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BOARD OF PUBLIC UTILITIES
MAIL ROOM



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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SEP 08 2016
By _____

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 06627-16

BPU DKT. NO. WR16040306

**IN THE MATTER OF THE PETITION OF
MIDDLESEX WATER COMPANY FOR
APPROVAL OF A PURCHASED WATER
ADJUSTMENT CLAUSE PURSUANT TO
N.J.A.C. 14:9-7.1, ET SEQ.**

**Jay L. Kooper, Esq., Vice President, General Counsel & Secretary, on behalf of
Middlesex Water Company, petitioner**

**Christopher Psihoules, Deputy Attorney General, and Emma Yao Xiao,
Deputy Attorney General, for the Staff of the New Jersey Board of Public
Utilities (Christopher S. Porrino, Acting Attorney General of New Jersey,
attorney)**

**Debra F. Robinson, Esq., Deputy Rate Counsel, and Susan McClure, Esq.,
Assistant Deputy Rate Counsel, on behalf of the Division of Rate Counsel
(Stephanie A. Brand, Director of the Division of Rate Counsel, attorney)**

Cms
V. Haynes
D. Lee Thomas
M. Moran
M. Kammer
M. Mosser
J. Kane
C. Vachier

Record Closed: September 6, 2016

Decided: September 7, 2016

BEFORE RICHARD MCGILL, ALJ:

On April 19, 2016, Middlesex Water Company ("petitioner" or the "Company") filed a petition with the New Jersey Board of Public Utilities seeking approval of an increase in its Purchased Water Adjustment Clause ("PWAC") to recover increased purchased water costs together with deferred costs. The matter was transmitted to the Office of Administrative Law on May 2, 2016, for determination as a contested case.

Notices describing the petition and setting forth the date of the public hearing were placed in newspapers having circulation within petitioner's service territory. The public hearing concerning the Company's petition was held during the evening of July 18, 2016, at the Fords Branch at the Woodbridge Public Library. No members of the public appeared to provide comments.

Prior to the evidentiary hearing, the parties filed a Stipulation of Settlement, which resolves all issues in this case. Having reviewed the record and the settlement terms, I **FIND** as follows:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or the signature of their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

Therefore, I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 17:27-19.1 and that the settlement should be approved. Accordingly, it is **ORDERED** that the parties comply with the terms of the settlement, and it is **FURTHER ORDERED** that the proceedings in this matter 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.

Sept. 7, 2016
DATE

Richard McGill
RICHARD MCGILL, ALJ

Date Received at Agency:

9/7/16

Date Mailed to Parties:
sej

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

In The Matter of the Petition of Middlesex Water Company for Approval of a Purchased Water Adjustment Clause Pursuant To N.J.A.C. 14:9-7.1 et seq.	: : : : : : :	BPU Docket No. WR16040306 OAL Docket No. PUC 06627-2016N
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STIPULATION OF SETTLEMENT

APPEARANCES:

Jay L. Kooper, Esq., Vice President, General Counsel & Secretary, on behalf of Middlesex Water Company, Petitioner

Christopher Psihoules, Deputy Attorney General, and Emma Yao Xiao, Deputy Attorney General, for the Staff of the New Jersey Board of Public Utilities (Christopher S. Porrino, Attorney General of the State of New Jersey)

Debra F. Robinson, Esq., Deputy Rate Counsel and Susan McClure, Esq. Assistant Deputy Rate Counsel, on behalf of the Division of Rate Counsel (Stefanie A. Brand, Director)

TO THE HONORABLE IRENE JONES, ALJ AND THE BOARD OF PUBLIC UTILITIES:

This Stipulation of Settlement resolves all issues in BPU Docket No. WR16040306 in which Middlesex Water Company (the "Company" or "Petitioner") seeks Board approval of its Purchased Water Adjustment Clause ("PWAC") to recover increased purchased water costs, together with deferred costs, as more fully set forth in the Exhibits attached to the Petition and other materials filed herein. The Signatory Parties to this Stipulation of Settlement, which comprise the Parties that have participated in this proceeding are: the Company, the Division of Rate Counsel ("Rate Counsel"), and the Staff of the Board of Public Utilities ("Staff") (collectively the "Signatory Parties").

As a result of an analysis of Petitioner's pre-filed testimony and exhibits, extensive discovery conducted, conferences, negotiations, and a public hearing held on July 18, 2016 in Fords, New Jersey, the Signatory Parties have come to an agreement on the issues in dispute in this matter. The Signatory Parties hereto agree and stipulate as follows:

The procedural history of this matter is as follows:

On April 19, 2016, Petitioner, a public utility corporation of the State of New Jersey, pursuant to N.J.A.C. 14:9-7.1 et seq., filed a petition with the New Jersey Board of Public Utilities ("Board") seeking approval for an increase in its PWAC to recover increased purchased water costs, together with deferred costs, and associated expenses including PWAC rate case expenses, associated gross receipts and franchise taxes. The Company originally requested an increase in annual revenue of \$51,133 over pro forma present rate revenues of \$75,276,988, which represents an increase of approximately 0.07%.

The Company purchases water through two water purchase contracts: the first is for untreated water from the New Jersey Water Supply Authority ("NJWSA") and the second is for treated water from New Jersey American Water Company ("NJAW"). The Company was notified of an increase in its purchased water rate from NJAW from \$0.375 per thousand gallons to \$0.4018 per thousand gallons effective April 1, 2016 pursuant to BPU Docket No. WR15111289. The Company has not received an increase in the purchased water rate from NJWSA in connection with this matter.

On April 29, 2016, this matter was transferred to the Office of Administrative Law ("OAL") as a contested case where it was assigned to Administrative Law Judge Irene Jones ("ALJ Jones"). A Pre-Hearing Conference was convened by ALJ Jones on June 6, 2016, and a Pre-Hearing Order issued on June 7, 2016. After proper notice, a public hearing was held on the

evening of July 18, 2016, at the Fords Branch of the Woodbridge Public Library, located at 211 Ford Avenue in Fords, New Jersey, with Administrative Law Judge Michael Antoniewicz ("ALJ Antoniewicz") presiding. No members of the public appeared to provide comments. Subsequently, a settlement discussion was held among the Signatory Parties on August 23, 2016 and agreements reached during this discussion result in the following stipulation:

1. The purchased water costs, established pursuant to Petitioner's last base rate order dated August 19, 2015 in BPU Docket No. WR15030391 amounted to \$5,701,187 as appears on the Exhibit A, attached and made a part of this Stipulation. The new base cost of purchased water as agreed to by the Signatory Parties is \$5,725,934, resulting in an increase in purchased water cost of \$24,747, as more fully set forth in Exhibit A.

2. The Signatory Parties agree that the sum of the allowable expenses in this matter is set forth in Exhibit A and is agreed to be \$48,645, including:

- a. Rate proceeding expenses of \$337 representing a 50% share of total rate proceeding expenses of \$673.
- b. Deferred purchased water costs of \$17,206.
- c. A revenue tax factor of 13.0637% and the resulting revenue tax of \$6,355.

3. For purposes of this matter, the base consumption established in Petitioner's last base rate case in million gallons (mg) is agreed to be 12,121.64 mg. This amount is reduced by the amount attributable to the Township of East Brunswick ("East Brunswick")¹ of 2,437 mg,

¹ East Brunswick purchases untreated water under its own contract with the NJWSA. The Company pumps the untreated water to its primary treatment plant from the intake connection with the NJWSA. Once the Company performs the water treatment services, East Brunswick takes delivery of the treated water at the Company's primary treatment plant. The Company does not purchase water from the NJWSA to fulfill its obligation under its contract with East Brunswick. Therefore, none of the increased purchased water costs sought or agreed to in this proceeding should be allocated to East Brunswick.

resulting in a base consumption for recovery of the PWAC of 9,684.64 mg as more fully set forth in Exhibit A.

4. For General Water Service ("GWS") customers under Rate Schedule No. 1, Revised Tariff Sheet No. 33A, a charge of \$0.0458 per thousand cubic feet shall be made to recover the increased purchased water costs, reflected on Rate Schedule No. 1, Revised Tariff Sheet No. 33A, attached and made a part of this Stipulation.

5. For service under contract customers, Rate Schedule No. 5, Revised Tariff Sheet No. 40A, PWAC charges agreed to herein result in a charge of \$2.46 per million gallons, reflected on Rate Schedule No. 5, attached and made part of this Stipulation.

6. As a result of this Stipulation, a residential customer with a 5/8" meter using 2,300 cubic feet or 17,204 gallons of water per quarter will see his/her water bill increase from \$141.24 to \$141.35 per quarter, an increase of \$0.11 per quarter, or an increase of 0.08%. Petitioner shall file a new tariff sheet with the Board, with copies to the Signatory Parties, in conformity with this Stipulation, to become effective on such date as the Board may direct.

7. The PWAC rate established herein will increase annual revenues by \$48,645 or .0646%, as reflected in Exhibit A. The additional revenue to which the Parties have stipulated, herein, is necessary to ensure that Petitioner will continue to provide safe, adequate, and proper service to its customers.

8. In accordance with N.J.A.C. 14:9-7.4, 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 schedules shall be served upon all parties to the present proceeding. In accordance with N.J.A.C. 14:9-7.3, this PWAC, if approved by the Board, shall remain in effect until the Company's next rate case, provided that

the Company submits an annual year-end true-up as described above and an annual petition for adjustment of the PWAC amount in accordance with N.J.A.C. 14:9-7.4.

9. This Stipulation is the product of negotiations by the Signatory Parties, and it is an express condition of the settlement embodied by this Stipulation that it be presented to the Board in its entirety without modification or condition. It is also the intent of the Signatory Parties to this Stipulation that this settlement, once accepted and approved by the Board, shall govern all issues specified and agreed to herein. The Signatory Parties to this Stipulation specifically agree that if adopted in its entirety by the Board, no appeal shall be taken by them from the order adopting same as to those issues upon which the Signatory Parties have stipulated herein. The Signatory Parties agree that the within Stipulation reflects mutual balancing of various issues and positions and is intended to be accepted and approved in its entirety. Each term is vital to this Stipulation as a whole, since the Signatory Parties hereto expressly and jointly state that they would not have signed this Stipulation had any terms been modified in any way. In the event any particular aspect of this Stipulation is not accepted and approved by the Board, then any Party hereto materially affected thereby shall not be bound to proceed under this Stipulation. The Signatory Parties further agree that the purpose of this Stipulation is to reach fair and reasonable rates, and that it will avoid costly litigation of certain issues and that with respect to any policy or other issues which were compromised in the spirit of reaching an agreement, none of the Signatory Parties shall be prohibited from or prejudiced in arguing a different policy or position before the Board in any other proceeding, as such agreements pertain only to this matter and to no other matter.

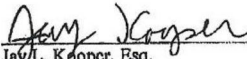
10. It is specifically understood and agreed that this Stipulation has been made exclusively for the purpose of this proceeding. Except as expressly provided herein, the

Company, Board Staff and Rate Counsel shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposed to underlie any agreement provided herein in total or by specific item. The Signatory Parties further agree that this Stipulation is in no way binding upon them in any other proceeding, except to enforce the terms of the Stipulation.

11. All rates are subject to audit by the Board.
12. This Stipulation may be executed in as many counterparts as there are Signatory Parties of this Stipulation, each of which counterparts shall be an original, but all of which shall constitute one and the same instrument.

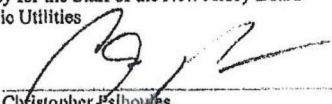
MIDDLESEX WATER COMPANY

9/6/16
Date

By: 
Jay L. Kooper, Esq.
Vice President, General Counsel & Secretary

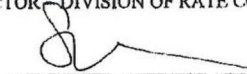
CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the New Jersey Board
of Public Utilities

9/6/16
Date

By: 
Christopher Psilhoules,
Deputy Attorney General

STEFANIE A. BRAND, ESQ.
DIRECTOR - DIVISION OF RATE COUNSEL

9/6/16
Date

By: 
Susan McClure, Esq.
Assistant Deputy Rate Counsel

MIDDLESEX WATER COMPANY
PURCHASED WATER ADJUSTMENT CLAUSE
PROPOSED COST PER UNIT OF VOLUME
BPU DOCKET NO. WR16040306

PURCHASED WATER COSTS PURSUANT TO BPU DOCKET NO. WR15030391	\$ 5,701,187
NEW COST OF PURCHASED WATER	5,725,934
INCREASE IN PURCHASED WATER COST	<u>\$ 24,747</u>
 RATE PROCEEDINGS EXPENSES @ 50%	 337
DEFERRED PURCHASED WATER COSTS	17,206
REVENUE TAX FACTOR @ 13.0637%	6,355
SUM OF ALLOWABLE EXPENSES	<u>\$ 48,645</u>
 BASE CONSUMPTION - MILLION GALLONS (MG)	
	<u>MG</u>
BASE CONSUMPTION PURSUANT TO BPU DOCKET NO. WR15030391	12,121.64
LESS: EAST BRUNSWICK PURSUANT TO BPU DOCKET NO. WR15030391	<u>(2,437.00)</u>
BASE CONSUMPTION FOR RECOVERY OF PWAC	<u>9,684.64</u>
 CURRENT PWAC RATE PER TCF (RATE SCHEDULE NO. 1, SHEET NO. 33A)	 \$0.0000
CURRENT PWAC RATE PER MG (RATE SCHEDULE NO. 5, SHEET NO. 40A)	\$0.0000
 PROPOSED PWAC RATE PER TCF (RATE SCHEDULE NO. 1, SHEET NO. 33A)	 \$0.0458
PROPOSED PWAC RATE PER MG (RATE SCHEDULE NO. 5, SHEET NO. 40A)	\$2.4600

MIDDLESEX WATER COMPANY
B.P.U. No. 1 - WATER

Ninth Revised Sheet No. 33A
Cancelling
Eighth Sheet No. 33A

RATE SCHEDULE NO. 1 (Continued)

GENERAL WATER SERVICE - GS

PURCHASED WATER ADJUSTMENT CLAUSE (PWAC) CHARGES

A charge of \$0.0458 per thousand cubic feet will be made to recover the increased purchased water costs.

Date of Issue: April 18, 2016

Effective for Service
Rendered on and After:

Issued by: Dennis W. Doll, President
1500 Ronson Road
Iselin, New Jersey 08830-3020

November 1, 2016

Filed pursuant to an Order of the Board of Public Utilities, State of New Jersey, dated September 23, 2016 in Docket No. WR16040306.

EXHIBIT A

MIDDLESEX WATER COMPANY

Ninth Revised Sheet No. 40A

B.P.U. No. 1 - WATER

Cancelling

Eighth Sheet No. 40A

RATE SCHEDULE NO. 5

SERVICE UNDER CONTRACT - SC

PURCHASED WATER ADJUSTMENT CLAUSE (PWAC) CHARGES

A charge of \$2.46 per million gallons will be made to recover the increased purchased water costs.

Date of Issue: April 18, 2016

Effective for Service

Rendered on and After:

Issued by: Dennis W. Doll, President
1500 Ronson Road
Iselin, New Jersey 08830-3020

November 1, 2016

Filed pursuant to an Order of the Board of Public Utilities, State of New Jersey, dated September 23, 2016 in Docket No. WR16040306.

MIDDLESEX WATER COMPANY
 PROOF OF REVENUE
 SUMMARY OF PROJECTED REVENUES

	PWAC REVENUES PRESENT RATES	PWAC REVENUES PROPOSED RATES	<u>DIFFERENCE</u>
RESIDENTIAL CONSUMPTION	\$0	\$23,540	\$23,540
COMMERCIAL CONSUMPTION	0	9,764	9,764
INDUSTRIAL CONSUMPTION	0	7,768	7,768
 SUBTOTAL	<u>\$0</u>	<u>\$41,071</u>	<u>\$41,071</u>
 PRIVATE FIRE SERVICE	\$0	\$413	\$413
PUBLIC FIRE SERVICE	0	0	0
 SUBTOTAL	<u>\$0</u>	<u>\$413</u>	<u>\$413</u>
 EDISON	\$0	\$629	\$629
HIGHLAND PARK	0	1,202	1,202
EAST BRUNSWICK	0	0	0
OLD BRIDGE MUA	0	2,051	2,051
MARLBORO MUA	0	2,948	2,948
RAHWAY	0	328	328
 SUBTOTAL	<u>\$0</u>	<u>\$7,158</u>	<u>\$7,158</u>
 MISCELLANEOUS	\$0	\$0	\$0
BAYVIEW	0	0	0
ROUNDING	0	4	4
 GRAND TOTAL	<u>\$0</u>	<u>\$48,645</u>	<u>\$48,645</u>

GENERAL WATER SERVICE

CONSUMPTION CHARGES

/----RATE PER TCF----\

		<u>CURRENT</u>	<u>PROPOSED</u>
PWAC RATE	PWAC RATE	\$0.0000	\$0.0458

SERVICE UNDER CONTRACT (RATE SCHEDULE NO. 5)
 RATE PER MILLION GALLONS

	<u>CURRENT</u>	<u>PROPOSED</u>
PWAC RATE	\$0.00	\$2.46

MIDDLESEX WATER COMPANY
 PROOF OF REVENUE
 EXISTING RATES
 RESIDENTIAL

CONSUMPTION

	513,963,160	\$0.00000000	\$0		\$0
	TOTAL RESIDENTIAL		\$0	\$0	\$0

EXISTING RATES
 COMMERCIAL

CONSUMPTION - QUARTERLY

	15,944,153	\$0.00000000	0		\$0
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CONSUMPTION - MONTHLY

	197,234,792	\$0.00000000	0	\$0	\$0
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	TOTAL COMMERCIAL	\$ -	\$ -	\$ -	
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EXISTING RATES
 INDUSTRIAL

CONSUMPTION

	169,601,872	\$0.00000000	0		\$0
	TOTAL INDUSTRIAL		\$0	\$0	\$0

MIDDLESEX WATER COMPANY
 PROOF OF REVENUE
 EXISTING RATES
 PRIVATE FIRE SERVICE - WITHOUT HOSE CONNECTIONS

CONSUMPTION - QUARTERLY

	42,223	\$0.00000000	\$0	\$0
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CONSUMPTION - MONTHLY

	8,969,282	\$0.00000000	\$0	\$0
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TOTAL PRIVATE FIRE SERVICE	<u>\$0</u>	<u>\$0</u>
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TOTAL GENERAL WATER SERVICE	<u>\$0</u>	<u>\$0</u>
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EXISTING RATES
 CONTRACT SALES

EDISON

ADJUSTED TEST YEAR CONSUMPTION (GALLONS)	255,565,025	
RATE PER MILLION GALLONS	\$0.00	
ADJUSTED TEST YEAR REVENUES		\$0

HIGHLAND PARK

ADJUSTED TEST YEAR CONSUMPTION (GALLONS)	488,531,368	
RATE PER MILLION GALLONS	\$0.00	
ADJUSTED TEST YEAR REVENUES		\$0

MIDDLESEX WATER COMPANY
PROOF OF REVENUE

EAST BRUNSWICK	ADJUSTED TEST YEAR CONSUMPTION (GALLONS)	2,437,000,007	
	RATE PER MILLION GALLONS	0.000	
	ADJUSTED TEST YEAR REVENUES		\$0
OLD BRIDGE MUA	ADJUSTED TEST YEAR CONSUMPTION (GALLONS)	833,672,021	
	RATE PER MILLION GALLONS	\$0.00	
	ADJUSTED TEST YEAR REVENUES		\$0
SAYREVILLE	ADJUSTED TEST YEAR CONSUMPTION (GALLONS)	0	
	RATE PER MILLION GALLONS	\$0.00	
	ADJUSTED TEST YEAR REVENUES		\$0
RAHWAY	ADJUSTED TEST YEAR CONSUMPTION (GALLONS)	133,307,053	
	RATE PER MILLION GALLONS	\$0.00	
	ADJUSTED TEST YEAR REVENUES		\$0
MARLBORO	ADJUSTED TEST YEAR CONSUMPTION (GALLONS)	1,198,516,647	
	RATE PER MILLION GALLONS	\$0.00	
	ADJUSTED TEST YEAR REVENUES		\$0
MARLBORO	ADJUSTED TEST YEAR CONSUMPTION (GALLONS)	1,642,500,000	
	RATE PER MILLION GALLONS	\$0.00	
	ADJUSTED TEST YEAR REVENUES		\$0
TOTAL ADJUSTED TEST YEAR REVENUES - CONTRACT SALES			<u>\$0</u>

MIDDLESEX WATER COMPANY
PROOF OF REVENUE

PROPOSED RATES
RESIDENTIAL

CONSUMPTION

513,963,160	\$0.00004580	<u>\$23,540</u>	\$0	<u>\$23,540</u>
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TOTAL RESIDENTIAL		<u>\$23,540</u>	\$0	<u>\$23,540</u>
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PROPOSED RATES
COMMERCIAL

CONSUMPTION - QUARTERLY

15,944,153	\$0.00004580	\$730	\$0	\$730
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CONSUMPTION - MONTHLY

197,234,792	\$0.00004580	<u>\$9,033</u>	\$0	<u>\$9,033</u>
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TOTAL COMMERCIAL		<u>\$9,764</u>	\$0	<u>\$9,764</u>
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PROPOSED RATES
INDUSTRIAL

CONSUMPTION

169,601,872	\$0.00004580	<u>\$7,768</u>	\$0	<u>\$7,768</u>
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TOTAL INDUSTRIAL		<u>\$7,768</u>	\$0	<u>\$7,768</u>
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MIDDLESEX WATER COMPANY
 PROOF OF REVENUE
 PROPOSED RATES
 PRIVATE FIRE SERVICE - WITHOUT HOSE CONNECTIONS

CONSUMPTION - QUARTERLY

	42,223	\$0.00004580	<u>\$2</u>	\$0	\$2
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CONSUMPTION - MONTHLY

	8,969,282	\$0.00004580	<u>\$411</u>	\$0	<u>\$411</u>
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			<u>\$413</u>	<u>\$0</u>	<u>\$413</u>
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PROPOSED RATES
 CONTRACT SALES

EDISON

	PROJECTED GALLONS		255,565,025	
	RATE PER MILLION GALLONS		<u>\$2.46</u>	
	PROJECTED REVENUES			\$629

HIGHLAND PARK

	PROJECTED GALLONS		488,531,368	
	RATE PER MILLION GALLONS		<u>\$2.46</u>	
	PROJECTED REVENUES			\$1,202

MIDDLESEX WATER COMPANY
PROOF OF REVENUE

EAST BRUNSWICK	PROJECTED GALLONS	2,437,000,007	
	RATE PER MILLION GALLONS	<u>\$0.00</u>	
	PROJECTED REVENUES		\$0
OLD BRIDGE MUA	PROJECTED GALLONS	833,672,021	
	RATE PER MILLION GALLONS	<u>\$2.46</u>	
	PROJECTED REVENUES		\$2,051
SAYREVILLE	PROJECTED GALLONS	0	
	RATE PER MILLION GALLONS	<u>\$2.46</u>	
	PROJECTED REVENUES		\$0
RAHWAY	ADJUSTED TEST YEAR CONSUMPTION (GALLONS)	133,307,053	
	RATE PER MILLION GALLONS	<u>\$2.46</u>	
	ADJUSTED TEST YEAR REVENUES		\$328
MARLBORO	PROJECTED GALLONS	1,198,516,647	
	RATE PER MILLION GALLONS	<u>\$2.46</u>	
	PROJECTED REVENUES		\$2,948
MARLBORO	PROJECTED GALLONS	1,642,500,000	
	RATE PER MILLION GALLONS	<u>\$0.00</u>	
	PROJECTED REVENUES		\$0
TOTAL PROJECTED REVENUES - CONTRACT SALES		<u>\$7,158</u>	