



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

PREHEARING ORDER

OAL DKT. NO. PUC 11823-24

AGENCY DKT. NO. WO24070527

**IN THE MATTER OF THE PETITION OF NEW
JERSEY-AMERICAN WATER COMPANY, INC.
FOR THE AUTHORITY TO ACQUIRE THROUGH
EMINENT DOMAIN INTERESTS IN PROPERTY
KNOWN AS BLOCK 163, LOT 6, 719 U.S. ROUTE 202,
BRIDGEWATER, NJ 08807, PURSUANT TO
N.J.S.A. 48:3-17.6, AND N.J.S.A. 48:3-17.7**

BEFORE TRICIA M. CALIGUIRE, ALJ:

Pursuant to N.J.A.C. 1:1-13.1 et. seq., a telephone prehearing conference was held in the above-entitled matter on September 25, 2024, and the following procedures were settled:

1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED

A. Nature of Proceedings:

Petitioner New Jersey-American Water Company, Inc. (NJAW or Company) filed a petition with the New Jersey Board of Public Utilities (Board) seeking the authority to exercise eminent domain to acquire an easement across property located at Block 163, Lot 6, 719 U.S. Route 202, Bridgewater, New Jersey, and owned by respondents Joseph Scagliotta & Sons, LLC, and

Steven J. Scagliotta and Michele Scagliotta, individually, to access a landlocked water tank.

B. Issues to be Resolved:

Whether petitioner can prove by a preponderance of credible evidence that (1) the requested easement is reasonably necessary for the service, accommodation, convenience, or welfare of the public, including public safety; (2) no alternative site or sites are reasonably available to petitioner that would achieve an equivalent public health benefit; (3) the requested easement cannot be acquired from the owner by reason of disagreement as to the price; and (4) the taking of the property is not incompatible with the public interest and will not unduly injure the owners of the property.

2. PARTIES AND THEIR DESIGNATED ATTORNEYS OR REPRESENTATIVES

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F. For Bridgewater Township:

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No change in designated trial counsel shall be permitted without leave of the Administrative Law Judge (ALJ) if such change interferes with the scheduled

hearing date or dates. If no special counsel is set forth in this Order, any partner or associate may be expected to proceed with trial on the agreed date.

3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING

The notice of hearing shall be served upon the parties by electronic mail.

4. SCHEDULE OF HEARING DATES, TIME AND PLACE

The evidentiary hearing shall be held at the Office of Administrative Law (OAL), 9 Quakerbridge Plaza, Mercerville, New Jersey, on **November 18, 20 and 22, 2024, beginning at 9:30 a.m.** each day.

As discussed with the parties on September 25, 2024, any party may move to present expert witness(es) using Zoom, approval of which shall not be withheld unless opposed for good cause, and/or notice of motion for such examination is not made at least ten business days prior to the applicable hearing date.

No adjournments of the hearing will be granted except in strict accordance with the requirements of N.J.A.C. 1:1-9.6, and upon a showing of good cause.

6. STIPULATIONS

Upon completion of discovery, the parties are to work on a joint stipulation of facts with joint exhibits such that only the disputed facts will be presented at the hearing. Petitioner shall file a joint stipulation of facts, if any is agreed upon, with the ALJ no later than five days prior to the scheduled hearing. Petitioner shall attach to the stipulation any item of documentary evidence which would be admitted either by consent or without objection.

8. SETTLEMENT AGREEMENT

Any settlement shall be immediately communicated to the ALJ. The ALJ is available for a telephone or in-person settlement conference, if necessary.

9. AMENDMENTS TO PLEADING

None.

10. ORDER OF PROOFS

The burden of proof is on the petitioner and petitioner shall proceed first at hearing.

11. EXHIBITS

No exhibit will be marked for identification or introduced into evidence at the hearing unless an original is provided to the ALJ and a copy to each other party. This requirement will be strictly enforced unless impracticable.

The parties shall mark exhibits in the upper right-hand corner using the following designations: petitioner shall use P-1, etc.; respondents shall use R-1, etc.; Staff shall use S-1, etc.; and Rate Counsel shall use RC-1, etc. Each set of documents so marked shall include a table of contents, be organized in binders, and shall be delivered to the ALJ on or prior to the first day of the hearing.

13. ESTIMATED NUMBER OF FACT AND EXPERT WITNESSES

No limit. As to any expert witness, the offering party shall provide the other parties in the matter with a resume, a written summary of testimony, and reasonable access to all reports, data, investigations, studies, tests, and the like upon which the expert testimony will be based.

The parties are strongly encouraged to submit expert reports to the ALJ in advance of the hearing.

14. MOTIONS

None pending.

Motion practice, if any, will be conducted pursuant to N.J.A.C. 1:1-16 et seq.

15. SPECIAL MATTERS

A schedule for submission of post-hearing briefs, if requested, will be set by the ALJ after the close of the evidentiary hearing.

If on any hearing date, the parties, counsel, or witnesses experience delays in reaching the OAL, they are to contact the judge's chambers at 609-438-6321, after 8:30 a.m.

This order may be reviewed by the **BOARD OF PUBLIC UTILITIES**, either upon interlocutory review pursuant to N.J.A.C. 1:1-14.10 or at the end of the contested case, pursuant to N.J.A.C. 1:1-18.6.

October 8, 2024

DATE



TRICIA M. CALIGUIRE, ALJ

TMC/kl
c: Clerk OAL-T