

# FORNARO FRANCIOSO LLC

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March 13, 2024  
Via Electronic Mail

Honorable Sherri Golden, Secretary  
NJ Board of Public Utilities  
44 South Clinton Avenue  
PO Box 350  
Trenton, New Jersey 08625

Re: 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

Dear Secretary Golden:

Fornaro Francioso LLC represents Mount Laurel Township Municipal Utilities Authority in the referenced matter. Attached for filing please find a copy of the following documents.

1. Motion for Intervention.
2. Proposed form of Order.
3. Certification of Service.

Thank you for your attention to the foregoing.

Very truly yours,  
FORNARO FRANCIOSO LLC  
*Anthony R. Francioso*  
Anthony R. Francioso, Esq.

ARF/  
Attachments

c: Service List  
Pamela J. Carolan, Executive Director

In the Matter of the New Jersey Board of Public Utilities' Response to the Covid-19 Pandemic  
**BPU Docket No. AO20060471**

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**

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In the Matter of the New Jersey Board of Public Utilities' Response to the Covid-19 Pandemic  
**BPU Docket No. AO20060471**

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**

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STATE OF NEW JERSEY  
NEW JERSEY BOARD OF PUBLIC UTILITIES

In the Matter of the Petition of New Jersey : BPU Docket No.: WR23050275  
American Water Company, Inc. for Recovery of :  
Regulatory Asset Established for Incremental :  
COVID-19 Related Expenses and for :  
Establishment of an Uncollectible Adjustment :  
Clause :

**ORDER GRANTING INTERVENOR STATUS**

THIS MATTER having been opened to the Court by Fornaro Francioso LLC, attorneys for the Mount Laurel Township Municipal Utilities Authority (MLTMUA), seeking intervention in this matter based upon the facts set forth in the Motion for Intervention and filed herewith; and the Court having determined that the relief sought herein may be granted; and with no objections having been filed; and for Good Cause Shown,

IT IS, on this \_\_\_\_\_ day of March 2024,

ORDERED, that the Mount Laurel Township Municipal Utilities Authority be granted Intervenor status in this matter; and

It is further ORDERED counsel for the Mount Laurel Township Municipal Utilities Authority is to be placed on the Service List for 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

It is further ORDERED counsel for the Mount Laurel Township Municipal Utilities Authority shall serve a copy of this Order upon all counsel and parties on the Service List within seven (7) days of this Order.

\_\_\_\_\_  
Marian Abdou, Commissioner  
New Jersey Board of Public Utilities



3. Pursuant to N.J.S.A. 48:2-21.1, and N.J.A.C. 14:1-5.12, NJAWC has petitioned the New Jersey Board of Public Utilities (hereinafter referred to as “NJBPU”), for approval to recover those regulatory assets which have been deferred for recovery pursuant to the NJBPU’s July 2, 2020, Order Establishing COVID-19 Regulatory Asset and the NJBPU’s December 21, 2022 Order Extending the Regulatory Asset Period (Docket AO20060471).

4. The Mount Laurel Township Municipal Utilities Authority (Mt. Laurel MUA) is a customer of New Jersey American Water Company, Inc. Mt. Laurel MUA purchases water under a specific Tariff and Contract from NJAWC as well as resale water from the NJAWC.

5. Mt. Laurel has been granted intervention status in NJAWC’s cases dating to 1995. The Mt. Laurel MUA received the appropriate governing body authorization to commence Intervention in the matter.

6. NJAWC is requesting an increase to its water rates in this proceeding. Mt. Laurel MUA will be affected by NJAWC’s requested rate and service increases. As a Contract and sales for resale customer Mt. Laurel MUA’s interests are distinct from other customers of NJAWC and no other party to this proceeding will adequately represent or protect the interests of the Mt. Laurel MUA.

#### **LEGAL STANDARD**

7. As reflected herein, the Mt. Laurel MUA meets the legal requirements for Intervention and Intervenor Status under N.J.A.C. 1:1-16.1, N.J.A.C. 1:1-16.3: (1) The Mt. Laurel MUA will be “..substantially, specifically and directly affected by the outcome of a contested case..” “...significant interest in the outcome of case...”; (2) Mt. Laurel MUA’s “...interest is sufficiently different from that of any party so as to measurably and constructively to the scope of the case and will do so “...without causing undue delay or confusion.”

#### **ARGUMENT**

8. Mt. Laurel MUA is a customer of NJAWC’s pursuant to a Contract and under the Company’s Tariff. Mt. Laurel MUA is a large use customer and those customers are significantly different from the majority of other customers of NJAWC and participants or intervenors in this matter. Therefore, it is

critical for the Mt. Laurel MUA to be permitted "Intervenor" status in this matter as it will add constructively to this case.

9. Mt. Laurel MUA will work cooperatively with all parties to ensure that any participation is not a redundancy or reiteration of positions. The Mt. Laurel MUA will abide by the scheduling established and other procedural rulings made by Your Honor. The Mt. Laurel MUA will not cause any undue delay or confusion.

10. A certificate of service and proposed form of Order granting intervention are annexed hereto.

11. For the foregoing reasons, the Mt. Laurel MUA respectfully requests that Intervenor status be granted in the above-captioned proceeding.

FORNARO FRANCIOSO LLC  
SPECIAL COUNSEL FOR THE MT. LAUREL MUA

  
Anthony R. Francioso, Esq.

Dated: March 13, 2024

STATE OF NEW JERSEY  
NEW JERSEY BOARD OF PUBLIC UTILITIES

In the Matter of the Petition of New Jersey	:	BPU Docket No.: WR 23050275
American Water Company, Inc. for Recovery	:	
of Regulatory Asset Established for	:	Certification of Service
Incremental COVID-19 Related Expenses and	:	
for Establishment of an Uncollectible	:	
Adjustment Clause	:	
	:	
	:	
	:	

Anthony R. Francioso, Esq., an Attorney at Law, State of New Jersey, hereby certifies the following:

On March 12, 2024, I caused to be served by electronic mail this Motion to Intervene and supporting papers to each party on the attached service list.

I certify the foregoing statements made by me are true. I am aware that if any of the foregoing is willfully false, I may be subject to punishment.

FORNARO FRANCIOSO LLC  
SPECIAL COUNSEL FOR THE MT. LAUREL MUA



Anthony R. Francioso, Esq.

Dated: March 13, 2024