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BOARD OF PUBLIC UTILITIES State of New Jersey
TRENTON, NJ

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DIVISION OF RATE COUNSEL
140 EAST FRONT STREET, 4TH FL
P.O. Box 003
TRENTON, NEW JERSEY 08625

*For
8/23/18*

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AUG 20 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

STEFANIE A. BRAND
Director

August 16, 2018

Via Regular and Electronic Mail

Honorable Aida Camacho-Welch, 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 South Jersey Gas Company for
Approval of a Municipal Consent in the Borough of
Hi-Nella, Camden County
BPU Docket No.: GE18030258**

Dear Secretary Camacho-Welch:

Please accept for filing an original and ten copies of comments submitted on behalf of the New Jersey Division of Rate Counsel ("Rate Counsel") concerning the above-referenced Verified Petition of South Jersey Gas Company ("SJG" or "Company") for approval of a municipal consent in the Borough of Hi-Nella, Camden County. We enclose one additional copy. Please date stamp the copy as "filed" and return it to us in the enclosed self-addressed, stamped envelope. Thank you for your consideration and attention to this matter.

*CMS
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Tel: (609) 984-1460 • Fax: (609) 292-2923 • Fax: (609) 292-4991
<http://www.nj.gov/rpa> E-Mail: njratepayer@rpa.nj.gov

Background

The Company filed the above-referenced Petition on or about March 16, 2018, seeking approval, pursuant to N.J.S.A. 48:2-14, N.J.S.A. 48:3-15 and N.J.A.C. 14:1-5.5, of Borough of Hi-Nella Ordinance 2017:02 granting the Company consent to provide natural gas utility service, and to construct and maintain pipes and related facilities in streets and other public areas, within the Borough. SJG currently provides natural gas service to approximately 118 residential, 15 commercial and one industrial customers within the Borough. Petition, ¶ 2. The Company anticipates customer growth within its service territory of approximately 1% annually for the next 3 to 5 years. Id. SJG represents that it has the capacity necessary to ensure a 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. Id., ¶ 3.

The Company services its customers within the Borough through its Waterford Division customer service center located at 305 Center Avenue, Waterford Works, New Jersey. SJG anticipates that its Waterford Division will continue to service its customers in the Borough, with no changes in its location or hours of operation. Petition, ¶ 4.

The Borough granted the Company consent and permission to provide natural gas utility service and to construct and maintain pipes and related facilities in streets and other public areas within the Borough by an Ordinance adopted on September 22, 1947. Petition, ¶ 5 and Ex. A. Pursuant to N.J.S.A. 48:3-15, the Company's right to use the streets within the Borough for the provision of service statutorily expired on September 22, 1997. Petition, ¶ 6 and Ex. A.

In Ordinance 2017:02, introduced on May 8, 2017, the Borough set forth certain limits on its renewed consent and permission to SJG, including limiting the consent to a period of fifty years from the date of its final adoption. Petition, ¶ 7 and Ex. B. On February 22, 2018, the Company accepted and agreed to the terms and conditions of the municipal consent in Ordinance 2017:02, pursuant to N.J.S.A. 48:3-16. Petition, ¶ 8 and Ex. C.

At the hearing held by the hearing officer for the Board of Public Utilities on this Petition on July 13, 2018, Raymond Wenzel, SJG Director of System Planning, Engineering and Integrity, testified that the Company has the capacity to meet the existing and future needs of customers located within the municipality. 9T:L14-17 & 10T:L14-18 (7/13/18). Mr. Wenzel also testified that SJG has continued to provide uninterrupted service to its customers within the Borough. 10T:L8-13 (7/13/18). No one has contacted Rate Counsel with any objection regarding this matter.

Rate Counsel Position

The Company represents that it has the capacity necessary to continue providing natural gas service to its customers located in the Borough. Petition, ¶ 3. For this reason, and the fact that the municipal consent in Ordinance 2017:02 is limited to the statutory maximum term of fifty years, Rate Counsel does not object to approval of SJG's Petition. Rate Counsel recommends that the Board's Order specifically provide that its approval does not include authorization to include in rate base any specific assets that may be constructed as a result of approval of this Petition. The determination of any assets to be included in rate base and any

ratemaking impacts as a result of the municipal consent should be addressed in a future base rate case or other appropriate proceeding.

Accordingly, Rate Counsel recommends that any Board Order approving the Company's Petition contain the following language:

1. As required by N.J.S.A. 48:3-15, the municipal consent to construct, maintain and operate gas lines in the streets and other public places in the Borough is limited to a term not exceeding fifty years.
2. This Order shall not be construed as directly or indirectly fixing for any purposes whatsoever any value of any tangible or intangible assets now owned or hereafter to be owned by the Petitioner.
3. This Order shall not affect, nor in any way limit, the exercise of the authority of this Board or of this State, in any future Petition or in any proceedings with respect to rates, franchises, service, financing, accounting, capitalization, depreciation, or in any other matter affecting the Petitioner.

These provisions will satisfy the concerns of Rate Counsel that the Company is in compliance with the proper statutory framework, that Board approval is limited to the municipal consent, and that there is no authorization to include any specific assets or amounts in rate base, nor authorization for any other ratemaking treatment. If the Board adopts these conditions, Rate Counsel is not opposed to approval of the above-referenced Petition.

Respectfully submitted,

STEFANIE A. BRAND
Director, Division of Rate Counsel

By: Brian Weeks
Brian Weeks, Esq.
Deputy Rate Counsel

c: Service List (by regular mail)
Electronic service to: Stacy M. Barnes, Esq.

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Aida Camacho-Welch
New Jersey Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Stefanie A. Brand, Director
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

Brian O. Lipman, Litigation Manager
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

Felicia Thomas-Friel, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

Brian Weeks, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

Shelly Massey, Paralegal
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

William Agee
NJ Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Stacy Peterson
New Jersey Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Megan Lupo
New Jersey Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

John Masiello
NJ Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Maureen Wagner
New Jersey Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

John Zarycki
New Jersey Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Thomas Walker, Executive Director
NJ Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Veronica Beke, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, NJ 07101

Alex Moreau, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, NJ 07101

Caroline Vachier, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, NJ 07101

Renee Greenberg, DAG
NJ Dept. of Law & Public Safety
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, NJ 07102

Stacy Barnes, Esq.
South Jersey Gas Company
1 South Jersey Plaza, Route 54
Folsom, NJ 08037

Paul Zuccarino
SVP & Chief Operations Officer
South Jersey Gas Company
1 South Jersey Plaza, Route 54
Folsom, NJ 08037

Cindy Mendenhall
South Jersey Gas Company
1 South Jersey Plaza, Route 54
Folsom, NJ 08037

Stacy A. Mitchell, Esq.
Vice President
South Jersey Gas Company
1 South Jersey Plaza, Route 54
Folsom, NJ 08037

Lauren Hurtt
Supervisor, Public Affairs
South Jersey Gas Company
1 South Jersey Plaza, Route 54
Folsom, NJ 08037

Phyllis Twisler, Municipal Clerk
Hi-Nella Borough
100 Wykagyl Road
Hi-Nilla, NJ 08083

Clerk, Board of Chosen Freeholders
Camden City Hall
520 Market Street
Camden, NJ 08102

Rose Angilella
County Administrator
Camden City Hall
520 Market Street
Camden, NJ 08102