



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 S. Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

WATER

IN THE MATTER OF THE PETITION OF )	ORDER ADOPTING INITIAL
SHORELANDS WATER COMPANY, INC., )	DECISION/STIPULATION
FOR APPROVAL OF A 2011 PURCHASED )	
WATER ADJUSTMENT CLAUSE, PURSUANT TO )	BPU DOCKET NO WR11120899
<u>N.J.A.C. 14:9-7.1 et seq.</u> and <u>N.J.S.A. 48:2-21</u> )	OAL DOCKET NO. PUC 00792-2012S

**Parties of Record:**

Bruce S. Edington Esq., LeClairRyan on behalf of Petitioner, Shorelands Water Company, Inc.  
Stefanie Brand, Esq., Director on behalf of the Division of Rate Counsel

**BY THE BOARD:**

On December 27, 2011, Shorelands Water Company, Inc. ("Shorelands" "Petitioner" or "Company"), a public utility of the State of New Jersey, pursuant to N.J.A.C. 14:9-7.1 et seq., filed a petition with the Board of Public Utilities ("Board") seeking approval of a Purchased Water Adjustment Clause ("PWAC") true-up for calendar year 2011, and to set prospective rates for initial PWAC period (as required by N.J.A.C. 14:9-7.7).

By this Order, the Board considers the Initial Decision recommending adoption of the Stipulation of Settlement ("Stipulation") executed by the Petitioner, the Division of Rate Counsel ("Rate Counsel") and Board Staff ("Staff") (collectively, the "Parties"), agreeing to an overall increase in Shorelands PWAC revenues totaling \$111,966.94.

**BACKGROUND/PROCEDURAL HISTORY**

Shorelands is a water utility engaged in the production, treatment and transmission of water. Shorelands serves approximately 11,000 customers within a portion of the Township of Holmdel and the entire Township of Hazlet, Monmouth County, New Jersey.

Petitioner also routinely makes purchases from municipalities or other water purveyors by taking water from the NJWSA ("New Jersey Water Supply Authority") through NJAW ("New Jersey American Water") and delivering through Shorelands Water Company mains pursuant to water resale contracts to the Borough of Keyport, Township of Aberdeen and NJAW (for use in the Borough of Union Beach and the Township of Holmdel).

On January 18, 2012, this matter was transmitted to the Office of Administrative Law ("OAL") and assigned to Administrative Law Judge ("ALJ") Elia A. Pelios. On March 6, 2012, a telephone pre-hearing conference was conducted by ALJ Elia A. Pelios and a pre-hearing Order was subsequently issued by ALJ Pelios on March 14, and 19, 2012. On April 17, 2012, a public hearing was held at the Hazlet Township Municipal Building. No members of the public were in attendance to provide comments on the proposed PWAC proceeding. There were no Interveners in this matter.

In this proceeding, the Parties examined the Petitioner's revenues and expenses for calendar year 2011. Shorelands projected 2012 operating expenses, as well as a review of the costs associated with the filing of this proceeding. Based on that review, and subsequent settlement negotiations, the Parties reached a settlement on all issues and entered into a Stipulation that, among other things, provides for an overall increase in Shorelands PWAC revenues totaling \$111,966.94, and is calculated based on the following components:

- a. An estimated revenue shortfall of actual raw water supply charges from NJWSA including compression of approximately \$21,301.60 for the period of July 1, 2012 to June 30, 2013. (See Exhibit B);
- b. An estimated revenue shortfall of actual treatment and delivery charges including compression from NJAW of approximately \$71,350.24 for the period July 1, 2012 to June 30, 2013. (See Exhibit B); and
- c. Rate Case expense recovery of \$7,250 which represents one year of the two year amortization of \$14,500 (See Exhibit B); and
- d. Recovery of Gross Receipts and Franchise Tax of \$12,065.10 (See Exhibit B).

Based on the estimated rates for the initial PWAC Period and the costs for this proceeding, the parties have agreed that Petitioner's PWAC should be set to the rates indicated on Exhibit B (and the attached proposed tariff) for the initial PWAC Period. For the average residential customer using 6,260 gallons of water per month, the annual PWAC rate will be increased by \$5.00 or approximately 1.047% over current Base Rates. With respect to the total annual rate for water services, the total annual rate for the average residential customer using 6,250 gallons of water per month with a 5.8" meter will increase from \$477.60, to \$482.60.

On June 1, 2012, ALJ Pelios issued his Initial Decision recommending adoption of the Stipulation executed by the Parties, finding that the Parties had voluntarily agreed to the Stipulation and that the Stipulation fully disposes of all issues and was consistent with the law.

### **DISCUSSIONS AND FINDINGS**

As more fully discussed in the attached Stipulation<sup>1</sup>, the Parties agreed that the following increases are reasonable and appropriate to allow the Petitioner to recover increased purchased water expenses:

- As a result of this settlement, a residential customer with a 5/8" meter using 6,260 gallons of water per month, would see his/her water bill increase from \$39.80 to \$40.22 per month (an increase of \$0.42 per month) or 1.047%

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<sup>1</sup> Although described in the Order at some length, should there be any conflict between this summary and the Stipulation, the terms of the Stipulation control, subject to the findings and conclusions in this Order.

Having reviewed the record in this matter, including ALJ Elia A. Pelios Initial Decision and the Stipulation, the Board HEREBY FINDS that the Stipulation fully disposes of all issues in this proceeding and is consistent with law, the Board FINDS the Initial Decision, which adopts the Stipulation to be reasonable, in the public interest, and in accordance with the law. Therefore, the Board HEREBY ADOPTS the Initial Decision and the Stipulation, attached hereto, including all attachments and schedules, as its own, incorporating by reference the terms and conditions of the Stipulation, as if they were fully set forth at length herein, subject to the following:

- a. In accordance with the provisions of N.J.A.C. 14:9-7.1 and 14:9-7.7, the Petitioner shall file with the Board, no later than 45 days after the adjustment clause has been in effect for one year, or by June 30, 2013, whichever is earlier, a PWAC true-up filing in connection with this proceeding. This filing shall include an estimate of the Purchase Water Costs for calendar year 2012. Copies of the true-up filing shall be served upon all parties to the present proceeding.
- b. Petitioner shall increase its PWAC rates at the stipulated level as shown on Exhibit A (Rate Design), attached to the Stipulation.


The Board HEREBY DIRECTS the Company to file tariff pages conforming to the terms and conditions of the Stipulation and this Order within ten (10) days from the effective date of this Order.

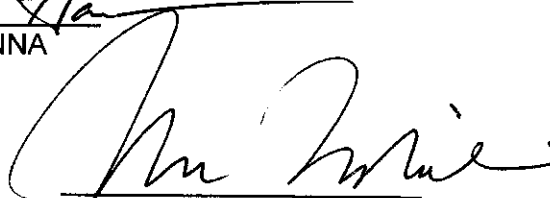
This Order shall be effective on July 1, 2012.

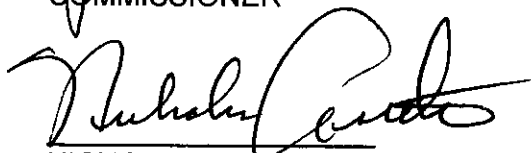
DATED: 6/18/12

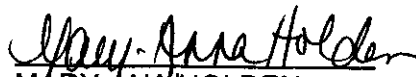
BOARD OF PUBLIC UTILITIES  
BY:

  
ROBERT M. HANNA  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

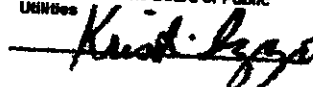
  
NICHOLAS ASSELTA  
COMMISSIONER

  
MARY-ANN HOLDEN  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
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 SHORELANDS WATER COMPANY, INC., FOR  
APPROVAL OF A 2011 PURCHASED WATER ADJUSTMENT CLAUSE, PURSUANT TO  
N.J.A.C. 14:9-7.1 et seq. and N.J.S.A. 48:2-21

BPU DOCKET NO. WR11120899  
OAL DOCKET NO. PUC 00792-2012S

**SERVICE LIST**

Bruce S. Edington  
Attorney at Law  
LeClair Ryan  
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1037 Raymond Boulevard, 16<sup>th</sup> Floor  
Newark, NJ 07102

Stefanie Brand, Esq., Director  
Susan McClure, Esq.  
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P. O. Box 46005  
Newark, NJ 07101

Alex Moreau, Esq., DAG  
Caroline McIntosh, Esq., DAG  
Geoffrey Gersten, Esq., DAG  
Department of Law and Public Safety  
Division of Law  
124 Halsey Street  
P. O. Box 45029  
Newark, NJ 07102

Maria Moran, Director  
Mike Kammer  
James Kelly  
Board of Public Utilities  
Division of Water  
44 S. Clinton Ave  
P.O. Box 350  
Trenton, NJ 08625

**Exhibit “A”**

**Purchased Water Adjustment Clause**

A charge to the commodity charges contained within the Rate Schedules No. 1, 5, & 6 in accordance with N.J.A.C.14:9-7.3, 7.4, & 7.5 shall be made as follows:

GMS

Non-Exempt - (\$ 0.0666) per 1,000 gallons  
Exempt - (\$ 0.0583) per 1,000 gallons

Bulk Rate Sales

Non-Exempt - (\$ 0.0666) per 1,000 gallons  
Exempt - (\$ 0.0583) per 1,000 gallons

Manasquan

Non-Exempt - (\$ 0.0846) per 1,000 gallons  
Exempt - (\$ 0.0773) per 1,000 gallons

The estimated twelve (12) month average cost shall be periodically redetermined by the Board of Public Utilities in accordance with true-up procedures set forth in N.J.A.C.14:9-7.3, 7.4, & 7.5

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Date of Issue: June , 2012

Effective for service rendered  
On and after July 1, 2012

Issued by: Michael P. Walsh, Pres.  
1709 Union Ave., Hazlet, NJ.

Filed pursuant to Decision and Order of BPU in Docket No. WR11120899/OAL Docket No. PUC00792-2012S ,  
dated June , 2012.

**Revised Exhibit "B" - 5/1/12 NJAW Approved Rates**

**PURCHASED WATER INCREASED EXPENSES**

		Purchased Water Volumes - MG	2011 Rate Case \$/MG	NJAW 5/1/12 Rate - \$/MG	Increase \$/MG	Increased Cost	PWAC Time Frame	
SWC	NJAWC	703.720	\$1,530.90	\$1,591.30	\$60.40	\$42,504.69	7/1/12 - 6/30/13	
	NJAWC Compression	42.182	\$1,530.90	\$1,591.30	\$60.40	\$2,547.79	5/1/12 - 6/30/12	1
	NJWSA	703.720	\$995.72	\$1,015.90	\$20.18	\$14,201.07	7/1/12 - 6/30/13	
	NJWSA Compression	703.720	\$995.72	\$1,015.90	\$20.18	\$7,100.53	7/1/11 - 6/30/12	\$14,201.07
	Fixed Service Charges					\$1,741.05	7/1/12 - 6/30/13	(2 Year Deferral)
	Rate Expense					\$5,328.44		
						<u>\$73,423.58</u>		
Keyport	NJAWC	167.170	\$1,530.90	\$1,591.30	\$60.40	\$10,097.07	7/1/12 - 6/30/13	
	Compression	16.075	\$1,530.90	\$1,591.30	\$60.40	\$970.93	5/1/12 - 6/30/12	1
	Fixed Service Charges					\$413.59	7/1/12 - 6/30/13	
	Rate Expense					\$898.43		
						<u>\$12,380.02</u>		
Union Beach	NJAWC	182.500	\$1,530.90	\$1,591.30	\$60.40	\$11,023.00	7/1/12 - 6/30/13	
	Compression	26.500	\$1,530.90	\$1,591.30	\$60.40	\$1,600.60	5/1/12 - 6/30/12	1
	Fixed Service Charges					\$451.52	7/1/12 - 6/30/13	
	Rate Expense					\$1,023.13		
						<u>\$14,098.24</u>		

Notes: 1 - Anticipated 2 month lag between the NJAW case and the SWC PWAC case

	Quantity	2011 Monthly Rate / Meter	NJAW 5/1/12 Monthly Rate / Meter	Monthly Difference	Annual Increase
NJAWC Fixed Service Charges					
6" Meter	2	\$431.20	\$457.05		
8" Meter	4	\$689.92	\$731.29		
Combined Fixed Service Charges	6 Meters / Month	\$3,622.08	\$3,839.26	\$217.18	\$2,606.16
Amortized Rate Case Exp. 2 Year Amortization	\$14,500	Total Rate Case Expense	\$29,000		

**REVENUE TAX EFFECT**

Customer Class	Increased Purchase Water Expense by Customer Class	PWAC Rate w/o GRAFT	14.2648% GRAFT	GRAFT Exp	Total PWAC Rate	
GMS	\$73,423.58	\$0.0583	\$0.0083	\$10,299.11	\$0.0666	
GMS (xmpt)		\$0.0583	\$0.0000		\$0.0583	
Mansqn (Keyport)	\$12,380.02	\$0.0741	\$0.0106	\$1,765.99	\$0.0846	
Mansqn Exempt (UB)	\$14,098.24	\$0.0773	\$0.0000		\$0.0773	
	\$99,901.84			\$12,065.10		\$111,966.94 Total Revenue Increase

**PWAC APPLIED TO PREVIOUS BASE CASE SALES**

	Previous Base Case Sales Volumes	Previous Base Case Revenue from Sales Volumes	Proposed PWAC Revenue
G.M.S.	1,238,606	\$4,6000	\$5,697,588
PWAC		\$0.0666	\$82,498.58
G.M.S.(XMPT)	21,000	\$3,9487	\$82,923
PWAC		\$0.0583	\$1,224.11
SQUAN / KEYPORT	167,170	\$2,4705	\$412,993
PWAC		\$0.0846	\$14,146.01
SQUAN / U.BEACH (XMPT)	182,500	\$2,1206	\$387,010
PWAC		\$0.0773	\$14,098.24
	1,609,276	\$6,580,513	\$111,966.94

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State of New Jersey  
OFFICE OF ADMINISTRATIVE LAW

REC'D

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NJ BPU

CASE MANAGEMENT  
INITIAL DECISION SETTLEMENT

OAL DKT. NO. PUC 00792-12

AGENCY DKT. NO. WR11120899

**IN THE MATTER OF THE APPLICATION OF  
SHORELANDS WATER COMPANY, INC. FOR  
APPROVAL OF A PURCHASED WATER  
ADJUSTMENT CLAUSE PURSUANT TO  
N.J.A.C. 14:9-7.1 et seq. and N.J.S.A. 48:2-21**

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**Bruce S. Edington, Esq.**, for petitioner (LeClairRyan, attorneys)

**Susan E. McClure, Esq.**, for Division of Rate Counsel, appearing pursuant to  
N.J.A.C. 1:1-5.4(a)2,

**Carolyn McIntosh** Deputy Attorneys General, for respondent (Jeffrey S. Chiesa,  
Attorney General of New Jersey, attorney)

Record Closed: May 24, 2012

Decided: May 30, 2012

BEFORE **ELIA A. PELIOS, ALJ**:

This proceeding involves a petition by Shorelands Water Company, Inc. for approval of a purchased water adjustment clause. The petition was transmitted to the Office of Administrative Law on January 18, 2012, for determination as a contested case. A duly noticed public hearing was held in Hazlet, New Jersey, on April 17, 2012.

No members of the public appeared and no written comments were submitted by the public.

Prior to hearing, the parties filed a Stipulation of Settlement which resolves all issues in this proceeding. Said Stipulation of Settlement has been signed by all parties, indicates the terms of settlement, and is attached and fully incorporated herein.

I have reviewed the terms of settlement and I **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures on the attached document.
2. The settlement fully disposes of all issues in controversy between the parties and is consistent with the law.



I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

5/30/2004

DATE



ELIA A. PELIOS, ALJ

Date Received at Agency:

6/1/12

Date Mailed to Parties:

/mamf

**EXHIBITS**

**Jointly Submitted**

J-1 Stipulation of Settlement

LECLAIRRYAN  
One Riverfront Plaza  
1037 Raymond Boulevard, 16<sup>th</sup> Floor  
Newark, NJ 07102  
(973) 491-3600  
Attorneys for Petitioner,  
Shorelands Water Company, Inc.

2012 MAY 30 AM 11:12

STATE OF NEW JERSEY  
Board of Public Utilities  
BPU Docket No. WR11120899  
OAL Docket No. PUC 00792-2012S

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IN THE MATTER OF THE APPLICATION  
OF SHORELANDS WATER COMPANY,  
INC. FOR APPROVAL OF A PURCHASED  
WATER ADJUSTMENT CLAUSE,  
PURSUANT TO N.J.A.C. 14:9-7.1 et seq.  
and N.J.S.A. 48:2-21

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: **STIPULATION OF SETTLEMENT**  
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**APPEARANCES:**

Bruce S. Edington, Esq., LeClairRyan, on behalf of the Petitioner,  
Shorelands Water Company, Inc.

Susan E. McClure, Esq., Assistant Deputy Rate Counsel, on behalf of the  
Division of Rate Counsel

Carolyn McIntosh and Alex Moreau, Esqs., Deputy Attorneys General  
(Jeffrey S. Chiesa, Attorney General of New Jersey), on behalf of the  
Staff of the New Jersey Board of Public Utilities

**TO THE HONORABLE ELIA A. PELIOS, ADMINISTRATIVE LAW JUDGE, AND THE  
HONORABLE NEW JERSEY BOARD OF PUBLIC UTILITIES:**

The Parties that have participated in this proceeding are as follows: Shorelands  
Water Company, Inc. ("Shorelands", "Company" or "Petitioner"), the Division of Rate  
Counsel ("Rate Counsel") and the Staff of the Board of Public Utilities ("Staff")  
(collectively, the "Parties"). There were no intervenors in this proceeding. As a result of

an analysis of Shorelands' Petition and Exhibits, discovery conducted by Rate Counsel and the Staff, conferences, and negotiations, the Parties to this proceeding have come to the within agreement. The Parties hereto agree and stipulate as follows:

1. Petitioner operates a water production, collection and transmission system within a portion of the Township of Holmdel and the entire Township of Hazlet, County of Monmouth, New Jersey. Petitioner serves approximately 11,000 customers within its service territory. Shorelands is a public utility corporation of the State of New Jersey subject to the jurisdiction of the Board of Public Utilities (the "Board"). Shorelands principal business office is located at 1709 Union Avenue, Hazlet, New Jersey 07730.

2. On December 27, 2011, pursuant to N.J.A.C. 14:9-7.1 et seq., Shorelands filed the above-captioned Petition with the Board, which was later assigned Docket No. 11120899 for approval of a Purchased Water Adjustment Clause ("PWAC").

3. On January 18, 2012, the matter was transmitted to the Office of Administrative Law and ultimately assigned to Administrative Law Judge Elia A. Pelios (OAL Docket No. PUC 00792-2012S). A telephone pre-hearing conference was conducted by Judge Pelios on March 6, 2012 and Pre-Hearing Orders issued on March 14 and 19, 2012.

4. On April 17, 2012, a duly noticed public comment hearing was held in the Petitioner's service territory at the Hazlet Township Municipal Building. No members of the public appeared to provide comments on the proposed PWAC and no written comments were submitted by the public.

5. Petitioner's current rates reflect the recovery of purchased water charges by both the New Jersey Water Supply Authority ("NJWSA") and the New Jersey

American Water Company ("NJAW"). Shorelands does not have a current PWAC charge, but has an update of its former PWAC tariff page to reflect the stipulated PWAC charges as Exhibit A.

6. In this proceeding, the Parties have examined the Company's actual revenues and actual expenses for calendar year 2011, the Company's projected NJWSA and NJAW expenses for 2012 and 2013 as well as the costs of this proceeding. Based on the foregoing, the Parties have determined that the PWAC rate should be set to recover \$111,966.94 in revenues over a twelve (12) month initial period ("Initial PWAC Period"). The \$111,966.94 PWAC increase was calculated based on the following components:

- a. an estimated revenue shortfall of actual raw water supply charges from NJWSA including compression of approximately \$21,301.60 for the period July 1, 2012 to June 30, 2013 (see Exhibit B);
- b. an estimated revenue shortfall of actual treatment & delivery charges including compression from NJAW of approximately \$71,350.24 for the period July 1, 2012 to June 30, 2013 (see Exhibit B);
- c. rate case expense recovery of \$7,250 which represents 1 year of the 2 year amortization of \$14,500 (see Exhibit B); and
- d. recovery of Gross Receipts and Franchise Tax of \$12,065.10 (see Exhibit B).

7. Based on the estimated rates for the Initial PWAC Period and the costs of this proceeding, the Parties have agreed that Petitioner's PWAC should be set to the rates indicated on Exhibit B (and the attached proposed tariff(s) attached hereto for the Initial PWAC Period. For the average residential customer using 6,260 gallons of water per month, the annual PWAC rate will be an annual increase of \$5.00 or approximately 1.45% over current base rates. With respect to the total annual rate for water services,

the total annual rate for the average residential customer using 6,250 gallons of water per month with a 5/8" meter will increase from \$477.60 to \$482.60, an increase of \$5.00 or approximately 1.04% annually.

8. Consistent with the provisions of N.J.A.C. 14:9-7.1 et seq., the Parties agree that the Company will file with the Board a PWAC petition to reconcile the Initial PWAC Period actual costs with the estimated NJWSA and NJAW costs (as reflected in the rates identified on Exhibit B) for the same period. Additionally, the Company will include in its filing an estimate of NJWSA and NJAW costs for the next succeeding Twelve (12) Month Period which estimate will be used in determining the applicable PWAC rate for the next succeeding Twelve (12) Month Period as required in N.J.A.C. 14:9-7.7. The Company agrees to make the filing described in this paragraph no later than August 14, 2013. Thereafter, the Parties agree that the Company will make annual filings consistent with the provisions of N.J.A.C. 14:9-7.1 et seq. Thus, in mid-2013, the Company will make a filing to establish a PWAC rate for the next succeeding Twelve (12) Month Period and to true-up actual NJWSA and NJAW costs with the estimated NJWSA and NJAW costs for the same period (as reflected in the rates identified on Exhibit B hereto).

9. The Parties have engaged in full discovery. The Parties agree that the within Stipulation reflects a mutual balancing of various issues and positions, and that it is being entered into in the spirit of compromise and to avoid protracted and costly litigation.

10. This Stipulation is the product of negotiations by the Parties, and it is an express condition of the settlement embodied by this Stipulation that it be presented to

the Board in its entirety without modification or condition. It is also the intent of the Parties to this Stipulation that this settlement, once accepted and approved by the Board, shall govern all issues specified and agreed to herein. The Parties to this Stipulation specifically agree that if adopted in its entirety by the Board, no appeal shall be taken by them from the Order adopting same as to those issues upon which the Parties have stipulated herein.

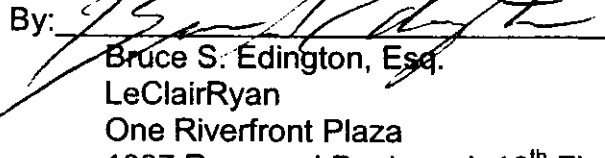
11. The Parties agree that each term within this Stipulation reflects a mutual balancing of various issues and positions and is intended to be accepted and approved in its entirety. Each term is vital to this Stipulation as a whole, since the Parties hereto expressly and jointly state that they would not have signed this Stipulation had any terms been modified in any way. In the event any particular aspect of this Stipulation is not accepted and approved by the Board, then any Party materially affected thereby shall not be bound to proceed under this Stipulation.

12. The Parties further agree that with respect to any policy or other issues which were compromised in the spirit of reaching an agreement, none of the Parties shall be prohibited from, or prejudiced in, arguing a different policy or position before the Board in any other proceeding, as such agreements pertain only to this matter and to no other matter.

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

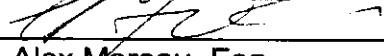
SHORELANDS WATER COMPANY, INC.  
Petitioner

Dated: 5/16/12

By:   
Bruce S. Edington, Esq.  
LeClairRyan  
One Riverfront Plaza  
1037 Raymond Boulevard, 16<sup>th</sup> Floor  
Newark, NJ 07102

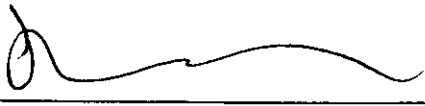
JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY  
Attorney for the Staff of the  
New Jersey Board of Public Utilities

Dated: 5/21/12

By:   
Alex Moreau, Esq.  
Deputy Attorney General

STEFANIE A. BRAND, ESQ.  
DIRECTOR - RATE COUNSEL

Dated: 5/23/12

By:   
Susan E. McClure, Esq.  
Assistant Deputy Rate Counsel