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August 26, 2021

Hon. Jacob S. Gertsman, A.L.J.
New Jersey Office of Administrative Law
3444 Quakerbridge Road
Building 9
Mercerville, New Jersey 08619

Re: I/M/O Middlesex Water Company for Approval of an Increase in its Rates for Water
Services and Other Tariff Changes
OAL Docket # PUC 04690-2021S
BPU Docket # WR21050813

Dear Judge Gertman:

This firm serves as counsel to Proposed Intervenors, Township of Marlboro and the Old Bridge Municipal Utilities Authority. In that capacity, please find enclosed the following documents:

1. Notice of Appearance of Carol A. Berlen as counsel for Proposed Intervenors;
2. Notice of Motion to Intervene;
3. Motion to Intervene;
4. Certification of Counsel in support of Proposed Intervenors' Motion to Intervene;
5. Proposed Form of Order;
6. Certification of Service

Kindly file the enclosed and return a copy stamped "filed" to my office in the self-addressed stamped envelope provided.

If you should have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

RAINONE COUGHLIN MINCHELLO, LLC

By: 
Carol A. Berlen, Esq.

CAB/arg

Enclosure

cc: OAL Service List



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
P.O. Box 049
Trenton, NJ 08625-0049

SERVICE LIST
OAL DOCKET NO. PUC 04690-2021 S

Karriemah Graham, Chief
Bureau of Case Management
Board of Public Utilities
P.O. Box 350
Trenton, NJ 08625-0350

Stephen B. Genzer, Esq.
Saul Ewing Arnstein & Lehr, LLP
One Riverfront Plaza
1037 Raymond Blvd., Ste. #1520
Newark, NJ 07102-5426

Christine Juarez, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 0003
Trenton, NJ 08625

Jay L. Kooper, Esq.
Vice President, General Counsel, and Secretary
Middlesex Water Company
485C Route One South, Suite 400
Iselin, NJ 08830

Susan E. McClure, Esq./Managing Attorney
Division of Rate Counsel
140 East Front Street,
P.O. Box 003
Trenton, NJ 08625

Meliha Arnautovic, DAG
Division of Law
25 Market St., P.O. Box 112
Trenton, NJ 08625-0112

Brandon Simmons, DAG
Division of Law
P.O. Box 112
Trenton, NJ 08625

J.H Buehrer & Associates
884 Breezy Oaks Drive
Toms River, NJ 08753

RAINONE COUGHLIN MINCHELLO, LLC
Carol A. Berlen, Esq. (Attorney I.D. # 019011987)
555 U.S. Highway One South
Suite 440
Iselin, New Jersey 08830
(732) 709-4182

Attorneys for Intervenors Township of Marlboro and Old Bridge Municipal Utility Authority

**In the Matter of MIDDLESEX
WATER COMPANY for an
Increase in its Rates for Water
Service and Other Tariff Changes**

OFFICE OF ADMINISTRATIVE LAW


OAL DOCKET NO. PUC 0444690-21
BPU DOCKET NO. WR21050813

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that the undersigned hereby appears as Counsel for the proposed Intervenors, Township of Marlboro on behalf of Marlboro Township Water Utilities Division and the Old Bridge Municipal Utilities Authority, in the above-captioned matter.

RAINONE COUGHLIN MINCHELLO, LLC

Attorneys for proposed Intervenors, Township of Marlboro on behalf of Marlboro Township Water Utilities Division and the Old Bridge Municipal Utilities Authority

By: 
Carol A. Berlen, Esq.

Dated: August 26, 2021

RAINONE COUGHLIN MINCHELLO, LLC
Carol A. Berlen, Esq. (Attorney I.D. # 019011987)
555 U.S. Highway One South
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(732) 709-4182

Attorneys for Intervenors Township of Marlboro and Old Bridge Municipal Utility Authority

**In the Matter of MIDDLESEX
WATER COMPANY for an
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Service and Other Tariff Changes**

OFFICE OF ADMINISTRATIVE LAW

OAL DOCKET NO. PUC 0444690-21
BPU DOCKET NO. WR21050813

NOTICE OF MOTION TO INTERVENE

TO: HON JACOB S. GERTSMAN, A.L.J.
Office of Administrative Law
P.O. Box 049
Trenton, New Jersey 08625-0049

CLERK
Office of Administrative Law
P.O. Box 049
Trenton, New Jersey 08625-0049

AIDA CAMACHO, SECRETARY OF THE BOARD
New Jersey Board of Public Utilities
44 Clinton Street
Trenton, New Jersey 08625

ALL PARTIES DESIGNATED ON THE ATTACHED SERVICE LIST

COUNSEL:

PLEASE TAKE NOTICE that at a time to be decided by the Administrative Law Judge in this matter, the undersigned attorneys for Proposed Intervenors, Township of Marlboro on behalf of the Marlboro Township Water Utilities Division and the Old Bridge Municipal

Utilities Authority (collectively the “ Proposed Joint Intervenors”) will move before the Office of Administrative Law for an Order allowing and permitting the Proposed Joint Intervenors to intervene in the above entitled proceeding 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 and papers, documents and exhibits as appropriate


PLEASE TAKE FURTHER NOTICE that in support of this motion, Proposed Intervenors will rely upon the Certification of Counsel submitted herewith.

PLEASE TAKE FURTHER NOTICE that the return date of 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.

PLEASE TAKE FURTHER NOTICE that a proposed Form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is hereby requested only in the event timely opposition is filed.

RAINONE COUGHLIN MINCHELLO, LLC
Attorneys for proposed Intervenors, Township of
Marlboro on behalf of Marlboro Township Water Utilities
Division and the Old Bridge Municipal Utilities Authority

By: 
Carol A. Berlen, Esq.

Dated: August 26, 2021

RAINONE COUGHLIN MINCHELLO, LLC
Carol A. Berlen, Esq. (Attorney I.D. # 019011987)
555 U.S. Highway One South
Suite 440
Iselin, New Jersey 08830
(732) 709-4182

Attorneys for Intervenors Township of Marlboro and Old Bridge Municipal Utility Authority

**In the Matter of MIDDLESEX
WATER COMPANY for an
Increase in its Rates for Water
Service and Other Tariff Changes**

OFFICE OF ADMINISTRATIVE LAW

OAL DOCKET NO. PUC 0444690-21
BPU DOCKET NO. WR21050813

MOTION TO INTERVENE

Proposed Intervenors Township of Marlboro and Old Bridge Municipal Utilities Authority (collectively, "Proposed Intervenors"). Hereby move before the New Jersey Board of Public Utilities (the "Board") pursuant to N.J.S.A. 48:2-32.2 to permit Proposed Intervenors to join as Intervenors in the above captioned proceeding with all of those rights and obligations typically afforded to an intervener in such proceedings. In support of its motion, the Proposed Intervenors state as follows:

1. On May 20, 2021, Middlesex Water Company ("Middlesex Water") initiated the above captioned proceeding by filing a Petition requesting an increase in its rate for water services and other tariff changes amounting to approximately \$ 31.30 million or 37.79% in additional annual revenue. The increase in rates were proposed to become effective for services rendered on or after June 21, 2021.

2. Middlesex Water proposed rate increase is weighted disproportionately on the transmission component represents an actual effective rate increase of approximately 61.50% for Marlboro Township Water Utility Department.
3. Middlesex Water proposed rate increase is rated disproportionately on the transmission component of the total rate it charges, an increase from \$823.00 per million gallons (MG) to \$1,870.79 per million gallons (MG or 127.31%
4. Middlesex Water provides water and wastewater services to Proposed Intervenors and residential, commercial and industrial users within Proposed Intervenors' municipal boundaries.
5. N.J.S.A. 48:2-32.2 provides in pertinent part that “[e]very municipality may intervene alone or jointly with another municipality or municipalities in any hearing or investigation held by the board, which involves public utility rates, fares or charges, service or facilities, affecting the municipality or municipalities or the public within the municipality or municipalities and may employ such legal counsel, experts and assistants as may be necessary to protect the interest of the municipality or municipalities or the public within the municipality or municipalities.”
6. Pursuant to N.J.S.A. 40A:65-1 et seq. of the Joint Meeting Statute, a local unit authorized to enter into an agreement under Section 4 of P.L. 2007, c. 63 (C. 40A:65-4) may do so by adoption of a resolution.
7. The Proposed Municipal Intervenors have passed motions or adopted resolutions authorizing the joint representation in this proceeding. (Old Bridge Municipal Utilities Authority, Resolution # , Adopted June 16, 2021 and Township of Marlboro Resolutions #2021-222 and 2021-275, adopted June 17, 2021 and August 19, 2021)

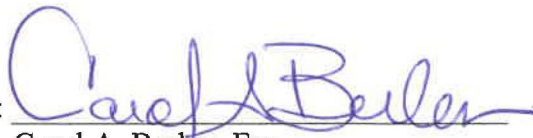
8. The Attorney Certification of Carol A. Berlen is attached hereto certifying that the facts and statements herein are true and accurate to the best of her knowledge and belief.

9. All communications and correspondence concerning this proceeding should be directed to:

Carol A. Berlen, Esq.
Rainone Coughlin Minchello, LLC
555 U.S. Highway 1 South, Suite 440
Iselin, New Jersey 08830
Phone: 732.709.4182
Fax: 732.791.1555
Email: cberlen@njrcmlaw.com

WHEREFORE, pursuant to N.J.S.A. 48:2-32.2, the Proposed Intervenors respectfully request that they be permitted to intervene and join the with full procedural and substantive rights, in this proceeding.

Respectfully, Submitted,

By: 
Carol A. Berlen, Esq.

Dated: August 26, 2021

Rainone Coughlin Minchello, LLC
555 U.S. Highway 1 South, Suite 440
Iselin, New Jersey 08830
Phone: 732.709.4182
Fax: 732.791.1555
Email: cberlen@njrcmlaw.com

RAINONE COUGHLIN MINCHELLO, LLC
Carol A. Berlen, Esq. (Attorney I.D. # 019011987)

555 U.S. Highway One South

Suite 440

Iselin, New Jersey 08830

(732) 709-4182

Attorneys for Intervenors Township of Marlboro and Old Bridge Municipal Utility Authority

**In the Matter of MIDDLESEX
WATER COMPANY for an
Increase in its Rates for Water
Service and Other Tariff Changes**

OFFICE OF ADMINISTRATIVE LAW

OAL DOCKET NO. PUC 0444690-21

BPU DOCKET NO. WR21050813

**CERTIFICATION OF
CAROL A. BERLEN**

Carol A. Berlen, of full age, hereby certifies as follows:

1. I am an attorney at law in the State of New Jersey, and am a partner in the law firm of Rainone Coughlin Minchello, LLC, attorneys for Proposed Intervenors Township of Marlboro on behalf of the Marlboro Water Utilities Division (collectively, the "Proposed Intervenors")
2. I am fully familiar with the facts and circumstances surrounding this case and make this certification in support of the Proposed Intervenors' Motion to Intervene in this matter.
3. Middlesex Water Company proposed rate increase is weighted disproportionately on the transmission component of the total rate it charges, an increase from \$823.00 per million gallons (MG) to \$1,870.79 per million gallons (MG) or 127.31%.
4. Under the Marlboro Township Water Utility Division contract, the impact of a 37.79% increase disproportionately weighted on the transmission component represents an actual effective rate increase of approximately 61.50% for the Water Utility Division.
5. Middlesex Water Company proposed rate increase is also weighted disproportionately on the Old Bridge Municipal Utility Authority with a proposed rate increase of 50.5%.
6. Proposed Intervenors and their customers' interest in these proceedings will not be adequately protected by any of the other parties. It is essential to the members of the public

served by these proposed intervenors that they be permitted to intervene for the purpose of representing their own interests.

7. I am authorized to make this statement on behalf of the Proposed Intervenors.
8. I prepared the attached Motion to Intervene and certify that the facts set forth therein are true and accurate to the best of my knowledge and belief.
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.

By: 
Carol A. Berlen

Dated: August 26, 2021

RAINONE COUGHLIN MINCHELLO, LLC
Carol A. Berlen, Esq. (Attorney I.D. # 019011987)
555 U.S. Highway One South
Suite 440
Iselin, New Jersey 08830
(732) 709-4182

Attorneys for Intervenors Township of Marlboro and Old Bridge Municipal Utility Authority

**In the Matter of MIDDLESEX
WATER COMPANY for an
Increase in its Rates for Water
Service and Other Tariff Changes**

OFFICE OF ADMINISTRATIVE LAW

OAL DOCKET NO. PUC 0444690-21
BPU DOCKET NO. WR21050813

ORDER GRANTING INTERVENTION

THIS MATTER, having been presented to the Office of Administrative Law by Carol A. Berlen, Esq. appearing for Rainone Coughlin Minchello, LLC, attorney for Proposed Intervenors Township of Marlboro on behalf of Marlboro Township Utilities Division and the Old Bridge Municipal Utilities Authority, on notice to all parties 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, and other good cause appearing;

IT IS ON THIS _____ day of _____, 2021

ORDERED that Proposed Intervenors' are hereby granted leave to intervene and fully participate in the above entitled matter and that it be placed on the Service List for receipt of all case documents, papers, pleadings, discovery materials and exhibits and notification of all hearings, conferences, stipulation discussions and all other proceedings of this matter; and

IT IS FURTHER ORDERED, that a copy of this Order shall be served upon counsel for all parties on the attached Service List by regular mail within _____ days of the date of this Order.

HON. JACOB S. GERTSMAN, A.L.J.

CERTIFICATE OF MAILING

I hereby certify that an original of the within Notice of Motion has been filed with the Hon. Jacob S. Gertsman, A.L.J. and the Clerk of the Office of Administrative Law and that copies have been sent by regular mail to Aida Camacho, Secretary of the Board of the New Jersey Board of Public Utilities together with the attached Service List.

By: 
Carol A. Berlen

DATED: August 26, 2021

RAINONE COUGHLIN MINCHELLO, LLC
Carol A. Berlen, Esq. (Attorney I.D. #019011987)

555 U.S. Highway One South, Suite 440

Iselin, New Jersey 08830

Tel. No.: (732)-709-4182

Attorneys for Intervenors Township of Marlboro and Old Bridge Municipal Utility Authority

**In the Matter of MIDDLESEX WATER
COMPANY for an Increase in its Rates for
Water Service and Other Tariff Changes**

OFFICE OF ADMINISTRATIVE LAW

OAL DOCKET NO. PUC-0444690-21
BPU DOCKET NO. WR21050813

CERTIFICATION OF SERVICE

I, Alexandra R. Ginda, being of full age and duly sworn upon my oath, deposes and says:

On August 26, 2021, I caused a copy of the following documents to be delivered via email and Courier/Hand Delivery to the Honorable Jacob S. Gertsman, A.L.J., New Jersey Office of Administrative Law, 3444 Quakerbridge Road, Building 9, Mercerville, New Jersey 08619:

- 1) Notice of Appearance of Carol A. Berlen as counsel for Proposed Intervenors;
- 2) Notice of Motion to Intervene;
- 3) Motion to Intervene;
- 4) Certification of Counsel in support of Proposed Intervenors' Motion to Intervene;
- 5) Proposed for of Order
- 6) Certification of Service

In addition, I caused a copy of the above documents to be delivered via email to the following:

- 1) Karriemah Graham
Board of Public Utilities
44 South Clinton Ave, Suite 314
P.O. Box 350
Trenton, New Jersey 08625-0350
Karriemah.graham@bpu.nj.gov

- 2) Susan McClure, Esq.
Division of Rate Counsel
140 East Front Street, 4th floor
P.O. Box 003
Trenton, New Jersey 08625
smcclure@rpa.nj.gov
- 3) Meliha Arnautovic, DAG
Division of Law
Hughes Justice Complex
25 Market Street
P.O Box 112
Trenton, New Jersey 08625
Meliha.arnautovic@law.njoag.gov
- 4) Jay L. Cooper, Esq.
Vice President, General Counsel & Sect
Middlesex Water Company
485C Route 1 South, Suite 400
Iselin, New Jersey 08830
jkooper@middlesexwater.com
- 5) Christine Juarez, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O.Box 003
Trenton, New Jersey 08625
cjuarez@rpa.nj.gov
- 6) Brandon Simmons, DAG
Division of Law
Hughes Justice Complex
25 Market Street
P.O Box 112
Trenton, New Jersey 08625
Brandon.simmons@law.njoag.gov
- 7) Stephen B. Genzer, Esq.
Saul Ewing Arnstein & Lehr, LLP
One Riverfront Plaza, Suite 1520
1037 Raymond Blvd
Newark, New Jersey 07102
Stephen.genzer@saul.com

In addition, I caused a copy of the above documents to be delivered via regular mail to the following:

- 8) J.H. Buehrer & Associates
884 Breezy Oaks Drive
Toms River, New Jersey 08753

- 9) Honorable Aida Camacho Welch
Secretary of the Board
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, New Jersey 08625-0350

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.



Alexandra R. Ginda

Dated: August 26, 2021