

TWELFTH ANNUAL REPORT

OF THE

Board of  
Public Utility Commissioners

FOR THE

STATE OF NEW JERSEY

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For the Year 1921

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## COMMISSIONERS

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JOHN J. TREACY, *President*,

HARRY V. OSBORNE,

HARRY BACHARACH,

ALFRED N. BARBER, *Secretary*.

## REPORT

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*To the Honorable Edward I. Edwards, Governor of the State  
of New Jersey:*

SIR:—Pursuant to the act prescribing the powers and duties of the Board of Public Utility Commissioners, which provides that the Board shall report annually on or before the first day of January to the Governor, there is submitted herewith the Board's report for the year 1921.

The members of the Board held on March 22nd the first meeting following their appointment. While, therefore, this report covers, with respect to certain data, the calendar year; the administration of the present Board dates from the 22nd of March.

At the Board's first meeting it was confronted with a large number of accumulated matters, consideration of which had been delayed, and which, in the performance of duties defined by the public utility act, required prompt attention. Many of these matters could not be considered without hearings, and in so far as their comparative importance justified they were given priority of hearing over those newly presented. While the Board was being pressed to dispose of these and other matters submitted to it, many of which were of much importance to the parties in interest, and before it was practicable to give the greater part thereof proper attention, it received reports made by engineers specially employed by the state of the valuations of the properties of the Public Service Railway Company and the Trenton and Mercer County Traction Corporation. The Legislature at the session of this year directed by statute that hearings for the purpose of fixing

rates of street railway companies, the values of whose properties had been reported to the Board by the engineers referred to, should be preferred over all other hearings before the Board, and should be determined and decided within three months from the filing of the reports.

Continuous daily hearings in the street railway cases were impracticable because of the time necessarily required for the production of witnesses, and the desirability of reviewing, prior to cross examination, the testimony and data submitted.

During the conduct of the street railway cases the Board, therefore, was able to hold hearings and determine other matters before it, but necessarily these had to be subordinated to the railway cases.

#### STREET RAILWAY FARES, PUBLIC SERVICE RAILWAY COMPANY

The decisions of the Board as to reasonable fares to be charged by the Public Service Railway Company and the Trenton and Mercer County Traction Corporation have been published, but, because of their great importance and the litigation following the decision in the Public Service Railway case, an outline thereof is submitted.

It appeared that the Public Service Railway Company had given notice to the preceding Board that it proposed to charge, beginning January 1, 1921, a fare of ten cents where seven cents was then being charged. The old Board suspended this increase until the first day of April 1921; this being under the then existing law the maximum period of suspension. By an amendment to the public utility act by the Legislature of this year, the Board was authorized in any case, where a hearing as to the reasonableness of a proposed increase had not been concluded, to order further suspension for three months.

It being impossible to hear and determine the question of the reasonableness of the increase by April 1st, the same was ordered suspended for the further period of three months.

The record showed that on July 10, 1918, the company was allowed an increase in its then existing charges; that sub-

sequent to this further increases had been allowed, and that these had all been predicated on the assumption that an emergency existed under which it was deemed reasonable to permit the company to increase its revenues, without first ascertaining the value of its property and limiting the return thereon.

There was, however, partially completed by the preceding Board an investigation that involved a determination of the value of the company's property, and the rates of fare which should be charged to afford to it a reasonable return on such value.

That it was the intention of the Legislature the Board should so fix the rates is apparent from the statute providing for the employment of engineers to value the company's properties and certify the same to the Board.

The proposition of the company to charge a ten cent fare was based on the theory of a continued emergency, which the company claimed would make such rate reasonable. The scope of this proceeding, therefore, was narrowed to consideration of the question whether such emergency confronted the company that in the absence of a determination of the value of its property, and the other factors pertinent to a rate inquiry, a ten cent fare would be justifiable.

When the previous increases were allowed, the country was in active participation in the war, and the Board then found that a crisis was imminent; that in order that the company might continue to render the public safe, adequate and proper service it was necessary for additional revenue to be obtained promptly, and that the provision of such revenue should not be delayed by taking the time necessary to determine the questions ordinarily considered in rate proceedings. The present Board could not find that such emergency existed as would justify it in approving the ten cent fare, or in authorizing any increase in fare without regard to the value of the company's property or the amount of the return thereon. Attention was directed to the fact that any rate fixed by the Board would be temporary only, as a short time would elapse when the Board would be required to fix just and reasonable rates upon scientific and legal bases.

The company, dissatisfied with the decision of the Board not to permit any increase pending the fixing of a rate in accordance with the mandate of the Legislature, appealed to the Supreme Court. The Supreme Court upheld the company and remanded the proceedings to the Board; holding that it was the Board's duty to fix a just and reasonable rate based on the evidence in the existing proceeding. The decision of the Supreme Court was filed on July 1st.

The Board, in the meanwhile, had been engaged in its investigation of the company's rates with the estimate of the engineers employed by the state and other estimates of value duly submitted. The Board was not restricted to acceptance of the valuation found by the state's engineers, but was authorized to give consideration to other pertinent evidence before it as to value. On July 14, 1921 the Board filed its decision.

After considering all the estimates of value, the Board concluded that the reasonable value for rate making purposes was \$82,000,000. The company's operating expenses and taxes, including depreciation, it was found would not exceed \$21,708,000. It was decided that the sum of \$5,842,500 would be a fair annual return on the value of the property used and useful in the public service; that this could not be obtained from the existing rates, but that by an increase in the charge for transfers from one cent to two cents each the company would obtain an additional revenue of \$715,000 per year, and that this would admit of a fair return.

A separate decision was filed on the same date on the application for the ten cent fare in accordance with the direction of the Supreme Court. In this the Board held that, upon the evidence in that proceeding, the allowance of two cents instead of one cent for a transfer would be a just and reasonable rate.

Application was made by the company to the District Court of the United States for a temporary injunction restraining the Board from interfering with it putting into effect the ten cent rate and from enforcing against it the Board's order fixing a rate of fare of 7 cents plus 2 cents for an initial transfer. This was on the plea that the Board's order would result in confiscation of the company's property in violation of the 14th

amendment to the constitution of the United States. A statutory court consisting of three federal judges was convened to hear argument on the application. This court refused a temporary injunction affecting the 10 cent rate, but by a divided vote decided that a preliminary injunction should be awarded restraining the Board, temporarily, from putting into effect its order of July 14th, upon the condition that until otherwise directed by the court the railway company should charge and collect over its various routes a school fare not exceeding the prevailing rate; that a base fare not exceeding 8 cents should issue; that it should accept as base fares four tickets or tokens for not more than 30 cents; should charge not more than 1 cent for an initial transfer and should give to every rider paying a base fare of 8 cents a receipt for 1 cent, and to every rider purchasing four tickets or tokens for 30 cents a receipt for 2 cents, transferable by hand and redeemable by the company on presentation, if the rate named should not be sustained by the court on final hearing.

A special master has been appointed by the Federal Court to take testimony as to facts and the Board has arranged for full presentation to the master of the data upon which its decision was based. The decision of the Federal Court, therefore, is not a permanent finding based upon a complete review of the record, but is of the nature of a temporary restraint upon the Board's order, pending such review. The Board's order was issued with what it believes was a due regard for the company's rights as well as those of the public. The Board, with due respect to the court, is of the opinion that it was in error in holding that its order should be temporarily restrained; but that the legal status of the case as it was presented to the court was such that should have denied the company's plea.

An appeal therefore has been taken to the United States Supreme Court, and the question as to the legality of the Federal Court's action in issuing the temporary injunction will be fully argued before that tribunal.

## TRENTON AND MERCER COUNTY TRACTION CORPORATION.

In the Trenton and Mercer County Traction Corporation case the company had also proposed to charge a ten cent fare, which had been suspended by the preceding Board. The property of this company was valued by Ford, Bacon and Davis, the engineers employed by the Valuation Commission created by Chapter 351 of the laws of 1920, and report thereon was filed with the Board. The Board gave consideration to this and to other estimates of value; to the company's receipts and operating expenses and other factors requiring consideration. It appeared that for the year 1920 the operating revenues amounted to \$1,401,863; the operating expenses, taxes, depreciation and maintenance to \$1,248,244, leaving a net operating revenue of \$153,619. This was increased by \$4,315 of non operating revenue. It appeared clearly that the company's existing rate of 7 cents, plus one cent for a transfer, was not affording to it a reasonable return upon the fair value of its property. Careful estimates indicated that a fare of eight cents with the continued charge of one cent for a transfer would afford a return of close to seven per cent on the highest estimate of value of the property, and approximately eight per cent upon the lowest. The Board by a decision filed June 20th allowed this rate to be charged and this was accepted by the company.

## RATES OF OTHER STREET RAILWAY COMPANIES

The cases of the Public Service Railway Company and Trenton and Mercer County Traction Corporation were given precedence in hearings as required by law. In addition hearings were held and decisions filed adjusting the rates of the Burlington County Transit Company, Salem and Pennsgrove Traction Company, Public Service Railroad Company, Bridgeton and Millville Traction Company, New Jersey and Pennsylvania Traction Company and Phillipsburg Transit Company.

## RAILROAD RATES.

While the Board was conducting the Public Service Railway and Trenton and Mercer County Traction Corporation cases it was urged that it rule promptly upon the question of the reasonableness of the rates charged by the railroads of the state on shipments of sand, gravel and broken stone. It appeared that when the Interstate Commerce Commission on July 29, 1920, authorized the eastern group of railroads to increase freight rates 40 per cent in interstate traffic the preceding Board considered what action, if any, should be taken with regard to a corresponding increase in intrastate rates. That Board decided the conditions justified a general application of the increase; that it would not issue any order suspending such increase, but if the question arose in specific cases would rule whether the rates in such cases were just and reasonable. With respect to the rates applying to shipments of sand, gravel and broken stone used for road building and repair the preceding Board recommended that the increases should not apply without further hearing. In lieu of accepting this recommendation the carriers proposed that the Board initiate an investigation with respect to the reasonableness of these rates, and agreed that if the rates should be found to be unreasonable they would voluntarily make retroactive to January 1, 1921, such rates as the Board found to be reasonable.

This proposition was accepted by the preceding Board and an investigation was begun but not completed. The stipulation was extended by agreement to June 1st. There devolved upon the present Board, therefore, the duty of deciding within a limited period the reasonableness of the rates for shipments of sand, gravel and broken stone.

The Board on May 25th filed a decision in which it held that the increase of 40 per cent applied to these low grade commodities moving only short distances, as is the fact within this state, was unreasonable. An increase of 15 per cent it was held would be reasonable.

A complaint was filed by the Wharton Steel Company directed against the Central Railroad Company of New Jersey and numerous other carriers, alleging that the companies refused to accord to the complainants shipments in intrastate traffic joint through rates on the same relative basis accorded in interstate traffic.

Answers were filed and the matter assigned for hearing. At the hearing a stipulation was entered into for an adjustment of the rates satisfactory to the complainant and the complaint was withdrawn.

Complaints by the Pequest Iron Company against the Delaware, Lackawanna and Western Railroad Company, and of the Ringwood Iron Company against the Delaware, Lackawanna and Western, New York, Susquehanna and Western, Erie, and Wharton and Northern Railroad Companies alleging unreasonable rates for shipments of iron ore have been recently heard and are now under consideration.

#### GAS RATES AND HEATING STANDARD

The Board, at the earliest date practicable, consistent with the statutory direction to give precedence to the street railway rate investigations, called a hearing upon the reasonableness of the rates charged by the Public Service Gas Company. At this hearing the City of Newark raised the question as to the heating standard fixed by the preceding Board. A petition was filed by the city asking that the heating standard be increased.

As the rule fixing the heating standard is not one applying to the Public Service Gas Company alone, but is a general rule applicable to all gas companies, notice was given to the companies and to the public of the receipt of Newark's petition and of hearing to be held thereon. Voluminous testimony was taken of witnesses called by the city, the gas companies, and of citizens and representatives of civic associations as to the effect upon the service of the existing standard. In addition, testimony was given by representatives of the Bureau of

Standards of Washington, and of the gas department of the Public Utility Commission of Massachusetts, the latter witnesses being called by the Board because representatives of these bodies had testified before the preceding Board when the standard was fixed. The present Board concluded that the conditions which led to the fixation of the standard still existed and would continue to exist. The Board refused to increase the standard but made a slight modification of the rule to make clearer its meaning.

As the heating standard to be maintained bears a direct relation to the cost of gas, and consequently affects the rate, the inquiry into the rate necessarily had to be held in abeyance until the question of the heating standard was determined. This was done on November 4th, and hearing was resumed on the question of the reasonableness of the rate charged by the Public Service Gas Company. This inquiry will be completed and a finding made at as early a date as is practicable.

Petitions were filed with the Board on behalf of the cities of Elizabeth and Rahway and Township of Linden asking that the rate of \$1.40 per thousand cubic feet for gas fixed by the preceding Board for the Elizabethtown Gas Light Company and associated companies be reduced. The associated companies are the Rahway Gas Light Company, Cranford Gas Light Company and Metuchen Gas Light Company. As in the Public Service Gas case, consideration of the rate was postponed, pending a determination of the standard. Following such determination the counsel for the City of Elizabeth notified the Board that the companies had offered to reduce the price of gas 15 cents per thousand cubic feet; that this had been accepted, and it was asked that the case be discontinued without prejudice. The request was granted and the reduced rate has been put into effect in the communities served by those companies.

#### RATES OF PUBLIC SERVICE ELECTRIC COMPANY.

Among the cases before the preceding Board, and upon which no decision had been reached, was whether the addition by the Public Service Electric Company of 25% to the bills

of its wholesale power and kilowatt year customers, and to bills for service afforded under the company's rates for refrigerator and break down service, should be abrogated or modified.

This company was permitted by a decision of the preceding Board filed February 27, 1918, to add 25% to each bill of its wholesale power and kilowatt year customers, the same percentage to each bill of its retail power customers, except that paid for at the 10 cent step, and to bills for break down service, as well as those under the elevator rate. A charge, termed a coal clause, applying to bills of power customers and varying with the price of coal was also imposed. These charges were allowed to meet emergency conditions caused by the war. On July 31, 1919, the company was ordered to eliminate the surcharge from its "Uniform Retail Power Rate" and "Elevator Rate", the same being permitted to continue in other respects.

The Board gave notice that it would reopen these proceedings and would hear interested parties upon the question whether the record already made should be used by the Board in arriving at a decision, and to what extent, if any, the same should be supplemented by additional testimony and arguments. Numerous parties appeared and to the record already made testimony adduced at a number of hearings was added as to the present conditions and other details pertinent to the case. Following this the company submitted a new schedule of power rates to be substituted in lieu of the existing schedule. This provided for a reduction in the rates estimated at approximately one half the surcharge. The counsel of the company stated that if this was not acceptable the company might desire to present further evidence. The schedule not proving to be acceptable to the Board the matter was set down for further hearing on December 27th. On that date the Board stated at the hearing that it was satisfied on the case as it then stood that the whole surcharge of twenty-five per cent should be abrogated, allowing, however, the coal clause to remain in effect for the present. The company having asked for time to consider whether it would abide by the conclusion of the Board or further contest the matter, it was given until January 4, 1922, for that purpose.

## OTHER FORMAL PROCEEDINGS.

While the foregoing include some of the more important of the proceedings given consideration by the Board, reference to them does not indicate the number or great variety of such proceedings. Petitions to the number of 391 requiring formal action have been disposed of since the Board first met on March 22nd. Following this meeting, and in addition to days on which conferences were held, 113 days have been given to formal hearings of matters presented to the Board. These have involved, in addition to many details relating to rates and service of the utilities subject to the Board's jurisdiction, issues of securities by public utilities, sales of properties requiring the Board's approval, municipal grants of privileges to public utilities which under the law must be passed upon by the Board, and numerous other details falling within the purview of the public utility act and the exercise of the Board's authority thereunder. Not a few of the cases have been of such a nature that it was necessary for a number of days to be taken in each case for submission of testimony and relevant data.

In addition to hearings regularly called at Trenton and Newark, hearings have been held in Jersey City, Hoboken, Hackettstown, Camden, Atlantic City, Vineland and Wildwood. By so doing the Board has afforded interested parties opportunity to be heard in cases involving utilities situated at distances from the Board's hearing rooms at Trenton and Newark.

Where, in the Board's judgment, it is deemed advisable, the formal action by the Board is accompanied by written decisions stating reasons for such action. The public utility act requires publication in a series of volumes of such findings and decisions as in the judgment of the Board may be of general public interest. During the coming year the Board will publish a volume of such decisions. A list of matters which were the subjects of formal findings with statement of the action taken in each case is submitted herewith.

## JITNEY REGULATION.

The Legislature at the last session amended the public utility act so as to include among the public utilities subject to the Board's jurisdiction the owners and operators of auto busses; commonly called jitneys, the routes of which in whole or part parallel upon the same street the line of a street railway company. This did not apply, however, to the operation of any such bus:—

“Over its present route, under and in accordance with the consent of the municipal authorities granted therefor prior to March fifteenth, one thousand nine hundred and twenty-one, by the owner of such consent on said date, or under and in accordance with the renewal of such consent granted to such owner as aforesaid, for further operation by him upon the expiration of the time limit set forth in such consent.”

This enactment appeared to be misinterpreted by the officials of a number of municipalities and the operators of auto busses. It was assumed by many that the municipalities had been divested of authority to license auto busses, and that this authority had been transferred to the Board of Public Utility Commissioners. In fact no authority is vested in the Board to grant licenses or permits to operate auto busses. The owners or operators of such busses under certain conditions become by virtue of the law public utilities. Section 24 of the public utility act provides that:—

“No privilege or franchise hereafter granted to any public utility as herein defined, by any political sub-division of this State, shall be valid until approved by said board, such approval to be given when, after hearing, said board determines that such privilege or franchise is necessary and proper for the public convenience and properly conserves the public interests, and the board shall have power in so approving to impose such conditions as to construction, equipment, maintenance, service or operation as the public convenience and interests may reasonably require.”

The municipalities and prospective operators of busses have therefore been advised, in cases where the meaning of the law was misunderstood, that the laws previously enacted requiring

municipal consent for the operation of auto busses are still in effect, and that those desiring to operate such busses should obtain first the consent of the municipalities in which they propose to operate and should apply to the Board for its approval of the consent so given. Under the law enacted in 1916 (Chap. 136, P. L. 283) no auto bus known as jitney may be operated in any city until the owners shall have obtained consent of the body having control of public streets therein, and until an insurance policy is filed in the sum of \$5000 against loss from liability of the owner of such jitney for injuries occurring by reason of the use of such bus upon the public streets. By Chapter 89 of the laws of 1920, the governing body of every municipality is given power to pass ordinances to license and regulate jitneys and their owners, fix license fees and prohibit the operation of jitneys unless such ordinances are complied with.

Pursuant to the latter enactment, numerous municipalities have passed ordinances providing for the licensing of jitneys, and have fixed fees to be paid for such licenses. The different enactments led to a somewhat anomalous situation. Local licenses would not be granted without the payment of the license fees, and where required, the indemnity bonds; but such licenses if granted after March 15th for routes paralleling upon the same streets the lines of street railways were invalid unless approved by the Board of Public Utility Commissioners. It was recognized as unfair for those proposing to operate auto busses to be required to comply with the local requirements, obtain at considerable expense the necessary licenses and indemnity bonds, and then have the licenses disapproved, if in the judgment of the Board the public convenience did not require the additional facilities proposed. The local authorities, therefore, have pursued the plan, when applied to for licenses they were willing to grant, of signifying in writing such willingness, and applications have been then made to the Board for its approval.

These applications have been received by the Board, the traffic conditions have been investigated and hearings have been held, of which the railway companies interested, as well

as the bus operators, have been given notice. Following the hearings the Board has announced its approval, if such was deemed proper, or its disapproval if the public convenience and necessity appeared to be reasonably served by the existing transportation facilities. In many cases, where approvals have been given, reasonable conditions have been imposed as to operation.

The question arose soon after the law became effective, whether the Board's approval was required of transfers of permits granted prior to March 15th of this year. The Board decided that it has jurisdiction in such cases, but in a decision upon an application of Carl A. Becker to operate an auto bus on the West Orange Line, filed June 13, 1921, stated:—

“In the exercise of its judgment, however, upon such applications, the Board will give due consideration to what it considers the legislative policy and intent with regard to the limitation or curtailment of the jitney system of transportation. The express exclusion from the jurisdiction and control of this Board of such jitneys as were in operation on the 15th of March, 1921, would seem to indicate that not only should the holders of licenses to operate jitneys be protected in the privilege theretofore granted to them, but that the legislature was satisfied that the public convenience and necessity required the number of jitneys that were in operation on that date, we think it must be assumed, therefore, that the legislature was not in favor of the curtailment of the jitney transportation facilities as such facilities existed on March 15th, but had in mind the regulation and control of any increase of it insofar as the increased number of jitneys occupied street railway routes and competed therewith.

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The policy of the Board in applications presented to it will be to approve all licenses or permits granted by the municipalities in renewal or substitution of all licenses or permits existing prior to March 15th unless it can be affirmatively shown that conditions pertinent to the consideration of the necessary factors have so changed as to make either an increase or decrease in the number necessary.”

The position of the Board as announced in this case is unsatisfactory to the Public Service Railway Company and an appeal has been taken to the Supreme Court. The matter is now pending in the Court.

The amendment to the public utility act including the owners or operators of auto busses among the public utilities subject

to the Board's jurisdiction did not pass until after the enactment of the appropriation bill. The Board, therefore, was without funds to enable it to perform the duties contemplated by the law, and it was necessary to apply for the same from the emergency fund. The Board's application was granted and it has been able to organize a jitney department and deal with the problem so far as it is practicable to do so under the existing law.

Traffic inspectors have been employed and these have been assigned to different routes traversed by auto busses and street railways to examine into and report upon the conditions as observed by them. The inspections made, have included traffic checks made at all hours; the number of busses and street cars operated; the number of seats provided as compared with the number of passengers travelling and other factors. In passing upon applications the Board therefore has had before it, in addition to the representations made by the applicants, and objectors, if any, the reports and testimony of its inspectors, which have been of material assistance.

#### APPARENT INCONSISTENCY IN JITNEY LAWS

There appears to be an inconsistency in the jitney laws which, if not removed, may result in some misunderstanding. Under the public utility act as amended, (Sec. 15a, Chap. 195, P. L. 1911) the term public utility includes, among numerous other utilities mentioned, every individual, copartnership, association, or joint stock company that may own, operate, manage or control within the State any auto bus, commonly called jitney, the route of which in whole or in part parallels upon the same street the line of any street railway or traction company "for public use, under privileges granted or hereafter to be granted by the State of New Jersey or by any political subdivision thereof."

As noted heretofore the Board's jurisdiction does not apply where the local permit was granted prior to March 15th, 1921. The granting of licenses subsequent to that date appears to make automatically the parties operating under them public utilities. As no local privilege granted to a public utility is

valid unless approved by the Board, it would seem the Legislature intended there should be no addition to the number of auto busses operated upon the same street with the line of a street railway unless the Board of Public Utility Commissioners found the existing transportation facilities to be insufficient, but that in the first instance the matter should be passed upon by the local authorities. If the local authorities refuse the licenses, the prospective operators do not become public utilities and the Board of Public Utility Commissioners is not called upon to decide whether the public convenience and necessity require the operation.

The act making it mandatory to obtain a local license before a bus is put in operation applies to cities only. In other municipalities ordinances may be adopted providing for the licensing of auto busses. In a number of municipalities no such ordinances have been adopted, and in some of these busses are operated under a claim of lawful right without local licenses or the Board's approval thereof. In others, where conditions are similar, local consents must be obtained, and these consents be approved by the Board, to make legal the operation.

This seems to be contrary to the evident intention of the Legislature. It may be the courts would hold that the law authorizing municipalities to enact ordinances providing for the licensing of busses should be considered in connection with the amendment to the public utility act requiring such licenses to be approved by the Board; that the purpose of the later enactment cannot be defeated by failure to enact ordinances and that the operation of busses is unlawful without local permission and the approval of the Board where the conditions of operation are such that the statute requires such approval to be given.

In the Board's opinion it would be desirable for this matter to be given consideration by the Legislature. The law authorizing municipalities to enact ordinances providing for the licensing of auto busses might be supplemented by a provision to the effect that if such ordinances are not enacted and licenses obtained the operation of auto busses therein would be unlawful. If this were done it would remove the apparent

inconsistency in the existing laws and dispel the doubt which now exists as to the legality of operation under certain conditions.

#### INFORMAL PROCEEDINGS

During the year, 1716 informal complaints were made to the Board. Of these 1497 were received after the appointment of the existing Board. The complaints termed informal were those submitted mostly by letter and relating to individual grievances against the utilities of such a nature that their reference to inspectors for investigation was advisable. By this method, in practically all cases where there appeared to be reasonable cause for complaint, the utilities upon the matters being brought to their attention by inspectors' reports, with appropriate recommendations therein, adopted the recommendations, thus usually closing the matter at issue. Complainants and the utilities parties thereto were sent, in all cases, reports of the inspectors. If exception was taken to reports the same were referred back to the inspectors for consideration of the criticism made, unless it clearly appeared that the circumstances were such that further informal investigation would not lead to a different result. In cases where the matter did not appear to be settled and hearing was desired, or some question existed as to the rights of the parties, they were afforded opportunity to be heard.

It is interesting to note that the number of informal complaints has increased from 1106 last year to 1716 received during the present calendar year. This increase is believed to be due in part to a more general understanding by those who have differences with public utilities, which are not satisfactorily adjusted, that the state has created a Board and vested it with broad powers to regulate the rates and service of the utilities; that differences may be investigated and often adjusted without the necessity of formal petitions to and hearings by the Board.

Unfortunately the Board has not been able to accompany the

increase in informal complaints by an increase in the number of inspectors required to promptly investigate them; the Board's appropriation for the year not being sufficient to admit of this. This has resulted in a situation which at times is unsatisfactory to the Board and to the complainants. The complaints come from all parts of the state and in very many cases proper investigation requires an inspection of the facilities afforded by the utilities, as well as an interview by the inspector with the complainant and the local manager of the utility. It is obvious that no matter how willing and industrious an inspector may be there is a limitation upon the amount of work of this kind he can perform. Complaints are investigated in the order of their receipt, so far as this is compatible with due regard to their exigency and the travelling routes of inspectors; but the limitations referred to have interfered at times with as prompt an investigation as the complainants not unnaturally desire and the Board would like to afford.

As the population of the state increases and the number of those supplied with or desiring service from the public utilities correspondingly grows, the appeals to the Board of Public Utility Commissioners for service denied by utilities, for investigation of service claimed to be defective, or of charges alleged to be exorbitant, will naturally further increase in number. With this the administrative machinery of the Commission must keep pace if satisfactory results are to be obtained.

The Board therefore in its budget request has asked for an increase in the appropriation for inspectors to admit of the employment of two additional inspectors, limiting the number to no more than are actually needed under present conditions to do the work required.

#### EXTENSIONS OF FACILITIES BY PUBLIC UTILITIES.

Many informal complaints are received by the Board of refusals of public utilities to supply service where an extension

of facilities is necessary, except upon conditions regarded by the complainants as unreasonable.

Investigation of the complaints by the Board's inspectors have shown that the conditions would justify in numerous instances running of the extensions upon terms more favorable than the utilities proposed, and the inspectors have so recommended.

The Board's authority to order extensions is specifically dealt with in the statute. Subdivision (e) of section 17 of the public utility act provides that the Board shall have power, after hearing, by order in writing, to require a public utility:—

“To establish, construct, maintain and operate any reasonable extension of its existing facilities, where, in the judgment of said Board such extension is reasonable and practicable and will furnish sufficient business to justify the construction and maintenance of the same, and when the financial condition of the said public utility reasonably warrants the original expenditure required in making and operating such extension.”

Many of the utilities refuse to make any extensions of facilities unless the applicants defray the cost of the same. Some have adopted rules of general application which require those desiring extensions to deposit the sum estimated by the utility as the cost. Part of this sum is refunded annually for a limited term of years, usually five, the amount refunded depending upon the revenue derived from the extension.

It is the Board's opinion that the present condition is unsatisfactory and that consideration should be given to an amendment of the section of the statute dealing with extensions. It seems unfair for a party desiring service to be confronted by a proposition of the utility, or a general rule, which in its application may be unjust, and for the legal necessity to exist of demonstrating this before service can be obtained.

Instead of being limited in its authority as at present it would be desirable for the Board to have power after hearing to fix general rules applying to extensions of facilities, giving due regard to the cost of and revenue to be derived from the same. Certainly such rules, fixed after hearing and due con-

sideration of the rights of the public and the legitimate interests of the utility, would be more consistent with the principles of regulation than the practice which now prevails. This was discussed in the last annual report of the Board and it was recommended that the matter be given consideration by the Legislature. That part of the law dealing with extensions was not amended, however, and it is deemed advisable to repeat the recommendation.

#### RAILROAD AND BRIDGE INSPECTIONS.

During the year inspections have been made of 2,266 miles of railroad, including main and branch lines. These were made under the direction of the Board's Engineer of Bridges and much of the inspection work was done on foot. The following railroads or parts of their systems were covered in this manner:

Lehigh Valley Railroad—Main Line and all branches.  
 Central Railroad of New Jersey—Central Division—Main Line, Jersey City to Phillipsburg, and all branches.  
 West Jersey & Seashore Railroad—Main Line, Camden to Atlantic City.  
 Erie Railroad—Main Line and branches.  
 West Shore Railroad—Main Line and branches.  
 Pennsylvania Railroad—New York Division—Main Line, Jersey City to Trenton, and all branches.  
 Rahway Valley Railroad and branch.

In making inspections particular attention has been given to the condition of bridges. The bridges on the lines of the railroads in this state total as follows:

2,457 fixed undergrade bridges with aggregate length of  
 222,549 feet.  
 128 movable and float bridges with aggregate length of  
 18,147 feet.  
 520 overhead highway and railway bridges.  
 2,076 unclassified undergrade openings.

Since last year's report 1 bridge has been eliminated and the reopening of the Stone Harbor R. R. has added 2 bridges.

Practically no change in railroad main line mileage has been made during the year.

Seven hundred and forty-three bridges five feet and over in length on the lines of electric railways have been inspected. Inspections have been made also of the interstate toll bridges across the Delaware River and of the toll bridges at Ocean City, Manahawken and Sea Side Heights. The two latter bridges are now under the jurisdiction of the State Highway Commission and are maintained as free bridges.

Reports of all inspections are submitted to the Board and copies thereof are sent to the respective companies, who are directed to advise the Board as to their position upon the recommendations contained therein. The recommendations have been adopted and the work called for has been finished or is in process of completion.

The Stone Harbor Railroad has been rebuilt and reopened for traffic. This road was closed to traffic in 1918 when it was wrecked by a severe storm. The road was opened to motor equipment traffic on July 21, 1921, and to light steam railroad equipment traffic on July 30, 1921.

The Central Railroad Company opened for freight traffic on May 24, 1921, the Seabrook Farms Branch. This branch which is 3.07 miles in length extends from the main line of the Southern Division to Seabrook Farms, Bridgeton.

#### SEPARATION OF GRADE CROSSINGS.

The elimination of the grade crossings on the main line and Montclair Branch of the Delaware, Lackawanna and Western Railroad, in the City of East Orange, ordered in 1920 is in progress. It is estimated it will take about one year to complete the work on the main line. Three grade crossings on the Montclair branch are being eliminated, and a bridge is being built to carry tracks over an extension to Rutledge Avenue. Previously no crossing existed at this point.

The Board has reopened the proceedings involving the proposed elimination of grade crossings in Perth Amboy.

A plan is now under consideration which involves the use of the adjoining properties of the Central and Lehigh Valley Railroad Companies, and provides for the elimination of all grade crossings over the railroads; and in addition thereto provides for the separation of crossing at grade of the tracks of the Central and Lehigh Valley. The Board expects to arrive shortly at a determination of the plans under consideration.

#### INSPECTIONS OF UTILITIES OTHER THAN RAILROADS.

Plant inspections have been continued as heretofore throughout the year, but these have been restricted to some extent due to the work required of the Board's staff by the increased number of complaints and the necessity of employing members of the engineering force of the Utilities Division in the preparation of the numerous exhibits called for in the Public Service Railway rate case.

Owing to lack of material and labor during the war, the usual additions to plant generally required to keep pace with community and population growth were not made. Plants of many companies became distinctly inadequate, some extremely so, leading to complaints both as to character of service to present customers and lack of service to prospective customers.

The costs of many materials and of some classes of labor have come down and it is becoming easier to finance additions and extensions of utility plants and systems.

Plant inspections have been followed by appropriate recommendations by the inspectors, and the resulting publicity regarding the conditions has speeded up the construction work, and at the same time caused the investing public generally to have a larger measure of confidence in the future of the utilities.

During the year improvements and extensions have been made to the plant of the Hackensack Water Company and additional work is now in progress aggregating in two years' time between \$3,500,000 and \$4,000,000. A permanent dam

has been built at Oradell, 2 new high duty pumping units installed, and the so called Alpine high service line continued southward to Fort Lee, resulting in material improvement in the high level pressures.

As a result of complaints the plant of the Blackwood Water Company has been overhauled and is now in good order. The Tintern Manor Water Company has completely overhauled both of its plants and they are now operating at the highest efficiency obtainable from the type of machinery installed.

The Commonwealth Water Company has completed the 16 inch transmission line from the Canoe Brook Valley to West Orange, the West Orange high level reservoir and its associated booster plant which is entirely automatic in its action. West Orange is now supplied with a fine quality of well water in place of the water from the Passaic River, to which there had been some objection. The company has driven a number of additional wells and is now rebuilding its Canoe Brook station.

The situation in the Borough of Roosevelt has been improved, due to the installation by the Middlesex Water Company of a 4,000,000 gallon booster pump at the station near Rahway.

The water situation in Elizabeth is still in need of improvement. This municipality is served by the Elizabethtown Water Company.

New plants have been installed at Sea Girt and at South Amboy, and several miles of larger mains installed in Asbury Park, an improvement urgently needed.

Very few additions have been made to the plants of the electric light and power companies. This apparently is due to the industrial depression and a resulting decrease in the demand on their facilities.

A number of extensive additions have been made to gas plants to admit of needed improvement in service. The northern portion of the territory supplied by the New Jersey Gas Company, including Clementon, Laurel Springs, Magnolia, etc. has suffered for several years during the summer from a lack of gas. The larger transmission mains are now being laid

and this should result in much better service than heretofore when the heavy summer demand comes on the plant.

The plant of the Wildwood Gas Company was put in good operating condition during the last summer. Many of the individual houses services must be re-laid, however, before the next summer season, and this will require careful co-operation between the company and the house owners.

The Public Service Gas Company has just completed the installation of a modern coke oven gas plant in Camden having a capacity of 6,000,000 cu. ft. per day.

Parts of the territory supplied by the Coast Gas Company with its plant at Belmar have suffered in summer from insufficient pressure. During the past fall and winter, mains have been laid for the purpose of reinforcement, and the plant has been overhauled, with additions consisting of blowers, condensers, new meter shop, etc.

Inspections of testing standards used by the companies, which for the reasons stated heretofore were subject to some delay, are now being brought up to date.

The telephone companies, during the war, made no extensions to their facilities except for purposes connected with the prosecution of the war. This resulted in plant capacity insufficient for the demand and a long list of unfilled applications for telephone service.

Following the war, the Bell Telephone Companies immediately commenced the construction of additional facilities. The list of unfilled applications for service in North Jersey alone reached a maximum of 21000 in January, 1921. Since that time the needed facilities have been gradually coming into use, so that by January 1, 1922, the unfilled applications will be reduced to 10,000, and by May 1, 1922, it is expected that all who are now on the waiting list will be accommodated.

#### RECEIPTS AND OPERATING EXPENSES OF PUBLIC UTILITIES.

Reports are made to the Board annually by the utilities subject to its jurisdiction of their receipts and operating ex-

penses. The Board receives from the railroad companies duplicates of reports filed by them with the Interstate Commerce Commission. Much the greater part of their receipts comes from interstate traffic not subject to the Board's jurisdiction. As the fiscal year coincides with the calendar year, reports for the year 1920 will not be received until after the first of the coming year.

The following compiled from annual reports for 1920 applying to important utilities, other than railroads, is submitted:

	Operating Revenues 1920	Operating Expenses and Taxes 1920	Per Cent. Expenses and Taxes are of Revenues	Oper- ating ratio in 1914
33 Gas Companies.....	\$26,779,780	\$19,804,965	74.0	58.8
44 Electric Lt. & Pr. Cos.....	28,813,465	21,553,380	74.8	52.6
115 Water Companies .....	6,894,500	4,953,455	71.8	48.8
15 Sewer Companies .....	342,815	252,700	73.7	67.1
21 Street Railways .....	31,832,580	27,184,360	85.4	66.2
26 Telephone Companies ....	17,343,930	14,170,275	81.7	72.1
All Utilities .....	\$112,007,070	\$87,919,135	78.5	61.3

As noted the average percentage of operating expenses and taxes to operating revenues for the year 1920 was 78.5. This compares with a percentage of 61.3 for the year 1914, which of course was before the utilities were affected by the increased labor and material costs resulting from the world war.

#### DEFECT IN STATUTE

#### RELATING TO INCREASED RATES.

A decision by the Court of Errors and Appeals in the case of the Hackensack Water Company vs. Board of Public Utility Commissioners, filed November 15, 1921, discloses a defect in the public utility act which it is respectfully suggested should be given consideration by the legislature.

Prior to this decision it has been assumed that if the Board

suspends an increase in rates proposed by a public utility, and following hearing disapproves the same, the increase could not be made effective, unless upon rehearing by the Board it is approved. The Court of Errors and Appeals, however, held in the case referred to that when an order of the Board disapproving an increase is set aside on appeal to the Supreme Court the increased rates become effective, unless and until the judgment of the Supreme Court should be reversed by the Court of Errors and Appeals or until some further order should be made by the Board upon a rehearing.

The result is now that the filed schedule of rates, no matter how unreasonable it may be, goes into effect automatically upon a reversal of an order of the Board and this, although both the Court and the Board might be of the opinion that the filed schedule was not a just or reasonable one. The situation thus brought about is manifestly unfair to the public supplied by the utility. All that a utility need do in order to get the advantage of unreasonably high rates is to file a schedule of excessive rates and if the Board disallows it, appeal to the Court, which, if it thinks the Board erred, may reverse its order. Legislation should be enacted which will prevent the going into effect of filed rates in any such case until the Board has been given a reasonable opportunity to rehear the case and determine, what, in the light of the Court's decision, should be a reasonable standard of rates in the given case.

#### RECOMMENDATIONS.

The Board respectfully recommends the following:

1. That the public utility act (Chap. 195, P.L. 1911) be amended to provide that if the Board shall disapprove of an increase in the charges of a public utility and its order disapproving the increase is set aside by the Supreme Court, the increased charges proposed shall not become effective until the Board has been given a reasonable opportunity to rehear the case and determine what in the light of the Court's decision would be a reasonable standard of rates.
2. That (c) of Section 17 of the Public Utility Act be amended so the Board may, after hearing, fix just and reason-

able rules and regulations to be observed and followed by public utilities in making extensions of existing facilities.

3. That the law which gives municipalities power to pass ordinances to license and regulate jitneys and their owners and fix the fees and prohibit the operation of jitneys unless such ordinances are complied with (Chap. 89 P. L. 1920) be supplemented to provide that it shall be unlawful to operate any jitney which would be subject to the jurisdiction of the Board of Public Utility Commissioners unless the same is duly licensed by the municipality and the license is approved by the said Board.

Dated December 31, 1921.

Respectfully submitted,

Board of Public Utility Commissioners,

JOHN J. TREACY,

*President,*

HARRY V. OSBORNE,

*Commissioner*

HARRY BACHARACH,

*Commissioner*

ALFRED N. BARBER,

*Secretary.*

## Reports of Decisions.

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In the Board's report for the year 1920 reports of decisions were listed up to the first of December. The decisions filed from December 1, 1920, to the end of 1921 are listed below. From December 23, 1920, to March 22, 1921, there was no Commission functioning. The first formal order of the existing Board was issued March 24, 1921. The orders and reports listed as issued prior to that date were issued therefore by the predecessors to the existing Board. Not all reports and orders are listed; approvals of issues of local licenses to operate jitneys for example being omitted. Reference to cases and the Board's decisions should not be regarded as completing the published record of such decisions. Full reports of decisions regarded as of general interest are published in separate volumes.

Volume VIII of "Reports of the Board of Public Utility Commissioners of the State of New Jersey," published in accordance with Section 7 of the Public Utility Act, contains decisions of the Board from March 16, 1920, to December 21, 1920.

Volume IX is now in course of publication.

In the matter of the Petition of the Borough of Wanaque for crossing at grade over the tracks of the Greenwood Lake Division of the Erie Railroad.

December 2, 1920—The Board issued a report which will be found in the section of this volume referring to new crossings at grade.

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Petition—Town of West Orange for the construction at grade of Standish Avenue across the tracks of the Erie Railroad Company.

December 2, 1920—The Board issued a report which will be found in the section of this volume referring to new crossings at grade.

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**Application—Monmouth County Water Company for approval of the issue of \$57,000 in bonds.**

December 2, 1920—The Board issued a report which will be found in the section of this volume referring to issues of stock, bonds, etc.

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In the matter of the application of the Board of Chosen Freeholders of the County of Ocean, and the Township Committee of the Township of Berkeley in the County of Ocean for protection at the grade crossing of the Main Shore Road with the tracks of the Central Railroad of New Jersey at Toms River.

December 2, 1920—The Board concluded that a condition of danger exists which warrants an order directing additional protection at the crossing by the installation of gates to be operated for all train movements.

December 9, 1920—The Board issued an order in accordance with above.

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**Application Millville Electric Light Company for approval of issue of \$530,000 bonds.**

December 2, 1920—The Board issued a report which will be found in the section of this volume referring to issues of stock, bonds, etc.

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**Application—Hammonton and Egg Harbor City Gas Company for further increase in rates.**

December 2, 1920—Petition dismissed with leave to file schedule of rates in accordance with Board's report.

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**Application—Cumberland County Gas Company for further increase in rates.**

December 2, 1920—The Board permitted an increase of ten cents per thousand cubic feet to be added to the company's schedule of rates, effective for gas consumed between the usual meter readings in November and December 1920.

**Application—The Delaware and Atlantic Telegraph and Telephone Company for authority to file a schedule of rates to be effective upon the return of the petitioner's telephone system to it by the United States Government.**

December 7, 1920—Petition dismissed with permission given subject to certain conditions stated to file a schedule of rates for all classes of service equivalent to those permitted to be continued in effect by the Board in its report upon the application of the New York Telephone Company for authority to file a schedule of rates to be effective upon the return of that company's telephone system to it by the United States Government.

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**Application—New York Telephone Company for authority to file a schedule of rates to be effective upon the return of the petitioner's telephone system to it by the United States Government.**

December 7, 1920—The Board determined that the petition of the company for increased rates should be granted with certain exceptions and subject to certain conditions.

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**Application—Elizabethtown Gas Light Company, Cranford Gas Light Company, Metuchen Gas Light Company and Rahway Gas Light Company for increased rates—rehearing.**

December 7, 1920—The Board determined that the rates as filed should be disapproved. Companies were permitted to file schedules of rates in accordance with Board's report.

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**In the matter of investigation of the service afforded by the Millville Electric Light Company.**

December 9, 1920—The Board determined that in refusing service to applicants for the same where it is unnecessary to install a pole to carry service wires, the company does not furnish safe, adequate and proper service and does not keep and maintain its property and equipment in such condition as will enable it to do so, and issued an order consistent with this.

In the matter of proposed increase in rates by the Public Service Railway Company.

December 9, 1920—The Public Service Railway Company ordered to suspend increase in rates until April 1, 1921.

March 29, 1921—The Public Service Railway Company ordered to further suspend increase in rates until July 1, 1921.

May 19, 1921—Petition dismissed.

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In the matter of proposed increase in rates by the Public Service Railroad Company.

December 9, 1920—The Public Service Railroad Company ordered to suspend increase in rates until April 1, 1921.

March 29, 1921—The Public Service Railway Company ordered to further suspend increase in rates until July 1, 1921.

May 19, 1921—The Board approved the schedule of rates as filed, effective June 1, 1921.

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Application—Perth Amboy Gas Light Company for increased rates—rehearing.

December 14, 1920—The Board determined that the rates as filed should be disapproved. Company permitted to file schedule of rates in accordance with Board's report.

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Application—New Jersey and Pennsylvania Traction Company for increased passenger and freight rates.

December 14, 1920—The Board approved a 40 per cent. increase in commodity freight rates and a 20 per cent. package express rate; but disapproved a charge of eight cents in each passenger fare zone.

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Application—Wayside Telephone and Auto Service Company for permission to issue \$60,000 stock.

December 16, 1920—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

**Complaint—Mrs. M. Bennett vs. Public Service Gas Company.—**  
In re-extension of service.

December 21, 1920—Complaint dismissed.

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**In the matter of the proposed increase in rates of the Washington Electric Company.**

December 23, 1920—The Washington Electric Company ordered to suspend increase in rates until April 1, 1921.

September 19, 1921—The Board determined that the rates as filed should be disapproved. Company permitted to file schedule of rates in accordance with Board's report.

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**Application—Elizabethtown Water Company for proposed increase in rates.**

March 24, 1921—The Elizabethtown Water Company ordered to suspend increase in rates until July 1, 1921.

June 30, 1921—The Elizabethtown Water Company further ordered to suspend increase in rates until October 1, 1921. Case Pending.

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**Application—Watchung Water Company for proposed increase in rates.**

March 24, 1921—The Watchung Water Company ordered to suspend increase in rates until July 1, 1921.

June 30, 1921—The Watchung Water Company further ordered to suspend increase in rates until October 1, 1921. Case pending.

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**Application—Piscataway Water Company for proposed increase in rates.**

March 24, 1921—The Piscataway Water Company ordered to suspend increase in rates until July 1, 1921.

June 30, 1921—Company ordered to further suspend increase in rates until October 1, 1921. Case pending.

**Application—Raritan Township Water Company for proposed increase in rates.**

March 24, 1921—The Raritan Township Water Company ordered to suspend increase in rates until July 1, 1921.

June 30, 1921—Company ordered to further suspend increase in rates until October 1, 1921. Case pending.

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**Application—New Jersey & Pennsylvania Traction Company for increase in rates.**

March 29, 1921—The New Jersey & Pennsylvania Traction Company ordered to suspend increase in rates until July 12, 1921.

July 11, 1921—Company ordered to further suspend increase in rates until October 12, 1921.

August 19, 1921—The Board determined that the schedule of rates filed was unjust and unreasonable and disapproved the same. Company permitted to file a schedule of rates in accordance with the Board's report.

October 6, 1921—The Board issued a further report referring to the above.

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**Application—Cape May Illuminating Company for proposed increase in rates.**

March 31, 1921—The Cape May Illuminating Company ordered to suspend increase in rates until July 4, 1921.

June 10, 1921—Petition denied with permission to file schedule of rates in accordance with Board's report.

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**Application—Atlantic City Electric Company for approval of the issuance of \$46,000 in aggregate principal amount of its first and refunding mortgage five per cent. sinking fund gold bonds.**

March 31, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

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**Application—City Gas Light Company for increase in rates.**

April 7, 1921—The Board permitted the company to file a new schedule of rates to become effective from and after May 1st 1921.

In the matter of Proposed Abandonment by Millville Traction Company of its Franchise on South Second Street, Millville.

May 10, 1921—Application granted.

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In the Matter of the Abandonment of portion of the Line and Removal of Tracks of the Bridgeton and Millville Traction Company.

May 10, 1921—The Board approved of the removal by the company of its tracks from its private right of way upon the line from the crossing of the Central Railroad Tracks on the Bridgeton and Deerfield Turnpike to Tumbling Down Park, but in all other respects the petition was dismissed.

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In the Matter of proposed Increase in Rates by the Pleasantville Gas Company.

May 14, 1921—Pleasantville Gas Company ordered to suspend increase in rates until August 15, 1921.  
August 12, 1921—Petition dismissed.

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Application—Monmouth County Water Company for Reconsideration of Proposed Increase in Rates.

May 14, 1921—Petition dismissed.

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In the Matter of Rates and Service of the Wildwood Gas Company.

May 14, 1921—The Board determined that the plant capacity of the petitioner should be increased and directed that certain improvements be made on or before July 1, 1921, and permitted the company to file a new schedule of rates effective upon the completion and certification to the Board that the extensions and improvements have actually been made by the company.

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Application—Ocean County Gas Company for Further Increase in Rates.

May 14, 1921—Petition dismissed with leave to file schedule of rates in accordance with Board's report.

**Application—Tuckerton Gas Company for Further Increase in Rates.**

May 14, 1921—Petition dismissed with leave to file schedule of rates in accordance with Board's report.

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**Application—New Jersey Gas Company for Further Increase in Rates.**

May 14, 1921—Petition denied with leave to file schedule of rates in accordance with Board's report.

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**Application—Ocean City Sewer Company for Proposed Increase in Rates.**

May 14, 1921—The Board decided to approve the schedule of rates submitted.

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**Application—Hillcrest Water Company for Approval of the Issue of \$33,500 in Six per cent Bonds.**

May 14, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

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**Application—Hillcrest Water Company for Approval of the Issue of \$15,000 Six per cent Bonds.**

May 14, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

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**Application—Cape May Light and Power Company for Approval of an Issue of Bonds in the Amount of \$65,000.**

May 14, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

Application—Glen Gardner Water Company for Increased Rates.

May 19, 1921—Petition denied.

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Application—Burlington County Transit Company for Increased Rates.

May 19, 1921—The Board decided to approve the application, subject to the conditions that the company arrange to transport passengers throughout the zone extending from Chester Avenue in Moorestown to the Town of Hartford instead of operating only from the Town of Hartford to Borton's Landing Road as is the case at present, and issued an order in accordance with above.

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Application—Salem and Pennsgrove Traction Company for an Increase in Rates.

May 19, 1921—The Board decided to approve the application.

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In the matter of Proposed Increased Rates by the Ocean City Water Company.

May 19, 1921—Petition denied.

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In the Matter of Rates Charged by Railroad Companies Operating in the State of New Jersey for the Transportation of Sand, Gravel and Broken Stone between Stations in this State.

May 25, 1921—The Board decided that the rates charged by the railroads for shipments of sand, gravel and broken stone, between points in the State of New Jersey, were unjust, unreasonable and unduly discriminatory and concluded that the imposition of 15% upon the rates existing and charged by the railroads prior to the increase authorized by the Interstate Commerce Commission in Ex Parte 74 would be just and reasonable.

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Application—Vincentown Water Company for Increased Rates.

May 26, 1921—The Board decided that the petition for increased rates should be granted.

**Complaint—Borough of Fair Haven vs. Tintern Manor Water Company, In Re-extension of Mains.**

May 26, 1921—The Board recommended that the extensions be made providing certain conditions are complied with, within sixty days from the date of the Board's report.

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**Application—Bridgeton & Millville Traction Company for further Increase in Rates.**

May 31, 1921—The Board approved an increase in passenger and freight rates and permitted the fare for school children to be increased to one and a half cents per mile.

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**In the Matter of the Application of the Jersey Central Traction Company for approval of Removal of Tracks on Carr Avenue, Keansburg.**

June 7, 1921—The Board ordered and directed that the Jersey Central Traction Company resume service on the Carr Avenue line upon the same being cleared of cinders placed thereon, it being understood that the work of clearing the tracks will be done by the Keansburg Steamboat Company.

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**Application—Medford Gas Company for Further Increase in Rates.**

June 10, 1921—Rates as filed were disapproved with leave to file schedule of rates in accordance with Board's report.

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**Application—Trenton and Mercer County Traction Corporation for Increase in Rates.**

June 20, 1921—The Board determined that a fare of eight cents to be charged where seven cents is now charged with the continued charge of one cent for a transfer would be just and reasonable and authorized the company to charge the same, effective June 27, 1921.

**In the Matter of the Proposed Increase in Rates by the Laurel Springs Water Supply Company.**

June 30, 1921—The Laurel Springs Water Supply Company ordered to suspend increase in rates until October 1, 1921.

September 29, 1921—The Board permitted the schedule as filed to become effective for bills for service rendered on and after October 1, 1921.

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**In the Matter of the Proposed Increase in Rates by the Tintern Manor Water Company.**

June 30, 1921—The Tintern Manor Water Company ordered to suspend increase in rates until November 1, 1921.

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**In the Matter of the Petition of the Electric Conduits Company vs. Public Service Electric Company for Service Connection.**

June 30, 1921—Petition denied.

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**In the Matter of the Collection of a Service Charge by the Coast Gas Company.**

June 30, 1921—Petition of company denied.

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**In the Matter of the Investigation of the Reasonableness of the Rates of the Public Service Railway Company and Application of the Public Service Railway Company for a Further Increase in Rates.**

✓ July 14, 1921—The Board fixed as just and reasonable rates for the company to charge, a fare of seven cents where seven cents is now charged and a charge of two cents for a transfer where a charge of one cent is made therefor; other portions of the existing schedule to remain in effect. Case appealed and now before the Court.

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**In the Matter of the Proposed Increase in Rates by the Somerville Water Company.**

August 1, 1921—The Somerville Water Company ordered to suspend rates until December 1, 1921.

November 25, 1921—Company ordered to further suspend rates until March 1, 1922. Case pending.

**Application—Lambertville Public Service Company, Flemington Electric Light, Heat & Power Company and Newton Electric & Gas Company for leave to Sell to the New Jersey Power and Light Company their Property and Franchises, etc.**

August 22, 1921—The Board issued a report which will be found in the section of this volume referring to leases, agreements and sales of property.

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**Application—Phillipsburg Transit Company for Increase in Street Railway Fares.**

August 26, 1921—The Board permitted an increase in fares from five cents to seven cents for a single trip between any points on the company's system.

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**Application—Monmouth County Water Company for Approval of Amendment to Mortgage.**

August 30, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

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**Application—Gravity Water Supply Company for Increase in Rates.**

September 13, 1921—The Board permitted the Company to increase its rates effective for the consumption of the last quarter of 1921.

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**Application—West Wildwood Water & Power Company for Approval of the Issue of \$4,800 par value of Bonds.**

September 13, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

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**Complaint—Borough of Westville vs. West Jersey and Seashore Railroad in the Matter of Additional Protection at Grade Crossings within the Borough.**

September 19, 1921—The company expressed its willingness to install colored light signals in addition to the bell at the crossings and the Board approved of such installation.

**In the Matter of the Proposed Increase in Rates by the Delaware River Water Company.**

September 22, 1921—The Board determined that the rates proposed by the company are unjust and unreasonable and disapproved of the same, with leave to file schedule of rates in accordance with Board's report.

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**Application—New Jersey & Pennsylvania Traction Company, et al for Approval of Consolidation Agreement.**

September 22, 1921—The Board issued a report which will be found in the section of this volume referring to leases, agreements and sales of property.

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**Complaint—Township Committee of Haddon Township vs. West Jersey and Seashore Railroad in the Matter of Additional Stational Facilities at Westmont Station.**

September 22, 1921—The Company expressed its willingness to extend the platforms and enlarge the station building, and the Board approved of the proposed improvements.

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**Complaint—Mrs. I. S. Williams against the Riverton & Palmyra Water Company.—In Re-dispute over Installation of Meter.**

September 28, 1921—Complaint dismissed.

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**In the Matter of Proposed Increase in Rates by the Monmouth County Water Company.**

October 4, 1921—The Monmouth County Water Company ordered to suspend increase in rates until January 15, 1921.

**In the Matter of the Wellwood Park Improvement Association, Incorporated vs. Merchantville Water Company—In Re-extension of Service.**

October 4, 1921—The Board determined that it would not be justified in ordering the extension of the main unless the customers to be served are able and willing to provide a satisfactory guarantee that the fixed and operating charges will be met. This would require a guarantee from each customer who may be served of \$26.21 per annum. Upon receipt by the Board of the necessary proof showing that customers to be served will guarantee the revenue referred to, the Board will issue an order requiring the extension to be made.

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**In the Matter of Proposed Increase in Rates by the Clementon Spring Water Company.**

October 6, 1921—The Clementon Spring Water Company ordered to suspend increased rates until January 27, 1922.

November 16, 1921—The Board decided that the company should be afforded relief by increased rates; that the schedule of rates as proposed, after eliminating an error in the last block of the metered rates would be just and reasonable and would be permitted to become effective for all water service rendered on and after January 1, 1922.

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**Application—Central Railroad Company of New Jersey for Authority to Issue not to exceed \$6,285,000 par Value of Equipment Notes under Equipment Trust Agreement dated January 15, 1920, made with Walker D. Hines, Director-General of Railroads, and Guaranty Trust Company of New York as Trustee.**

October 6, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

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**In the Matter of the Application of the West Jersey and Seashore Railroad Company to Discontinue Maintaining an Agent at Avalon also application of the West Jersey and Seashore Railroad Company to Discontinue Maintaining an Agent at Peermont from October 1st to June 1st.**

October 20, 1921—The Board approved of an arrangement requiring an agent to be on duty at Avalon and Peermont from May 1st, to November 1st, also that stations be kept open and maintained for the convenience of passengers during remaining months of the year.

**In the Matter of the Application of the City of Newark for a Change in the Standard for Gas.**

November 4, 1921—An order was entered further amending Rule IX of the Rules fixed by the Board as establishing adequate and serviceable standards and just and reasonable regulations to be followed by utilities engaged in the production, sale and distribution of gas adopted October 17th, 1911 so that the same shall read as follows:

“The company furnishing gas which, within a one-mile radius from the distribution center, gives a minimum daily average total heating value of 525 B. t. u. which shall not fall below a minimum of 515 B. t. u. may be considered as giving adequate service so far as the heating value of the gas is concerned.”

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**Application—West Jersey and Seashore Railroad Company to Discontinue Maintaining an Agent at Buena.**

November 4, 1921—The Board determined that if the company would arrange to have a representative at the station for the transaction of necessary business from 8 A. M. until 1.30 P. M. and keep the station open covering hours now in effect, it would approve such an arrangement in lieu of agency now effective.

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**Application—West Jersey and Seashore Railroad Company to Discontinue Maintaining an Agent at Forest Grove.**

November 4, 1921—The Board concluded that for the present the company should be permitted to discontinue the services of the agent, and if future conditions change to the extent of warranting the re-establishment of an agent, the matter will be given further consideration.

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**Application—Pennsylvania Railroad Company to Discontinue Maintaining an Agent at Allaire.**

November 4, 1921—The Board decided to permit the company to discontinue the station agency at Allaire.

**Application—Pennsylvania Railroad Company to Make Stevens a Non-Agency Freight Station from November 1st to April 30th, and Place Stevens under the Supervision of Agent at Florence from May 1st to October 31st.**

November 4, 1921—The Board approved of an arrangement placing Stevens Station under the supervision of the agent at Florence; and that a clerk be on duty at Stevens during agent's present hours from May 1st to October 31st, and from November 1st to April 30th from 11 A. M. to 2.30 P. M., excepting Sundays.

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**In the Matter of the Application of the Blackwood Water Company for Increase in Rates.**

November 9, 1921—The Board permitted the company to file an increased schedule of rates effective January 1, 1922.

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**Application—Pennsylvania Railroad Company to Discontinue Maintaining the Agent at Hartford.**

November 16, 1921—The Board decided to hold the application in abeyance and the company was directed to submit to the Board a statement of passenger and freight revenue from May 1921 to April 30, 1922, at which time if desired the application would be further considered.

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**Application—Raritan Valley Hydro-Electric Company, Inc., for the Approval of the Issuance of its Preferred Stock to the Amount of \$25,000.**

November 29, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

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**Complaint—E. A. Ransom, Jr., vs. Public Service Railway Company.**

December 1, 1921—The Board decided that if the company desires, in the interest of economy, to stop its Belt Line cars at the Summit Avenue Tube Station between 1:00 A. M. and 5:00 A. M. it may do so but only on condition that it grant a free transfer to each passenger desiring to go south beyond the Tube Station to any other point on the line known as the Belt Line and that it grant an additional transfer to such passenger upon the payment of the regular transfer charge to the Montgomery and other lines at the transfer points and according to the practice in existence in that respect upon the said Belt Line prior to the change complained of.

**Complaint—Town of West Hoboken vs. Public Service Railway Company.—In Re-Change in Route.**

December 1, 1921—The Board decided that the railway company should be permitted to make the change and to make Courtland Street the terminus on the line in question but only upon condition that it will grant free transfers to passengers desiring to transfer for points beyond Courtland Street on such cars of other lines of the company as proceed north of that street on Summit Avenue.

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**In the Matter of the Application of the Hammonton and Egg Harbor City Gas Company for Approval of Mortgage and Issue of Seventy-Three Thousand Five Hundred Dollars (\$73,500.) Bonds Thereunder.**

December 1, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

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**In Re-Charge for Water Supplied to Somers Point Public Schools by Atlantic County Water Company.**

December 6, 1921—The Board decided that if the members of the School Board were unwilling to accept the findings of the Board and fail to provide, as promptly as is practicable, for payment to the water company, of money to which it appears to be lawfully entitled, the Board, would not attempt to compel the company to continue the service, and responsibility for discontinuance of service to the school, if such ensues, must rest upon the School Board.

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**In the Matter of the Application of the Lehigh and Hudson River Railway Company to Discontinue Maintaining an Agent at Tranquility.**

December 6, 1921—The Board concluded that for the present the company should be permitted to discontinue the services of the agent, upon certain conditions, and that if conditions change to the extent of warranting the re-establishment of an agent, the matter would be given further consideration.

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**In the Matter of the Application of the New Jersey and New York Railroad Company to Discontinue Maintaining an Agent at Hillsdale Manor.**

December 6, 1921—Petition denied.

**In the Matter of the Application of the New York, Susquehanna and Western Railroad Company to Discontinue Maintaining the Agent at Crystal Lake.**

December 6, 1921—Petition denied.

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**In the Matter of the Application of the Erie Railroad Company to Discontinue Maintaining an Agent at Morsemere.**

December 6, 1921—The Board permitted the company to discontinue the services of the agent stating that if future conditions change to warrant the re-establishment of the agency the matter would be given further consideration.

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**In the Matter of the Application of the Erie Railroad Company to Discontinue Maintaining an Agent at South Paterson Station.**

December 6, 1921—Petition denied.

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**In the Matter of the Application of the Erie Railroad Company to Discontinue Maintaining an Agent at Kearny.**

December 6, 1921—The Board concluded that for the present the company should be permitted to discontinue the services of the agent at Kearny, upon condition that sixty-trip, fifty-trip and ten-trip Kearny tickets can be obtained at Harrison Station; and if future conditions change to warrant the re-establishment of the agency, the matter would be given further consideration.

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**In the Matter of the Application of the Erie Railroad Company to Discontinue Maintaining an Agent at Woodside.**

December 6, 1921—The Board approved the application to discontinue the station agency at Woodside, upon condition that sixty-trip, fifty-trip and ten-trip Woodside tickets can be obtained at the North Newark and Belleville Stations.

**In the Matter of the Application of the Erie Railroad Company to Discontinue Maintaining an Agent at Orange.**

December 6, 1921—The Board decided that if the company would arrange to have a representative at the station for the transaction of the necessary business from 7 A. M. until 9 A. M., and keep the station open covering hours now in effect, it would approve such an arrangement in lieu of the agency now effective.

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**In the Matter of the Application of the Erie Railroad Company to Discontinue Maintaining an Agent at Riverside.**

December 6, 1921—The Board concluded that for the present the company should be permitted to discontinue the service of the agent at Riverside, upon condition that sixty-trip, fifty-trip and ten-trip Riverside tickets can be obtained at the North Newark and Newark Fourth Avenue Stations.

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**In the Matter of the Application of the Erie Railroad Company to Discontinue Maintaining an Agent at Brighton Avenue.**

December 6, 1921—Petition denied.

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**In the Matter of the Application of the Erie Railroad Company to Discontinue Maintaining an Agent at Prospect Street.**

December 6, 1921—Petition denied.

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**In the Matter of the Application of the Morris & Somerset Electric Company for Approval of the Issuance of \$450,000 First Mortgage Bonds, The Acquisition of the Capital Stock of the Boonton Electric Company, and the Merger and Consolidation of the latter with the Petitioner.**

December 7, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

**In the Matter of the Application of the Newark and Hudson Railroad and the Erie Railroad for Permission to Relocate Tracks at Grade Across Passaic Street and Fourth Avenue in the City of Newark.**

December 19, 1921—The Board issued a report which will be found in the section of this volume referring to new crossings at grade.

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**In the Matter of the Application of the Electric Company of New Jersey for Approval of the Issuance of Bonds to the Amount of \$252,000.**

December 27, 1921—The Board issued a report which will be found in the section of this volume referring to issues of stocks, bonds, etc.

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**Borough of Barrington vs. New Jersey Water Service Company—Investigation as to Whether the New Jersey Water Service Company Supplies Safe, Adequate and Proper Service and in the Matter of the Application of the New Jersey Water Service Company for Approval of Increased Rates.**

December 28, 1921—The Board permitted the company to file an increased schedule of rates, effective for the quarter commencing January 1st 1922 and ordered the company to install and have completed by September 1st 1922, certain improvements to its plant and system.

## **Ordinances.**

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The following lists the applications to the Board during the year for approvals of ordinances passed by municipalities granting privileges to municipalities. In addition to these there were filed with the Board a number of resolutions adopted by municipalities providing merely for a change in the mode of exercising the privileges previously granted. The Board requires the filing of such resolutions but does not regard them as grants of privileges requiring its approval to be valid.

## Ordinances.

DATE OF APPROVAL	NAME OF APPLICANT.	SUBJECT.
April 26, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of an ordinance of the Borough of Vineland passed by the Board of Commissioners, December 28, 1920, authorizing the telephone company, its successors and assigns, to maintain and operate its present aerial and underground works, and to erect, construct, reconstruct, lay and maintain additional aerial and underground works, consisting of poles, crossarms, etc. for its local and through lines, in, upon, along, over, across and under each and every of the the public roads, street, avenues, alleys and highways of the Borough of Vineland; and regulating the manner of constructing and maintaining the said aerial and underground works; and to use the aerial and under ground works of others, and to permit others to use its aerial and underground works, upon such arrangements as may be agreed to; and also regulating the use of the said public roads, streets, avenues, alleys and highways by the said company.
April 26, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of an ordinance of the Township of Eagleswood, passed by the Township Committee of Eagleswood Township, Ocean County, N. J., September 29, 1920, authorizing the telephone company, its successors and assigns, to maintain and operate its present aerial and underground works, and to erect, reconstruct, lay and maintain additional aerial and underground works, consisting of poles, cross arms, etc. for its local and through lines, in, upon, along, over, across and under each and every of the public roads, streets, avenues, alleys and highways of the Township of Eagleswood; regulating the manner of constructing and maintaining the said aerial and underground works; to use the aerial and underground works of other companies and to permit other companies to use its aerial and underground works, upon such arrangements as the two companies may agree to; and regulating the use of the said public roads, streets, avenues, alleys and highways by said company.
April 26, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance passed by the Township Committee of Buena Vista Township, Atlantic County, N. J., October 2, 1920, authorizing the telephone company, its successors and assigns, to maintain and operate its present aerial and underground works and to erect, construct, reconstruct, lay and maintain additional aerial and underground works, consisting of poles, etc., for its local and through lines in, upon, along, over, across and under each and every of the public roads, streets, avenues, alleys and highways of the Township of Buena Vista, County of Atlantic, State of New Jersey; regulating the manner of constructing and maintaining the said aerial and underground works; to use the aerial and underground works of other companies and to permit other companies to use its aerial and underground works, upon such arrangements as the two companies may agree to; and regulating the use of the said public roads, streets, avenues, alleys and highways by the said company.

ORDINANCES.

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DATE OF APPROVAL	NAME OF APPLICANT.	SUBJECT.
June 10, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance of Township of Bass River, passed October 23, 1920 authorizing the company, its successors and assigns, to maintain and operate its present aerial and underground works, and to erect, construct, lay and maintain additional aerial and underground works, consisting of poles, etc. for its local and through lines in, upon, along, over, across and under each and every of the public roads, streets, avenues, alleys and highways of the Township of Bass River, County of Burlington, State of New Jersey; regulating the manner of constructing and maintaining the said aerial and under ground works; to use the aerial and underground works of other companies and to permit other companies to use its aerial and underground works, upon such arrangements as the two companies may agree to.
June 10, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance of the Township Committee of Township of Commercial passed October 15, 1920 authorizing the company, its successors and assigns, to maintain and operate its present aerial and underground works, and to erect, construct, lay and maintain additional aerial and underground works, consisting of poles, etc. for its local and through lines in, upon, along, over, across and under each and every of the public roads, streets etc. of Township of Commercial, County of Cumberland, State of New Jersey; regulating the manner of constructing and maintaining the said aerial and underground works; to use the aerial and underground works of other companies and to permit other companies to use its aerial and underground works, upon such arrangements as to the two companies may agree to; and regulating the use of the said public roads, streets, avenues, etc. by the said company.
June 10, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance of the Township of Long Beach, passed November 2, 1920 authorizing the company, its successors and assigns, to maintain and operate its present aerial and underground works, and to erect, construct, lay and maintain additional aerial and underground works, consisting of poles, etc., for its local and through lines, in, upon, along, over and under each and every of the public roads, etc. of the Township of Long Beach, Ocean County, N. J.; regulating the manner of constructing and maintaining the said aerial and underground works; to use the aerial and underground works of other companies and to permit other companies to use its aerial and underground works, upon such arrangements as the two companies may agree to; and regulating the use of the said public roads etc. by the said company.
June 16, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance passed by the Township Committee of Little Egg Harbor Township, March 5, 1921 authorizing the company, its successors and assigns, to maintain and operate its present aerial and underground works, and to erect, construct, lay and maintain additional aerial and underground works, consisting of poles, etc. for its local and through lines, in, upon, along, over, across and under each and every of the public roads, etc. of the Township of Little Egg Harbor, Ocean County, N. J.; regulating the manner of constructing and maintaining its aerial and underground works; and to use the aerial and underground works of other companies and to

DATE OF APPROVAL	NAME OF APPLICANT.	SUBJECT.
July 7, 1921	Sewell Water Company.....	permit other companies to use its aerial and underground works, upon such arrangements as the two companies may agree to; and regulating the use of the said public roads, etc. by the said company.
July 7, 1921	Sewell Water Company.....	For approval of ordinance of the Township of Mantua passed by the Township Committee April 12, 1921 granting to the company consent to lay pipes, mains and other conduits beneath such public roads, streets, avenues, lanes, alleys and other public places as it may be necessary, for the purpose of supplying the Village of Sewell and the inhabitants thereof with water.
July 7, 1921	Boonton Electric Company.....	For approval of ordinance of the Township of Pequannock passed by the Township Committee, July 3, 1920 granting permission to the said company, its successors and assigns, to erect posts, and poles and string wires and cables and place fixtures thereon, and to maintain, repair and renew the same, and to construct, maintain, repair and renew underground conduits, subways or ducts, cables, wires, man holes and appliances for electric conductors in portions of the Township of Pequannock, in the County of Morris, to be used for the distribution of electricity for light, heat and power and other purposes.
August 1, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance of the Borough of Fieldsboro, passed April 4, 1921 authorizing the company, its successors and assigns, to maintain and operate its present aerial and underground works and to erect, construct, reconstruct, lay and maintain additional aerial and underground works, consisting of poles, etc., for its local and through lines, in, upon, along, over, across and under each and every of the public roads, streets, etc. of the Borough of Fieldsboro, County of Burlington, N. J.; regulating the manner of constructing and maintaining the said aerial and underground works; to use the aerial and underground works of others and to permit others to use its aerial and underground works upon such arrangements as may be agreed to; and regulating the use of the said public roads, etc., by the said company.
Aug. 16, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance passed by the Board of Chosen Freeholders of Mercer County, N. J., June 7, 1921 authorizing the said company, its successors and assigns, to maintain and operate its present aerial and underground works and to erect, construct, reconstruct, lay and maintain additional aerial and underground works consisting of poles, etc. for its local and through lines, in, upon, along, over, across and under each and every of the present county roads of the County of Mercer, State of New Jersey, for the conduct of its business, and prescribing the manner of maintaining and placing the said aerial and underground works; and to use the aerial and underground works of other companies and to permit other companies to use its aerial and underground works upon such arrangements as the two companies may agree; and also regulating the use of the said County roads by said Company.

DATE OF APPROVAL	NAME OF APPLICANT.	SUBJECT.
Oct. 4, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance passed by the Township Committee of the Township of Dennis, Cape May County, N. J., June 24, 1921, authorizing the said company, its successors and assigns, to maintain and operate its present aerial and underground works and to erect, construct, reconstruct, lay and maintain additional aerial and underground works, consisting of poles, etc. for its local and through lines, in, upon, along, over, across and under each and every of the public roads, etc., of the Township of Dennis, County of Cape May, State of New Jersey; regulating the manner of constructing and maintaining the said aerial and underground works; to use the aerial and underground works of others and to permit others to use its aerial and underground works, and regulating the use of the said public roads, etc., by said company.
Oct. 4, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance passed by the Township Committee of Lower Township, Cape May County, N. J., July 6, 1921 authorizing the said company, its successors and assigns, to maintain and operate its present aerial and underground works, and to erect, construct, reconstruct, lay and maintain additional aerial and underground works, consisting of poles, etc. for its local and through lines, in, upon, along, over, across and under each and every of the public roads etc. of Lower Township, Cape May County, State of New Jersey; regulating the manner of constructing and maintaining the said aerial and underground works; to use the aerial and underground works of others and to permit others to use its aerial and underground works, upon such arrangements as the two companies may agree to; and regulating the use of the said public roads, etc. by said company.
Nov. 25, 1921	Delaware & Atlantic Tel. & Tel. Co.	For approval of ordinance of the Township of Middle, Cape May County, passed August 4, 1921 authorizing the company its successors and assigns, to maintain and operate its present aerial and underground works, and to erect, construct, reconstruct, lay and maintain additional aerial and underground works, consisting of poles, etc. for its local and through lines, in, upon, along, over, across and under each and every of the public roads, etc. of the Township of Middle, County of Cape May, State of New Jersey; regulating the manner of constructing and maintaining the said aerial and underground works; to use the aerial and underground works of others, and to permit others to use its aerial and underground works, upon such arrangements as may be agreed to; and regulating the use of the said public roads, streets, avenues, alleys and highways by said company.
Dec. 6, 1921	E. R. Collins & Son.....	For approval of ordinance passed by the Borough of Bloomsbury, August 10, 1920, granting to E. R. Collins & Son, their successors and assigns, the right to operate and maintain an overhead electric lighting, heating and power system upon the public roads, highways, streets and alleys, in the Borough of Bloomsbury, in the County of Hunterdon and prescribing the terms and conditions upon which said permission is granted, and the regulations and restrictions under which the said system shall be constructed, operated and maintained.

## Application for Approval of Issues of Securities.

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The following pages contain in tabular form a record of applications, granted during the year, for the Board's approval of issues of securities.

All certificates approving such issues are subject to Conference Order Number Seven, which provides for semi-annual reports of the disposition of the proceeds realized therefrom.

In some cases reports stating the Board's reasons for action taken by it on applications for approval were filed. These are published in full at the end of the section following the tabular matter.

Below is a summary showing by classes of utilities the par value of capital stock and funded debt authorized to be issued.

	<i>Funded Debt.</i>	<i>Capital Stock</i>	<i>Total</i>
* 2 Gas Companies,.....	\$1,551,000	.....	\$1,551,000
* 12 Electric Companies,.....	1,190,000	\$550,900	1,740,900
* 9 Water Companies, .....	2,116,800	94,800	2,211,600
* 1 Sewer Companies,.....	.....	72,000	72,000
* 2 Steam Railroads, .....	232,500	.....	232,500
* 26 Total, .....	\$5,090,300	\$717,700	\$5,808,000

\* Number of Applications.

DATE OF APPROVAL (1921)	NAME OF APPLICANT.	AMOUNT AND KIND OF SECURITY APPROVED.	REMARKS.
Mar. 24	Hudson & Manhattan R. R. Company, .....		For further modification of certificate of June 5, 1919, approving an issue of \$1,036,000 first lien and refunding mortgage bonds, so as to extend to June 30, 1921, the time within which the bonds may be issued.
Mar. 31	Lehigh & Hudson River Ry. Company, .....		For approval of the transfer on its books of \$2,230,409 par value of its capital stock to other railroad companies.
Mar. 31	Public Service Ry. Co. and Rapid Transit Street Ry. Co., of City of Newark,.....		For approval of an indenture between petitioners and Fidelity Union Trust Co., Trustee, dated March 1, 1921, extending for twenty years the date of maturity of the lessor's bonds falling due April 1, 1921, and increasing the rate of interest thereof from five to eight per cent.
Mar. 31	Morris & Somerset Electric Company, .....	\$150,000 capital stock, .....	
Mar. 31	Atlantic City Electric Co.,.....	\$46,000 1st mortgage bonds,	To be issued in accordance with Board's report of March 31, 1921, in this matter given in full at the end of this section.
Apr. 26	Public Service Gas Co.,.....	\$1,496,000 8% promissory notes, .....	Payable in monthly installments of \$36,000 beginning February 1, 1922 up to and including June 1, 1925, all remaining notes becoming due on July 1, 1925; said notes to be paid to the Koppers Company as per contract of March 17, 1921, for a lottery of 37 coke ovens together with a producer plant to be installed in the City of Camden.
Apr. 26	Central R. R. of N. J.,.....		For approval of its third supplemental mortgage, dated December 2, 1920, to Central Union Trust Co. of New York, Trustee.
May 14	Hillcrest Water Co.,.....	\$33,000 6% mortgage bonds,	Application was for approval of \$33,500 bonds, in lieu of which the Board approved the issuance of \$33,000 in accordance with its report of even date in this matter given in full at the end of this section.
May 14	Hillcrest Water Co.,.....	\$14,000 6% mortgage bonds,	To be issued at not less than 90% of par value in accordance with Board's report of even date in this matter given in full at the end of this section.
May 14	Cape May Light & Power Company, .....	\$61,000 6% mortgage bonds,	To be issued at not less than 85% of par value in accordance with Board's report of even date in this matter given in full at the end of this section.

DATE OF APPROVAL (1921)	NAME OF APPLICANT.	AMOUNT AND KIND OF SECURITY APPROVED.	REMARKS.
May 19	Middlesex Water Co.,	\$50,000 preferred stock,	
June 10	Middletown Water Co.,	\$1,000 capital stock,	
June 16	Commonwealth Water Co.,	\$65,000 5% certificates of indebtedness	Both issues to be made at par value.
		\$20,000 capital stock,	
June 16	Englewood Sewerage Co.,	\$72,000 capital stock,	
June 30	Hudson & Manhattan R. R. Company		For further modification of certificate of June 5, 1919, approving an issue of \$1,036,000 first lien and refunding mortgage bonds, so as to extend to December 31, 1921, the time within which the bonds may be issued.
July 11	Borough of Butler,	\$10,000 bonds,	To be issued for the purpose of raising funds to make extensions to the municipal electric light plant.
Aug. 16	Atlantic City Electric Co.,	\$144,100 preferred stock,	
Aug. 22	New Jersey Power & Light Company,	\$89,000 preferred stock, \$50,300 common stock, \$309,000 1st mortgage bonds,	Bonds to be issued at not less than 80% of par value. See Board's report of even date in this matter given in full at the end of this section.
Aug. 22	Newton Electric & Gas Co.,	\$53,000 capital stock,	
Aug. 30	Monmouth County Water Co.,		For approval of a "Tripartite Agreement" dated April 18, 1921, between the petitioner, the Columbia Avenue Trust Co. and the American Pipe & Construction Co. See Board's report of even date in this matter given in full at the end of this section.
Sept. 13	West Wildwood Water & Power Co.,	\$4,800 1st mortgage 6% bonds,	To be issued at not less than 80% of par value. See Board's report of even date in this matter given in full at the end of this section.
Sept. 29	Stone Harbor Railroad Co.,		For approval of a mortgage to the amount of \$75,000, dated September 22, 1921, to the Colonial Trust Co., Trustee.

DATE OF APPROVAL (1921)	NAME OF APPLICANT.	AMOUNT AND KIND OF SECURITY APPROVED.	REMARKS.
Sept. 29	Stone Harbor Railroad Co.,	\$75,000 1st mortgage 6% bonds, .....	To be issued at par value under the aforesaid mortgage.
Oct. 6	Atlantic County Electric Co.,	.....	For approval of a mortgage to the amount of \$45,000, dated August 1, 1921, to the Atlantic Safe Deposit & Trust Co., Trustee.
Oct. 6	Atlantic County Electric Co.,	\$35,000 2nd mortgage 7% bonds, .....	To be issued at par under the aforesaid mortgage. Application was for the approval of \$45,000 bonds, in lieu of which the Board approved the issuance of \$35,000 thereof, stating in its certificates that it would approve an issue of \$10,000 capital stock in place of this amount of additional bonds.
Oct. 6	Central R. R. Co. of N. J.....	\$157,500 equipment trust notes, .....	To be issued under an amendatory trust agreement which was also approved. See Board's report of even date in this matter given in full at the end of this section.
Oct. 20	Easton Gas Works, .....	\$55,000 1st consol. mortgage bonds, .....	To be issued at not less than 80% of par value.
Oct. 27	Rumson Improvement Co.....	\$10,000 preferred stock,.....	
Nov. 9	Atlantic County Electric Co.,	.....	For approval of amendment of mortgage dated August 21, 1921, to the Atlantic Safe Deposit & Trust Co., Trustees, limiting the amount of bonds to be issued thereunder to \$35,000.
Nov. 29	Lehigh & Hudson River Ry. Company, .....	.....	For approval of the sale and transfer on its books of \$131,200 par value of its capital stock to the Philadelphia & Reading Ry. Co.
Nov. 29	Raritan Valley Hydro-Electric Co., Inc.,.....	\$20,500 preferred stock,.....	Application was for approval of \$25,000, in lieu of which the Board approved the issuance of \$20,500 in accordance with its report of even date in this matter given in full at the end of this section.
Dec. 8	Hackensack Water Co.,.....	\$2,000,000 15 yr. 7% notes,....	To be issued at not less than 96% of par value.
Dec. 15	Toms River Electric Co.,.....	\$32,000 capital stock,.....	

DATE OF APPROVAL (1921)	NAME OF APPLICANT.	AMOUNT AND KIND OF SECURITY APPROVED.	REMARKS.
Dec. 15	Hudson & Manhattan R. R. Company, .....		For further modification of certificate of June 5, 1919, approving an issue of \$1,036,000 first lien and refunding mortgage bonds, so as to extend to June 30, 1922, the time within which the bonds may be issued.
Dec. 16	Morris & Somerset Electric Company, .....	\$450,000 1st mortgage bonds,	To be issued at not less than 92% of par value. See Board's report of December 7, 1921, in this matter given in full at the end of this section.
Dec. 16	Morris & Somerset Electric Company, .....		For approval of an "additional interest mortgage and deed of trust", dated October 1, 1921, by and between the petitioner and the Columbia Trust Co. and Willard V. King, Trustees.
Dec. 16	Morris & Somerset Electric Company, .....		For modification of Board's certificate of March 31, 1921, approving an issue of \$150,000 par value of capital stock so as to give approval to the issuance of part thereof for the purpose of acquiring all outstanding stock of the Boonton Electric Co. instead of for working capital as originally authorized.
Dec. 16	Boonton Electric Company,.....		For approval of the transfer on its books of its entire outstanding capital stock to the Morris & Somerset Electric Co.
Dec. 21	New Jersey Power & Light Company, .....	\$27,000 first mortgage bonds, \$12,000 preferred stock, .....	To be issued for the purpose of acquiring the franchises and property of the Woodbourne Electric Light, Heat & Power Co. the bonds to be issued or sold at a price to net the company \$23,000.
Dec. 27	Laurel Springs W. Supply Company, .....	\$10,000 capital stock,.....	
Dec. 27	Egg Harbor City Water Co.,	\$3,800 capital stock, .....	
Dec. 27	Electric Company of New Jersey, .....	\$252,000 1st mortgage bonds,	To be issued at not less than 80% of par value. See Board's report of even date in this matter given in full at the end of this section.

In the Matter of the Application of the Monmouth County Water Company for Approval of the Issue of \$75,000 in Bonds.

REPORT.

*J. Fithian Tatem*, for the petitioner.

This application was submitted April 15, 1920 and is based upon the statement that additions and betterments had been made to the property of the company to a very considerable extent. The matter was examined by the Board's engineers and heard by the Board in Trenton on Tuesday, June 1st.

The examination of the application and the construction records shows that the total amount of new work executed during the period from December 31, 1914 to December 31, 1919 was approximately \$54,962. Bonds, \$57,000 in amount, were to be issued at 80 producing a net amount of \$45,600.

The delay in passing upon this matter has been due to the fact that the company called the Board's attention to the fact that the application made by the company was not in strict accordance with the terms of the mortgage of which these bonds formed a part. The company thereupon asked that the matter be delayed until it could be further investigated and the petition amended in accordance with the facts which would be later submitted.

The matter has been on the calendar of the Board since June and it does not appear that anything would be gained by continuing it in this way.

The petition will therefore be dismissed without prejudice and the company may later submit a new application based upon the necessary facts to show the relation between the amount of bonds to be issued and the conditions laid down by the mortgage under which such bonds are to be issued.

Dated December 2, 1920.

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In the Matter of the Application of the Millville Electric Company for Approval of \$530,000 Bonds.

REPORT.

*Lewis Starr*, for the petitioner.

The Millville Electric Company by petition asks for the approval of a mortgage for \$750,000 and the issuance thereunder of bonds in the amount of \$530,000. The mortgage provides for the issuance of bonds with interest at eight per cent, per annum, subject to redemption after five years from date, at 103, which right of redemption is subject to the approval of this Board.

The Board is fully cognizant of the conditions existing regarding the financing of public utilities and the difficulties of obtaining money at comparatively low rates of interest. The whole business world knows,

however, this is not the proper time to issue thirty year bonds upon such basis. It would be far better financing and lead to better results both for the company and the public which it serves to adopt some short term form of financing which can later be converted into long term bonds at a lower rate of interest than is carried by bonds under the proposed mortgage. This appears to be especially true where such a large proportion of the funds to be obtained by the sale of bonds is to be used for the payment of a floating indebtedness.

A recent appraisal of the property and an examination of the books in connection with the application for approval of an increased schedule of rates show that the gross book cost to the company as of June 30, 1920 was \$302,368.75. This figure includes contractor's profits, overhead charges, etc. The corresponding appraised value is approximately \$292,500. By deducting the accrued depreciation amounting to \$50,730, we have a present value of the property in place as of June 30, 1920 of \$241,770, which is the basis on which the property ought to be capitalized. In addition to the above there should be an allowance of \$15,000 for working capital, this being approximately equivalent to one and a half months' gross revenue at the present time. In addition to the property now in existence, the company estimated that at present prices it will require \$145,000 to complete the extension of the distribution system throughout the balance of the City of Millville not now served.

Summing up the value of this property as it stands at the present time, we have the following:

Present value, .....	\$241,770
Working capital, .....	15,000
Total, .....	<u>\$256,770</u>

As outstanding liabilities against the property the company has listed notes and bills payable amounting to \$271,134.83. There is also outstanding \$50,000 in stock, making a total of \$321,134.83. Most of the debts are held by the stockholders of this company and should therefore be entirely cleared by the issuance of such securities as will produce proceeds sufficient to meet all the present outstanding debt. According to the statute of 1906, stock must be issued for cash or its equivalent at par and bonds for not less than 80 per cent of par. As an offset to the bills and accounts payable, amounting to \$271,134.83, the company has other accounts receivable amounting to \$44,293.05. This amount is independent of consumers' accounts receivable. These accounts receivable appear to be due entirely from an associated company which should be required to finance its operations independently of the electric light company. The collection of these accounts receivable leaves a net amount of debt owing by the electric company of \$226,841.78.

As previously stated the value of the property including an allowance of \$15,000 for working capital is \$256,770. Against this there is outstanding stock in the par value of \$50,000, leaving uncanceled (except through the medium of short term notes) a value of \$206,770. This indicates that the gross amount of permanent capital securities which may be issued against the existing property is such as would represent a value of \$206,770. This falls short of the debts owing by the company of approximately \$20,000.

The petition of the company asks for the approval of the issue of bonds in the face value of \$530,000 for the purpose of paying existing indebtedness and providing funds for new construction.

If petition was granted as submitted there would be outstanding bonds of a face value of more than ten times the face value of the stock. Conservative financing requires that bonds be limited to an amount not exceeding the amount of stock outstanding. The Board realizes that this is an ideally sound condition which cannot be insisted upon at the present time. For the information of the company the Board states it will not give its approval to the issuance of bonds in an amount which would exceed four times the capital stock. If the total value of the property at the present time is \$256,000 the face value of the bonds to be issued in connection with it must not exceed \$200,000. The balance of the capitalization should be through the issuance of stock at par. If bonds, as is so often the case, are to be sold at less than par, then the amount of stock to be issued must be still greater than would be represented by four to one relation.

The Board finds that the creation of a long term mortgage at so high a rate of interest is not justified and would create an unreasonable burden on the customers of the company. Further that the issuance of bonds under any form of mortgage which in total bears such an improper and extravagant relation to the amount of stock outstanding is not in the public interest. It involves the creation of fixed charges which are not only difficult but in some cases impossible to meet. The Board therefore withholds approval of this mortgage and dismisses the petition.

Dated December 2, 1920.

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In the Matter of the Application of the Wayside Telephone and Auto Service Company for Permission to Issue \$60,000 Stock.

#### REPORT.

*Howard Lambert*, for the Company.

*Hearing*: at Newark, N. J., November 23, 1920.

The Wayside Telephone and Auto Service Company is a foreign corporation incorporated under the laws of the State of Delaware with an authorized capital stock of \$1,000,000 divided into 100,000 shares of the par value of \$10 each. The petition of the company sets forth that it proposes to acquire rights of way along the Lincoln Highway and other principal thoroughfares in New Jersey and install telephones and telephone boxes about a mile apart between the cities along such highways. At the present time it owns no property in this state, nor has it secured any franchise from the State of New Jersey or any political subdivision thereof.

"The company requests authority to issue, sell and deliver in the State of New Jersey 6,000 shares of the common stock, as its engineers have estimated that the proceeds from the sale of the 6,000 shares will be sufficient to install its service along the principally traveled highways in New Jersey and to maintain the service for the first year."

The president of the corporation testifying before the Board stated that the project is similar to that conducted by the Royal Automobile Club of England whereby there are service stations along a traveled highway of auto vehicles at intervals of ten miles, connecting these

service stations with telephones. Mechanics ride the highways on motorcycles equipped with machinery and tools for ordinary road repairs and if a motorist is in trouble or disabled along the road he gets in connection with one of the service stations by telephone, or if a motorcycle patrol happens to be passing at the time he gives the necessary assistance.

The witness further testified that it is the purpose of the company to do its business over the lines of the existing telephone companies, that the telephone companies will furnish the desired service to the Wayside Telephone and Auto Service Company as a private subscriber and that there are negotiations pending with the New York Telephone Company and other telephone companies to furnish such service but no agreement has been reached with them.

The testimony before the Board is vague and indefinite. Until the petitioner acquires some privilege from the State of New Jersey or some political sub-division thereof, it does not come within the term "public utility" as defined by our statute.

The petition is dismissed.

Dated, December 16, 1920.

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In the Matter of the Application of the Atlantic City Electric Company for Approval of the Issuance of \$46,000 in Aggregate Principal Amount of its First and Refunding Mortgage five per cent. Sinking Fund Gold Bonds.

#### REPORT.

*J. P. Vandervoort*, for the Company.

This is an application by Atlantic City Electric Company for the approval of the Board of the issuance of \$46,000 in aggregate principal amount of its first and refunding mortgage five per cent. sinking fund gold bonds, to be used for the purpose of retiring a like amount of the bonds of the New Jersey Hot Water Heating Company.

The petitioner, Atlantic City Electric Company, was formed by the consolidation of the Atlantic City Electric Company, Atlantic City Electric Light & Power Company, The Electric Light Company of Atlantic City, and New Jersey Hot Water Heating Company.

Under the terms of a first refunding mortgage made by the Atlantic City Electric Company to Girard Trust Company, trustee, under date of March 2, 1908 for \$5,000,000 Atlantic City Electric Company reserved bonds of the aggregate principal amount of \$250,000 for the purpose, among other things, of retiring the first mortgage five per cent. gold bonds of New Jersey Hot Water Heating Company dated July 2, 1906, maturing July 2, 1936, and secured by a mortgage or deed of trust dated July 2, 1906, from said New Jersey Hot Water Heating Company to Marine Trust Company, trustee.

It is desired to issue \$46,000 of the Atlantic City Electric Company bonds under the mortgage of March 2, 1903 for the purpose of retiring a like amount of the bonds of the New Jersey Hot Water Heating Company. The applicant having already acquired the \$46,000 of New Jersey Hot Water Heating Company the newly issued bonds of the Atlantic City Electric Company will then become the property of the company

There seems to be no objection to this being done and the Board will grant its approval, with the proviso, however, that the bonds so issued shall not be sold or otherwise disposed of without the express permission of the Board.

Dated, March 31, 1921.

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In the Matter of the Application of the Hillcrest Water Company for Approval of the Issue of \$33,500 in Six Per Cent Bonds.

REPORT.

*Herbert J. Haggood*, for the Petitioner.

This application was filed on April 2, 1921, superseding a previous application for \$32,500 in bonds made on September 8, 1920, and hearing was held on April 11, 1921.

This application differs from the preceding application in that the amount applied for is \$1,000 more than was covered in the previous petition and that a statement of actual expenditures is submitted for part of the work which was previously listed as a proposed expenditure. The petition requests the approval of the following: (1) That permission be given to the petitioner to apply the proceeds of \$5,500 par value of bonds, already approved in 1917 for the installation of hydrants, to reimburse the company for expenditures made for other purposes, namely, for mains, meters, etc., as shown in a schedule submitted with the petition. (2) The issue of \$33,500 in bonds to cover un-capitalized expenditures for mains, meters, services, etc., as of December 31, 1920 (after allowance for the \$5,500 mentioned in item 1) and also the cost of well No. 4 as shown in Schedule "C" attached to the petition and to provide for the cost of other proposed expenditures. The uncapitalized expenditures as of December 31, 1920 for mains, meters, services, etc., amount to \$16,916.33. Deducting \$5,500 mentioned in (1) leaves uncapitalized \$11,416.33. In arriving at this total there is included for the year ending December 31, 1919 the cost of repiping three wells. In checking up this work with the treasurer of the petitioner in connection with the application which was filed on September 8, 1920, it was agreed there should be further credit of \$500 (\$100 had already been credited for salvage on the company's books) to cover the capital cost of old pipe removed which would reduce the capitalized balance indicated above to \$10,916.33. Adding to this amount the cost of well No. 4, namely, \$10,493.82 and the cost of other proposed work exclusive of hydrants estimated to cost \$11,589.85, makes the total \$33,000.

The company has asked the approval of the issue of these bonds at par and approval will therefore be given by the Board to the issue of \$33,000 in six per cent. bonds at par for the purposes as indicated in this report and in the company's petition. A certificate will so issue.

Dated May 14, 1921.

In the Matter of the Application of the Hillcrest Water Company for Approval of the Issue of \$15,000 Six Per Cent Bonds.

## REPORT.

*Herbert J. Hapgood*, for the Petitioner.

This application was filed on April 2, 1921, superseding a previous application for the same amount filed on December 18, 1920 and hearing was held on April 11, 1921.

This petition requests that approval be given to the issue of \$15,000 in bonds for the purpose of installing 100 hydrants in Mountain Lakes as directed by the Board of Fire Commissioners and in accordance with the order of this Board dated November 23, 1920. The estimated cost of the hydrants installed is \$125 each, or a total of \$12,500. The company asks the approval of these bonds on the basis of their sale at the best price above 80.

The Board is of the opinion that the petitioner should receive for its bonds which cover the property of a water utility and bear six per cent. interest an amount not less than 90.

The Board will therefore approve, for the purpose requested in the petition, a par value of \$14,000 in six per cent. bonds to be issued at not less than 90. A certificate will so issue.

Dated, May 14, 1921.

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In the Matter of the Application of the Electric Company of New Jersey for approval of the Issuance of Bonds to the Amount of \$252,000

## REPORT.

*C. L. S. Tingley*, for the Company.

This petition, as originally filed, requested the approval of the issuance of \$252,000 in bonds to capitalize part of the construction expenditures up to May 31, 1921. After a partial investigation of this application and a re-examination of same by the officials of the company, it appeared necessary to extend the period of time covered by the application up to September 30, 1921, including thereby additional expenditures to the amount of \$23,817.43.

Analysis of the data submitted in the petition and supplement thereto and an examination of the job orders covering additions to property and all of the job orders covering withdrawals shows that the par value of bonds which may be issued, covering 85 per cent. of the net additions to property up to May 31, 1921 and against which no previous bonds have been issued, is at least \$261,000.

This amount is about \$10,000 less than is indicated in the supplementary statement by the petitioner but is in excess of the amount of bonds requested. A detailed statement will be furnished to the company

showing the manner in which this amount is obtained in order that they may be informed with respect to this difference.

The petitioner is now paying interest on the floating debt incurred in making the extensions it proposes to capitalize, as well as the interest on a considerable amount of additional floating debt. For the year 1920, the interest on all of this floating debt was earned and it appears certain that the interest upon these bonds will be earned by the company.

Approval is hereby given to the issuance of the bonds requested and a certificate will accordingly issue.

Dated, December 27, 1921.

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In the Matter of the Application of the Cape May Light and Power Company for Approval of an Issue of Bonds at 80 in the Amount of Sixty-Five Thousand Dollars (\$65,000.)

REPORT.

*C. L. S. Tingley*, for the Company.

Application in this matter was filed December 4, 1920 and is in effect an appeal from the decision of the Board in the former application made by the company on June 30, 1920. In the former application the company applied for the approval of a new mortgage in the amount of \$500,000 of 6 per cent. bonds and the issue thereunder of bonds in the amount of \$75,000. The original application, made in June, 1920, stated that the bonds would be sold for cash at not less than 75 or would be exchanged at par for all or part of the company's floating indebtedness.

The application made in June, 1920, was based upon the fact that the company had expended considerable sums of money on the rehabilitation and additions to the plant and system operated in Cape May and vicinity and that these additions were properly chargeable to capital account to the extent of \$78,723.38. The expenditure of moneys as stated created a floating indebtedness carried as "advances from affiliated companies". In view of the fact that a new mortgage was being created and that the purpose for which bonds were to be issued was the capitalization of actual additions to the value of the plant, a complete appraisal of the property was made which developed the fact that the actual net additions to the company's property amounted to about \$45,100. In arriving at this conclusion certain unused generating units were valued as junk only.

Based on these conclusions the Board, on November 9, 1920, issued its certificate approving an issue by the company of bonds in the amount of \$45,000 to be exchanged at par for an equal amount of floating indebtedness, as representing all uncapitalized net construction expenditures made prior to June 1, 1920.

December 4, 1920 the company submitted a new application based upon two matters. First, a study by the engineers of the company had resulted in the decision to rehabilitate one of the three generating units referred to above and the company desired to have it included in the valuation of the property at its proper value as a working unit. This, with a slight adjustment in working capital, results in an added net value of the company's property of \$7,000. The second reason for the application

of December 4, 1920 is based upon the fact that the company now, instead of exchanging the bonds at par, finds that the holders of the company's debts are unable to indefinitely hold these bonds but must obtain cash for them at the best market price available and the company contends, therefore, that they cannot be issued above the minimum legal rate which is at 80 per cent. of par value.

As a result of the hearing of this matter by the Board on April 4, 1921, the Board finds and determines that the inclusion at the present time of the plant equipment heretofore omitted will result in an additional value of \$7,000 and bonds representing this value may be issued. The Board is not of opinion, however, that these bonds, bearing interest as they do at 6 per cent., should be issued at less than 85. The Board will therefore give its approval to the issuance of bonds in the par value of \$61,000, which sold at 85, will net the company approximately \$52,000.

Dated, May 14, 1921.

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In the Matter of the Application of the Lambertville Public Service Company, Flemington Electric Light, Heat & Power Company and Newton Electric & Gas Company for Leave to Sell to the New Jersey Power & Light Company their Property and Franchises also in Re Issues of Securities by New Jersey Power & Light Company and Newton Electric & Gas Company.

#### REPORT.

*Arthur L. Marvin*, for New Jersey Power & Light Co.  
*J. C. Martin*, for the Selling Companies.

The petition filed in this matter sets forth the history and capitalization of the respective companies. These companies are now serving certain municipalities in this state with electricity and gas for light, power and fuel purposes. They desire to transfer all of their electric light and power property to The New Jersey Power & Light Company, a New Jersey corporation which is also engaged in furnishing light and power to certain municipalities in this state.

Contemporaneously, The New Jersey Power & Light Company files a petition asking for leave to issue certain securities to be used in effecting the transfer.

The Newton Electric & Gas Company also files a petition asking for the approval of the sale of its stock to the General Finance Corporation, a Delaware corporation, and of the retirement of all of its outstanding preferred stock and of the issuance of additional common stock.

From the testimony taken and the report of the Board's inspector it appears that public interests will be better served through the acquisition of the electric property of the Lambertville Public Service Company the Flemington Electric Light, Heat & Power Company and the Newton Electric & Gas Company by The New Jersey Power & Light Company than by their continuance as separate and individual companies.

The New Jersey Power & Light Company is at present supplying the Newton Electric & Gas Company with power from its Dover station.

Transmission lines also extend a considerable part of the way to Flemington.

The engineers of the Board have checked the inventories and examined the buildings and plant equipment proposed to be transferred. The total value of all properties as agreed upon by the engineers of the respective companies and the Board's engineer is \$465,000.

The gas property of the Newton Electric & Gas Company is not to be included in this sale. It has been valued by the company and this valuation has been acquiesced in by the Board's engineer at \$78,000. Deducting this amount from the total valuation of \$465,000, above referred to, leaves \$387,000 as the basis upon which The New Jersey Power & Light Company will take over the physical property and franchises of the Lambertville, Flemington and Newton Companies.

The application of the New Jersey Light and Power Company asks for the approval of an issue of five per cent. first mortgage bonds to the amount of \$309,000 to be issued at 80 per cent., preferred stock to the amount of \$89,500 and common stock to the amount of \$50,300 at par. On this basis the stock and bonds proposed to be issued correspond to the aggregate value of the property to be taken over, to wit: \$387,000.

It is proposed to continue the existence of the Newton Electric & Gas Company and change its name to the Newton Gas Company and for it to continue to operate its gas property as heretofore. The stock at present outstanding of the Newton Electric & Gas Company, consisting partly of preferred stock and partly of common stock, is to be retired and in place thereof it is proposed to issue common stock of the parvalue of \$78,000, this being equivalent to the present or depreciated value of the gas property agreed upon as above indicated.

Upon the full consideration of the whole matter, the Board will approve:

1. The sale by the Lambertville Public Service Company, the Flemington Electric Light, Heat & Power Company and the Newton Electric & Gas Company of all the physical property and franchises used or useful in connection with the production, distribution and sale of electrical energy.

2. The issuance by the New Jersey Power & Light Company of the following securities to effect the sales referred to in paragraph (1): bonds in the amount of \$309,000, issued at eighty; preferred stock in the amount of \$89,500, issued at par; common stock in the amount of \$50,300, issued at par.

3. The issuance by the Newton Gas Company of additional common stock at par, in the amount of \$53,000, making the total amount outstanding \$78,000 par value. All of the present outstanding preferred stock should be retired.

4. The transfer of the stock of the Newton Gas Company to the General Finance Corporation.

The Board does not usually regard with approval the practice of transferring the stock of a public utility of New Jersey to a foreign corporation. In this case, however, it appears that the circumstances are such that consent may be properly given.

Approval of the above will be given upon the condition that the Lambertville Public Service Company and the Flemington Electric Light Heat & Power Company retire all their outstanding securities, debts, etc., and that the companies be completely dissolved, evidence of which shall be deposited with the Secretary of State in the manner provided by law.

Dated August 22, 1921.

In the Matter of the Application for Approval of Amendment to Mortgage of the Monmouth County Water Company.

## REPORT.

..*J. Fithian Tatem*, for the Petitioner.

This matter, which was heard by the Board on May 31st at Trenton, involves a change in certain provisions of a mortgage made by the Monmouth County Water Company to the Columbia Avenue Trust Company of Philadelphia on November 1, 1914.

The original mortgage was approved by this Board November 30, 1914, it being a general and refunding mortgage. The mortgage provides that certain bonds are to be reserved for refunding from time to time bonds formerly issued by one of the companies which on consolidation became part of the Monmouth County Water Company. The mortgage further provides that additional bonds may from time to time be issued for the purpose of paying for additions or "extensions, betterments or acquisitions" to the property of the company where "the same have been made or contracted for since the date hereof," this date being the date of the mortgage, November 1, 1914.

In a petition submitted to the Board some months since, a number of items were listed of additions and extensions which, upon being checked up, were found to be properly chargeable to capital account and under ordinary circumstances proper subjects for capitalization and so far as such matters were concerned the Board's inspector recommended that approval be given to the issuance of the necessary securities to provide for the permanent capitalization of the extensions and additions involved. The company shortly after discovered that certain of these items had been actually constructed prior to the date of the mortgage and that in accordance with the terms of the mortgage bonds covering the charges to construction made prior to November 1st could not properly be issued.

The object of the petition now presented is to obtain the approval of this Board for such changes in the mortgage as will make possible the permanent capitalization of additions to the property, properly chargeable to capital account, which had been constructed prior to the execution of the mortgage referred to. The parties to this agreement are the Monmouth County Water Company, the American Pipe & Construction Securities Company, which owns the majority control of the bonds of the Monmouth County Water Company, and the Columbia Avenue Trust Company, the trustee of the mortgage. With the application the Monmouth County Water Company has submitted a tripartite agreement in which all the interested parties have agreed to the change in the mortgage.

This application involves at the present time no issue of securities and the matter of issuance of securities under this mortgage or under its amendment is not before the Board and is not passed upon in this report. The Board sees no objection to the amendment of the mortgage in the way proposed and will therefore approve the same.

A certificate will issue.  
Dated, August 30, 1921.

In the Matter of the Application of the West Wildwood Water & Power Company for Approval of the Issue of \$4,800 in Par Value of Bonds.

REPORT.

*Herbert F. Harris*, for the petitioner.

The petition in this matter asks the Board to approve the sale of \$4,800 of par value of six per cent. first mortgage bonds maturing in 1937 (to be issued under an existing open mortgage) to be sold at not less than 80 to reimburse the treasury for expenditures for capital purposes heretofore made as follows:

Labor and materials installing 1 inch galvanized pipe, with two T's every forty feet, with plugs, sidewalk stops, as follows:

Popular Avenue from Neptune S. E.....	1300	feet
Avenue B. ....	300	"
Avenue C. ....	325	"
Avenue E through to Pine Avenue.....	750	"
Avenue F. ....	325	"
Neptune, from Glenwood to Pine.....	425	"
Arion, Popular to Glenwood .....	425	"
Maple Avenue S. E. from R. R. to 91 Block 13.....	1800	"
	<u>5650</u>	"

The company has heretofore issued \$3,400 in par value of bonds under the mortgage above referred to and has issued \$3,900 in par value of its capital stock. It has a small distribution system and buys its water from the City of Wildwood and supplies the public in the Borough of West Wildwood, Cape May County.

Testimony was adduced showing that the cost of installing the above 5650 feet of pipe with T connections each 40 feet for new customers was \$3,842, this being at the rate of 18 cents a foot for material and 50 cents a foot for labor.

An examination of the annual report of the company for the year ending December 31, 1920 indicates that the assets of the company aggregate \$13,504.62. The company, as above indicated, has issued \$3,400 in bonds and \$3,900 in capital stock, a total of \$7,300; which, deducted from the assets above stated, leaves a surplus of \$6,300. This \$6,300 would afford ample margin to provide for the issuance of \$4,800 of first mortgage bonds.

The 1920 annual report further indicates that the gross income of the company applicable to the payment of interest aggregated in 1920 about \$870. If the Board approve the issuance of the \$4,800 of bonds the interest of the then total outstanding amount of \$8,200 will aggregate \$492, which is covered by the gross income for the year 1920 with a safe margin.

The Board therefore approves of the issuance of the \$4,800 in bonds applied for, subject to the provisions of Conference Order Number Seven.

A certificate of approval will issue.

Dated, September 13, 1921.

In Re-Application of the Central Railroad Company of New Jersey for Authority to Issue not to Exceed \$6,285,000 par value of Equipment Notes under Equipment Trust Agreement Dated January 15, 1920, made with Walker D. Hines, Director-General of Railroads, and Guaranty Trust Company of New York as Trustee.

## SUPPLEMENTAL REPORT.

By its order and report dated June 17, 1920, this Board approved an equipment trust agreement made by the Central Railroad Company of New Jersey with Walker D. Hines, Director-General of Railroads, and Guaranty Trust Company of New York, as well as the issuance thereunder of six per cent. notes to the aggregate amount of \$5,775,000 par value to pay for equipment, the purchase price of which it then appeared was definitely fixed.

The petition alleges that since the making of said order and report an agreement was entered into for the purpose of revising Schedule "A" to correct an error therein; that in the correction of said error, an amendatory agreement dated September 1, 1920 was entered into by and between the said Director-General of Railroads, the Central Railroad Company of New Jersey and Guaranty Trust Company of New York.

The petition further recites that since the issuance of the said order and report of this Board the equipment described in Schedule "B" annexed to the equipment trust agreement had been delivered and fifteen additional temporary notes dated January 15, 1920 each in the amount of \$162,500, aggregating \$2,437,500, have been issued together with \$675.30 in cash, and covers the actual purchase price of equipment described in said Schedule "B", the difference between the minimum purchase price and the schedule purchase price being described in Schedule "A" as revised; that the actual purchase price of all of said equipment has been agreed upon, determined and definitely fixed, and that the total issue of notes aggregating \$5,932,500 par value has been issued under the terms of the said agreement.

The relief sought by the present supplemental petition is the approval of the equipment trust agreement as amended and modified by the parties and authorizing and approving the issuance of six per cent. equipment notes to the amount of \$157,500 in addition to the amount authorized by this Board by its report and order dated June 17, 1920. In the original application approval was sought of the issuance of notes not exceeding \$6,285,000 par value equipment notes; the Board approved of the issue of \$5,775,000 par value equipment notes in that it appeared that the purchase price of the equipment beyond this amount had not then been definitely fixed as appears more fully in the Board's report.

In support of the present application, F. T. Dickerson, the Secretary and Treasurer, testified that the actual purchase price of all the equipment covered by the equipment trust agreement had now been agreed upon, determined and definitely fixed by the Railroad Company and the Director-General of Railroads; that the price thereof exceeds the sum already approved by the Board by \$157,500 after making all necessary adjustments. A copy of the amendatory agreement entered into by the parties thereto was furnished to the Board and testimony was given showing the manner in which this amount was derived. It further appears that equipment notes in this amount have been already issued. Upon the evidence presented the Board will issue an order approving of the amendatory equipment trust agreement as well as the issuance of the equipment notes to the amount of \$157,500 thereunder.

Dated, October 6, 1921.

In the Matter of the Application of the Raritan Valley Hydro-Electric Company, Inc., for the Approval of the Issuance of its Preferred Stock to the Amount of \$25,000.

REPORT.

*R. S. Hudspeth*, for the Petitioner.

This application as filed on March 12, 1921, requested the approval of the issuance of \$25,000 in preferred stock to capitalize construction work already completed and other construction work then in progress. Subsequent to the date of filing the petition, the work which was then in progress has been practically completed and an estimate has been made by the Board's engineers of the value of the property acquired by the company up to August 30, 1921, including the bills payable as of that date.

This plant was constructed in part on the basis of cost of material and labor plus contractor's overhead and profit, and the total charge in this particular case from this method of construction, resulted in such a high cost that the Board has considered it necessary to grant this approval on the basis of an inventory of the property in place and a reasonable cost of construction as of the time the property was acquired. The contractor has accepted the estimate as made by the Board's engineers as representing the reasonable value of the services rendered by him and the petitioner has paid to the contractor the amount thus estimated in full settlement of his claims and has been entirely willing to accept the Board's judgment as to the amount of securities which may reasonably be issued.

The reasonable value of the property as of the date indicated has been estimated as \$45,000. This amount represents a reduction in the cost of this plant as originally charged of over \$7,000. This reduction was considered essential both on the basis of the reasonable cost of the plant as of the time it was constructed, which was during the latter part of 1920 and the first eight months of 1921, at which time both material and labor prices were relatively high, and due to the fact that the construction cost as originally charged appeared beyond a doubt to be in excess of the commercial value of the plant.

At the present time the generator capacity installed is 50 kilowatts and the available power of the water turbines installed is approximately 135 kilowatts. According to available data, the south branch of the Raritan River, with an eight foot fall at this location, can develop in an average year, with respect to rainfall, considerably more power than is now provided by the turbines installed. It therefore appears that this company can reduce its investment cost per kilowatt of output to a much lower figure than at present by a relatively small additional investment and with careful management can probably make a financial success of this enterprise.

The amount of securities previously approved is \$15,000 in preferred stock and \$3,000 in common stock, a total of \$18,000. There is also outstanding a real estate mortgage of \$6,500. These items deducted from the total cost new of \$45,000, leaves an amount uncanceled as of August 30, 1921, of \$20,500. Approval will accordingly be given to the issuance of this amount of preferred stock at par and an order will so issue.

Dated, November 29, 1921.

In the Matter of the Application of the Hammonton and Egg Harbor City Gas Company for Approval of Mortgage and Issue of Seventy Three Thousand Five Hundred Dollars (\$73,500) Bonds thereunder.

## REPORT.

*B. B. Hutchinson*, for the petitioner.

It appears that the proposed mortgage and issue of bonds thereunder are designed to supersede an indebtedness on the books of the company to one of its stockholders. It does not appear that the same security is being offered to other creditors. The Board is unable to see any justification for securing one class of creditors as against the other creditors. The application, therefore, is denied.

Dated, December 1, 1921.

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In the Matter of the Application of the Morris & Somerset Electric Company for Approval of the Issuance of \$450,000 First Mortgage Bonds, the Acquisition of the Capital Stock of the Boonton Electric Company and the Merger and Consolidation of the Latter with the Petitioner.

## REPORT.

*John R. Hardin* for the Petitioners.

Under date of April 13, 1920, application was made by the Morris & Somerset Electric Company for the approval of the issuance of \$200,000 par value of capital stock and \$350,000 par value of three year six per cent. notes secured by the deposit of collateral consisting of \$400,000 par value of the company's first mortgage bonds, the notes to be issued at not less than 95 per cent. of par value and the proceeds used in acquiring the leased properties operated by it and by the Boonton Electric Company. In the Board's report of June 1, 1920 in this matter the purpose of this note issue was approved, but no certificate approving the issuance was granted at that time, inasmuch as the Board withheld its approval of the purpose of part of the capital stock sought to be issued at the same time, leaving to the company the final determination of the proper proportion of each class of securities to be issued, which could be submitted in a supplemental petition taking into account the Board's refusal to approve part of the purpose for which \$200,000 capital stock was sought to be issued.

Subsequently application was made by the company for approval of the issuance of \$200,000 capital stock for the purpose of reimbursing it for construction expenditures not previously capitalized, but no renewal

of the application for approval of the \$350,000 note issue was ever made. In the application now before the Board, the company seeks approval of the issuance of its first mortgage bonds, instead of notes secured by bonds pledged as collateral, with additional interest coupons, at the rate of two per cent. per annum, attached to each bond and secured by a second mortgage on all its property, which are to be sold by the company at not less than 92 per cent. of par value. As these bonds mature within approximately twenty years the cost to the company of the money obtained from their issuance will be more than one per cent. per annum less than if it had issued at 95 the three year six per cent. collateral notes. The company also claims that there will be a further advantage in the issuance of bonds instead of notes in that there will be no duplication of obligations and no possibility of sacrifice of the bonds as collateral to the notes. The company states that this is the best price at which it can raise the money at the present time, and that it must do so before the close of the present month when its option to purchase the leased properties for \$350,000 expires and that the lesser companies have announced that the option will positively not be extended beyond that date.

The total amount of bonds the company now seeks to issue is \$450,000, the balance of the proceeds after providing \$350,000 for the purchase of the leased properties to be used in acquiring at par and accrued interest the present outstanding \$45,000 par value of first mortgage bonds of the Boonton Electric Company and to provide additional working capital to the extent of approximately \$20,000.

Reference is above made as well as in the petition to the securing of the additional two per cent. interest on the first mortgage bonds by a general mortgage on all the property of the company subject to its first mortgage but the approval of this second mortgage does not appear to be specifically requested in the present application, which approval must also be obtained as well as the approval of the issuance of the bonds thereunder.

Under date of March 31, 1921 the Board approved the issuance of \$130,000 additional capital stock by the company none of which the company reports has yet been issued. Half of this issue was to be used for working capital. In its present application the company asks permission to use \$40,000 of this unissued stock to acquire the present outstanding stock of the Boonton Electric Company, which is to be cancelled when the proposed merger and consolidation takes place, instead of for use as working capital as originally proposed, approximately \$20,000 of the working capital being provided for in the proposed issue of first mortgage bonds.

In the Board's report of June 1, 1920, above referred to, the Board found the value of the Boonton Electric Company's stock to be only \$11,000, and for this reason withheld its approval of the issuance of \$40,000 capital stock by the Morris & Somerset Electric Company for the purpose of purchasing the Boonton stock. The company now claims that the value of this stock, on the basis of the calculation in the Board's report, has now increased to more than \$30,000 and that if proper consideration were given to all the elements of value in the property of the Boonton Electric Company, its capital stock would be found to have a value of at least \$40,000.

Accompanying the present application is a balance sheet of the Boonton Electric Company as of October 31, 1921 from which can be ascertained the amount of increase in value of the company's capital stock since August 31, 1919, as of which date the Board found the value to be \$11,000 as per its report of June 1, 1920, above referred to. The total

value of the Boonton property, excluding leased property, as per that report, was .....	\$91,658
The net additions to the property between August 31, 1919 and October 31, 1921 were.....	100,375
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Making a total value on the latter date, without deduction for depreciation, of .....	\$192,033
Deducting the reserve for accrued amortization of capital on October 31, 1921 .....	36,582
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Leaves a value represented by the company's securities of.....	\$165,451
Deducting from this the par value of the Boonton Electric Company's bonds .....	45,000
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Leaves as an amount represented by capital stock and floating debt .....	\$110,451
The excess of current liabilities over current assets as of October 31, 1921 was .....	90,429
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deducting which leaves a balance of.....	\$20,022
as the amount of value represented by the Boonton Electric Company's stock.	

From the above calculation, made on the same basis as that in the Board's report of June 1, 1920, it is seen that the value of the Boonton Electric Company's capital stock is only about one-half of that claimed by the company. If of the \$75,000 stock to be issued for working capital approved by the Board on March 31, 1921, \$40,000 is issued for the Boonton Company's stock, it would leave \$35,000 stock to be issued for working capital. Adding to this the \$20,000 of bonds proposed to be issued for this purpose makes a total of \$55,000 for working capital, or \$20,000 less than the amount of stock authorized to be issued for this purpose, which presumably must be provided for out of the petitioner's surplus or floating debt. Its surplus on October 31, 1921, was \$21,237 or more than enough to cover the difference in working capital or the differences in value of the Boonton Company's stock as per the above calculation and as now claimed by the company, so that if the Board granted its permission to issue \$20,000 par value of the Morris & Somerset Electric Company's stock in part payment for the stock of the Boonton Company leaving the balance of the \$75,000 stock to be issued for working capital as authorized on March 31, 1921, the company could divert \$20,000 of its surplus from working capital and use it to complete the purchase of the Boonton Company's stock, which in the merger and consolidation would be given a value of only \$20,000, the difference between this and the \$40,000 purchase price being written off from surplus.

By adjustments which the company proposes to make in its accounts at the close of the year, the surplus of the Boonton Company will be further increased to the amount of \$4,000 on that date aside from the normal growth from operations during the last two months of the year, so that on December 31 the company's capital stock will have a value of approximately \$24,000, provided that no distribution of surplus is made before that date. Accordingly if at the time of acquisition the stock of the Boonton Company has a value, on the basis of the above calculation, of not less than \$24,000, the Board will approve the issuance of this amount of stock by the Morris & Somerset Electric Company for the purpose of acquiring the entire outstanding capital stock of the Boonton Electric Company. Before a certificate approving such

issue is granted, however, application should be made by the last named company for permission to transfer on its books its capital stock to the Morris & Somerset Electric Company.

As above stated there must first be approved by the Board the general mortgage securing the payment of the additional two per cent. interest on the proposed issue of first mortgage bonds before approval can be given to the issuance of the latter. Such approval will be granted as soon as the said general mortgage is submitted and approved.

The petitioner also asks in its application for approval of the merger and consolidation of itself and the Boonton Electric Company, but no agreement of merger and consolidation is submitted with the petition. This also must be done before a certificate approving the proposed merger and consolidation is granted.

Dated, December 7, 1921.

## Leases, Agreements and Sales of Property.

DATE OF APPROVAL	NAME OF APPLICANT.	NATURE OF PETITION.
Dec. 7, 1920	Peoples' Water Company of Millville, N. J. ....	For approval of the sale of its plant and property, exclusive of Accounts Receivable, Cash and Operating Supplies on hand, to the City of Millville.
Dec. 9, 1920	Point Pleasant Water Works Co.....	For approval of the sale of its plant and property to the Borough of Point Pleasant Beach.
Dec. 23, 1920	New York Bay Railroad Co.....	For approval of the sale of a tract of land situate in the 7th Ward, Jersey City, Passaic County, N. J., between the Lehigh Valley Railroad on the north and the Greenville Yard of the petitioner on the south containing 29 acres.
Dec. 23, 1920	Essex Fells Electric Light & Water Company .....	For approval of the sale of its water and sewage disposal plants located in the Borough of Essex Fells to the Borough of Essex Fells.
Mar. 28, 1921	Delaware, Lackawana & Western Railroad Company, Lessee, of the Morris & Essex Railroad Co. ....	For approval of the sale of a parcel of land situate on the easterly side of its railroad and on the northerly side of Joyce Street, in the City of Orange, Essex County, N. J., containing 4996 sq. ft., more or less, to the Thrift Warehouse Company.
Mar. 28, 1921	Lakewood Water Company .....	For approval of the sale of a lot of land situate in the Town of Lakewood, Ocean County, N. J., containing 0.529 acres, to the A. J. Loomis Company.
Mar. 31, 1921	Pennsylvania Railroad Company, Lessee, United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land situate west of the Hudson County Boulevard, in the City of Jersey City, Hudson County, N. J., containing 587 sq. ft., more or less.
Mar. 31, 1921	Pennsylvania Railroad Company, Lessee, United New Jersey Railroad & Canal Company .....	For approval of the sale of a tract of land situate northeast of North Avenue, in the City of Elizabeth, Union County, N. J., containing 4661 sq. ft., more or less.
Mar. 31, 1921	Riverton & Palmyra Water Co. ....	For approval of the sale of a certain plot of land located in the Borough of Riverton, New Jersey.

DATE OF APPROVAL	NAME OF APPLICANT.	NATURE OF PETITION.
Apr. 5, 1921	Lehigh Valley Railroad Company, Lessee, Lehigh Valley Railroad Company of New Jersey .....	For approval of the sale of a certain tract of land situate near West Portal, in the Township of Bethlehem, Hunterdon County, N. J., containing 1.291 acres.
Apr. 5, 1921	Central Railroad Company .....	For approval of the sale of two parcels of land situate in the City of Newark, Essex County, N. J., containing 0.616 of an Acre, to the Sherwin Williams Company.
Apr. 5, 1921	Central Railroad Company .....	For approval of the sale of a parcel of land situate in the City of Jersey City, Hudson County, N. J., containing 0.532 of an Acre, to W. Ames & Company.
Apr. 11, 1921	New York Telephone Company .....	For approval of agreement dated March 22, 1921 between the said New York Telephone Company and Dr. William Dimond, providing for the sale of a certain tract or parcel of land and premises, lying and being in the City of Newark, Essex County, N. J.
Apr. 11, 1921	New York Telephone Company .....	For approval of an agreement dated August 6, 1920 between the said New York Telephone Company and Miss Maude L. Kish, providing for the sale of a certain tract or parcel of land and premises, situate on Springfield Avenue, in the City of Summit, Union County, N. J.
Apr. 11, 1921	Mercer County Traction Company and Trenton & Mercer County Traction Corporation, Lessee .....	For approval of the sale of a certain lot of land and bricks thereon, situate in the Township of Lawrence, Mercer County, N. J.
Apr. 19, 1921	City of Sea Isle City .....	For approval of the sale to it of the gas plant, and the real and personal property, etc. of the Friars Gas Company of New Jersey, located in the City of Sea Isle City, Cape May County, N. J.
Apr. 19, 1921	City of Sea Isle City .....	For approval of the sale to it of the electric light plant, and the real and personal property, etc., of the Electric Light, Power & Water Company of Sea Isle City, located in the City of Sea Isle City, Cape May County, N. J.
Apr. 26, 1921	Del. & Atl. Tel. & Tel. Company....	For approval of an agreement with the Western Union Telegraph Company, dated October 8, 1920 providing for the joint use of certain poles in the Township of Lawrence, Mercer County, N. J.
Apr. 26, 1921	Del. & Atl. Tel. & Tel. Company....	For approval of an agreement with Lewis Heckenhorn dated November 15, 1920 providing for the leasing of certain rooms in premises situate at 205 Chester Avenue, Village of Moorestown, Chester Township, Burlington County, N. J.

DATE OF APPROVAL	NAME OF APPLICANT.	NATURE OF PETITION.
Apr. 26, 1921	New York Telephone Company .....	For approval of an agreement dated December 6, 1920, with the Morris County Traction Company, providing for the joint use of poles in the Township of Union, Union County, N. J.
Apr. 26, 1921	New York Telephone Company .....	For approval of an agreement with the Jersey Central Traction Company dated May 22, 1920, providing for the joint use of ten poles located in the Boroughs of Matawan, and Keyport, Monmouth County, N. J., and in the City of South Amboy, Middlesex County, New Jersey.
Apr. 26, 1921	Bergen Aqueduct Company .....	For approval of the sale of its works, located in the Village of Ridgewood, and the Boroughs of Midland Park and Glen Rock, to the Village of Ridgewood.
May 10, 1921	Millville Traction Company .....	Proposed abandonment of its franchise on South Second Street, Millville.
May 17, 1921	West Jersey & Seashore Railroad Company .....	For approval of the sale of two lots of land situate on the northerly side of Atlantic Avenue between Barclay Avenue and Fredericksburg Avenue, in the City of Margate, Atlantic County, N. J., containing 147,000 sq. ft. more or less.
May 19, 1921	Camden & Atlantic Telephone Co.....	For approval of the sale to the Del. & Atl. Tel. & Tel. Co. of all of its submarine, aerial and underground cables, located within the corporate limits of Atlantic City, in the County of Atlantic, State of New Jersey.
May 19, 1921	Public Service Gas Company and Newark Consolidated Gas Co. ....	For approval of the sale of a certain tract of land situate on the northwest side of Day Street, in the City of Orange, Essex County, N. J., to Wm. F. Shupe & Co., Inc.
May 19, 1921	Central Railroad Company of New Jersey .....	For approval of the sale of two tracts or parcels of land situate in the City of Elizabeth, Union County, N. J., to Abraham Binder.
May 19, 1921	Central Railroad Company of New Jersey .....	For approval of the sale of three tracts or parcels of land situate in the City of Elizabeth, Union County, N. J., to Samuel Reibel.
May 19, 1921	Lehigh Valley Railroad co., et. al.....	For approval of the sale of certain tracts or parcels of land situate at Constable Hook in the City of Bayonne, Hudson County, N. J., to the Standard Oil Company.
May 19, 1921	Delaware, Lackawanna & Western Railroad Company .....	For approval of the sale of a parcel of land situate in the Township of Mount Olive, Morris County, N. J., containing 25 acres.

DATE OF APPROVAL	NAME OF APPLICANT.	NATURE OF PETITION.
May 19, 1921	Delaware, Lackawanna & Western Railroad Co., Lessee, Morris & Essex Railroad Company .....	For approval of the sale of a parcel of land situate in the City of Summit, N. J., containing 7200 sq. ft. ; also of a parcel of land in the City of Orange, N. J. situate on the westerly side of Glebe street, containing .114 of an Acre.
May 19, 1921	Delaware, Lackawanna & Western Railroad Company .....	For approval of the sale of a parcel of land owned by the Passaic and Delaware Railroad Company, situate in the Township of Union, Union County, N. J. containing 4.28 Acres.
May 19, 1921	Delaware, Lackawanna & Western Railroad Company .....	For approval of the sale of a parcel of land owned by the Warren Railroad Company situate in the Township of Washington, Warren County, N. J. containing .86 of an Acre.
June 2, 1921	Five Mile Beach Electric Railway Company .....	For approval of the sale of a lot of land with dwelling houses erected thereon, in the City of Wildwood, New Jersey.
June 2, 1921	West Jersey & Seashore Railroad Company .....	For approval of the sale of a lot of land situate in the City of Atlantic City, N. J. containing 190,000 sq. ft. more or less.
June 7, 1921	Del. & Atl. Tel. & Tel. Company ....	For approval of an agreement dated March 10, 1921 with Jerry O'Mahony, Inc., providing for the leasing of a portion of land located on Church Lane and North Laurel Street, in the City of Bridgeton, Cumberland County, N. J.
June 7, 1921	Del. & Atl. Tel. & Tel. Company ....	For approval of an agreement dated March 21, 1921 with the Postal Telegraph & Cable Company of New Jersey, providing for the joint use of 38 poles on the public highway in Burlington Co., N. J.
June 7, 1921	Pennsylvania Railroad Company, Lessee, United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land situate at the southwest corner of Leesville Avenue and Colonia Boulevard, partly in the City of Rahway, Union Co., N. J. and partly in the Township of Woodbridge, Middlesex County, N. J. containing 1.798 Acres, more or less.
June 7, 1921	Pennsylvania Railroad Company, Lessee United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land situate in the block bounded by Avenue A, Wright Street, New Jersey and Railroad Avenue and Emmet Street, in the City of Newark, Essex County, N. J., containing 40,000 sq. ft., more or less.
June 7, 1921	Pennsylvania Railroad Company, Lessee, United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land situate at the southwest corner of Commercial Avenue and Commercial Street, in the City of Newark, Essex County, N. J., containing 2,225 sq. ft., more or less.
June 10, 1921	Ferromonte Railroad Company .....	For approval of the conveyance of certain lands to the Wharton Steel Company.

DATE OF APPROVAL	NAME OF APPLICANT.	NATURE OF PETITION.
June 16, 1921	Five Mile Beach Electric Railway Company .....	For permission to abandon its tracks on Lotus Road, Philadelphia Avenue and Rambler Road, in the Borough of Wildwood Crest, Cape May County, N. J.
June 16, 1921	Morris County Traction Co. ....	For approval of an agreement dated April 15, 1921 with the Board of Chosen Freeholders of the County of Morris, State of New Jersey, providing for the construction or reconstruction of a certain road in the Borough of Wharton, Morris County, N. J., known as Main street, from St. Mary's Church to Central Railroad Crossing.
June 23, 1921	New York Telephone Company .....	For approval of an agreement dated March 17, 1921 with Philip Simon, providing for the sale of a certain tract of land and premises situate, lying and being in the City of Passaic, Passaic County, New Jersey.
June 23, 1921	New York & Long Branch Railroad Company .....	For approval of the sale of a parcel of land situate in the City of South Amboy, Middlesex County, N. J. containing 0.161 Acres.
June 30, 1921	Pennsylvania Tunnel & Terminal Railroad Company .....	For approval of an agreement between that railroad company and the Pennsylvania Railroad Company, dated June 10, 1921, which provides for the extension until and including the 31st of May, 1922 of agreement between said companies dated September 14, 1917, providing for the operation of the railroad and appurtenances of the Pennsylvania Tunnel & Terminal Railroad Company by the Pennsylvania Railroad Company as Agent, from the 31st of October, 1917, until and including the 30th day of September, 1918.
Aug. 1, 1921	Del. & Atl. Tel. & Tel. Company ....	For approval of agreement dated March 22, 1921 with the Board of Education of the Borough of Princeton, providing for leasing of a certain lot with building thereon, situate in the Borough of Princeton, County of Mercer, State of New Jersey.
Aug. 1, 1921	Pennsylvania Railroad Company, Lessee, of the United New Jersey Railroad & Canal Company .....	For approval of the dedication to the State of New Jersey for public highway purposes of four strips or pieces of land situate in the City of Rahway, Union County, and in the Township of Woodbridge, Middlesex County, New Jersey.
Aug. 16, 1921	Margaret Johnson .....	For approval of the sale of the plant owned by her at Waterwitch, in the Borough of Highlands, N. J., to the Borough of Highlands.
Aug. 22, 1921	Lambertville Public Service, Flemington Electric Light, Heat & Power Company, and Newton Electric & Gas Company .....	For approval of the sale of their property and franchises to the New Jersey Power & Light Company.
Aug. 30, 1921	Monmouth County Water Co. ....	For approval of a Tripartite agreement dated April 18, 1921 between the said Monmouth County Water Company, the Columbia Avenue Trust Company and the American Pipe & Construction Securities Company.

DATE OF APPROVAL	NAME OF APPLICANT.	NATURE OF PETITION.
Sept. 13, 1921	Public Service Railway Company....	For approval of the sale of a certain lot of land situate in the City of Paterson, Passaic County, New Jersey to John Mahoney.
Sept. 19, 1921	Stone Harbor Railroad Co. ....	For approval of the sale to said company of the property, effects and franchises formerly owned by the Stone Harbor Terminal Railroad Company.
Oct. 6, 1921	Public Service Railway Company....	For approval of the sale of a certain lot of land situate in the City of Paterson, Passaic County, New Jersey, to James J. Murner.
Oct. 11, 1921	Del. & Atl. Tel. & Tel. Co. ....	For approval of agreement with the Ace Motor Sales Company, Inc., dated August 1, 1921 providing for the leasing of a certain tract of land located at Curtis Avenue and Hendry's Court, in the City of Woodbury, Gloucester County, New Jersey.
Oct. 11, 1921	Del. & Atl. Tel. & Tel. Co. ....	For approval of an agreement with the Public Service Electric Company, dated August 10, 1921, providing for the sale of 5 poles located on the west side of Locust street, west of 3d street, in the Village of Moorestown, Township of Chester, Burlington County, New Jersey.
Oct. 11, 1921	Hackensack Water Company .....	For approval of the sale of a parcel of land situate in the Borough of Harrington Park, Bergen County, N. J., to the Borough of Harrington Park.
Oct. 13, 1921	West Jersey & Seashore Railroad Company .....	For approval of the sale of a lot of land situate at the southeast corner of Baltic & California Avenue, in the City of Atlantic City, Atlantic County, N. J., containing 4,800 sq. ft., more or less.
Oct. 20, 1921-	West Jersey & Seashore Railroad Company .....	For approval of the sale of lot of land situate on the north side of Spruce Street, east of South 9th Street, in the City of Camden, Camden County, N. J. containing 8,966 sq. ft.
Oct. 20, 1921-	New York & Long Branch Railroad Company .....	For approval of the sale of a parcel of land situate in the Borough of Bayhead, Ocean County, New Jersey, containing 3 Acres, more or less to Alvah Strickland.
Oct. 27, 1921	Pennsylvania Railroad Co., Lessee, United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land situate on the north side of Mickle Street, East of Second St., in the City of Camden, N. J., containing 1,000 sq. ft., more or less.
Oct. 27, 1921	Pennsylvania Railroad Co., Lessee, United New Jersey Railroad & Canal Company .....	For approval of the sale of a tract of land, situate at Bonhamtown (South of Metuchen) in Raritan Township, Middlesex County, N. J. containing 2-94/100 Acres, more or less.

DATE OF APPROVAL	NAME OF APPLICANT.	NATURE OF PETITION.
Nov. 9, 1921	Pennsylvania Railroad Company ....	For approval of an agreement dated July 13, 1921 between itself and as lessee of the United New Jersey R. R. & Canal Co., and as agent for the Pennsylvania Tunnel & Terminal R. R. Co., and the Baltimore & Ohio R. R. Co., granting certain trackage rights to the latter company.
Nov. 16, 1921	Pennsylvania Railroad Co., Lessee, United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land with buildings and improvements thereon erected, located on the westerly side of Fair Street, South of Bridge Street, in the City of Trenton, Mercer County, N. J. containing 7,930 sq. ft. more or less.
Nov. 25, 1921	Del. & Atl. Tel. & Tel. Company ....	For approval of agreement with Nicola Caruso and Michael Caruso, dated September 2, 1921, providing for the sale of certain property located in the City of Elizabeth, Union County, N. J.
Nov. 29, 1921	Farmers Tel. Co. by the Directors of the Farmers Tel Co. as Trustees on Dissolution. ....	For approval of the sale of the property and assets of the Farmers Tel. Co. to the New York Tel. Co. for the sum of \$126,500.
Nov. 29, 1921	Hopatecong Shore Railroad Co.....	For permission to discontinue its service, abandon its line and sell its property and assets.
Dec. 1, 1921	West Jersey & Seashore Railroad Co.	For approval of the sale of a lot of land situate on the northeast side of Whitehorse Turnpike, south of the railroad, in the Borough of Audubon, Camden County, N. J. containing 22,191 sq. ft., more or less.
Dec. 16, 1921	United Electric Company of New Jersey .....	For approval of the sale of property to the Morris & Somerset Electric Company.
Dec. 21, 1921	Woodbourne Electric Light, Heat & Power Company .....	For approval of the sale of all of its property and franchises, except accounts receivable and cash, to the New Jersey Power & Light Company.
Dec. 22, 1921	Public Service Gas Company and South Jersey Gas, Electric and Traction Co. ....	For approval of the sale and conveyance of a certain tract or parcel of land and premises, situate in Moorestown, Township of Chester, Burlington County, N. J. to Charles A. Pascale.
Dec. 22, 1921	Public Service Gas Company and Public Service Electric Company Lessees of Paterson and Passaic Gas and Electric Co. ....	For approval of the sale of a certain tract or parcel of land and premises, situate in the City of Paterson, Passaic County, New Jersey.
Dec. 22, 1921	Public Service Railway Company ....	For approval of the sale of a tract of land, situate in the city of Newark, Essex County, N. J., to New Jersey Law School.
Dec. 22, 1921	Public Service Electric Company.....	For approval of the sale of 4 tracts of land and premises situate in the Borough of Rocky Hill, Township of Montgomery, Somerset County, N. J., to A. A. Conover.

DATE OF APPROVAL	NAME OF APPLICANT.	NATURE OF PETITION.
Dec. 27, 1921	Pennsylvania Railroad Company, Lessee, of the United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land situate on the westerly side of Fair Street, north of Bridge Street, in the City of Trenton, Mercer County, N. J. containing 3,937 sq. ft., more or less.
Dec. 27, 1921	Pennsylvania Railroad Company, Lessee, of the United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land, with the buildings and improvements thereon erected, on the southeast side of Chauncey Street, in the City of Trenton, Mercer County, N. J. containing 820 sq. ft. more or less.
Dec. 27, 1921	Pennsylvania Railroad Company, Lessee, of the United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land on westerly side of Fair Street, in the City of Trenton, Mercer County, N. J., containing 8,043 sq. ft., more or less.
Dec. 27, 1921	Pennsylvania Railroad Company, Lessee, of the United New Jersey Railroad & Canal Company .....	For approval of the sale of a lot of land situate at the southeast corner of New Bridge Street and Riverside Road, in the City of Rahway, Union County, N. J., containing 21,868 sq. ft., more or less.

## New Crossings at Grade

DATE OF PERMISSION	NAME OF APPLICANT.	NATURE OF PETITION.	CONDITIONS.
Dec. 7, 1920	Town of West Orange.....	For the construction at grade of Standish Ave., across the tracks of the Orange Branch of the New York & Greenwood Lake Division of the Erie Railroad Company, in the town of West Orange, Essex County, N. J.	
Dec. 7, 1920	Borough of Wanaque .....	For the construction of Melrose Avenue at grade over the tracks of the Greenwood Lake Division of the Erie Railroad Company, in the Borough of Wanaque, Passaic County, N. J.	
Dec. 16, 1920	Standard Oil Company of New Jersey .....	For permission to construct siding at grade across Grove Street, in the City of Paterson, to connect with tracks of the Erie Railroad Co.	<ol style="list-style-type: none"> <li>1. That train movements over the highway be limited to a speed of not more than six miles per hour.</li> <li>2. That all train movements over said siding be protected by a flagman.</li> <li>3. That all train movements stop at the highway line before crossing.</li> <li>4. That a sign be placed at the north east corner of the building located on Grove Street to warn pedestrians.</li> </ol>
Dec. 16, 1920	National Fire Proofing Company....	For permission to construct siding at grade across Keasbey Avenue, in the Township of Woodbridge, New Jersey.	<ol style="list-style-type: none"> <li>1. That train movements over the highway be limited to a speed of not more than six miles per hour.</li> <li>2. That all train movements stop at the highway before crossing.</li> <li>3. That flagman be stationed in the middle of the highway before movement is made; and that movement should not be made from stop position until signal is given by flagman to proceed.</li> </ol>

NEW CROSSINGS AT GRADE.

DATE OF PERMISSION	NAME OF APPLICANT.	NATURE OF PETITION.	CONDITIONS.
Dec. 16, 1920	West Jersey & Seashore Railroad Company .....	For permission to construct siding at grade across Ohio Avenue, in the City of Atlantic City, N. J., to reach the plant of the Burkard Coal Company.	1. That derail be placed on siding west of Ohio Avenue a sufficient distance to protect highway from accidental shifting of cars on the siding.
Apr. 5, 1921	West Jersey & Seashore Railroad Company .....	For permission to construct siding at grade across public highway known as Westerly Boulevard, at Clayville Station, in the Township of Landis, Cumberland County, N. J.	1. That train movements over the highway be limited to a speed of not more than six miles per hour. 2. That all train movements be protected by flagman in the highway before same are made.
Apr. 5, 1921	West Jersey & Seashore Railroad Company .....	For permission to construct a siding, at grade, across northerly side of West Avenue, East of 14th Street, in the City of Ocean City, Cape May County, N. J. to connect with property of Walter Sack.	1. That train movements over the highway be limited to a speed of not more than six miles per hour. 2. That all train movements be protected by flagman in the highway before same are made. 3. That no car be allowed to stand on siding track nearer than 50 ft. to highway line of Fourteenth Street.
Apr. 5, 1921	Central Railroad Company of New Jersey .....	For permission to construct a spur track, at grade, across Love Lane in the Township of Deerfield, Cumberland County, N. J. to provide freight facilities for the Seabrook Farms Company.	1. That a standard grade crossing sign be installed in the highway at the crossing. 2. That speed of trains be limited to six miles per hour approaching and passing over the crossing. 3. That if movements are required to be made over the crossing during the night hours, that trains stop at the crossing before passing over and flagman be stationed in the middle of the highway before movements are made.

DATE OF PERMISSION	NAME OF APPLICANT.	NATURE OF PETITION.	CONDITIONS.
Apr. 5, 1921	Seabrook Company .....	For permission to construct a spur track at grade across highway known as "Finley Station Road" and "Seeley's Mill Road" in the Township of Deerfield, Cumberland County, N. J. to connect with tracks of the Central Railroad Company of New Jersey.	<ol style="list-style-type: none"> <li>1. That standard grade crossing sign be installed at both highway crossings.</li> <li>2. That train movements over the highway be limited to a speed of not more than six miles per hour.</li> <li>3. That during the period the said road is under repair and Seeley-Finley Road is used as a detour, a member of the crew protect movements over the crossing.</li> <li>4. That wood land and brush be removed from northeast corner of Finley Station Road for at least a distance of 150 ft. from intersection of the crossing to the eastward.</li> <li>5. That if movements are required to be made over the crossing during the night hours, trains shall stop at the crossing before passing over, and flagman be stationed in the middle of the highway before movements are made.</li> </ol>
Apr. 26, 1921	Pohatcong Railroad Company.....	For permission to construct a siding at grade across the public road leading from Oxford, N. J. to Bridgeville, N. J. in the Township of Oxford, Warren County, N. J.	<ol style="list-style-type: none"> <li>1. That a standard grade crossing sign be erected at the northwest corner of the proposed spur track; that a similar sign be erected in place of the square sign at the southeast corner of main track; that, as crossings are 150 ft. distant, each crossing sign should have attached a sign indicating "Two Crossings".</li> <li>2. That crossing be protected by a flagman before movements are made over same.</li> <li>3. That all train movements over the highway be limited to a speed of not more than six miles per hour.</li> </ol>
May 19, 1921	Passaic Water Company .....	For permission to construct a siding, at grade, across East 35th St. in the City of Paterson, N. J. to connect with tracks of the N. Y. S. & W. R. R. Co.	<ol style="list-style-type: none"> <li>1. That derail be located in siding track at a point east of 34th Street.</li> </ol>
June 10, 1921	West Jersey & Seashore Railroad Company .....	For permission to construct a siding, at grade, across Mt. Vernon Avenue or Surf Place, in the City of Atlantic City, Atlantic County, N. J. to reach the property of the Peoples' Market Company.	<ol style="list-style-type: none"> <li>1. That girder rails be used for the section crossing the highway.</li> <li>2. That train movements over the highway be limited to a speed of not more than six miles per hour.</li> <li>3. That all train movements be protected by a flagman stationed in the highway before movement reaches the highway line.</li> </ol>

DATE OF PERMISSION	NAME OF APPLICANT.	NATURE OF PETITION.	CONDITIONS.
June 16, 1921	J. Goldenberg, Inc.....	For permission to construct a siding, at grade, across Caven Point Avenue, in the City of Jersey City, N. J. to connect with tracks of the Central Railroad Company of New Jersey.	1. That train movements over the highway be limited to a speed of not more than six miles per hour. 2. That all train movements over the highway be protected by a flagman.
June 30, 1921	Hanover Brick Mfg. Company .....	For permission to construct an industrial siding, at grade, across highway leading from Malapardis to Halesytown, in the Township of Hanover, N. J.	1. That the brush and trees be removed on both sides of the highway lines for a distance of 75 feet from the track. 2. That a standard grade crossing sign be erected at the northwest corner of the highway. 3. That train movements over said highway be limited to a speed of not more than six miles per hour and stop before moving over the highway line. 4. That flagman be stationed in the center of the highway before movement is made.
July 7, 1921	Post Office Department of the United States Government. ....	For permission to construct a siding at grade across Mechanic Street in the City of Newark, Essex County, N. J. to connect with tracks of the Pennsylvania Railroad Co.	1. That a derail be erected in the present siding track a sufficient distance south of the southerly line of Mechanic Street to prevent cars from crossing on or over the highway by being accidentally moved. 2. That train movements over the highway be limited to a speed of not more than six miles per hour and stop before reaching highway line. 3. That flagman be stationed in the center of the highway before movement is made.
Sept. 8, 1921	Board of Chosen Freeholders of County of Union.....	For permission to construct a temporary crossing at grade, from South Front St. to Amboy Avenue, in the City of Elizabeth, N. J. to connect with tracks of the Sound Shore Branch of the Central Railroad Company of New Jersey.	1. That all train movements over the crossing be protected by a flagman.

DATE OF PERMISSION	NAME OF APPLICANT.	NATURE OF PETITION.	CONDITIONS.
Sept. 15, 1921	Township Committee of Township of Berkeley.....	For permission to construct a new crossing at grade across Prospect Avenue, Pine Beach, Township of Berkeley, Ocean County, N. J. across tracks of the Pennsylvania and Atlantic Railroad Co., Pennsylvania Railroad Company, Lessee.	1. That standard grade crossing signs be erected at the crossing.
Sept. 19, 1921	Borough of Seaside Park and Pennsylvania Railroad Co., Lessee, Pennsylvania & Atlantic Railroad Company .....	For permission to construct a new crossing at grade across "N" St. in the Borough of Seaside Park, Ocean County, N. J. said crossing to be in lieu of an existing grade crossing at "I" Street, which crossing will be vacated.	1. That standard grade crossing signs be erected at the crossing.
Oct. 11, 1921	Pennsylvania Railroad Co., Lessee of the United New Jersey Railroad & Canal Company.....	For permission to construct a siding, at grade, across a public road near Cranbury Station, in Cranbury Township, Middlesex County, N. J. to reach the plant of J. S. Silvers & Bro. Co.	1. That train movements over the highway be limited to a speed of not more than six miles per hour. 2. That flagman be stationed in the middle of the highway before movements are made thereover for protection of the travel on the highway.
Oct. 13, 1921	Harry & Abe Levine.....	For permission to construct a siding, at grade, across Putnam Street, in the City of Paterson, Passaic County, New Jersey.	1. That train movements over Putnam Street be limited to a speed of not more than six miles per hour. 2. That all train movements over the crossing be protected by a flagman.
Nov. 2, 1921	Pennsylvania Railroad Company.....	For permission to relocate crossing at Washington Avenue, in the City of Burlington, N. J.	

DATE OF PERMISSION	NAME OF APPLICANT.	NATURE OF PETITION.	CONDITIONS.
Dec. 1, 1921	National Boiler Company.....	For permission to construct a siding at grade across a certain strip of land located in the Borough of Garwood, Union County, N. J.	1. That in the event the space designated for use as a roadway should be used for such purpose, that speed of train movements over the highway be limited to six miles per hour, and that all movements over same be protected by a flagman.
Dec. 13, 1921	Earling, Johnson & Frake Co., Inc. and S. S. Thompson & Co., Inc.....	For permission to construct a siding at grade across Catherine Street and Leonard Street, in the Borough of Red Bank, Monmouth County, N. J.	
Dec. 13, 1921	Atlantic City Railroad Company.....	For permission to construct a siding at grade across Franklin Street and Grant Avenue, in the City of Pleasantville, Atlantic County, N. J. to provide freight facilities for the Taylor Packing Co.	1. That derail be placed in siding track at a point to prevent fouling of main track; that additional derail be installed in track on the property of the Taylor Packing Company, if, in the construction of the siding track there will be descending grade from the said company's property to Franklin Street. 2. That the speed of train movements over the highways on the siding track be limited to six miles per hour. 3. That all train movements over the highways be protected by a flagman.
Dec. 13, 1921	West Jersey & Seashore Railroad Company .....	For permission to construct siding at grade across California Avenue, northwest of and parallel with the Chelsea Branch of said railroad company, in the City of Atlantic City, Atlantic County, N. J.	1. That train movements across the highway be limited to a speed of not more than six miles per hour. 2. That a flagman be stationed in the highway before movements are made in either direction beyond the highway property line.
Dec. 22, 1921	Newark and Hudson R. R. Company and Erie Railroad Company.....	For permission to relocate tracks, at grade, across Passaic Street and Fourth Avenue, in the City of Newark, N. J.	

In the Matter of the Petition of the Borough of Wanaque for Crossing at Grade Over the Tracks of the Greenwood Lake Division of the Erie Railroad.

## REPORT.

*Clifford L. Newman*, for the Borough.

*M. B. Pierce*, for the Erie Railroad.

The Borough of Wanaque filed a petition for a crossing at grade over the tracks of the Greenwood Lake Division of the Erie Railroad in said Borough, either at the point of intersection of the track and the highway leading from Main Street to the old site of the Midvale Station, known as Melrose Avenue; or at the intersection of the highway known as Furnace Lane, the latter located approximately 275 feet north of Melrose Avenue.

Hearing was held in Newark October 28th.

The tracks of the Greenwood Lake Division through the Borough run practically north and south. In the vicinity of Furnace Lane and Melrose Avenue are three tracks; two sidings and one main track. The siding tracks are for storage of equipment used in passenger service. An engine house and additional storage tracks are located north of Furnace Lane with a lead track connecting the siding tracks.

The principal portion of the Borough is located on the westerly side of the railroad; on the easterly side are approximately, as testified, forty-eight dwellings and a population of 250 persons. About 58 children attend the public school. The school house, fire department and stores are located along the main highway on the westerly side of the tracks.

The nearest public highway crossing south of Furnace Lane is 4380 feet, and the nearest north of Furnace Lane is 1470 feet. At a point 1375 feet south of Furnace Lane is a private crossing known as Mullin's Crossing for use in connection with travel to and from Mullin's Coal and Lumber Yard. Pedestrians and vehicular traffic from the easterly section to reach the westerly section of the Borough under existing conditions, and cross at an established public crossing must use the highway north of Furnace Lane or the one to the south. As there is no direct highway on the easterly side by which the crossing north of Furnace Lane could be reached by traveling 1470 feet, as said distance is measured in a direct line north of Furnace Lane, to cover this distance by the highway would necessitate traveling more than one mile. The school house is located on the westerly side of the main street opposite Melrose Avenue, and school children in the westerly section would cross the tracks in the vicinity of Melrose Avenue taking the most direct route to reach the school. No defined highway crossing being at or near Melrose Avenue, an element of danger exists that should be given due consideration in the present petition.

Testimony was produced to the effect that a crossing over the tracks was maintained at Melrose Avenue and used by the public during the time the passenger station was maintained at Melrose Avenue. Subsequent to its relocation about eighteen years ago, the crossing was removed. At that time there were few residents in the easterly section and the use of the crossing was limited.

The easterly section of the Borough has developed considerably

during recent years and its future growth will undoubtedly be materially affected by the non-existence of a convenient way to cross the tracks at a location about the center of the developed portion of the municipality. A crossing of the tracks at Melrose Avenue would appear the more central and convenient location and avoid the necessary shifting movements across Furnace Lane on lead track from the tracks north of Furnace Lane to the siding tracks and the main track.

The Board finds there is a public necessity of a crossing at Melrose Avenue and will therefore grant permission to cross the tracks of the company at grade.

Dated, December 2, 1920.

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**Petition of the Town of West Orange for the Construction at Grade of Standish Avenue Across the Tracks of the Erie Railroad Company.**

**REPORT.**

*Borden D. Whiting*, for West Orange.

*M. B. Pierce*, for Erie Railroad.

*Mr. Hardy*, for Thomas A. Edison, Inc.

Hearing at Newark, N. J., October 21, 1920.

The Town of West Orange petitions for a grade crossing at Standish Avenue across the tracks on the Orange branch of the New York and Greenwood Lake division of the Erie Railroad Company. The petition alleges that Standish Avenue is a public highway extending from Park Avenue to Lakeside Avenue; that there is a public demand for the construction of a crossing at grade over the tracks of the said railroad company; that such a crossing is both necessary and desirable as public convenience.

The answer of the company denies there is such a public demand, and also denies its desirability or necessity. At the hearing counsel for the company raised the further inquiry as to whether Standish Avenue was a public or private street.

The avenue in question is between ten and eleven hundred feet in length, fifty feet wide, and enters Park Avenue, which is one of the main thoroughfares under the control of the Essex County Park Commission and on which there is very heavy traffic.

At the northerly end of Standish Avenue, where it intersects Lakeside Avenue are the factories of the Edison plant. Lakeside Avenue runs practically through the center of the Edison Plant and is an important thoroughfare, sixty feet in width.

There are two tracks across Standish Avenue, one the main single track, and the other a spur or siding that parallels the main line. The physical conditions are such that the street could not be taken over or under the railroad track, so long as Lakeside Avenue remains a grade crossing. The Standish Avenue crossing must be permitted at grade or not at all. And considering the classifications of grade crossings for their elimination, it will probably be some years before any attempt is made to eliminate the said grade crossing.

The street is largely used by pedestrians. It was used for vehicular traffic until the town authorities, considering it dangerous, caused a barricade to be erected in the month of September of the present year, thereby preventing automobiles and other vehicles from crossing the railroad tracks under existing conditions. Standish Avenue is mostly built up with dwellings and factory buildings. There is a sewer in the street running under the railroad tracks; also fire hydrants and water mains.

One of the principal reasons advanced for the crossing is that there are about six thousand people employed in the Edison plant and that from one to two thousand of them use the street going to and from their work daily. This is the estimate given by the engineer in charge of the works. According to the estimate made by the witness for the railroad company, (which was limited to two days in September and four days in October) the movements over the crossing for twelve hours in the daytime varied from 25 to 39 on week days counting engines and trains (passenger and freight) also the drilling of freight. Pedestrians during the same period varied from 447 to 664. For the twelve hour night time period, the same kind of a count showed 10 for engines and trains and from 45 to 52 pedestrians.

An additional reason for the crossing is the two large warehouses shown on the maps. The materials that come over the Erie Railroad into these storehouses should naturally be moved out of them on Standish Avenue by trucks. The materials in these warehouses are now trucked down alongside of the track of the railroad right of way to Lakeside Avenue; then over the railroad tracks to the Edison plant. This one corporation has about 24 trucks running back and forth all day over the railroad tracks.

The street barricade referred to was placed there by the officials of the Town of West Orange because they feared that the traffic over the railroad tracks (there being no planking) might result in serious accidents. A grade crossing at Standish Avenue would, for all practical purposes, be an extension of the Lakeside Avenue crossing. Both could be protected by the same flagman operating the gates from the tower now there.

The Board withholds permission for a grade crossing until there is a public necessity for it. That is the policy of the State. In the present case, it would appear from all the evidence that the community has developed in this part of West Orange to such an extent that the public requirements make a crossing at Standish Avenue a public necessity. The employees in the Edison works, numbering between five and six thousand, make a community by themselves, who are entitled to a convenient and properly protected crossing going to and from their work.

The fire hazard for such a plant representing a very large capital investment should have this avenue free of barricades and provided with a suitable crossing, so that the fire engines and other fire apparatus of the town shall have free and uninterrupted access to this portion of the municipality in case of emergency. The public necessity for this crossing is forcibly impressed upon the Board by the maps and drawings filed as exhibits by both the town and the company.

The material inquiry is whether the grade crossing is one of public necessity. The Board finds it is. Any other conclusion would be a great detriment to that part of West Orange and greatly retard its development. Permission to cross the tracks at grade at Standish Avenue will, therefore, be granted.

Dated December 2, 1920.

In the Matter of the Application of the Newark and Hudson Railroad and the Erie Railroad for Permission to Relocate Tracks at Grade Across Passaic Street and Fourth Avenue in the City of Newark.

REPORT.

*Duane E. Minard*, for the Companies.

*Joseph G. Wolber*, for the City of Newark.

This matter came before the Board upon application of the Newark and Hudson Railroad Company and the Erie Railroad Company for permission to relocate tracks at grade across Fourth Avenue and Passaic Street, in the City of Newark, said relocation being required to make connection with the westerly approach of a bridge recently constructed across the Passaic River between Kearny and Newark to replace an existing bridge which is to be abandoned.

The jurisdiction of the Board relative to crossing of railroad tracks at grade is set forth in Section 21 of an Act creating the Board of Public Utility Commissioners, Chapter 195, Laws of 1911, as amended by Chapter 818, Laws of 1917:

"No highway shall be constructed across the tracks of any railroad company grade, nor shall 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 shall 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 first obtaining therefor permission from the board; provided, however, that this section shall not apply to the replacement of lawfully existing tracks."

A hearing was held at Newark on December 14, 1921. It developed in the proceedings that the consent of the City of Newark to the proposed relocation has not been granted as the terms of an agreement between the city of Newark and the railroad companies covering future contemplated improvements and highway construction in the vicinity of the highway crossings at Fourth Avenue and Passaic Street has not been concluded. As the relocation of the tracks is necessary to make connection with the new bridge located approximately fifty feet north of the present bridge location, it was contended by the representative of the railroad companies that the present application, covering relocation of tracks, and the anticipated agreement with the City of Newark relative to future improvements, should be taken as a separate and distinct matter for consideration.

Upon a plan filed with the petition existing tracks to be relocated are shown in dotted white lines and proposed new location in solid red lines. Crossing Passaic Street at present are three tracks; westbound main, eastbound main and a lead track. Crossing Fourth Avenue are three tracks; westbound main, eastbound main and a siding track. It is proposed to shift the tracks crossing Passaic Street to a location, measured along the center of the highway, 116 feet north of their present location, and two main tracks on Fourth Avenue 19 feet east of their present location.

The condition of the existing bridge has been under investigation by the Bridge Engineer of the Board for several years and recommendations have been made from time to time covering improvements to maintain the bridge in safe condition for train movements thereover, necessitating a reduction in the speed of trains over the bridge in order to insure safety of the movements. The bridge has been used for a long period of time and has deteriorated to an extent requiring its abandonment and the construction of a new bridge of sufficient capacity to carry the heavier type of equipment now in use. The new bridge is of an improved type and is in place ready for operation. It was constructed owing to the findings from time to time of the Board's Bridge Engineer. Its immediate use is imperative under existing conditions to insure safety to travel and it cannot be used unless the tracks are relocated as shown in the plan submitted.

The tracks crossing Fourth Avenue and Passaic Street are now protected by gates operated from a tower on Fourth Avenue, and at Passaic Street from the ground. It is proposed to relocate the gates at approaches so that all tracks crossing the highway will be protected. The relocation of the tracks across the highways will not create a condition in any way more dangerous to travel on the highway.

The relocation of the tracks can be considered independently of the contemplated agreement between the railroad companies and the city of Newark covering future improvements in the vicinity of the highway crossings.

The practice of the Board respecting applications for new crossings at grade, relocation of tracks and additional tracks, has generally been to require the consent of the local municipality prior to the Board passing on the applications; but, as safe and adequate service requires that the new bridge be placed in operation as soon as practicable, the Board will grant permission to relocate the tracks in accordance with the plan submitted, but without prejudice to the legal requirements of the City of Newark in the premises.

Dated, December 19, 1921.

## **Applications for Approval given of Local Permits Granted to Operate Auto Buses.**

The Board since the amendment to the Public Utility Act at the last Legislature making Auto Busses, operated under certain conditions, Public Utilities, has received 186 applications for its approval of local permits given for such operation. 64 of these were approved and 82 denied.

The matter of Jitney regulation is discussed in the introduction to this report. Certain principles were enunciated by the Board in decisions upon applications received for approval of a number of local permits granted by the City of Hoboken and for approval of operation of an Auto Bus on the West Orange Line by Carl A. Becker. For the information of those particularly interested in the subject, these decisions are published herewith.

In Re operation of Jitneys in the City of Hoboken.

### REPORT.

*William J. Hanley*, for Petitioner.

*Edmund W. Wakelee and L. D. H. Gilmour*, for Public Service Railway Company.

Application was made by William J. Hanley, Esq., representing twenty-six jitneys, for approval of licenses granted by the City of Hoboken to operate on Washington Street between Fourteenth Street and Hudson & Manhattan Tube Terminal, Hoboken, a distance of approximately a mile. After notice, a hearing was held at the City Hall, Hoboken, on Wednesday, May 18 1921. The evidence submitted by the petitioners showed that there are at the present time one hundred and twenty-five jitneys on this street. Several witnesses testified that additional licenses were necessary, owing to the fact that the jitneys and trolley cars were insufficient to accommodate the number of people who desired transportation on these streets.

Application to the City of Hoboken in a number of said cases had been made previous to the enactment of the Elliot Law, Chapter 149 of the Laws of 1921, which placed authority to approve under the jurisdiction of the Board of Public Utility Commissioners of New Jersey, and while some of the jitneys were running their cars still the City Commissioners of Hoboken did not officially approve the granting of the licenses in question until April 26, 1920.

However, the counsel for the jitneys made no contention for the validity of these licenses, because of their having been applied for prior to March fifteenth, and in reply to a question of one of the members

of the Board, stated that the only question before this Board is as to whether or not the public convenience and necessity require the use of additional jitney service.

Engineers representing the Public Service Railway and Engineers representing the Public Utility Commission had each separately made a traffic check of the number of passengers carried by trolley cars and jitneys. The evidence discloses that the southbound trolley cars carried in one day 5,055 passengers with 13,069 seats, while southbound jitneys carried 7,960 passengers with 14,398 seats. The average headway of trolley cars was 2.79 minutes and that of jitneys 21.6 seconds. On the northbound cars there were 5,215 passengers with 12,623 seats, and on northbound jitneys 7,457 passengers with 14,230 seats. The average headway of such cars was 2.88 minutes and that of jitneys 22.2 seconds. During rush hour the average headway of trolley cars was 1 2/3 minutes and that of jitneys ten seconds.

The President of the Jitney Owners' Association of Hoboken testified that, in his opinion, there were sufficient jitneys now licensed to give all the service required for the convenience of passengers.

From the undisputed evidence submitted that there are twice as many seats on the trolley cars and in jitneys as are required for passenger service and that the frequency of this transportation is as great as necessity requires and safety demands, we are of the opinion the necessity does not require additional jitney service as same will not add to the comfort and convenience of the riders, but on the contrary will add to the inconvenience of others who have to use the streets or cross the same.

The number of jitneys licensed and in operation on this route, as above indicated, on March 15, was 125. As the entire distance of this route from Fourteenth Street, Hoboken, to the Hudson Terminal is about sixteen blocks, this number of jitneys, if kept in operation as they are presumed to be, would mean that there are eight jitneys in each block, four going north and four going south. We cannot conceive of any condition requiring a greater number than this in view of the testimony above referred to.

The applications for approval of permits submitted therefore are hereby denied.

Dated, June 13, 1921.

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In the Matter of the Application of Carl A. Becker to Operate an Auto Bus on the West Orange Line.

#### REPORT.

*George F. Seymour, Jr.*, for petitioner.

*L. D. H. Gilmour and E. W. Wakelee*, for Public Service Railway Company.

This is an application for the approval by the Board of a license granted to the applicant to operate an auto bus, commonly known as a jitney, over a route, part or all of which is also the route of a street railway line.

The bus, for the operation of which approval is asked, was duly

licensed by the Cities of Newark and Orange and the Town of West Orange prior to March 15, 1921, between the City of Newark and the Town of West Orange in Essex County, such licenses having been granted to the then owner, who continued to operate it after that date, but who has since transferred his bus to the applicant. The latter now makes application for our approval for the operation of said bus in accordance with the consent of the municipalities granted to him since March 15, 1921. If the permission requested be granted by this Board it will not increase the number of busses that were in operation on the route in question before March 15, but should permission be refused the number of busses in operation on that route on March 15 will be diminished.

Such jurisdiction as the Board has over the matter of jitney regulation is conferred by Chapter 149 of the Laws of 1921, which is an amendment to Section 15 of the Public Utility Act of 1911. It provides that the term "public utility" shall, in addition to the utilities described in the Public Utility Act of 1911, include every "auto bus, commonly called jitney, the route of which in whole or in part parallels upon the same street the line of any street railway or traction railway." By amending act also a second paragraph is added to Section 15 of the Public Utility Act as follows:

"2. Nothing herein contained shall extend the powers of the Board of Public Utility Commissioners to include any supervision and regulation of, or jurisdiction and control over, the operation of any auto bus, commonly called jitney, over its present route, under and in accordance with the consent of the municipal authorities granted therefor prior to March fifteenth, one thousand nine hundred and twenty-one, by the owner of such consent on said date, or under and in accordance with the renewal of such consent granted to such owner as aforesaid, for further operation by him, upon the expiration of the time limit set forth in such consent."

The language of paragraph 2 clearly indicates that the legislature intended that the Board should have no jurisdiction or control over any jitney licensed and operating over the route traversed by them on and prior to March 15, 1921, but that such jurisdiction and control should be had and so exercised by the Board only as to jitneys and owners of jitneys licensed after March 15th to operate on routes on which a street railway line exists. One question here presented is whether or not the Board has jurisdiction over the case of a jitney licensed by the municipality and operating prior to March 15th, but transferred since that date to a new owner. The Board is of the opinion that it has jurisdiction over such cases.

"In the exercise of its judgment, however, upon such applications, the Board will give due consideration to what it considers the legislative policy and intent with regard to the limitation or curtailment of the jitney system of transportation. The express exclusion from the jurisdiction and control of this Board of such jitneys as were in operation on the 15th of March, 1921, would seem to indicate that not only should the holders of licenses to operate jitneys be protected in the privilege theretofore granted to them, but that the legislature was satisfied that the public convenience and necessity required the number of jitneys that were in operation on that date. We think it must be assumed, therefore, that the legislature was not in favor of the curtailment of the jitney transportation facilities as such facilities existed on March 15th, but

had in mind the regulation and control of any increase of it insofar as the increased number of jitneys occupied street railway routes and competed therewith." Our opinion in this respect is based upon not only the second paragraph of the Act of 1921, but also upon the previous history of jitney legislation in this State. That the legislature regards the jitney system of transportation as a proper one and required to serve the public is apparent not only from the fact that it refused to curtail the amount of such transportation in the Act of 1921 as the same existed on March 15th, but also from the fact that it has been enacting laws since 1916, the effect of which has been to give the jitney, which prior to the year 1916 was without legislative recognition, the authority and sanction of the law in the same manner as every other system of transportation. The Act of 1916, Chapter 136 (P. L. 283), defines the auto bus, known as the jitney, and prohibits operation of it in any city until the owners shall have obtained consent of the body having control of public streets therein and until an insurance policy in the sum of \$5,000 against loss from liability of the owner of such jitney or person of injuries occurring by reason of the use of such bus upon the public streets. It further provided for the filing monthly of statements of the gross receipts from the business of said jitney and the payment to the city treasurer of said city of 5 per cent. of said gross receipts as a monthly franchise tax, and penalties were provided for the failure to comply therewith. In 1917 an act was passed to regulate the operation of jitneys in fourth class cities. By Chapter 89 of the Laws of 1920, the governing body of every municipality is given power to pass ordinances to license and regulate jitneys and their owners and fix the fees and prohibit the operation of jitneys unless such ordinances are complied with.

The legislature, therefore, has made the subject of jitney transportation a matter of legislation at various times since the year 1916 and the legislation which it has enacted in regard thereto sanctions the jitney system and establishes it as a legislatively authorized method of transportation. Nowhere in any of such legislation is there discernible any intent to curtail the amount of jitney service except insofar as the power given to municipalities to license and regulate can be inferred to express such intent.

There are, therefore, in many cities of the State, two systems of street transportation, the electric railway and the jitney, recognized by and enjoying the equal sanction of the law. Indeed, if either system can be said to be favored by the legislature, it would seem to be the jitney, because while the legislature has placed all street railways under the jurisdiction of this Board, it has expressly refused to so place jitneys licensed before March 15th of this year and operated over their April 6th routes, by limiting its power of regulation solely to such as should be licensed after March 15th.

The Board is but an instrument of the legislature and should endeavor to carry out the legislative intent as determinable from the legislative acts.

The policy of the Board in applications presented to it will be to approve all licenses or permits granted by the municipalities in renewal or substitution of all licenses or permits existing prior to March 15th unless it can be affirmatively shown that conditions pertinent to the consideration of the necessary factors have so changed as to make either an increase or decrease in the number necessary.

In the present case, as already indicated, however, the granting of the application would not add to the facilities existing on the route in question on March 15th, 1921. Mr. Joseph Crawford, who has charge

of the licensing and operation of jitneys in the City of Newark, testified that in his opinion the exigencies of travel justified a continuance of the number of jitneys in operation on March 15th, 1921; he further testified that the city officials had made a survey of the jitney situation on this route and had determined that the number of jitneys required by public convenience was thirty-five. As above stated, the approval of the substitution asked for in this case will not increase that number. Considerable other testimony was introduced both by the applicant and by the Public Service Railway Company. Considering all of the evidence and having in mind the legislative intent as expressed by the enactment above referred to, the Board is of the opinion that the application should be granted.

An order will therefore be entered in accordance with this determination, granting to the applicant a certificate of public convenience and necessity.

The Board takes this occasion to state its view with regard to the method of procedure in applications for the Board's action on jitney licenses. There seems to be a misapprehension on the part of some municipal officials, as well as the jitneurs, as to whether the initiatory step should be made by application to this Board or by application to the municipality. Such jurisdiction as the Board has is conferred by Section 24, Chapter 195 of the Laws of 1911, the act creating the Board. This section provides:

"24. No privilege or franchise hereafter granted to any public utility as herein defined, by any political sub-division of this State, shall be valid until approved by said Board, such approval to be given when, after hearing, said board determines that such privilege or franchise is necessary and proper for the public convenience and properly conserves the public interests, and the board shall have power in so approving to impose such conditions as to construction, equipment, maintenance, service or operation as the public convenience and interests may reasonably require."

It is apparent, therefore, that this Board has no jurisdiction or power to act except upon a privilege, franchise or license granted by the municipality. It is only after such grant by the municipality that the Board can act and the question then before the Board is whether or not it shall decide that such privilege or franchise is necessary or proper for the public convenience and properly conserves the public interest.

The Board at this time deems it appropriate also to state, for the information of jitneurs who may have received municipal licenses but who have not had such licenses approved by the Board, that such licenses are invalid without the Boards approval and that attempts to operate under such licenses without application on the part of the holders of such licenses made to and approved by this Board are illegal.

Dated, June 13th, 1921.

**Statement Covering Additional Protection at Grade Crossings from November 1, 1920, to December 31, 1921.**

**PENNSYLVANIA RAILROAD.**

<i>Crossing.</i>	<i>Location.</i>	<i>Protection Installed.</i>
<b>PENNSYLVANIA &amp; ATLANTIC BRANCH.</b>		
York Road	60' west of Day	Automatic color-light signals, approach signs, standard crossing signs—continuously.
Wrightstown Road	125' east of Juliustown	Automatic color-light signals, approach signs, standard crossing signs—continuously.
Bordentown Road	2975' west of Kinkora	Crossing eliminated.
Mary Ann Forge Rd.	558' east of New Lisbon	Crossing eliminated.
"I" Street	452' west of Berkeley	Crossing eliminated.

**WEST JERSEY & SEASHORE RAILROAD.**

**SALEM BRANCH**

Knights Private Road 6141' south of Woodbury Crossing eliminated.

**PENNSGROVE BRANCH**

Hickmans Pvt. Road 540' south of Paulsboro Crossing eliminated.  
Main Street 242' south of Gibbstown Watchman and gates—5 A. M. to 8.30 P. M. Sunday, 7 A. M. to 10 A. M., 4 P. M. to 7.30 P. M.

**BRIDGETON BRANCH**

Stangers Pvt. Road 8807' north of Aura Crossing eliminated.  
Gartons Pvt. Road 5488' north of Finley Crossing eliminated.

**CAPE MAY BRANCH**

Still Run Road 778' south of Franklinville Color-light signals.  
Porchtown Road 1202' south of Franklinville Color-light signals.  
Shore Road 230' north of Bennett Station Watchman, 4.50 A. M. to 8.50 P. M.  
Mill Lane 5757' south of Bennett Sta. Watchman, 4.50 A. M. to 8.50 P. M.

**PHILADELPHIA & READING RAILROAD**

**(ATLANTIC CITY RAILROAD.)**

Higbee Road	Atlantic City	Gates—24 hours.
Fairview Street	Camden	Gates, 5.50 A. M. to 9.50 P. M., daily.
Browning Lane	Lawnside	2 Hall signal heads.
New Road	Pleasantville	2 Hall signal heads.
Franklin Avenue	Pleasantville	2 Hall signal heads.

**LEHIGH & HUDSON RIVER RAILROAD.**

Alphano Muck Works.		Automatic crossing alarm bell, 2 trespass signs.
Alphano		
Maple Grange	1 mile east of Vernon	Automatic crossing alarm bell.
Pequest	Pequest Station	Standard crossing sign.
Brighton	½ mile west of Huntsville	Standard crossing sign.
Newton—Stanhope	200' east of Andover Jct.	Standard crossing sign.
Straley's	½ mile east of Sparta Jct.	Standard crossing sign.
Prices	Prices Creamery	Trespass sign.
Dekays	Dekays Station	Trespass sign.

## CENTRAL RAILROAD.

<i>Crossing.</i>	<i>Location.</i>	<i>Protection Installed.</i>
<b>MAIN LINE</b>		
Chestnut Street	Dunellen	Flagman, 6 A. M. to 10 P. M. daily.
<b>SOUTH BRANCH</b>		
Watson Road		2 Standard crossing signs.
Somerville Ave., Road	Roycefield	1 Standard crossing sign.
Woodville Road		2 Standard crossing sign.
Freehold Pike	Wickatunk	Bell and Automatic flagman.
Main Street	Toms River	Gates—Gateman 6.30 A. M. to 7.30 P. M., weekdays. Sundays, 10.45 A. M. to 6.45 P. M.
Love Lane	New spur—Bridgeton Jct. to Sea Brooks	Standard crossing sign
Finley Station Rd.		Standard crossing sign
Seeley Road		Standard crossing sign
Norma Road	Seabrooks, Spur Line	Standard crossing sign
Burlington Road		Standard crossing sign
State Road		2 Standard crossing signs.
Public Road		Standard crossing sign
Broad Street	Keyport	Gateman—4 hours daily.

## BALTIMORE &amp; NEW YORK RAILROAD.

Chestnut Avenue	Roselle	2 Hall disc signals.
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## LEHIGH VALLEY RAILROAD.

South Broad St.	Hillside (West Elizabeth)	Extended hrs. watchman—12 noon to 10 P. M. Sat., Sun., and holidays.
Chestnut St. and Lincoln avenue	Roselle Park	Gate protection extended—24 hrs.
Prospect Avenue	New Market	Audible-visible signals—2.

## DELAWARE, LACKWANNA &amp; WESTERN RAILROAD

First crossing east of station	Murray Hill	Union Switch & Signal Co., swinging disc, light.
Division Avenue	Millington	Union Switch & Signal Co., swinging disc, light.
Central Avenue	Millington	Union Switch & Signal Co., swinging disc, light.
Crossing at Station	Gillette	Union Switch & Signal Co. swinging disc, light and bell.
Big Springs Road	Franklin	Union Switch & Signal Co. swinging disc, light and bell.
Hibernia Crossing	Rockaway	Union Switch & Signal Co. swinging disc, light and bell.
Pompton Turnpike	Mountain View	Color-light signal and bell.

## BOONTON BRANCH

Turner Street	Paterson	Crossing eliminated.
Fox Hill Crossing	Mountain Lakes	Crossing eliminated.

## LEHIGH &amp; NEW ENGLAND RAILROAD.

Lafayette-Sussex County Road	Pellettown	Bell and flashing signal.
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## ERIE RAILROAD.

## NEW YORK DIVISION

Van Houten Avenue	Athenia	Automatic flagman.
Lockwood Avenue	Allwood	Automatic flagman.

## NEW JERSEY &amp; NEW YORK R. R.

Williams Avenue	Hasbrouck Heights	Standard crossing alarm bell.
Linwood Road	Emerson	Standard crossing alarm bell.

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NEW YORK, SUSQUEHANNA & WESTERN RAILROAD.

Boulevard Street	Paterson	Standard crossing alarm bell.
Main Street	Hamburg	Standard crossing alarm bell.
State Road	West of Stockholm	Automatic flagman.
State Road	Campgaw	Automatic flagman.

**Accidents—Street Railways.**

December 1, 1920 to November 30, 1921.

<i>Character</i>	<i>No. of Accidents</i>	<i>Number Killed</i>			<i>Number Injured</i>		
		<i>Passengers</i>	<i>Employees</i>	<i>Others</i>	<i>Passengers</i>	<i>Employees</i>	<i>Others</i>
Car Collisions.....	33	0	0	0	106	9	0
Vehicle Collisions.....	174	0	0	4	17	6	274
Pedestrian Collisions....	205	0	0	24	0	0	232
Derailments .....	320	1	0	0	97	3	2
<b>TOTAL .....</b>	<b>732</b>	<b>1</b>	<b>0</b>	<b>28</b>	<b>220</b>	<b>18</b>	<b>508</b>

**Accidents on Steam Railroads.**

The causes of accidents which occurred on steam railroads from December 1, 1920 to December 1, 1921 were as follows:

	<i>Killed</i>	<i>Injured</i>
Collision—		
Passengers .....	1	38
Employees .....	1	101
Others .....	2	
Crossing Track at Highway—		
Passengers .....		
Employees .....	4	4
Others .....	72	147
Derailments—		
Passengers .....		2
Employees .....	1	5
Others .....		
At Bridges and Tunnels—		
Passengers .....	1	
Employees .....		10
Others .....		1
Struck by Locomotive or Cars—		
Passengers .....	1	
Employees .....	27	22
Others .....	37	19
Getting on or off Trains—		
Passengers .....	6	85
Employees .....	3	56
Others .....		5
Coupling or Uncoupling Cars—		
Passengers .....		
Employees .....	6	28
Others .....		
Trespassing on Right of Way—		
Passengers .....		
Employees .....		3
Others .....	29	14
Other Causes—		
Passengers .....	3	100
Employees .....	27	582
Others .....	14	24
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