



**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 )  
TOWNSHIP OF BASS RIVER, )  
BURLINGTON COUNTY )

DECISION AND ORDER

DOCKET NO. GE09030189

(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 (the "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 485,000 residential, commercial and industrial customers located in Monmouth, Ocean and parts of Burlington, Middlesex and Morris Counties, New Jersey.

NJNG does not currently provide natural gas service within the Borough of Bass River ("Borough") in Burlington County, New Jersey but is able to install the appropriate infrastructure in that municipality in order to provide gas service. The provision of gas service to the Borough of Bass River will provide the necessary capacity and reliability to meet the growth that has occurred there.

On January 26, 2009, the Borough adopted an ordinance granting NJNG a franchise for a period of fifty (50) years. A copy of this ordinance is attached as Exhibit "A" to this Order. By letter dated February 20, 2009, 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 March 5, 2009, 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 May 13, 2009, at the Board's Newark offices before Carol Artale, 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 ("Rate Counsel") and Board Staff. 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 petition and exhibits filed with the Board and presented its manager of engineering, John Wykoff, as a witness.

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 interest and that the Company has the necessary experience, financial capability and facilities as well as the ability to install the appropriate infrastructure to allow it to provide safe, adequate and proper service in the Borough. Accordingly, the Board, pursuant to N.J.S.A. 48:2-14, HEREBY APPROVES the consent granted to NJNG by the Borough 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:

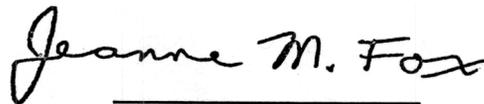
- 1 This Order shall not be construed as directly or indirectly fixing for any purposes whatsoever the value of any tangible or intangible assets now owned or hereafter to be owned by NJNG.
2. This Order shall not effect nor in any way limit the exercise of the authority of this Board or of this State in any future petition or in any proceedings with respect to rates, franchises, services, financing, accounting, capitalization, depreciation, or in any other matters affecting NJNG.
3. In an appropriate subsequent proceeding, NJNG 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: 6/10/09

BOARD OF PUBLIC UTILITIES

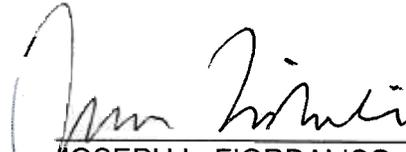
BY:



JEANNE M. FOX  
PRESIDENT



FREDERICK F. BUTLER  
COMMISSIONER



JOSEPH L. FIORDALISO  
COMMISSIONER



NICHOLAS ASSELTA  
COMMISSIONER



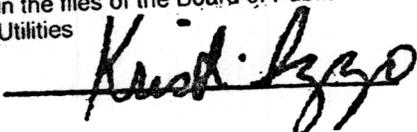
ELIZABETH RANDALL  
COMMISSIONER

ATTEST:



KRISTI IZZO  
SECRETARY

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



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

WHEREAS, NEW JERSEY NATURAL GAS COMPANY is desirous of obtaining the consent of this municipality to exercise franchise rights therein by laying, maintaining and operating gas franchise facilities in the Township of Bass River for the purpose of furnishing natural gas service;

NOW, THEREFORE, BE IT RESOLVED that New Jersey Natural Gas Company, its successors and assigns, be and herby is authorized to lay, maintain and operate, for a period of fifty (50) 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 this municipality 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:

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

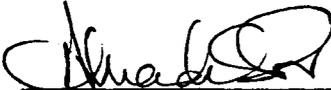
NEW JERSEY NATURAL GAS COMPANY shall conduct the work of laying or repairing gas mains and pipelines in a careful and prudent manner;

NEW JERSEY NATURAL GAS COMPANY shall comply with all applicable borough ordinances, state statutes and administrative rules and regulations;

BE IT FURTHER RESOLVED that NEW JERSEY NATURAL GAS COMPANY shall file with the clerk of this municipality within (60) days from the date of the adoption of this resolution, 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 BE IT FURTHER RESOLVED that this resolution shall not become effective unless and until it is approved by the Board of Public Utilities of the State of New Jersey.

I, Amanda S. Somes, Municipal Clerk of Bass River Township, Burlington County, New Jersey, do hereby certify that the foregoing is a true and exact copy of a resolution duly adopted by the township Council at their meeting held on 1/26/09.



Amanda S. Somes, RMC  
MUNICIPAL CLERK



February 23, 2009

Honorable Amanda Somes, R.M.C., Clerk  
Borough of Bass River  
N. Maple Avenue  
Bass River, New Jersey 07035

**Re: Request for Approval of Franchise  
ORDINANCE 2009-10, Dated January 26, 2009**

Dear Ms. Somes,

New Jersey Natural Gas Company ("NJNG") hereby accepts the terms and provisions of the Franchise Consent granted by the Mayor and Borough Council on January 26, 2009 and 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 (BPU) for approval. We will provide you with a copy of the final Decision and Order upon its issuance from the BPU.

Very truly yours,

A handwritten signature in black ink that reads 'Tracey Thayer'.

Tracey Thayer, Esq.  
Director, Regulatory Affairs Counsel

TT:fk

In the Matter of the Petition of New Jersey Natural Gas for Approval of a Municipal Franchise in  
the Borough of Bass River, Burlington County

BPU DOCKET NO. GE09030189

SERVICE LIST

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