or used in connection therewith, in Atlantic City, of the Beach Sewerage and Improvement Company, and deliver a certified copy of such record to the City Clerk of Atlantic City; provided that the cost of procuring such title to such pipes, plant, system and property, shall not be chargeable to the account of improvements and extensions required to be made under the provisions of this ordinance, and for which the City is bound to pay in case it shall exercise its right to purchase the entire sewerage system as hereinabove provided; nor shall this ordinance become operative until and unless the Beach Sewerage and Improvement Company shall, in writing, agree and consent that in case the City shall exercise its option and right of purchase hereunder, all its rights, privileges and franchises to carry on a sewerage business or to lay or maintain sewer pipes in the streets of Atlantic City, shall upon such purchase be relinquished and become void, and upon the presentation of such an agreement duly executed by the officers of said Beach Sewerage and Improvement Company, duly authorized by its stockholders, and Board of Directors, and upon the purchase by said City as aforesaid, all ordinances granting rights and franchises to said Beach Sewerage and Improvement Company in Atlantic City shall be and the same are thereupon and in that event repealed.

Exhibit B

Ordinance

Ordinance No. 84

OF THE
CITY OF ATLANTIC CITY, N.J.

Date..11-24-2015

Date to Mayor.12-10-2015

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Deputy City Solicitor /s/ Irving Jacoby

Business Administrator /s/ Arthur M. Liston

Prepared by the City Solicitor's Office

Council Members MOORE & SMALL Present the following Ordinance:

AN ORDINANCE GRANTING RENEWED CONSENT FOR PERMISSION TO THE ATLANTIC CITY SEWERAGE COMPANY TO USE THE PUBLIC STREETS FOR SEWERAGE COLLECTION IN THE CITY OF ATLANTIC CITY

WHEREAS, the Atlantic City Sewerage Company, a corporation of the State of New Jersey provides the sewerage collection service for the City of Atlantic City pursuant to the municipal consent first granted to the Atlantic City Sewerage Company in that certain Ordinance 83 approved on December 30, 1905; and

WHEREAS, N.J.S.A.48:3-15 provides that any consent granted by the City of Atlantic City to the Atlantic City Sewerage Company for the use of the streets for the purpose of providing sewerage collection therein is subject to a fifty-year limitation; and

WHEREAS, it is in the best interests of the public health, safety and welfare of the residents of Atlantic City to maintain sewerage collection service and to offer this renewed consent authorizing the continuation of the use of the streets in Atlantic City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Atlantic City as follows:

SECTION ONE

That exclusive consent and permission is hereby renewed and granted to The Atlantic City Sewerage Company to lay its pipes and conduits beneath such public roads, streets, avenues and alleys within the City of Atlantic City in the manner prescribed by N.J.S.A.48:13-11, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

SECTION TWO

This consent is granted for the entire geographical area of the City of Atlantic City and extends to the boundaries of the City of Atlantic City and shall remain in effect for a period of fifty (50) years from the date of final adoption of this ordinance.

SECTION THREE

The Atlantic City Sewerage Company shall within thirty (30) days after the passage of this ordinance file with the City Clerk a bond in the amount of One Thousand (\$1,100.00) Dollars conditioned upon the restoration of any street or public place which may be opened by it in a manner satisfactory to the Director of the Department of Public Works for the City of Atlantic City.

SECTION FOUR

All ordinances or parts of ordinances inconsistent with terms of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FIVE

This ordinance shall take effect upon final passage and publication as provided by law.

kc December 14, 2015 11:47 AM 20-B

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DELGADO				X			MOORE	X				X	
MALIK		X					RANDOLPH	X					X
MANCUSO	X						SMALL	X					
MARSH	X						TIBBITT	X					
GILLIAM, PRESIDENT							X						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...NOVEMBER 24, 2015.....

Adopted on second and final reading after hearing on.....DECEMBER 09, 2015.....

Reconsidered Over

Approved By.../s/...DONALD A. GUARDIAN....Date...12-10-2015.....By Council.....Ride

Mayor

Aye Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

.../s/...RHONDA WILLIAMS, City Clerk

kc December 14, 2015 11:47 AM 20-B

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FIRST PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DELGADO	X						MOORE				X		
MALIK	X						RANDOLPH	X					
MANCUSO	X						SMALL	X				X	
MARSH	X						TIBBITT	X					X
GILLIAM, PRESIDENT							X						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...NOVEMBER 24, 2015.....

Exhibit C

THE ATLANTIC CITY SEWERAGE COMPANY

1200 ATLANTIC AVENUE, SUITE 300 • P.O. BOX 1830 • ATLANTIC CITY, NJ. 08404

www.acsewerage.com
lwalters@acsewerage.com

PHONE 609.345.0131 x 11

FAX 609.347.8745

January 8, 2016

Rhonda Williams, Municipal Clerk
City of Atlantic City
1301 Bacharach Blvd #704
Atlantic City, NJ 08401

RE: Acceptance of Ordinance No. 84 Granting Municipal Consent to Atlantic City
Sewerage Company to Use the Public Streets for Sewerage Collection

Dear Ms. Williams:

I am writing on behalf of the Atlantic City Sewerage Company ("ACSC") to advise that we received a fully executed copy of Ordinance No. 84 (copy attached) granting municipal consent for ACSC to use the public streets in the City of Atlantic City for sewerage collection. Pursuant to the requirements of N.J.S.A. 48:3-16, ACSC hereby accepts Ordinance No. 84, as passed.

Very truly yours,



Louis M. Walters, President
Atlantic City Sewerage Company

Enclosure

cc: Stacy A. Mitchell, Esquire

Exhibit D



A Pennsylvania Professional Corporation

Stacy A. Mitchell

Direct Phone 856-910-5006

Direct Fax 877-295-6880

smitchell@cozen.com

_____, 2016

VIA CERTIFIED MAIL

Clerk, City of Northfield
City Hall
1600 Shore Road
Northfield, NJ 08225

Clerk, Board of Chosen Freeholders
Stillwater Building
201 S. Shore Road
Northfield, NJ 08225

Dennis Levinson, County Executive
1333 Atlantic Avenue
Atlantic City, NJ 08401

**Re: In the Matter of the Petition of the Atlantic City Sewerage Company for Approval of
a Municipal Consent in the City of Atlantic City, Atlantic County
BPU Docket No. _____**

To the Parties Addressed:

Pursuant to the provisions of N.J.S.A. 48:2-14, Atlantic City Sewerage Company (the "Company" or "ACSC") has applied to the New Jersey Board of Public Utilities (the "Board") for approval of the City of Atlantic City, Ordinance No.84, which granted ACSC renewed permission to use the streets in the City for sewerage collection service for fifty (50) years. A copy of the Company's filing is attached hereto.

Please be advised the Board has set _____ at _____ at the Board's offices located at 44 South Clinton Avenue, Trenton, New Jersey 08625 in Conference Room No. 2W (second floor) as the time and place for the hearing on this matter. You are welcome to attend and put your views on the record.

Very truly yours,

COZEN O'CONNOR, PC

By: Stacy A. Mitchell

SAM/kn
Enclosure

LEGAL\25286457\1

457 Haddonfield Road Suite 300, P.O. Box 5459 Cherry Hill, NJ 08002

856.910.5000 800.989.0499 856.910.5075 Fax cozen.com

Thomas McKay, III attorney responsible for New Jersey practice.