



Agenda Date: 2/14/24  
Agenda Item: 5B

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

WATER

IN THE MATTER OF THE PETITION OF GORDON'S	)	ORDER APPROVING
CORNER WATER COMPANY FOR APPROVAL TO	)	STIPULATION
CHANGE THE LEVELS OF ITS PURCHASED WATER	)	
ADJUSTMENT CLAUSE PURSUANT TO N.J.A.C. 14:9-	)	
7.1 ET SEQ.	)	DOCKET NO. WR23100727

**Parties of Record:**

**Stephen B. Genzer, Esq., Saul Ewing LLP**, on behalf of the Petitioner, Gordon's Corner Water Company.

**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel

BY THE BOARD:

On October 6, 2023, pursuant to N.J.A.C. 14:9-7.1 to 7.7, Gordon's Corner Water Company. ("GCWC" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board" or "BPU") seeking to modify its Purchased Water Adjustment Clause ("PWAC") rates for calendar year 2024 ("Petition"). By this Decision and Order, the Board considers a stipulation of settlement ("Stipulation") executed by Board Staff ("Staff"), the New Jersey Division of Rate Counsel ("Rate Counsel"), and CGWC (collectively, "Parties") intended to resolve all issues related to the Petition.

**BACKGROUND/PROCEDURAL HISTORY**

GCWC is a water public utility engaged in the business of collecting, treating, and distributing water for retail service to approximately 14,600 customers in portions of the Townships of Marlboro and Manalapan in Monmouth County, New Jersey. The Company's principal office is located at 27 Vanderburg Road, Marlboro, New Jersey, 07746.

The Company purchases water on a routine basis, pursuant to purchased water agreements, from: 1) the Township of Marlboro; 2) United Water Matchaponix; and 3) the Township of Aberdeen. The Company obtains a substantial portion of the water necessary to meet its overall water supply requirements through purchased water contracts with the Township of Marlboro and SUEZ-Matchaponix Water Company.<sup>1</sup>

By Order dated December 21, 2022, the Board approved GCWC's current PWAC tariff, setting a PWAC rate of \$0.08 per thousand gallons of water for general service customers.<sup>2</sup>

### **Petition**

By the Petition, based on information available at the time of filing, the Company noted that it anticipates its purchased water contract rates to increase based on: 1) Middlesex Water Company's ("MWC") currently pending base rate case; and 2) Veolia's base rate case which GCWC expected to be filed imminently.<sup>3</sup>

By the Petition, GCWC indicated that Marlboro obtains a portion of its water supply from MWC the cost of which will increase as a result of MWC's pending base rate case. Based on the data contained in MWC's base rate filing, if MWC receives its fully requested rate increase, GCWC's Marlboro purchased water rate would increase from \$5.62167 per thousand gallons to \$7.325 per thousand gallons.

GCWC further indicated that any increase resulting from Veolia's anticipated base rate case will further increase the Company's purchased water costs.

By the Petition, GCWC included a true-up schedule reconciling actual and estimated purchased water revenues and costs for the period January 1, 2023 through December 31, 2023. Based on the Company's schedules, GCWC estimated that there may be an under-recovery in the amount of \$960. However, GCWC indicated it does not seek to carry forward any over- or under-recovery balance in the prospective PWAC rate for 2024. However, the Company indicated it intends to continue to update its over- and under-recovery calculations throughout the pendency of this proceeding to allow the prospective PWAC to properly continue its true-up function.

A Board-appointed Regulatory Officer presided over public hearings on January 29, 2024, at 4:30 p.m. and 5:30 p.m. No members of the public attended the hearings and the Board received no written comments on this matter.

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<sup>1</sup> SUEZ Water New Jersey merged with Veolia North America, Inc., as approved by the Board's Order in In re Joint Petition of Veolia Environment S.A., Veolia North America, Inc., SUEZ S.A., and Suez Water New Jersey, Inc. for Approval of a Change of Control of SUEZ Water New Jersey, Inc., and other Related Approvals, BPU Docket No. WM21060909, Order dated December 15, 2021. The surviving entity of the merger with respect to New Jersey-regulated activities was Veolia Water New Jersey, Inc. ("Veolia").

<sup>2</sup> In re the Petition of Gordon's Corner Water Company to Change the Levels of its Purchased Water Adjustment Clause, Docket No. WR22070458, Order dated December 21, 2022.

<sup>3</sup> In re Middlesex Water Company for Approval of an Increase in its Rates for Water Service and other Tariff Changes, BPU Docket No. WR23050292. Veolia filed a petition seeking a base rate increase on November 9, 2023. See In re the Petition of Veolia Water New Jersey Inc. for Approval of an Increase in Rates for Water/Sewer Service and Other Tariff Changes, BPU Docket No. WR23110790.

## **STIPULATION**

1. The Parties agree to an overall stipulated increase of \$198,750 or 1.4% of the Company's overall revenues of \$14,003,593.
2. The Parties recommend that the Board approve an increase to the Company's PWAC rate upon PWAC Rate Schedule No. 1A from \$0.08 to \$0.14 per thousand gallons of water for general service customers, effective March 1, 2024.
3. The effective PWAC rate adjustment results in an increase in the monthly bill of a residential customer with a 5/8" meter, using 7,000 gallons of water per month, from \$63.46 to \$63.88 an increase of \$0.42 per month, or 0.7%. Attached to the Stipulation as Exhibit A is a Schedule reflecting GCWC's new purchased water costs effective March 1, 2024.
4. The proposed PWAC rate of \$0.14 per thousand gallons of water is calculated as being effective March 1, 2024 as indicated in Exhibit B to the Stipulation.
5. The PWAC rate established herein will increase annual revenues by \$198,750, or 1.4%, as reflected in Exhibit B to the Stipulation.
6. Attached to the Stipulation as Exhibit C is PWAC Rate Schedule No. 1A, a tariff sheet reflecting the new PWAC rate. The new PWAC rate conforms to the Stipulation and is designed to produce the revenues to which the parties have stipulated.
7. In accordance with the provisions of N.J.A.C. 14:9-7.4, the Company shall file with the Board, not later than 45 days after the end of the PWAC year, PWAC true-up schedules in connection with this proceeding. The Company's PWAC year resulting from this matter ends on February 28, 2025. Copies of the true-up schedules will be served upon Staff and Rate Counsel.

## **DISCUSSION AND FINDINGS**

Having reviewed the record in this matter, including the Petition and the Stipulation, the Board **HEREBY FINDS** that the Parties have voluntarily agreed to the Stipulation, and that the Stipulation fully disposes of all issues in this proceeding and is consistent with the law. The Board **FURTHER FINDS** the Stipulation to be reasonable and in the public interest in accordance with the law. As such, the Board **HEREBY ADOPTS** the Stipulation attached hereto, including all attachments and schedules, as its own, incorporating by reference the terms and conditions of the Stipulation as if fully set forth at length herein.

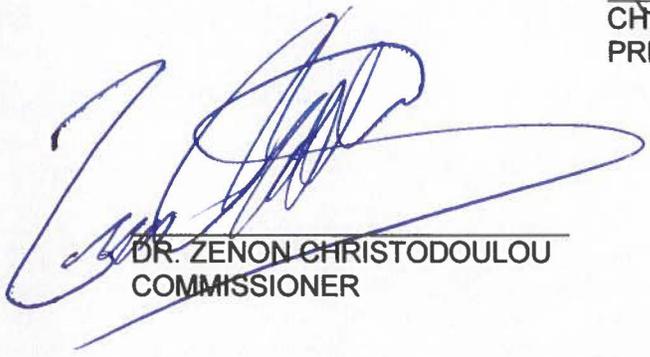
As a result of the Stipulation, the average residential customer paying a fixed charge, will experience an increase in their monthly bill from \$63.46 to approximately \$63.88, an increase of \$0.42, or approximately 0.7%.

The Board **HEREBY DIRECTS** the Company to file tariff pages conforming to the terms and conditions of the Stipulation and this Order by March 1, 2024.

The effective date of this Order is February 21, 2024, with rates to become effective on and after March 1, 2024.

DATED: February 14, 2024

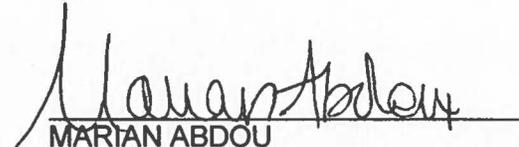
BOARD OF PUBLIC UTILITIES  
BY:



DR. ZENON CHRISTODOULOU  
COMMISSIONER



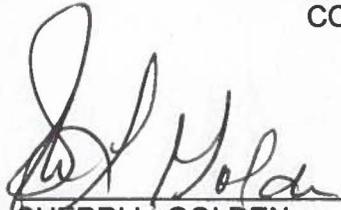
CHRISTINE GUHL-SADOVY  
PRESIDENT



MARIAN ABDOU  
COMMISSIONER



MICHAEL BANGE  
COMMISSIONER

ATTEST:   
SHERRI 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 GORDON'S CORNER WATER COMPANY FOR APPROVAL TO CHANGE THE LEVELS OF ITS PURCHASED WATER ADJUSTMENT CLAUSE PURSUANT TO N.J.A.C. 14:9-7.1 ET SEQ.

DOCKET NO.WR23100727

SERVICE LIST

**New Jersey Division of Rate Counsel**

140 East Front Street, 4<sup>th</sup> Floor  
Post Office Box 003  
Trenton, NJ 08625-0003

Brian O. Lipman, Esq., Director  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Susan McClure, Esq.  
[smcclure@rpa.nj.gov](mailto:smcclure@rpa.nj.gov)

**Division of Law**

NJ Department of Law and Public Safety  
Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street, P.O. Box 112  
Trenton, NJ 08625

Mehila Arnautovic, DAG  
[mehila.arnautovic@law.njoag.gov](mailto:mehila.arnautovic@law.njoag.gov)

Terel Klein, DAG  
[terel.klein@law.njoag.gov](mailto:terel.klein@law.njoag.gov)

**Board of Public Utilities**

44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350

Sherri L. Golden, Board Secretary  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Stacy Peterson, Deputy Executive Director  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

**Counsel's Office**

Michael Beck, General Counsel  
[michael.beck@bpu.nj.gov](mailto:michael.beck@bpu.nj.gov)

Carol Artale, Deputy General Counsel  
[carol.artale@bpu.nj.gov](mailto:carol.artale@bpu.nj.gov)

Michael Hunter, Regulatory Officer  
[michael.hunter@bpu.nj.gov](mailto:michael.hunter@bpu.nj.gov)

**Division of Revenue and Rates**

Kyle Felton  
[kyle.felton@bpu.nj.gov](mailto:kyle.felton@bpu.nj.gov)

**Gordon's Corner Water Company**

27 Vanderburg Road  
Marlboro, NJ 07746

David G. Erm, President  
[dgern@gordonscornerwater.com](mailto:dgern@gordonscornerwater.com)

Eric Olsen, Chief Operating Officer  
[Eolsen@gordonscornerwater.com](mailto:Eolsen@gordonscornerwater.com)

Saul Ewing LLP  
1500 Market Street  
Centre Square West, 38th Fl.  
Philadelphia, PA 19102

Stephen B. Genzer, Esq.  
[stephen.genzer@saul.com](mailto:stephen.genzer@saul.com)

Shane P. Simon Esq.  
[shane.simon@saul.com](mailto:shane.simon@saul.com)

February 2, 2024

**VIA ELECTRONIC MAIL**

Honorable Sherri Golden, Secretary  
Board of Public Utilities  
44 South Clinton Ave., Suite 314  
P.O. Box 350  
Trenton, NJ 08625-0350  
[sherri.golden@bpu.nj.gov](mailto:sherri.golden@bpu.nj.gov)  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Re: In the Matter of the Petition of Gordon's Corner Water Company  
for Approval to Change the Levels of Its Purchased Water  
Adjustment Clause Pursuant to N.J.A.C. 14:9-7.1 et. seq.  
BPU Docket No. WR23100727

Dear Secretary Golden:

Enclosed for filing please find a fully executed Stipulation of Settlement ("Stipulation"), with attached Exhibits, resolving all matters at issue in above-referenced proceeding. The Stipulation has been executed by the Petitioner, Gordon's Corner Water Company ("Company"), the Staff of the Board of Public Utilities and the Division of Rate Counsel.

As this matter was retained by the Board and not transmitted to the Office of Administrative Law, the Company would appreciate it if the Board would consider action at its next Agenda meeting and issue a Decision and Order approving the Stipulation at that time.

Thank you for your attention to this matter.

Respectfully submitted,



Stephen B. Genzer

SBG/jg  
Enclosures  
cc: Attached Service List (w/encls., via email only)

## **SERVICE LIST**

In the Matter of the Petition of Gordon's Corner Water Company  
for Approval to Change the Levels of Its Purchased Water  
Adjustment Clause Pursuant to N.J.A.C. 14:9-7.1 et. seq.  
BPU Docket No. WR23100727

### **BPU**

Hon. Sherri Golden, Secretary  
NJ Board of Public Utilities  
44 South Clinton Ave., Suite 314  
P.O. Box 350  
Trenton, NJ 08625-0350  
[sherri.golden@bpu.nj.gov](mailto:sherri.golden@bpu.nj.gov)  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Michael Kammer, Director  
Division of Water  
Board of Public Utilities  
44 South Clinton Ave., Suite 314  
P.O. Box 350  
Trenton, NJ 08625-0350  
[mike.kammer@bpu.nj.gov](mailto:mike.kammer@bpu.nj.gov)

Stacy Peterson  
Deputy Executive Director  
Board of Public Utilities  
44 South Clinton Ave., Suite 314  
P.O. Box 350  
Trenton, NJ 08625-0350  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

Malike Cummings  
Board of Public Utilities  
44 South Clinton Ave., Suite 314  
P.O. Box 350  
Trenton, NJ 08625-0350  
[malike.cummings@bpu.nj.gov](mailto:malike.cummings@bpu.nj.gov)

Kyle Felton  
Board of Public Utilities  
44 South Clinton Ave., Suite 314  
P.O. Box 350  
Trenton, NJ 08625-0350  
[kyle.felton@bpu.nj.gov](mailto:kyle.felton@bpu.nj.gov)

Andrew Tuzzo  
Board of Public Utilities  
44 South Clinton Ave., Suite 314  
P.O. Box 350  
Trenton, NJ 08625-0350  
[andrew.tuzzo@bpu.nj.gov](mailto:andrew.tuzzo@bpu.nj.gov)

Michael Beck, Chief Counsel  
Board of Public Utilities  
44 South Clinton Ave., Suite 314  
P.O. Box 350  
Trenton, NJ 08625-0350  
[michael.beck@bpu.nj.gov](mailto:michael.beck@bpu.nj.gov)

### **Rate Counsel**

Brian O. Lipman, Director  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Susan E. McClure, Esq.  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[smcclure@rpa.nj.gov](mailto:smcclure@rpa.nj.gov)

Christine M. Juarez, Esq.  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[cjuarez@rpa.nj.gov](mailto:cjuarez@rpa.nj.gov)

Emily Lam, Esq.  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[elam@rpa.nj.gov](mailto:elam@rpa.nj.gov)

Felecia Jackson-Rogers, Esq.  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[frogers@rpa.nj.gov](mailto:frogers@rpa.nj.gov)

Marilyn Silva  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[msilva@rpa.nj.gov](mailto:msilva@rpa.nj.gov)

Robert J. Henkes  
Henkes Consulting  
7 Sunset Road  
Old Greenwich, CT 06870  
Phone: (203) 698-1989  
[rhenkes@optonline.net](mailto:rhenkes@optonline.net)

### **DAG**

Meliha Arnautovic, DAG  
Division of Law  
Hughes Justice Complex  
25 Market Street  
P.O. Box 112  
Trenton, NJ 08625  
[meliha.arnautovic@law.njoag.gov](mailto:meliha.arnautovic@law.njoag.gov)

### **Company**

David G. Ern, President  
Gordon's Corner Water Company  
27 Vanderburg Road  
Marlboro, NJ 07746  
[dgern@gordonscornerwater.com](mailto:dgern@gordonscornerwater.com)

Eric Olsen, Chief Operating Officer  
Gordon's Corner Water Company  
27 Vanderburg Road  
Marlboro, NJ 07746  
[eolsen@gordonscornerwater.com](mailto:eolsen@gordonscornerwater.com)

John P. Morro, Jr., CPA  
Gordon's Corner Water Company  
27 Vanderburg Road  
Marlboro, NJ 07746  
[johnmorro@jpmorrocpa.com](mailto:johnmorro@jpmorrocpa.com)

Stephen B. Genzer, Esq.  
Saul Ewing LLP  
One Riverfront Plaza, Suite 1520  
1037 Raymond Blvd.  
Newark, NJ 07102  
[stephen.genzer@saul.com](mailto:stephen.genzer@saul.com)

Shane P. Simon, Esq.  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38<sup>th</sup> Floor  
Philadelphia, PA 19102  
[shane.simon@saul.com](mailto:shane.simon@saul.com)

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

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IN THE MATTER OF THE PETITION	:	STIPULATION
OF GORDON’S CORNER WATER COMPANY	:	
FOR APPROVAL TO CHANGE THE LEVELS	:	BPU Docket No. WR23100727
OF ITS PURCHASED WATER ADJUSTMENT	:	
CLAUSE PURSUANT TO N.J.A.C.	:	
14:9-7.1 ET SEQ.	:	

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**APPEARANCES:**

Stephen B. Genzer, Esq., Shane P. Simon, Esq., Saul Ewing LLP, on behalf of Gordon’s Corner Water Company, Attorneys for Petitioner;

Christine M. Juarez, Esq., Assistant Deputy Rate Counsel and Emily Smithman, Esq., Assistant Deputy Rate Counsel (Brian O. Lipman, Esq., Director) on behalf of the New Jersey Division of Rate Counsel;

Meliha Arnautovic, Esq. Deputy Attorney General, for the Staff of the New Jersey Board of Public Utilities (Matthew J. Platkin, Esq., Attorney General of New Jersey).

**TO THE HONORABLE BOARD OF PUBLIC UTILITIES:**

Petitioner, Gordon’s Corner Water Company (“Petitioner” or “Company”), is a public utility of the State of New Jersey, subject to the jurisdiction of the New Jersey Board of Public Utilities (“Board”) and franchised to provide water service in the Townships of Marlboro and Manalapan, Monmouth County, New Jersey. On October 6, 2023, Petitioner filed a petition with the Board, pursuant to N.J.A.C. 14:9-7.1 *et seq.*, for approval to change the levels of its purchased water adjustment clause (“PWAC”) (“Petition”).

Petitioner purchases water on a routine basis from two (2) separate entities, each of which adjusts its rates for water service pursuant to contract: the Marlboro Township Water Utility Division and Veolia Water New Jersey, Inc., all pursuant to water purchase agreements. By the

Petition, Petitioner proposed to increase its PWAC rate from \$0.08 to \$0.84 per thousand gallons of water.

Virtual public hearings were held on January 29, 2024 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.

Throughout the course of this proceeding, Petitioner was served with, and responded in full to, discovery requests propounded by the New Jersey Division of Rate Counsel (“Rate Counsel”) and Board Staff (“Staff”). Petitioner, Rate Counsel, and Board Staff also conferred on a number of occasions regarding this matter. Following a review of the Petition, conducting discovery, and discussions among the parties, the Company, Rate Counsel, Staff (collectively, “Parties”) have reached an agreement on this matter, the provisions of which are set forth below. have agreed to a total overall stipulated increase of \$198,750 or 1.4% of Company revenues of \$14,003,593. As a result of an analysis of the Petition and Exhibits, Petitioner’s responses to discovery, as well as the Parties’ discussions and negotiations in this matter, the Signatory Parties have reached an agreement, the provisions of which are set forth below.

### **SETTLEMENT AGREEMENT**

1. The Parties agree to an overall stipulated increase of \$198,750 or 1.4% of the Company’s overall revenues of \$14,003,593.
2. The Parties recommend that the Board approve an increase to Petitioner’s PWAC rate upon PWAC Rate Schedule No. 1A from \$0.08 to \$0.14 per thousand gallons of water for general service customers, effective March 1, 2024.
3. The effective PWAC rate adjustment results in an increase in the monthly bill of a residential customer with a 5/8” meter, using 7,000 gallons of water per month, from \$63.46 to

\$63.88 an increase of \$0.42 per month, or 0.7%. Attached hereto as **Exhibit A** is a Schedule reflecting Petitioner's new purchased water costs effective March 1, 2024.

4. The proposed PWAC rate of \$0.14 per thousand gallons of water is calculated as being effective March 1, 2024 as indicated in Exhibit B.

5. The PWAC rate established herein will increase annual revenues by \$198,750, or 1.4%, as reflected in **Exhibit B**.

6. Attached hereto as **Exhibit C** is PWAC Rate Schedule No. 1A, a tariff sheet reflecting the new PWAC rate. The new PWAC rate conforms to this Stipulation and is designed to produce the revenues to which the parties have stipulated herein.

7. In accordance with the provisions of N.J.A.C. 14:9-7.4, the Petitioner shall file with the Board, not later than 45 days after the end of the PWAC year, PWAC true-up schedules in connection with this proceeding. The Company's PWAC year resulting from this matter ends on February 28, 2025. Copies of the true-up schedules will be served upon Staff and Rate Counsel.

8. This Stipulation shall be binding on the Parties to this proceeding upon approval by the Board. This Stipulation shall bind the Parties in this matter only and shall not be considered precedential in any other proceeding involving the Parties hereto.

9. This Stipulation contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation. Each term is vital to the agreement as a whole, since the Parties individually and jointly state that they would not have signed the Stipulation had any term been modified in any way. In the event that any modification whatsoever is made to this Stipulation, each of the Parties hereto is entitled to certain procedures in the event of such occurrence.

10. If any modification is made to the terms of this Stipulation, the Parties must be given the right to be placed in the position in which each Party was before this Stipulation was executed. It is essential that each Party be given the option to modify its own position, to accept the proposed change(s), or to resume the proceeding as if no agreement had been reached.

11. The Parties believe that these procedures are fair to all concerned and, therefore, they are made an integral and essential element of this Stipulation.

12. This Stipulation may be executed in as many counterparts as there are signatories to this Stipulation, each of which counterpart shall be an original, but all of which shall constitute one and the same instrument.

GORDON'S CORNER WATER COMPANY  
Attorney for Petitioner

February 2, 2024  
Date

By:   
\_\_\_\_\_  
Stephen B. Genzer, Esq.  
Shane P. Simon, Esq.  
Saul Ewing LLP

BRIAN O. LIPMAN, ESQ.  
DIRECTOR, DIVISION OF RATE COUNSEL

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Christine Juarez, Esq.  
Assistant Deputy Rate Counsel

10. If any modification is made to the terms of this Stipulation, the Parties must be given the right to be placed in the position in which each Party was before this Stipulation was executed. It is essential that each Party be given the option to modify its own position, to accept the proposed change(s), or to resume the proceeding as if no agreement had been reached.

11. The Parties believe that these procedures are fair to all concerned and, therefore, they are made an integral and essential element of this Stipulation.

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GORDON'S CORNER WATER COMPANY  
Attorney for Petitioner

February 2, 2024  
Date

By: \_\_\_\_\_  
Stephen B. Genzer, Esq.  
Shane P. Simon, Esq.  
Saul Ewing LLP

BRIAN O. LIPMAN, ESQ.  
DIRECTOR, DIVISION OF RATE COUNSEL

2/2/24  
Date

By: Christine Juarez  
Christine Juarez, Esq.  
Assistant Deputy Rate Counsel

MATTHEW J. PLATKIN, ESQ.  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for the Staff of the New Jersey  
Board of Public Utilities

2/2/2024

Date

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By: /s Meliha Arnautovic

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Meliha Arnautovic, Esq.  
Deputy Attorney General

**Exhibit A**

**SCHEDULE OF PURCHASE WATER COSTS  
EFFECTIVE March 1, 2024**

<u>PURVEYOR</u>	<u>RATE PER 1,000 GALLONS</u>	<u>MINIMUM TAKE OR PAY AMOUNTS (THOUSAND GALLONS)</u>	<u>COST</u>
VEOLIA-MATCHAPONIX	\$2.8957	547,500	\$1,585,396
MARLBORO TOWNSHIP WATER UTILITY DIVISION	\$5.7487	547,500	\$3,147,419
	<b>TOTAL</b>	<b>1,095,000</b>	<b>\$4,732,814</b>

## Exhibit B

### SCHEDULE OF INCREASE UNDER PURCHASE WATER ADJUSTMENT CLAUSE

New Purchase Water Cost		\$4,732,814
Base Cost Determined in Last Base Rate Case as per Exhibit A		\$4,571,214
Purchased Water Cost Increase	\$	161,600
Rate Case Cost @ \$20,000 (50% Cost Sharing)	\$	10,000
Total Cost Increase	\$	171,600
Cost Increase with GRFT @ 13.66%	\$	198,750
Total Consumption(Thousand Gallons)		1,431,333
PWAC Water Rate/1000 Gal	\$	0.14
Current PWAC Rate	\$	0.08
Proposed PWAC Increase	\$	0.06
Present Rate Revenue as per Exhibit A	\$	14,003,593
Percentage Increase above Present Rate Revenue		1.4%

# EXHIBIT C

## RATE SCHEDULES

NO. 1A: GENERAL METERED SERVICE

PURCHASED WATER ADJUSTMENT CLAUSE (PWAC) CHARGE

A charge of \$ 0.14 per thousand gallons for all water sales will be made to recover increases in the purchased water costs not included in the Volume Charges in Rate Schedules No. 1 or 5.

ISSUED:

BY: DAVID G. ERN, PRESIDENT  
GORDON'S CORNER WATER COMPANY  
27 VANDERBURG ROAD  
MARLBORO, NJ 07746

EFFECTIVE:

FILED PURSUANT TO ORDER OF THE  
BOARD OF PUBLIC UTILITIES IN  
DOCKET NO. WR23100727