

RULES AND REGULATIONS - 1955

Public Utilities Commission

CONFERENCE RULINGS
AND
RULES OF THE BOARD OF PUBLIC
UTILITY COMMISSIONERS



State of New Jersey
DEPARTMENT OF PUBLIC UTILITIES
BOARD OF
PUBLIC UTILITY COMMISSIONERS
1060 BROAD STREET
NEWARK 2

Under each Conference Rule and Conference Order will be found a note, giving the statutory source or authority for the passage of that particular order or rule. The earlier rules and orders have as their source, the law authorizing their passage at that time. This is followed, in parenthesis, by all new laws or amendments subsequent to December 20, 1937, covering the same subject; example: "Source: L.1911, c. 195, p. 376, sec. 11 (see N.J.S.A. 48:2-12).

Index may be found at the back of the booklet. CR designates Conference Rules, O designates Conference Orders. Where a rule and order are combined, the designation is as follows: O 7 - CR 13.

General grant of authority to pass Conference Rules and Orders may be found in N.J.S.A. 48:2-12, 48:2-40 and 48:2-32.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE CONSTRUCTION OF)
SECTION 9 OF CHAPTER 41 OF THE LAWS)
OF 1910.)

CONFERENCE
RULING NO. 1.

Section 9 of the laws of 1910 provides: "No x x public utility x x x x shall hereafter give, grant or bestow upon any local, municipal or county official, any discrimination, gratuity or free service whatsoever, but nothing herein contained shall prevent the free transportation of uniformed public officers while engaged in the performance of their public duties."

Prior to July 4, 1910, the date on which the statute became operative, several of the public utility companies to which the statute applies issued to persons not coming within the excepted class, "passes", entitling the holders thereof to free transportation during a period of time extending beyond July 4, 1910.

Question is raised as to whether the acceptance of these "passes" for transportation after July 4, 1910, is prohibited by the statute.

The Board rules that the acceptance of these "passes" for free transportation after the date on which the statute became operative constitutes the gift, grant or bestowal of a gratuity of free service in violation of the statute.

(S E A L)

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY.

By

(Signed)

Frank H. Sommer,
PRESIDENT.

ATTEST:

(Signed)

Alfred N. Barber,
SECRETARY.

Source: L.1910 c 41, sec. 9. Rep. by L.1931 c. 381, p. 985
(see N.J.S.A. 48:2-6)



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF A "SUGGESTED CASE")
SUBMITTED TO THE BOARD FOR OPINION.)

CONFERENCE RULING
NUMBER TWO.

A "suggested case" in the form of an assumed state of facts has been submitted to the Board with a request that the Board indicate what its action would be should the facts assumed in the "suggested case" be formally laid before it in a petition at some future time.

In the judgment of the Board it is neither its duty, nor does it fall within its authority, to comply with this request.

As a "suggested case" the questions presented thereby are academic.

Answer thereto would involve not only the construction of the statutes under which the Board acts, but also of statutes, the provisions of which, it is called upon to enforce.

Such answer would of necessity be made without the benefit of argument.

The case, if subsequently formally presented, may be found to differ materially from, and involve elements not presented in, the "suggested case".

Any answer that the Board might now make would, in that contingency, perhaps lead to misapprehension and confusion.

The determinations of the Board in proceedings before it are subject to judicial review.

No such review could be had of its determination should it make answer to the question put in connection with the "suggested case".

The Board therefore denies the request.

(S E A L)

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY,
By (Signed) Frank H. Sommer,
President.

ATTEST:

(Signed) Alfred N. Barber,
Secretary.



State of New Jersey
BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF FURTHER CONSTRUCTION)
OF SECTION 9 OF CHAPTER 41 OF THE LAWS)
OF 1910.)

CONFERENCE RULING
NUMBER THREE.

Prior to July 4, 1910, upon which date, Chapter 41 of the laws of 1910 went into effect, a municipality enacted an ordinance granting certain privileges to a corporation, now subject to the provisions of the Statute.

This ordinance imposed upon the grant of the privilege, a condition requiring the company to carry the members of the municipal body enacting the ordinance, without charge.

Without passing upon the legality of the condition when imposed, the Board rules that the company is relieved of this condition by the provisions of section 9 of the statute.

This ruling is made after conference with the Attorney-General.

(S E A L)

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY,
By

(Signed) Frank H. Sommer,

ATTEST:

PRESIDENT.

(Signed) Alfred N. Barber,

SECRETARY.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE FREE)
TRANSPORTATION OF MEMBERS :
OF THE BOARD, ITS SECRETARY : CONFERENCE
AND INSPECTORS.) RULING NO. 4.

Section 40 (as amended) of "An Act concerning railroads (Revision of 1903)" provides that the members of the Public Utility Commission, its secretary and inspectors, "during their various respective terms of office, shall pass and repass free of charge on all railroads now or hereafter operated in the State."

Until July 4, 1910, the jurisdiction of the Board as the Board of Railroad Commissioners was confined to the supervision of all railroads within the State, by whatever power operated, x x whether said railroad is incorporated by special charter or under the general laws of this State, or any other State, now or hereafter operating under the provisions of an act entitled "A general act relating to railroads (Revision of 1903)" approved April 14, 1903.

Section 4 of Chapter 197 of "An Act to create a Board of Railroad Commissioners for the State of New Jersey, and to prescribe its powers and duties" (P. L. 1907) provides, that "the commissioners and secretary, and other employees of said Board, shall be entitled to receive from the State of New Jersey their necessary traveling expenses while traveling on the business of said Board."

The State, having provided for the free transportation of the members of the Board, its secretary and inspectors, over the railroads operating under the General Railroad Act, and expenses for such transportation being therefore neither necessary nor allowable, the Board and its secretary and inspectors have and will continue to accept such transportation.

Chapter 41 of the Laws of 1910 extends the jurisdiction of the Board to street railway and traction companies, not operating under the General Railroad Act.

The provisions of the General Railroad Act providing for free transportation do not extend to these companies.

Neither the Board, its secretary or inspectors, are therefore entitled to free transportation over the lines of these companies.

Expenses for transportation over their several lines are consequently "necessary expenses" and allowable.

(S E A L)

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY.
By

ATTEST:

(Signed)
Alfred N. Barber,

SECRETARY.

(Signed)
Frank H. Sommer,
PRESIDENT.

✓ Source: L.1903, sec. 40; L.1904, c.197, sec. 4; L.1911, c. 195, sec. 8, p. 375
(See N.J.S.A. 48:2-6)



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE APPROVAL OF)	
GRANTS BY MUNICIPALITIES OF CONSENT	:	CONFERENCE RULING
TO THE USE OF STREETS AND OTHER	:	NUMBER FIVE.
PUBLIC PLACES.)	

Section 8 of Chapter 41 of the Laws of 1910 provides:
"No privilege or franchise hereafter granted to any public utility
x x x by any local, municipal or county governing body shall be
valid until approved by said board (of Public Utility Commissioners)
whenever it shall, after due hearing, determine that such privilege
or franchise is necessary and proper for the public convenience."

In order to avoid needless delay, the Board will, upon the
submission to it by any local, municipal or county governing body of
any proposed grant coming within this section of the statute, advise
such body informally and preliminarily, of its general attitude re-
specting the provisions of the proposed grant.

August 2, 1910.

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY.

By

(SEAL)

(Signed) Frank H. Sommer,
President.

ATTEST:

(Signed) Alfred N. Barber,
Secretary.

I HEREBY CERTIFY the foregoing to be a true copy of Conference
Ruling Number Five entered by the Board of Public Utility Commissioners
Tuesday, August second, nineteen hundred and ten and recorded in the
minutes of said meeting.

SECRETARY.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF GRANTS BY MUNICIPALITIES)	
OF CONSENT TO THE USE OF STREETS AND OTHER	:	CONFERENCE RULING
PUBLIC PLACES FOR TERMS OF YEARS.)	NUMBER SIX.

By the terms of Chapter 36 of the laws of 1906, "An act regulating the granting, by municipalities, of consent to the use of streets, avenues, parks, parkways and other public places", and the acts supplementary thereto and amendatory thereof, every consent granted thereunder is limited to a term of years.

Under section 8 of Chapter 41 of the laws of 1910, the privilege or franchise granted by such consent, is not effective until approved by this Board.

Because such approval is required, the Board indicates, in advance, its opinion that, in general, grants limited to a term of years should contain provisions:-

(a) Safeguarding the public interest in continuous and uninterrupted service at and after the expiration of the term of the grant.

(b) Requiring the maintenance of the property of the grantee in good order throughout the full term of the grant.

August 2, 1910.

(SEAL)

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY.

By

(Signed) Frank H. Sommer,
President.

ATTEST:

(Signed) Alfred N. Barber,
Secretary.

I HEREBY CERTIFY the foregoing to be a true copy of Conference Ruling Number Six, entered by the Board of Public Utility Commissioners Tuesday, August second, nineteen hundred and ten and recorded in the minutes of said meeting.

SECRETARY .



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF APPLICATIONS)
FOR PERMISSION BY RAILROAD COM-)
PANIES TO LAY TRACKS ACROSS) CONFERENCE RULING
STREETS SO AS TO MAKE NEW CROSS-) NUMBER SEVEN.
INGS AT GRADE UNDER LAWS 1909,)
CHAPTER 189, SECTION 3.)

The Board will not hereafter act upon any application by a railroad company for permission under Laws 1909, Chapter 189, Section 3, to lay tracks across any street or highway so as to make a new crossing at grade, until the consent of the municipality to the laying of the tracks, (where such municipal consent is requisite) has been obtained.

August 2, 1910.

BOARD OF PUBLIC UTILITY COMMISSIONERS FOR THE STATE OF NEW JERSEY.

By

(S e a l)

(Signed) Frank H. Sommer,
President.

ATTEST:

(Signed Alfred N. Barber,
Secretary.

I HEREBY CERTIFY that the foregoing is a true copy of Conference Ruling Number Seven entered by the Board of Public Utility Commissioners at its meeting Tuesday August 2d, 1910 and recorded in the minutes of said meeting.

SECRETARY.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF REPORTS AS TO
SALES OF STOCK AND SECURITIES
APPROVED UNDER SECTION 6 OF
CHAPTER 41 OF THE LAWS OF 1910,
AND DISBURSEMENTS OF PROCEEDS
THEREOF.

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CONFERENCE ORDER
NUMBER SEVEN

Whenever approval is granted, under the provisions of Section 6, Chapter 41, of the Laws of 1910, of the issuance, sale and delivery of stock or of securities, the company securing such approval, shall half-yearly file with the Board, a statement setting forth: (1) The amount of the stock or securities issued, sold and delivered under the certificate of approval, and (2) the extent to, and purposes for, which the proceeds thereof have been disbursed.

November 18, 1910.

BOARD OF PUBLIC UTILITY
COMMISSIONERS FOR THE
STATE OF NEW JERSEY.

(SEAL)

By

(Signed), Frank H. Sommer
President.

ATTEST:

(Signed) Alfred N. Barber,
Secretary.

I HEREBY CERTIFY the foregoing to be a true copy of Conference Order Number Seven of the Board of Public Utility Commissioners for the State of New Jersey, adopted at its meeting, Friday, November 18th, 1910, and recorded in the minutes of said meeting.

SECRETARY.

Source: L.1910, c. 41, sec. 6. Rep. by L.1931, c. 381, p. 985
(See N.J.S.A. 48:2-12; 48:2-40) See also sources conference
Order Number Seven revised May 19, 1911.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE CON-)
STRUCTION OF SECTION 8 :
CHAPTER 41 OF THE LAWS OF :
1910.)

CONFERENCE RULING
NUMBER EIGHT.

Prior to July 4th 1910, a privilege or franchise was granted to a public utility by a municipal governing body, in accordance with the provisions of the statute in force at the time.

Subsequent to July 4th 1910, an agreement was entered into by the public utility with the municipality and an ordinance was adopted by the municipal governing body, providing merely for a change in the manner in which the existing franchise or privilege should be exercised.

Such agreement and ordinance providing merely for a change in the mode of exercising a privilege or franchise granted prior to July 4th 1910, and granting no new privilege or franchise, are not required by Section 8 of Chapter 41 of the Laws of 1910 to be submitted to the Board for approval.

The Board however, requests that in every such case a copy of the agreement and ordinance under which the privilege and franchise was acquired and a copy of the agreement and ordinance providing for the change, be filed with it.

Dated August 9th 1910.

(SEAL)

BOARD OF PUBLIC UTILITY COMMISSIONERS,
FOR THE STATE OF NEW JERSEY.

BY

(Signed) Frank H. Sommer,

PRESIDENT.

ATTEST:

(Signed) M. E. Stevenson

ACTING SECRETARY.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE APPLI-)
CATION OF THE EXCEPTION CON- :
TAINED IN SECTION 9, CHAPTER :
41 P. L. 1910 TO DETECTIVE :
SERGEANTS.)

CONFERENCE RULING
NUMBER NINE.

Section 9, Chapter 41, Laws 1910, provides that nothing therein contained, shall prevent the free transportation of uniformed public officers while engaged in the performance of their public duties.

Question is raised as to whether members of the municipal police-force known as "Detective Sergeants" come within this exception.

Detective-Sergeants wear no distinguishing costume. The wearing of such costume would interfere with the performance of, if it did not render nugatory, the work of detection to which they are assigned.

They wear a badge, as evidence of their authority, which badge, however, is so worn as to be concealed.

In the judgment of the Board these officers are not "uniformed public officers", as this designation is employed in the statute, and do not come within the operation of the exception contained therein.

It may well be that the legislative policy which leads to excepting those members of the police force who are uniformed from the effect of the statutory prohibition, should lead to the exception of the non-uniformed members of the force therefrom. With legislative policy the Board has, however, no concern. Its powers are confined to the administration of the legislative enactments as it finds them.

(S E A L)

ATTEST:

(Signed) Alfred N. Barber,
Secretary.

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY.

By (Signed) Frank H. Sommer,
President.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF INQUIRY WHETHER)
THE PROVISIONS OF SECTION 6, CHAPTER :
41, LAWS 1910 (P. L. 1910 p. 56) :
APPLY TO THE ISSUANCE OF STOCKS AND :
SECURITIES BY CORPORATIONS ORGANIZED)
UNDER THE GENERAL CORPORATION ACT :
FOR THE PURPOSE OF ACQUIRING AND :
HOLDING THE SECURITIES OF PUBLIC :
UTILITIES.)

CONFERENCE RULING
NUMBER TEN.

Inquiry is made, whether the approval of the Board is required in the issuance, sale and delivery of the stock or other securities of corporations organized under "An Act concerning corporations (Revision of 1896)" (P. L. 1896 Chapter 185) with the object of acquiring and holding the stock and other securities of public utilities.

To this inquiry the Board is, after careful deliberation, compelled to answer - No.

Section 6 of Chapter 41 of the Laws of 1910, so far as it is material to this inquiry, reads as follows: "No issuance, sale and delivery of its stock or of securities authorized by it and maturing more than twelve months from the date thereof, hereafter made by any public utility as herein defined and created by this State, shall be valid until approved by said Board."

The section requires the approval of the Board in the issuance, sale and delivery of the stocks and securities of "public utilities" as defined in the act.

It does not require such approval in the issuance, sale and delivery of the stocks and securities of companies other than those defined as "public utilities."

The fourth section of the act defines "public utilities" as including "every railroad, express, street railway, traction, canal, subway, pipe line, gas, electric light, heat and power, water, sewer, telephone, telegraph or other corporation, association, or joint stock company, operating within the State of New Jersey for public use under privileges granted by the State or by any municipality thereof."

The corporations in question clearly do not fall within any of the classes specifically designated.

It remains to be determined whether they are corporations "operating within the State of New Jersey for public use under privileges granted by the State or by any municipality thereof."

The legislative intent to confine the operation of the act to corporations, associations and joint stock companies engaged in a business of a public and not of a private nature, is clear.

The statute does not bring within its provisions and under the jurisdiction of the Board all corporations, associations and joint stock companies but such only as operate within the State for public use.

Nor does it bring within its operation and under the jurisdiction of the Board all corporations, associations and joint stock companies operating within the State for public use, but such only as so operate "under privileges granted by the State or by any municipality thereof."

The privilege referred to in the statute is not the general franchise with which every corporation is vested, namely the privilege to exist in corporate form, but is a special franchise (as for illustration the privilege to make special use of the public highways) granted to certain corporations by the State, or the municipality acting under legislative authority.

The corporations in question have merely the general franchise to exist as a corporation; they have no special franchise granted either by the State or any municipality thereof. They perform no public function; their business is of private and not of public nature; their ownership is simply of stock and other corporate securities; they neither own nor operate directly any public utility; such ownership or operation is not included in their corporate powers.

It is true that they invest their funds in the stock and other securities of "public utilities" as defined by the statute.

It is also true that through the ownership of a controlling interest in the outstanding capital stock of such "public utilities" they may control the election of the officers and directorate thereof and so indirectly control the affairs of such "public utilities."

The ownership of the property devoted to the public use, however, continues in the "public utilities" that may be so controlled; such property is "operated" by such "public utilities" under privileges granted to them, (and not to the holding companies) by the State or the municipalities thereof.

These corporations, therefore, are not under the jurisdiction of the Board.

Neither are they subject to the provisions of the statute entitled "An Act relating to the issuance, sale and delivery of stock and securities by corporations of this State which have acquired, or may hereafter acquire authority, permission or a franchise from the State or any municipality thereof, to use or occupy any street, highway, road, lane or public place within this State." (P.L. 1906 Chapter 331 Page 730).

It is manifest, therefore, that under these conditions there still exists in the "holding corporation", to some extent the possibilities of injury to the public interest, to avert or minimize which the statutes of 1906 and 1910 were enacted.

If legislation is to be enacted regulating and providing for the supervision of the issuance of stock and other securities by corporations in general, this situation will be met.

If, however, such legislation is not enacted, the issuance of stock and other securities by corporations holding the stock and other securities of public utilities, should by amendment of the act of 1910 be brought under the jurisdiction of this Board.

Dated December 6, 1910.

(S E A L)

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY,
BY

(Signed) Frank H. Sommer,
President.

ATTEST:

(Signed) Alfred N. Barber,
Secretary.

I HEREBY CERTIFY the foregoing to be a true copy of Conference Ruling Number Ten adopted by the Board of Public Utility Commissioners for the State of New Jersey at its meeting Tuesday, December 6, 1910, and recorded in the minutes of said meeting.

SECRETARY.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE CONSTRUCTION)
OF SECTION 9, CHAPTER 41, OF LAWS :
OF 1910.)

CONFERENCE RULING
NUMBER ELEVEN.

The municipalities of the state, under powers conferred by the Legislature, have adopted ordinances requiring the payment of a license fee for each street railway car operated. They have issued license certificates evidencing the payment of the fee, and have required the placing of the certificates in a conspicuous place in the cars licensed.

Some of them have, by contract, ordinances provided for the payment to the municipality by the street railway companies of a percentage of gross receipts. They have further adopted ordinances regulating the operation of cars, providing, among other things, for their maintenance in a cleanly and sanitary condition; their heating; and against overcrowding.

The municipalities adopting these ordinances have created corps of license and other inspectors to ascertain whether their provisions are observed and to enforce them. These inspectors are, for obvious reasons, not uniformed. To ascertain whether the provisions of the ordinances, or some of them, are observed, it is requisite that the inspectors enter the cars. This they have been permitted to do without payment of fare until the enactment of Section 9 of Chapter 41 of the Laws of 1910.

This section, so far as it is relevant to the question under consideration, provides as follows: "No such public utility, as herein defined, shall hereafter give, grant or bestow upon any local, municipal or county official any discrimination, gratuity or free service whatsoever, but nothing herein contained shall prevent the free transportation of uniformed public officers while engaged in the performance of their public duties."

It is contended that under this statute, since the inspectors referred to are not uniformed, the companies affected are forbidden to permit them to enter upon cars for the purpose of inspection without the payment of fares.

The construction of the statute, so contended for, requires that these inspectors be put in uniform or that a payment be made to the companies for each inspection made to ascertain whether they observe or violate the duties imposed upon them by municipal ordinance.

The result of the construction contended for is peculiar, and so foreign to the evident legislative purpose to end discrimination in favor of, and "free service" to, local officials who might thereby be influenced, or, (what is equally important, from the standpoint of maintaining confidence in local administration,) charged with being thereby influenced, in their transactions as representatives of the community with the companies, that it should not be adopted unless the statute, as framed, will admit of no other construction.

In the judgment of the Board such construction is neither necessary nor admissible.

The company admitting an inspector in the employ of the municipality to enter its cars, without payment of fare, to observe whether the provisions of municipal ordinances, governing their operation, are complied with, neither gives, grants nor bestows upon him "any discrimination, gratuity or free service whatsoever." It grants no "discrimination," for it recognizes the right of free entry of all who, in the performance of public duties, are obliged to enter the cars for the purpose of observing whether, in their operation, the municipal ordinances are complied with. It grants no "gratuity" or "free service" for it provides no gratuitous or free transportation to such inspector; it admits him solely for the purpose of inspection, and his being carried is a mere incident of the inspection, due to the fact that the detaining of cars, operating upon a schedule for the period of time requisite for inspection, might seriously interfere with that "adequate service" to which the public is entitled.

It is suggested that the required inspections might be made as the cars depart from and arrive at the various car barns.

This suggestion is met by the fact that the conditions which are the subject of inspection, in part at least, relate to the cars in transit.

In the judgment of the Board the granting of a pass or identification cards by street railway companies to nonuniformed municipal employees, entitling them, in performance of the duties assigned to them, to enter upon street railway cars without payment of fare to ascertain whether the municipal ordinances regulating the operation are observed, will not be violative of the statute.

It is suggested that under the ruling, it will be difficult to distinguish between inspectors entering cars for the legitimate purpose of inspection and inspectors entering cars for the illegitimate purpose of being transported free of charge.

The Board is not willing to assume that a municipal employee will improperly use an identification card issued to him.

The statutes of this State provide for the free transportation of specified public officials "within the State".

Because of transportation conditions, it is possible, particularly on the under-river tubes between this State and the State of New York, to use the identification cards, issued under this statute, illegally in inter-state transportation. This possible illegal use of those cards has at no time been considered a ground for withholding them.

In the judgment of the Board, these cards have not been misused. Now, in its judgment, will identification cards issued under this ruling be improperly employed. Should a card so issued be misused, the company affected has it within its power to withdraw it, and no just complaint could be based upon such withdrawal.

Dated: December 27, 1910.

(S E A L)

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY,

By

(Signed) Frank H. Sommer,
President.

ATTEST:

(Signed) Alfred N. Barber,
Secretary.

Source: L.1910, c. 41, sec. 9. Rep. by L.1931, c. 381, p. 985.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE CONSTRUCTION)
OF SECTION 2, CHAPTER 189, OF :
LAWS OF 1909, RELATING TO PRO-- :
TECTION AT RAILROAD GRADE CROSS-- :
INGS.)

CONFERENCE RULING
NUMBER TWELVE.

Counsel for the Erie Railroad Company, in a pending proceeding, contends that under Section 2, Chapter 189, Laws 1909, the power of the Board to order is confined to crossings wholly unprotected; that the section is inapplicable where crossings are in some manner protected and that in such cases the power of the Board is confined to recommendation.

The Board finds nothing in the section to justify this contention, and

RULES, that whenever, in a proceeding initiated in accordance therewith, it appears to the satisfaction of the Board that conditions at the crossing complained of are such as to make it necessary for the protection of travel over the same, the Board possesses the power to order and direct the institution and maintenance of such reasonable protection as it may determine "the better security of human life and the public safety requires;" and it further

RULES, that this power is possessed by it, irrespective of whether at the time of complaint the crossing complained of is wholly unprotected or in some manner protected.

Before the enactment of the statute under consideration, section 8 of Chapter 197 of the laws of 1907 provided: "Said Board shall x x x hear and examine complaints touching crossings, abolition of grade crossings", x x (and shall make such recommendations as it may see fit.)

The power conferred by this statute was that of recommendation.

The statute of 1910, now under consideration, is amendatory of and supplemental to the statute of 1907.

It did not destroy the power of recommendation so conferred.

In its tenth section it provides: "Nothing in this Act shall be held to modify or repeal any of the provisions of the act to which this is an amendment and supplement, except in so far as such provisions are inconsistent with this act."

Supplementing the power of recommendation, it confers the power to order, when upon complaint by the Board of Chosen Freeholders of any county, the governing body of any township or municipality, or by twenty or more freeholders of any township or municipality, it shall appear to the Board that the conditions at a crossing complained of make it necessary for the protection of travel over the same, that the Board order and direct the erection and operation of gates, the stationing of a flagman, or the provision of other reasonable protection.

The power to order so conferred upon it is in no wise made dependent upon whether the crossing is wholly unprotected, but is made to depend solely upon:

(1) A complaint before the Board made either by a Board of Chosen Freeholders, the governing body of a township or municipality, or twenty or more freeholders of a township or municipality, and

(2) That it shall appear to the Board that the protection ordered, which must be reasonable, is necessary to the protection of travel over the crossing and requisite to "the protection of human life and public safety."

Dated January 10, 1911.

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY,

(S E A L)

By

(Signed) Frank H. Sommer,
President.

ATTEST:

(Signed) Alfred N. Barber,
Secretary.

I HEREBY CERTIFY the foregoing to be a true copy of Conference Ruling Number Twelve adopted by the Board of Public Utility Commissioners for the State of New Jersey at its meeting Tuesday, January 10, 1911, and recorded in the minutes of said meeting.

SECRETARY.

Source: L.1909, c. 189, sec. 2. Rep. by L.1931, c. 381, p. 985.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

GENERAL PRINCIPLES REGULATING)	
ACTION BY THE BOARD OF PUBLIC)	CONFERENCE ORDER NUMBER SEVEN, AND
UTILITY COMMISSIONERS UPON)	
PETITIONS ASKING APPROVAL OF)	CONFERENCE RULING NUMBER THIRTEEN.
PROPOSED ISSUES OF SECURITIES.)	

The law at present casts upon this Board the responsibility of determining what security issues may be made by public utilities in the State of New Jersey. (Chapter 195, 111, 18(e), Laws of 1911.) The Board, after due hearing, is required to approve proposed security issues, provided the Board be satisfied that proposed issues are in accordance with law, and provided the Board approve the purpose of said proposed issues.

Conspicuous among the legal requirements to be met by proposed issues, are those embodied in Chapter 331 of the Laws of 1906. This Act, *inter alia*, forbids the issue, sale or delivery of bonds, notes, or obligations of any character by public utilities, except for cash or property of an actual cash value of at least eighty per centum of the face value of the securities. The Act also forbids the issue, sale or delivery by public utilities of capital stock except for cash or property of actual cash value at least equal to the par value of the stock.

So far as the Board's approval of the purpose of a proposed security issue is concerned, the Board is already on record to the following effect:

"The term 'purpose,' in the opinion of the Board, cannot and ought not narrowly to be confined merely to the corporation's intention to procure or pay for property, materials and services with the proceeds of the securities intended to be issued. The powers and responsibilities of the Board in this respect are no less ample than may fairly be inferred from the spacious term 'purpose' advisedly incorporated in the statute." (Memorandum dated July 7th, 1911. In the matter of the Application of the Riverside Traction Company for Leave to Issue, Sell and Deliver Bonds, etc.)

Various cases involving the approval of proposed security issues have been acted upon by the Board under the law. An analysis of many of these cases discloses certain general principles upon which these applications should be determined. These general principles will control unless and until good reason can be shown for departing therefrom. For the information of public utilities petitioning or intending to petition for the approval of security issues, certain of these general principles are set forth as follows:

First. The two conditions first named above must, in all cases, be met. These are that a proposed issue must be in accordance with the law, and that the purpose of a proposed issue must be approved by the Board.

Second. The purpose of a proposed issue is not commendable, and will not carry the Board's approval where the issue, if approved, would result in an evasion of mandatory statutory provisions governing the issue, sale and delivery of securities. Thus where bonds have been used by the issuing public utility as collateral security for loans to an amount of less than eighty per cent of the face value of the bonds, and where such a condition still holds, the Board has decided adversely to subsequent security issues prayed for by such public utilities. Such refusal is based on the ground that such subsequent approval would be to connive at an attempt to circumvent the provision and intent of Chapter 331 of the Laws of 1906. (See Memorandum dated July 7, 1911. In the matter of the application of the Riverside Traction Company for Leave to Issue, Sell and Deliver Bonds, etc.)

The "purpose" of an intended security issue is held to be vitiated, if a result of said issue, if approved, would enable the company to evade mandatory legal provisions. Thus in the case of the Riverside Traction Company, cited immediately supra, the purpose of a proposed bond issue was held vitiated by the fact that said bond issue, if approved, would defer for a time or indefinitely postpone an assessment for an unpaid percentage of the face value of the stock issued and outstanding.

Third. Where approval of security issues is asked, and statement is made of the use to which proposed securities are to be put, the Board endeavors through its Inspectors to determine that the proceeds of the securities whose issue is asked shall be reasonably commensurate with the property or services to be purchased therewith. Where the property whose acquisition is sought can be inventoried and appraised, such a course is followed with as much care and in such detail as under all the circumstances is possible. Where the property or services to be acquired cannot be physically inventoried, because not yet existent, such estimate is made on the basis of unit prices and otherwise, with such care and in such detail as is possible under all the circumstances.

The Board has already called public attention to what is implied by its approval of proposed security issues. This it did by a statement dated May 26, 1911, entitled "In the matter of certain published Statements Made in Connection with the Offering for Sale of Public Utility Securities Issued under the Laws of This State." In this statement it is said: "Nor does such approval by this Board of such proposed issue of securities carry or imply any confirmation of the business or financial standing of the issuing corporation as a whole." It must be recognized that no care exercised in the way of approval by the Board at the time securities are issued can preclude the subsequent chance of poor management, dishonesty, or ill-fortune, by which the assets of a public utility may be lessened or impaired. The intent of the statute and the Board's action thereunder seek to preclude reckless and irresponsible promotion or subsequent inflated issues. No statute and no administrative process, however, can relieve the investor of the obligations of prudence and vigilance. At best they can but aid him in furnishing some grounds for the exercise of intelligent judgment.

Fourth. Where petition is made for the approval of the issue of bonds or notes, where said bonds or notes are to be sold at a discount, the Board has adopted the general policy of approving such issues only upon the companies' undertaking to amortize the bond discount in accordance with certain stipulations inserted in the Board's certificate of approval. Where, for example, a five per cent bond is sold at eighty per cent of its face value, the result of the sale of a thousand dollar bond is as follows: First, an increase of the company's liabilities to the amount of \$1,000; second, an increase of the company's assets to the amount of cash realized of \$800. The difference is commonly entered as an asset of \$200 termed bond discount. This asset is practically a dummy asset. If the company is to make its real assets equal to its added liabilities, it must add to its property an amount equal to \$200. The most effectual way would seem to be to lay aside from earnings a small amount annually. The setting aside of this amount annually must be done before the company is entitled to declare or make any dividend. It is true that the process implies that the consumer must contribute in rates more than he would be required to pay if no amount were needed annually for this amortization. On the other hand, if the bond had been sold at par, a higher rate than the assumed five per cent would have been exacted by the lender to the company, and this higher rate of interest would have been included in the annual fixed charges. The higher fixed charges would have imposed a greater annual payment upon consumers. Practically, therefore, the burden which amortization imposes on the consumer is simply the necessary outcome of the process of issuing bonds at less than par. It would not disappear but only change its form, if the bonds were sold at par, and the real rate of interest thereon were not disguised.

It has been progressively acknowledged that bond discount is not properly chargeable to capital account, but should be amortized within the life of the obligation. In certain authorizations of bond issues by this Board, request has been made by the issuing corporation that a specific sum shall be named by the Board, to be set aside annually for this purpose. It may be taken, therefore, as the rule that the Board's approval of bond issues will be contingent upon the petitioner's acceptance of a proper amortization provision where necessary. But the provision may vary in different cases, according to the life of the bond, the desire of the company to expedite the process, and the varying capacity of different utilities to provide expeditiously for proper amortization.

Fifth. Where a petition for the Board's approval of a bond issue contains a clause providing for calling the bonds at a premium before maturity, the Board has commonly insisted that such clause be eliminated. This has been insisted upon to avoid the possibility of an indirect evasion of Chapter 331 of the Laws of 1906. If, for example, a bond has been issued at eighty per cent of its face value, and thereafter a petition is made to authorize a new issue of bonds (also at eighty) to refund the first issued bonds, dollar for dollar, the following might result. For the original bond issue of the face value of \$100,000 the company secured real assets worth \$80,000. If the bonds are redeemable at 110 before maturity, and a new issue is made also at 80, \$137,500 in bonds of the refunding issue would be required to take up the earlier issue. But as against the issue of \$137,500 there would be real assets of only \$80,000 as against \$110,000 in real assets required, if \$137,500 of bonds were originally issued.

On the other hand it is realized that in certain instances, refunding of bonds at a premium before maturity might effect such a reduction of fixed charges as to be advantageous both to the company and the consumers. Accordingly the Board in approving bond issues will not sanction bond redemption before maturity at a premium at the company's sole option; should the issuing company however reserve such right of redemption at a fixed premium before maturity subject to future approval by this Board after due hearing, the Board will consider in any case the inclusion of such provision in its formal certificate of approval.

Sixth. In acting upon petitions for the approval of proposed issues of bonds or notes, the Board will insist on adequate evidence of the probability that the fixed charges can be regularly met, and that the principal sum can be repaid at maturity. Where such securities are to be issued by a public utility now operating, the past and current earnings of the public utility will be a relevant consideration. Also worthy of consideration will be such probable changes in earnings as properly may be expected to result from the property to be acquired by the proposed issue.

Where the company is newly projected, and where past experience is not available to indicate the probable return in revenue to the company, bond issues or note issues, if they are to be approved, must carry a reasonable probability that, with average good management, fixed charges may be regularly met, and ultimate payment of the principal sum may be provided.

Where approval of proposed stock issues is requested, the Board will endeavor to be assured that the stock issues will secure for the public utility additional property commensurate with the par value of the stock issue proposed. The investor in stock knowingly takes a chance of return however which the investor in bonds commutes for a specified return of fixed amount. For this reason the Board does not feel obliged to be assured of the probability of returns upon stock as it does in the case of proposed bond issues.

Seventh. Certain special cases of proposed security issues may arise under certain circumstances some of which are set forth hereafter. In these special cases the general principles outlined above will be applied so far as seems equitable, and exceptions made only where the general principles enunciated supra would work inequitably. Among the special cases may be mentioned the following: First, where a bond issue has previously been sanctioned, under a mortgage or deed of trust providing that all bonds issued thereunder shall be identical in tenor, and where some part of the authorized bonds has not yet been actually issued, in such cases the Board does not feel that it can impose, as a condition of authorizing a remaining and unissued part of the total issue authorized, requirements against redemption at a premium prior to maturity.

Second, where petitions are made for authority to make security issues for refunding outstanding securities, the new securities to issue must conform to such requirements as would be imposed, if the refunding securities were an original issue. The refunding bonds and stock must be backed respectively by such proportionate amounts of cash or property of actual cash value as is required under Chapter 331 of the Laws of 1906.

The refunding bonds must afford the same likelihood of meeting their fixed charges and payment of the principal sum at maturity as is indicated in the sixth paragraph supra. Nor will agreements or contracts providing for refunding of security issues where such agreements or contracts were made prior to the enactment of Chapter 195 of the Laws of 1911, be regarded by this Board as invalidating or overriding the authority over security issues vested in this Board by said Act. The power conferred upon this Board to disapprove proposed security issues not in accordance with law or whose purpose is not approved by the Board is expressly conferred by the Act of April 21, 1911 (Chapter 195, Laws of 1911), and this power is not restricted by any other provision of the law governing public utilities, or corporations generally. All such agreements or contracts, however binding upon the individual parties thereto they might have been, in default of the Legislature's subsequently vesting power over proposed security issues in this Board, are not controlling so as to delimit the Board's action upon proposed security issues. For such outstanding securities as may legally have come into existence prior to the passage of the act of April 21, 1911, this Board has no responsibility. But its authority is not delimited by expectations that may have been created by reason of agreements or contracts between private parties made prior to the enactment of the statute in question. Where the provisions of such agreements can be carried out conformably to the general principles regulating the approval of proposed security issues by this Board, no obstacle will be interposed by the Board to such authorization. But the carrying out of such provisions of agreements or contracts as involve issue of new securities must be submitted to this Board.

Eight. The declaration of stock dividends by public utilities is permissible only in such cases as this Board after hearing may authorize. To declare such a stock dividend without first obtaining the approval of the Board is a misdemeanor, and all such securities issued without the Board's approval are illegal.

In general, the Board will approve of the issue of stock dividends by public utilities only after hearing and investigation and after being satisfied that as the outcome of such issues the net assets and property of the company over and above other liabilities resting thereon shall be equal to the par value of the total stock outstanding after such stock dividends have been made. Adequate depreciation reserves and surplus must also be provided by a public utility petitioning to issue a stock dividend, and a careful inquiry will be made by the Board into the methods by which were accumulated assets or property against which the additional stock dividend is to be justified. Full publicity of approval of all petitions for stock dividends will be deemed essential.

Ninth. For the information of all public utilities intending to petition this Board for the approval of proposed security issues, reference should be made to Conference Order Number Seven and Conference Ruling Number Thirteen of the Board. The requirements of this order and ruling as to the form and content of petitions should be carefully observed. Petitions should be filed sufficiently in advance of the time at which approval of securities is desired, to insure the Board reasonable time to make the inquiries relevant. The larger the proposed issue, and the more complex the

conditions surrounding it, the earlier should the application be filed with the Secretary of the Board. The petitions will be acted upon hereafter in the order of their filing as indicated by the dating stamp of the Secretary's office. Applications essentially defective in form or content will not be listed for consideration until properly amended. Where such applications involve the necessity of inventorying property or checking accounts, the public utility applying for such authorization is requested to give such assistance as is within its power by putting its engineers, managers, and accountants in touch with the Board's inspectors.

Where the annual reports required of public utilities have not been promptly filed, as required by the rules of this Board, or where such accounts, when filed, disclose failure upon the part of the public utility to comply with the requirements of law or with the terms upon which previous security issue of said utilities has been approved by this Board, any subsequent petition for the approval of securities by a public utility shown to be in default, may be postponed until the requisite and legal compliance with the law and the lawful Rules of this Board has been made by said public utility.

Adopted, July 8th, 1912.

Source: L.1911, c. 195, sec. 18(e). (See N.J.S.A. 48:3-9 as Amend. L.1946, c. 220, sec. 1 & 2, p. 824).



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF REPORTS AS TO)	
SALES OF STOCK AND SECURITIES)	
APPROVED UNDER SUBDIVISION (e))	CONFERENCE ORDER
OF SECTION 18, CHAPTER 195 OF)	
THE LAWS OF 1911, AND DISBURSE-)	NUMBER SEVEN.
MENTS OF PROCEEDS THEREOF.)	

Whenever approval is granted, under the provisions of subdivision (e) of Section 18, Chapter 195, of the Laws of 1911, of the issue of stocks, certificates, bonds or other evidences of indebtedness, the company securing such approval shall half-yearly file with the Board a statement setting forth: (1) the amount of stocks, certificates, bonds or other evidences of indebtedness, issued under the certificate of approval, and (2) the extent to, and, in detail, the manner in which the proceeds thereof have been disbursed.

May 19th, 1911.

Source: L.1911, c. 195, sec. 18(e). (See N.J.S.A. 48:3-9 as Amended L.1946, c. 220, sec. 1 & 2, p. 824; N.J.S.A. 48:2-13 as Amended. L.1946, c. 219, p. 882, sec. 1; L.1947, c. 162, p. 718, sec. 1; L.1952, c. 251, p. 836, sec. 1)

Note: All certificates authorizing issuance of securities contain a time limitation in which the securities must be issued.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF APPLICATIONS)	
FOR AUTHORITY TO ISSUE ANY)	CONFERENCE RULING
STOCKS, BONDS, NOTES OR OTHER)	
EVIDENCES OF INDEBTEDNESS.)	NUMBER THIRTEEN.

All applications for authority to issue any stocks, bonds, notes or other evidences of indebtedness must show by petition:

1. The amount and terms of the proposed issue; the purposes for which the proceeds are to be used; and the nature of the security, if any.

2. Where the purpose is the acquisition of property, a general description of the property, from whom it is to be acquired, and the terms of the contract for such acquisition, if any has been made.

Names of the owners of property, to be acquired for rights of way, need not be set out; a general description of the proposed route will be sufficient.

3. Where the purpose is the construction, completion, extension or improvement of facilities, existing facilities, as well as those proposed, must be described.

4. Where the purpose is the improvement or maintenance of service, the existing service, as well as the improvements or betterments proposed, must be described.

5. Where the purpose is the refunding of obligations, the obligations to be refunded must be described fully and the kind, amount, date of issue, date of maturity and all other material facts affecting the same must be set out.

6. The financial condition of the applicant must be set forth in appropriate schedules showing:

- (a) Amount and classes of stock authorized.
- (b) Amount and classes of stock issued and outstanding.
- (c) Terms of preference of preferred stock.
- (d) Brief description of each mortgage upon any property of the applicant, giving date of execution, name of trustee, amount of indebtedness authorized to be secured thereby, amount of indebtedness actually secured and brief description of the mortgaged property.

- (e) Number and amount of bonds authorized to be issued under each mortgage, describing each class separately, giving date of issue, par value, rate of interest, date of maturity and how secured.
- (f) Other indebtedness of all kinds, giving same by classes and describing security, if any.
- (g) Amount of interest paid during previous fiscal year upon each kind of indebtedness and rate thereof, and, if different rates were paid, amount paid at each rate.
- (h) Amount of dividends paid upon each class of stock during previous fiscal year and rate thereof.
- (i) Detail statement of earnings and expenditures for previous fiscal year and balance sheet showing conditions at the close of the year.

7. Where the application is for the issue of bonds to be secured by an existing mortgage, the amount of bonds, if any, already issued under such mortgage and the amount, and application made, of the proceeds of the same.

8. Where the proceeds are to be used for construction, completion, extension or improvement purposes, the affidavit of a competent person must be annexed, showing the estimated cost in reasonable detail.

9. That no franchise or right is capitalized directly or indirectly except as authorized by the statute, but in case it is proposed to capitalize any franchise as authorized by the statute, a verified copy of such franchise shall be attached to the application, together with an affidavit of the proper officer of the State, county or municipality, showing the amount that has actually been paid for such franchise.

10. Where any contract, agreement or arrangement, verbal or written, has been made to sell the securities proposed to be issued, such contract, agreement or arrangement must be described fully, and if in writing, a copy of the same must be annexed to the application.

11. If no contract, agreement or arrangement has been made for the sale or other disposition of the securities proposed to be issued, there must be attached to the application an affidavit of a competent person, showing the amount which can probably be realized from the sale and disposition thereof, and the reasons for the opinion of the affiant.

12. All such applications should be verified by the affidavits of the chief administrative and chief financial officer of the applicant, and such verifications must include a statement that it is the intention of the applicant in good faith to use the proceeds of the securities proposed to be used for the purposes set forth in the application.

Dated June 2, 1911.

SUPPLEMENT TO CONFERENCE RULING NUMBER THIRTEEN.

Whenever application is made by a public utility for approval of a proposed issue of capital stock, and such issue is proposed to be based upon the investment of earnings in plant, which might have been distributed in dividends, the public utility must, in addition to the information now required by the rules, furnish to the Board a complete detailed enumeration of its property and an appraisalment thereof in writing, and produce before the Board at the hearing, evidence in support of such enumeration and appraisalment.

Adopted September 28th, 1914.

Source: L.1911, c. 195, sec. 18. (See N.J.S.A. 48:2-12; 48:3-9 as amended. L.1946, c. 220, sec. 1 & 2, p. 824; N.J.S.A. 48:2-13 As Amended 1946, c. 219, p. 822, sec. 1; L.1947, c. 162, p.718, sec. 1; L.1952, c. 251, p. 836, sec. 1.)



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN REGARD TO RULES TO BE OBSERVED BY)
EACH UTILITY WHICH HAS FILED OR MAY)
HEREAFTER FILE A COAL CLAUSE AS A)
SECONDARY CHARGE TO BE ADDED TO ANY)
OF ITS EXISTING SCHEDULES OF RATES.)

CONFERENCE
RULING NO. 11.

At a conference of the Board, held at Newark, December 12th, 1917, the following rule was adopted:

1. Each coal clause shall be properly derived from the history of the applicant, but on the basis of efficient operation of the plant.

2. The average true cost per ton (2240 lbs.) of bituminous coal delivered to the generating plant or plants of the utility during 1916 will be considered as the normal cost.

3. The same percentage of the normal cost of coal per ton (2240 lbs.) proposed for each step in the secondary rate shall be applied to the normal true cost of coal per kilowatt hour of current generated; the result will determine the amount of each step in the secondary charge to be applied to existing rates, plus or minus, per kilowatt hour billed.

4. When a coal clause is offered for filing as a secondary charge to be applied to existing schedules of rates, it must be offered on the express stipulation that it is to be applicable only during the stress of war, and that it is to be abolished entirely when conditions revert to normal.

5. Each utility which has filed heretofore or may file hereafter a coal clause as hereinbefore set forth shall file in duplicate for each calendar month with the Secretary of the Board of Public Utility Commissioners, five days before any charge thereunder may be applied, the following information, verified by a responsible official before an officer qualified to take affidavits, viz.:

A. With respect to each individual firm or corporation which furnished coal on which the secondary charge is based:

- (a) Name and address.
- (b) Tons of coal furnished during the calendar month.
- (c) The true cost per ton, of 2240 pounds, actually paid or to be paid.
- (d) The point of shipment, and point of delivery.
- (e) The freight to destination.
- (f) The cost of cartage, etc., alongside the generating station or stations.

- B. The determination of the average price of coal delivered alongside the generating station or stations of the utility shall be made for each calendar month, and all secondary charges based upon such determination shall be applicable to the bills rendered covering current used in the classes subject to such secondary charge during the next succeeding month, and the details of the calculation by which the average price is arrived at shall be filed.

If, for any reason, the utility cannot ascertain the correct average cost at a sufficiently early date for billing, the average cost for the preceding billing period may be used provided suitable adjustments are made to all accounts affected thereby in the next succeeding month.

- C. The kilowatt hours of current generated during the same calendar month as the determination of the average price is made, by classes of consumption, if possible.
- D. When ascertained, the total number of kilowatt hours of current sold during each calendar month to which the secondary charges, theretofore determined, has been applied, by classes.

This ruling shall be effective on and from January 1st, 1918.

Dated December 12th, 1917.

BOARD OF PUBLIC UTILITY COMMISSIONERS
BY:

(S E A L)

(Signed) Ralph W. E. Donges,

PRESIDENT.

ATTEST:

(Signed) Alfred N. Barber,

SECRETARY.

Source: L.1911, c. 195, sec. 11, p. 376. (See N.J.S.A. 48:2-12)



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IT IS IMPORTANT THAT THIS CONFERENCE RULING)
SHOULD BE NOTED AND FOLLOWED BY ALL STREET)
RAILWAY, GAS, ELECTRIC LIGHT, POWER, SEWER,)
WATER AND TELEPHONE COMPANIES OPERATING IN)
NEW JERSEY, PROPOSING AT ANY TIME TO CHANGE)
EXISTING RATES.)

CONFERENCE
RULING NO. 15

IN THE MATTER OF FILING CHANGES IN RATES BY PUBLIC UTILITIES

Before any public utility owning, operating, managing or controlling any street railway, gas, electric light, power, sewer, water or telephone plant or equipment for public use within the State of New Jersey shall increase any existing rate, or schedule, or change or alter any existing classification, the said public utility shall at least twenty days prior to the date when it is proposed that said increase, change or alteration shall become effective give written notice to the Board of Public Utility Commissioners by submitting to the Board, by mailing to its office at the State House at Trenton or by delivery thereto, a statement containing the following:

1. The name of the public utility, the municipality or municipalities in which it operates, and the nature and extent of the notice given by the said public utility to those who would be affected of its intention to make the increase, change or alteration.
2. A statement as to the rate schedule or classification it is proposed to increase, change or alter and the increase, change or alteration proposed: Information as to this may be given by repeating the existing rate schedule or classification, or by making such reference to the same in the files of the Board as will readily admit of its identification and explaining in writing the proposed increase, change or alteration.
3. A statement of reasons why the increase, change or alteration is proposed. If it is claimed that this is due to need of additional revenue, the statement should give the appraised value of the utility's property, its funded debt, other outstanding obligations, the amount of capital stock, the amount of revenues, operating expenses, interest payments, rentals, and dividend payments on capital stock for the three fiscal years immediately preceding, and should state specifically what changes have occurred making it necessary to obtain increased revenues. If it is claimed that this is due to increased operating expenses, the statement should be as far as is practicable in such form as will admit of revenues and operating expenses being compared with a corresponding period during the three years immediately preceding.

At hearings held on petitions now filed, or which may be filed hereafter, statements of the things referred to herein must be properly supported by testimony. Source: L. 1911, c. 195, sec. 16, p. 376, 377. (See N.J.S.A. 48:2-21, 21.1) See revision of this rule



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

CONFERENCE RULING NUMBER FIFTEEN APPLYING TO CHANGES IN RATES BY PUBLIC UTILITIES. (REVISION)

IT IS IMPORTANT THAT THIS CONFERENCE RULING SHOULD BE NOTED
AND FOLLOWED BY ALL PUBLIC UTILITIES UNDER THE JURISDICTION
OF THE BOARD OF PUBLIC UTILITY COMMISSIONERS.

IN THE MATTER OF FILING CHANGES IN RATES BY PUBLIC UTILITIES.

Before any public utility under the jurisdiction of the Board of Public Utility Commissioners owning, operating, managing or controlling such utility shall increase or decrease any existing rate, or schedule, or change or alter any existing classification, the said public utility shall at least thirty days prior to the date when it is proposed that said increase, decrease, change or alteration shall become effective give written notice to the Board by submitting to the Board, by mailing to the Secretary at its office in the State House at Trenton or by delivery thereto, a statement containing the following:

1. The name of the public utility, the municipality or municipalities in which it operates, and the nature and extent of the notice given by the said public utility to those who would be affected, of its intention to make the increase, decrease, change or alteration.
2. A statement as to the rate schedule or classification it is proposed to increase, decrease, change or alter and the increase, decrease, change or alteration proposed; Information as to this may be given by repeating the existing rate, schedule or classification, or by making such reference to the same in the files of the Board as will readily admit of its identification and explaining in writing the proposed increase, decrease, change or alteration.
3. A statement of reasons why said increase, decrease, change or alteration is proposed. If it is claimed that increase is due to need of additional revenue, the statement should give the appraised value of the utility's property, its funded debt, other outstanding obligations, the amount of capital stock, the amount of revenues, operating expenses, interest payments, rentals, and dividend payments on capital stock for three fiscal years immediately preceding, and should state specifically what changes have occurred making it necessary to obtain increased revenues. If it is claimed that

this is due to increased operating expenses, the statement should be as far as is practicable in such form as will admit of revenues and operating expenses being compared with a corresponding period during the three years immediately preceding.

At hearings held on petitions now filed, or which may be filed hereafter, statements of the things referred to herein must be properly supported by testimony.

Dated January 23, 1936.

I HEREBY CERTIFY the foregoing to be a true copy of Revision of Conference Ruling Number Fifteen issued by the Board of Public Utility Commissioners at its meeting held Thursday, January 23, 1936 and recorded in the minutes of said meeting.

(SIGNED) E. T. DREW,

(SEAL)

SECRETARY.

Source: L.1911, c. 195, sec. 16, p. 376 (See N.J.S.A. 48:2-21, 21.1)



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF FILING
CHANGES IN RATES BY
RAILROAD COMPANIES.

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)

CONFERENCE RULING
NUMBER SIXTEEN

Under a ruling of the Interstate Commerce Commission, railroad companies notify the Board of Public Utility Commissioners of proposed changes in rates filed with the Interstate Commerce Commission applying to shipments originating on the lines of said companies.

It appearing that unless formal concurrence by the Board of Public Utility Commissioners is given in each case in which such decreased rates are submitted, there may be some delay in action by the Interstate Commerce Commission upon the same, the Board of Public Utility Commissioners HEREBY RULES that its formal concurrence in the rates so submitted is not to be understood as being required for the same to become effective, and that unless within five days after the rates are submitted the Board shall notify the Interstate Commerce Commission that it desires consideration to be given to objections to the rates proposed, it shall be understood that the Board has no objection to the same being made effective.

Dated June 10th, 1920.

BOARD OF PUBLIC UTILITY COMMISSIONERS,

By

(Signed) John W. Slocum,
PRESIDENT.

(SEAL)

ATTEST:

(Signed) Alfred N. Barber,

SECRETARY.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF PROCEDURE BY)
THE BOARD WITH RESPECT TO APPLI- : CONFERENCE RULING
CATIONS MADE TO IT FOR AUTHORITY : NUMBER SEVENTEEN.
TO DO CERTAIN THINGS AS REQUIRED :
BY THE PUBLIC UTILITY ACT.)

It appearing the public utility act provides that no public utility shall sell, lease, mortgage, or otherwise dispose of or encumber its property, franchises, privileges, or rights, or any part thereof, nor merge or consolidate its property, franchises, privileges, or rights, or any part thereof, with that of any other public utility, and that no highway shall be constructed across the tracks of any railroad company grade, nor any track over which locomotives, railroad or street railway cars are to pass, be laid across any highway so as to make a new crossing at grade, nor the tracks of any railroad, or street railway or traction company be laid across the tracks of any other railroad or street railway or traction company, without the approval of the Board, and it appearing that applications are frequently made to the Board under the foregoing provisions of the law which involve matters of minor importance, such as the sale, lease, or other disposition of property of small value, the disposition of which would not in any way affect the ability of the utility to properly serve the public, or be in any way injurious to it or to the public interest, and that applications are also made for approval of railroad sidings to serve industrial establishments, for which municipal consent has been given, and which, it is apparent, are necessary and may be permitted without public injury, and it further appearing that formal hearings are not required by statute before the approvals sought may be granted by the Board.

The Board RULES that upon receipt of applications brought under the foregoing provisions of the law, investigations shall be made for the purpose of determining whether the action proposed may

be taken in conformity with the law and without injuring or prejudicing the rights of any municipality, public utility or individual, and, if it so appears, and no objection is made to the Board giving the approval sought, the Board, without formal hearing and the taking of oral testimony, will grant approval of such applications.

Dated June 2d, 1921.

(SEAL)

BOARD OF PUBLIC UTILITY COMMISSIONERS,
BY

(Signed) John J. Treacy,

President

ATTEST:

(Signed) Alfred N. Barber,

Secretary.

Source: L.1911, c. 195, sec. 18, p. 380. (See N.J.S.A. 48:3-7)



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF LIMITATIONS AND REGULATIONS WITH REGARD TO RATES AND SERVICE IMPOSED IN CONSENTS GIVEN BY MUNICIPALITIES FOR THE OPERATION OF AUTO BUSES.) CONFERENCE RULING NO. 18

When application is made to the Board of Public Utility Commissioners for approval of consent given by a municipality for the operation of an auto bus and the municipal consent specifies any fare to be charged, or imposes any other terms or conditions, approval given by the Board of such municipal consent shall not be regarded as in any way limiting or affecting the exercise of the jurisdiction and control now or hereafter vested by law in this Board over rates and service.

Dated May 21st 1924

BOARD OF PUBLIC UTILITY COMMISSIONERS

By

(SIGNED) H. V. Osborne

President

(SEAL)

ATTEST:

(Signed) Alfred N. Barber,

Secretary

I HEREBY CERTIFY the foregoing to be a true copy of Conference Ruling No. 18 adopted by the Board of Public Utility Commissioners at a meeting held Wednesday, May 21st, 1924, and recorded in the minutes of said meeting.

SECRETARY

Source: L.1911, c. 195, sec. 24, p. 384 (see N.J.S.A. 48:2-14; 48:4-3 as Amended. L.1946, c. 131, p. 611, sec. 1) Source for making rules: L.1911, c. 195, sec. 11 (see N.J.S.A. 48:2-12)



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF RULES AND REGULATIONS)
CONCERNING A UNIFORM METHOD OF BILLING)
THE STATE OF NEW JERSEY FOR COST OF)
GRADE CROSSING ELIMINATION WORK IN WHICH)
THE STATE BEARS A PART.)

CONFERENCE RULING
NUMBER NINETEEN

The Board of Public Utility Commissioners, by virtue of the statutory authority delegated to it, after a hearing held December 7, 1932, and upon subsequent adjourned dates, upon due notice in writing to all interested parties, hereby adopts and prescribes the following as just and reasonable regulations governing the approval by the Board of any bill for expenses incurred in grade crossing elimination projects submitted to the Board of Public Utility Commissioners and/or the State of New Jersey, by virtue of the statute in such cases made and provided.

Dated, March 22, 1933

BOARD OF PUBLIC UTILITY COMMISSIONERS
BY

(SEAL)

(SIGNED) JOS. F. AUTENRIETH,
PRESIDENT.

ATTEST:

(SIGNED) EMMETT T. DREW

SECRETARY.

I HEREBY CERTIFY the foregoing to be a true copy of Conference Ruling Number 19 adopted by the Board of Public Utility Commissioners at a meeting held Wednesday, March 22, 1933 and recorded in the minutes of said meeting.

SECRETARY

See Amendment to this rule dated April 15, 1953



State of New Jersey
DEPARTMENT OF PUBLIC UTILITIES
BOARD OF
PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF RULES AND REGULATIONS CONCERNING)
A UNIFORM METHOD OF BILLING THE STATE OF NEW)
JERSEY FOR COST OF GRADE CROSSING ELIMINATION WORK)
IN WHICH THE STATE BEARS A PART.)

AMENDMENT #1 TO
CONFERENCE RULING
NUMBER NINETEEN

The Board of Public Utility Commissioners, by Conference Ruling Number Nineteen, dated March 22nd, 1933, adopted and prescribed certain rules and regulations for billing the State of New Jersey for reimbursement of expenses incurred in grade crossing elimination projects in accordance with the statutes and as more fully set forth in said Conference Ruling.

In the interim since adoption of Conference Ruling Number Nineteen, excise taxes for retirement benefits and unemployment insurance have been levied on earnings of railroad employees by the Federal Government in accordance with the Railroad Retirement Act of July 31st, 1946, and provisions for vacations with pay have been incorporated in agreements between labor organizations and the railroads under the authority of the National Transportation Act. Also in the interim, the equitableness of percentage allowances permitted to be added to the direct cost of certain items of work and materials, etc., for grade crossing elimination has been given consideration, particularly the equitableness of the 20% allowance on the direct cost of engineering in item (a), Section 11, of the Conference Ruling.

Upon investigation of the above matters and after conferences with representatives of the Railroad Companies, the Board FINDS:-

- (A) that Conference Ruling Number Nineteen should be amended to permit billing of excise taxes and of an allowance for vacations;
- (B) that a reduction from 20% to 10% in the allowance on the direct cost of engineering will be just and reasonable; and
- (C) that changes of this character should be made retroactive to May 22nd, 1947, the date when the Grade Crossing Elimination Act, R.S. 48:12-61 to 48:12-67.1, was amended to provide for reimbursement of costs on the present basis of 85% by the State, through this Board, and 15% by the Railroad Company.

In accordance with its findings, the Board HEREBY AMENDS Conference Ruling Number Nineteen by authorizing the inclusion in billing, under Section 8, of

- (1) the federal excise taxes for retirement and unemployment insurance actually paid in accordance with the Railroad Retirement Act of July 31st, 1946, on earnings of railroad employees for work performed on elimination projects; and
- (2) an allowance for vacations in the amount of $1\frac{1}{2}\%$ of the earnings of railroad employees for force account work performed on elimination projects;

and by changing item (a) of Section 11 to read:-

- (a) 10% added to direct cost of engineering performed by the Board's staff or the Railroad Company's own forces.

The foregoing amendments shall be retroactive to May 22nd, 1947, for billing on costs incurred subsequent to that date.

Dated: April 15, 1953

BOARD OF PUBLIC UTILITY COMMISSIONERS
BY:

(SEAL)

(SIGNED) JOHN E. BOSWELL

ATTEST:

(SIGNED) EMMETT T. DREW

PRESIDENT

SECRETARY

I HEREBY CERTIFY the foregoing to be a true copy of an Amendment To Conference Ruling Number Nineteen issued by the Board of Public Utility Commissioners at its meeting held Wednesday, April 15, 1953 and recorded in the minutes of said meeting.

S E C R E T A R Y

Source: N.J.S.A. 48:12-62 as Amended L.1947, c. 178, p. 817, sec. 1;
54:39-72



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF FILING APPLICATIONS)
FOR THE APPROVAL OF MUNICIPAL CONSENTS.)

CONFERENCE
RULING NO. 20.

At a conference of the Board held at Newark, June 18th, 1946,
the following rule was adopted:

"The Board's jurisdiction to authorize auto bus operations rests upon municipal consent or municipal refusal of or failure to act upon the application for consent. Delay and confusion has been caused in pre-hearing procedure and in proceedings before the Board through the filing of applications for approval of operation under municipal consents of new routes, extensions of routes and changes in routes before the necessary chain of municipal action has been completed.

"No such application will hereafter be accepted until all necessary municipal action has been completely taken, nor unless such application is accompanied by copies of all the necessary consents and of all applications to municipalities that have refused or failed to act thereon, and a statement of the date of filing such application and a statement that such application has been refused or that at least one meeting of the governing body of the municipality has been held since the date of filing without action upon the application or a statement otherwise evidencing failure to act."

Effective on June 18th, 1946.

(SEAL)

BOARD OF PUBLIC UTILITY COMMISSIONERS
FOR THE STATE OF NEW JERSEY

ATTEST:

(SIGNED) EMMETT T. DREW

BY:

(SIGNED) JOHN E. BOSWELL

SECRETARY

PRESIDENT

I HEREBY CERTIFY the foregoing to be a true copy of Conference Ruling No. 20 adopted by the Board at its meeting held Tuesday, June 18th, 1946, and recorded in the minutes of said meeting.



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

MUNICIPAL DESIGNATION OF STREETS UNDER R.S. 48:9-25.4)
(CHAPTER 110, P.L. 1949), DOES NOT CONSTITUTE A) CONFERENCE RULING
PRIVILEGE OR FRANCHISE REQUIRING BOARD'S APPROVAL) NUMBER TWENTY-TWO
UNDER R.S. 48:2-14.)

Question is raised informally before the Board as to whether the municipal designation of streets, etc., for the laying, etc., by certain gas companies of mains, pipes, etc., in streets, etc., for transmitting natural gas, or any mixture of natural gas with other gases, in accordance with R.S. 48:9-25.4 (Chapter 110, P.L. 1949), requires the approval of the Board for its validity.

R.S. 48:2-14 provides that "no privilege or franchise" granted to any public utility, after May 1, 1911, by any political subdivision of the State shall be valid until approved by the Board.

In the opinion of the Board the State, by R.S. 48:9-25.4 grants the privilege or franchise directly. The municipality merely determines the manner in which the privilege or franchise so granted by the State shall be exercised.

The municipality has no election except as to the "designation" of streets, etc., to be used. Consequently the municipal "designation" does not constitute the grant of a privilege or franchise and the Board's approval of such designation is not required. (See State, ex rel. Hudson and Middlesex Telephone and Telegraph Company v. Linden, 80 N.J.L. 158 (1910).)

Dated: December 15, 1949.

BOARD OF PUBLIC UTILITY COMMISSIONERS, BY:

(SEAL)

(SIGNED) JOHN E. BOSWELL

ATTEST:

PRESIDENT

(SIGNED) EMMETT T. DREW

SECRETARY

I HEREBY CERTIFY the foregoing to be a true copy of Conference Ruling Number Twenty-two issued by the Board of Public Utility Commissioners at its meeting held Thursday, December 15, 1949, and recorded in the minutes of said meeting.

SECRETARY



State of New Jersey

BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF MUNICIPAL)
CONSENTS.)

CONFERENCE RULING
NUMBER TWENTY-ONE.

Some applications made to the Board for approval of municipal auto bus consents changing or extending routes heretofore approved by the Board are in such form as to raise doubt as to the municipal intent. The consents in question grant consent for operation of the same number of auto buses over the changed or extended route or the added leg or loop as the number for which approved consents are outstanding for operation over the original route. The consents, however, provide only for operation over the changed or extended route or added leg or loop of a "portion of service" provided by the specified number of buses.

In approving municipal consents which take this form, the Board construes the consents to have the following purpose and scope.

Adequate and proper service over the originally approved route is not to be adversely affected and is to be continued through operation of a sufficient number of the buses authorized by the original approved consents.

The number of buses specified in the consents changing or extending the original route are not all required to be operated in service over the entire route as changed or extended. Such number of buses are only required to be so operated as are necessary to furnish adequate and proper service in the area of the changed or extended route without adversely affecting adequate and proper service over the originally approved route.

In other words, what is purposed is that, through adjustments in operation of the approved number of buses, both the original service area and the area served through the change or extension, etc., of the route, shall be provided. A flexible service through use of the approved number

of buses to meet the needs of both areas with adequate and proper transportation is purposed. Ultimate decision as to what adequate and proper transportation service demands in both areas, from time to time, of course, rests with the Board.

October 7, 1946.

BOARD OF PUBLIC UTILITY COMMISSIONERS
BY:

(SEAL)

(SIGNED) JOHN E. BOSWELL

ATTEST:

PRESIDENT.

(SIGNED) EMMETT T. DREW

SECRETARY.

I HEREBY CERTIFY the foregoing to be a true copy of a Conference Ruling issued by the Board of Public Utility Commissioners at its meeting held October 7, 1946 and recorded in the minutes of the said meeting.

S E C R E T A R Y .

Source: N.J.S.A. 48:4-3 as Amend. L.1946, c. 131, p. 611, sec. 1;
48:2-32; 48:2-32.1 as amend. L.1952, c. 10, p. 49, sec. 1;
48:2-12; 48:2-14.



State of New Jersey
BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF PROCEDURE ON)
APPLICATIONS FOR APPROVAL OF) CONFERENCE ORDER NO. TWENTY-THREE
SALES OF PROPERTY.)

The Board orders:

1. That all applications for approval of sales of property and, as well, the answers to questionnaires directed to the application, shall be duly verified by a competent person having personal and complete knowledge of the facts alleged in the application and required in answer to the questionnaires.
2. That where the property to be sold has a value exceeding Five Thousand Dollars (\$5,000.00) the application for approval shall take the usual course and shall be placed on the Board's calendar for hearing.
3. That where the property to be sold has a value not exceeding Five Thousand Dollars (\$5,000.00) it shall be acted upon by the Board on the basis of a staff report signed by the Executive Officer of the Board or his Deputy, concurred in by a member of the Board's legal staff, containing (a) a finding that approval of the application will not adversely affect the ability of the utility to properly serve the public or otherwise prejudice the public interest, and (b) that the application be approved without hearing. Where approval of the application without hearing is not so recommended, the application shall be placed upon the Board's calendar for hearing.
4. Any rule or order now in force and inconsistent with this order is hereby rescinded.

Dated: June 21, 1950

(SEAL)

BOARD OF PUBLIC UTILITY COMMISSIONERS,
BY:

ATTEST:

(SIGNED) JOHN E. BOSWELL,

(SIGNED) EMMETT T. DREW,

PRESIDENT.

SECRETARY.

I HEREBY CERTIFY the foregoing to be a true copy of Conference Order No. Twenty-three issued by the Board of Public Utility Commissioners at its meeting held Wednesday, June 21, 1950, and recorded in the minutes of said meeting.

S E C R E T A R Y

See Conference Order No. 23 as Amend. June 25, 1952.



State of New Jersey
DEPARTMENT OF PUBLIC UTILITIES
BOARD OF
PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF PROCEDURE ON APPLICATIONS)
FOR APPROVAL OF SALES OF PROPERTY UNDER)
R.S. 48:3-7.)

CONFERENCE ORDER NO. TWENTY-THREE
AS AMENDED JUNE 25, 1952

After conference and under R.S. 48:2-12 the Board adopts the following rule amending Conference Order No. Twenty-three, dated June 21, 1950:

1. All applications for approval of sales of property shall be by petition duly verified by a competent person or persons having personal and complete knowledge of the facts, or by a person who has examined the utility and public records and states that fact in the verification. Form of verification is attached hereto as Annex "A".
2. The petition shall include the following information:
 - (a) Exact description and map of the property. (Attach description and map as Exhibits.) Railroads shall state the distance to the nearest present railroad track or structure.
 - (b) Exact name of vendee; consideration; method of payment and rights reserved by the vendor.
 - (c) Certified copies of resolutions of the Board of Directors authorizing the sale. (Attach copy as Exhibit.) Where an officer of a public utility is delegated authority to find that there is no prospective use of the property for utility purposes and that it is to be sold, all under a general resolution, the petition should specifically identify the officer exercising the delegated judgment.
 - (d) Purpose for which property was originally acquired and date of acquisition. State the use made of property for utility purposes and the date and circumstances under which it ceased to be useful. Is there any prospective use of the property for utility purposes?
 - (e) Is the selling price based on: assessed valuation; appraisal; comparable sales; other basis? Is it the best price obtainable? Why? (Attach appraisal as Exhibit.)

- (f) Does the proposed consideration represent the fair market value for the property to be conveyed?
- (g) What steps were taken to put this property on the market and accomplish its sale? Was it advertised? How? If bids were solicited, give names of bidders and consideration offered.
- (h) Is there any other relationship between the parties other than vendor and vendee? What is that relationship, if any?
- (i) What was the actual cost at date of acquisition? State cost of and describe any improvements.
- (j) The amount at which the property is now carried on the utility's books. (Not required for Railroads.)
- (k) Copies of proposed journal entries to record the transactions. (Attach entries as Exhibit.) (Not required for Railroads.)
- (l) If property is income producing, give details. Does applicant pay all carrying charges, including taxes? What is the tax assessment?
- (m) If the property is encumbered by any mortgage, identify the mortgage, state the amount thereof and the time required to obtain a release.

3. All property of the value of Five Thousand Dollars (\$5,000) or greater to be sold shall be advertised for sale at least once in a newspaper published in the county wherein the property is located within ninety (90) days of the date of any petition filed hereunder.

4. All applications where the property to be sold has a value exceeding Twenty Thousand Dollars (\$20,000.00), or where the Board in its discretion requires it, shall be placed on the Board's calendar for public hearing.

5. All applications where the property to be sold has a value not exceeding Twenty Thousand Dollars (\$20,000.00) shall be acted upon by the Board on the basis of a staff report signed by the Executive Officer of the Board or his Deputy concurred in by one of the counsel assigned to the Board, containing (a) a finding that the approval of the application will not adversely affect the ability of the utility to properly serve the public or otherwise prejudice the public interest, and (b) that the application be approved without hearing. Where approval of the application without hearing is not recommended, the application shall be placed on the Board's Calendar for public hearing.

6. Where the property to be sold involves the transfer of municipal consents the applicant shall refer to the applicable statutes and rules of the Board.

7. Any rule or order now in force and inconsistent with this order is hereby rescinded.

Dated: June 25, 1952

BOARD OF PUBLIC UTILITY COMMISSIONERS
BY:

(SEAL)

(SIGNED) JOHN E. BOSWELL

PRESIDENT

ATTEST:
(SIGNED) EMMETT T. DREW

SECRETARY

I HEREBY CERTIFY the foregoing to be a true copy of Conference Order No. Twenty-three As Amended June 25, 1952, issued by the Board of Public Utility Commissioners at its meeting held Wednesday, June 25, 1952, and recorded in the minutes of said meeting.

S E C R E T A R Y

Source: N.J.S.A. 48:3-7; 48:2-12; 48:2-32, 32.1 L.1952, c. 10, p. 49,
sec. 1. 48:2-40

A N N E X "A"

Verification

Form

STATE OF _____)
COUNTY OF _____) SS

A _____ B _____,

being duly sworn according to law, on his oath says:

1. I am the _____ of the foregoing applicant.

2. I have read the annexed petition and know the contents thereof and the same are true to my own knowledge.

A _____ B _____

Subscribed and sworn to before me this _____ day of _____ 19__.

Notary Public.

(N.B. Foreign Notaries affix seal.)

