Agenda Date: 11/30/16 Agenda Item: 5A

WATER



STATE OF NEW JERSEY

Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

IN THE MATTER OF THE PETITION OF AQUA NEW)	ORDER ADOPTING
JERSEY, INC., WALLKILL SEWER DIVISION, FOR)	STIPULATION OF SETTLEMENT
APPROVAL OF A 2015 PURCHASED WASTEWATER)	
TREATMENT ADJUSTMENT CLAUSE TRUE-UP AND	,	
OTHER REQUIRED APPROVALS)	BPU Docket No. WR16080738

Parties of Record:

Colleen A. Foley, Esq., Saul Ewing, LLP, on behalf of Aqua New Jersey, Inc., Wallkill Sewer Division

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On August 2, 2016, Aqua New Jersey, Inc., Wallkill Sewer Division ("Wallkill," "Company," or "Petitioner"), a public utility of the State of New Jersey, filed a verified petition with the Board of Public Utilities ("Board") pursuant to N.J.A.C. 14:9-7.1 et seq. for approval of a Purchased Wastewater (Sewerage) Treatment Adjustment Clause ("PSTAC") true-up for calendar year 2015, and to set prospective rates for calendar year 2017 (as required by N.J.A.C. 14:9-7.7). The Company originally filed for an overall decrease in PSTAC revenues totaling \$43,988 or approximately 21.545% below current PSTAC revenues of \$204,165.

Wallkill is a wastewater utility engaged in the collection and transmission of sewage. Wallkill serves approximately 407 customers within a portion of Hardyston Township, Sussex County, New Jersey. The Sussex County Municipal Utilities Authority ("SCMUA") receives and treats all of the sewage transmitted by Wallkill.

By this Order, the Board considers the Stipulation of Settlement ("Stipulation") executed by the Petitioner, the Division of Rate Counsel ("Rate Counsel") and Board Staff ("Staff") (collectively, "Parties"), agreeing to an overall decrease in Petitioner's PSTAC revenues totaling \$20,460 or approximately 10.02% below current PSTAC revenues of \$204,165.

BACKGROUND/PROCEDURAL HISTORY

The matter was retained by the Board and since the Company requested a decrease in rates, it was deemed that a public comment hearing was not required.

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Petitioner's rates reflect the recovery of wastewater treatment charges imposed by SCUMA. The current PSTAC tariff was approved by the Board in an Order in Docket No. WR15050631, dated November 16, 2015, which examined PSTAC revenues and expenses applicable to the period ending December 31, 2014 and set prospective rates for calendar year 2016.

The Parties participated in a settlement conference on November 4, 2016 and subsequently entered into a Stipulation. In this proceeding, the Parties examined the Petitioner's revenues and SCMUA expenses for calendar year 2015, Wallkill's projected 2017 SCMUA 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 decrease in Wallkill's PSTAC revenues totaling \$20,460, and is calculated based on the following components:

- a) An under-recovery of actual wastewater treatment charges of approximately \$18,709 for the calendar year ending December 31, 2015 (See Exhibit A of the Stipulation, pages 1 to 3);
- b) Projected SCMUA charges for 2016 of \$162,496 based on SCMUA rates effective for 2017 (See Exhibit A of the Stipulation, page 5);
- c) The total costs of this proceeding are deemed to be \$5,000 (See Exhibit A, page 4). These costs will be shared 50/50 between ratepayers and shareholders, resulting in a cost to customers of \$2,500 (See Exhibit A of the Stipulation, page 7); and
- d) The pro forma PSTAC revenues present rates are projected to be \$204,165 (See Exhibit A of the Stipulation, page 6).

As required in N.J.A.C. 14:9-7.7 and the Board's Order in Docket No. WR14070803, the Petitioner has included in its filing an estimate of SCMUA costs for calendar year 2017, which estimate has been used to determine the applicable PSTAC rate for 2017.

DISCUSSIONS AND FINDINGS1

Based on the estimated costs for 2017, updated discovery responses, the under-recovery for 2015, and the costs of this proceeding, there is a total overall decrease in PSTAC revenues of \$20,460. The Parties have agreed that Petitioner's current PSTAC volumetric rate on file with the Board should be revised to reflect a decrease from \$8.08 per thousand gallons to \$7.27 per thousand gallons or approximately -10.2%, pursuant to the rates indicated on Exhibit A attached to the Stipulation (and the attached proposed tariff). This reflects a decrease in the PSTAC volumetric rate of (\$0.81) or approximately -10.2%.

The average residential customer, with a 5/8" meter utilizing approximately 3,900 gallons of water per month, would see a decrease in its wastewater bill from \$45.03 to \$41.87 per month, which equates to an overall monthly decrease in the total wastewater bill of (\$3.16) or approximately -7% increase.

¹ Although described in this 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.

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Having reviewed the record in this matter, as well as the Stipulation among the Parties, the Board <u>HEREBY FINDS</u> that the Stipulation among the Parties is reasonable, in the public interest and is in accordance with the law.

Therefore, the Board <u>HEREBY</u> <u>ADOPTS</u> 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, subject to the following:

In accordance with the provisions of <u>N.J.A.C.</u> 14:9-7.3(c), 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 February 28, 2018, whichever is earlier, a PSTAC true-up filing in connection with this proceeding. This filing shall include estimates of the SCMUA costs for calendar year 2017. Copies of the true-up filing shall be served upon all Parties to the present proceeding.

The Board <u>HEREBY DIRECTS</u> 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.

The effective date of this Order is December 10, 2016 with rates to become effective January 1, 2017.

DATED: 11 30 16

BOARD OF PUBLIC UTILITIES BY:

RICHARD S. MRO PRESIDENT

JOSEPH L. FIORDALISO COMMISSIONER

MARY-ANNA HOLDEN COMMISSIONER *

DIANNE SOLOMON

COMMISSIONER

ATTEST:

IRENE KIM ASBURY SECRETARY UPENDRA J. CHIVUKULA

COMMISSIONER

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

Chur Kin Ackny

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IN THE MATTER OF THE PETITION OF AQUA NEW JERSEY, INC., WALLKILL SEWER DIVISION, FOR APPROVAL OF A RECONCILIATION OF PURCHASED WASTEWATER TREATMENT ADJUSTMENT CLAUSE COSTS AND REVENUES AND OTHER REQUIRED APPROVALS (2015 TRUE-UP) - DOCKET NO. WR16080738

SERVICE LIST

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November 10, 2016

VIA EMAIL & OVERNIGHT DELIVERY Irene.asbury@bpu.nj.gov Board.secretary@bpu.nj.gov

Hon. Irene Kim Asbury, Secretary New Jersey Board of Public Utilities 44 South Clinton Avenue, 3rd Floor, Suite 314 P.O. Box 350 Trenton, NJ 08625-0350

Re:

In the Matter of the Petition of Aqua New Jersey, Inc., Wallkill Sewer Division, for Approval of a 2015 Purchased Wastewater Treatment Adjustment Clause True-Up and Other Required Approvals BPU Docket No. WR16080738

Dear Secretary Asbury:

Enclosed for filing please find an original and ten (10) copies, plus one additional copy, of a Stipulation of Settlement ("Stipulation") which has been executed on behalf of Aqua New Jersey, Inc. (Petitioner), the Staff of the Board of Public Utilities, and the Division of Rate Counsel, in the above-referenced matter. This Stipulation fully resolves all matters at issue in this proceeding. Kindly stamp the additional copy of the Stipulation "filed" and return it to me in the enclosed self-addressed, stamped envelope.

Please contact me if you have any questions regarding this proceeding. Thank you for your attention to this matter.

Respectfully submitted,

Colleen A. Foley

Enclosures

cc: Service List (as indicated)

SERVICE LIST

In the Matter of the Petition of Aqua New Jersey, Inc.,
Wallkill Sewer Division, for Approval of a Reconciliation of Purchased Wastewater
Treatment Adjustment Clause Costs and Revenues and
Other Required Approvals (2015 True-Up)
BPU Docket No. WR16080738

Maria Moran, Director Division of Water Board of Public Utilities 44 South Clinton Avenue P.O. Box 350 Trenton, NJ 08625

Mike Kammer Bureau of Rates Board of Public Utilities 44 South Clinton Avenue P.O. Box 350 Trenton, NJ 08625

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Kimberly A. Joyce, Esq. Aqua America, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010

Kelly Ann Burns, Rate Analyst Aqua America, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010

Colleen A. Foley, Esq. Saul Ewing LLP One Riverfront Plaza Newark, NJ 07102

Robert J. Henkes Henkes Consulting 7 Sunset Road Old Greenwich, CT 06870

STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF AQUA NEW JERSEY, INC., WALLKILL SEWER DIVISION, FOR APPROVAL OF A 2015 PURCHASED WASTEWATER TREATMENT ADJUSTMENT CLAUSE TRUE-UP AND OTHER REQUIRED APPROVALS

STIPULATION OF SETTLEMENT

BPU DOCKET NO. WR16080738

APPEARANCES:

Colleen A. Foley, Esq., Saul Ewing LLP, and Kimberly A. Joyce, Esq., Aqua America, Inc., on behalf of the Petitioner, Aqua New Jersey, Inc., Wallkill Sewer Division

Debra F. Robinson, Managing Attorney, and Susan E. McClure, Esq., Assistant Deputy Rate Counsel, on behalf of the Division of Rate Counsel

Andrew M. Kuntz, Deputy Attorney General, Veronica Beke, Deputy Attorney General, and Renee Greenberg, Deputy Attorney General (Christopher S. Porrino, Attorney General of New Jersey), on behalf of the Staff of the New Jersey Board of Public Utilities

TO THE HONORABLE NEW JERSEY BOARD OF PUBLIC UTILITIES:

The Parties that have participated in this proceeding are as follows: the Wallkill Sewer Division of Aqua New Jersey, Inc. ("Aqua," "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 Aqua's 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, the Wallkill Sewer Division of Aqua New Jersey, Inc., operates a sewage collection and transmission system within a portion of the Township of Hardyston, County of Sussex, New Jersey. Petitioner serves approximately 407 customers within this portion of its service territory. Aqua New Jersey, Inc. is a public utility corporation of the State of New Jersey subject to the jurisdiction of the Board of Public Utilities (the "Board"). Aqua's principal business office is located at 10 Black Forest Road, Hamilton, New Jersey 08691.
- 2. On August 2, 2016, pursuant to N.J.A.C. 14:9-7.1 et seq., Aqua filed the above-captioned Petition with the Board, which was later assigned BPU Docket No. WR16080738, for approval of a true-up of purchased wastewater treatment adjustment clause ("PSTAC") costs and revenues for calendar year 2015, and to set prospective rates for calendar year 2017 (as required by N.J.A.C. 14:9-7.7). Aqua will true-up 2016 PSTAC revenues and rates in its 2017 PSTAC filing, and commits that it will make this filing on a timely basis.
- 3. The matter was retained by the Board for review and disposition. The Parties agreed that a public comment hearing was not required because the Petitioner had proposed a decrease in rates.
- 4. Petitioner's rates reflect the recovery of wastewater treatment charges imposed by the Sussex County Municipal Utilities Authority ("SCUMA"). In this proceeding, the Parties have examined the Company's actual revenues and actual SCUMA expenses for calendar year 2015, and the Company's projected SCUMA expenses for 2017, as well as the costs of this proceeding. Based on the foregoing, the Parties have determined that the current PSTAC rate should be decreased to recover \$20,460 less in revenues. The \$20,460 PSTAC decrease was calculated based on the following components:

- a. an under-recovery of actual wastewater treatment charges of approximately \$18,709 for the calendar year ending December 31, 2015 (See Exhibit A, attached hereto, pages 1 to 3);
- b. projected SCUMA charges for 2017 of \$162,496 based on SCUMA rates effective for 2017 (See Exhibit A, page 5); and
- c. the total costs of this proceeding are deemed to be \$5,000 (See Exhibit A, page
- 4). These costs will be shared 50/50 between ratepayers and shareholders, resulting in a cost to customers of \$2,500 (See Exhibit A, page 7); and
- d. the pro forma PSTAC revenues at present rates are projected to be \$204,165 (See Exhibit A, page 6).
- 5. As required in N.J.A.C. 14:9-7.7, the Company has included in its filing an estimate of SCUMA costs for calendar year 2017, which estimate has been used to determine the applicable PSTAC rate for 2017.
- 6. Based on the estimated costs for 2017, the under-recovery for 2015, and the costs of this proceeding, the Parties have agreed that Petitioner's current PSTAC rates on file with the Board should be decreased pursuant to the rates indicated on Exhibit A. For the average residential customer, the PSTAC rate will decrease from \$8.08 per thousand gallons to \$7.27 per thousand gallons, a decrease of \$0.81 per thousand gallons or approximately 10.02%. With respect to the total monthly rate for wastewater services, the total monthly rate for the average residential customer using approximately 3,900 gallons per month will decrease from \$45.03 to \$41.87, a decrease of \$3.16 or approximately 7% monthly.
- 7. 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 PSTAC petition to reconcile calendar year 2016 actual

SCUMA costs with the estimated SCUMA costs (as reflected in the rates identified on Exhibit A) for the same period. Additionally, the Company will include in its filing an estimate of SCUMA costs for calendar year 2018, which estimate will be used to determine the applicable PSTAC rate for 2018, as required in N.J.A.C. 14:9-7.7.

- 8. 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.
- 9. 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.
- 10. 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 hereto materially affected thereby shall not be bound to proceed under this Stipulation.
- 11. 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. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and has been made exclusively for the purpose of this proceeding. Except as expressly provided herein, the Parties shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposedly underlying any agreement provided herein in total or by specific item. The Parties further agree that this Stipulation is in no way binding upon them in any other proceeding, except to enforce the terms of this Stipulation.

12. 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.

WALLKILL SEWER DIVISION OF AQUA NEW JERSEY, INC.

November 4, 2016

Date

By:

Saul Ewing LLP
Colleen A. Foley.

Colleen A. Foley, Esq. Attorney for Petitioner

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the

New Jersey Board of Public Utilities

11/9/16 Date

Andrew M. Kunik

Deputy Attorney General

STEFANIE A. BRAND, ESQ. DIRECTOR – RATE COUNSEL

Date // 10/16

Rv.

Susan McClure, Esq.

Assistant Deputy Rate Counsel

EXHIBIT A

A.) 2015 Treatment Expenses Paid to SCUA:

	<u>Quarter</u>	<u>Amount</u>	Invoice #	Reference
	Q1	\$41,827	None	Exhibit 8
	Q2	\$41,827	None	Exhibit B
	Q3	\$41,827	None	Exhibit 8
	Q4	\$41,827	None	Exhibit B
	Credit	(\$8,886)	None	Exhibit 8
Total 2015 Actual Treatement Expense		\$158.422		Lines 8.) #mu 11 1 - 12.)

Exhibit A 2 of 9

Aqua New Jersey, Inc. Walkill PSTAC Reconciliation/True-Up For Calendar year ending December 31, 2015

B.) 2015 Revenues Billed to Walkill Customers:

<u>Class</u>	Customers	Meter Size	Ge#ons	<u>Amount</u>	Rate per 1,000 Gals.	% of Revenue	
Residential - Single Family	368	-	16,515	\$90,502	\$5.48	64.78%	
Commericial, Industrial, School, Business, & Religious	39	-	8,980	\$49,210	\$ 5.48	35.22%	
					<u></u>		
Subtotal:	407		25,495	\$139,713		100.00%	_

C.) 2015 Reconciliation - Over/(Under) Recovery:

	Reference
\$139,713	B)
\$158,422	Exhibit A
(\$18,709)	
	\$158,422

D.I Cost of Fifing Application:

Legal Notification & Other Transcripts Total

E.) Prospective 2017 Rate Adjustment:

		Calculation	Reference		
1.)	Projected 2017 Sewage Volume (KGallons)	25,268	E.)	3 Yr. Avg. Annual	Gallons
2.)	2016 Volumetric Rate	\$8.08		2013	25,227
3.)	Projected Calendar Year 2017 Revenue	\$204,165		2014	25,082
4.)	Projected 2017 SCUA Billings (Based on 2016)	\$162,496	Exhibit C	2015_	25,495
5.)	Prospective Adj. for Rates Effective 1/1/2017	(\$41,669)	Lines 4) - 3.)	Average	25,268

F.) PSTAC Revenue at Present Rates (2016):

			Current	PSTAC Revenenue	
<u>C/ass</u>	<u>Customers</u>	<u>KGallons</u>	<u>Rate</u>	at Present Rates	% of Revenue
Residential - Single Family	368	16,368	\$8,08	\$132,253.08	64,76%
Commericial, Industrial, School, Business, & Religious	39	8,900	\$8,08	\$71,912,36	35,22%
Total:					
Total PSTAC Revenue at Present Rates ⇒			•	\$204,165	

2016

G.) PSTAC Calculation:

• •	<u>Amount</u>	<u>Reference</u>
Projected 2017 Calendar Year Billings by SCUA	\$162,496	E)
Under Recovery 2015	\$18,709	C)
Cost of Filing Application (\$5,080 x 50%)	\$2,500_	(۵
2017 PSTAC Revenue Requirement	\$183,705	Sum Lines 1 thru 3
PSTAC Revenue at Present (2016 Rates)	\$204,165	F)
Subtotal PSTAC Request	(\$20,460)	Line 4 minus Line 5
	Under Recovery 2015 Cost of Filing Application (\$5,080 x 50%) 2017 PSTAC Revenue Requirement PSTAC Revenue at Present (2016 Rates)	Projected 2017 Calendar Year Bitlings by SCUA \$162,496 Under Recovery 2015 \$18,709 Cost of Fiking Application (\$5,080 x 50%) \$2,500 2017 PSTAC Revenue Requirement \$183,705 PSTAC Revenue at Present (2016 Rates) \$204,165

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H.) Rate Design:						2016				
						Current			New	
	<u>Class</u>	•	<u>Customers</u>		<u>KGallons</u>	<u>Rale</u>	% of Revenue	<u>Assessment</u>	<u>Rate</u>	% Change
•	Residential - Single Family		36	8	16,368	\$8 08	64.78%	(\$13,253,48)	\$7,27	-10.021%
Commeric	rial, Industrial, School, Business, 8	& Religious	3	19	8,900	\$8.08	35.22%	(\$7,206.56)	\$7.27	-10.021%
	Yotal:							(\$20,460)		

•

I.) Proof of Revenue:

			New	Prospective 2017
<u>Class</u>	<u>Customers</u>	<u>KGallons</u>	Rate	Revenue
Residential - Single Family	388	16,368	\$7.27	\$118,999,60
Commericial, Industrial, School, Business, & Religious	39	8,900	\$7.27	\$64,705.80
Total:		•	-	\$183,705