

NEW JERSEY  
Fwd 6/3/15  
JUN 02 2015  
Case Mgmt

NEW YORK  
NEW JERSEY

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BOARD OF PUBLIC UTILITIES  
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DIRECT  
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May 29, 2015

**Via E-mail and Regular Mail**

Irene Kim Asbury, Secretary  
Board of Public Utilities  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, New Jersey 08625

Kurt Schwartz, Deputy Clerk  
Office of Administrative Law  
33 Washington Street  
Newark, New Jersey 07102

**Re: In the Matter of the Petition of the Middlesex Water Company  
for Approval of an Increase in Its Rates for Water Service and  
Other Tariff Changes  
BPU Docket No.: WR 15030391  
OAL Docket No.: PUC 04725-15**

Dear Ms. Asbury and Mr. Schwartz:

This firm represents the Township of Marlboro ("Marlboro") and the Old Bridge Municipal Utilities Authority ("MUA"), who are seeking to intervene in the proceeding initiated by the Middlesex Water Company seeking an increase in its rates and charges and for changes in other aspects of its tariff(s). Marlboro and the MUA are contract customers of Middlesex Water Company and will be significantly affected by this rate proceeding.

Enclosed are two (2) copies of a Notice of Motion to Intervene and a Certification of Kevin A. Conti, in support of the motion, together with three (3) copies of a proposed form of

1794093-1




Case Mgmt  
J. Conti  
A. Moran  
M. Moran  
Service List copied

Order to Intervene. A copy of each of the aforementioned documents has been served, by electronic mail, upon all parties set forth on the Service List annexed to the Notice of Motion.

Kindly forward the enclosed moving papers to Administrative Law Judge Gail M. Cookson, who has been assigned to hear this matter, and please advise, by written notice, as to the date established for the disposition of the Motion for Intervention.

Respectfully submitted,  
**DeCotiis, FitzPatrick & Cole, LLP**

By:   
Kevin A. Conti

KAC/eb

Encls.

cc: Service List (E-mail Only)

J. Capp, Business Administrator, Township of Marlboro

G. Donatelli, Executive Director, Old Bridge

Municipal Utilities Authority

**I/M/O Middlesex Water Company  
for Approval of an Increase in its  
Rates for Water Service and Other  
Tariff Changes  
BPU Docket No. WR15030391**

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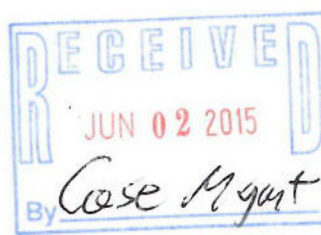
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of Marlboro and the Old Bridge  
Municipal Utilities Authority



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BOARD OF PUBLIC UTILITIES  
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IN THE MATTER OF THE PETITION OF :  
MIDDLESEX WATER COMPANY FOR :  
APPROVAL OF AN INCREASE IN ITS :  
RATES FOR WATER SERVICE AND :  
OTHER TARIFF CHANGES :

OFFICE OF ADMINISTRATIVE LAW

OAL DKT. NO. PUC 04725-15

BPU DKT. NO. WR 15030391

NOTICE OF MOTION  
TO INTERVENE

TO: KURT SCHWARTZ, CLERK  
Office of Administrative Law  
33 Washington Street  
Newark, New Jersey 07102

IRENE KIM ASBURY, SECRETARY  
New Jersey Board of Public Utilities  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, New Jersey 08625; and

ALL PARTIES DESIGNATED ON THE  
ATTACHED SERVICE LIST

**PLEASE TAKE NOTICE** that, pursuant to N.J.A.C. 1:1-16.1, the undersigned, attorney for intervenors, Township of Marlboro, and the Old Bridge Municipal Utilities Authority shall move before the Office of Administrative Law, and, in particular, before the Administrative Law Judge to whom this matter is assigned, for an Order allowing and permitting the Township of Marlboro and the Old Bridge Municipal Utilities Authority to intervene in the above-entitled action and proceeding(s) with all the rights provided therefore under all applicable rules, codes and statutes, including, but not limited to, the right to cross-examine all witnesses, receive copies of all pleadings,

papers, documents and exhibits and to introduce, submit and file direct testimony, pleadings, papers, documents and exhibits as appropriate.

**PLEASE TAKE FURTHER NOTICE** that the return date for this Motion shall be such date, and at such time and place, as may be established and/or scheduled by the Office of the Clerk of the Office of Administrative Law, or by the Administrative Law Judge to whom this matter is assigned, pursuant to N.J.A.C. 1:1-12.2, or otherwise.

**PLEASE TAKE FURTHER NOTICE** that, in support of the within Motion, intervenor shall rely on the Certification of Kevin A. Conti, Esq., dated April 24, 2015.

**DeCotiis, FitzPatrick & Cole, LLP**  
Attorneys for Intervenors, Township of  
Marlboro, and the Old Bridge Municipal  
Utilities Authority

  
\_\_\_\_\_  
Kevin A. Conti, Esq.

**DATED:** May 29, 2015

DeCotiis, FitzPatrick & Cole, LLP  
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500 Frank W. Burr Boulevard  
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Attorneys for Intervenors, Township  
of Marlboro, and the Old Bridge  
Municipal Utilities Authority



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BOARD OF PUBLIC UTILITIES  
MAIL ROOM

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IN THE MATTER OF THE PETITION OF :  
MIDDLESEX WATER COMPANY FOR :  
APPROVAL OF AN INCREASE IN ITS :  
RATES FOR WATER SERVICE AND :  
OTHER TARIFF CHANGES :

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OFFICE OF ADMINISTRATIVE LAW  
OAL DK. NO. PUC 04725-15  
BPU DK. NO. WR 15030391  
CERTIFICATION IN SUPPORT OF  
NOTICE OF MOTION TO INTERVENE

**KEVIN A. CONTI**, being of full age, hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey with the law firm of DeCotiis, FitzPatrick & Cole, LLP, who serves as municipal attorney for the Township of Marlboro ("Marlboro") that seeks to intervene, along with the Old Bridge Municipal Utilities Authority ("MUA"), in this matter.

2. I am familiar with the facts and circumstances concerning this matter and I make this Certification in support of the Notice of Motion to Intervene in this action on behalf of Marlboro and the MUA.

3. Marlboro is a municipal corporation of the State of New Jersey, duly organized pursuant to and in accordance with the provisions of N.J.S.A. 40:69A-1 et seq., and maintains offices for the transaction of business at Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

4. The MUA is a municipal utilities authority created by the Township of Old Bridge ("Township") and duly organized pursuant to and in accordance

with the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1 et seq., and is responsible for providing water and sewer services to the residents and businesses of the Township.

5. Marlboro and the MUA are not parties in this proceeding, but will be substantially, specifically, and directly affected by the outcome of these proceedings.

6. Pursuant to contract, the Middlesex Water Company ("Middlesex") provides water supply and transmission services to Marlboro and the MUA. The Petition filed on behalf of Middlesex seeks approval of an increase in rates for, among other things, contract services. Based upon a preliminary review of the Petition and supporting documents, it appears that the increase sought by Middlesex for water service supplied pursuant to contract approximates 10.1% for Marlboro and 8.1 for the MUA.

7. As a municipality and an agency acting on behalf of a municipality that are affected by the request of Middlesex for an increase in rates for water service, Marlboro and the MUA are entitled to intervene in the proceeding in accordance with the provisions of N.J.S.A. 48:2-32.2. Accordingly, Marlboro and the MUA hereby formally seek leave to intervene in this matter, with full rights and obligations as a party to participate in pre-hearing conferences, present and cross-examine witnesses at hearing, and file briefs.

8. The Marlboro Township Municipal Utilities Authority ("MTMUA") was granted leave to intervene in two recent rate proceedings of Middlesex. By Ordinance # 2009-045 adopted on December 18, 2009, Marlboro dissolved the MTMUA and, by Ordinance # 2009-046 adopted on December 18, 2009,



established its own Water Utility Division in the Department of Public Works to perform the same services provided by the MTMUA. Marlboro was granted intervention in the prior rate filing of Middlesex (OAL Dkt. No. PUC 17943-2013N; BPU Dkt. No. WR13111059).

9. The MUA was granted leave to intervene in three recent rate proceedings of Middlesex, including the most recent rate filing of Middlesex (OAL Dkt. No. PUC 17943-2013N; BPU Dkt. No. WR13111059).

10. Marlboro and the MUA agree to abide by all of the dates and deadlines to be agreed upon by the parties for the filing of discovery and testimony.

11. All correspondence in this proceeding should be sent to counsel for Marlboro and the MUA, at the following address:

Kevin A. Conti, Esq.  
DeCotiis, FitzPatrick & Cole, LLP  
Glenpointe Centre West  
500 Frank W. Burr Boulevard  
Teaneck, New Jersey 07666

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

  
\_\_\_\_\_  
Kevin A. Conti, Esq.

**DATED:** May 29, 2015

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Attorneys for Intervenors, Township  
of Marlboro, and the Old Bridge  
Municipal Utilities Authority



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**IN THE MATTER OF THE PETITION  
OF MIDDLESEX WATER COMPANY  
FOR APPROVAL OF AN INCREASE IN  
ITS RATES FOR WATER SERVICE  
AND OTHER TARIFF CHANGES**

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**OFFICE OF ADMINISTRATIVE LAW  
OAL DKT. NO. PUC 04725-15  
BPU DKT. NO. 15030391  
ORDER GRANTING INTERVENTION**

This matter having been presented to the Office of Administrative Law by DeCotiis, FitzPatrick & Cole, LLP, attorneys for intervenors, Township of Marlboro, and the Old Bridge Municipal Utilities Authority, Kevin A. Conti, 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 Certification submitted in support of the Motion to Intervene, and other good cause appearing,

**IT IS** on this            day of May 2015,

**ORDERED** that:

1. The Township of Marlboro and the Old Bridge Municipal Utilities Authority are hereby granted leave to intervene and fully participate in the above-entitled matter and that it 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.

---

**Gail M. Cookson, A.L.J.**