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BOARD OF PUBLIC UTILITIES
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April 30, 2015

VIA FEDERAL EXPRESS

Clerk
Office of Administrative Law
33 Washington Street
Newark, NJ 07102

Re: In the Matter of the Petition of New Jersey-American Water Company, Inc.
for Approval of Increased Tariff Rates and Charges for Water and Sewer Service,
Change in Depreciation Rates, and Other Tariff Modifications
BPU Docket No. WR15010035
OAL Docket No. PUC 01166-2015N

Dear Sir/Madam:

Please be advised that this firm represents Aqua New Jersey, Inc. ("Aqua" or "Movant"). Aqua is a customer of Petitioner, New Jersey-American Water Company, Inc., and will be substantially, specifically and directly affected by the outcome of these proceedings. On behalf of the Movant, enclosed please find an original and two copies, plus one additional copy, of a Motion for Leave to Intervene, together with the Certification of John Hildabrant, and a proposed form of Order to Intervene. A copy of this Motion is being served on all parties on the attached service list.

Kindly stamp the additional copy "filed" and return it to me in the attached, self-addressed, stamped envelope. Please do not hesitate to contact me should you have any questions regarding this matter.

Respectfully submitted,
Stephen B. Genzer
Stephen B. Genzer

SBG/jg
Enclosures
cc: Attached Service List (w/encls.) ✓

Case Mgmt
J. Kane

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SERVICE LIST

**In the Matter of the Petition of New Jersey-American Water Company, Inc.
for Approval of Increased Tariff Rates and Charges For Water And Sewer Service,
Change in Depreciation Rates and Other Tariff Modifications
OAL Docket No. PUC 01166-2015N
BPU Docket No. WR15010035**

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Attorneys for Intervenor,
Aqua New Jersey, Inc.



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BOARD OF PUBLIC UTILITIES
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IN THE MATTER OF THE PETITION OF	:	OFFICE OF ADMINISTRATIVE LAW
NEW JERSEY-AMERICAN WATER	:	
COMPANY, INC. FOR APPROVAL OF	:	OAL Docket No. PUC01166-2015-N
INCREASED TARIFF RATES AND	:	BPU Docket No. WR15010035
CHARGES FOR WATER AND SEWER	:	
SERVICE, CHANGE IN DEPRECIATION	:	
RATES, AND OTHER TARIFF	:	
MODIFICATIONS	:	
	:	

**MOTION FOR LEAVE TO INTERVENE
OF AQUA NEW JERSEY, INC.**

Aqua New Jersey, Inc.¹ (“Aqua”) (the “Movant”), by and through its undersigned counsel, hereby moves for leave to intervene in the above-captioned action pursuant to N.J.A.C. 1:1-16.1 et seq. Aqua respectfully submits that all factors for intervenor status, as set forth in N.J.A.C. 1:1-16.3, support granting the Movant’s motion in the above-captioned proceeding. In support of its motion for intervenor status in this proceeding, Aqua states as follows:

Background

1. Aqua is a public utility corporation of the State of New Jersey providing water and wastewater service to approximately 58,000 customers located in Warren, Hunterdon, Mercer, Burlington, Monmouth, Camden, Ocean, Sussex and Gloucester Counties, New Jersey.

¹ Aqua New Jersey, Inc. is a direct, wholly-owned subsidiary of Aqua America, Inc.

2. In this proceeding, New Jersey American Water Company, Inc. (“NJAWC”) (the “Petitioner”) seeks authority to increase rates for water service by very significant amounts, with some classes of service subject to higher increases. For example, service to the former Lawrenceville system (now part of Aqua New Jersey) is provided pursuant to Rate Schedule G-Sales for Resale-Service to Other Systems which the Movant understands NJAWC has proposed to increase by more than 20%.

3. Aqua is a customer of NJAWC. The Lawrenceville system receives service pursuant to a long-term contract with NJAWC which requires it to take or pay for 500,000 gallons per day. Aqua also has agreements with NJAWC pursuant to which it must take or pay for 690,000 gallons per day. Pursuant to these agreements in 2014, Movant purchased a total of approximately 430 million gallons of water from NJAWC at a total cost of approximately \$1,162,000.

4. Aqua resells to its customers the water that it purchases from NJAWC. Therefore, any decision of the New Jersey Board of Public Utilities (the “Board”) in this matter will have a direct economic impact on Aqua and its customers. The impact of any rate increase granted to NJAWC in the instant case must be included in Aqua’s rates. Therefore, it is vital that Aqua participate in the instant proceeding in order to protect its interests and the interests of its customers, as well as to monitor the progress of the case to properly reflect the results of these proceedings on Aqua’s rates.

Argument

5. As a public utility of the State of New Jersey, Aqua is required to provide safe, adequate and proper service at just and reasonable rates. See N.J.S.A. 48:2-23 and 48:2-21. NJAWC’s proposed rate increase has the potential to have a

significant impact on the Movant's ability to discharge its obligation to its customers. As such, Movant has a direct interest in this proceeding and fully meets the criteria for intervention. Specifically, N.J.A.C. 1:1-16.1 sets forth the criteria for intervention:

[A]ny person or entity not initially a party, who has a statutory right to intervene or who will be substantially, specifically and directly affected by the outcome of a contested case, may on motion, seek leave to intervene.

Id. As set forth herein, Movant satisfies this criteria and should be permitted to intervene as a full party. Most importantly, Aqua is entitled to intervene because its interests, and the interests of its customers, will be substantially, specifically and directly affected by this proceeding.

6. N.J.A.C. 1:1-16.3(a) sets forth further guidance to be used to evaluate a motion to intervene:

In ruling upon a motion to intervene, the judge shall take into consideration the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, the prospect of confusion or undue delay arising from the movant's inclusion, and other appropriate matters.

Id.

7. The Movant's direct economic interest in this proceeding is clear. Any decisions by the Board will have a direct and material impact on Aqua's financial condition and the rates paid by its customers in New Jersey. Therefore, Aqua and its business will be substantially affected by the results of this docket, and no other party can adequately represent its interests or the interests of its customers.

8. The Movant's intervention will not add confusion to, or otherwise delay, these proceedings in any way. This request has been brought nearly five months before the evidentiary hearings are scheduled in this proceeding, and Movant will fully participate and comply with the procedural schedule already set in this matter.

9. All communications with respect to this Motion and in these proceedings should be served on the following persons:

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John Hildabrant, Vice President of Operations
Susan Rauth, Controller
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Phone: (609) 587-4080

William C. Packer, Jr.
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Bryn Mawr, PA 19010
Phone: (610) 645-1136

Conclusion

For the reasons set forth above, Aqua New Jersey, Inc. respectfully requests that it be granted leave to intervene in this matter pursuant to N.J.A.C. 1:1-16.1 et seq.

Respectfully submitted,

By: Stephen B. Genzer *cf*
Stephen B. Genzer

Dated: April 30, 2015

CERTIFICATION

STATE OF NEW JERSEY)
 :
COUNTY OF MERCER)

JOHN HILDABRANT, of full age, being duly sworn, upon his oath deposes and says:

1. I am Manager of Operations of Aqua New Jersey, Inc., Movant/Intervenor in the foregoing Motion, and in that capacity I am authorized to make this Certification on behalf of Aqua New Jersey, Inc. in this matter.

2. I have reviewed the within Motion and the same is true and correct to the best of my knowledge, information and belief.

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: *J. Hildabrant*
John Hildabrant

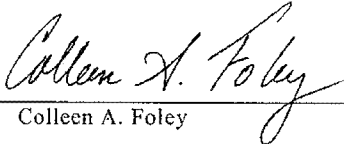
Sworn to, and subscribed before me
this 30th day of April, 2015.

Eileen T. Laird
Notary Public
My commission expires: December 19, 2017



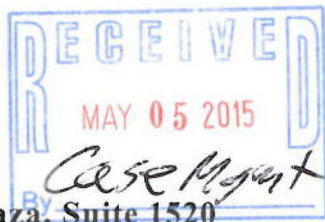
CERTIFICATION OF SERVICE

Colleen A. Foley certifies that I am a member of the firm Saul Ewing LLP, and on this date I caused copies of the attached Motion for Leave to Intervene of Aqua New Jersey, Inc. to be served via first class mail upon each of the parties named on the service list attached to this filing. The above statements made by me are true. I am aware that if any statement made by me is willfully false, I am subject to punishment.

By: 
Colleen A. Foley

Dated: April 30, 2015
Newark, New Jersey

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Attorneys for Intervenor,
Aqua New Jersey, Inc.



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BOARD OF PUBLIC UTILITIES
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IN THE MATTER OF THE PETITION OF
NEW JERSEY-AMERICAN WATER
COMPANY, INC. FOR APPROVAL OF
INCREASED TARIFF RATES AND
CHARGES FOR WATER AND SEWER
SERVICE, CHANGE IN DEPRECIATION
RATES, AND OTHER TARIFF
MODIFICATIONS

:
: OFFICE OF ADMINISTRATIVE LAW
:
: OAL Docket No. PUC01166-2015-N
: BPU Docket No. WR15010035
:
:
: **ORDER GRANTING**
: **INTERVENTION**

This matter having been presented to the Office of Administrative Law by Saul Ewing LLP, attorneys for Intervenor, Aqua New Jersey, Inc. Stephen B. Genzer, Esq., appearing, on notice to the parties and persons set forth on the attached Service List, and the Administrative Law Judge assigned to preside over this proceeding, having read and considered the moving papers and other documents on file in this matter, including the papers submitted in support of the Motion for Leave to Intervene, and other good cause appearing,

IT IS on this day of , 2015,

ORDERED that:

1. Aqua New Jersey, Inc. is hereby granted leave to intervene and fully participate in the above-entitled matter and that counsel for Aqua New Jersey, Inc. be placed on the Service List for receipt of all case documents, papers, pleadings,

discovery materials and exhibits and to receive notification of all hearings, conferences, stipulation discussions and all other proceedings in this matter; and

2. A true, but uncertified, copy of this Order shall be served upon the attached Service List by regular mail within ____ days of the date of this Order.

_____, A.L.J.