



Agenda Date: 4/27/16  
Agenda Item: IIL

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

**ENERGY**

IN THE MATTER OF THE PETITION OF SOUTH	)	DECISION AND ORDER
JERSEY GAS COMPANY FOR APPROVAL OF A	)	
MUNICIPAL CONSENT IN THE BOROUGH OF PINE	)	
HILL, CAMDEN COUNTY, NEW JERSEY	)	DOCKET NO. GE15070801

**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 utility subject to the jurisdiction of the 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 the Borough of Pine Hill ("Borough") to approximately 2,569 residential, 89 commercial customers, and 1 industrial customer. The Company's consent to use the streets within the Borough for the provision of gas service expired on October 1, 1997,<sup>1</sup> pursuant to the fifty (50) year statutory limitation set forth in N.J.S.A. 48:3-15. On May 4, 2015, pursuant to Ordinance No. 2015-927, the Borough 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 Borough for a period of fifty (50) years to furnish gas service in the Borough. By letter dated June 8, 2015, the Company accepted and agreed to the terms of the consent. Copies of the Ordinance and the letter of acceptance are attached to this Order as Exhibits "A" and "B" respectively.

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<sup>1</sup> 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 its petition, SJG has continued to provide service to its customers within the Borough in an uninterrupted manner.

On July 14, 2015, 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 Borough. As required by law and after notice, a hearing in this matter was held on September 28, 2015, William Agee, Esq., the Board's duly appointed hearing officer. Appearances were made on behalf of the Company, the 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 System Engineering and Planning. Mr. Schneider testified that SJG is experiencing an increase in customers within its service territory due to conversion from other fuels to natural gas. According to the petition, SJG anticipates growth in its defined service territory to be approximately one (1) percent annually for the next three (3) to five (5) years. SJG further represents that it has the capacity to ensure continuation of its natural gas service and does not foresee any concerns regarding its ability to meet the existing and future demands of the Borough.

Rate Counsel, in its written comments to the petition dated November 5, 2015, indicated that it does not object to the Company's petition, and noted that the term of the municipal consent related to the use of streets is limited to fifty (50) years. However, Rate Counsel requests that approval of the petition include certain restrictions which are incorporated in this Order.

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 Borough 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 Borough 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 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 May 7, 2016.

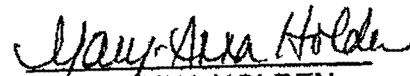
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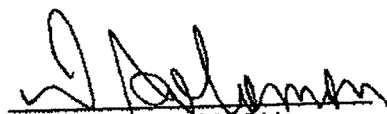
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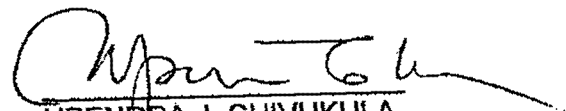
BOARD OF PUBLIC UTILITIES  
BY:

  
RICHARD S. MROZ  
PRESIDENT


  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

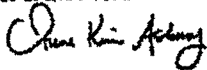
  
DIANNE SOLOMON  
COMMISSIONER

  
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 THE BOROUGH OF PINE HILL, CAMDEN COUNTY, NEW  
JERSEY - DOCKET NO. GE15070801

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Gloucester County  
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Paulsboro, NJ 08066

Clerk, Board of Chosen Freeholders  
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Public Affairs Specialist  
South Jersey Gas Company  
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# Exhibit A

ORDINANCE NUMBER 2015-527

BOROUGH OF PINE HILL  
COUNTY OF CAMDEN

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 BOROUGH OF PINE HILL

WHEREAS, South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to the Borough of Pine Hill pursuant to municipal consent previously granted to South Jersey Gas Company; and

WHEREAS, South Jersey Gas Company now seeks, pursuant to N.J.S.A. 48:3-15, the consent of the Borough of Pine Hill to renew said municipal consent by adopting the following Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Pine Hill, County of Camden, 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 streets, alleys, squares and public places within the Borough of Pine Hill 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 entire geographical area of the Borough of Pine Hill and extend to the boundaries of the Borough of Pine Hill and shall remain in effect for a period of fifty (50) years from the date of the final adoption of this Ordinance.

All Ordinances or parts of Ordinances which are inconsistent with this Ordinance Amendment are repealed to the extent of such inconsistencies.

Section 3. If any Section, Subsection, Paragraph, Subparagraph, or Clause of this Ordinance shall be adjudicated invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any Section, Subsection, Paragraph, Subparagraph, or Clause of this Ordinance.

Section 4. This Ordinance shall take effect immediately after posting, publication, final passage in the manner prescribed by law and acceptance by South Jersey Gas Company and conditioned on final approval by the County of Camden

Introduction: April 13, 2015

	WARRINGTON	MCCULLEN	KNOTT	JAKEL	ROBB	BURKE
YES	✓	✓	✓	✓	✓	✓
ABSTAIN						
NO						
ABSENT						

Public Hearing: May 4, 2015

	WARRINGTON	MCCULLEN	KNOTT	JAKEL	ROBB	BURKE
YES		✓	✓	✓	✓	✓
ABSTAIN						
NO						
ABSENT	✓					

BOROUGH OF PINE HILL

BY:   
CHRISTOPHER GREEN, MAYOR

ATTEST:

  
THOMAS CARDIS, BOROUGH CLERK

NOTICE

Notice is hereby given that the foregoing ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Pine Hill, held on the 13<sup>th</sup> day of April, 2015 and will be considered for final passage at a meeting of the Borough Council of the Borough of Pine Hill, to be held on the 4<sup>th</sup> day of May, 2015 at 7:30 p.m. at which time and place any interested party will be given the opportunity to be heard.

  
Thomas Cardis, Borough Clerk



# Exhibit B



**South Jersey Gas**

*Where we put all of our energy<sup>®</sup>*

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

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June 8, 2015

(Via Certified Mail & E-mail: [phendricks@pinehillboronj.com](mailto:phendricks@pinehillboronj.com))

Patricia Hendricks, CMR  
Borough of Pine Hill  
45 West 7<sup>th</sup> Avenue  
Pine Hill, NJ 08021

Re: Acceptance of Ordinance No. 2015-927 Granting Municipal Consent to South Jersey Gas  
Company to Use the Streets for the Provision of Natural Gas Service

Dear Mrs. Van Camp:

I am writing on behalf of South Jersey Gas Company ("SJG") to advise that we received a fully executed copy of Ordinance No. 2015-927 (copy attached) granting municipal consent for SJG to provide gas and lay its mains and pipes in the Borough of Pine Hill. Pursuant to the requirements of N.J.S.A. 48:3-16, SJG hereby accepts Ordinance No. 2015-927, as passed.

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

Very truly yours,

Stacey M. Barnes, Esq.  
Director, Legal Compliance  
[sbarnes@sjindustries.com](mailto:sbarnes@sjindustries.com)

SMB/lis

Enclosure

cc: John Stanziola, Director, Regulatory Affairs  
Abbey Greenberg, Public Affairs Specialist

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