



November 20, 2023

VIA ELECTRONIC FILING

Honorable Sherri Golden
Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, NJ 08625-0350

**RE: IN THE MATTER OF THE PETITION OF NEW JERSEY AMERICAN
WATER COMPANY, INC. FOR APPROVAL TO CHANGE THE LEVELS OF ITS
PURCHASED WATER ADJUSTMENT CLAUSE AND PURCHASED
WASTEWATER (SEWERAGE) TREATMENT ADJUSTMENT CLAUSE**

BPU Docket No.: WR23110791

Dear Secretary Golden:

I am Vice President, General Counsel & Secretary of Middlesex Water Company ("Middlesex"). We have recently become aware that New Jersey American Water Company, Inc. has filed a request for approval to change the levels of its existing purchased water adjustment charges and purchased wastewater (sewerage) treatment adjustment charges. Middlesex will be significantly affected by these proceedings and seeks to intervene therein.

Enclosed are Middlesex's Notice of Motion to Intervene, Certification of Michele L. Tilley, in support thereof, and proposed form of Order to Intervene, and Certificate of Service. I hereby certify that copies of the aforementioned documents have this day been transmitted to the attached Service List.

We respectfully request that Middlesex be granted leave to intervene in this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jay Kooper".

Jay L. Kooper
Vice President, General Counsel & Secretary
Middlesex Water Company

Encl.

cc: Service List (attached)

Jay L. Kooper, Esq.
485C Route One South, Suite 400
Iselin, New Jersey 08830
Telephone: (732) 638-7506
Fax: (732) 218-1124
Attorney for Intervenor
Middlesex Water Company


**IN THE MATTER OF THE PETITION OF :
NEW JERSEY AMERICAN WATER :
COMPANY, INC. FOR APPROVAL TO :
CHANGE THE LEVEL OF ITS PURCHASED :
WATER ADJUSTMENT CLAUSE AND :
PURCHASED WASTEWATER (SEWERAGE) :
TREATMENT ADJUSTMENT CLAUSE :**

BPU DOCKET NO.: WR23110791

CERTIFICATE OF SERVICE

Jay L. Kooper, an Attorney at Law of New Jersey, hereby certifies the following:

On November 20, 2023, I caused to be served by electronic mail, a copy of the within Notice of Motion to Intervene and supporting papers, to each party on the attached Service List.



Jay L. Kooper

Dated: November 20, 2023

**In the Matter of the Petition of New Jersey American Water Company for
Approval to Change The Levels of its Purchased Water Adjustment Clause and
Purchased Wastewater (Sewerage) Treatment Adjustment Clause
BPU Docket No. WR23110791
~ Service List ~**

MIDDLESEX WATER COMPANY

<p>Jay L. Kooper Middlesex Water Company 485C Route One South Suite 400 Iselin, NJ 08830 jkooper@middlesexwater.com</p>	<p>Michele L. Tilley Middlesex Water Company 485C Route One South Suite 400 Iselin, NJ 08830 mtilley@middlesexwater.com</p>
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BOARD OF PUBLIC UTILITIES

<p>Stacy Peterson Board of Public Utilities Deputy Executive Director 44 South Clinton Ave. PO Box 350 Trenton, NJ 08625 stacy.peterson@bpu.nj.gov</p>	<p>Dr. Benjamin Witherell Board of Public Utilities Office of the Economist 44 South Clinton Ave., 9th Floor P.O. Box 350 Trenton, NJ 08625 Benjamin.witherell@bpu.nj.gov</p>	<p>Kofi Ocansey Board of Public Utilities Division of Water 44 South Clinton Ave., 9th Floor P.O. Box 350 Trenton, NJ 08625 Kofi.Ocansey@bpu.nj.gov</p>
<p>Michael Kammer Board of Public Utilities Division of Water 44 South Clinton Ave., 9th Floor P.O. Box 350 Trenton, NJ 08625 Mike.kammer@bpu.nj.gov</p>	<p>Pamela Owen Division of Law Public Utilities Section R.J. Hughes Justice Complex 25 Market Street Trenton, NJ 08625 Pamela.Owen@law.njoag.gov</p>	<p>Melha Arnautovic, DAG Division of Law Public Utilities Section R.J. Hughes Justice Complex 25 Market Street P.O. Box 112 Trenton, NJ 08625 Melha.Aranautovic@law.njoag.gov</p>
<p>Michael Hunter Board of Public Utilities 44 South Clinton Ave. P.O. Box 350 Trenton, NJ 08625 Michael.hunter@bpu.nj.gov</p>	<p>Andrew Tuzzo Board of Public Utilities 44 South Clinton Avenue PO Box 350 Trenton, NJ 08625-0350 Andrew.Tuzzo@bpu.nj.gov</p>	<p>Malike Cummings Board of Public Utilities Division of Water & Wastewater 44 South Clinton Ave. PO Box 350 Trenton, NJ 08625 Malike.Cummings@bpu.nj.gov</p>
<p>Brandon Simmons, DAG Division of Law Public Utilities Section R.J. Hughes Justice Complex 25 Market Street P.O. Box 112 Trenton, NJ 08625 Brandon.Simmons@law.njoag.gov</p>		

**In the Matter of the Petition of New Jersey American Water Company for
Approval to Change The Levels of its Purchased Water Adjustment Clause and
Purchased Wastewater (Sewerage) Treatment Adjustment Clause
BPU Docket No. WR23110791
~ Service List ~**

<p>Brian Lipman, Esq. Director Division of Rate Counsel 140 East Front Street, 4th Floor P.O. Box 003 Trenton, NJ 08625 blipman@rpa.nj.gov</p>	<p>Susan McClure, Esq. Managing Attorney Water & Wastewater Division of Rate Counsel 140 East Front Street - 4th Floor Trenton, NJ 08625 smcclure@rpa.nj.gov</p>	<p>Christine Juarez, Esq. Assistant Deputy Rate Counsel Division of Rate Counsel 140 East Front Street – 4th Floor Trenton, NJ 08625 cjuarez@rpa.nj.gov</p>
<p>Emily Smithman, Esq. Assistant Deputy Rate Counsel Division of Rate Counsel 140 East Front Street – 4th Floor Trenton, NJ 08625 esmithman@rpa.nj.gov</p>	<p>Marilyn Silva Division of Rate Counsel 140 East Front Street, 4th Floor P.O. Box 003 Trenton, NJ 08625 msilva@rpa.nj.gov</p> <p><i>* Electronic Mail Only</i></p>	

NEW JERSEY AMERICAN WATER COMPANY

<p>Christopher M. Aafra, Esq. Director, Corporate Counsel New Jersey American Water Company One Water Street Camden, NJ 08102 chris.aafra@amwater.com</p>	<p>Jamie D. Hawn Senior Manager Rates & Regulatory New Jersey American Water Company One Water Street Camden, NJ 08102 jamie.hawn@amwater.com</p>
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Fax: (732) 218-1124
Attorney for Intervenor
Middlesex Water Company

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TREATMENT ADJUSTMENT CLAUSE :
:

BPU DOCKET NO.: WR23110791

NOTICE OF MOTION
TO INTERVENE


TO: SHERRI GOLDEN, SECRETARY OF THE BOARD
New Jersey Board of Public Utilities,
44 South Clinton Avenue, 9th Floor
Trenton, NJ 08625-0350; and

**ALL PARTIES DESIGNATED ON THE
ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that, pursuant to N.J.A.C. 1:1-16.1, the undersigned, attorney for intervenor, Middlesex Water Company, shall move before the New Jersey Board of Public Utilities for an Order allowing and permitting Middlesex Water Company to intervene in the above-entitled action and proceeding(s) with all the rights provided therefor under all applicable rules, codes and statutes, including, but not limited to, the right to cross-examine all witnesses, receive copies of all pleadings, papers, documents and exhibits and to introduce, submit and file direct testimony, pleadings, papers, documents and exhibits as appropriate.

PLEASE TAKE FURTHER NOTICE that the return date for this Motion shall be such date, and at such time and place, as may be established and/or scheduled by the Administrative Law Judge or New Jersey Board of Public Utilities Hearing Officer to whom this matter is assigned, pursuant to N.J.A.C. 1:1-12.2, or otherwise.

PLEASE TAKE FURTHER NOTICE that, in support of the within Motion, Intervenor shall rely on the Certification of Michele L. Tilley, dated November 20, 2023.



Jay L. Kooper
Vice President, General Counsel & Secretary
Middlesex Water Company

DATED: November 20, 2023

Jay L. Kooper, Esq.
485C Route One South, Suite 400
Iselin, New Jersey 08830
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_____ :

BPU DOCKET NO.: WR23110791

**CERTIFICATION IN SUPPORT
OF MOTION TO INTERVENE**

I, MICHELE L. TILLEY, do hereby certify as follows:

1. I am Director of Rates & Budgets for Intervenor, Middlesex Water Company (“Middlesex”), in this matter. I am familiar with the facts and circumstances concerning the matter.
2. I make this Certification in support of Intervenor's Notice of Motion to Intervene.
3. Middlesex is a duly authorized public utility corporation of the State of New Jersey having its principal place of business at 485C Route One South, Suite 400, Iselin, New Jersey 08830.
4. Middlesex will be substantially, specifically, and directly affected by the outcome of this proceeding.
5. Middlesex procures water under contract with the New Jersey American Water Company, Inc. (“NJAWC”) through the Elizabethtown System of NJAWC. Middlesex is charged for purchased water under NJAWC Rate Schedule G entitled “Sales for Resale – Service to Other Systems” and Rate Schedule O-1 entitled “Purchased Water Adjustment Clause (PWAC)”. Under the contract currently in effect, Middlesex is required to purchase a minimum of three (3) million gallons of water per day from NJAWC. Using the Rate Schedules G and O-1 currently in effect results in a minimum annual cost of approximately \$3.5 million dollars.

6. As a contract customer affected by this request of NJAWC for a change in rates for water service, Middlesex is entitled to intervene in this proceeding. Accordingly, Middlesex hereby formally seeks leave to intervene in this matter, with full rights and obligations as a party to participate in pre-hearing conferences, present and cross-examine witnesses at hearing, and file briefs.

7. Middlesex's interest in this proceeding will not be adequately protected by any of the other parties. As a large use contract customer, it is significantly different from the majority of other customers of NJAWC. Therefore, it is critical that Middlesex be permitted to intervene for the purpose of representing its own interests.

8. Middlesex has historically been granted leave to intervene in NJAWC's rate case proceedings, including NJAWC's last fully concluded rate proceeding under OAL Docket No. PUC-00808-2022S and BPU Docket No. WR22010019. Middlesex has also historically been granted leave to intervene in NJAWC's PWAC proceedings including NJAWC's last concluded PWAC proceeding under BPU Docket No. WR22110693.

9. All correspondence in the case should be sent to the representatives for Middlesex at the following address:

Jay L. Kooper
Vice President, General Counsel & Secretary
Middlesex Water Company
485C Route One South, Suite 400
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(732) 638-7506
jkooper@middlesexwater.com

Michele L. Tilley
Director of Rates & Budgets
Middlesex Water Company
485C Route One South, Suite 400
Iselin, NJ 08830
(732) 638-7676
mtilley@middlesexwater.com

10. 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.

Michele L. Tilley

Michele L. Tilley

Dated: November 20, 2023

Jay L. Kooper, Esq.
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**ORDER GRANTING
INTERVENTION**

This matter having been presented to the Office of Administrative Law by Jay L. Kooper, Esq., attorney for intervenor, Middlesex Water Company, on notice to the parties and persons set forth 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, including the Certification submitted in support of the Motion to Intervene, and other good cause appearing.

IT IS on this ____ day of _____, 2023,

ORDERED that:

1. Middlesex Water Company is 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 to receive notification of all hearings, conferences, stipulation discussions and all other proceedings in this matter; and

2. A true, but uncertified, copy of this Order shall be served upon the attached Service List by regular mail within _____ days of the date of this Order.
