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PUBLIC UTILITIES - NEW JERSEY

New Jersey Natural Gas Co. v. Borough of Red Bank

Superior Court of New Jersey, Appellate Division - October 28, 2014 - A.3d - 2014 WL 5431175

Natural gas utility brought action against borough and special improvement district, seeking injunctive and declaratory relief from borough's refusal to issue construction permits so that utility could remove underground gas regulators and replace them with above-ground regulators. The Superior Court entered summary judgment in favor of utility. Borough and district appealed.

The Superior Court, Appellate Division, held that:

- Statute that granted gas utilities the power to lay conductors and install related facilities for conducting gas through municipality covered above-ground gas regulator;
- Utility's decision to install regulators through public sidewalks did not comply with its obligation to restore street or public place, such as a sidewalk, under borough resolution; and
- Utility's regulators were not exempt from regulation by borough.

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