



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 1<sup>st</sup> Floor**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

WATER

IN THE MATTER OF NEW JERSEY-AMERICAN	)	ORDER ADOPTING INITIAL
WATER COMPANY FOR AUTHORIZATION TO	)	DECISION APPROVING
CHANGE THE LEVEL OF ITS PURCHASED	)	STIPULATION OF SETTLEMENT
WATER ADJUSTMENT CLAUSE AND	)	
PURCHASED WASTEWATER TREATMENT	)	BPU DOCKET NO. WR21111220
ADJUSTMENT CLAUSE	)	OAL DOCKET NO. PUC 10027-21

**Parties of Record:**

**Christopher M. Arfaa, Esq.**, on behalf of New Jersey-American Water Company, Inc.,  
**Brian O. Lipman, Esq. Director**, New Jersey Division of Rate Counsel  
**Jay L. Kooper, Esq.**, on behalf of Middlesex Water Company

BY THE BOARD:<sup>1</sup>

On November 15, 2021, pursuant to N.J.S.A. 48:2-21 and N.J.A.C. 14:9-7.1 *et seq.* and other relevant statutes and regulations, New Jersey-American Water Company ("Petitioner," "New Jersey-American" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board") seeking authorization to change the level of its Purchased Water Adjustment Clause and Purchased Wastewater Treatment Adjustment Clause. The requested increase is \$934,275 or 0.13% above total Company revenues of approximately \$805,170,000. By this Order, the Board considers an Initial Decision recommending adoption of the Stipulation of Settlement ("Stipulation") executed by the Company, Board Staff, and the New Jersey Division of Rate Counsel (collectively, "Signatory Parties").

**BACKGROUND/PROCEDURAL HISTORY**

New Jersey-American Water serves approximately 660,000 water and fire service customers and approximately 49,900 sewer service customers. New Jersey-American purchases water from the Passaic Valley Water Commission; the Morris County Municipal Utilities Authority, Montclair Water Bureau; New Jersey Water Supply Authority; City of Newark; and Borough of Florham Park. The Company also purchases wastewater treatment from the Cape May County Municipal

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<sup>1</sup> Commissioner Robert Gordon did not participate.

Utilities Authority for the Company's Ocean City Sewer tariff group; and from the Ocean County Utilities Authority for the Company's Lakewood Sewer and Adelphia Sewer tariff groups.

According to the Petitioner's base rate case, BPU Docket No. WR06030257, the Board ordered that all purchased water and wastewater treatment costs be recovered through the PWAC and PSTAC as applicable.<sup>2</sup> The last adjustment the Board made to the Company's base rates became effective on November 1, 2020.<sup>3</sup> The Company base rates do not include any PWAC or PSTAC pass-through charges to the customers.

On December 9, 2021, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and for disposition as a contested case. The case was assigned to Administrative Law Judge ("ALJ") Tricia M. Caliguire. On November 18, 2021, Middlesex Water Company ("Middlesex") filed a motion to intervene which was not opposed by any party. By Order dated February 4, 2022, ALJ Caliguire granted the Middlesex motion to intervene.

Telephonic pre-hearing conferences was held on February 1, 2022 and February 8, 2022 before ALJ Caliguire. During the pre-hearing conferences, times and dates for a virtual public hearing in the Petitioner's service area and evidentiary hearings were scheduled. A virtual public hearing took place on March 3, 2022, at 4:30 p.m. and 5:30 p.m., via zoom due to the COVID-19 pandemic. No members of the public appeared at either hearing and no written comments were received.

## **STIPULATION**

As a result of an analysis of the petition, pre-filed testimony and exhibits, numerous conferences, negotiations, responses to information requests and follow-up requests, the Signatory Parties executed the Stipulation, in which the terms are summarized below.<sup>4</sup>

1. The Signatory Parties recommend that the Board approve the Company's change to the PWAC rate on PWAC Rate Schedule O-1 from \$0.4221 per thousand gallons of water to \$0.4606 per thousand gallons for Non-Exempt customers, and from \$0.3646 per thousand gallons to \$0.3978 per thousand gallons for Exempt customers.
2. The Signatory Parties further recommend that the Board permit the PSTAC changes as follows:
  - a. For Lakewood Township, Ocean County, the winter quarter as reflected within PSTAC Rate Schedule 2-B, the rate will go from \$4.9209 per thousand gallons to \$4.6793 per thousand gallons.

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<sup>2</sup> In re the Joint Petition of New Jersey American Water Company, Inc., Elizabethtown Water Company, and the Mount Holly Water Company for Approval of Increased Tariff Rates and Charges for Water and Sewer Services and other Tariff Revisions, BPU Docket No. WR06030257, Order dated April 2, 2007.

<sup>3</sup> In re New Jersey American Water Company for Approval of Increased Tariff Rates and Charges for Water and Sewer Service and Other Tariff Modifications, Order Adopting Initial Decision/Stipulation, BPU Docket No. WR19121516, Order dated October 28, 2020.

<sup>4</sup> Although summarized in this Order, 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.

- b. For Ocean City, Cape May County, the summer quarter as reflected within PSTAC Rate Schedule 1-B, the rate will go from \$33.9147 per thousand gallons to \$32.6814 per thousand gallons.
  - c. For the Adelpia section of Howell Township, Monmouth County, as reflected within PSTAC Rate Schedule 3-B, the rate will go from \$6.6021 per thousand gallons to \$6.5695 per thousand gallons.
3. The change in the PWAC rate would result in a change of the annual bill of an average residential customer utilizing 5,400 gallons per month as follows:

	Present Per Month	Proposed Per Month	Amount Change	Percentag e Change
Statewide - GMS	\$57.98	\$58.18	\$0.20	0.34%
Statewide - SFR	\$57.98	\$58.18	\$0.20	0.34%
SA1-B, SA1-C	\$55.54	\$55.75	\$0.21	0.38%
SA-1E	\$53.48	\$53.68	\$0.20	0.37%
SA-1F	\$31.84	\$32.05	\$0.21	0.66%

4. The PSTAC rate changes will result in:
- a. A decrease for sewer service in Lakewood Township, Ocean County utilizing 16,200 gallons of water in the winter and 64,800 gallons of water annually, of (\$1.30) per month or -2.07%.
  - b. A decrease for sewer service in Ocean City, Cape May County utilizing 17,000 gallons of water in the summer and 31,000 gallons of water annually, of (\$1.75) per month or -2.46%.
  - c. A decrease for sewer service in the Adelpia section of Howell Township, Monmouth County utilizing 64,800 gallons of water annually, of (\$0.17) per month or -0.24%.

Middlesex Water Company filed a letter with ALJ Caliguire stating that it did not object to the Stipulation.

**DISCUSSION AND FINDINGS**

Having reviewed the record in this matter, including ALJ Caliguire’s Initial Decision and the Stipulation, the Board **FINDS** that the Signatory Parties have voluntarily agreed to the Stipulation, and that the Stipulation fully disposes of all issues in this proceeding and is consistent with the law. Based on the foregoing, the Board **FINDS** the Initial Decision, which adopts the Stipulation, to be reasonable, in the public interest, and in accordance with the law.

Therefore, the Board **HEREBY ADOPTS** 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 they were fully set forth at length herein, subject to the following:

- a. The tariff sheets attached to the Stipulation containing rates and charges conforming to the Stipulation and designed to produce the additional revenues to which the Parties have stipulated herein are; and
- b. The stipulated increase and the tariff design allocations for each customer classification are **HEREBY ACCEPTED**.

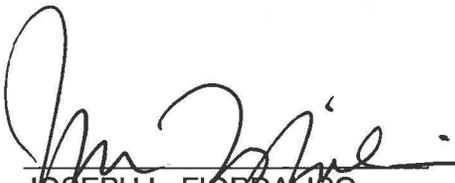
In accordance with N.J.A.C. 14:9-7.4, the Petitioner shall file with the Board, not later than 45 days after the adjustment clause has been in effect for one year, a PWAC true-up schedule in connection with this proceeding. Copies of the true-up schedule shall be served upon all parties to the present proceeding.

The Board **HEREBY ORDERS** the Company to submit complete revised tariffs conforming to the terms and conditions of the Stipulation by April 1, 2022.

This Order shall be effective on March 30, 2022.

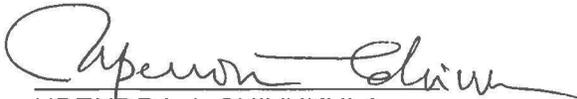
DATED: March 23, 2022

BOARD OF PUBLIC UTILITIES  
BY:

  
JOSEPH L. FIORDALISO  
PRESIDENT

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
DIANNE SOLOMON  
COMMISSIONER

  
UPENDRA J. CHIVUKULA  
COMMISSIONER

ATTEST:

  
AIDA CAMACHO-WELCH  
SECRETARY

IN THE MATTER OF THE PETITION OF NEW JERSEY-AMERICAN WATER COMPANY, INC.  
FOR AUTHORIZATION TO CHANGE THE LEVEL OF ITS PURCHASED WATER  
ADJUSTMENT CLAUSE AND PURCHASED WASTEWATER TREATMENT ADJUSTMENT  
CLAUSE

BPU DOCKET NO. WR21111220  
OAL DOCKET NO. PUC 10027-21

SERVICE LIST

<p><b>New Jersey American Water Company</b> Christopher M. Arfaa, Esq. Director, Corporate Counsel, 1 Water Street Camden, New Jersey 08102 <a href="mailto:chris.arfaa@amwater.com">chris.arfaa@amwater.com</a></p> <p><b>Division of Rate Counsel</b> 140 East Front Street, 4 Floor Post Office Box 003 Trenton, NJ 08625-0003</p> <p>Brian Lipman, Esq., Director <a href="mailto:blipman@rpa.nj.gov">blipman@rpa.nj.gov</a></p> <p>Christine Juarez, Esq. <a href="mailto:cjuarez@rpa.nj.gov">cjuarez@rpa.nj.gov</a></p> <p>Emily Smithman, Esq. <a href="mailto:esmithman@rpa.nj.gov">esmithman@rpa.nj.gov</a></p> <p>Susan E. McClure, Esq. <a href="mailto:smcclure@rpa.nj.gov">smcclure@rpa.nj.gov</a></p>	<p><b>Board of Public Utilities</b> 44 South Clinton Avenue, 1st floor Post Office Box 350 Trenton, NJ 08625</p> <p><b>Secretary of the Board</b> <a href="mailto:board.secretary@bpu.nj.gov">board.secretary@bpu.nj.gov</a></p> <p><u>Division of Water</u></p> <p>Michael Kammer, Director <a href="mailto:mike.kammer@bpu.nj.gov">mike.kammer@bpu.nj.gov</a></p> <p>Andrew Tuzzo <a href="mailto:andrew.tuzzo@bpu.nj.gov">andrew.tuzzo@bpu.nj.gov</a></p> <p>Kyle Felton <a href="mailto:kyle.felton@bpu.nj.gov">kyle.felton@bpu.nj.gov</a></p> <p><u>Counsel's Office</u></p> <p>David Schmitt, Esq. <a href="mailto:david.schmitt@bpu.nj.gov">david.schmitt@bpu.nj.gov</a></p> <p><b>Department of Law and Public Safety</b> Richard J. Hughes Justice Complex 7th Floor West 25 Market Street, Post Office Box 112 Trenton, N.J. 08625</p> <p>Pamela Owen, DAG, Assistant Section Chief <a href="mailto:pamela.owen@law.njoag.gov">pamela.owen@law.njoag.gov</a></p> <p>Meliha Arnautovic, DAG <a href="mailto:meliha.arnautovic@law.njoag.gov">meliha.arnautovic@law.njoag.gov</a></p> <p>Brandon Simmons, DAG <a href="mailto:brandon.simmons@law.njoag.gov">brandon.simmons@law.njoag.gov</a></p>
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**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION OF : OAL Docket No. PUC 10027-21  
NEW JERSEY-AMERICAN WATER : BPU Docket No. WR21111220  
COMPANY, INC. FOR AUTHORIZATION :  
TO CHANGE THE LEVEL OF ITS : STIPULATION OF SETTLEMENT  
PURCHASED WATER ADJUSTMENT :  
CLAUSE AND PURCHASED :  
WASTEWATER TREATMENT :  
ADJUSTMENT CLAUSE :

**APPEARANCES:**

Christopher M. Arfaa, Esq., on behalf of New Jersey-American Water Company, Inc.,  
Petitioner;

Meliha Arnautovic, Deputy Attorney General, on behalf of the Staff of the Board of  
Public Utilities (Andrew J. Bruck, Acting Attorney General of New Jersey)

Susan McClure, Managing Attorney, Christine M. Juarez, Assistant Deputy Rate  
Counsel, and Emily Smithman, Assistant Deputy Rate Counsel, on behalf of the  
Division of the Rate Counsel (Brian O. Lipman, Director)

Jay L. Kooper, Esq., on behalf of Middlesex Water Company

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

On November 15, 2021, New Jersey-American Water Company, Inc. (“New Jersey-American Water” or “Company”), a public utility of the State of New Jersey, filed a Petition with the Board of Public Utilities (“Board”) pursuant to N.J.S.A. 48:2-21 and N.J.A.C. 14:9-7.1 *et seq.* and other relevant statutes and regulations, for approval to change the levels of its existing purchased water adjustment clause (“PWAC”) charge and purchased wastewater (sewerage) treatment adjustment clause (“PSTAC”) charges, with respect to increased purchased water expenses and increased purchased wastewater treatment expenses. The total amount requested in the Petition would increase annual revenues by \$934,275 or 0.13% above total Company revenues

of approximately \$805,170,000. As a result of settlement discussions, the Company, the New Jersey Division of Rate Counsel (“Rate Counsel”) and Staff of the Board (“Board Staff”) (collectively, “Signatory Parties”) have agreed to the amount requested in the Petition.

New Jersey-American Water purchases water on a routine basis from six separate entities and purchases wastewater treatment services from three separate entities, each of which adjusts its rates for service, and, in the case of wastewater treatment service providers, issues sewerage deficit/credit adjustments, at different times throughout the year. The six water purveyors are: Passaic Valley Water Commission (“PVWC”); Morris County Municipal Utilities Authority; Montclair Water Bureau; New Jersey Water Supply Authority (“NJWSA”); City of Newark; and Borough of Florham Park. The three wastewater treatment purveyors are: Cape May County Municipal Utilities Authority (“CMCMUA”) for the Company’s Ocean City Sewer tariff group; Ocean County Utilities Authority (“OCUA”) for the Company’s Lakewood Sewer tariff group; and Howell Township for the Company’s Adelphia Sewer tariff group.

As of December 31, 2021, New Jersey-American Water serves approximately 660,000 water and fire service customers and approximately 49,900 sewer service customers.

In New Jersey-American Water’s base rate case at BPU Docket No. WR06030257, the Board ordered that all purchased water costs and purchased wastewater treatment costs be removed from base rates and recovered through the PWAC and PSTAC as applicable. *In the Matter of the Joint Petition of New Jersey American Water Company, Inc., Elizabethtown Water Company, and the Mount Holly Water Company for Approval of Increased Tariff Rates and Charges for Water and Sewer Services and other Tariff Revisions*, BPU Docket No. WR06030257 (April 2, 2007). The Board last adjusted the Company’s base rates effective November 1, 2020. *In the Matter of New Jersey American Water Company for Approval of Increased Tariff Rates and Charges for*

*Water and Sewer Service and Other Tariff Modifications, Order Adopting Initial Decision/Stipulation*, BPU Docket No. WR19121516 (October 28, 2020). The Company's base rates do not include PWAC or PSTAC pass-through charges to customers.

New Jersey-American Water proposes to increase its PWAC rate within its PWAC Rate Schedule O-1 from \$0.4221 per thousand gallons of water to \$0.4606 per thousand gallons of water for Non-Exempt customers. The Company proposes to increase its PWAC rate from \$0.3646 per thousand gallons of water to \$0.3978 per thousand gallons for Exempt customers. It also proposes to address its PSTAC charges as follows:

For Lakewood Township, Ocean County, the rate per thousand gallons of prior year's winter quarter usage (January, February and March meter readings), as reflected upon PSTAC Rate Schedule 2-B, would change from \$4.9209 per thousand gallons to \$4.6793 per thousand gallons.

For customers in Ocean City, Cape May County, the rate per thousand gallons of prior year's summer water quarter usage (July, August and September meter readings), as reflected upon PSTAC Rate Schedule 1-B, would change from \$33.9147 per thousand gallons to \$32.6814 per thousand gallons.

For customers in the Adelpia section of Howell Township, Monmouth County, the rate per thousand gallons of water, as reflected upon PSTAC Rate Schedule 3-B, would change from \$6.6021 per thousand gallons to \$6.5695 per thousand gallons.

The Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing as a contested case on December 9, 2021. Telephonic prehearing conferences were held on February 1, 2022, and February 8, 2022, by the Honorable Tricia Caliguire, Administrative Law Judge. On November 18, 2021, Middlesex Water Company ("Middlesex") filed a motion to intervene, which was not opposed by any party. By Order dated February 4, 2022, ALJ Caliguire

granted the Middlesex motion to intervene. Middlesex has been included on the service list, received all discovery, and invited to participate in all settlement conferences and meetings. Virtual public comment hearings were held via Zoom on March 3, 2022, at 4:30 p.m. and 5:30 p.m. Members of the public did not attend. No written comments were received.

Rate Counsel served interrogatories on New Jersey-American Water, which were responded to in full by the Company. As a result of the Company's Petition, discovery responses and negotiations, the Signatory Parties have reached a stipulation of settlement ("Stipulation"), the provisions of which are set forth below.

#### STIPULATION OF SETTLEMENT

1. The Signatory Parties recommend that the Board approve a change to the Company's PWAC rate on PWAC Rate Schedule O-1 from \$0.4221 per thousand gallons of water for Non-Exempt customers to \$0.4606 per thousand gallons of water for Non-Exempt customers and from \$0.3646 per thousand gallons of water for Exempt customers to \$0.3978 per thousand gallons of water for Exempt customers.

2. The Signatory Parties further recommend that the Board permit the Company to change its effective PSTAC charges as follows:

- For Lakewood Township, Ocean County, the rate per thousand gallons of prior year's winter quarter as reflected within PSTAC Rate Schedule 2-B from \$4.9209 per thousand gallons to \$4.6793 per thousand gallons.
- For customers in Ocean City, Cape May County, the rate per thousand gallons of prior year's summer water quarter usage (July, August and September meter readings) as reflected upon PSTAC Rate Schedule 1-B, from \$33.9147 per thousand gallons to \$32.6814 per thousand gallons.
- For customers in the Adelpia section of Howell Township, Monmouth County, the rate per thousand gallons of water as reflected upon PSTAC Rate Schedule 3-B, from \$6.6021 per thousand gallons to \$6.5695 per thousand gallons.

3. The effective PWAC rate change would result in a change in the annual bill of an average residential customer utilizing 5,400 gallons per month as follows:

	<u>Present Per Month</u>	<u>Proposed Per Month</u>	<u>Amount Change</u>	<u>Percentage Change</u>
Statewide - GMS	\$57.98	\$58.18	\$0.20	0.34%
Statewide - SFR	\$57.98	\$58.18	\$0.20	0.34%
SA1-B, SA1-C	\$55.54	\$55.75	\$0.21	0.38%
SA-1E	\$53.48	\$53.68	\$0.20	0.37%
SA-1F	\$31.84	\$32.05	\$0.21	0.66%

4. The PSTAC rate changes will result in: a decrease for a typical residential sewer service customer in Lakewood Township, Ocean County utilizing 16,200 gallons of water in the winter quarter and 64,800 gallons of water annually, of (\$1.30) per month or -2.07%; a decrease for an average sewer service customer in Ocean City, Cape May County utilizing 17,000 gallons of water in the summer quarter and 31,000 gallons of water annually, of (\$1.75) per month or -2.46%; and a decrease for an average sewer service customer in the Adelpia section of Howell Township, Monmouth County utilizing 64,800 gallons of water annually, of (\$0.17) per month or -0.24%.

5. NJAWC plans to file its next PWAC/PSTAC petition on or before November 15, 2022.

6. Within this Stipulation, the Signatory Parties have agreed on a methodology for calculating the amount of interest to be applied to over-recoveries within the PWAC. This method is described as follows: Total PWAC True-up Balance (Over)/Under-recovered of the current month (which is the adjusted total purchased water expense minus total PWAC revenues net of cost recoveries for the current month), plus the total PWAC Cumulative True-Up Balance (Over)/Under-recovery) of the prior month, minus the amortization of the PWAC True-Up from the previous PWAC year of the current month. The Signatory Parties agree to review this methodology and adjust it as necessary and appropriate in future PWAC proceedings.

7. The PWAC/PSTAC rates established herein will increase annual revenues by \$1,233,814 or 0.17%. Thus, the Company will collect annual revenues of \$37,948,952 for PWAC and \$18,735,887 for PSTAC.

8. The Company will comply with the provisions of N.J.A.C. 14:9-7.4 regarding PWAC and PSTAC true-up schedules in connection with this proceeding. Copies of the true-up schedules will be served upon Board Staff and Rate Counsel.

9. This Stipulation shall be binding on the Signatory Parties to this proceeding upon approval hereof by the Board. This Stipulation shall bind the Signatory Parties in this matter only and shall not be considered precedential in any other proceeding involving the Signatory Parties hereto.

10. 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 Signatory Parties individually and jointly state that they would not have signed the Stipulation had any term been modified in any way. In the event that any modifications whatsoever are made to this Stipulation, each of the Signatory Parties hereto is entitled to certain procedures in the event of such occurrence.

11. If any modification is made to the terms of this Stipulation, the Signatory Parties must be given the right to be placed in the position in which each Signatory Party was before this Stipulation was executed. It is essential that each Signatory Party be given the option to modify its own position, to accept the proposed change(s), or to resume the proceeding as if no agreement had been reached.

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

13. This Stipulation may be executed in as many counterparts as there are signatories to this Stipulation, each of which counterpart shall be an original, but all of which shall constitute one and the same instrument.

14. The Signatory Parties understand that Middlesex will file a letter with the OAL indicating that it does not object to the terms of the Stipulation.

[SPACE INTENTIONALLY LEFT BLANK]

BRIAN O. LIPMAN, DIRECTOR  
DIVISION OF RATE COUNSEL

By: *Christine M. Juarez* / ES  
Christine M. Juarez  
Assistant Deputy Rate Counsel

Dated: *3/8/2022*

NEW JERSEY-AMERICAN WATER  
COMPANY, INC.

By: *Christopher M. Arfaa*  
Christopher M. Arfaa  
Counsel

Dated: March 8, 2022

ANDREW J. BUCK  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Attorney for the Staff of the Board of Public Utilities

By: *Meliha Arnautovic, DAG*  
Meliha Arnautovic  
Deputy Attorney General

Dated: 3/8/22



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION SETTLEMENT**

OAL DKT. NO. PUC 10027-21

AGENCY DKT. NO. WR21111220

**IN THE MATTER OF THE PETITION OF  
NEW JERSEY-AMERICAN WATER COMPANY, INC.  
FOR APPROVAL TO CHANGE THE LEVELS OF  
ITS PURCHASED WATER ADJUSTMENT  
CLAUSE AND PURCHASED WASTEWATER  
TREATMENT ADJUSTMENT CLAUSE,  
PURSUANT TO N.J.A.C. 14:9-7.1, et seq.**

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**Christopher M. Arfaa**, Esq., for petitioner New Jersey-American Water Company, Inc.

**Meliha Arnautovic** and **Brandon Simmons**, Deputy Attorneys General, for Staff of the Board of Public Utilities (Matthew J. Platkin, Acting Attorney General, State of New Jersey, attorney)

**Susan E. McClure**, Esq., Managing Attorney of Water and Wastewater and Deputy Rate Counsel, and **Christine Juarez**, Assistant Deputy Rate Counsel, for Division of Rate Counsel (Brian O. Lipman, Director)

**Jay L. Kooper**, Esq., Vice President, General Counsel, and Secretary, for intervenor Middlesex Water Company

Record Closed: March 9, 2022

Decided: March 10, 2022

**BEFORE TRICIA M. CALIGUIRE, ALJ:**

This proceeding involves the November 15, 2021, petition of New Jersey-American Water Company (NJAW, Company) filed with the New Jersey Board of Public Utilities (Board) seeking approval of changes in the Company's purchased water adjustment clause and purchased wastewater treatment adjustment clause. The petition was transmitted to the Office of Administrative Law (OAL) on December 9, 2021, for determination as a contested case. Telephone prehearing conferences were held on January 26, and February 1, 2022, and a prehearing order was issued on February 4, 2022. After an appropriate motion, and with no objections, Middlesex Water Company (Middlesex) was granted intervenor status by an order dated February 4, 2022.

On March 3, 2022, two duly-noticed<sup>1</sup> public hearings were conducted by the OAL using Zoom Video Communications, a remote video and audio platform, due to the COVID-19 public health emergency in which the Governor of the State of New Jersey issued Emergency Orders mandating stay-at-home protocols for citizens and public employees and restricting public gatherings. No members of the public appeared at the virtual public hearings and no members of the public submitted written comments on the Company's petition. The comments made by petitioner, staff of the Board, and the representative of the Division of Rate Counsel were transcribed and made a part of the record.

On March 9, 2022, the parties filed a Stipulation of Settlement which resolves all issues in this proceeding. (J-1.) Said Stipulation of Settlement has been signed by petitioner, staff of the Board, and the New Jersey Division of Rate Counsel. On March 9, 2022, Intervenor Middlesex submitted a letter of non-opposition to the Stipulation of Settlement.

The Stipulation of Settlement indicates the terms of settlement and is attached and fully incorporated herein.

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<sup>1</sup> Proof of publication was provided by petitioner to the court reporter and all parties; the public notice and proof of its publication are part of the record transmitted to the Board with this Initial Decision.

I have reviewed 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 on the attached document.
2. The settlement fully disposes of all issues in controversy between the parties and is consistent with the law.

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.

March 10, 2022 \_\_\_\_\_

DATE

  
\_\_\_\_\_  
**TRICIA M. CALIGUIRE, ALJ**

Date Received at Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

TMC/nmn

**APPENDIX**

**EXHIBITS**

**Jointly Submitted:**

J-1 Stipulation of Settlement