



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

WATER

IN THE MATTER OF THE VERIFIED JOINT PETITION	)	ORDER DESIGNATING
OF MONTAGUE WATER CO., INC., MONTAGUE	)	COMMISSIONER, SETTING
SEWER CO., INC., CORIX INFRASTRUCTURE (US)	)	MANNER OF SERVICE AND
INC., AND SW MERGER ACQUISITION CORP. FOR	)	BAR DATE
APPROVAL OF A CHANGE OF CONTROL OF	)	
MONTAGUE WATER CO., INC. AND MONTAGUE	)	
SEWER CO., INC.	)	DOCKET NO. WM22110690

**Parties of Record:**

**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel  
**James H. Laskey, Esq.**, Norris McLaughlin, P.A., for the Montague Water Co., Inc., Montague Sewer Co., Inc. and Corix Infrastructure (US), Inc.  
**Stephen B. Genzer, Esq.**, Saul Ewing Arnstein & Lehr LLP for SW Merger Acquisition Corp.

BY THE BOARD:

**BACKGROUND**

On November 9, 2022, Montague Water Company, Inc. and Montague Sewer Company, Inc. (collectively, “Montague Companies”), together with Corix Infrastructure (US) Inc. (“Corix US”) and SW Merger Acquisition Corp. (“SWMAC”) (collectively, “Joint Petitioners”), filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting that the Board approve the proposed merger of SWMAC and Corix US (“Joint Petition”). According to the Joint Petitioners, the proposed merger would create a larger, stronger water and wastewater company.

The Montague Companies are regulated public utility corporations engaged in the production, treatment, and distribution of water and collection and disposal of sewage in Montague Township, Sussex County and serve approximately 776 water customers and 268 sewer customers. The proposed transaction does not involve a change in direct control of the regulated Montague Companies or a transfer of the stock of the Montague Companies.<sup>1</sup>

Corix US is a corporation, incorporated under the laws of Delaware, owned by Corix Infrastructure Inc. (“CII”). CII, through its operating subsidiaries, owns and operates approximately 385 water,

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<sup>1</sup> Joint Petition at 2.

310 wastewater, two (2) electricity distribution, one (1) propane, three (3) geothermal, one (1) municipal, and three (3) natural gas distribution systems in the United States and Canada. CII's water and wastewater utilities and related businesses serve over 800,000 people in 18 U.S. states and two (2) Canadian provinces. Corix US indirectly owns 100% of the Montague Companies.<sup>2</sup>

SWMAC is a Delaware corporation owned by IIF Subway Investment LP ("IIF Subway") and Bazos CIV, L.P. SWMAC owns 100% of SouthWest Water Company ("SouthWest") and through its operating subsidiaries, owns and operates 18 water and wastewater utility companies in the United States which provide service to over 500,000 people in seven (7) U.S. states.<sup>3</sup>

### **DISCUSSION AND FINDINGS**

The Board **HEREBY ORDERS** that the Joint Petition be retained by the Board for hearing and, pursuant to N.J.S.A. 48:2-32, **HEREBY DESIGNATES** Commissioner Mary-Anna Holden as the Presiding Commissioner with authority to rule on all motions that arise during the pendency of these proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Further, the Board **HEREBY DIRECTS** that any entity seeking to intervene or participate in this matter file the appropriate application with the Board by February 25, 2023. Any party wishing to file a motion for admission of counsel, *pro hac vice*, should do so concurrently with any motion to intervene or participate.

In addition, pursuant to the Board's Orders in In re the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254 (Orders dated March 19, 2020 and June 10, 2020), all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed by the Orders. The Board **FURTHER DIRECTS** that this Order be posted on the Board's website and served by electronic circulation to the service list.

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<sup>2</sup> Joint Petition at 4.

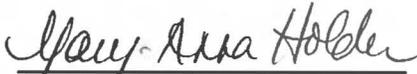
<sup>3</sup> Ibid.

The effective date of this Order is February 1, 2023.

DATED: January 25, 2023

BOARD OF PUBLIC UTILITIES  
BY:

  
\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT

  
\_\_\_\_\_  
MARYANNA HOLDEN  
COMMISSIONER

  
\_\_\_\_\_  
DIANNE SOLOMON  
COMMISSIONER

  
\_\_\_\_\_  
ROBERT M. GORDON  
COMMISSIONER

  
\_\_\_\_\_  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

ATTEST:   
\_\_\_\_\_  
CARMEN D. DIAZ  
ACTING SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public Utilities.

IN THE MATTER OF THE VERIFIED JOINT PETITION OF MONTAGUE WATER CO., INC., MONTAGUE SEWER  
CO., INC., CORIX INFRASTRUCTURE (US) INC., AND  
SW MERGER ACQUISITION CORP. FOR APPROVAL OF A CHANGE OF CONTROL OF MONTAGUE WATER  
CO., INC. AND MONTAGUE SEWER CO., INC.  
DOCKET NO. WM22110690

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