

# ESSENTIAL LINES™



## Setting the Record Straight on the Market Competition and Consumer Choice Act

### NJUA Responds to AARP Accusations

The New Jersey sky is not falling, despite what AARP is crying. AARP continues to get it wrong on an important issue before the New Jersey State Senate. The legislation in question is the *Market Competition and Consumer Choice Act*, or S-2664, and it will do exactly what its name implies and seniors would benefit. If enacted, the new law would level the playing field for telephone companies and cable companies to compete head to head. It would give New Jersey residents—no matter their age—more choice of providers, services, and prices.



Where competition exists, consumers have the ultimate say about what happens in the market, because they can vote with their feet. If they're dissatisfied, they can readily change providers. No company in a competitive marketplace wants to be on the losing end of that transaction. Any company that competes daily to retain existing customers and attract new ones knows better than to alienate.

Telephone companies in New Jersey are now heavily regulated, as though they continue to be monopolies. Regulations have not kept pace with the communications revolution. Telecommunication and cable companies today have many of the same service offerings: telephone service, high-speed Internet, and HDTV. Full and fair competition would attract more communications companies to the state and would give seniors a broader choice of providers to supply the services they need at prices they can afford on a fixed income.

The pending legislation preserves existing consumer protections, such as the Lifeline program in which the New Jersey Board of Public Utilities would continue to control rates for those with low incomes. And the legislation would not be applied to telephone exchanges where customers

don't have at least a choice of two providers. Furthermore, if competition fails to provide consumers with fair and adequate service, the Attorney General's Division of Consumer Affairs could intervene and correct any problems with service quality or availability that violate the public interest. Also, all the consumer protections that apply to every business operating in New Jersey would continue to apply to telephone companies as well.

Competition, not regulation, is what keeps prices of products, services and technologies low for consumers. The lower

**THE PENDING LEGISLATION PRESERVES EXISTING CONSUMER PROTECTIONS, SUCH AS THE LIFELINE PROGRAM IN WHICH BPU WOULD CONTINUE TO CONTROL RATES FOR THOSE WITH LOW INCOMES.**

prices born of competition are exactly what New Jersey's seniors need. The proposed legislation would allow New Jersey telephone companies to compete without unnecessary government intervention and would yield seniors a choice of products and services, including plain old telephone service, "Jitterbug" cell service, wireless service, a smart phone, or the "triple play" if they so choose.

New Jersey's seniors, just like all other consumers, can benefit from updating the regulations that apply to competitive telecommunications providers. AARP fails to recognize that when consumers, not government, pick the winners and losers in the marketplace, consumers win.

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# Message from NJUA Leadership



For nearly 100 years, utility executives, managers, and government officials have met annually for a conference

to discuss key issues impacting investor-owned utilities and to discuss the industry's impact on the State. This year's conference theme, *Securing New Jersey's Future: Government, Utilities and Economic Growth*, seeks to bring greater understanding of the role of utilities in ensuring a prosperous future for New Jersey. Often overlooked under the presumption that they will always be here, New Jersey's investor-owned utilities play a critical role in the economic health and wellbeing of the State. New Jersey benefits from financially viable utilities. On page 3 of this issue, we describe how utility infrastructure is a fundamental driver of the State's economy.

At this year's conference, business and government leaders will share what they are doing to attract businesses to, and keep them in, the Garden State. One such effort strongly supported by NJUA is described on the cover of this issue. The *Market Competition and Consumer Choice Act*, which would bring needed reform to how

telecommunications companies are regulated. These kinds of reforms are critically important because they signal to the business community that New Jersey is truly open for business. The sponsors of this legislation have taken great care to balance the interests of business with those of consumers, so we encourage passage of this important legislation as soon as possible.

This year's conference marks the end of my term as NJUA Chairman, and consequently, my last time writing this column. That the association's volunteer leadership periodically changes is an indication of the commitment of utility executives to the mission of NJUA. I have been honored to represent the industry in this capacity and welcome NJUA's incoming chairman, Donald F. Carter, Vice President and General Manager of Elizabethtown Gas, to this role. I also extend my sincere gratitude to NJUA's President & CEO, Karen Alexander, and her outstanding staff, for their continued and tireless support of our member companies, and for their support of me personally, over these 2 ½ years. Though those in leadership roles change at NJUA, the association will continue to be a strong voice for the industry.

**Dennis W. Doll**  
*Chairman, President and CEO,  
Middlesex Water Company  
NJUA Chairman, 2009–2011*

## About NJUA

The New Jersey Utilities Association (NJUA) is the statewide trade association for investor-owned utilities that provide essential water, wastewater, electric, natural gas and telecommunications services to New Jersey residents and businesses 24 hours a day, 7 days a week, 365 days a year. NJUA has provided a forum for the exchange of ideas and a unified voice in the public policy arena for its members since 1915. NJUA's 16 member utility companies are dedicated to the delivery of essential services to more than 9 million residential customer accounts and nearly 2.3 million non-residential customer accounts across the Garden State. For more information on NJUA, visit [www.njua.com](http://www.njua.com).

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# Essential Utility Service and Quality of Life

The nearly 9 million residents of New Jersey rely on an extensive network of pipes and wires that deliver essential utility services. New Jersey’s water, wastewater, electric, natural gas, and telecommunications delivery systems are so much a part of modern day life that they have become assumed elements, akin to air--they are all around us, we rely upon them, but rarely are they a part of our conscious thought. Unlike air, nature cannot deliver utility services when and where they are needed. It is only through the efforts of over 32,000 union and non-union men and women working day in and day out against the challenges presented by the weather, aging delivery systems and ever-increasing environmental mandates, that the utility services everyone depends on can be reliably delivered.

The good news is, the vast majority of the time, things are as they should be--services being provided safely and reliably, in the “background.” For the industry as a whole, to exist largely unnoticed has been one hallmark of success. The downside is that the services can easily be taken for granted. Yet, New Jersey’s utility industry contributes more in capital investment than any other sector. And in the aggregate, the companies that comprise the regulated utility industry represent one of New Jersey’s largest employers. The utility sector is a key driver in the State’s economy and the backbone of virtually everything its citizens do everyday. Who knew!?

As the needs of New Jersey’s population have increased, so too have the strains on utility delivery systems, much of which were put into place 100 years ago or more. While sometimes out of sight means out of mind, utility infrastructure delivers

## Consider these facts. NJUA member companies alone are responsible for:

- more than **58,000** miles of electric utility infrastructure that power every aspect of life;
- in excess of **33,000** miles of natural gas infrastructure fueling homes and businesses;
- nearly **13,000** miles of water distribution systems across the State that guarantee water supply for hydration, personal hygiene, food preparation, and;
- **91,000** miles of cabling that support the State’s ever-growing telecommunications needs.

essential services that are critical to health and quality of life, and therefore cannot be ignored. These intricate networks require constant monitoring, operational expertise, routine maintenance, and over time, substantial upgrades.

The provision of safe, reliable, and adequate service is the performance standard to which investor-owned utilities are held by the New Jersey Board of Public Utilities. To meet future needs requires infrastructure investments that are responsible and prudent so that both the needs of customers and the delivery systems are met. To do so, requires partnership with regulators and customers, who make the investment possible. Through this partnership, New Jersey can continue to enjoy enhanced service delivery that promotes quality of life and economic wellbeing well into the future.

## Atlantic City Electric Executive Joins NJUA Board of Directors

Atlantic City Electric has nominated Mack Wathen, Vice President, Regulatory Affairs for Pepco Holdings Inc. (PHI), Atlantic City Electric’s parent company, to fill the company’s second seat on the NJUA Board of Directors. In his role at PHI, Wathen is responsible for regulatory matters for Atlantic City Electric Company, Delmarva Power & Light Company and Pepco. Mack previously held the position of Vice President, Planning, Finance and Regulation for Conectiv Power Delivery. Prior to joining Delmarva Power & Light Company in 1993, he held numerous positions with Public Service Company of New Mexico and the Public Utilities Commission of Ohio.



In 2010, the NJUA *United to Feed Those in Need* Campaign to help restock New Jersey food banks and pantries donated more than 795,000 meals to New Jersey’s food banks.

Due to the success of last year’s campaign, NJUA is continuing the effort. To find out if your utility company is participating, please visit [www.njua.com](http://www.njua.com).

# Utilities 101: Fundamentals of Utility Rate Setting



Most utility customers' experience with the utility rate setting process is limited to paying the utility bill when it is due. To know why essential utility services are regulated can be helpful to understanding what customers are expected to pay for utility services, and why.

## Why Utilities Are Regulated

Unlike owning an automobile, which is a convenience but not a necessity, everyone needs utility services. So, more than 100 years ago, government deemed it in the public interest to ensure that everyone had access to essential utility services.

Investor-owned utilities were granted franchises to provide utility service to specific geographic areas. More often than not, franchises were granted to only one utility company providing each utility service because it was too expensive for communities to have multiple utility companies providing identical services. *Essential Service Math* illustrates why.

### Essential Service Math

If it costs Company A \$1 billion to build a utility system to serve 30,000 people, that cost is shared across 30,000 people. If Company B builds a second, parallel utility system to compete for the same 30,000 people and also spends \$1 billion to build its system, \$2 billion total will have been invested between the two companies to provide service to the same 30,000 people. Neither would serve all 30,000 customers, but customers as a whole would still need to pay for the now \$2 billion of utility assets which were invested for the use of customers, rather than the \$1 billion which would have been needed if only one company had to invest in a utility system.

**Do the math: \$1 Billion + \$1 Billion = \$2 Billion/30,000 results in a higher cost per customer than \$1 Billion/30,000.**

Put simply, for an essential utility service, it makes more sense to allow one company to invest \$1 billion than to have two companies each make redundant investments to serve the same population at twice the cost.

A key principal of utility regulation has always been that if the utility had no competitors, i.e., operated as a monopoly, the privilege of having a franchise, came with obligations.

In New Jersey, those obligations include providing “safe, adequate and proper service at just and reasonable rates” to all customers within the franchise area (NJSA, Title Ch. 48:2)

It was also understood that because the utility would have to make very large financial investments to build their utility system, the company would need to be compensated not only for the cost of providing the service, but also must be allowed a reasonable opportunity to earn a return on its investment. Compensation for the provision of utility service needed to be sufficient to encourage the utility to invest in and construct the needed infrastructure, to provide adequate revenues to ensure service delivery and enough of a return to induce continued investment in the system. This balancing act—both ensuring that customers have safe and reliable services at reasonable rates, and also that the utility company has enough money to operate and attract investment—is the domain of the New Jersey Board of Public Utilities (BPU).

## How Utility Rates are Set

In determining the rates an investor-owned natural gas, electric, water, or waste water utility can charge, the BPU examines all of a utility's operating and capital expenses to ensure that they have been prudently incurred. This total number—the revenue requirement—is then translated into customer rates. The utility bill also includes costs in addition to the cost of service delivery, such as the costs to purchase electricity, natural gas, or even water, from a supplier and to pay government-imposed taxes and fees. These additional costs typically far exceed the portion of the bill related to the utility's delivery costs, and are usually passed on to customers on a dollar for dollar basis.

This rate setting process also used to apply to telecommunication companies when they were monopolies. They are now subject to an alternate form of regulation, not described here, but are still heavily regulated.

## The Process of Setting Utility Rates

Rate cases are processed similar to court cases but they are overseen by an Administrative Law Judge (ALJ). The BPU makes all final determinations, and there is no jury. The process begins with a utility's filing, indicating the amount of rate increase it is requesting. That filing is accompanied by many detailed supporting documents, witnesses and other information. Public hearings are held to allow affected customers to voice their position ***Continued on page five.***

# TOP TEN

## WAYS TO CONTROL ENERGY COSTS THIS SUMMER

- 1 During hot weather, a central air conditioner can account for 30 percent of your energy bill. Check the air filter regularly – a clean air filter improves system efficiency, which should lead to energy savings.  
  
Set your thermostat at 78 degrees, a reasonably comfortable and energy-efficient indoor temperature for most people. *Caution: Those with special health concerns should seek the advice of a physician regarding appropriate home thermostat settings.*
- 2 When purchasing a central or room air conditioning unit, choose one that uses a minimal amount of electricity to complete its task. High Seasonal Energy Efficiency Ratios (SEERs) – such as 13.0 SEER and above – correspond with greater efficiency. Energy Efficiency Ratios (EERs) provide the same guidance for room-air conditioning units.  
  
Don't set your thermostat at a colder setting than normal when you turn your air conditioner on. It will not cool faster, but it will cool to a lower temperature than you need and use more energy.
- 3 Keep out the daytime sun with vertical louvers or awnings on the outside of your windows. Draw any draperies, blinds and shades.
- 4 Keep lights low or off when not needed. Electric lights generate heat and add to the load on your air conditioner.
- 5 Cook and use other heat-generating appliances in the early morning and late evening hours whenever possible.
- 6 Test windows and doors for air tightness. Add weather stripping and caulk where necessary. You can save 10 percent or more in annual energy costs.
- 7 Check to ensure that no furniture or other obstacles are blocking ducts or fans. This will enable cooled air to circulate freely, making your home more comfortable.
- 8 Unplug chargers when battery-operated devices are fully charged. Even when a laptop or cell phone is disconnected from the charger, the charger will continue to draw energy.
- 9
- 10

## Fundamentals of Utility Rate Setting, *Continued from page four*

### What is a Rate Case?

A rate case is a proceeding whereby a utility must give evidence to state government of the prudent and efficient use of money in order to justify an increase in future rates. The final decision on rates is codified in an Order issued by the BPU. Following the order, customers are given notice of the BPU's decision through a notice on their bill and new rates go into effect. The entire process, which can take many months, is intended to be a balancing of the interests of customers, utilities and utility shareholders by the BPU to ensure that safe, adequate and proper service can continue to be provided at reasonable rates.

on the utility's request. The Division of Rate Counsel also participates in these cases, as the state agency that represents utility ratepayers. Rate Counsel's attorneys, along with consulting economists, accountants, and engineers, develop independent conclusions and testimony regarding the utility's request. After hearing the whole case, the ALJ will submit a recommendation to the BPU that the agency can accept, reject or modify. Unlike unregulated businesses, utilities cannot change their rates without BPU approval, and are required to charge only approved rates. Only after BPU approval is received can the utility place the new rates into effect. The entire process, which can take many months, is intended so that the BPU balances the interests of customers, utilities and utility investors to ensure that safe, adequate and proper service can continue to be provided at reasonable rates.

## In the Community

### NJUA Supports March of Dimes *Healthy Babies are Worth the Wait* Initiative

NJUA has a long history of supporting the New Jersey Chapter of the March of Dimes, an organization dedicated to ensuring that all babies have a healthy start to life. Each year, many of NJUA's member companies walk in the *March for Babies* event to raise money for the organization. In response to the dramatic increase in preterm births, March of Dimes has recently begun a new campaign entitled *Healthy Babies are Worth the Wait*. NJUA supports March of Dimes efforts to educate moms-to-be on the importance of carrying babies to full-term.

In the past 2 decades, the United States has seen a 30 percent increase in preterm births (i.e., births before 37 completed weeks gestation), reaching an all-time high of 12.8 percent of all live births in 2006. The increase in preterm births primarily is due to increases in rates of late preterm births (i.e., babies born after only 34 to 36 weeks gestation). The increase demonstrates a lack of understanding as to how important only a couple of weeks can be in securing the health and vitality of a newborn as some mothers may choose to schedule delivery earlier than week 38.

In response, the March of Dimes and the Johnson & Johnson Pediatric Institute collaborated with the Kentucky Department for Public Health to launch an innovative, community-based preterm birth prevention initiative called *Healthy Babies are Worth the Wait* (HBWW). Planning began in 2006, and the pilot project occurred from 2007 to 2009. The success of HBWW in Kentucky has generated interest from the perinatal health community in implementing similar prematurity prevention programs nationwide.

HBWW's goal is to decrease preterm births by providing resources to increase a community's knowledge about factors that cause preterm birth; to change the attitudes and behaviors of providers and consumers in order to impact community-specific risk factors; and to implement strategies to prevent preterm births.

March of Dimes has created a HBWW implementation manual to provide tools to help individuals and organizations initiate HBWW programs in their areas. The manual is free and available for download on March of Dimes' website, [www.marchofdimes.com](http://www.marchofdimes.com).



## View Point: All New Jerseyans Deserve the Benefit of Federal Dollars to Replace Water Infrastructure

by Ryan L. Tookes,  
Manager, Government and Public Affairs

Recently, the State Senate Environment and Energy Committee unanimously passed Senate Resolution No. 83 (SR 83). SR 83 memorializes Congress to renew America's water infrastructure by creating a dedicated fund to upgrade and repair aging water and wastewater systems, and further requests that such funds be restricted to publicly-owned water systems. That vote is a strange development, given that approximately half of New Jersey is served by investor-owned, not publicly-owned, water utilities. Does only half of the State's population deserve this needed federal assistance? We think not, and that is why we think SR 83 is ill-conceived.

The American Society of Civil Engineers in their March 2009 Report estimated that New Jersey would need to spend nearly \$7 billion in water infrastructure upgrades over the next 20 years. That estimate covers the needs of customers served by both the publicly-owned and investor-owned water systems. If Congress does as the resolution requests—allows funding only for publicly-owned water systems, water and wastewater systems in communities with systems owned by companies like Atlantic City Sewerage Company, Aqua New Jersey, Inc., Gordon's Corner Water Company, Middlesex Water Company, New Jersey American Water, Shorelands Water Company and United Water New Jersey, among others, would be ineligible for these funds.

Every dollar of federal funding that New Jersey water systems can qualify for, whether public or investor-owned, is one less dollar that New Jersey residents and businesses will have to pay in potential increased water rates or property taxes to cover upgrades to the facilities that deliver the water everyone needs. To explicitly request that federal funds be restricted to only half of the State's drinking water systems would severely limit the effectiveness of any federal program put in place, and leave customers of investor-owned water utilities in the lurch. In our view, any legislation, state or federal, directed to supporting the provision of additional federal dollars to improve New Jersey's drinking water and wastewater systems should not discriminate. All New Jerseyans deserve the benefit of federal dollars to help replace aging water and wastewater infrastructure.

# Spotlight on NJUA Members

## Atlantic City Sewerage Company Begins \$7 Million Force Main Replacement Project

**A**tlantic City Sewerage Company is replacing, relocating and/or rehabilitating portions of two 36-inch diameter sanitary force mains that transport sewage to the Atlantic County Utilities Authority treatment plant located on City Island in Atlantic City. The mains extend along St. James Place and New York Ave. and cross the waterways of Penrose Canal and Clam Thorofare.

Atlantic City Sewerage Company anticipates the \$7 million project to be completed by September 2011. Work will be performed on both force mains using horizontal directional drilling for a distance of approximately 2000 feet. The mains are both underground for most of the distance with the exception of the above ground portion where they connect into the Atlantic County Utilities Authority force main header.

“The project will eliminate the environmental concerns now being experienced with the exposed force mains and will provide the reliability without the need for continual maintenance of the timber supports and underwater

inspections,” said Lou Walters, President and General Manager of Atlantic City Sewerage Company.

The force mains deliver approximately 90 percent of Atlantic City’s daily sewerage flow of 8-11 million gallons per day. The project is expected to create approximately 30 on-site jobs.



Above: Work will be performed on the sanitary force mains using horizontal directional drilling for a distance of approximately 2000 feet underground in the waterways of Penrose Canal and Clam Thorofare in Atlantic City. PHOTO: ATLANTIC CITY SEWERAGE COMPANY

## New Jersey American Water Breaks Ground on New State-of-the-Art Water Treatment Plant in Short Hills

**O**n March 2, New Jersey American Water was joined by state and local government officials, community leaders and employees at a ceremonial



(L. to R.) New Jersey American Water President John Bigelow and Lt. Governor Kim Guadagno at the ground breaking ceremony for the company’s new water treatment plant. PHOTO: NJAW

ground breaking for the company’s new state-of-the-art water treatment plant on John F. Kennedy Blvd. in Short Hills. The company is replacing its 1920s-era Canoe Brook Water Treatment Plant with a modern facility which is scheduled to be in service by June 2012.

When complete, the new treatment facility will have the capacity to deliver nearly 14 million gallons of water per day to customers in the company’s service area.

“Not only will the project support 200 jobs and spur \$72 million in capital investment, but it will place New Jersey at the forefront of efforts to provide high-quality, environmentally-driven water service to millions of customers,” said Lt. Governor Guadagno. “This is exactly the kind of state-of-the-art project that will prove critical to growing our economy in the years ahead.”

The Canoe Brook Water Treatment Plant serves New Jersey American Water customers in portions of Essex, Morris, Passaic, Somerset and Union counties and sits on more than 500 acres of land.



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## Consumer Resources

Customer Service representatives are just a phone call away and available to answer billing questions, dispatch technicians for service calls, or respond to any inquiry related to a customers' service. Company websites are also

a great source of information for customers. Many websites contain useful tips on saving money on your utility bill, local water quality reports, and even suggestions for how to reduce your carbon footprint.

### Electric Companies

**Atlantic City Electric Company**  
1-800-642-3780  
[www.atlanticcityelectric.com](http://www.atlanticcityelectric.com)

**Jersey Central Power & Light, A FirstEnergy Co.**  
1-800-662-3115  
[www.firstenergycorp.com/JCP\\_L/index.html](http://www.firstenergycorp.com/JCP_L/index.html)

**Public Service Electric & Gas Company**  
1-800-436-7734  
[www.pseg.com](http://www.pseg.com)

**Rockland Electric Company**  
1-877-434-4100  
[www.oru.com](http://www.oru.com)

### Natural Gas Companies

**Elizabethtown Gas**  
1-800-242-5830  
[www.elizabethtowngas.com](http://www.elizabethtowngas.com)

**New Jersey Natural Gas**  
1-800-221-0051  
[www.njng.com](http://www.njng.com)

**Public Service Electric & Gas Company**  
1-800-436-7734  
[www.pseg.com](http://www.pseg.com)

**South Jersey Gas**  
1-888-766-9900  
[www.southjerseygas.com](http://www.southjerseygas.com)

### Water Companies

**Aqua New Jersey, Inc**  
877-987-2782  
[www.aquaamerica.com/newjersey](http://www.aquaamerica.com/newjersey)

**Gordon's Corner Water Company**  
732-946-9333  
[www.gordonscornerwater.com](http://www.gordonscornerwater.com)

**Middlesex Water Company**  
732-634-1500  
[www.middlesexwater.com](http://www.middlesexwater.com)

**New Jersey American Water Company**  
1-800-652-6987  
[www.amwater.com/njaw/](http://www.amwater.com/njaw/)

**Shorelands Water Company**  
732-264-5510  
[www.shorelandswater.com](http://www.shorelandswater.com)

**United Water**  
1-800-422-5987  
<http://www.unitedwater.com>

### Sewerage Companies

**Atlantic City Sewerage Company**  
609-345-0131  
<http://www.acsewerage.com/>

### Telecommunications Companies

**CenturyLink**  
1-888-723-8010  
[www.centurylink.com](http://www.centurylink.com)

**Verizon New Jersey**  
1-800-837-4966  
[www.verizon.com](http://www.verizon.com)



To learn which NJUA  
member company  
serves your area,  
go to [www.njua.com](http://www.njua.com)  
to use the Utility Locator Tool.

If you would prefer to receive *Essential Lines* electronically, please write to [info@njua.com](mailto:info@njua.com).