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Case Mgmt

CITY OF ELIZABETH, NEW JERSEY  
DEPARTMENT OF LAW  
City Hall  
50 Winfield Scott Plaza  
Elizabeth, New Jersey 07201-2462  
Phone: (908) 820-4009 Fax (908) 352-8658

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J. CHRISTIAN BOLLWAGE  
Mayor

MAY 26 2015

BOARD OF PUBLIC UTILITIES  
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Special Counsel

WILLIAM R. HOLZAPFEL  
City Attorney

RAYMOND T. BOLANOWSKI  
First Assistant City Attorney

ROCCO DiPAOLA  
Second Assistant City Attorney

ROBERT J. LENAHAN, JR.  
Special Counsel

May 19, 2015

VIA FIRST CLASS MAIL  
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 THE APPROVAL OF  
INCREASED TARIFF RATES AND CHARGES FOR WATER AND  
SEWER SERVICE, CHANGE IN DEPRECIATION RATES, AND  
OTHER TARIFF MODIFICATIONS**

**OAL Docket No.: PUC-01166-2015-N  
BPU Docket No.: WR-15010035**

Dear Sir/Madam:

This office represents the Movant/Intervenor, City of Elizabeth. On behalf of the Movant/Intervenor, City of Elizabeth, enclosed please find an original and two copies of a motion for Leave to Intervene, together with the Certification of William R. Holzapfel, and a proposed form of Order to Intervene. A copy of this Motion is being served upon all parties on the attached service list.

Should you have any questions regarding this matter, please do not hesitate to contact me (908) 820-4009.

Very truly yours,

William R. Holzapfel  
City Attorney

WRH/je  
encl.

cc: Attached Service List ✓

Case Mgmt  
J. Kane

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By Case Agent

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BOARD OF PUBLIC UTILITIES  
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**WILLIAM R. HOLZAPFEL**  
ATTORNEY ID NO.: 19256-1959  
CITY ATTORNEY – CITY OF ELIZABETH  
CITY HALL  
50 Winfield Scott Plaza  
Elizabeth, New Jersey 07201

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Attorney for Movant/Intervenor, City of Elizabeth

IN THE MATTER OF THE PETITION OF  
NEW JERSEY AMERICAN WATER  
COMPANY, INC., FOR THE 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.: PUC-01166-2015-N

BPU Docket No.: WR-15010035

**MOTION FOR LEAVE TO INTERVENE**  
**OF CITY OF ELIZABETH**

The City of Elizabeth (the "City" or "Elizabeth" or "Movant"), by and through its undersigned counsel, hereby moves for leave to intervene in the above-captioned action pursuant to N.J.A.C. 1:1-18.1 et seq. The City respectfully submits that all factors for intervenor status, as set forth in N.J.A.C. 1:1-16.3, support granting the City's motion in the above-captioned proceeding. In support of its motion for intervenor status in this proceeding, the City states as follows:

**BACKGROUND**

1. The City of Elizabeth is a municipal corporation of the State of New Jersey.
2. The City is the 4th largest municipality in the State of New Jersey with a population of 124,969 in the 2010 Census.

3. The City owns a water supply system in order to supply water to its residents and businesses. By agreement dated June 2, 1998, Liberty Water Company ("Liberty" or "Liberty Water") has provided operation, maintenance, and management services for the City's municipal water system. Liberty Water is presently a subsidiary of New Jersey American Water Company ("NJAWC").
4. The City's contract with Liberty Water includes a purchased water adjustment clause.
5. There are approximately 19,000 water service customers connected to the City's water supply system.
6. Over eight million gallons per day (8 MGD) are supplied by NJAWC and purchased by Liberty Water for the water service customers of the City of Elizabeth.
7. The proposed increase in rates will substantially affect all of the water customers within the City of Elizabeth. The Service to Other Systems tariff is proposed to be increased by 23.77% which is significantly higher than proposed increases for other tariff categories.

### ARGUMENT

8. As a municipality of the State of New Jersey, the City has a duty to protect its residents and businesses from excessive or unreasonable water rate increases. NJAWC's proposed rate increase has the potential to have a significant impact on the City's water service customers and its ability to discharge its obligations to its residents. As such the City 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, the City satisfies this criteria and should be permitted to intervene as a full party. Most importantly, the City is entitled to intervene because its interests, and the interests of its customers, will be substantially, specifically and directly affected by this proceeding.

9. 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.

10. The City's direct economic interest in this proceeding is clear. Any decisions by the Board will have a direct and material impact on the City's residents and industrial and commercial water customers and the rates paid by its water service customers. Therefore, the City 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.

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

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

William R. Holzapfel  
City Attorney  
City Hall  
50 Winfield Scott Plaza  
Elizabeth, New Jersey 07201

Bridget Zellner  
Business Administrator  
City Hall  
50 Winfield Scott Plaza  
Elizabeth, New Jersey 07201

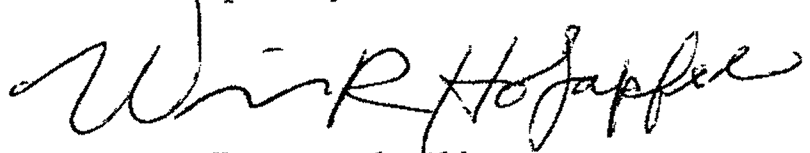
Anthony Zengaro  
Chief Financial Officer  
City Hall  
50 Winfield Scott Plaza  
Elizabeth, New Jersey 07201

Joseph Pryor, P.E.  
Vice President (Ret.)  
Johnson Mirmiran & Thompson  
583 Edward Street  
Phillipsburg, New Jersey 08865

### CONCLUSION

For the reasons set forth above, the City of Elizabeth, 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,



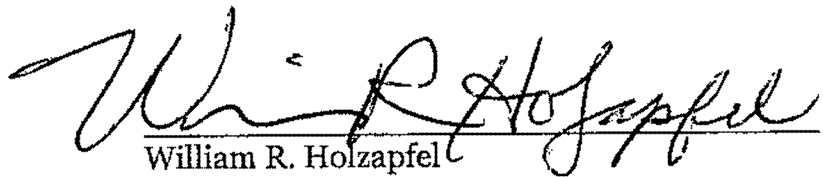
William R. Holzapfel  
CITY ATTORNEY – CITY OF ELIZABETH  
Attorney for Movant/Intervenor  
City of Elizabeth

Dated: May 19, 2015

**CERTIFICATION**

I, WILLIAM R. HOLZAPFEL, of full age, being duly sworn upon his oath deposes and says:

1. I am the City Attorney of the City of Elizabeth, Movant/Intervenor in the foregoing Motion, and in that capacity I am authorized to make this Certification on behalf of the City of Elizabeth 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.



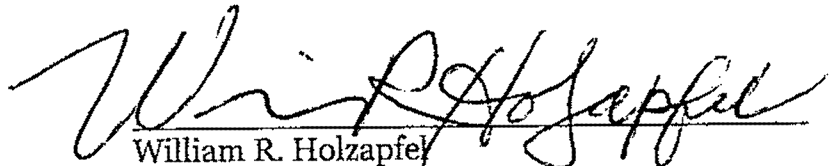
William R. Holzappel  
CITY ATTORNEY – CITY OF ELIZABETH

Attorney for Movant/Intervenor,  
City of Elizabeth

Dated: May 19, 2015

**CERTIFICATE OF SERVICE**

I certify that on May 19, 2015, I caused copies of the attached Motion for Leave to Intervene to be served via First Class Mail upon each of the parties names on the service list attached to this filing. I certify that the foregoing statements by me are true. I am aware that if any of the foregoing statements are made by me are willfully false, I am subject to punishment.

  
William R. Holzapfel  
CITY ATTORNEY – CITY OF ELIZABETH

Attorney for Movant/Intervenor,  
City of Elizabeth

Dated: May 19, 2015

**WILLIAM R. HOLZAPFEL**  
ATTORNEY ID NO.: 19256-1959  
CITY ATTORNEY – CITY OF ELIZABETH  
CITY HALL  
50 Winfield Scott Plaza  
Elizabeth, New Jersey 07201

Tel: (908) 820-4009  
Fax: (908) 352-8658

Attorney for Movant/Intervenor, City of Elizabeth

IN THE MATTER OF THE PETITION OF  
NEW JERSEY AMERICAN WATER  
COMPANY, INC., FOR THE APPROVAL  
OF INCREASED TARIFF RATES AND  
CHARGES FOR WATER AND SEWER  
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**OFFICE OF ADMINISTRATIVE LAW**

OAL Docket No.: PUC-01166-2015-N

BPU Docket No.: WR-15010035

**ORDER GRANTING  
INTERVENTION**

**THIS MATTER** having been presented to the Office of Administrative Law by William R. Holzapfel, attorney for Movant/Intervenor, City of Elizabeth, 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 papers submitted in support of the Motion for Leave to Intervene, and for other good cause appearing;

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2015

**ORDERED** that:

1. The City of Elizabeth is hereby granted leave to intervene and fully participate in the above-captioned matter and that counsel for the City of Elizabeth 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



## SERVICE LIST

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

OAL Docket No.: PUC-01166-2015-N  
BPU Docket No.: WR-15010035

<p>Kenneth J. Sheehan Secretary Board of Public Utilities 44 South Clinton Avenue, 9th Fl. P.O. Box 350 Trenton, NJ 08625 <a href="mailto:Kenneth.sheehan@bpu.state.nj.us">Kenneth.sheehan@bpu.state.nj.us</a></p>	<p>Debra F. Robinson, Esq. Division of Rate Counsel 140 East Front Street P.O. Box 003 Trenton, NJ 08625 <a href="mailto:drobinso@rpa.state.nj.us">drobinso@rpa.state.nj.us</a></p>	<p>Nicholas V. Asselta, President Aqua New Jersey, Inc. 10 Black Forest Road Hamilton, NJ 08691</p>
<p>Maria Moran, Director Division of Water Board of Public Utilities 44 South Clinton Avenue, 9th Fl. P.O. Box 350 Trenton, NJ 08625 <a href="mailto:Maria.moran@bpu.state.nj.us">Maria.moran@bpu.state.nj.us</a></p>	<p>Christine M. Juarez, Esq. Division of Rate Counsel 140 East Front Street P.O. Box 003 Trenton, NJ 08625 <a href="mailto:cjuarez@rpa.state.nj.us">cjuarez@rpa.state.nj.us</a></p>	<p>John Hildabrant Vice President of Operations Aqua New Jersey, Inc. 10 Black Forest Road Hamilton, NJ 08691</p>
<p>Michael Kammer Board of Public Utilities 44 South Clinton Avenue, 9th Fl. P.O. Box 350 Trenton, NJ 08625 <a href="mailto:Mike.kammer@bpu.state.nj.us">Mike.kammer@bpu.state.nj.us</a></p>	<p>Caroline Vachier, DAG Division of Law 124 Halsey Street, 5th Fl. P.O. Box 45029 Newark, NJ 07101 <a href="mailto:Caroline.vachier@dol.lps.state.nj.us">Caroline.vachier@dol.lps.state.nj.us</a></p>	<p>Susan Rauth, Controller Aqua New Jersey, Inc. 10 Black Forest Road Hamilton, NJ 08691</p>
<p>Mona Mosser Board of Public Utilities 44 South Clinton Avenue, 9th Fl. P.O. Box 350 Trenton, NJ 08625 <a href="mailto:Mona.mosser@bpu.state.nj.us">Mona.mosser@bpu.state.nj.us</a></p>	<p>Ira G. Megdal Cozen O'Connor 457 Haddonfield Road P.O. Box 5459 Cherry Hill, NJ 08002</p>	<p>William C. Packer, Jr. Manager - Rates Aqua America, Inc. 762 W. Lancaster Ave Bryn Mawr, PA 19010</p>
<p>Maureen Wagner, Esq. Board of Public Utilities 44 South Clinton, Avenue Trenton, NJ 08625 <a href="mailto:Maureen.wagner@bpu.state.nj.us">Maureen.wagner@bpu.state.nj.us</a></p>	<p>Robert J. Brabston, Esq. Corporate Counsel New Jersey American Water Company, Inc. 167 JFK Parkway Short Hills, NJ 07078</p>	<p>Colleen A. Holey, Esq. Saul Ewing LLP One Riverfront Plaza, Suite 1520 1037 Raymond Blvd. Newark NJ 07102 <a href="mailto:cfoley@saule.com">cfoley@saule.com</a></p>
<p>Susan E. McClure, Esq. Assistant Deputy Rate Counsel Division of Rate Counsel 140 East Front Street P.O. Box 003 Trenton, NJ 08625</p>	<p>Suzana Duby, Esq. Corporate Counsel New Jersey American Water Company, Inc. 167 JFK Parkway Short Hills, NJ 07078</p>	<p>Stephen B. Genzer, Esq. Saul Ewing LLP One Riverfront Plaza, Suite 1520 1037 Raymond Blvd. Newark NJ 07102 <a href="mailto:sgenzer@saule.com">sgenzer@saule.com</a></p>
<p>Stephanie A. Brand, Esq. Division of Rate Counsel 140 East Front Street P.O. Box 003 Trenton, NJ 08625 <a href="mailto:sbrand@rpa.state.nj.us">sbrand@rpa.state.nj.us</a></p>	<p>Frank X. Simpson Director, Rates &amp; Regulation New Jersey American Water Company, Inc. 1025 Laurel Oak Road Voorhees, NJ 08043</p>	