



Agenda Date: 3/20/24
Agenda Item: 5B

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

WATER

IN THE MATTER OF THE PETITION OF NEW) ORDER APPROVING
JERSEY-AMERICAN WATER COMPANY, INC. FOR) STIPULATION OF SETTLEMENT
AUTHORIZATION TO CHANGE THE LEVEL OF ITS)
PURCHASED WATER ADJUSTMENT CLAUSE)
AND PURCHASED WASTEWATER TREATMENT)
ADJUSTMENT CLAUSE) DOCKET NO. WR23110791

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Christopher M. Arfaa, Esq., Director, Corporate Counsel, New Jersey-American Water Company, Inc.
Jay L. Kooper, Esq., Vice President, General Counsel & Secretary, Middlesex Water Company

BY THE BOARD:¹

On November 9, 2023, pursuant to N.J.S.A. 48:2-21, N.J.A.C. 14:9-7.1 *et seq.*, and other such relevant statutes and regulations, New Jersey-American Water Company, Inc. (“NJAWC” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board”) requesting approval to modify its Purchased Water Adjustment Clause (“PWAC”) and Purchased Wastewater Treatment Adjustment Clause (“PSTAC”) rates (“Petition”). By this Order, the Board considers a stipulation of settlement (“Stipulation”) executed by the Company, the New Jersey Division of Rate Counsel (“Rate Counsel”), and Board Staff (“Staff”) (collectively, “Signatory Parties”) intended to resolve the Company’s requests in the Petition.

BACKGROUND/PROCEDURAL HISTORY

NJAWC provides services to approximately 662,000 water and fire service customers, along with about 53,200 sewer service customers. Currently, NJAWC consistently sources water supply service from six (6) providers and wastewater treatment services from three (3) providers. Each entity adjusts its service rates and, in the case of wastewater treatment service providers, issues wastewater deficit/credit adjustments at various times throughout the year.

¹ Commissioner Bange is recused from this matter.

The six (6) water sources with which NJAWC collaborates to purchase water are the: 1) Passaic Valley Water Commission; 2) Morris County Municipal Utilities Authority; 3) Montclair Water Bureau; 4) New Jersey Water Supply Authority; 5) City of Newark; and 6) Borough of Florham Park. Additionally, the three (3) wastewater treatment providers from which the Company purchases treatment services are: 1) the Cape May County Municipal Utilities Authority for the Company's "Ocean City Sewer" tariff group; 2) the Ocean County Utilities Authority for the Company's "Lakewood Sewer" tariff group; and 3) Howell Township for the Company's "Adelphia Sewer" tariff group.

By the Petition, NJAWC noted that the proposed PWAC and PSTAC rates are determined based on the costs of procuring water and wastewater treatment services. All associated costs for purchased water and wastewater treatment are recovered through the PWAC and PSTAC rider tariffs. Additionally, the Company does not incorporate any PWAC or PSTAC pass-through charges in its base rate cases.

By the Petition, NJAWC proposed a decrease in its PWAC rate from \$0.5477 to \$0.5242 per thousand gallons of water for Non-Exempt customers. Additionally, the Company proposed to modify its PWAC rate for Exempt customers from \$0.4731 to \$0.4528 per thousand gallons of water, reflected in PWAC Rate Schedule O-1.

The Company also proposed to modify its PSTAC charges as follows:

- For customers in Ocean City, Cape May County ("Ocean City Sewer"), the rate per thousand gallons, reflected in PSTAC Rate Schedule 1-B, would increase from \$33.7033 to \$34.9441. This change specifically applies to the summer quarter (July, August, and September meter readings).
- For Lakewood Township, Ocean County ("Lakewood Sewer"), the rate per thousand gallons, reflected in PSTAC Rate Schedule 2-B, would decrease from \$4.6191 to \$4.2610. This change specifically applies to the winter quarter (January, February, and March meter readings).
- For the Adelphia section of Howell Township, Monmouth County ("Adelphia Sewer"), the rate per thousand gallons of water, reflected in PSTAC Rate Schedule 3-B, would increase from \$6.9196 to \$6.9398 per thousand gallons.

On November 20, 2023, Middlesex Water Company ("Middlesex") filed an unopposed Motion to Intervene in this matter which the Board granted by Order dated January 31, 2024.²

On February 6, 2024, NJAWC provided an update to its schedules to incorporate actual results through December 31, 2023, and forecasts through March 31, 2024 ("Update"). As a result of the Update, NJAWC proposed a decrease in its PWAC rate from \$0.5477 to \$0.5289 per thousand gallons of water for Non-Exempt customers and from \$0.4731 to \$0.4568 per thousand gallons of water for Exempt customers.

² In re 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, BPU Docket WR23110791, Order dated January 31, 2024.

The Company also proposed an update to modify its PSTAC charges as follows:

- For Ocean City Sewer, Cape May County, the rate per thousand gallons, reflected in PSTAC Rate Schedule 1-B, would change from \$33.7033 to \$31.1310. This change specifically applies to the summer quarter (July, August, and September meter readings).
- For Lakewood Sewer, the rate per thousand gallons, reflected in PSTAC Rate Schedule 2-B, would change from \$4.6191 to \$4.2215. This change specifically applies to the winter quarter (January, February, and March meter readings).
- For Adelpia Sewer, the rate per thousand gallons of water, reflected in PSTAC Rate Schedule 3-B would change from \$6.9196 to \$6.9696 per thousand gallons.

A Board-appointed Regulatory Officer presided over public hearings on February 28, 2024, at 4:30 p.m. and 5:30 p.m. One member of the public attended the 4:30 p.m. meeting but did not offer any comments. No members of the public attended the 5:30 p.m. meeting, nor were any written comments received.

STIPULATION

After reviewing the Petition, its updates, and discovery responses, the Signatory Parties executed the Stipulation, which provides:³

- 1) The Signatory Parties recommend that the Board approve a change to the Company's PWAC rate on PWAC Rate Schedule O-1 from \$0.5477 per thousand gallons of water for Non-Exempt customers to \$0.5289 per thousand gallons of water for Non-Exempt customers and from \$0.4731 per thousand gallons of water for Exempt customers to \$0.4568 per thousand gallons of water for Exempt customers.
- 2) The Signatory Parties further recommend that the Board permit the Company to change its effective PSTAC charges as follows:

For customers in Ocean City, Cape May County, the rate per thousand gallons of prior year's summer water quarter usage (July, August and September meter readings) as reflected upon PSTAC Rate Schedule 1-B, from \$33.7033 per thousand gallons to \$31.1310 per thousand gallons.

For Lakewood Township, Ocean County, the rate per thousand gallons of prior year's winter quarter as reflected within PSTAC Rate Schedule 2-B from \$4.6191 per thousand gallons to \$4.2215 per thousand gallons.

For customers in the Adelpia section of Howell Township, Monmouth County, the rate per thousand gallons of water as reflected upon PSTAC Rate Schedule 3-B, from \$6.9196 per thousand gallons to \$6.9696 per thousand gallons.

³ Although summarized in this Order, should there be any conflict between this summary and the Stipulation, the terms of the Stipulation control, subject to the finding and conclusion in this Order. The paragraphs are numbered to coincide with the Stipulation.

- 3) The effective PWAC rate change would result in a change in the monthly bill of an average residential customer utilizing 5,520 gallons per month as follows:

	<u>Present Per Month</u>	<u>Proposed Per Month</u>	<u>Amount Change</u>	<u>Percentage Change</u>
Statewide - GMS	\$65.79	\$65.69	(\$0.10)	-0.15%
Statewide - SFR	\$65.79	\$65.69	(\$0.10)	-0.15%
Rate Schedule A-15	\$63.24	\$63.14	(\$0.10)	-0.16%
Rate Schedule A-16	\$41.94	\$41.83	(\$0.11)	-0.26%

- 4) The PSTAC rate changes will result in: a decrease for an average sewer service customer in Ocean City, Cape May County utilizing 16,560 gallons of water in the summer quarter and 66,240 gallons of water annually, of \$3.55 per month or -4.55%; a decrease for a typical residential sewer service customer in Lakewood Township, Ocean County utilizing 5,520 gallons per month, of \$2.20 per month or -3.36%; and an increase for an average sewer service customer in the Adelphia section of Howell Township, Monmouth County utilizing 5,520 gallons of water monthly, of \$0.27 per month or 0.34%.
- 5) NJAWC plans to file its next PWAC/PSTAC petition on or before November 15, 2024.
- 6) By the Stipulation, the Signatory Parties have agreed on a methodology for calculating the amount of interest to be applied to over-recoveries within the PWAC. This method is described as follows: The Company's calculation utilizes over/under-recovered for the current month plus the over/under-recovered of the prior month less the amortization of the current month's over/under-recovered of prior year's PWAC amount to determine the monthly cumulative true-up balance. Then, in accordance with the interest rules at N.J.A.C. 14:3-13(d), the average cost balance for the month is multiplied by the rate determined. The interest per month is then added together for the PWAC period to determine the total interest for the over/under-recovered amount. The Signatory Parties agree to review this methodology and adjust it as necessary and appropriate in future PWAC proceedings.
- 7) The PWAC/PSTAC rates established herein will decrease total annual revenues by \$2,404,449, or -0.29%. Thus, the Company will collect annual PWAC revenues of \$44,852,411 and annual PSTAC revenues of \$17,729,086, for an aggregate total of \$62,581,497.
- 8) The Company will comply with the provisions of N.J.A.C. 14:9-7.4 regarding PWAC and PSTAC true-up schedules in connection with this proceeding. Copies of the true-up schedules will be served upon Staff and Rate Counsel.

On March 1, 2024, Middlesex filed a letter of non-objection, thereby consenting to the terms of the Stipulation.

DISCUSSION AND FINDINGS

Having carefully reviewed the record in this matter, including the Petition and the Stipulation, the Board **HEREBY FINDS** the Stipulation to be reasonable, in the public interest, and in accordance with the law. Accordingly, the Board **HEREBY APPROVES** the attached Stipulation in its entirety, and **HEREBY INCORPORATES** its terms and conditions as though fully stated herein.

Accordingly, the Board **HEREBY APPROVES** the PWAC and PSTAC rates as set forth in the Stipulation, to become effective as of April 1, 2024.

As a result of the Stipulation, an average residential customer using 5,520 gallons per month would see a decrease in their monthly bill of approximately \$0.10, or -0.15%. The PSTAC rate changes will result in: 1) a decrease for an average sewer service customer in Ocean City, Cape May County utilizing 16,560 gallons of water in the summer quarter and 66,240 gallons of water annually, of \$3.55 per month or -4.55%; 2) a decrease for a typical residential sewer service customer in Lakewood Township, Ocean County utilizing 5,520 gallons per month, of \$2.20 per month or 3.36%; and an increase for an average sewer service customer in the Adelpia section of Howell Township, Monmouth County utilizing 5,520 gallons of water monthly, of \$0.27 per month or 0.34%.

The Board **HEREBY ORDERS** NJAWC to file revised tariff sheets conforming to the terms of the Stipulation prior to April 1, 2024.

The Company's costs, including those related to its PWAC and PSTAC, will remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.


This Order is effective March 27, 2024.

DATED: March 20, 2024


BOARD OF PUBLIC UTILITIES
BY:



CHRISTINE GUHL-SADOVY
PRESIDENT



DR. ZENON CHRISTODOULOU
COMMISSIONER



MARIAN ABDOU
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

BPU DOCKET NO. WR23110791

SERVICE LIST

New Jersey Board of Public Utilities

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

Sherri L. Golden, Board Secretary
board.secretary@bpu.nj.gov

Stacy Peterson, Deputy Executive Director
stacy.peterson@bpu.nj.gov

General Counsel's Office

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@pu.nj.gov

Division of Revenue and Rates

Bart Kilar
bart.kilar@bpu.nj.gov

New Jersey American Water Company, Inc.

One Water Street
Camden, NJ 08102

Christopher M. Arfaa, Esq.
Director, Corporate Counsel
christopher.arfaa@amwater.com

Jamie D. Hawn
Senior Manager, Rates and Regulatory
jamie.hawn@amwater.com

Middlesex Water Company

485C Route One South, Suite 400
Iselin, New Jersey 08830

Jay L. Kooper, Esq.
Vice President, General Counsel & Secretary
jkooper@middlesexwater.com

Michele L. Tilley
Director of Rates & Budgets
mtilley@middlesexwater.com

New Jersey Department of Law and Public Safety

Public Utilities Section
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 112
Trenton, NJ 08625-0112

Daren Eppley, Section Chief, DAG
daren.eppley@law.njoag.gov

Pamela Owen, Assistant Section Chief, DAG
pamela.owen@law.njoag.gov

Brandon Simmons, DAG
brandon.simmons@law.njoag.gov

Meliha Arnautovic, DAG
meliha.arnautovic@law.njoag.gov

Terel Klein, DAG
terel.klein@law.njoag.gov

New Jersey Division of Rate Counsel

New Jersey Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 0003
Trenton, NJ 08625-0003

Brian O. Lipman, Esq., Director
blipman@rpa.nj.gov

Susan McClure, Esq.
smcclure@rpa.nj.gov

Emily Smithman, Esq.
esmithman@rpa.nj.gov

Christine Juarez, Esq.
cjuarez@rpa.nj.gov

Rate Counsel Consultant

Dante Mugrace, Senior Consultant
PCMG and Associates, LLC
90 Moonlight Court
Toms River, NJ 08753
dmugrace@pcmgregcon.com



March 1, 2024

Via Email

The Honorable Sherri L. Golden
Secretary to the Board
New Jersey Board of Public Utilities
44 South Clinton Avenue
Trenton, New Jersey 08625-0350

**Re: In the Matter of the Petition of New Jersey-American Water
Company, Inc. for Approval to Change the Levels of its Purchased
Water Adjustment Clause and Purchase Wastewater Treatment
Clause
BPU Docket No. WR23110791**

Dear Secretary Golden:

Enclosed herewith for the Board's consideration is a signed stipulation, representing the signatory parties' settlement of the above-captioned matter. Also enclosed is a letter of no objection to the stipulation of settlement submitted on behalf of Middlesex Water Company, with their permission.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions.

Respectfully submitted,

A handwritten signature in blue ink that reads "Christopher M. Arfaa". The signature is written in a cursive style and is positioned above a horizontal line.

Christopher M. Arfaa

CMA:dlc
Enc.

c: Service list (via email, w/enc.)

**I/M/O the Petition of New Jersey American Water Company, Inc. to
Change the Levels of its Purchased Water Adjustment Clause and
Purchased Wastewater Treatment Adjustment Clause
BPU Docket No. WR23110791**

Service List

Mike Kammer, Director
Division of Water and Wastewater
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625

Dr. Ben Witherell, Chief Economist
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625

Stacy Peterson
Deputy Executive Director
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625

Kyle Felton
Division of Water and Wastewater
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625

Andrew Tuzzo
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625

Cindy Bianco
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625

Malike Cummings
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625

Michael Hunter
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625

Bart Kilar
Board of Public Utilities
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625

Pamela L. Owen, DAG
Assistant Section Chief
Division of Law
R.J. Hughes Justice Complex, 7th Fl. West
25 Market Street, P.O. Box 112
Trenton, N.J. 08625

Meliha Arnautovic, DAG
Division of Law
R.J. Hughes Justice Complex, 7th Fl. West
25 Market Street, P.O. Box 112
Trenton, N.J. 08625

Steven A. Chaplar, DAG
Division of Law
R.J. Hughes Justice Complex, 7th Fl. West
25 Market Street, P.O. Box 112
Trenton, N.J. 08625

Brian O. Lipman, Director
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

Susan E. McClure, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

**I/M/O the Petition of New Jersey American Water Company, Inc. to
Change the Levels of its Purchased Water Adjustment Clause and
Purchased Wastewater Treatment Adjustment Clause
BPU Docket No. WR23110791**

Service List

Christine Juarez, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

Jamie Hawn
Director of Rates & Regulatory
New Jersey American Water
1 Water Street
Camden, NJ 08102

Emily Lam, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

Oleg Kostin
Director of Operations
New Jersey American Water
167 John F. Kennedy Parkway
Short Hills, NJ 07078

Dante Mugrace
PCMG and Associates
90 Moonlight Court
Toms River, NJ 08753

Donna Carney
Principal Paralegal
New Jersey American Water
149 Yellowbrook Road
Farmingdale, NJ 07727

Jay L. Kooper, Esq.
Vice President, General Counsel & Secretary
Middlesex Water Company
485C Route One South
Suite 400
Iselin, NJ 08830

Michele L. Tilley
Director of Rates & Budgets
Middlesex Water Company
485C Route One South
Suite 400
Iselin, NJ 08830

Christopher M. Arfaa, Esq.
New Jersey American Water
1 Water Street
Camden, NJ 08102

Michael McKeever
Senior Director of Rates & Regulatory
New Jersey American Water
1 Water Street
Camden, NJ 08102

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

IN THE MATTER OF THE PETITION OF : BPU Docket No. WR23110791
NEW JERSEY-AMERICAN WATER :
COMPANY, INC. FOR AUTHORIZATION : STIPULATION OF SETTLEMENT
TO CHANGE THE LEVEL OF ITS :
PURCHASED WATER ADJUSTMENT :
CLAUSE AND PURCHASED :
WASTEWATER TREATMENT :
ADJUSTMENT CLAUSE :

APPEARANCES:

Christopher M. Arfaa, Esq., on behalf of New Jersey-American Water Company, Inc.,
Petitioner;

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

Susan McClure, Deputy Rate Counsel, and **Christine Juarez, Assistant Deputy Rate
Counsel**, on behalf of the Division of Rate Counsel (Brian O. Lipman, Director);
and

Jay L. Kooper, Esq., on behalf of Middlesex Water Company

TO THE HONORABLE BOARD OF PUBLIC UTILITIES:

On November 9, 2023, New Jersey-American Water Company, Inc. (“New Jersey-American Water” or “Company”), a public utility of the State of New Jersey, filed a petition with the New Jersey Board of Public Utilities (“Board”) pursuant to N.J.S.A. 48:2-21, N.J.A.C. 14:9-7.1 *et seq.*, and other relevant statutes and regulations, for approval to change the levels of its existing purchased water adjustment clause (“PWAC”) charge and purchased wastewater (sewerage) treatment adjustment clause (“PSTAC”) charges, to reflect changed purchased water expenses and changed purchased wastewater treatment expenses (“Petition”). The total amount originally requested in the Petition would have decreased annual total Company revenues of approximately \$842,625,054 by \$1,539,423, or -0.18%. After updating the request to reflect

suppliers' new rates, the updated request would decrease annual revenues by \$2,404,449, or - 0.29%. As a result of settlement discussions, the Company, the New Jersey Division of Rate Counsel ("Rate Counsel") and Board Staff (collectively, "Signatory Parties") have agreed to the updated requested amount.

New Jersey-American Water purchases water on a routine basis from six (6) separate entities and purchases wastewater treatment services from three separate entities, each of which adjusts its rates for service, and, in the case of wastewater treatment service providers, issues wastewater deficit/credit adjustments, at different times throughout the year. The six (6) water purveyors are: Passaic Valley Water Commission ("PVWC"); Morris County Municipal Utilities Authority; Montclair Water Bureau; New Jersey Water Supply Authority ("NJWSA"); City of Newark; and Borough of Florham Park. The three (3) wastewater treatment purveyors are: Cape May County Municipal Utilities Authority ("CMCMUA") for the Company's Ocean City Sewer tariff group; Ocean County Utilities Authority ("OCUA") for the Company's Lakewood Sewer tariff group; and Howell Township for the Company's Adelpia Sewer tariff group.

As of December 31, 2023, New Jersey-American Water serves approximately 668,000 water and fire service customers and approximately 64,200 wastewater service customers.

In New Jersey-American Water's base rate case at BPU Docket No. WR06030257, the Board ordered that all purchased water costs and purchased wastewater treatment costs be removed from the Company's base rates and recovered through the PWAC and PSTAC as applicable.¹ The

¹ In re the Joint Petition of New Jersey American Water Company, Inc., Elizabethtown Water Company, and the Mount Holly Water Company for Approval of Increased Tariff Rates and Charges for Water and Sewer Services and other Tariff Revisions, BPU Docket No. WR06030257, Order dated April 2, 2007.

Board last adjusted the Company's base rates effective September 1, 2022.² The Company's base rates do not include PWAC or PSTAC pass-through charges to customers.

New Jersey-American Water proposed to decrease its PWAC rate within its PWAC Rate Schedule O-1 from \$0.5477 per thousand gallons of water to \$0.5242 per thousand gallons of water for Non-Exempt customers. The Company proposed to decrease its PWAC rate from \$0.4731 per thousand gallons of water to \$0.4528 per thousand gallons for Exempt customers. It also proposes to address its PSTAC charges as follows:

For customers in Ocean City, Cape May County, the rate per thousand gallons of prior year's summer water quarter usage (July, August and September meter readings), as reflected upon PSTAC Rate Schedule 1-B, would change from \$33.7033 per thousand gallons to \$34.9441 per thousand gallons.

For Lakewood Township, Ocean County, the rate per thousand gallons of prior year's winter quarter usage (January, February and March meter readings), as reflected upon PSTAC Rate Schedule 2-B, would change from \$4.6191 per thousand gallons to \$4.2610 per thousand gallons.

For customers in the Adelphia section of Howell Township, Monmouth County, the rate per thousand gallons of water, as reflected upon PSTAC Rate Schedule 3-B, would change from \$6.9196 per thousand gallons to \$6.9398 per thousand gallons.

On November 20, 2023, Middlesex Water Company ("Middlesex") filed a motion to intervene, which was not opposed by any party. Middlesex has been included on the service list,

² In re the Petition of New Jersey American Water Company for Approval of Increased Tariff Rates and Charges for Water and Sewer Service and Other Tariff Modifications, Order Adopting Initial Decision/Stipulation, BPU Docket No. WR22010019, Order dated August 17, 2022.

received all discovery, and was invited to participate in all settlement conferences and meetings. On January 31, 2024, the Board granted Middlesex's motion to intervene.

On February 28, 2024, after publication of proper notice to the general public in newspapers of general circulation, posting of notice on the Company's website, and service of notice upon affected municipalities and counties within the Company's service area, two virtual public hearings were held, at 4:30 p.m. and 5:30 p.m., presided over by a hearing officer of the Board. One member of the public attended the 4:30 p.m. meeting but did not offer any comments. No members of the public attended the 5:30 p.m. meeting, nor were any written comments received.

Rate Counsel and Board Staff have served interrogatories on New Jersey-American Water, which were responded to in full by the Company.

The parties engaged in settlement negotiations during February 2024. As a result of the Petition, discovery responses, and negotiations, the Signatory Parties have reached a stipulation of settlement ("Stipulation"), the provisions of which are set forth below.

STIPULATION OF SETTLEMENT

1. The Signatory Parties recommend that the Board approve a change to the Company's PWAC rate on PWAC Rate Schedule O-1 from \$0.5477 per thousand gallons of water for Non-Exempt customers to \$0.5289 per thousand gallons of water for Non-Exempt customers and from \$0.4731 per thousand gallons of water for Exempt customers to \$0.4568 per thousand gallons of water for Exempt customers.

2. The Signatory Parties further recommend that the Board permit the Company to change its effective PSTAC charges as follows:

For customers in Ocean City, Cape May County, the rate per thousand gallons of prior year's summer water quarter usage (July, August and September meter

readings) as reflected upon PSTAC Rate Schedule 1-B, from \$33.7033 per thousand gallons to \$31.1310 per thousand gallons.

For Lakewood Township, Ocean County, the rate per thousand gallons of prior year’s winter quarter as reflected within PSTAC Rate Schedule 2-B from \$4.6191 per thousand gallons to \$4.2215 per thousand gallons.

For customers in the Adelpia section of Howell Township, Monmouth County, the rate per thousand gallons of water as reflected upon PSTAC Rate Schedule 3-B, from \$6.9196 per thousand gallons to \$6.9696 per thousand gallons.

3. The effective PWAC rate change would result in a change in the monthly bill of an average residential customer utilizing 5,520 gallons per month as follows:

	Present Per Month	Proposed Per Month	Amount Change	Percentage Change
Statewide - GMS	\$65.79	\$65.69	(\$0.10)	-0.15%
Statewide - SFR	\$65.79	\$65.69	(\$0.10)	-0.15%
Rate Schedule A-15	\$63.24	\$63.14	(\$0.10)	-0.16%
Rate Schedule A-16	\$41.94	\$41.83	(\$0.11)	-0.26%

4. The PSTAC rate changes will result in: a decrease for an average sewer service customer in Ocean City, Cape May County utilizing 16,560 gallons of water in the summer quarter and 66,240 gallons of water annually, of \$3.55 per month or -4.55%; a decrease for a typical residential sewer service customer in Lakewood Township, Ocean County utilizing 5,520 gallons per month, of \$2.20 per month or -3.36%; and an increase for an average sewer service customer in the Adelpia section of Howell Township, Monmouth County utilizing 5,520 gallons of water monthly, of \$0.27 per month or 0.34%.

5. NJAWC plans to file its next PWAC/PSTAC petition on or before November 15, 2024.

6. Within this Stipulation, the Signatory Parties have agreed on a methodology for calculating the amount of interest to be applied to over-recoveries within the PWAC. This method

is described as follows: The Company's calculation utilizes over/under-recovered for the current month plus the over/under-recovered of the prior month less the amortization of the current month's over/under-recovered of prior year's PWAC amount to determine the monthly cumulative true-up balance. Then, in accordance with the interest rules at N.J.A.C. 14:3-13(d), the average cost balance for the month is multiplied by the rate determined. The interest per month is then added together for the PWAC period to determine the total interest for the over/under-recovered amount. The Signatory Parties agree to review this methodology and adjust it as necessary and appropriate in future PWAC proceedings.

7. The PWAC/PSTAC rates established herein will decrease total annual revenues by \$2,404,449, or -0.29%. Thus, the Company will collect annual PWAC revenues of \$44,852,411 and annual PSTAC revenues of \$17,729,086, for an aggregate total of \$62,581,497.

8. The Company will comply with the provisions of N.J.A.C. 14:9-7.4 regarding PWAC and PSTAC true-up schedules in connection with this proceeding. Copies of the true-up schedules will be served upon Board Staff and Rate Counsel.

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

10. This Stipulation contains terms, each of which is interdependent with the others and essential to the signing of this Stipulation. Each term is vital to the agreement, since the Signatory 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 modifications whatsoever are made to this Stipulation, each of the Signatory Parties hereto is entitled to certain procedures in the event of such occurrence.

11. If any modification is made to the terms of this Stipulation, the Signatory Parties must be given the right to be placed in the position in which each Signatory Party was before this Stipulation was executed. It is essential that each Signatory 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.

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

13. 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.

14. The Signatory Parties understand that Middlesex will file a letter with the Board indicating that they do not object to the terms of the Stipulation.


[SPACE INTENTIONALLY LEFT BLANK]

BRIAN O. LIPMAN, DIRECTOR
DIVISION OF RATE COUNSEL

By: Susan E. McClure /s CMJ
Susan McClure
Deputy Rate Counsel

Dated:

NEW JERSEY-AMERICAN WATER
COMPANY, INC.

By: 
Christopher M. Arfaa
Corporate Counsel

Dated: February 29, 2024

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

By: /s Meliha Arnautovic
Meliha Arnautovic
Deputy Attorney General

Dated:



March 1, 2024

Via Electronic Mail

The Honorable Sherri Golden
Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, NJ 08625

Re: In the Matter of the Petition of New Jersey American Water Company for Approval To Change The Levels of Its Purchased Water Adjustment Clause and Purchased Wastewater (Sewer) Adjustment Clause Pursuant to N.J.A.C. 14:9-7.1, et seq.
BPU Docket No. WR23110791

Dear Secretary Golden:

Middlesex Water Company (“Middlesex”), an Intervenor in the above-referenced matter, has reviewed the proposed Stipulation of Settlement (“Stipulation”) that has been executed by the signatory parties and forwarded to Your Honor. Please be advised that Middlesex does not object to the Stipulation.

Respectfully submitted,

A handwritten signature in black ink that reads 'Jay Kooper'.

Jay L. Kooper
Vice President, General Counsel & Secretary

cc: Service List (via electronic mail)