



Agenda Date: 9/22/17

Agenda Item: IIB-4

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/

ENERGY

IN THE MATTER OF THE PETITION OF SOUTH)
JERSEY GAS COMPANY FOR APPROVAL OF A)
MUNICIPAL CONSENT IN WOOLWICH TOWNSHIP,)
GLOUCESTER COUNTY, NEW JERSEY)
)
)

DECISION AND ORDER

DOCKET NO. GE17030271

Parties of Record:

Stacy M. Barnes, Esq., South Jersey Gas Company
Stefanie A. Brand, Esq., New Jersey Division of Rate Counsel

BY THE BOARD:

South Jersey Gas Company (“SJG” or “Company”), a regulated public utility subject to the jurisdiction of the New Jersey Board of Public Utilities (“Board”), is a corporation duly organized under the laws of the State of New Jersey engaged in the business of transmission and distribution of natural gas to approximately 360,000 customers within its service territory.

SJG currently provides natural gas service within Woolwich Township (“Township”) to approximately 3,560 residential, 122 commercial and three (3) industrial customers. The Company’s consent to use the streets within the Township for the provision of gas service expired on October 27, 1997, pursuant to the fifty (50) year statutory limitation set forth in N.J.S.A. 48:3-15.¹ A copy of the original ordinance is attached to this Order as Exhibit “A”. On March 6, 2017 pursuant to Ordinance No. 2017-01, the Township renewed its consent and granted SJG continued permission to lay and construct its pipes, mains, and related appurtenances and facilities within the streets, alleys, squares and public places within the Township for a period of fifty (50) years to furnish gas service in the Township. By letter dated March 8, 2017, the Company accepted and agreed to the terms of the consent. Copies of the

¹ The Board notes that municipal consents often expire some time prior to their renewal even when the Company initiates the renewal process prior to the expiration of the previous term. This is primarily the result of the time necessary for a municipality to fulfill the legal requirements that attend to all formal actions it must take along with the additional time for hearing and Board approval as required by law. The Board has been assured that pending review of this petition, SJG has continued to provide service to its customers within the Township in an uninterrupted manner.

Ordinance and the letter of acceptance are attached to this Order as Exhibits "B" and "C" respectively.

On March 17, 2017, pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, SJG filed a petition requesting that the Board approve the consent adopted by the Township. As required by law and after notice, a hearing in this matter was held on July 28, 2017. William Agee, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel ("Rate Counsel") and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

At the hearing, the Company relied on its petition and exhibits filed with the Board and presented the testimony of Joseph Schneider, its General Manager of Compliance, Standards and Records. According to the petition, SJG anticipates growth in its defined service territory to be approximately one percent (1%) annually for the next three (3) to five (5) years. Mr. Schneider testified that the Company has the capacity to meet the anticipated level of growth within the municipality.

Rate Counsel, in its written comments to the petition dated August 18, 2017, indicated that it does not object to the Company's petition since the Company represented that it has the capacity necessary to continue to provide natural gas service to the Township, and since the term of the municipal consent related to the use of streets is limited to the statutory maximum term of fifty (50) years. However, Rate Counsel requests that approval of the petition include certain restrictions which are incorporated in this Order.

Following its receipt of Rate Counsel's comments, SJG filed correspondence with the Board on August 29, 2017 indicating that it had no additional comments.

After a full review of the entire record, the Board **HEREBY FINDS** that the municipal consent for use of the streets, which is the subject of this matter, is necessary and proper for the public convenience and properly serves the public interest, and that SJG has the ability to continue to provide safe, adequate and proper service. The Board **FURTHER FINDS** that the Company has the necessary experience, financial capability, capacity, and facilities in the Township to continue to provide adequate and appropriate service to its existing customers, as well as expected future customers, and that the fifty (50) year duration of the municipal consent to use the streets is consistent with N.J.S.A. 48:3-15. Accordingly, the Board, pursuant to N.J.S.A. 48:2-14, **HEREBY APPROVES** the consent granted to SJG by the Township to continue to provide gas service, and for the continued use of its public streets for that purpose for a period of fifty (50) years.

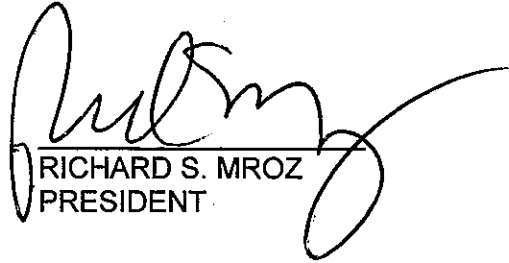
The approval granted hereinabove shall be subject to the following provisions:

1. This Order shall not be construed as directly or indirectly fixing for any purposes whatsoever the value of any tangible or intangible assets now owned or hereafter to be owned by SJG.
2. This Order shall not effect nor in any way limit the exercise of the authority of this Board or of the State in any future petition or in any proceedings with respect to rates, franchises, services, financing, accounting, capitalization, depreciation, or in any other matters affecting SJG.

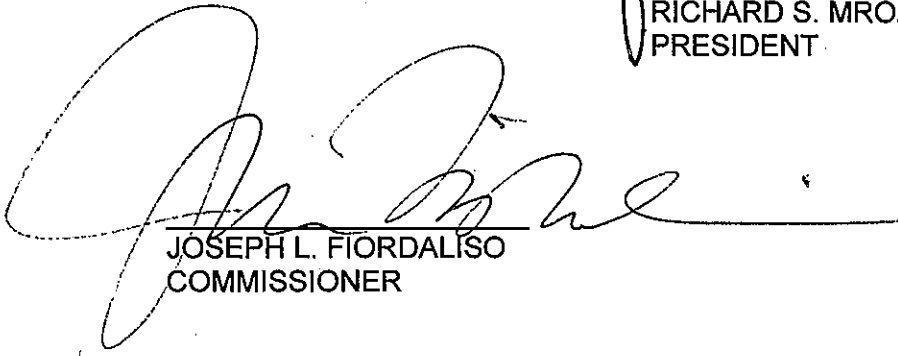
This Order shall be effective as of October 2, 2017.

DATED: 9/22/17

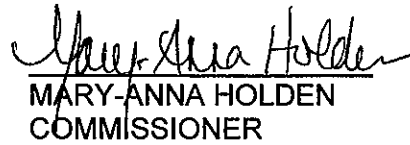
BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



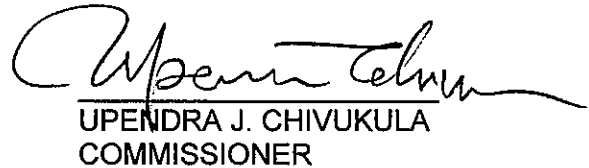
JOSEPH L. FIORDALISO
COMMISSIONER



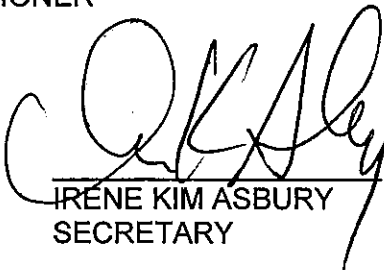
MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

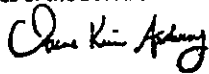


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST: 

IRENE KIM ASBURY
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 SOUTH JERSEY GAS COMPANY FOR APPROVAL
OF A MUNICIPAL CONSENT IN WOOLWICH TOWNSHIP, GLOUCESTER COUNTY, NEW
JERSEY - DOCKET NO. GE17030271

SERVICE LIST

Rate Counsel:

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th floor
Post Office Box 003
Trenton, NJ 08625-0003
sbrand@rpa.nj.gov

Brian Lipman, Litigation Manager
Division of Rate Counsel
140 East Front Street, 4th floor
Post Office Box 003
Trenton, NJ 08625-0003
blipman@rpa.nj.gov

Brian Weeks, Esq.
Division of Rate Counsel
140 East Front Street, 4th floor
Post Office Box 003
Trenton, NJ 08625-0003
bweeks@rpa.nj.gov

Felicia Thomas-Friel, Esq.
Division of Rate Counsel
140 East Front Street, 4th floor
Post Office Box 003
Trenton, NJ 08625-0003
ftomas@rpa.nj.gov

Shelly Massey, Paralegal
Division of Rate Counsel
140 East Front Street, 4th floor
Post Office Box 003
Trenton, NJ 08625-0003
smassey@rpa.nj.gov

Deputy Attorneys General:

Renee Greenberg, DAG
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
renee.greenberg@law.njoag.gov

Board of Public Utilities:

Megan Lupo, Esq.
Legal Specialist
Counsel's Office
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
megan.lupo@bpu.nj.gov

Thomas Walker, Director
Division of Energy
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
thomas.walker@bpu.nj.gov

Stacy Peterson, Deputy Director
Division of Energy
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
stacy.peterson@bpu.nj.gov

John Zarzycki
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
john.zarzycki@bpu.nj.gov

South Jersey Gas Company:

Robert Fatzinger
South Jersey Gas Company
One South Jersey Plaza
Route 54
Folsom, NJ 08037
rfatzinger@sjindustries.com

Stacey M. Barnes, Esq.
South Jersey Gas Company
One South Jersey Plaza
Route 54
Folsom, NJ 08037
sbarnes@sjindustries.com

Stacy Mitchell, Esq.
South Jersey Gas Company
One South Jersey Plaza
Route 54
Folsom, NJ 08037
smitchell@sjindustries.com

Lauren Hurtt
South Jersey Gas Company
One South Jersey Plaza
Route 54
Folsom, NJ 08037
lhurtt@sjindustries.com

Cindy Mendenhall
South Jersey Gas Company
One South Jersey Plaza
Route 54
Folsom, NJ 08037
cmendenhall@sjindustries.com

Woolwich Township:

Jane DiBella, Administrator/Clerk
120 Village Green Drive
Woolwich Township, NJ 08085

Chad M. Bruner, County Administrator
2 South Broad Street
P.O. Box 337
Woodbury, NJ 08096

Clerk, Board of Chosen Freeholders
2 South Broad Street
P.O. Box 337
Woodbury, NJ 08096

Exhibit A

AN ORDINANCE GIVING AND GRANTING CONSENT AND PER-
MISSION TO SOUTH JERSEY GAS COMPANY TO FURNISH
GAS FOR LIGHT, HEAT AND POWER IN THE TOWNSHIP OF
WINDSOR, IN THE COUNTY OF MIDDLESEX

BE IT ORDAINED by the Township Committee of the Town-
ship of Windsor in the County of Middlesex

1. That consent and permission to furnish gas for light, heat and
power in the Township of Windsor in the County of
Middlesex is hereby given and granted to South Jersey
Gas Company, subject to approval of such consent and permission by the
Board of Public Utility Commissioners of the State of New Jersey.

2. The said South Jersey Gas Company shall lay and construct its
pipes and mains within the Township in the manner required by R.S. 48:9-21
and subject to reasonable regulations with respect to the opening of streets
and public places imposed by the Township Committee.

3. South Jersey Gas Company shall within thirty (30) days after
the passage of this ordinance file with the Township Clerk a bond in the
amount of One Thousand Dollars (\$1,000) conditioned for the restoration
of any street or public place which may be opened by it in a manner satis-
factory to the Township Committee.

4. This ordinance shall take effect immediately upon publication as
required by law.

Wayne Davidson
Wayne Davidson, Mayor
Township Committee

ATTEST:
Howard J. Van Dyke
Howard J. Van Dyke, Township Clerk

I, ~~HOWARD E. VANMETER~~, Clerk of the
Township of ~~Rocky Hill~~, in the County of
~~Monmouth~~, do hereby certify that the foregoing
ordinance granting consent and permission to the South Jersey Gas Company
to furnish gas for light, heat and power in the Township of ~~Rocky Hill~~,
in the County of ~~Monmouth~~
is a true copy of said ordinance as introduced at a meeting of the Township
Committee of said Township, held on the ~~2nd~~ day of ~~September~~, 1947,
and finally passed at a meeting of said Committee held on the ~~27th~~ day of
~~October~~, 1947.

Howard E. VanMeter
~~HOWARD E. VANMETER~~ Township Clerk

WHEREAS, South Jersey Gas Company has made application to the Township of [redacted], in the County of [redacted], for consent and permission to furnish gas for light, heat and power in said Township and a proposed ordinance for said purpose was introduced at the meeting of the Township Committee of said Township, held on the [redacted] day of [redacted], 1947, which proposed ordinance was duly passed on first reading;

RESOLVED, that the 27th day of October 1947, at 8:00 o'clock, P. M. [redacted] be fixed by said Township Committee as the time, and the Township Committee room, Township Hall, in said Township, be and the same is hereby fixed as the place, when and where said ordinance will be further considered for final passage;

FURTHER RESOLVED, that said ordinance be published once in Swedesboro News, a newspaper printed in [redacted] County, and circulating in said Township, together with a notice of the introduction of said ordinance and the time and place when and where it will be further considered for final passage, said publication to be at least one week prior to the said time so fixed for final passage.

I, Howard T. Van Meter, Clerk of the Township of [redacted], do hereby certify that the foregoing is a true copy of a resolution duly passed by the Township Committee of the Township of [redacted] at a meeting of the said Township Committee duly held on the [redacted] day of [redacted], 1947.

Howard T. Van Meter
[redacted] Clerk of said Township
Howard T. Van Meter

The Clerk presented an affidavit of the due publication of the proposed ordinance granting consent and permission to South Jersey Gas Company to furnish gas for light, heat and power in the Township of ~~Washington~~ in the County of ~~Washington~~

Said ordinance was again read and considered and on motion duly made and seconded it was

Ordered, that said ordinance be finally passed.

On roll call ~~the~~ members of the Committee voted in the affirmative.

The Chairman thereupon declared the ordinance finally passed and duly approved the same.

On motion duly made and seconded it was

Ordered, that the title of said ordinance and the date of its passage be published in one issue of the ~~Washington News~~ a newspaper printed in the County of ~~Washington~~ and circulating in said Township.

I, ~~Howard J. Dore~~, Clerk of the Township of ~~Washington~~ in the County of ~~Washington~~ do hereby certify that the foregoing is a true copy of the minutes of a meeting of the Township Committee of said Township held on the ~~17th~~ day of ~~September~~, 1947, in so far as they relate to the ordinance granting consent and permission to South Jersey Gas Company to furnish gas for light, heat and power in said Township.

Howard J. Dore
~~Howard J. Dore~~ Clerk of said Township

Exhibit B

**AN ORDINANCE GRANTING RENEWED CONSENT AND PERMISSION TO SOUTH JERSEY GAS COMPANY TO USE THE PUBLIC STREETS TO FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE TOWNSHIP OF WOOLWICH
2017-01**

WHEREAS, South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to Woolwich Township pursuant to municipal consent first granted to South Jersey Gas Company via the adoption of an Ordinance on October 27, 1947; and

WHEREAS, South Jersey Gas Company now seeks, pursuant to N.J.S.A. 48:3-15, the consent of Woolwich Township to allow the continued use of municipal streets in Woolwich Township by adopting the following Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Woolwich Township Committee, County of Gloucester and State of New Jersey as follows:

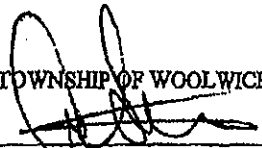
Section 1. That exclusive consent and permission is hereby renewed and granted to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the municipal streets, alleys, squares and public places within Woolwich Township in the manner prescribed by N.J.S.A. 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

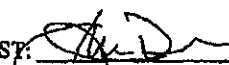
Section 2. This consent is granted for the municipal streets covering the entire geographical area of Woolwich Township and extend to the boundaries of Woolwich Township and shall remain in effect for a period of fifty (50) years from the date of final adoption of this Ordinance.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law, and acceptance by South Jersey Gas Company.

Introduced: 2-21-17
Adopted: 3-6-17

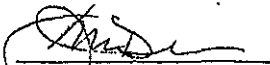
TOWNSHIP OF WOOLWICH

Alan Schwager, Mayor

ATTEST: 
Jane DiBella, Clerk

LEOAL1679769711


CERTIFICATION

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the 21st day of February, 2017. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance, at a special meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 6th day of March, 2017 at the Woolwich Township Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 7:00 p.m.


Jane DiBella, Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 6th day of March, 2017.


Jane DiBella, Clerk

LEGAL\16797697\1

Exhibit C



Stacey M. Barnes, Esq.
Director, Legal Compliance and Legal Affairs, SJG
Office of General Counsel and Corporate Secretary

March 8, 2017

VIA EMAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE NO.: 7016 1970 0000 3121 7955
Woolwich Township
Attn: Jane DiBella, Administrator/Clerk
120 Village Green Drive
Woolwich Township, NJ 08085

**Re: Acceptance of Ordinance No. 2017-01 Granting Municipal Consent to
South Jersey Gas Company to Use the Streets for the Provision of
Natural Gas Service**

Dear Ms. DiBella:

I am writing on behalf of South Jersey Gas Company ("SJG") to advise that we received a fully executed copy of Ordinance No. 2017-01 (copy attached) granting municipal consent for SJG to provide gas and lay its mains and pipes in Woolwich Township. Pursuant to the requirements of N.J.S.A. 48:3-16, SJG hereby accepts Ordinance No. 2017-01, as passed.

Please do not hesitate to call if you have any questions. Thank you.

Very truly yours,

Stacey M. Barnes, Esq.
sbarnes@sjindustries.com

SMB/omm
Enclosure

cc: Lauren Hurtt, Supervisor, Community Relations – via email
Stacy Mitchell, Esq., Regulatory Affairs Counsel, Rates and Regulatory Affairs – via email

1 South Jersey Plaza, Folsom, New Jersey 08037 ♦ www.sjindustries.com
Tel. 609-561-9000 ♦ Fax 609-561-1012 ♦ TDD Only 1-800-547-9085

AN ORDINANCE GRANTING RENEWED CONSENT AND PERMISSION TO SOUTH JERSEY GAS COMPANY TO USE THE PUBLIC STREETS TO FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE TOWNSHIP OF WOOLWICH
2017-01

WHEREAS, South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to Woolwich Township pursuant to municipal consent first granted to South Jersey Gas Company via the adoption of an Ordinance on October 27, 1947; and

WHEREAS, South Jersey Gas Company now seeks, pursuant to N.J.S.A. 48:3-15, the consent of Woolwich Township to allow the continued use of municipal streets in Woolwich Township by adopting the following Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Woolwich Township Committee, County of Gloucester and State of New Jersey as follows:

Section 1. That exclusive consent and permission is hereby renewed and granted to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the municipal streets, alleys, squares and public places within Woolwich Township in the manner prescribed by N.J.S.A. 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

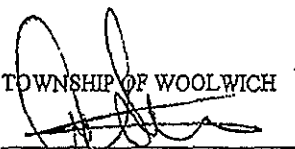
Section 2. This consent is granted for the municipal streets covering the entire geographical area of Woolwich Township and extend to the boundaries of Woolwich Township and shall remain in effect for a period of fifty (50) years from the date of final adoption of this Ordinance.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law, and acceptance by South Jersey Gas Company.

Introduced: 2-21-17
Adopted: 3-6-17

TOWNSHIP OF WOOLWICH

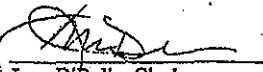

Alan Schwager, Mayor

ATTEST: 
Jane DiBella, Clerk

LEGAL11679769711

CERTIFICATION

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the 21st day of February, 2017. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance, at a special meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 6th day of March, 2017 at the Woolwich Township Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 7:00 p.m.


Jane DiBella, Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 6th day of March, 2017.


Jane DiBella, Clerk

LEGAL\6797697\1

Exhibit D



South Jersey Gas

Stacey M. Barnes, Esq.
Director, Legal Compliance and Legal Affairs, SJG
Office of General Counsel and Corporate Secretary

March 14, 2017

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

| <u>ARTICLE NO.:</u> | <u>ARTICLE NO.:</u> | <u>ARTICLE NO.:</u> |
|-----------------------------|-----------------------------|----------------------|
| Woolwich Township | Clerk, | Chad M. Bruner, |
| Jane DiBella, | Board of Chosen Freeholders | County Administrator |
| Administrator/Clerk | 2 South Broad Street | 2 South Broad Street |
| 120 Village Green Drive | P.O. Box 337 | P.O. Box 337 |
| Woolwich Township, NJ 08085 | Woodbury, NJ 08096 | Woodbury, NJ 08096 |

**Re: In the Matter of the Petition of South Jersey Gas Company for Approval of a
Municipal Consent in Woolwich Township, Gloucester County
BPU Docket No. _____**

To the Parties Addressed:

Pursuant to the provisions of N.J.S.A. 48:2-14, South Jersey Gas Company ("South Jersey") has applied to the New Jersey Board of Public Utilities (the "Board") for approval of Woolwich Township, Ordinance No. 2017-01, which granted South Jersey renewed permission to continue to use the streets in the Township for the provision of natural gas service for fifty (50) years.

Please be advised that the Board has set _____ at _____ at the Board's office located at 44 South Clinton Avenue, Trenton, New Jersey 08625 in Conference Room No. 2W (second floor) as the time and place for the hearing on this matter. You are welcome to attend and put your views on the record.

Very truly yours,

Stacey M. Barnes, Esq.
sbarnes@sjindustries.com

SMB/cmm

cc: Service List (via email)
J H Buehrer & Associates
(via Certified Mail – Return Receipt Requested - Article No.: _____)

1 South Jersey Plaza, Folsom, New Jersey 08037 ♦ www.sjindustries.com
Tel. 609-561-9000 ♦ Fax 609-561-1012 ♦ TDD Only 1-800-547-9085