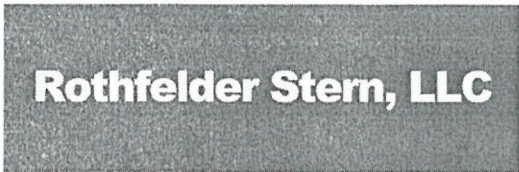


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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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TRENTON, NJ

Fax

To: Aida Camacho-Welch Secretary, Board of Public Utilities	From: Brad Stern
Fax: (609) 777-3348	Pages: 7/9
Phone: (609) 292-1554	Date: April 24, 2018
Re: Dkt No. WR17090985	cc:

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

Please see the attached letter in the above-captioned matter. Thank you.

CMS

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Jan P.
4/30/18

ROTHFELDER STERN, L.L.C.

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APR 26 2018

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April 24, 2018

Via Fax and First Class Mail

Aida Camacho-Welch, Secretary
Board of Public Utilities
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3rd Floor, Suite 314
Trenton, NJ 08625-0350

RECEIVED
CASE MANAGEMENT

APR 26 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

**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 Wastewater Service, Change in Depreciation Rates and Other Tariff Provisions
BPU Docket No. WR17090985
OAL Docket No. PUC 14251-2017 S**

Dear Secretary Camacho-Welch:

This letter is on behalf of Rutgers, the State University of New Jersey, Princeton University, Johanna Foods, Inc., Phillips 66 Company, and Cogen Technologies Linden Venture, L.P. (the "OIW Coalition"), who are all intervenors in the New Jersey American Water Company (NJAW or Company) pending base rate case in OAL Docket No. PUC 14251-2017 S (NJAW Rate Case).¹ We are writing to address an apparent intention by the Company to seek to implement a provisional rate increase pursuant to N.J.A.C. 14:1-5.12(e) through (k). By letter to the Board dated April 18, 2018, the Division of Rate Counsel ("Rate Counsel") informed the Board of the Company's intention and requested that the Board (1) prohibit the Company from implementing provisional rates until the Board has completed its review, should the Company in

¹ All members of the OIW Customer Coalition receive service from the Company under Rate Schedule F, Optional Industrial Wholesale, of the Company's Tariff.

AMS
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fact seek to implement provisional rates, and (2) direct the Company to continue rate case settlement negotiations in good faith.

The OIW Coalition supports Rate Counsel's request, for the reasons Rate Counsel has given in its letter. In addition, Rate Counsel notes that the Company filed on September 15, 2017 for increase of approximately \$129.3 million per year, or about 17.54%. However, that filing occurred before the enactment of the federal Tax Cuts & Jobs Act of 2017 and the Board's subsequent order to the State's utilities with revenues greater than \$4.5 million to reduce rates on an interim basis effective April 1, 2018 to reflect the Act's reduction in the corporate income tax rate.² Thus, the Company currently has in effect provisional rates per the Board's direction.

Any further filing by the Company to revise its current provisional rates must also be subject to requirements of the Tax Act Order. Thus, the Company should be made to show that any noticed revision to its current interim rates complies with the Tax Act Order. The Board should have opportunity to review the Company's filing and order an evidentiary hearing be held if factual or other issues presented warrant same with respect to demonstrated compliance with the Tax Act Order.

We appreciate the opportunity to submit the OIW Coalition's position on this matter.

Respectfully submitted,

Rothfelder Stern, L.L.C.
Attorneys for
RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY
COGEN TECHNOLOGIES LINDEN VENTURE, L.P.
PHILLIPS 66 COMPANY
PRINCETON UNIVERSITY
JOHANNA FOODS, INC.



By: _____
Bradford M. Stern, Esq.

cc: Stephanie A. Brand, Esq., Division of Rate Counsel (2 copies via First Class Mail)
Alex Moreau, Division of Law (2 copies via First Class Mail)
Attached Service List (via email)

² I/M/O the N.J. Bd. Of Pub. Utilities' Consideration of the Tax Cuts & Jobs Act of 2017, BPU Docket No. AX18010001, Order dated January 31, 2018 ("Tax Act Order").

IN THE MATTER OF THE PETITION OF NEW JERSEY AMERICAN WATER COMPANY, INC.
FOR APPROVAL OF INCREASED TARIFF RATES AND CHARGES FOR WATER AND
WASTEWATER SERVICE, CHANGE IN DEPRECIATION RATES
AND OTHER TARIFF MODIFICATIONS
BPU DOCKET NO. WR17090985
OAL DOCKET NO. PUC 14251-2017 S

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BPU DOCKET NO. WR17090985

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