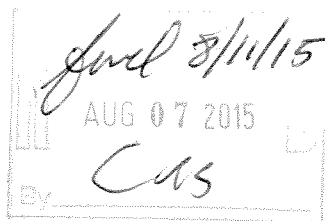




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RECEIVED

AUG 06 2015

BOARD OF PUBLIC UTILITIES
MAIL ROOM

August 5, 2015

Irene K. Asbury, Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, New Jersey 08625-0350

Re: In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Approval to Revise Its Base Rates to Recover the Costs of the Elizabethtown Natural Gas Distribution Utility Reinforcement Effort Program and Related Tariff Revisions. BPU Docket No. G013090826

Dear Secretary Asbury:

Enclosed are an original and ten copies of the motion of the New Jersey Large Energy Users Coalition to Participate in the above proceeding, together with a Motion for Admission Pro Hac Vice of Paul F. Forshay, Esq. By copy of this letter, copies of the motions are being forwarded this date via electronic mail to all persons whose names appear on the attached distribution list.

Thank you for your anticipated courtesies.

Respectfully submitted,

Steven S. Goldenberg

SSG:jfp

Encl.

cc: Distribution List (w/ encl.) ✓

31050044 08/05/2015

A Pennsylvania Limited Liability Partnership

California	Colorado	Connecticut	Delaware	District of Columbia
Florida	Nevada	New Jersey	New York	Pennsylvania

*Case mgmt
list copies*

RECEIVED

AUG 06 2015

BOARD OF PUBLIC UTILITIES
MAIL ROOM

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

**In the Matter of the Petition of Pivotal Utility)
Holdings, Inc. d/b/a Elizabethtown Gas for)
Approval to Revise Its Base Rates to Recover)
the Costs of the Elizabethtown Natural Gas) BPU Docket No.
Distribution Utility Reinforcement Effort)
Program and Related Tariff Revisions)**

**MOTION TO PARTICIPATE OF
NEW JERSEY LARGE ENERGY USERS COALITION**

The New Jersey Large Energy Users Coalition ("NJLEUC"), an association whose members include large volume natural gas customers serviced by Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown" or the "Company") hereby moves to participate in the above-captioned proceeding. In support of its motion, NJLEUC states as follows:

1. All communications and correspondence concerning this proceeding should be directed to:

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Fax: 202-637-3593
paul.forshay@sutherland.com

2. On September 3, 2013, Elizabethtown filed its ENDURE Petition, responding to the Board's directive to the State's utilities to improve the resiliency and preparedness of their systems to better withstand the impacts of future major storm events. Elizabethtown proposed to invest approximately \$15 million in specific projects designed to harden the Company's

infrastructure and communication facilities. By Order dated July 23, 2014 (“July 23 Order”), the Board approved the parties’ Stipulation of Settlement approving the ENDURE program.

3. Among other things, the July 23 Order and Stipulation directed Elizabethtown to submit a petition to the Board requesting authority to roll the costs associated with the ENDURE program into the Company’s base rates through a revenue adjustment. On June 3, 2015, Elizabethtown filed the instant Petition in accordance with the July 23 Order.

4. The Petition seeks to recover approximately \$11.5 million, representing the in-service capital expenditures associated with the three approved projects as of August 31, 2015, together with \$50,000 in fees to be paid to a consultant hired to enhance the Company’s communications channels during major storm events. Elizabethtown seeks to recover these costs through an increase in the Company’s base distribution revenues. These costs will be subject to review in the Company’s next base rate case, which is scheduled to be filed no later than September 1, 2016.

WHEREFORE, in support of its application for participation in this proceeding, and as further summarized below, NJLEUC respectfully submits that all factors for participation set forth in N.J.A.C. 1:1-16.6 weigh in favor of granting NJLEUC’s motion to participate in the above-captioned proceeding:

1. NJLEUC formed, in part, to monitor regulatory proceedings involving the State’s electric and natural gas utilities, including Elizabethtown, and to participate or intervene in regulatory and rate proceedings to the extent necessary to represent its members’ common interests. Members of NJLEUC are large volume purchasers of natural gas distribution service from Elizabethtown and, therefore, have a significant interest in the outcome of this proceeding;

2. Given its capacity as an association of large end-use customers on the Elizabethtown system, NJLEUC's interests with regard to the requested revenue adjustment are unique from those of any other party.

3. NJLEUC has a unique perspective and insight regarding the potential impact, on large volume gas customers, of the relief sought by Elizabethtown in this proceeding.

4. NJLEUC's motion is timely and will not delay or otherwise disrupt the prosecution of this proceeding;

5. Fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to fully participate in this proceeding, the outcome of which will have an impact on the reliability and cost of gas distribution service received from Elizabethtown by the members of NJLEUC;

6. NJLEUC was granted participant status in the underlying ENDURE proceeding, as well as Intervener status in Elizabethtown rate proceedings and a number of regulatory proceedings involving Elizabethtown;

7. Accordingly, the issues to be decided in this proceeding "substantially, specifically and directly affect" NJLEUC within the meaning of these terms as used in the Uniform Rules, thereby making it appropriate for NJLEUC to participate;

8. Furthermore, the interests of NJLEUC's members as large end-use customers of Elizabethtown, and as active intervenors and participants in matters involving each LDC, are substantially different from those of any other party seeking intervention or participation. Therefore, NJLEUC's interests in this proceeding are unique on both a quantitative and qualitative basis;

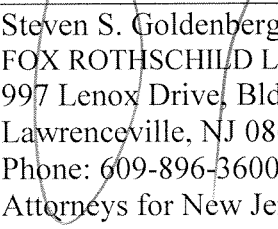
9. NJLEUC's entry as a party would "measurably and constructively" advance this proceeding (N.J.A.C. 1:1-16.3(a)) because of the unique status of its members as large end-use customers on the Elizabethtown system. NJLEUC's entry as a party would promote an informed and balanced presentation of the issues;

10. Notwithstanding its unique interests, where it is possible and practical for it to do so, NJLEUC will endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy;

11. For the foregoing reasons, and because the cost and quality of natural gas delivery service to NJLEUC's members will be directly and substantially affected by the issues to be determined in this proceeding, NJLEUC has a direct and immediate interest in the outcome of this proceeding that cannot adequately be represented by any other party.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.1, *et seq.*, NJLEUC respectfully requests that it be permitted to participate in the above-captioned proceeding.

Respectfully submitted,



Steven S. Goldenberg
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Phone: 609-896-3600
Attorneys for New Jersey Large Energy
Users Coalition

Dated: August 5, 2015

CERTIFICATION OF SERVICE

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion to Participate to the parties identified on the service list. An original and 10 copies have been forwarded via first class mail to Irene K. Asbury, Secretary, Board of Public Utilities.

Dated at Lawrenceville, New Jersey, this 5th day of August, 2015.



Steven S. Goldenberg

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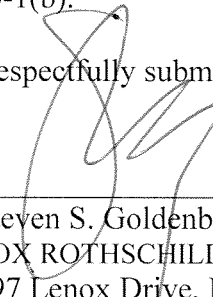
STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

In the Matter of the Petition of Pivotal Utility)
Holdings, Inc. d/b/a Elizabethtown Gas for)
Approval to Revise Its Base Rates to Recover)
the Costs of the Elizabethtown Natural Gas) BPU Docket No.
Distribution Utility Reinforcement Effort)
Program and Related Tariff Revisions)

MOTION FOR ADMISSION *PRO HAC VICE*

The undersigned counsel, a member in good standing of the bar of the State of New Jersey and willing to serve as attorney of record in this proceeding, hereby moves for the admission *pro hac vice* of Paul F. Forshay, Esq. Mr. Forshay is a member in good standing of the bar of the District of Columbia. There is good cause for Mr. Forshay to be admitted *pro hac vice* because he has had significant experience representing the interests of large end-use customers, he has an attorney-client relationship with the New Jersey Large Energy Users Coalition, and this proceeding involves a complex field of law in which he is a specialist. As evidenced by his affidavit attached hereto, Mr. Forshay has paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b).

Respectfully submitted,



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997 Lenox Drive, Bldg. 3
Lawrenceville, NJ 08648
Phone: 609-896-3600
Attorneys for New Jersey Large Energy
Users Coalition

Dated: August 5, 2015

31018169 08/05/2015

CERTIFICATION OF SERVICE

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion for Admission *Pro Hac Vice* to the parties identified on the service list. An original and 10 copies have been forwarded via first class mail to Irene K. Asbury, Secretary, Board of Public Utilities.

Dated at Lawrenceville, New Jersey, this 5th day of August, 2015



Steven S. Goldenberg

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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

In the Matter of the Petition of Pivotal Utility)
Holdings, Inc. d/b/a Elizabethtown Gas for)
Approval to Revise Its Base Rates to Recover)
the Costs of the Elizabethtown Natural Gas) BPU Docket No.
Distribution Utility Reinforcement Effort)
Program and Related Tariff Revisions)

AFFIDAVIT IN SUPPORT OF REQUEST
TO APPEAR *PRO HAC VICE*

Washington)
) ss.
District of Columbia)

I, Paul F. Forshay, duly sworn according to law, depose and say:

1. I am an attorney in good standing admitted to practice in the District of Columbia. I am not admitted to practice in New Jersey. I have no disciplinary proceedings pending against me in any jurisdiction and no discipline has been previously imposed on me in any jurisdiction.

2. I am associated in this matter with New Jersey counsel of record, Steven S. Goldenberg, Esq. of the firm of Fox Rothschild LLP, who is qualified to practice law in this State pursuant to R. 1:21-1.

3. The New Jersey Large Energy Users Coalition ("NJLEUC") has requested my representation in this matter.

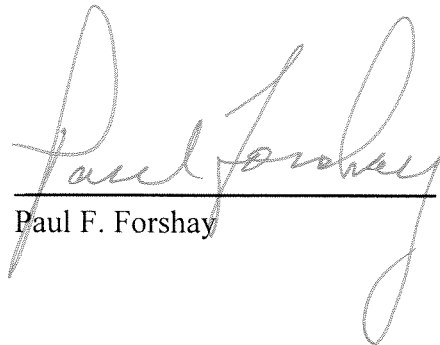
4. There is good cause for my admission *pro hac vice* in that I have had considerable experience representing large end-use customers in various proceedings before the Federal

Energy Regulatory Commission and Board of Public Utilities and I have an attorney-client relationship with NJLEUC. The proceeding in which I seek admission involves a complex field of law in which I am a specialist.


5. I have paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b) and 1:28-2.

6. If this application to appear *pro hac vice* is granted, I agree to:

- a. abide by the New Jersey Court Rules, including all disciplinary rules;
- b. consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against me or my firm that may arise out of my participation in this matter;
- c. notify the Board of Public Utilities and Office of Administrative Law immediately of any matter affecting my standing at the bar of any court; and
- d. have all pleadings, briefs and other papers filed with the Board of Public Utilities and Office of Administrative Law signed by the attorney of record.


Paul F. Forshay

SUBSCRIBED AND SWORN to before
me this 4th day of August, 2015



Notary Public

