



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE DEVELOPMENT OF)
INDIVIDUAL UTILITY TERRITORY ENERGY) ORDER
MASTER PLANS PURSUANT TO THE)
REQUIREMENTS OF THE NEW JERSEY)
ENERGY MASTER PLAN) DOCKET NO. EO08121065

(SERVICE LIST ATTACHED)

BY THE BOARD:

The New Jersey Energy Master Plan (NJEMP) issued by Governor Corzine in October 2008 calls for the State's electric and gas utilities to develop individual energy master plans by December 2009. Specifically, the NJEMP states: "The State will work with the electric and gas utilities to develop individual utility territory master plans through 2020 that effectively respond to the goals and action items in this plan, and provide consumers with additional resources to manage their energy consumption."¹ The NJEMP charges the Board of Public Utilities (BPU), the Department of the Public Advocate, Division of Rate Counsel (Rate Counsel) and the Governor's Office with working with utilities to develop these plans.

Through N.J.S.A. 48:2-13, the Legislature has vested the Board with the general supervision and regulation of, and jurisdiction and control over all public utilities, "so far as may be necessary for the purpose of carrying out the provisions of [Title 48]." The courts of this State have held that the grant of power by the Legislature to the Board is to be read broadly and that the provisions of the statute governing public utilities are to be construed liberally. See, e.g. In re Public Service Electric and Gas Company, 35 N.J. 358, 371 (1961); Township of Deptford v. Woodbury Terrace Sewerage Corp., 54 N.J. 418, 424 (1969).

¹ *New Jersey Energy Master Plan*, October 2008, page 76.

The Board has the responsibility to require public utilities to furnish safe, adequate and proper service at just and reasonable rates, N.J.S.A. 48:2-23, N.J.S.A. 48:2-21. N.J.S.A. 48:2-13(d), provides the Board with the necessary jurisdiction with respect to the production of electricity and gas to assure the reliability of electricity and gas supply to retail customers in the State as prescribed by the Board or any other federal or multi-jurisdictional agency responsible for reliability and capacity in the State.

Under this authority, the Board issues this Order directing the State's electric and gas utilities to file the individual territory energy master plans described below by December 31, 2009.

Background/Procedural History

The current NJEMP process launched in October 2006 when Governor Corzine announced a series of public stakeholder meetings and outlined two central NJEMP goals:

- reduce projected energy consumption in New Jersey by more than 20% by 2020, and meet 20% of the State's electricity needs with Class 1 renewable energy sources by 2020.

The first round of stakeholder meetings quickly followed in Trenton, Newark and Atlantic City to gather oral and written comments.

BPU Staff was assigned to work with staff of the Governor's Office of Economic Growth and Office of Policy and Planning to execute a transparent, public process. BPU Staff, working closely with the Rutgers Center for Energy, Economic & Environmental Policy (CEEPP), took the lead in managing the external working group process and organized multiple stakeholder and roundtable meetings to engage the public and solicit feedback on energy policy and CEEPP's supporting energy modeling efforts. A draft NJEMP was released in April 2008, and an extensive process to gather public comment followed.

In May 2008, BPU Staff and the Governor's Office of Policy and Planning held four public stakeholder meetings in Trenton, and in June 2008, stakeholder meetings on NJEMP assumptions and economic growth were held in Newark. Rutgers CEEPP facilitated three roundtable meetings on economic development, energy demand and energy supply in June 2008 in Camden, Newark and New Brunswick. Formal public hearings on the draft EMP were held in July 2008 in Newark, Trenton and Glassboro.

Based on the many meetings, and the feedback received, the NJEMP was revised, and on October 22, 2008, Governor Corzine released the New Jersey Energy Master Plan for implementation. *New Jersey Energy Master Plan Implementation Strategies*, a companion document to the NJEMP, describes the first round of strategies and the entities responsible for implementation of the NJEMP goals. This document identifies the BPU as the lead agency to issue an Order requiring the submission of individual utility territory energy master plans. The plans will provide information to the State Energy Council to be appointed by the Governor which will monitor the progress of the NJEMP implementation.

On January 14, 2009, Staff met with Rate Counsel and representatives of the seven gas and electric utilities serving the State to discuss the individual utility plan requirement, and key aspects of what the Board should consider in framing the language of the individual utility territory energy master plan Order. Parties were invited to submit comments by January 21, 2009.

On January 21, 2009, the New Jersey Utilities Association (NJUA) submitted comments on behalf of its member utilities. With regard to the scope of the Order, NJUA recommended in part that the Order should delineate the high-level content areas the plans should address without containing detailed financial and technical information, but with sufficient detail to give the Board an understanding of the action, the approach for accomplishing it, and approximate start and completion dates as best the utility can estimate. Such a level of information should enable the Board to evaluate a plan's consistency with the EMP, and help the Board develop its own work plan. The NJUA also suggested that the Order describe the process for Board acknowledgement of the receipt of, and feedback on, the plans after they have been provided to the Board.

Further, the NJUA suggested that the Order should state that specific activities called for within the plans will be subject to the normal review and approval process by Board Staff and Rate Counsel, including standard discovery procedures, prior to the issuance of a Board Order. NJUA argued that the Order should also establish that research and evaluation activities, such as investigations to determine optimum approaches to achieving positive customer responses to different energy efficiency strategies, can be included in the plans without having the utility make a final commitment to such approaches. The NJUA also requested that the Order permit flexibility so that utilities may modify their plans to account for changes in economic conditions, customer behavior, technology, delays in equipment delivery, contractor availability, etc. The NJUA also noted that the Order should acknowledge that the far forward-looking projections requested in this planning process are well beyond the typical utility planning time horizon and, therefore, the Board must recognize the inherently greater uncertainty in the outer years of the planning horizon.

With regard to rate recovery in future proceedings, the NJUA asks that the Order establish that the Board intends to enable full and timely recovery of costs that are deemed to be prudent, including costs incurred to undertake territory-specific studies of the energy savings opportunities by individual utilities. Anticipating submission of a final NEEP report, the NJUA asks that the Order clearly outline which of the NEEP recommendations the Board anticipates that it will pursue so that these recommendations can be considered in utility plan development. Finally, the NJUA argued that certain items should not be included in the Order.

The NJUA held that the Order should not require each individual utility to conduct a public participation process apart from that required with eventual individual case or issue filings that will flow from the plans. The NJUA cites the extensive public input that has been afforded throughout the development of the EMP and argues that because the utility master plans must be consistent with the EMP, the appropriate time for additional public input would be at the time approval is sought for individual company filings.

The NJUA also recommended that the Order not indicate the intention to undertake a process of “approving” each submitted plan, but instead, confirm receipt of each plan as being consistent with the Energy Master Plan, or in the case of any plan that does not meet the specifications of the Order or that is not consistent with the EMP, confirm its receipt with a request for clarification or revision where needed. This approach, according to the NJUA, enables the Board to avoid “approving” the plans, which approval infers substantive analysis beyond that which will be possible from the “high-level” extent of the filings. NJUA argues that if the Board determines that it must “approve” the utility master plans, the approval should carry with it a rebuttable presumption that the activities embodied within the plans are deemed to be consistent with the EMP.

The NJUA recommends that the Order not include the utility-specific savings targets included in the Implementation Strategies document because the utilities should have an opportunity to undertake studies of their service territories to determine and report in their initial plans, or subsequent revisions, the attainable savings levels. Consistent with this stance, the NJUA argues that the Order should not require a performance-based approach without an opportunity for further input and discussion because NJUA maintains there is simply insufficient information available to determine what is achievable at a service territory level to establish performance standards at this juncture.

The NJUA asserts that the Order should not require the plans to demonstrate preparedness to take back the Clean Energy programs at the end of 2009 because it is unrealistic to expect that the utilities would be able to complete the transition of the Clean Energy programs by the end of 2009. Citing the work associated with the economic stimulus program filings the Governor has asked utilities to accomplish in 2009, the NJUA maintains that the transfer cannot be completed until sometime in 2010.

Lastly, the NJUA reminds the Board that NEEP has identified critical policy decisions that are necessary to enable a range of programs to succeed. While the Board has yet to decide on these recommendations, NJUA cautions that failure to act on the critical policy issues, including building code revisions, and expedited decision-making on filings, among others, could jeopardize the ability to achieve the EMP energy efficiency goals and even result in higher costs to achieve savings.

No other party submitted written comments

Discussion

On October 22, 2008, Governor Jon Corzine released the NJEMP² establishing five major goals, each with specific actions geared to place New Jersey at the forefront of a growing clean energy economy with aggressive energy efficiency and renewable energy goals. The goals are:

- 1) Maximize energy conservation and energy efficiency by reducing energy consumption at least 20% by 2020, yielding annual electricity savings of nearly 20,000 GWh per year and annual heating savings of nearly 110 trillion BTUs.
- 2) Reduce peak electricity demand by 5,700 MW by 2020.
- 3) Exceed the current RPS and meet 30% of the State’s electricity needs from renewable sources by 2020.

² For the full text, see www.nj.gov/emp.

- 4) Develop a 21st century energy infrastructure.
- 5) Invest in innovative clean energy technologies and businesses to stimulate the industry's growth in New Jersey.

The NJEMP defined action items for each goal, and identified a major role for New Jersey's utilities in implementing the plan through energy efficiency, demand response and peak reduction programs, working with the State to expand distributed generation and increase renewable energy production, infrastructure planning and promoting new clean technologies and green jobs to address New Jersey's energy needs. The NJEMP, under its Goal 4, Action Item 1 assigns to the utilities the responsibility to develop individual utility territory energy master plans:

GOAL 4: Develop a 21st century energy infrastructure that supports the goals and action items of the Energy Master Plan, ensure the reliability of the system, and makes available additional tools to consumers to manage their energy consumption.

ACTION ITEM 1: The State will work with the electric and gas utilities to develop individual utility territory master plans through 2020 that effectively respond to the goals and action items in this plan, and provide consumers with additional resources to manage their energy consumption.

The goals and action items in this plan will significantly change the current energy infrastructure. Renewable energy technologies, cogeneration development, the need to decrease energy consumption and peak electricity demand, and the possibility of plug in hybrids will alter the demand placed on the energy infrastructure. If this infrastructure is not capable of supporting the action items in this plan, the reliability of the system could be compromised.

Therefore, the State will work with the electric and gas utilities to develop a master plan for each utility territory that will:

- Identify the necessary upgrades to each utility's infrastructure to ensure the reliability of the system and improve its ability to support the goals and action items in this plan, and*
- Identify the structure of the programs which they will propose to successfully and efficiently transition the State's energy efficiency programs to the utilities and effectively put the State on track to meet its 2020 energy consumption targets.*

[NJEMP at 75-76.]

The companion document to the NJEMP, *New Jersey Energy Master Plan Implementation Strategies*, estimates on a prorated basis the energy efficiency and demand response savings numbers each utility would need to achieve in order to realize the savings targets in the NJEMP. The energy efficiency performance goal under the NJEMP for 2020 is to reduce total electricity consumption by 19,500 GWh, and reduce the use of heating fuels: natural gas by 99.02 Tbtu, and heating oil by 11.73 Tbtu. Table 1 below shows the major aggregated components of the NJEMP strategies needed to achieve the 2020 target.

Implementation of the IECC Building Code, adopted in 2006 for the residential sector, and the ASHRAE 90.1-2004 for commercial buildings, adopted in 2007, is expected to yield a savings of 589 GWh of electricity, 10.37 Tbtu of natural gas and 0.296 Tbtu of heating oil. The upgrade of the current building codes to building codes for new construction that is thirty percent more efficient than current construction will yield a savings of 965.4 GWh of electricity, 17.52 Tbtu of natural gas and 0.492 Tbtu of heating oil. Adoption of appliance standards pursuant to the Energy Policy Act of 2005, and the Energy Independence and Security Act of 2007, as well as adoption of future appliance standards, will yield savings of 2,624 GWh of electricity, 6.07 Tbtu of natural gas and 0.096 Tbtu of fuel oil. The remaining savings needed to achieve the 2020 targets (approximately 15,321 GWh of electricity savings and 65.06 Tbtu of natural gas savings) thus must come from changes to existing buildings, and will need to be achieved through utility programs. Lastly, other non-utility programs will be needed to fully achieve heating oil savings of 8.522 Tbtu.³

Table 1

2020 Energy Efficiency Performance Goals (EEPG)	Electricity GWH	Natural Gas TBTU	Heating Oil TBTU
EE 20% Reduction Goal by Source	19,500	99.0	11.7
2006 IECC Building Code Upgrade			
Residential	167.6	8.58	0.087
Commercial			
Industrial			
Subtotal			
% of Target			
HERS70 Building Code			
Residential	283.7	14.52	0.145
Commercial			
Industrial			
Subtotal			
Appliance Standards			
Residential	1,600.6	4.00	0.063
Commercial	708.5	1.46	0.023
Industrial			
Subtotal	2,624.0	6.07	0.096
% of Target	13.5%	6.1%	0.8%
Existing Buildings – Combined Heat and Power (CHP)			
Commercial		23.84	2.831
Industrial			
Sub-Subtotal			
Existing Buildings - Whole Building Approach			
Residential	6,548	19.28	0.989
Commercial	7,830	11.29	1.041
Industrial			3.372
Subtotal			8.522
% of Target	78.6%	65.7%	72.6%
Biofuels			
			2.33
Total	19,500	99.02	11.73
Percent of Target	100.0%	100.0%	100.0%

³ NJEMP Implementation Strategies at p. 42.

The goals and action items in the NJEMP will significantly impact the current energy infrastructure. Renewable energy technologies, cogeneration development, the need to decrease energy consumption and peak electricity demand, and the possibility of plug in hybrids, all will alter the demand placed on New Jersey's energy infrastructure. If this infrastructure is not capable of supporting the action items in the NJEMP, then the reliability of the system could be compromised. Therefore, the NJEMP calls for the State to work with the electric and gas utilities to develop individual utility territory master plans through 2020 that effectively respond to the goals and action items in the plan, and provide consumers with additional resources to manage their energy consumption.

In order to achieve the NJEMP targets of energy savings of 15,321 GWh and 65.058 Tbtu through utility programs and actions, and to ensure the continued reliability of the energy distribution system, each electric and gas utility will develop an energy master plan for its territory that will address each of the following key elements of the NJEMP:

- **Energy/Peak Load Requirements:** Assess the future energy and peak load requirements for each of the State's four electricity utilities for the short term and 2020 timeframe. Project the daily and peak day needs for the State's four natural gas utilities, including the projected natural gas needs for electric power generation through 2020. The utility plans should also present forecasts of future demand by end use sector, accounting for the impact of energy efficiency.
- **Energy Supply:** Assess the future energy supply source options for electricity and natural gas while considering the regional PJM market structure for generation and transmission. Identify the necessary upgrades or infrastructure needs to ensure the reliability of the delivery system for electricity (transmission) and natural gas (interstate and intrastate pipelines).

Energy Efficiency: Identify the actions needed to ensure that the NJEMP's energy efficiency targets are met both incrementally and through 2020. Table 2 provides demand response targets and Table 3 provides projected energy savings targets for each electric utility. The targets are based on achieving the same level of savings each year. The utilities can propose different targets based on their plans, as long as the total savings for the period through 2020 remain the same. However, the utilities should strive to come close to the annual targets so that early savings can provide maximum benefit. It is envisioned that the utility's approach to achieve the desired energy savings will include a requirement that the utility achieve annual savings targets but with the flexibility to make up a short fall in a subsequent year, as long as the targets for a four year period are achieved.

Plans are not required to be identical, as the characteristics and challenges of each utility's infrastructure and customer base are different. Instead, each plan will be reviewed based on its own technical merits, taking into account the impacts on ratepayers. Energy/peak load requirements and energy supply profiles and plans are unique to each utility; however, as the responsibility for managing energy efficiency programs migrates back to the utilities during 2009 (to be completed in 2010 at the latest), utilities are expected to propose some form of partial joint planning for energy efficiency programs. The joint effort will need to address the statewide

marketing of the program, equities within the programs and how to efficiently utilize utility, Rate Counsel and BPU staff resources.

Table 2

EE through Utility Demand Response	2020 Utility Demand Response Allocations	
Atlantic City Electric Company	125 MW	13.91%
Jersey Central Power & Light Co	272 MW	30.25%
Rockland Electric Company	20 MW	2.24%
PSE&G	482 MW	53.60%
Total	900 MW	100.00%

Table 3

Energy Efficiency Savings Utility Allocations										
EXISTING BUILDINGS	Total Savings (GWH)	ACE	JCP&L	RECO	PSE&G	Total Savings (TBTU)	PSE&G	NJNG	ETG	SJG
Heat from CHP										
Commercial 2009-2012						7.95	5.83	0.78	0.61	0.72
Commercial 2013-2016						7.95	5.83	0.78	0.61	0.72
Commercial 2017-2020						7.95	5.83	0.78	0.61	0.72
2020 Commercial Subtotal						23.84	17.50	2.35	1.83	2.15
Industrial 2009-2012						2.12	0.84	0.10	0.82	0.35
Industrial 2013-2016						2.12	0.84	0.10	0.82	0.35
Industrial 2017-2020						2.12	0.84	0.10	0.82	0.35
2020 Industrial Subtotal						6.35	2.53	0.29	2.47	1.06
2020 Total CHP						30.18	20.03	2.65	4.29	3.21
Whole Building Approach (WBA) Savings										
Residential 2009-2012	2,183	336.9	736.4	58.1	1051.3	6.43	3.95	1.20	0.63	0.65
Residential 2013-2016	2,183	336.9	736.4	58.1	1051.3	6.43	3.95	1.20	0.63	0.65
Residential 2017-2020	2,183	336.9	736.4	58.1	1051.3	6.43	3.95	1.20	0.63	0.65
2020 Residential Subtotal	6,548	1,011	2,209	174.4	3,154	19.28	11.85	3.60	1.88	1.95
Commercial 2009-2012	2,610	277.3	634.4	62.7	1,636	3.76	2.76	0.37	0.29	0.34
Commercial 2013-2016	2,610	277.3	634.4	62.7	1,636	3.76	2.76	0.37	0.29	0.34
Commercial 2017-2020	2,610	277.3	634.4	62.7	1,636	3.76	2.76	0.37	0.29	0.34
2020 Commercial Subtotal	7,830	832.0	1,903	188.0	4,907	11.29	8.29	1.11	0.87	1.02
Industrial 2009-2012	314.4	26.5	77.4	1.85	208.5	1.43	0.57	0.07	0.56	0.24
Industrial 2013-2016	314.4	26.5	77.4	1.85	208.5	1.43	0.57	0.07	0.56	0.24
Industrial 2017-2020	314.4	26.5	77.4	1.85	208.5	1.43	0.57	0.07	0.56	0.24
2020 Industrial Subtotal	943.1	79.6	232.3	5.54	625.6	4.30	1.71	0.20	1.67	0.72
2020 Total WBA	15,321	1,922	4,345	368.0	8686.3	34.88	21.9	4.91	4.42	3.69
2020 Total for Existing Buildings	15,321	1,922	4,345	368.0	8686.3	65.06	41.9	7.56	8.71	6.90
2020%	100.0%	12.5%	28.4%	2.4%	56.7%	100.0%	64.4%	11.6%	13.4%	10.6%

Note: Savings allocations are based on company percentage of total sales by sector averaged from 2000 through 2006.

With respect to the comments filed by the NJUA on behalf of the utilities, the Board agrees that the individual utility territory energy master plans should present a high-level view of the actions, programs and strategies each utility intends to implement to achieve NJEMP goals. The Board also concurs that any specific filings that flow from the plans will be subject to the normal regulatory process and scrutiny. The Board also concurs that it is appropriate to accept these plans for filing with the Board, for review and comment as to whether they appear reasonably calculated to achieve the NJEMP targets for the utilities. However, the Board disagrees with NJUA's position that the table of utility-specific savings targets should not be included within this Order. The targets must guide each utility's planning efforts, and inform each utility's program design if New Jersey is to meet its NJEMP and environmental goals.

Therefore, the Board **HEREBY ORDERS** Public Service Electric & Gas Company, Jersey Central Power & Light Company, Atlantic City Electric Company, Rockland Electric Company, New Jersey Natural Gas Company, South Jersey Gas Company and Elizabethtown Gas Company to file with the Board by December 31, 2009, individual utility territory energy master plans addressing the goals and objectives of the NJEMP. Technologies such as thermal storage that support the goals and action items in the NJEMP should also be considered as part of the utilities' master plans, as well as smart grid technologies. Utility plans shall be updated at least every three years to keep up with revisions to the State's energy policy, technology innovations, and changes in consumer behavior. Events may transpire that cause utilities to propose interim modifications to their plans more frequently, for example, technology advances, changes in technology costs, and economic events. Such updates to plans would enhance the BPU's ability to monitor progress towards NJEMP goals, and allow the State to respond to situations if appropriate.

The Board **HEREBY DIRECTS** the utilities to meet or confer with BPU Staff, the Governor's Office and Rate Counsel throughout the first planning year at least once every two months to discuss the format and general content of their respective plans as determined by BPU Staff. Each utility plan shall include an overview of the programs and methods the utility proposes to employ to meet the goals stated in the NJEMP, and shall include for each program:

- a program description,
- a designation of which NJEMP goal the program addresses,
- a proposed method of cost recovery, and
- an anticipated filing date to seek Board approval of the actual program.

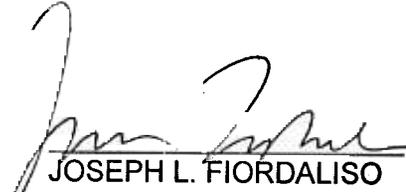
For the energy efficiency program description, the Board **FURTHER DIRECTS** that the utilities submit a joint plan for transition of this program from the Clean Energy Program to the utilities unless the utilities submit to the Board a rationale for why a joint plan cannot be submitted. The Board will then consider and render a determination on said rationale. The Board will review each utility's individual service territory energy master plan (and any joint plan proposed for energy efficiency programs) as submitted to determine if the utility has formulated what appears to be a suite of strategies that are designed to achieve the goals assigned to it through the NJEMP as referenced in this Order.

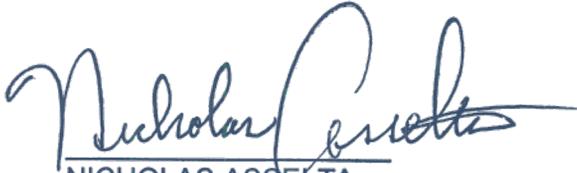
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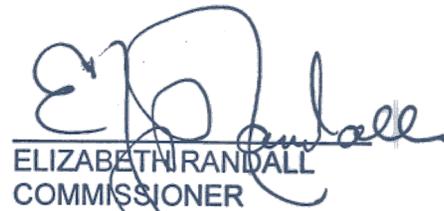
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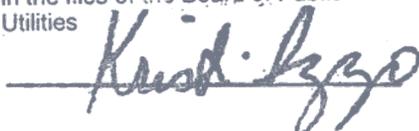

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I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



**I/M/O the Development of Individual Utility Territory Energy Master Plans Pursuant
to the Requirements of the New Jersey Energy Master Plan
BPU Docket No. EO08121065**

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