



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

WATER

IN THE MATTER OF THE VERIFIED JOINT PETITION)	ORDER MODIFYING
OF MONTAGUE WATER CO., INC., MONTAGUE)	PROCEDURAL SCHEDULE
SEWER CO., INC., CORIX INFRASTRUCTURE (US))	
INC., AND SW MERGER ACQUISITION CORP. FOR)	DOCKET NO. WM22110690
APPROVAL OF A CHANGE OF CONTROL OF)	
MONTAGUE WATER CO., INC. AND MONTAGUE)	
SEWER CO., INC.)	

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
James H. Laskey, Esq., Norris McLaughlin, P.A., for the Montague Water Co., Inc., Montague Sewer Co., Inc. and Corix Infrastructure (US), Inc.
Stephen B. Genzer, Esq., Saul Ewing Arnstein & Lehr LLP for SW Merger Acquisition Corp.

BY COMMISSIONER MARY-ANNA HOLDEN:

BACKGROUND AND PROCEDURAL HISTORY

On November 9, 2022, Montague Water Company, Inc. and Montague Sewer Company, Inc., together with Corix Infrastructure (US) Inc. ("Corix US"), and SW Merger Acquisition Corp. ("SWMAC") (collectively, "Joint Petitioners"), filed a petition with the New Jersey Board of Public Utilities ("Board") requesting that the Board approve the proposed merger of SWMAC and Corix US ("Joint Petition"). According to the Joint Petitioners, the proposed merger would create a larger and stronger water and wastewater company.

By Order dated January 25, 2023, the Board retained the Joint Petition for hearing pursuant to N.J.S.A. 48:2-32 and designated me as the Presiding Commissioner authorized to rule on all motions arising during the pendency of these proceedings, as well as modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.¹ The Board also directed all entities seeking to intervene or participate to file the appropriate application with the Board on or before February 25, 2023, and that any party wishing to file for admission of

¹ In re the Verified Joint Petition of Montague Water Co., Inc., Montague Sewer Co., Inc., Corix Infrastructure (US) Inc., and SW Merger Acquisition Corp. for Approval of a Change of Control of Montague Water Co., Inc., and Montague Sewer Co., Inc., BPU Docket No. WM22110690, Order dated January 25, 2023.

counsel *pro hac vice* do so concurrently.²

By Order dated March 27, 2023, I established the procedural schedule for this matter, which was annexed to the Order as Exhibit A ("March 27 Procedural Schedule").³ On May 12, 2023, I received correspondence from the Joint Petitioners seeking to amend the March 27 Procedural Schedule, specifically, by pushing the deadline for the New Jersey Division of Rate Counsel ("Rate Counsel") to file testimony from May 15, 2023 to May 30, 2023, to allow for further settlement negotiations. Board Staff and Rate Counsel indicated they did not object to the amendment.

DISCUSSION AND FINDINGS

I reviewed, in detail, the Joint Petitioners' May 12, 2023 correspondence. To allow further settlement negotiations and to ensure an equitable determination of the issues, I **HEREBY AMEND** the March 27 Procedural Schedule and **HEREBY ORDER** that the Modified Procedural Schedule, a copy of which is affixed to this Order, supersedes the March 27 Procedural Schedule. I **FURTHER ORDER** that the attached Modified Procedural Schedule is controlling as of the date of this Order.

I **HEREBY DIRECT** that this Order be posted on the Board's website.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: 5/16/23

BY:



MARY-ANNA HOLDEN
COMMISSIONER

² Id.

³ In re the Verified Joint Petition of Montague Water Co., Inc., Montague Sewer Co., Inc., Corix Infrastructure (US) Inc., and SW Merger Acquisition Corp. for Approval of a Change of Control of Montague Water Co., Inc., and Montague Sewer Co., Inc., BPU Docket No. WM22110690, Order dated March 27, 2023.

MODIFIED PROCEDURAL SCHEDULE

IN THE MATTER OF THE VERIFIED JOINT PETITION OF MONTAGUE WATER CO., INC., MONTAGUE SEWER CO., INC., CORIX INFRASTRUCTURE (US) INC., AND SW MERGER ACQUISITION CORP. FOR APPROVAL OF A CHANGE OF CONTROL OF MONTAGUE WATER CO., INC. AND MONTAGUE SEWER CO., INC.

DOCKET NO. WM22110690

Procedural Schedule

Completion of Initial Discovery Responses	March 22, 2023
Second Round Discovery Requests	March 31, 2023
Second Round Discovery Responses+	April 14, 2023
Initial Settlement Discussions	Week of April 10, 2023
Completion of Initial Settlement Discussions	Weeks of April 17 and April 24, 2023
Virtual Public Hearing if requested by a Party	4:30 PM and 5:30 PM on April 20, 2023
Rate Counsel Testimony (if needed)	May 30, 2023
Discovery on Rate Counsel Testimony	June 5, 2023
Responses to Discovery on Rate Counsel Testimony	June 19, 2023
Joint Petitioners' Rebuttal Testimony	July 6, 2023
Discovery on Rebuttal Testimony	July 17, 2023
Responses to Discovery on Rebuttal Testimony	July 27, 2023
Further Settlement Discussions (if needed)	3 days in July 2023
Evidentiary Hearings	Week of August 7, 2023
Initial and Reply Briefs	TBD by Commissioner after evidentiary hearings

+ Petitioner agrees that discovery is ongoing and will endeavor to answer all discovery within fifteen days of service or earlier if possible.

IN THE MATTER OF THE VERIFIED JOINT PETITION OF MONTAGUE WATER CO., INC., MONTAGUE SEWER CO., INC., CORIX INFRASTRUCTURE (US) INC., AND SW MERGER ACQUISITION CORP. FOR APPROVAL OF A CHANGE OF CONTROL OF MONTAGUE WATER CO., INC. AND MONTAGUE SEWER CO., INC.

DOCKET NO. WM22110690

SERVICE LIST

New Jersey Division of Rate Counsel 140 East Front Street, 4 th Floor Trenton, NJ 08625-0003 Brian O. Lipman, Esq., Director bilipman@rpa.nj.gov Susan McClure, Esq., Managing Attorney smcclure@rpa.nj.gov Christine Juarez, Esq., Deputy Rate Counsel cjuarez@rpa.nj.gov Emily Smithman, Esq. Deputy Rate Counsel esmithman@rpa.nj.gov Marilyn Silva msilva@rpa.nj.gov Rate Counsel Consultant Andrea C. Crane The Columbia Group. Inc. 2805 East Oakland Park Blvd. #401 Fort Lauderdale, FL ctcolumbia@aol.com	Board of Public Utilities 44 South Clinton Avenue, 1 st Floor PO Box 350 Trenton, NJ 08625-035 Sherri L. Golden, Board Secretary board.secretary@bpu.nj.gov Robert Brabston, Esq., Executive Director robert.brabston@bpu.nj.gov Stacy Peterson, Deputy Executive Director stacy.peterson@bpu.nj.gov Economist's Office Dr. Benjamin Witherell, Chief Economist ben.witherell@bpu.nj.gov Division of Water and Energy Jackie O'Grady jackie.ogrady@bpu.nj.gov Christine Lin christine.lin@bpu.nj.gov Dianne Crilly dianne.crilly@bpu.nj.gov Division of Audits Malike Cummings, Deputy Director malike.cummings@bpu.nj.gov Justin Cederberg justin.cederberg@bpu.nj.gov Kyle Felton kyle.felton@bpu.nj.gov Anthony DeAnni anthony.deanni@bpu.nj.gov Dari Urban dari.urban@bpu.nj.gov Alice Bator, Director alice.bator@bpu.nj.gov
---	--

Joint Petitioners	NJBPU, cont.
James H. Laskey, Esq. Norris McLaughlin, P.A. 800 Crossing Blvd., 8th Floor P.O. Box 5933 Bridgewater, NJ 08807 jlaskey@norris-law.com	<u>Division of Customer Assistance</u> Julie Ford-Williams, Director julie.ford@bpu.nj.gov
Steven M. Lubertozi, Sr. VP North Region Corix Group of Companies 500 W. Monroe Street, Suite 3600 Chicago, IL 60661 smlubertozi@uiwater.com	Richard Lambert richard.lambert@bpu.nj.gov
Dante DeStefano, Director, Regulatory Affairs Corix Group of Companies dante.destefano@corixgroup.com	Raymond Matos raymond.matos@bpu.nj.gov
Stephen B. Genzer Saul Ewing Arnstein & Lehr LLP 1037 Raymond Blvd, Suite 1520 Newark, NJ 07102-5426 stephen.genzer@saul.com	<u>Reliability & Security</u> Francis Gaffney, Director francis.gaffney@bpu.nj.gov
	Marco Valdivia marco.valdivia@bpu.nj.gov
	<u>BPU Counsel's Office</u> Michael Beck, General Counsel michael.beck@bpu.nj.gov
	Carol Artale, Deputy General Counsel carol.artale@bpu.nj.gov
	Michael Hunter, Regulatory Officer michael.hunter@bpu.nj.gov