



The Company's basis for the increase in the PWAC and PSTAC are the increase rates that NJAWC will be charged for purchased water and purchased wastewater treatment services it receives.

Virtual public hearings were held on February 23, 2023 at 4:30 p.m. and 5:30 p.m., following publication of an appropriate public notice. No members of the public appeared or provided comments at the virtual public hearing and the Board has received no written comments.

### **MOTIONS TO INTERVENE**

The Board received a motion to intervene from Middlesex Water Company ("Middlesex") on November 18, 2022. Middlesex stated that they procure water from NJAW under contract through its Elizabethtown System and will be affected when these costs are passed through in accordance with NJAW's tariff. Middlesex also stated that their intervention would not cause any issues in the docket. On March 7, 2023, NJAW filed a letter with the Board stating that it has no objection to Middlesex's intervention into this matter.

The Board received a motion to intervene from the Mount Laurel Municipal Utilities Authority ("Mount Laurel") on March 4, 2023. Mount Laurel stated that they procure water from NJAW as a resale customer and will be affected when these costs are passed through in accordance with NJAW's tariff. Mount Laurel also stated that their intervention would not cause any issues in the docket. No party has filed in opposition to the motion.

### **DISCUSSION AND FINDINGS**

In ruling on a motion to intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

1. The nature and extent of the moving party's interest in the outcome of the case;
2. Whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. The prospect for confusion and delay arising from inclusion of the party; and
4. Other appropriate matters.

If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant," if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, file a statement or brief, file exceptions, or all of these as determined by the trier of fact.

As the Board stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an interveners' interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case. See In re Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in

Control of Public Service Electric and Gas Company, and Related Authorizations, 2005 N.J. PUC LEXIS 58 (June 8, 2005), at \*15-16.

After consideration of the papers, and given the lack of any objections, the Board **HEREBY FINDS** pursuant to N.J.A.C. 1:1-16.3, that Middlesex and Mount Laurel will be directly affected by the outcome of this proceeding and will add measurably and constructively to the case without causing undue delay or confusion. The Board **HEREBY FINDS** that Middlesex and Mount Laurel have met the standards for intervention in this proceeding. Accordingly, having received no objections, the Board **HEREBY GRANTS** the motions for intervention of Middlesex and Mount Laurel.

The effective date of this Order is April 15, 2023.

DATED: April 12, 2023

BOARD OF PUBLIC UTILITIES  
BY:

  
JOSEPH L. FIORDALISO  
PRESIDENT

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
DIANNE SOLOMON  
COMMISSIONER

ATTEST:

  
SHERRIL L. GOLDEN  
SECRETARY

**I HEREBY CERTIFY** that the within document is a true copy of the original in the files of the Board of Public Utilities.

IN THE MATTER OF THE PETITION OF NEW JERSEY-AMERICAN WATER COMPANY, INC. FOR  
AUTHORIZATION TO CHANGE THE LEVEL OF ITS PURCHASED WATER ADJUSTMENT CLAUSE AND  
PURCHASED WASTEWATER TREATMENT ADJUSTMENT CLAUSE

DOCKET NO. WR22110693

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