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CASE MANAGEMENT

MAY 20 2019

BOARD OF PUBLIC UTILITIES
CASE MANAGEMENT
TRENTON, NJ

PHIL MURPHY
Governor

SHEILA OLIVER
Lt. Governor

MAY 23 P 1:09
BOARD OF PUBLIC UTILITIES
TRENTON, NJ



State of New Jersey
DIVISION OF RATE COUNSEL
140 EAST FRONT STREET, 4TH FL
P.O. Box 003
TRENTON, NEW JERSEY 08625

RECEIVED
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MAY 20 2019

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

STEFANIE A. BRAND
Director

May 15, 2019

Via Electronic Mail and US Regular Mail

AX17050469, AX17050468, AX17111144

TO : Parties on the Attached Service List

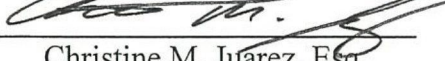
RE : In the matter of the Adopted Amendment to N.J.A.C. 14:1-5.12
(Tariff Filings or Petition which Propose Increases in Charges to Customers)
Appellate Docket No. A-003621-18

Please see an enclosed copy filed on behalf of the Appellant, the Division of Rate Counsel of: (1) An Amended Notice of Appeal; (2) An Amended Case Information Statement; and (3) The Certificate of Service in the above-referenced matter.

Thank you for your attention to this matter.

Very truly yours,

STEFANIE A. BRAND, DIRECTOR
DIVISION OF RATE COUNSEL

By: 
Christine M. Juárez, Esq.
Assistant Deputy Rate Counsel

Case mgmt
Legal

CMJ/dl
c: Service List (via regular mail)

CERTIFICATION OF SERVICE

I, Christine M. Juarez, Esq., Assistant Deputy Rate Counsel with the New Jersey Division of Rate Counsel, certify as follows:

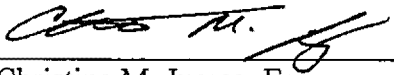
I certify that I have, on May 15, 2019, caused copies of the (1) Amended Notice of Appeal; (2) Amended Case Information Statement; and (3) other relevant documents, upon all parties on the attached service list via regular mail.

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

Respectfully Submitted,

STEFANIE A. BRAND,
DIRECTOR, DIVISION OF RATE COUNSEL

By:



Christine M. Juarez, Esq.
Assistant Deputy Rate Counsel

Dated: May 15, 2019

Adopted Amendment to N.J.A.C. 14:1-5.12
(Tariff filings or Petitions which propose increases in charges to customers)
BPU Dkt. No. AX1750469(sic); AX17050468 and AX17111144
SERVICE LIST OF PARTIES

Party	Attorney Name and Designation	Attorney Address and Telephone No.	Date of Service
NJ Board of Public Utilities	Gurbir S. Grewal, Attorney General	Office of Attorney General Hughes Justice Complex 25 W. Market Street P.O. Box 080 Trenton, NJ 08625 609-292-3794	May 15, 2019
NJ Board of Public Utilities	Patricia Krogman, Deputy Attorney General	Dept. of Law and Public Safety, Division of Law 124 Halsey Street, 5 th Fl. P.O. Box 45029 Newark, NJ 07101 973-648-3441	May 15, 2019
NJ Board of Public Utilities	Aida Camacho-Welch, Secretary	NJ Board of Public Utilities 44 South Clinton Avenue, 3 rd Floor P.O. Box 350 Trenton, NJ 08625-0350 609-292-1599	May 15, 2019
New Jersey American Water Company (In-house Counsel) (did not participate below)	Robert Brabston, Esq.	New Jersey American Water Company 167 J.F. Kennedy Parkway Short Hills, NJ 07078 973-564-5716	May 15, 2019
SUEZ Water Companies (Outside Counsel) (did not participate below)	Stephen B. Genzer, Esq.	Saul Ewing LLP One Riverfront Plaza, Suite 1520 Newark, NJ 07102-5426 973-286-6712	May 15, 2019
Aqua Water Company NJ (Outside Counsel) (did not participate below)	Colleen Foley, Esq.	Saul Ewing LLP One Riverfront Plaza, Suite 1520 Newark, NJ 07102-5426 973-286-6712	May 15, 2019
Middlesex Water Company (In-house Counsel) (did not participate below)	Jay Kooper, Esq.	Middlesex Water Company 485 C Route One South, Suite 400 Iselin, NJ 08830 (732) 634-1500	May 15, 2019

Atlantic City Sewerage Company (Outside Counsel) (did not participate below)	Ira Megdal, Esq.	Cozen O'Connor, PC 457 Haddonfield Road Suite 300 Cherry Hill, NJ 08002 856-910-5000	May 15, 2019
Rockland Electric Company (In-house Counsel) (did not participate below)	John L. Carley, Esq.	Consolidated Edison of NY Law Department, Rm 1815-S 4 Irving Place New York, NY 10003 212-460-2097	May 15, 2019
Elizabethtown Gas Company (In-house Counsel) (did not participate below)	Deborah Franco, Esq.	Elizabethtown Gas Company 520 Green Lane Union, NJ 07083 908-662-8453	May 15, 2019
Atlantic City Electric Company (In-house Counsel)	Philip J. Passanante, Esq.	Atlantic City Electric Company 500 North Wakefield Drive P.O. Box 6066 Newark, DE 19714-6066 302-429-3105	May 15, 2019
Jersey Central Power and Light Company (Outside Counsel)	Gregory Eisenstark, Esq.	Cozen O'Connor One Gateway Center Suite 2600 Newark, NJ 07102 973-200-7411	May 15, 2019
New Jersey Natural Gas Company (In-house Counsel) (did not participate below)	Andrew K. Dembia, Esq.	New Jersey Natural Gas Company 1415 Wyckoff Road Wall, NJ 07719 732-938-1073	May 15, 2019
South Jersey Gas Company (In-house Counsel) (did not participate below)	Stacy A. Mitchell, Esq.	South Jersey Gas Company 1 South Jersey Plaza, Route 54 Folsom, NJ 08037 609-561-9000	May 15, 2019
PSEG Services Corporation (In-house Counsel) (did not participate below)	Matthew M. Weissman, Esq.	PSEG Services Corporation 80 Park Plaza, T5 Newark, NJ 07102-4194 973-430-6479	May 15, 2019
New Jersey Large Energy Users Coalition (Outside Counsel)	Steven S. Goldenberg, Esq.	Giordano, Halleran & Ciesla, PC 125 Half Mile Road Suite 300 Red Bank, NJ 07701 732-741-3900	May 15, 2019

Utility and Transportation Contractors Association of NJ (UTCA)	Zoe Baldwin, Director of Government Affairs and Communications	Utility and Transportation Contractors Association of NJ 1670 Highway 34 North Farmingdale, NJ 07727 732-292-4300	May 15, 2019
New Jersey Utility Shareholders Association (NJUSA)	James Laskey	Norris McLaughlin Law 400 Crossing Blvd. Bridgewater, NJ 08807 908-252-4221	May 15, 2019
New Jersey Chamber of Commerce (State Chamber)	Michael A. Egenton, Executive Vice President	New Jersey Chamber of Commerce 216 West State Street Trenton, NJ 08608 609-989-7888	May 15, 2019
New Jersey Utilities Association (NJUA)	James C. Meyer, Esq.	Riker Danzig Scherer Hyland & Perretti One Speedwell Ave., Headquarters Plaza, Morristown, NJ 07962	May 15, 2019
Engineers Labor-Employer Cooperative (ELEC)	Mark Longo, Director	Engineers Labor-Employer Cooperative 65 Springfield Avenue 2 nd Floor Springfield, NJ 07081 973-630-1010	May 15, 2019
New Jersey State Laborers' Employers' Cooperative and Education Trust (NJLECET)	Steven Gardner, Director	New Jersey State Laborers'-Employers' Cooperation and Education Trust 104 Interchange Plaza, Suite 301 Monroe Township, NJ 08831 609-860-9223	May 15, 2019
American Association of Retired Persons (AARP) (Outside Counsel) (did not participate below)	Janine Bauer, Esq.	Szaferman, Lakind, Blumstein & Blader 101 Grovers Mill Road, Suite 200 Lawrenceville, NJ 08648 609-275-0400	May 15, 2019



New Jersey Judiciary
 Superior Court - Appellate Division
Amended Notice of Appeal

TITLE IN FULL (AS CAPTIONED BELOW) IN THE MATTER OF THE ADOPTED AMENDMENT TO N.J.A.C. 14:1-5.12 (TARIFF FILINGS OR PETITIONS WHICH PROPOSE INCREASES IN CHARGES TO CUSTOMERS)	ATTORNEY / LAW FIRM / PRO SE LITIGANT			
	NAME CHRISTINE M JUAREZ, Esq.			
	STREET ADDRESS 140 EAST FRONT STREET 4TH FL PO BOX 003			
	CITY TRENTON	STATE NJ	ZIP 08625	PHONE NUMBER 609-984-1460
	EMAIL ADDRESS CJUAREZ@RPA.NJ.GOV			

ON APPEAL FROM

TRIAL COURT JUDGE	TRIAL COURT OR STATE AGENCY PUBLIC UTILITIES	TRIAL COURT OR AGENCY NUMBER AX17050468
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Notice is hereby given that **NEW JERSEY DIVISION OF RATE COUNSEL** appeals to the Appellate Division from a Judgment or Order entered on _____ in the Civil Criminal or Family Part of the Superior Court Tax Court or from a State Agency decision entered on **03/18/2019**

If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

***EXPLAIN BRIEFLY THE REASON FOR AMENDING THE NOTICE OF APPEAL

Initial Notice of Appeal found to be deficient. Amending the party from the State of New Jersey to Board of Public Utilities. Correcting transcript date, adding transcript dates and a party.

For criminal, quasi-criminal and juvenile actions only:

Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:

This appeal is from a conviction post judgment motion post-conviction relief pre-trial detention
 If post-conviction relief, is it the 1st 2nd other _____ specify

Is defendant incarcerated? Yes No

Was bail granted or the sentence or disposition stayed? Yes No

If in custody, name the place of confinement:

Defendant was represented below by:
 Public Defender self private counsel _____

specify

Notice of appeal and attached case information statement have been served where applicable on the following:

	Name	Date of Service
Trial Court Judge		
Trial Court Division Manager		
Tax Court Administrator		
State Agency	PUBLIC UTILITIES	05/15/2019
Attorney General or Attorney for other Governmental body pursuant to R. 2:5-1(a), (e) or (h)		05/15/2019

Other parties in this action:

Name and Designation	Attorney Name, Address and Telephone No.	Date of Service
----------------------	--	-----------------

NEW JERSEY DIVISION OF RATE COUNSEL	STEFANIE A BRAND, Esq. DIVISION OF RATE COUNSEL 140 EAST FRONT STREET 4TH FL PO BOX 003 TRENTON NJ 08625 609-984-1460 SBRAND@RPA.NJ.GOV	05/15/2019
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NEW JERSEY DIVISION OF RATE COUNSEL	MAURA A CAROSELLI, Esq. DIVISION OF RATE COUNSEL 140 EAST FRONT STREET 4TH FL PO BOX 003 TRENTON NJ 08625 609-984-1460 MCAROSELLI@RPA.NJ.GOV,MACWOMAN33@YAHOO.COM (dlayugan@rpa.nj.gov)	05/15/2019
--	--	-------------------

PUBLIC UTILITIES	MELISSA H RAKSA, Esq. ATTORNEY GENERAL LAW 25 MARKET ST PO BOX 112 TRENTON NJ 08625-0106 609-984-3900 DOL.APPEALS@LAW.NJOAG.GOV (DOLAPPEALS@LPS.STATE.NJ.US,DOLAPPEALS@LPS.STATE.NJ.US)	05/15/2019
-------------------------	--	-------------------

PUBLIC UTILITIES	ALEX MOREAU, Esq. ATTORNEY GENERAL LAW 124 HALSEY ST PO BOX 45029	05/15/2019
-------------------------	--	-------------------

	NEWARK NJ 07101 973-648-2500 ALEX.MOREAU@LAW.NJOAG.GOV	
NEW JERSEY AMERICAN WATER COMPANY	IRA G MEGDAL, Esq. COZEN O'CONNOR A PA PC 457 HADDONFIELD RD STE 300 PO BOX 5459 CHERRY HILL NJ 08002 856-910-5000 IMEGDAL@COZEN.COM	05/15/2019
NEW JERSEY UTILITY SHAREHOLDERS ASSOCIATION (NJUSA)	JAMES H LASKEY, Esq. NORRIS MC LAUGHLIN PA 400 CROSSING BOULEVARD 8TH FL PO BOX 5933 BRIDGEWATER NJ 08807 908-722-0700 JLASKEY@NMMLAW.COM, JLASKEY@NORRIS-LAW.COM (jlaskey@nmmlaw.com)	05/15/2019
AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP)	JANINE GAIL BAUER, Esq. SZAFERMAN LAKIND BLUMSTEIN & BLADER PC 101 GROVERS MILL RD SUITE 200 LAWRENCEVILLE NJ 08648 609-275-0400 JBAUER@SZAFERMAN.COM, ACOSTELLO@SZAFERMAN.COM	05/15/2019
ATLANTIC CITY ELECTRIC COMPANY	PHILIP J PASSANANTE, Esq. ATLANTIC CITY ELECTRIC CO 500 N. WAKEFIELD DR., 92DC42 NEWARK DE 19702 302-429-3105 PHILIP.PASSANANTE@PEPCOHOLDINGS.COM ,PHILIP.J.PASSANANTE@GMAIL.COM	05/15/2019
JERSEY CENTRAL POWER AND LIGHT COMPANY	GREGORY EISENSTARK, Esq. COZEN O'CONNOR A PA PC ONE GATEWAY CTR STE 2600 NEWARK NJ 07102 973-622-6300 GEISENSTARK@COZEN.COM, GEISEN@OPTO	05/15/2019

(*) truncated due to space limit. Please find full information in the additional pages of the form.
Revised effective: 09/01/2008, CN 10502 (Notice of Appeal)

	NLINE.NET	
NEW JERSEY LARGE ENERGY USERS COALITION (NJLEUC)	STEVEN S GOLDENBERG, Esq. GIORDANO HALLERAN & CIESLA, PC 125 HALF MILE ROAD SUITE 300 RED BANK NJ 07701 732-741-3900 SGOLDENBERG@GHCLAW.COM,RDEVINSKY@GHCLAW.COM,LTITUS@GHCLAW.COM	05/15/2019
SUEZ WATER COMPANIES	STEPHEN B GENZER, Esq. SAUL EWING ARNSTEIN & LEHR LLP ONE RIVERFRONT PLAZA STE 1520 NEWARK NJ 07102 973-286-6700 STEPHEN.GENZER@SAUL.COM,JANE.GISBEY@SAUL.COM	05/15/2019
AQUA WATER COMPANY NJ	COLLEEN ANNE FOLEY, Esq. SAUL EWING ARNSTEIN & LEHR LLP ONE RIVERFRONT PLAZA STE 1520 NEWARK NJ 07102 973-286-6700 (colleen.foley@saul.com)	05/15/2019
MIDDLESEX WATER COMPANY	JAY L KOOPER, Esq. MIDDLESEX WATER COMPANY 485C ROUTE ONE SOUTH STE 400 ISELIN NJ 08830 732-638-7506 JKOOPER@MIDDLESEXWATER.COM (jkooper@middlesexwater.com)	05/15/2019
ATLANTIC CITY SEWERAGE COMPANY	IRA G MEGDAL, Esq. COZEN O'CONNOR A PA PC 457 HADDONFIELD RD STE 300 PO BOX 5459 CHERRY HILL NJ 08002 856-910-5000 IMEGDAL@COZEN.COM	05/15/2019
NEW JERSEY NATURAL GAS COMPANY	ANDREW KENNETH DEMBIA, Esq. NEW JERSEY NATURAL GAS CO 1415 WYCKOFF RD WALL NJ 07719 732-938-1073	05/15/2019

(*) truncated due to space limit. Please find full information in the additional pages of the form.
Revised effective: 09/01/2008, CN 10502 (Notice of Appeal)

(adembia@NJNG.com)

**SOUTH JERSEY GAS
COMPANY**

**STACY ANN MITCHELL, Esq.
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609-561-9000
SMITCHELL@SJINDUSTRIES.COM
(smitchell@sjindustries.com)**

05/15/2019

**PSEG SERVICE
CORPORATION**

**MATTHEW M WEISSMAN, Esq.
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PO BOX 570
NEWARK NJ 07102
973-430-7000
(Matthew.Weissman@pseg.com)**

05/15/2019

**ELIZABETHTOWN GAS
COMPANY**

**DEBORAH MICHELL FRANCO, Esq.
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UNION NJ 07083
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(dfranco@sjindustries.com)**

05/15/2019

**NEW JERSEY UTILITIES
ASSOCIATION**

**JAMES C MEYER, Esq.
RIKER DANZIG SCHERER HYLAND ET AL, LLP
HEADQUARTERS PLZ
ONE SPEEDWELL AVE
MORRISTOWN NJ 07962-1981
973-538-0800
JMEYER@RIKER.COM, JANDJ2002@OPTONLIN
E.NET**

05/15/2019

Attached transcript request form has been served where applicable on the following:

	Name	Date of Service
Trial Court Transcript Office		
Court Reporter (if applicable)		
Supervisor of Court Reporters		
Clerk of the Tax Court		
State Agency	PUBLIC UTILITIES	05/15/2019

Exempt from submitting the transcript request form due to the following:

■ Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).

List the date(s) of the trial or hearing:

12/19/2017	ADMINSTRATIVE AGENCY	PUBLIC UTILITIES, JSC
08/29/2018	ADMINSTRATIVE AGENCY	PUBLIC UTILITIES, JSC
01/17/2019	ADMINSTRATIVE AGENCY	PUBLIC UTILITIES, JSC

Motion for abbreviation of transcript filed with the court or agency below. Attach copy.

Motion for free transcript filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by *N.J.S.A. 22A:2* has been paid.

05/15/2019

Date

s/ CHRISTINE M JUAREZ, Esq.

Signature of Attorney or Pro Se Litigant

BAR ID #

026602003

EMAIL ADDRESS

CJUAREZ@RPA.NJ.GOV



New Jersey Judiciary
Superior Court - Appellate Division
Amended Notice of Appeal

Additional appellants continued below

Appellant's Attorney Email Address: **SBRAND@RPA.NJ.GOV**

Plaintiff Defendant Other (Specify) **INTERVENOR**

Name

STEFANIE A BRAND, Esq.

Client

**NEW JERSEY DIVISION OF RATE
COUNSEL**

Street Address

140 EAST FRONT STREET 4TH FL PO BOX 003

City

TRENTON

State

NJ

Zip

08625

Telephone Number

609-984-1460

Appellant's Attorney Email Address: **MCAROSELLI@RPA.NJ.GOV,MACWOMAN33@YAHOO.COM,dlayugan@rpa.nj.gov**

Plaintiff Defendant Other (Specify) **INTERVENOR**

Name

MAURA A CAROSELLI, Esq.

Client

**NEW JERSEY DIVISION OF RATE
COUNSEL**

Street Address

140 EAST FRONT STREET 4TH FL PO BOX 003

City

TRENTON

State

NJ

Zip

08625

Telephone Number

609-984-1460

Additional respondents continued below

Respondent's Attorney Email Address: **ALEX.MOREAU@LAW.NJOAG.GOV,**

Plaintiff Defendant Other (Specify)

Name

ALEX MOREAU, Esq.

Client

PUBLIC UTILITIES

Street Address

124 HALSEY ST PO BOX 45029

City

NEWARK

State

NJ

Zip

07101

Telephone Number

973-648-2500

Respondent's Attorney Email Address: **IMEGDAL@COZEN.COM,**

Plaintiff Defendant Other (Specify) **NEW PARTY**

Name

IRA G MEGDAL, Esq.

Client

**NEW JERSEY AMERICAN WATER
COMPANY**

Street Address

457 HADDONFIELD RD STE 300 PO BOX 5459

City

CHERRY HILL

State

NJ

Zip

08002

Telephone Number

856-910-5000

Respondent's Attorney Email Address: **JLASKEY@NMMLAW.COM,JLASKEY@NORRIS-LAW.COM,(jlaskey@nmmlaw.com)**

Plaintiff Defendant Other (Specify) **INTERVENOR**

Name

JAMES H LASKEY, Esq.

Client

**NEW JERSEY UTILITY SHAREHOLDERS
ASSOCIATION (NJUSA)**

Street Address

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BRIDGEWATER

State

NJ

Zip

08807

Telephone Number

908-722-0700

Respondent's Attorney Email Address: **JBAUER@SZAFERMAN.COM,ACOSTELLO@SZAFERMAN.COM,**

Plaintiff Defendant Other (Specify) **NEW PARTY**

Name

JANINE GAIL BAUER, Esq.

Client

**AMERICAN ASSOCIATION OF RETIRED
PERSONS (AARP)**

Street Address

101 GROVERS MILL RD SUITE 200

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08648

Telephone Number

609-275-0400

Respondent's Attorney		PHILIP.PASSANANTE@PEPCOHOLDINGS.COM,PHILIP.J.PASSANAN Email Address: TE@GMAIL.COM,				
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) INTERVENOR						
Name PHILIP J PASSANANTE, Esq.		Client ATLANTIC CITY ELECTRIC COMPANY				
Street Address 500 N. WAKEFIELD DR., 92DC42		City NEWARK	State DE	Zip 19702	Telephone Number 302-429-3105	
Respondent's Attorney		Email Address: GEISENSTARK@COZEN.COM,GEISEN@OPTONLINE.NET,				
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) INTERVENOR						
Name GREGORY EISENSTARK, Esq.		Client JERSEY CENTRAL POWER AND LIGHT COMPANY				
Street Address ONE GATEWAY CTR STE 2600		City NEWARK	State NJ	Zip 07102	Telephone Number 973-622-6300	
Respondent's Attorney		SGOLDENBERG@GHCLAW.COM,RDEVINSKY@GHCLAW.COM,LTITU Email Address: S@GHCLAW.COM,				
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) INTERVENOR						
Name STEVEN S GOLDENBERG, Esq.		Client NEW JERSEY LARGE ENERGY USERS COALITION (NJLEUC)				
Street Address 125 HALF MILE ROAD SUITE 300		City RED BANK	State NJ	Zip 07701	Telephone Number 732-741-3900	
Respondent's Attorney		Email Address: STEPHEN.GENZER@SAUL.COM,JANE.GISBEY@SAUL.COM,				
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) NEW PARTY						
Name STEPHEN B GENZER, Esq.		Client SUEZ WATER COMPANIES				
Street Address ONE RIVERFRONT PLAZA STE 1520		City NEWARK	State NJ	Zip 07102	Telephone Number 973-286-6700	
Respondent's Attorney		Email Address: (colleen.foley@saul.com)				
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) NEW PARTY						
Name COLLEEN ANNE FOLEY, Esq.		Client AQUA WATER COMPANY NJ				
Street Address ONE RIVERFRONT PLAZA STE 1520		City NEWARK	State NJ	Zip 07102	Telephone Number 973-286-6700	
Respondent's Attorney		JKOOPER@MIDDLESEXWATER.COM,(jkooper@middlesexwater.com Email Address:)				
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) NEW PARTY						
Name JAY L KOOPER, Esq.		Client MIDDLESEX WATER COMPANY				
Street Address 485C ROUTE ONE SOUTH STE 400		City ISELIN	State NJ	Zip 08830	Telephone Number 732-638-7506	
Respondent's Attorney		Email Address: IMEGDAL@COZEN.COM,				
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) NEW PARTY						
Name IRA G MEGDAL, Esq.		Client ATLANTIC CITY SEWERAGE COMPANY				
Street Address 457 HADDONFIELD RD STE 300 PO BOX 5459		City CHERRY HILL	State NJ	Zip 08002	Telephone Number 856-910-5000	
Respondent's Attorney		Email Address: (adembia@NJNG.com)				
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) NEW PARTY						
Name		Client				

ANDREW KENNETH DEMBIA, Esq.		NEW JERSEY NATURAL GAS COMPANY			
Street Address	City	State	Zip	Telephone Number	
1415 WYCKOFF RD	WALL	NJ	07719	732-938-1073	
Respondent's Attorney Email Address: SMITCHELL@SJINDUSTRIES.COM,(smitchell@sjindustries.com)					
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) NEW PARTY					
Name			Client		
STACY ANN MITCHELL, Esq.			SOUTH JERSEY GAS COMPANY		
Street Address	City	State	Zip	Telephone Number	
1 SOUTH JERSEY PLAZA	FOLSOM	NJ	08037-9109	609-561-9000	
Respondent's Attorney Email Address: (Matthew.Weissman@pseg.com)					
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) NEW PARTY					
Name			Client		
MATTHEW M WEISSMAN, Esq.			PSEG SERVICE CORPORATION		
Street Address	City	State	Zip	Telephone Number	
80 PARK PLZ PO BOX 570	NEWARK	NJ	07102	973-430-7000	
Respondent's Attorney Email Address: DFRANCO@SJINDUSTRIES.COM,DJFRANCO1@VERIZON.NET,(dfran					
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) NEW PARTY					
Name			Client		
DEBORAH MICHELL FRANCO, Esq.			ELIZABETHTOWN GAS COMPANY		
Street Address	City	State	Zip	Telephone Number	
520 GREEN LN	UNION	NJ	07083	609-561-9000	
Respondent's Attorney Email Address: JMEYER@RIKER.COM,JANDJ2002@OPTONLINE.NET,					
<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) INTERVENOR					
Name			Client		
JAMES C MEYER, Esq.			NEW JERSEY UTILITIES ASSOCIATION		
Street Address	City	State	Zip	Telephone Number	
HEADQUARTERS PLZ ONE SPEEDWELL AVE	MORRISTOWN	NJ	07962-1981	973-538-0800	
Additional parties continued below					
Appellant's attorney email address continued below					
PARTY NAME: NEW JERSEY DIVISION OF RATE COUNSEL ATTORNEY NAME: STEFANIE A BRAND, Esq. SBRAND@RPA.NJ.GOV					
PARTY NAME: NEW JERSEY DIVISION OF RATE COUNSEL ATTORNEY NAME: MAURA A CAROSELLI, Esq. MCAROSELLI@RPA.NJ.GOV MACWOMAN33@YAHOO.COM(dlayugan@rpa.nj.gov)					
Respondent's attorney email address continued below					
PARTY NAME: PUBLIC UTILITIES ATTORNEY NAME: ALEX MOREAU, Esq. ALEX.MOREAU@LAW.NJOAG.GOV					
PARTY NAME: NEW JERSEY AMERICAN WATER COMPANY ATTORNEY NAME: IRA G MEGDAL, Esq. IMEGDAL@COZEN.COM					
PARTY NAME: NEW JERSEY UTILITY SHAREHOLDERS ASSOCIATION (NJUSA) ATTORNEY NAME: JAMES H LASKEY, Esq. JLASKEY@NMMLAW.COM JLASKEY@NORRIS-LAW.COM(jlaskey@nmmlaw.com)					
PARTY NAME: AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP) ATTORNEY NAME: JANINE GAIL BAUER, Esq. JBAUER@SZAFERMAN.COM					

ACOSTELLO@SZAFERMAN.COM

PARTY NAME: ATLANTIC CITY ELECTRIC COMPANY ATTORNEY NAME: PHILIP J PASSANANTE, Esq.

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**New Jersey Judiciary
Superior Court - Appellate Division
Civil Case Information Statement**

AMENDED FOR: Amending the party from the State of New Jersey to Board of Public Utilities. Correcting transcript dates, adding transcript dates and a party.

Title in Full IN THE MATTER OF THE ADOPTED AMENDMENT TO N.J.A.C. 14:1-5.12 (TARIFF FILINGS OR PETITIONS WHICH PROPOSE INCREASES IN CHARGES TO CUSTOMERS)	Trial Court or Agency Docket Number AX17050468
--	--

• Attach additional sheets as necessary for any information below.

Appellant's Attorney * Email Address: **CJUAREZ@RPA.NJ.GOV**

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Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:
Effective March 18, 2019, the Board of Public Utilities adopted, without adequately responding to interested parties, a new formula for calculating consolidated income tax adjustments and sharing benefits with ratepayers, mandating the inclusion of such calculations in all petitions proposing increases in rates.

Have all the issues as to all the parties in this action, before the trial court or agency, been disposed? (There may not be any claims against any party in the trial court or agency, either in this or a consolidated action, which have not been disposed. These claims may include counterclaims, cross-claims, third-party claims, and applications for counsel fees.) Yes No

If outstanding claims remain open, has the order been properly certified as final pursuant to R. 4:42-2? Yes No N/A

A) If the order has been properly certified, attach copies of the order and the complaint and any other relevant pleadings to the order being appealed. Attach a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.

B) If the order has not been certified or has been improperly certified, leave to appeal must be sought. (See R. 2:2-4; 2:5-6.) Please note that an improperly certified order is not binding on the Appellate Division.

If claims remain open and/or the order has not been properly certified, you may want to consider filing a motion for leave to appeal or submitting an explanation as to why you believe the matter is final and appealable as of right.

(*) truncated due to space limit. Please find full information in the additional pages of the form.

Were any claims dismissed without prejudice?

Yes No

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(g)) Yes No

Give a Brief Statement of the Facts and Procedural History:

This appeal arises from the Final Adoption of a proposed rule implementing a filing requirement in all cases where a utility proposes an increase in rates. The new filing requirement sets forth a proposed methodology for calculating consolidated tax adjustments (CTAs) for regulated utilities that participate in consolidated tax filings with their corporate parent. CTAs have been required by New Jersey case law for decades. A CTA is a regulatory mechanism whereby the savings arising from filing a consolidated tax return with a utility's corporate parent company is shared with the utility's ratepayers. The formula for calculating CTAs had traditionally been set forth through a series of Board orders. The Board initiated this rulemaking in December 2017 in response to a directive from the Superior Court, Appellate Division. See I/M/O the Board's Review of the Applicability & Calculation of a Consolidated Tax Adjustment, Docket No. A-1153-14T-1 (Order dated 9/18/17) ("Appellate Division Decision"). The Appellate Division Decision reversed a Board Order changing the formula for calculating CTAs, holding that the Administrative Procedure Act ("APA") required such a change to be effectuated through the rulemaking process.

In response to the Board of Public Utilities' ("Board") approval to publish a proposed rule at its December 2017 BPU Agenda, the proposed rule was published in the New Jersey Register on January 16, 2018 ("January Proposal"). This proposed rule utilized a five year time period for calculating a CTA, and directed that no less than 75% of the calculated adjustment be allocated to utility ratepayers. Rate Counsel filed comments on the proposed rule on March 16, 2018. Without notice to the Division of Rate Counsel, the Board published a "reproposed amendment" in the New Jersey Register on February 5, 2018 ("February Re-proposal"). The "reproposed amendment" altered the formula set forth in the January Proposal by allocating no more than 25% of the calculated adjustment to utility ratepayers, instead of the 75% set forth in the January Proposal. Given the magnitude of calculated CTAs, this single change will cost utility ratepayers millions, if not hundreds of millions, of dollars in rates annually, compared to the formula set forth in the January Proposal.

Rate Counsel only became aware of the existence of the February Re-proposal in late May. Following discussions with Board Staff, Rate Counsel sent a letter dated August 21, 2018 to the Secretary of the Board, asserting that the Rate Counsel had failed to receive notice of the February Re-proposal. In response, Board Staff re-opened the public comment period for sixty days beginning October 1, 2018. Rate Counsel submitted a second set of comments on November 30, 2018. The Board adopted the re-proposed rule without change at its January 17, 2019 agenda meeting. On March 18, 2019, the Board's response to public comment appeared in the New Jersey Register. In this response document, the Board failed to articulate its reasons for substantively changing its policy for calculating consolidated tax adjustments.

To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to R. 2:5-2(a)(6). (Appellant or cross-appellant only.):

- 1. The Board of Public Utilities failed to comply with the statutory requirements for rulemaking set forth in the Administrative Procedure Act, N.J.S.A. 52:14B-2 et. seq.**
- 2. The absence of an explanation or substantive evidence in the record to support the change in the calculation of the consolidated income tax adjustment, and the amount of the adjustment to be shared with ratepayers, renders the Board's ruling arbitrary and capricious.**

If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

(*) truncated due to space limit. Please find full information in the additional pages of the form.

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ Yes No
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ Yes No
3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? Yes No Unknown

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

Date of Your Inquiry:

1. Is there any appeal now pending or about to be brought before this court which:
 - (A) Arises from substantially the same case or controversy as this appeal? Yes No
 - (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? Yes No

If the answer to the question above is Yes, state:

Case Title	Trial Court Docket#	Party Name
------------	---------------------	------------

2. Was there any prior appeal involving this case or controversy? Yes No

If the answer to question above is Yes, state:

Case Name and Type (direct, 1st PCR, other, etc.)	Appellate Division Docket Number
I/M/O BOARD'S REVIEW OF THE APPLICABILITY AND CALCULATION OF CONSOLIDATED TAX ADJUSTMENT	A-001153-14

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference. Yes No

Explain your answer:

This appeal arises from a rulemaking conducted by the Board of Public Utilities that fails to satisfy the due process requirements of the Administrative Procedure Act. These are issues that cannot be easily resolved by the Civil Appeals Settlement Program.

Whether or not an opinion is approved for publication in the official court report books, the Judiciary posts all Appellate Division opinions on the Internet.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

NEW JERSEY DIVISION OF RATE COUNSEL

Name of Appellant or Respondent

05/15/2019

Date

026602003

Bar #

CHRISTINE M JUAREZ, Esq.

Name of Counsel of Record
(or your name if not represented by counsel)

s/ CHRISTINE M JUAREZ, Esq.

Signature of Counsel of Record
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New Jersey Judiciary
 Superior Court - Appellate Division
 CIVIL Case Information Statement

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Before Appellate Division,
Superior Court of New Jersey
DOCKET NO. A-003621-18

STATE AGENCY

IN THE MATTER OF THE ADOPTED AMENDMENT TO N.J.A.C. 14:1-5.12 (TARIFF
FILINGS OR PETITIONS WHICH PROPOSE INCREASES IN CHARGES TO
CUSTOMERS)

PROOF OF SERVICE

I hereby certify that an original of the following documents, **PROOF OF SERVICE,**
CASE INFORMATION STATEMENT, AMENDED NOTICE OF APPEAL were submitted
and transmitted to the parties listed below in the following format:

ELECTRONICALLY TO:

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05/15/2019

I certify that the forgoing 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.

**Attorney for APPELLANT
NEW JERSEY DIVISION OF RATE
COUNSEL**

Dated: 05/15/2019

By: **S/ CHRISTINE M JUAREZ, Esq.**