

Handwritten: *Jared*
12/7/17



GEORGE R. GILMORE
THOMAS E. MONAHAN
JEAN L. CIPRIANI
Certified Civil Trial Attorney

GILMORE & MONAHAN

A PROFESSIONAL CORPORATION
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ALLEN STREET PROFESSIONAL CENTER
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(732) 240-6000 | FAX (732) 244-1840

Please reply to:
P.O. Box 1540
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JARED J. MONACO
LAUREN R. STAIGER
ROBIN LA BUE
ANDREA E. WYATT
DENIS P. KELLY
CHRISTEN E. MCCULLOUGH
MICHAEL S. NAGURKA
BARRY A. STIEBER

ANGELA M. KOUTSOURIS
Of Counsel

December 4, 2017

BOARD OF PUBLIC UTILITIES

DEC 06 2017

MAIL RECEIVED

VIA FEDERAL EXPRESS

The Honorable Tricia M. Caliguire, ALJ
Office of Administrative Law
3444 Quakerbridge Road
Quakerbridge Plaza – Bldg. 9
Mercerville, New Jersey 08619

**Re: In the Matter of the Petition of Middlesex Water Company for Approval to Change the Levels of its Purchased Water Adjustment Clause Pursuant to N.J.A.C. 14:9-7.1, et seq.
OAL Docket No. PUC 16144-2017S
BPU Docket No. WR17101049**

Dear Judge Caliguire:

The undersigned represents the interests of the Township of East Brunswick as a potential intervenor in the above-referenced matter. Enclosed please find our Notice of Motion to Intervene, Certification of Counsel, Proposed Form of Order, and Certification of Service. As this motion may not be immediately scheduled, it is respectfully requested that this office and Township officials be entitled to participate in any future telephone/in-person conferences that may take place prior to the Court deciding this motion.

Please do not hesitate to contact me with any further questions, comments, or concerns.

Respectfully submitted,

Michael S. Nagurka
MICHAEL S. NAGURKA
For the Firm
msn@gm-law.net

J. Kane
C. Kachin
M. Moran

MSN:js

Encl.

cc: Service List
Lou Neely, CFO of East Brunswick



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GILMORE & MONAHAN, P.A.
Ten Allen Street, 4th Floor
P.O. Box 1540
Toms River, NJ 08754
(732) 240-6000
Attorneys for Township of East Brunswick

IN THE MATTER OF THE PETITION OF : OFFICE OF ADMINISTRATIVE LAW
MIDDLESEX WATER COMPANY FOR :
APPROVAL TO CHANGE THE LEVELS :
OF ITS PURCHASED WATER : OAL DOCKET NO.: PUC 16144-2017S
ADJUSTMENT CLAUSE PURSUANT TO : BPU DOCKET NO.: WR17101049
N.J.A.C. 14:9-7.1 ET SEQ. :
: CERTIFICATION OF SERVICE

MICHAEL S. NAGURKA, of full age, hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey and am familiar with the facts contained herein.
2. On December 4, 2017, I caused the enclosed notice of motion, certification of counsel, and proposed order to be sent via regular mail to the following:

Jay L. Cooper, Esq., Vice President
General Counsel and Secretary
Middlesex Water Company
1500 Ronson Road
Iselin, New Jersey 08850

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, New Jersey 08625-0003

Irene Kim Asbury, Esq.
Secretary of the Board
Board of the Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350

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Toms River, New Jersey 08754

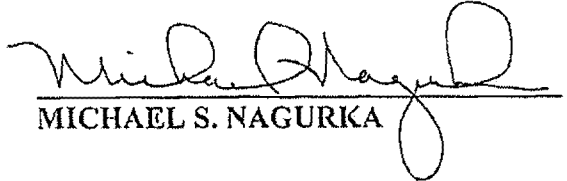
Maria L. Moran, Director
Division of Water
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350

3. Also, on December 4, 2017, I caused copies of the above documents to be sent via Federal Express to the following:

The Honorable Tricia M. Caliguire, ALJ
Office of Administrative Law
9 Quakerbridge Plaza
Mercerville, New Jersey 08619
175 South Broad Street, 3rd Floor
Trenton, New Jersey 08650

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

Dated: 12-04-17


MICHAEL S. NAGURKA

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DEC 06 2017
By CMS

GILMORE & MONAHAN, P.A.
Ten Allen Street, 4th Floor
P.O. Box 1540
Toms River, NJ 08754
(732) 240-6000
Michael S. Nagurka, Esq. – Attorney ID #061562014
Attorneys for **Township of East Brunswick**

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IN THE MATTER OF THE PETITION OF MIDDLESEX WATER COMPANY FOR APPROVAL TO CHANGE THE LEVELS OF ITS PURCHASED WATER ADJUSTMENT CLAUSE PURSUANT TO <u>N.J.A.C. 14:9-7.1 ET SEQ.</u>	: OFFICE OF ADMINISTRATIVE LAW : : OAL DOCKET NO.: PUC 16144-2017S : BPU DOCKET NO.: WR17101049 : : CERTIFICATION OF COUNSEL
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MICHAEL S. NAGURKA, of full age, hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey and am familiar with the facts contained herein.
2. I am fully familiar with the facts and circumstances surrounding this matter, and I make this Certification in support of the Notice of Motion to Intervene in this action on behalf of the Township of East Brunswick.
3. The Township of East Brunswick is a municipal corporation located in 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 its offices at 1 Jean Walling Civic Center Drive, East Brunswick, New Jersey 08816.
4. On October 10, 2017, the Middlesex Water Company filed a Petition with the Board of Regulatory Commission requesting a significant 19.76% rate increase (or a 15.3 million dollar increase of current operating revenues). See Petition.
5. As you are aware, the Township of East Brunswick is not a party to this proceeding. However, the implications involved in this petition, if granted by the Bureau of Public

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Ten Allen Street
P.O. Box 1540
Toms River, New Jersey 08754

Utilities, will have a long-lasting and potential adverse financial impact on the residents of the Township of East Brunswick. As the Middlesex Water Company's largest customer, the Township of East Brunswick must be included in all conference calls, settlement meetings, and discussions. See Rate Schedule #6.

6. As a municipality that may be affected by the request of the Middlesex Water Company, the Township of East Brunswick is entitled to intervene in this proceeding in accordance with the provisions of N.J.S.A. 48:3-32.2. Accordingly, the Township of East Brunswick hereby formally seeks leave to intervene in this matter, with full rights and obligations as a party participate in pre-hearing conferences, present and cross-examine any witnesses at hearings, and file legal briefs, if necessary.

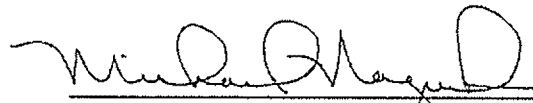
7. The Township of East Brunswick agrees to abide by all of the dates and deadlines agreed upon by the parties for the filing of discovery and testimony.

8. All correspondences in this proceeding should be sent to Counsel for the Township of East Brunswick at the following address:

Michael S. Nagurka, Esq.
Gilmore & Monahan, P.A.
Ten Allen Street
P.O. Box 1540
Toms River, New Jersey 08754-1540

9. I hereby 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.

Dated: 12-04-17


MICHAEL S. NAGURKA

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Michael S. Nagurka, Esq. – Attorney ID #061562014

Attorneys for **Township of East Brunswick**

IN THE MATTER OF THE PETITION OF : OFFICE OF ADMINISTRATIVE LAW
MIDDLESEX WATER COMPANY FOR :
APPROVAL TO CHANGE THE LEVELS :
OF ITS PURCHASED WATER : **OAL DOCKET NO.: PUC 16144-2017S**
ADJUSTMENT CLAUSE PURSUANT TO :
N.J.A.C. 14:9-7.1 ET SEQ. : **BPU DOCKET NO.: WR17101049**

ORDER

THIS MATTER having been brought before the Office of Administrative Law by Michael S. Nagurka, Esq., of the law firm Gilmore & Monahan, P.A., on behalf of the potential Intervenor, Township of East Brunswick, appearing on notice to the parties and persons set forth on the attached service list, and The Honorable Tricia M. Caliguire, A.L.J. 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 , 2017;

ORDERED:

1. The Township of East Brunswick is hereby granted leave to intervene and fully participate in the above-referenced matter. Further, the Township of East Brunswick is placed on the Service List for receipt of all case documents, papers, pleadings, discovery materials, and exhibits, and to receive notification of all hearings, conference, 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.

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P.O. Box 1540
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Michael S. Nagurka, Esq. – Attorney ID #061562014
Attorneys for **Township of East Brunswick**

IN THE MATTER OF THE PETITION OF : OFFICE OF ADMINISTRATIVE LAW
MIDDLESEX WATER COMPANY FOR :
APPROVAL TO CHANGE THE LEVELS :
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ADJUSTMENT CLAUSE PURSUANT TO : BPU DOCKET NO.: WR17101049
N.J.A.C. 14:9-7.1 ET SEQ. :
NOTICE OF MOTION TO INTERVENE

To: Jay L. Cooper, Esq., Vice President
General Counsel and Secretary
Middlesex Water Company
1500 Ronson Road
Iselin, New Jersey 08850

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, New Jersey 08625-0003

Irene Kim Asbury, Esq.
Secretary of the Board
Board of the Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350

Maria L. Moran, Director
Division of Water
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350

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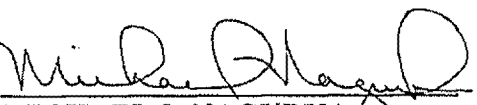
PLEASE TAKE NOTICE that pursuant to N.J.A.C. 1:1-16.1, the undersigned, attorney for intervenor, Township of East Brunswick, shall move before the Office of Administrative Law, and in particular, before the Administrative Law Judge to whom this matter is assigned, for an Order allowing and permitting the Township of East Brunswick 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.

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.

TAKE FURTHER NOTICE that in support of the within Motion, the intervenor shall rely on the Certification of Michael S. Nagurka, Esq., dated December 4, 2017.

TAKE FURTHER NOTICE that a proposed form of Order is attached.


GILMORE & MONAHAN, P.A.
Attorneys for Township of East Brunswick

By: 
MICHAEL S. NAGURKA
For the Firm

CERTIFICATION

I hereby certify that the original of the within Notice of Motion, Certification of Counsel and proposed form of Order were filed with the Clerk of the Administrative Law and a copy was served upon all parties.

Dated: 12-04-17


MICHAEL S. NAGURKA