



Elizabethtown Gas

An AGL Resources Company

REC'D

300 Connell Drive, Suite 3000
Berkeley Heights, NJ 07922

908 289 5000 phone
www.elizabethtowngas.com

2014 JUL 18 PM 1 51

NJ BPU
CASE MANAGEMENT

RECEIVED

JUL 18 2014

BOARD OF PUBLIC UTILITIES
MAIL ROOM

Via FedEx & Electronic Mail

July 18, 2014

Kristi Izzo, Secretary
State of New Jersey
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350

Re: In The Matter Of The Petition Of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas To (1) Revise Its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component Of Its Societal Benefits Charge Rate; and (3) Revise Its On-System Margin Sharing Credit - BPU Docket No. GR 14076755

CMS
Legal (2)
DAG
RPA
Energy (5)
B. Tyndell

Dear Secretary Izzo:

Enclosed for filing are an original and ten copies of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown" or "Company") to the Board of Public Utilities ("BPU" or "Board") to (1) revise the Company's Weather Normalization Clause ("WNC") rate, (2) revise its Clean Energy Program ("CEP") component of the Societal Benefits Charge ("SBC") rate, and (3) revise its On-System Margin Sharing Credit ("OSMC"). Attached to and made part of the Petition are the testimony and supporting schedules of Company witness Thomas Kaufmann, marked as Exhibit P-1.

The WNC Rate

The Company proposes a WNC credit rate of (\$0.0254) per therm inclusive of applicable taxes and assessments, applicable to the Company's Residential Delivery, Small General and General Delivery Classifications for the period October 1, 2014 through May 31, 2015. The proposed WNC rate reflects the actual results for the 2013-2014 Winter Period as well as a prior year excess recovery balance. The

current year's revenue excess of \$7,127,035 reflects the overall colder than normal weather pattern during the 2013-2014 winter heating season. The calculation of the WNC rate and associated issues are addressed in Mr. Kaufmann's testimony.

The CEP Component of the SBC Rate

Elizabethtown's SBC was approved by the Board by an Order dated March 30, 2001 in BPU Docket No. GX99030121, *et al.* and November 21, 2001 in Docket No. EX00020091, *et al.* The SBC currently consists of four components: (1) the New Jersey Clean Energy Program ("CEP") component, (2) the Remediation Adjustment Clause ("RAC") component, (3) the Universal Service Fund ("USF") component, and (4) the Lifeline component. In this Petition, the Company is only proposing a change to the CEP rate component of the SBC. Petitioner will subsequently be filing a separate petition to reconcile its RAC rate. The Company's June 20, 2014 filing to change its USF and Lifeline rates effective October 1, 2014 is pending in BPU Docket No. ER14060613.

The Company proposes an SBC-CEP rate of \$0.0244 per therm inclusive of applicable taxes and assessments, to be effective October 1, 2014. This proposed CEP rate is designed to enable Elizabethtown to recover approximately \$10.9 million during the period ending September 30, 2015.

The OSMC Rate

Elizabethtown's OSMC is the rate mechanism by which certain margins from on-system, non-firm sales and transportation services are flowed back to the Company's firm sales and residential transportation customers. The OSMC was established pursuant to the Board's Order dated March 30, 2001 in BPU Docket No. GX99030121, *et al.* In accordance with the mechanism approved by the Board in Docket No. GX99030121, *et al.*, Elizabethtown proposes an OSMC credit of (\$0.0082) per therm inclusive of applicable taxes and assessments, to be effective October 1, 2014.

Total Customer Impact

The proposed adjustments to the WNC, SBC-CEP and OSMC rates would decrease the monthly bill of a typical residential heating customer using 100 therms by \$4.59, from \$112.18 to \$107.59, or a decrease of 4.1%, as compared to the Company's currently approved rates. Please contact the

undersigned at (908) 771-8220 or Thomas Kaufmann at (908) 771-8225 if you have questions or require further information.

Yours truly,

/s/ Mary Patricia Keefe

Mary Patricia Keefe, Esq.
Vice President, Regulatory Affairs

cc: Dianne Solomon, President
Joseph L. Fiordaliso, Commissioner
Jeanne M. Fox, Commissioner
Mary-Anna Holden, Commissioner
Paul Flanagan, Executive Director
Kenneth J. Sheehan, Chief of Staff
Jerome May, Director, Division of Energy
Robert Schultheis, Division of Energy
Stefanie A. Brand, Director, Rate Counsel
Alex Moreau, DAG
Service List *(Electronically)*

IN THE MATTER OF THE PETITION OF
PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS
TO (1) REVISE ITS WEATHER NORMALIZATION CLAUSE RATE
(2) REVISE THE CLEAN ENERGY PROGRAM COMPONENT OF ITS SOCIETAL BENEFITS
CHARGE RATE (3) REVISE ITS ON-SYSTEM MARGIN SHARING CREDIT
BPU DOCKET NO. GR _____

SERVICE LIST

Mary Patricia Keefe, Esq.
Elizabethtown Gas
300 Connell Drive, Suite 3000
Berkeley Heights, NJ 07922
pkeefe@aglresources.com

Thomas Kaufmann
Elizabethtown Gas
300 Connell Drive, Suite 3000
Berkeley Heights, NJ 07922
Tom.Kaufmann@aglresources.com

Susan Potanovich
Elizabethtown Gas
300 Connell Drive, Suite 3000
Berkeley Heights, NJ 07922
spotanov@aglresources.com

Diane Rojek
Elizabethtown Gas
300 Connell Drive, Suite 3000
Berkeley Heights, NJ 07922
drojek@aglresources.com

Scott Carter
AGL Resources
Ten Peachtree Place
Atlanta, GA 30309
scarter@aglresources.com

Erica McGill, Esq.
AGL Resources
Ten Peachtree Place
Atlanta, GA 30309
emcgill@aglresources.com

Elizabeth Wade, Esq.
AGL Resources
Ten Peachtree Place
Atlanta, GA 30309
ewade@aglresources.com

David Weaver
AGL Resources
Ten Peachtree Place
Atlanta, GA 30309
dweaver@aglresources.com

Mark Beyer
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
Mark.Beyer@bpu.state.nj.us

Tricia Caliguire
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
Tricia.Caliguire@bpu.state.nj.us

Eric Hartsfield
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
Eric.Hartsfield@bpu.state.nj.us

Kristi Izzo, Secretary
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
Kristi.Izzo@bpu.state.nj.us

Jerome May
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
Jerome.May@bpu.state.nj.us

Henry Rich
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
Henry.Rich@bpu.state.nj.us

Megan Lupo, Esq.
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
Megan.Lupo@bpu.state.nj.us

Robert Schultheis
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
Robert.Schultheis@bpu.state.nj.us

Beverly Tyndell
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625-0350
Beverly.Tyndell@bpu.state.nj.us

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

Christine Juarez, Esq.
Division of Rate Counsel
140 East Front Street 4th Floor
P.O. Box 003
Trenton, NJ 08625
cjuarez@rpa.state.nj.us

Brian Lipman, Esq.
Division of Rate Counsel
140 East Front Street 4th Floor
P.O. Box 003
Trenton, NJ 08625
blipman@rpa.state.nj.us

Sarah Steindel, Esq.
Division of Rate Counsel
140 East Front Street 4th Floor
P.O. Box 003
Trenton, NJ 08625
ssteinde@rpa.state.nj.us

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

Alex Moreau, DAG
Dept. of Law & Public Safety
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
Alex.Moreau@dol.lps.state.nj.us

Deborah Franco, Esq.
Cullen & Dykman
Garden City Center
100 Quentin Roosevelt Blvd.
Garden City, NY 11530
dfranco@cullenanddykman.com

IN THE MATTER OF THE PETITION OF
PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS
TO (1) REVISE ITS WEATHER NORMALIZATION CLAUSE RATE
(2) REVISE THE CLEAN ENERGY PROGRAM COMPONENT OF ITS SOCIETAL BENEFITS
CHARGE RATE (3) REVISE ITS ON-SYSTEM MARGIN SHARING CREDIT
BPU DOCKET NO. GR _____

SERVICE LIST

Kenneth T. Maloney
Cullen & Dykman
1101 14th Street NW, Suite 550
Washington, DC 20005
kmaloney@cullenanddykman.com

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

-----X		
In The Matter Of The Petition Of Pivotal Utility	:	
Holdings, Inc. d/b/a Elizabethtown Gas To	:	Docket No. GR
(1) Revise Its Weather Normalization Clause Rate	:	
(2) Revise The Clean Energy Program Component	:	
Of Its Societal Benefits Charge Rate; and (3) Revise	:	SUMMARY SHEET
Its On-System Margin Sharing Credit	:	
-----X		

This Petition presents the request of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Petitioner") that the Board of Public Utilities ("Board") accept the filing of Petitioner's revised Weather Normalization Clause ("WNC"), Clean Energy Program ("CEP") Component of the Societal Benefits Charge ("SBC"), and On-System Margin Sharing Credit ("OSMC") rates as noted below, which are inclusive of applicable taxes and assessments. The Petition proposes (1) a WNC credit rate of (\$0.0254) per therm effective October 1, 2014, (2) a SBC-CEP rate of \$0.0244 per therm effective October 1, 2014, and (3) an On-System Margin Sharing Credit of (\$0.0082) per therm effective October 1, 2014. The proposed filing would decrease the monthly bill of a typical residential heating customer using 100 therms by \$4.59 or 4.1% as compared to the Company's currently approved rates.

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

-----X		
In The Matter Of The Petition Of Pivotal Utility	:	
Holdings, Inc. d/b/a Elizabethtown Gas To	:	Docket No. GR
(1) Revise Its Weather Normalization Clause Rate;	:	
(2) Revise The Clean Energy Program Component Of	:	
Its Societal Benefits Charge Rate; and (3) Revise Its	:	
On-System Margin Sharing Credit	:	PETITION
-----X		

To The Honorable Board of Public Utilities:

Petitioner, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Petitioner"), a public utility corporation duly organized under the laws of the State of New Jersey subject to the jurisdiction of the Board of Public Utilities ("Board"), respectfully states:

1. Petitioner's principal business office is located at 300 Connell Drive, Suite 3000, Berkeley Heights, New Jersey 07922.
2. Communications and correspondence concerning these proceedings should be sent as follows:

Mary Patricia Keefe, Esq.
Vice President, Regulatory Affairs
Pivotal Utility Holdings, Inc.
d/b/a Elizabethtown Gas
300 Connell Drive, Suite 3000
Berkeley Heights, New Jersey 07922
Tel. No. (908) 771-8220
Fax No. (908) 771-8217
mkeefe@aglresources.com

Erica McGill, Esq.
AGL Resources, Inc.
Ten Peachtree Place
Atlanta, GA 30309
Tel. No. (404) 584-3160
Fax No. (404) 584-3714
emcgill@aglresources.com

Kenneth T. Maloney
Cullen and Dykman LLP
1101 Fourteenth Street, N.W.
Suite 550
Washington, DC 20005
Tel. No. (202) 223-8890
Fax No. (202) 457-1405
kmaloney@culldyk.com

Deborah M. Franco, Esq.
Cullen and Dykman LLP
Garden City Center
100 Quentin Roosevelt Boulevard
Garden City, NY 11530
Tel. No. (516) 357-3878
Fax No. (516) 357-3792
dfranco@culldyk.com

3. Petitioner is engaged in the business of transmission and distribution of natural and mixed gas to approximately 280,000 customers within its service territory located principally in Hunterdon, Mercer, Middlesex, Morris, Sussex, Union and Warren Counties.

4. The purpose of this filing is to revise the rates associated with Petitioner's Weather Normalization Clause ("WNC"), Clean Energy Program ("CEP") component of the Societal Benefits Charge ("SBC"), and On-System Margin Sharing Credit ("OSMC"), and to reconcile costs and cost recoveries associated with each clause for the periods in which the respective clauses are applicable.

5. Annexed hereto and made a part of this Petition is Exhibit P-1 which Petitioner suggests be marked as indicated. Exhibit P-1 is the testimony and supporting schedules of Thomas Kaufmann, Manager of Rates and Tariffs for Petitioner. The following Schedules, described in Mr. Kaufmann's testimony, are attached and referred to in Exhibit P-1:

- a. Tariff Schedule TK-1;
- b. Forecast Schedule TK-1;
- c. WNC Schedule TK-1 through WNC Schedule TK-4;
- d. CEP Schedule TK-1 through CEP Schedule TK-5; and
- e. OSMC Schedule TK-1 through OSMC Schedule TK-4.

Weather Normalization Clause

6. Pursuant to the WNC provisions contained in Petitioner's tariff as modified and approved by the Board by Order dated November 22, 2002 in Docket No. GR02040245, the Petitioner submits this filing concerning its WNC rate for the period October 1, 2014 through May 31, 2015 ("2015 Winter Period"). Petitioner's revised WNC rate reflects the overall colder than normal weather experienced in Petitioner's service territory during the period October 1,

2013 through May 31, 2014 ("2014 Winter Period") as well as a prior year excess recovery balance. The 2012 WNC/SBC filing (Docket No. GR12080749) concerning the 2011-2012 Winter Period was approved by the Board on May 29, 2013 ("May 29 Order"). The May 29 Order approved a WNC rate of \$0.0308 per therm which was implemented for the 2014 Winter Period. The 2013 WNC/SBC filing (Docket No. GR13080771) concerning the 2012-2013 Winter Period ("2013 Winter Period") was approved by the Board on May 21, 2014 ("May 21 Order"). The May 21 Order approved a WNC rate \$0.0300 per therm effective June 1, 2014 to the extent necessary to eliminate an under-recovery balance, however, since an underrecovery balance did not exist, this rate was not implemented and the standard summer rate of \$0.0000 was made effective June 1, 2014.

7. As addressed by Mr. Kaufmann, the WNC excess balance of \$7,127,035 presented on WNC Schedule TK-1 reflects the fact that the 2014 Winter Period was 419 degree days or 8.9% colder than normal. As reflected on WNC Schedule TK-1, the current period margin revenue excess of \$7,127,035 plus the prior year excess recovery balance of \$489,079 results in a Total Revenue Excess Balance of \$7,616,114, which, when divided by projected winter period therm volumes of 323,000,709 therms, produces a WNC credit rate of (\$0.0254) per therm inclusive of applicable taxes and assessments. The proposed WNC rate of (\$0.0254) per therm is a decrease of \$0.0562 per therm from the \$0.0308 per therm rate, inclusive of applicable taxes and assessments, in effect during the prior winter.

The CEP Component of the SBC Rate

8. Petitioner's SBC was approved by the Board by Orders dated March 30, 2001 in BPU Docket Nos. GX99030121, *et al.*, and November 21, 2001 in Docket Nos. EX00020091, *et al.* The SBC consists of four components: (1) the New Jersey Clean Energy Program ("CEP")

component, (2) the Remediation Adjustment Clause ("RAC") component, (3) the Universal Service Fund ("USF") component, and (4) the Lifeline component.

9. Petitioner is not proposing changes to the RAC, USF and Lifeline rates in this filing. In this Petition, Petitioner is only proposing a change to the CEP rate component of the SBC. Petitioner will file a separate petition to reconcile its RAC rate. Petitioner's June 20, 2014 filing to change its USF and Lifeline rates effective October 1, 2014 is pending in BPU Docket No. ER14060613.

10. In accordance with the Board's Orders in Docket Nos. EX99050347, et al. and GX99030121, et al., Petitioner is making this filing to recover prior period costs, the net costs incurred to provide Board-approved CEP programs for the period ending June 30, 2014 and projected costs for the period ending June 30, 2015 totaling \$10,867,954. As discussed in Mr. Kaufmann's testimony, Petitioner incurred \$2,872,324 of CEP costs during the period beginning July 1, 2013 and ending June 30, 2014 and made payments to the CEP "fiscal agent" of \$9,679,878 during the period. In accordance with the Board's June 30, 2014 Order in Docket No. EO11050324V, which established the statewide funding levels for CEP programs for Fiscal Year 2015, Petitioner has been allocated \$11,055,857 of CEP funding responsibility for the twelve months ending June 30, 2015. Based on this level of spending, plus certain additional adjustments discussed by Mr. Kaufmann, Petitioner is proposing a CEP component of \$0.0244 per therm inclusive of applicable taxes and assessments compared to its current CEP component of \$0.0385 per therm, inclusive of applicable taxes and assessments, approved by the May 21 Order.

11. The proposed change in the CEP rate will produce a decrease to Petitioner's approved SBC rate from \$0.0740 per therm to \$0.0599 per therm, effective October 1, 2014. A

comparison of the components of the SBC reflecting the current components and the proposed CEP rate inclusive of applicable taxes and assessments are as follows:

	<u>Approved Rate</u>	<u>Proposed Rate</u>
CEP	\$0.0385 per therm	\$0.0244 per therm
RAC	\$0.0229 per therm	\$0.0229 per therm
USF	\$0.0065 per therm	\$0.0065 per therm
<u>Lifeline</u>	<u>\$0.0061 per therm</u>	<u>\$0.0061 per therm</u>
TOTAL	\$0.0740 per therm	\$0.0599 per therm

On-System Margin Sharing Credit

12. In accordance with the mechanisms approved by the Board in Docket Nos. GT8602131, GM9009049, TC94030057, GR9608574, et. al., GR97070552, et. al., and Docket Nos. GX99030121, et. al., margins from certain on-system sales and transportation services are shared between firm sales customers, certain firm transportation customers and Petitioner on an 80%/20% basis through a credit, the OSMC, to the transportation rates charged to firm sales and Service Classification RDS customers. Petitioner proposes to increase its OSMC credit effective October 1, 2014 from the current level of (\$0.0018) per therm, inclusive of applicable taxes and assessments to (\$0.0082) per therm, inclusive of applicable taxes and assessments. The tariff sheets reflecting these changes are attached as Tariff Schedule TK-1 included with Mr. Kaufmann's testimony.

Overall Impact

13. The overall impact of Petitioner's filing in this proceeding is a proposed decrease in the monthly bill of a typical residential heating customer using 100 therms by \$4.59, from \$112.18 to \$107.59 or a decrease of 4.1% as compared to the Company's currently approved rates.

Miscellaneous

14. Petitioner is serving notice and a copy of this Petition, together with a copy of the exhibit and schedules annexed hereto upon Stefanie A. Brand, Director, Division of Rate Counsel ("Rate Counsel"), 140 East Front Street, 4th Floor, Trenton, New Jersey, upon the service list compiled in Petitioner's last WNC and SBC related proceedings, and as outlined in *N.J.A.C. 14:1-5.12*.

WHEREFORE, Petitioner respectfully requests that the Board (1) accept Petitioner's filing, (2) allow the proposed WNC, CEP, and OSMC rates and associated proposals to become effective October 1, 2014, (3) approve the WNC tariff modification and (4) grant such other relief as the Board may deem just and proper.

Respectfully submitted,

By: /s/ Mary Patricia Keefe

Mary Patricia Keefe, Esq.
Vice President, Regulatory Affairs
Pivotal Utility Holdings, Inc.
d/b/a Elizabethtown Gas
300 Connell Drive, Suite 3000
Berkeley Heights, New Jersey 07922
(908) 771-8220


Date: July 18, 2014

STATE OF NEW JERSEY)
 :
COUNTY OF UNION) ss:

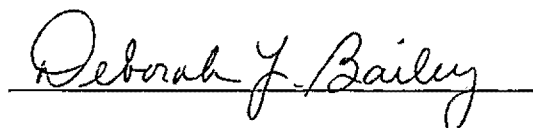
Thomas Kaufmann, being duly sworn according to law, upon his oath, deposes and says:

1. I am Manager of Rates and Tariffs of the Petitioner in the foregoing Petition and I am authorized to make this Affidavit on behalf of the Petitioner.

2. The statements made in the foregoing Petition and the Exhibits and Schedules submitted therewith to (1) revise the Company's Weather Normalization Clause ("WNC") rate, (2) revise its Clean Energy Program ("CEP") component of the Societal Benefits Charge ("SBC") rate, and (3) revise its On-System Margin Sharing Credit ("OSMC") correctly portray the information set forth therein, to the best of my knowledge, information and belief.


Thomas Kaufmann
Manager, Rates and Tariffs

Sworn to and subscribed to before me this 16th day of July, 2014.


DEBORAH Y. BAILEY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 8, 2015