Agenda Date: 6/21/13 Agenda Item: 5C



#### STATE OF NEW JERSEY

**Board of Public Utilities** 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350 /ugd/vop.jn.www

#### WATER

IN THE MATTER OF THE PETITION OF THE ATLANTIC CITY SEWERAGE COMPANY TO CHANGE THE LEVEL OF ITS PURCHASED SEWERGE TREATMENT ADJUSTMENT CLAUSE

ORDER ADOPTING STIPULATION

BPU DOCKET NO. WR13020138 OAL DOCKET NO. PUC 03722-2013S

#### Parties of Record:

Stacy A. Mitchell, Esq. Cozen O'Connor for the Petitioner Stefanie A. Brand, Esq., Director, Division of Rate Counsel

#### BY THE BOARD:

On February 14, 2013, the Atlantic City Sewerage Company ("Company" or "Petitioner") a public utility of the State of New Jersey filed a petition with the Board of Public Utilities ("Board") pursuant to the provisions of N.J.A.C. 14:9-8.1 et seq. requesting to change the level of its Purchased Sewerage Treatment Adjustment Clause ("PSTAC"), volumetric treatment charge from \$21.695 per Mcf of metered water to a rate of \$22.234 per Mcf. This represents an increase of \$0.589 or 0.0248% over the present volumetric treatment charge. Petitioner estimates that the amount to be recovered through the 2013 PSTAC will total \$9,262,017. This includes an under-recovery for 2012 of \$183,040.

By this Order, the Board considers the Initial Decision recommending adoption of the Stipulation of Settlement ("Stipulation") executed by the Company, the Division of Rate Counsel "Rate Counsel") and Board Staff ("Staff") (collectively, "the Parties"), agreeing to an overall increase in revenues in the amount of \$9,262,017. There were no interveners in this proceeding.

#### **BACKGROUND/PROCEDURAL HISTORY**

Petitioner is a wastewater utility engaged in the collection and transmission of sewage and serves approximately 7,688 customers in the City of Atlantic City, Atlantic County, New Jersey. The sewerage collected and transmitted by the Petitioner is treated by the Atlantic County Utilities Authority ("ACUA").

The petition was transmitted to the Office of Administrative Law ("OAL") on March 14, 2013 as a contested case and was assigned to Administrative Law Judge ("ALJ") W. Todd Miller.

After appropriate notice, a public hearing was held at 5:30 p.m. on May 29, 2013 at the City Council Chambers in Atlantic City, New Jersey. No members of the public were in attendance at the public hearing. Subsequent to the public hearing, the Parties reached a Stipulation resolving all issues in this matter.

On June 13, 2013, ALJ Miller issued his Initial Decision recommending adoption of the Stipulation executed by the Parties, finding that the Parties had voluntarily agreed to the Stipulation and that the Stipulation fully disposes of all issues and was consistent with the law.

#### **DISCUSSIONS AND FINDINGS**

As more fully discussed in the attached Stipulation<sup>2</sup>, the Parties agreed that the following increases are reasonable and appropriate to allow the Petitioner to recover increased purchased water expenses:

The amount to be recovered through the 2013 PSTAC is \$9,262,017. This reflects 2013 charges from ACUA of \$9,070,977, consisting of \$8,948,260 in 2013 treatment charges and \$122,717 of 2013 charges relating to 2012 treatment volumes. The amount to be recovered through the PSTAC also includes an under-recovery for 2012 of \$183,040 and projected regulatory costs of \$8,000. The amount of \$9,262,017 is to be recovered in the 2013 PSTAC through the Volumetric Treatment Charge, which is the rate through which the PSTAC is affected. When this amount is divided by the projected 2013 flows of 420,846 Mcf, the resulting PSTAC rate, prior to compression, is \$22.008 per Mcf. This reflects an increase of \$0.589 or 0.0248%.

The Volumetric Treatment Charge of \$22.008 assumes an implementation, date of January 1, 2013. With an effective Board Order date of July 1, 2013, the 2013 PSTAC will only be recovered over 184 days rather than 365 days. As a result, the PSTAC charge for 2013 will be compressed to a charge of \$22.316 per Mcf from the current PSTAC charge of \$21.695 per Mcf. This represents an increase of \$0.621 per Mcf. Beginning January 1, 2014, the uncompressed PSTAC charge of \$22.008 per Mcf shall become effective resulting in a decrease of \$0.308 per Mcf from the compressed charge. The Petitioner is <a href="https://example.com/heres/left-10/4">https://example.com/heres/left-10/4</a> to make a compliance filling with the Board effective January 1, 2014, incorporating this rate change.

<sup>&</sup>lt;sup>1</sup> Petitioner is authorized to provide service within a certain portion of the City of Brigantine (Brigantine), Atlantic County, New Jersey. The Company currently has no customers in Brigantine.

<sup>&</sup>lt;sup>2</sup> Although described in this Order at some length, should there be any conflict between this summary and the Stipulation, the terms of the Stipulation control, subject to the findings and conclusions of this Order

The Petitioner shall account for net cumulative over-recoveries and under-recoveries resulting from the PSTAC. These over-recoveries or under-recoveries will be charged or credited to the PSTAC in subsequent PSTAC proceedings. The net monthly cumulative over-recoveries and under-recoveries shall be calculated for each month, utilizing an average balance for each month. Interest on net cumulative monthly over-recoveries shall be credited to the PSTAC at an interest rate equal to the return on rate base of 7.09% established in the Petitioner's last base rate proceeding, BPU Docket No. WR11040247, pursuant to N.J.A.C. 14:9-8.3 (c) and N.J.A.C. 14:3-13.3. Similarly, interest on net monthly under-recoveries shall be charged against the PSTAC. If Petitioner has another base rate case completed while this PSTAC is in effect, the return on rate base utilized in the base rate case shall become the interest rate on net monthly, cumulative over-recoveries or under recoveries, on a prospective basis. If, as of December 31, 2013, interest shall be due the PSTAC, such interest shall in fact be credited to the PSTAC. If, as of December 31, 2013, interest shall be chargeable against the PSTAC, said interest shall be eliminated through appropriate accounting entries.

Having reviewed the record in this matter, including ALJ W. Todd Miller's Initial Decision and the Stipulation, the Board <u>HEREBY FINDS</u> that the Parties have voluntarily agreed to the Stipulation and that the Stipulation fully disposes of all issues in these proceedings and is consistent with the law. The Board <u>HEREBY FINDS</u> the Initial Decision which adopts the Stipulation to be reasonable, in the public interest and in accordance with law. Therefore, the Board <u>HEREBY ADOPTS</u> the Initial Decision and the Stipulation, attached hereto, including all attachments and schedules, as its own, incorporating by reference the terms and conditions of the Stipulation as if fully set forth herein, subject to the following:

In accordance with the provisions of N.J.A.C. 14:9-7.4 and this Order, the Petitioner shall file with the Board, no later than 45 days after the adjustment clause has been in effect for one year, a PSTAC true-up schedule in connection with this proceeding. Copies of the true-up schedules shall be served upon all parties to the present proceeding.

The Board <u>HEREBY</u> <u>APPROVES</u> the amount to be recovered through the 2013 PSTAC of \$9,262,017.

The Board would note that Petitioner is authorized to provide service within a certain portion of the City of Brigantine and that in order to provide that service, when requested, the facilities of the Brigantine Municipal Utilities Authority will be necessary. Under "Volumetric Treatment Charge" contained on Original Sheet No. 13 of Petitioner's tariff, in addition to fixed charges and volumetric collection charges, all customers shall pay for sewerage treatment costs assessed to Atlantic City Sewerage Company by the Atlantic County Utilities Authority. The Board FURTHER DIRECTS Petitioner to submit a revised sheet indicating that customers shall pay for sewerage treatment costs assessed by "...the relevant treating wastewater facility".

This Order shall be effective on July 1, 2013.

DATED: 6/21/13

**BOARD OF PUBLIC UTILITIES** 

**PRESIDENT** 

JØSEPH L. FIORDALISO COMMISSIONER

ATTEST:

**SECRETARY** 

# IN THE MATTER OF THE PETITION OF THE ATLANTIC CITY SEWERAGE COMPANY TO CHANGE THE LEVEL OF ITS PURCHASED SEWERAGE TREATMENT ADJUSTMENT CLAUSE

### BPU DOCKET NO. WR13020138 OAL DOCKET NO. PUC 03722-20138

#### SERVICE LIST

#### ATLANTIC CITY SEWERAGE COMPANY

Louis M. Walters, President
Atlantic City Sewerage Company
1200 Atlantic Avenue, Suite 300
Post Office Box 1830
Atlantic City, NJ 08401
Iwalters@acsewerage.com
wstewart@acsewerage.com

Stacy A. Mitchell, Esq.
Cozen O'Connor
457 Haddonfield Road, Suite 300
Cherry Hill, NJ 08002
imegdal@cozn.com
smitchell@cozen.com

#### **DIVISION OF RATE COUNSEL**

Stefanie A. Brand, Esq., Director Division of Rate Counsel 140 East Front Street, 4<sup>th</sup> floor Trenton, NJ 08625 <u>sbrand@rpa.state.nj.us</u> drobinson@rpa.state.nj.us

#### **BPU**

Maria Moran, Director
Division of Water
Board of Public Utilities
44 South Clinton Avenue, 9<sup>th</sup> Floor
Post Office Box 350
Trenton, NJ 08625-0350
maria.moran@bpu.state.nj.us

#### **DIVISION OF LAW**

Carolyn McIntosh, Esq.
Department of Law and Public Safety
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101
Carolyn.mcintosh@dol.lps.state.nj.us



INITIAL DECISION SETTLEMENT

OAL DKT. NO. PUC 3722-13 AGENCY DKT. NO. WR13020138

I/M/O THE PETITION OF THE ATLANTIC CITY SEWERAGE COMPANY TO CHANGE THE LEVEL OF ITS PURCHASED SEWERAGE TREATMENT ADJUSTMENT CLAUSE ("PSTAC")

Stacy A. Mitchell, Esq., for Atlantic City Sewerage Company, (Cozen O'Conner, attorneys)

Carolyn McIntosh, Deputy Attorney General, for Board of Public Utilities (John Jay Hoffman, Acting Attorney general of New Jersey, attorney)

Christine M. Juarez, Assistant Deputy Rate Counsel, for Division of Rate Counsel

Record Closed: June 13, 2013

Decided: June 13, 2013

BEFORE W. TODD MILLER, ALJ:

This matter was transmitted to the Office of Administrative Law on March 15, 2013, for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

The parties have agreed to a settlement and have prepared a Settlement Agreement indicating the terms thereof, which is attached and fully incorporated herein.

OAL DKT. NO. PUC 3722-13

I have reviewed the record and the terms of settlement and I FIND:

1. The parties have voluntarily agreed to the settlement as evidenced by

their signatures or their representatives' signatures.

2. The settlement fully disposes of all issues in controversy and is consistent

with the law.

I CONCLUDE that this agreement meets the requirements of N.J.A.C. 1:1-19.1

and that the settlement should be approved. I approve the settlement and therefore

ORDER that the parties comply with the settlement terms and that these proceedings

be concluded.

I hereby FILE my initial decision with the BOARD OF PUBLIC UTILITIES for

consideration.

This recommended decision may be adopted, modified or rejected by the

BOARD OF PUBLIC UTILITIES, which by law is authorized to make a final decision in

this matter. If the Board of Public Utilities does not adopt, modify or reject this decision

within forty-five days and unless such time limit is otherwise extended, this

recommended decision shall become a final decision in accordance with N.J.S.A.

52:14B-10.

June 13, 2013

DATE

w 1 Milli

W. TODD MILLER, ALJ

2

#### STATE OF NEW JERSEY **BOARD OF PUBLIC UTILITIES** OFFICE OF ADMINISTRATIVE LAW

IN THE MATTER OF THE PETITION OF :

BPU DOCKET NO. WR13020138

THE ATLANTIC CITY SEWERAGE

OAL DOCKET NO. PUC 03722-2013S

COMPANY TO CHANGE THE LEVEL OF ITS PURCHASED SEWERAGE

TREATMENT ADJUSTMENT CLAUSE :

STIPULATION

#### APPEARANCES:

Stacy A. Mitchell, Esquire, (Cozen O'Connor) for The Atlantic City Sewerage Company, Petitioner

Christine M. Juarez, Assistant Deputy Rate Counsel, on behalf of the Division of Rate Counsel (Stefanie A. Brand, Director)

Carolyn McIntosh, Deputy Attorney General, (John Jay Hoffman, Acting Attorney General of New Jersey), on behalf of the Staff of the Board of Public Utilities

#### TO THE HONORABLE BOARD OF PUBLIC UTILITIES:

- The Atlantic City Sewerage Company ("ACSC", "Company" or "Petitioner"), a public utility company of the State of New Jersey, operates a sewerage collection and transmission system within its defined service territory, consisting of the City of Atlantic City, New Jersey. Within its service territory, Petitioner serves approximately 7,688 customers. Petitioner purchases its sewage treatment from the Atlantic County Utilities Authority ("ACUA").
- 2. On February 14, 2013, the Company filed a petition seeking approval to change the level of its Purchased Sewerage Treatment Adjustment Clause ("PSTAC"), pursuant to the provisions of N.J.A.C. 14:9-8.1, et seq. (the "Potition"). The matter was transmitted to the Office of Administrative Law ("OAL") on March 14, 2013 for hearing as a contested case. The proceeding was assigned Docket No. WR13020138 by the Board of Public Utilities ("BPU" or

the "Board") and Docket No. PUC 03722-2013S by the OAL. Thereafter, Administrative Law Judge ("ALJ") W. Todd Miller was assigned to the case.

- 3. The Parties to this proceeding include the Company, the Staff of the Board of Public Utilities ("Staff") and the Division of Rate Counsel ("Rate Counsel"). There were no interveners to this proceeding. Discovery was propounded by Staff and Rate Counsel and answered in full by the Company.
- 4. By way of the Petition, ACSC proposed to raise its Volumetric Treatment Charge effective January 1, 2013.
- Following proper public notice, a public hearing was held in Atlantic City, New
   Jersey on May 29, 2013 presided over by ALJ Miller. No members of the public appeared at the public hearing.
- 6. The Company does not treat any sewage. Rather, ACSC is solely engaged in the collection and transmission of sewage within the City of Atlantic City. All of the sewage collected and transmitted by ACSC is treated by the ACUA. ACSC does not earn a profit on the amount collected through the PSTAC.
- 7. ACSC does not meter sewage flows. Rather, ACSC bills its customers based on the volume of water entering its customers' premises. ACSC is furnished with such data by the Atlantic City Municipal Utilities Authority ("ACMUA"), the entity purveying water within the City of Atlantic City. Each year, ACSC bills its customers (other than certain large volume customers) based on water consumption during the prior year.

- The Petition was based on projected consumption by customers for the billing cycles of January 1, 2013 through December 31, 2013, based upon actual 2012 consumption.
- 9. Petitioner's PSTAC rate is implemented through the use of its Volumetric
  Treatment Charge. In its initial filling, Petitioner sought to increase its Volumetric Treatment
  Charge from its current level of \$21.695 per Mcf of metered water, to a rate of \$22.234 per Mcf
  of metered water, prior to compression. The initial filling was based on estimates, preliminary in
  nature, and was updated as the case progressed.
- 10. The amount to be recovered through the 2013 PSTAC is \$9,262,017. This reflects 2013 charges from the ACUA of \$9,070,977, consisting of \$8,948,260 in 2013 treatment charges and \$122,717 of 2013 charges relating to 2012 treatment volumes. The amount to be recovered through the PSTAC also includes an under-recovery for 2012 of \$183,040 and projected regulatory costs (after 50/50 sharing between ratepayers and shareholders) of \$8,000. The amount of \$9,262,017 is to be recovered in 2013 through the Volumetric Treatment Charge, which is the rate through which the PSTAC is affected. When this amount is divided by the projected 2013 flows of 420,846.3 Mcf, the resulting PSTAC rate, prior to compression, is \$22,008 per Mcf. This represents an increase of \$2.91 or 0.59% on the average residential customer's annual sewerage bill.
- 11. The Volumetric Treatment Charge of \$22.008 assumes an implementation date of January 1, 2013. If a Board Order is effective as of July 1, 2013, it means that the 2013 PSTAC will only be recovered over 184 days, rather than 365 days. As a result, the PSTAC charge for 2013 will be compressed to a charge of \$22.316 per Mcf from the current PSTAC charge of \$21.695 per Mcf as portrayed in Exhibit "A". This represents an increase of \$0.621 per Mcf. If

the Board's Order shall be effective after July 1, 2013, the charge may, if deemed necessary by the Parties, be further compressed in order to recover the appropriate amount.

- 12. Beginning January 1, 2014, the uncompressed PSTAC charge of \$22,008 per Mcf shall become effective resulting in a decrease of \$0.308 per Mcf from the compressed charge.

  Tariff sheets reflecting the uncompressed charge are attached hereto as Exhibit "B". The Company shall make a compliance filing with the Board effective January 1, 2014 incorporating this rate change.
- resulting from the PSTAC. These over-recoveries or under-recoveries will be charged or credited to the PSTAC in subsequent PSTAC proceedings. The net monthly cumulative over-recoveries and under-recoveries shall be calculated for each month, utilizing an average balance for each month. Interest on net cumulative monthly over-recoveries shall be credited to the PSTAC at an interest rate equal to the return on rate base of 7.09%, established in ACSC's last base rate proceeding, BPU Docket No. WR11040247, pursuant to N.J.A.C. 14:9-8.3(c) and N.J.A.C. 14:3-13.3. Similarly, interest on net monthly under-recoveries shall be charged against the PSTAC. If Petitioner has another base rate case completed while this PSTAC is in effect, the return on rate base utilized in that base rate case shall become the interest rate on net monthly cumulative over-recoveries or under-recoveries, on a prospective basis. If, as of December 31, 2013, interest shall be chargeable against the PSTAC, said interest shall be climinated through appropriate accounting entries.

- 14. All customers will be notified, through a billing insert, of the increase to Volumetric Treatment Charge brought about by the PSTAC. ACSC will issue a bill insert that reflects the difference between the annual amount due based upon the old rate and the annual amount due at the new rate. The Notice to Customers shall be subject to approval by Staff and Rate Counsel.
- Treatment Charge stipulated in this Stipulation. The Parties hereto agree that said tariff sheets are just and reasonable, and should be accepted by the Board, effective July 1, 2013, or as soon thereafter as the Board may issue an order accepting same. The Signatory Parties further acknowledge that any increase or resolution of any issue agreed to in this Stipulation, shall become effective upon service of the Board Order on all parties of record unless a later date is indicated in the Order.
- 16. This Stipulation shall be binding on the Parties on approval of the Board. This Stipulation shall bind the Parties in this matter only and shall have no precedential value.
- 17. This Stipulation contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation. Each term is vital to the agreement as a whole, since the Parties expressly and jointly state that they would not have signed the agreement has any term been modified in any way. Since the Parties have compromised in numerous areas, each is entitled to certain procedures in the event that any modifications whatsoever are made to this Stipulation.
- 18. If any modification is made to the terms of this Stipulation, the Signatory Parties each must be given the right to be placed in the position it was in before the Stipulation was

entered into. It is essential that each Party be given the option, before the implementation of any new rate resulting from any modification of this Stipulation, either to modify its own position to accept the proposed changes, or to resume the proceeding as if no agreement had been reached.

19. The Parties believe that these procedures are fair to all concerned, and therefore, they are made an integral and essential element of this Stipulation.

THE ATLANTIC CITY SEWERAGE COMPANY

By: Tary hum

JOHN JAY HOFFMAN ACTING ATTORNEY GENERAL OF NEW JERSEY ATTORNEY FOR STAFF OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES

Carolyn McIntosh

Deputy Attorney General

STEFANIE A. BRAND DIRECTOR, DIVISION OF RATE COUNSEL

Christine M. Juarez

Assistant Deputy Rate Counsel

Dated: 6/12/13

	EXHIBIT	<b>A</b>	

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## THE ATLANTIC CITY SEWERAGE COMPANY 2013 PSTAC RATE CALCULATIONS

	Amount
2013 Annual PSTAC Rate	22.008
Current PSTAC Rate	21.695
Annual Rate Increase	313

### COMPRESSED RATE CALCULATION

Annual Rate Increase	
times Number of Days Weighted Rate Increase	<u>365</u>
Weighted Rate Increase divided by Number of Days (assume July 1,2013 Effective) Compressed Rate Increase	114,245 
Current PSTAC Rate  Compressed Rate Increase  NEW 2013 PSTAC RATE  (assume July 1, 2013 Effective)	21.695 621 22,316

# **EXHIBIT B**

#### **TARIFF**

#### FOR

#### SEWERAGE SERVICE

### Applicable In

THE CITY OF ATLANTIC CITY

**NEW JERSEY** 

Date of Issue: February 14, 2013

Issued by:

LOUIS M. WALTERS, President & General Manager

1200 Atlantic Avenue Atlantic City, New Jersey

Effective for Service rendered on and after January 1, 2014

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Date of Issue:

Issued by:

February 14, 2013 LOUIS M. WALTERS, President & General Manager

1200 Atlantic Avenue Atlantic City, New Jersey

Effective for Service rendered on and after January 1, 2014

Filed Pursuant to Decision and Order of the Board of Public Utilities in Docket No. WR13020158 dated June 21, 2013.

#### SCHEDULE OF RATES

#### **Annual Rates**

#### Fixed Charge

All customers shall pay the following annual fixed charge, based on the size of the water meter used in the rendering of water service:

Size	Total Annual	
Of Meter	Fixed Charge	
5/8"	\$ <b>2</b> 27	
3/4	394	
	1,169	
1-1/2	2,811	
2	5,559	
3	13.691	
4	27,368	
6	68,077	
8,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	136.281	
10 or larger		

#### Volumetric Collection Charge

In addition to the annual fixed charge, all customers shall pay \$6.506 for each 1,000 cubic feet of metered water, measured to the nearest one-tenth.

#### Volumetric Treatment Charge

In addition to the annual fixed charge and the volumetric collection charge, all customers shall pay \$22,008 for each 1,000 cubic feet of metered water, measured to the nearest one-tenth, for sewerage treatment costs assessed the Company by the relevant treating wastewater facility.

Date of Issue:

February 14, 2013

Issued by:

LOUIS M. WALTERS, President & General Manager

1200 Atlantic Avenue Atlantic City, New Jersey Effective for Service rendered on and after January 1, 2014

Filed Pursuant to Decision and Order of the Board of Public Utilities in Docket No. WR13020158 dated June 21, 2013.



#### TARIFF

FOR

#### SEWERAGE SERVICE

Applicable In THE CITY OF ATLANTIC CITY **NEW JERSEY** 

Date of Issue: February 14, 2013

Issued by:

LOUIS M. WALTERS, President & General Manager

1200 Atlantic Avenue Atlantic City, New Jersey Effective for Service rendered on and after July 1, 2013

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#### SCHEDULE OF RATES

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Of Meter	Fixed Charge
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8,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	136,281
10 or larger	

#### Volumetric Collection Charge

In addition to the annual fixed charge, all customers shall pay \$6.506 for each 1,000 cubic feet of metered water, measured to the nearest one-tenth.

#### Volumetric Treatment Charge

In addition to the annual fixed charge and the volumetric collection charge, all customers shall pay \$22.316 for each 1,000 cubic feet of metered water, measured to the nearest one-tenth, for sewerage treatment costs assessed the Company by the relevant treating wastewater facility.

Date of Issue:

February 14, 2013

issued by:

LOUIS M. WALTERS, President & General Manager 1200 Atlantic Ayenue

Atlantic City, New Jersey

Effective for Service rendered on and after July 1, 2013