

Rothfelder Stern, L.L.C.  
407 Greenwood Ave., #301  
Trenton, NJ 08609  
(609) 394-1000

**STATE OF NEW JERSEY  
BEFORE THE  
BOARD OF PUBLIC UTILITIES**

<b>In The Matter of the Petition of</b>	)	<b>BPU DOCKET NO. WR23050275</b>
<b>New Jersey-American Water Company, Inc.</b>	)	
<b>for Recovery of Regulatory Asset</b>	)	<b>MOTION TO INTERVENE</b>
<b>Established for Incremental Covid-19</b>	)	<b>OF</b>
<b>Related Expenses, and for Establishment</b>	)	<b>COGEN TECHNOLOGIES</b>
<b>of an Uncollectible Adjustment Clause</b>	)	<b>LINDEN VENTURE, L.P.</b>
	)	

Cogen Technologies Linden Venture, L.P. (“Cogen Technologies”) hereby moves for an Order granting it intervention in the above referenced matter. This Motion is filed pursuant to N.J.A.C. 1:1-16.1. In support of this motion, Cogen Technologies states:

1. Cogen Technologies is the owner of the Linden Cogeneration Facility (the “Facility”), an approximately 800 megawatt qualifying cogeneration facility pursuant to the Public Utility Regulatory Policies Act of 1978 (“PURPA”), 16 U.S.C. Section 796(18).
2. The Facility is located on the site of the Phillips 66 complex in Linden, New Jersey, within the New Jersey American Water, Inc. (“NJAW”) territory (formerly held by the Elizabethtown Water Company).
3. Cogen Technologies purchases water from NJAW in connection with the operation of the Facility pursuant to Rate Schedule F, Optional Industrial Wholesale (“OIW”) of NJAW’s tariff. Cogen Technologies’ recent annual billings from NJAW are approximately \$4.9 million making Cogen Technologies among NJAW’s largest industrial customers.

4. NJAW is requesting an increase in its rates and a new rate mechanism in this proceeding. Cogen Technologies will therefore be directly and specifically affected by NJAW's requested relief. Moreover, as a large volume purchaser of services from NJAW under Rate Schedule OIW, Cogen Technologies' interests are clearly distinct from other customers of NJAW and no other party to this proceeding can adequately represent Cogen Technologies' interest.

5. Cogen Technologies anticipates coordinating its representation and presentation of witnesses to the extent possible in this proceeding with other customers in the same OIW rate class and will in that regard act in concert as the "OIW Customer Coalition."

6. Cogen Technologies was granted full intervenor status in the most recent ten base rate cases of NJAW, or its predecessor, the Elizabethtown Water Company.

7. The verification of Paul Franzetti is annexed hereto stating that the facts stated herein are true and accurate to the best of his knowledge and belief.

8. Correspondence concerning this Motion and this proceeding should be sent to

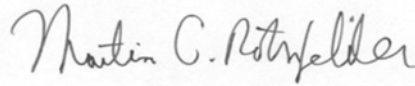
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9. A Certificate of Service and proposed form of Order granting intervention are annexed hereto.

**WHEREFORE**, Cogen Technologies Linden Venture, L.P. respectfully requests that the Board of Public Utilities to (1) grant it full rights as an intervenor in this matter pursuant to N.J.A.C. 1:1-16.1, and (2) order such further relief in connection therewith as the OAL deems reasonable and just.

Respectfully Submitted,

Rothfelder Stern, LLC

A handwritten signature in cursive script that reads "Martin C. Rothfelder". The signature is written in black ink on a light-colored background.

Date: June 15, 2023

By: Martin C. Rothfelder

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Established for Incremental Covid-19 )  
Related Expenses, and for Establishment )  
of an Uncollectible Adjustment Clause )**

**BPU DOCKET NO. WR23050275  
  
MOTION TO INTERVENE  
OF  
COGEN TECHNOLOGIES  
LINDEN VENTURE, L.P.**

**ORDER**

On June 13, 2023, Cogen Technologies Linden Venture, L.P. (“Cogen”) filed a Motion to Intervene in this matter. Cogen owns and operates an 800 MW cogeneration facility located in Linden, New Jersey. The Facility purchases water and related service from New Jersey American Water Company (“NJAW”) under Rate Schedule F, Optional Industrial Wholesale, in connection with the operation of the Facility. Cogen represents that, to the best of its knowledge, it is among the largest industrial customers of NJAW.

I FIND that Cogen will be directly and substantially affected by the outcome of this proceeding and that no other party to this proceeding can adequately represent Cogen’s interests. Granting intervention to Cogen will not cause undue confusion or delay, nor impose an undue burden on any party to this proceeding. I therefore GRANT Cogen intervention in this proceeding pursuant to N.J.A.C. 1:1-16.1 AND 1:1-16.3.

Date: \_\_\_\_\_

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<b>Established for Incremental Covid-19</b>	)	<b>OF</b>
<b>Related Expenses, and for Establishment</b>	)	<b>COGEN TECHNOLOGIES</b>
<b>of an Uncollectible Adjustment Clause</b>	)	<b>LINDEN VENTURE, L.P.</b>

**VERIFICATION**

I, Paul Franzetti, of full age and upon my oath, depose and say:

1. I am the General Manager of Cogen Technologies Linden Venture, L.P., and am authorized to make this statement on behalf of Cogen Technologies Linden Venture, L.P.
2. I have reviewed 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.

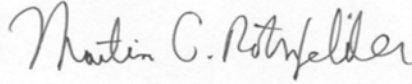
Date: 6/14/23

*Paul Franzetti*  
\_\_\_\_\_  
Paul Franzetti

**CERTIFICATE OF SERVICE**

I, Martin C. Rothfelder, upon my oath, duly state that I have sent or caused to be sent by electronic mail, unless otherwise noted, the attached Motion to Intervene and supporting Verification to the persons set forth on the attached service list.

Date: June 15, 2023



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**SERVICE LIST**

**BPU DOCKET NO. WR23050275**

**I/M/O Petition of New Jersey-American Water Company, Inc. for Recovery of Regulatory Asset Established for Incremental Covid-19 Related Expenses, and for Establishment of an Uncollectible Adjustment Clause**

**NEW JERSEY AMERICAN WATER**

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