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Please reply to Trenton

August 25, 2023

Via Electronic Filing

Sherrri Golden, Secretary
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
P.O. Box 350
Trenton, New Jersey 08625-0350

**Re: 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
Docket No. WR23050275**

Dear Secretary Golden:

Enclosed on behalf of Johanna Foods, Inc., please find enclosed its motion to intervene in this matter. A certificate of service is also enclosed.

Sincerely,



Bradford M. Stern

enclosure

cc: Service List (via email)

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**

**In The Matter of the 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)
)**

**BPU DOCKET NO. WR23050275

MOTION TO INTERVENE
OF
JOHANNA FOODS**

Johanna Foods, Inc. (“Johanna Foods”) 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, Johanna Foods states:

1. Johanna Foods, of Flemington, NJ, manufactures retail and private label brands of chilled juices and beverages, as well as aseptic beverages and yogurt, including the La Yogurt, Ssips, and Tree Ripe brands. Water from New Jersey American Water Company (“NJAW”) becomes part of many of Johanna Food products.

2. Johanna Foods’ facility is within the service territory of New Jersey American Water Company (“NJAW”) and the former service territory of Elizabethtown Water Company. Johanna Foods purchases water from NJAW pursuant to Rate Schedule F, Optional Industrial Wholesale (“OIW”) NJAW tariff (“OIW Tariff”). Johanna Foods’s recent annual billings from NJAW for water supply are approximately \$740,000 annually, making Johanna Foods among NJAW’s largest industrial customers.

3. NJAW is requesting a substantial increase in its rates in this proceeding.

Johanna Foods will therefore be directly and specifically affected by NJAW's requested rate relief. Johanna Foods's interests are clearly distinct from other customers of NJAW and no other party to this proceeding can adequately represent Johanna Foods's interest.

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

5. Granting Johanna Foods intervention at this stage of the proceeding will not cause undue delay or confusion, nor impose an undue burden on any party to this proceeding.

6. The verification of Steve Steigerwalt is annexed hereto stating that the facts stated herein are true and accurate to the best of his knowledge and belief.

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

Martin C. Rothfelder, Esq.
Bradford M. Stern, Esq
Rothfelder Stern, L.L.C.
407 Greenwood Avenue, Unit #301
Trenton, NJ 08609
(609) 394-1000
mrothfelder@rothfelderstern.com
bstern@rothfelderstern.com

8. A Certificate of Service and proposed form of order granting intervention are annexed hereto.

WHEREFORE, Johanna Foods respectfully requests the OAL 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: August 25, 2023

By: Martin C. Rothfelder

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_____)

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VERIFICATION OF STEVEN STEIGERWALT

I, Steve Steigerwalt, of full age and upon my oath, depose and say:

1. I am the Vice President of Supply Chain and Contract Packing at Johanna Foods, Inc.
and I am authorized to make this statement on behalf of Johanna Foods, Inc.

2. I have reviewed the attached Motion to Intervene and certify that the facts set forth
therein regarding Johanna Foods, Inc. are true and accurate to the best of my knowledge and
belief.

Date: _____

8/23/23



Steve Steigerwalt

**STATE OF NEW JERSEY
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**MOTION TO INTERVENE
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ORDER

On August 25, 2023, Johanna Foods, Inc. (“Johanna Foods”) filed a Motion to Intervene in this matter. Johanna Foods maintains its facility in Flemington, New Jersey, which receives water from New Jersey American Water Company (“NJAW”) under Rate Schedule F, Optional Industrial Wholesale. Johanna Foods represents that, to the best of its knowledge, it is among the largest retail customers of NJAW.

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

Date: _____

[Presiding Hearing Officer]

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**MOTION TO INTERVENE
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JOHANNA FOODS**

CERTIFICATE OF SERVICE

I, Bradford M. Stern, 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 by Johanna Foods to the persons set forth on the attached service list.



Date: August 25, 2023

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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BOARD OF PUBLIC UTILITIES

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