



Agenda Date: 8/19/08  
Agenda Item: IIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**[www.nj.gov/bpu](http://www.nj.gov/bpu)**

ENERGY

IN THE MATTER OF THE PETITION OF  
NEW JERSEY NATURAL GAS FOR APPROVAL  
OF A MUNICIPAL FRANCHISE IN THE BOROUGH  
OF WEST LONG BRANCH, MONMOUTH COUNTY -

DECISION AND ORDER

DOCKET NO. GE08040215

(SERVICE LIST ATTACHED)

BY THE BOARD:

New Jersey Natural Gas (NJNG 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 distribution and transportation of natural gas. NJNG distributes natural gas and provides transportation service to over 476,000 residential, commercial and industrial customers located in Monmouth, Ocean and parts of Middlesex counties New Jersey.

NJNG is currently providing natural gas service within the Borough of West Long Branch (Borough) in Monmouth County, New Jersey. The Company's current franchise with the Borough expired on May 12, 2008.

On December 5, 2007, the Borough, by resolution, renewed NJNG's franchise for a period of fifteen (15) years. A copy of this resolution is attached as Exhibit "A" to this Order. By letter dated April 9, 2008, NJNG accepted and agreed to the terms and conditions of the franchise pursuant to N.J.S.A. 48:3-16, which acceptance is attached as Exhibit "B" to this Order.

On April 10, 2008, pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, NJNG filed a petition requesting that the Board give its approval to the consent adopted by the Borough. As required by law, and after appropriate and sufficient notice, a hearing in this matter was held on July 14, 2008, at the Board's Newark offices before Edward D. Beslow, Esq., the Board's duly designated Hearing Officer. Appearances were made on behalf of the Company, the Department of the Public Advocate's Division of Rate Counsel and the Board's Staff. The Division of Rate Counsel did not object to the approval of the relief requested by NJNG. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

At hearing, the Company relied on the testimony of its manager of engineering John Wykoff.

After a full review of the entire record, the Board HEREBY FINDS that the municipal consent, which is the subject of this matter, is necessary and proper for the public convenience and properly conserves the public interests. Accordingly, the Board, pursuant to N.J.S.A. 48:2-14,

HEREBY APPROVES the consent granted to New Jersey Natural Gas by the Borough of West Long Branch for the provision of gas utility service in the Borough as sought in NJNG's petition at rates set out in the Company's current tariff which has been approved by and is on file with the Board. Said rates shall remain in effect until otherwise approved by the Board.

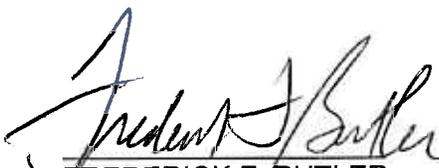
The approvals granted hereinabove shall be subject to the following provisions:

- 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 New Jersey Natural Gas.
2. This Order shall not effect 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, services, financing, accounting, capitalization, depreciation, or in any other matters affecting New Jersey Natural Gas.
3. In an appropriate subsequent proceeding, New Jersey Natural Gas shall have the burden of demonstrating whether, and to what extent, any of the costs associated with this petition shall be allocated to ratepayers.
4. Approval of this municipal consent does not constitute Board approval of any costs or expenses associated with this petition. Any determination as to the appropriateness or reasonableness of the costs and expenses related to the franchise, including, but not limited to, cost of construction, contributions in aid of construction, depreciation on contributed plant, the cost of connection, or any related capital improvements, and the allocation of such costs and expenses, shall be made in an appropriate subsequent proceeding.

DATED: 8/20/08

BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

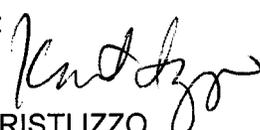
  
FREDERICK F. BUTLER  
COMMISSIONER

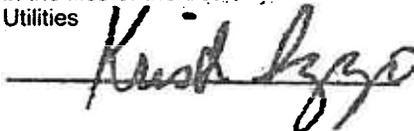
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLSA ASSETTA  
COMMISSIONER

  
ELIZABETH RANDALL  
COMMISSIONER

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

ATTEST:   
KRISTI IZZO  
SECRETARY



In the Matter of the Petition of New Jersey Natural Gas for Approval of a Municipal franchise in  
the Borough of West Long Branch, Monmouth County

BPU DOCKET NO. GE08040215

SERVICE LIST

Nusha Wyner, Director  
Division of Energy  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Samuel Wolfe, Chief Counsel  
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Legal Specialist  
Board of Public Utilities  
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Elise Goldblat, SDAG  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, NJ 07102

Lorie Cole  
Municipal Clerk  
Borough of West Long Branch  
Borough Hall  
965 Broadway  
West Long Branch, NJ 07764

Councilmember DEBRUIN offered the following resolution and moved its adoption:

**RESOLUTION RENEWING NEW JERSEY NATURAL GAS COMPANY FRANCHISE**

12/5/07

WHEREAS, NEW JERSEY NATURAL GAS COMPANY has heretofore been granted a franchise and consent to lay, maintain and operate gas franchise facilities in the Borough of West Long Branch; and

WHEREAS, NEW JERSEY NATURAL GAS COMPANY is desirous of obtaining a franchise and consent of the municipality to continue serving the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Borough of West Long Branch hereby consents and authorizes NEW JERSEY NATURAL GAS COMPANY to lay, maintain and operate, for a period of fifteen (15) years, its conductors, mains and pipes, together with all appurtenances thereto, in, under and over all the public streets, alleys, squares and public places in the Borough of West Long Branch for the purpose of conducting, transmitting, and distributing gas or any mixture of gases of various types, including natural gas, upon the following terms and conditions:

1. That NEW JERSEY NATURAL GAS COMPANY shall agree that in all cases in which said openings or excavations are made for the purpose of aforesaid, the pavement and surface of the streets or roadways shall be restored to the same condition as existed prior to the opening thereof;

2. That NEW JERSEY NATURAL GAS COMPANY shall conduct the work of laying or repairing gas mains and pipelines in a careful and prudent manner;

3. That NEW JERSEY NATURAL GAS COMPANY shall comply with all applicable Borough ordinances, State statutes and administrative rules and regulations; and

BE IT FURTHER RESOLVED that NEW JERSEY NATURAL GAS COMPANY shall file with the Clerk of this municipality within sixty (60) days from the date hereof, its acceptance of the terms and provisions of the franchise consent herein granted and its agreement to be bound by the terms and provisions of the franchise consent herein granted and its agreement to be bound by the terms and provisions thereof; and

BE IT FURTHER RESOLVED that this resolution shall not become effective unless and until it is approved by the Board of Regulatory Commissioners of the State of New Jersey.

Seconded by Councilmember WOOLLEY and carried upon the following roll call vote:

AYES: CIOFFI, DEBRUIN, MUNSON, NEYHART, RUANE, WOOLLEY  
NAYS: NONE  
ABSENT: NONE  
ABSTAIN: NONE

I hereby certify the foregoing to be a true and exact copy of the original resolution as adopted by the West Long Branch Borough Council on December 5, 2007.

*Michelle*  
BOROUGH CLERK



April 9, 2008

Honorable Lori Cole, Clerk  
Borough of West Long Branch  
Municipal Building  
965 Broadway  
West Long Branch, New Jersey 07035

**Re: Request for Approval of Franchise  
RESOLUTION # 07-134**

Dear Ms. Cole:

New Jersey Natural Gas Company ("NJNG") hereby accepts the terms and provisions of the franchise consent granted by the Mayor and Borough Council on December 5, 2007 and received by NJNG on April 7, 2008. NJNG hereby agrees to be bound by the terms and provisions thereof.

Please be advised that NJNG will present the resolution to the New Jersey Board of Public Utilities for approval.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tracey Thayer'.

Tracey Thayer, Esq.  
Director, Regulatory Affairs Counsel

TT:fk

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