



State of New Jersey

BOARD OF PUBLIC UTILITIES
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Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

Office of the Secretary
Tel. # (609) 292-1599

February 28, 2018

Steven Goldenberg, Esq.
Fox Rothschild LLP
Princeton Pike Corporate Center
997 Lenox Drive, Building 3
Lawrenceville, NJ 08648-2311

Re: Docket No. QO17050495 – In the Matter of Pet of Saint Peter's University Hospital, Inc. for a Declaratory Ruling Pursuant to N.J.S.A. 52:14B-8 and N.J.S.A. 2A:16-50 et seq.

Dear Mr. Goldenberg,

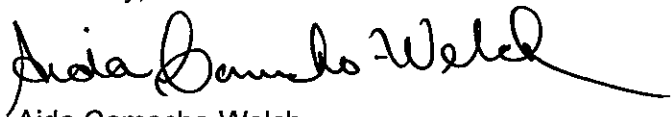
Under cover of a letter dated May 8, 2017, you filed a petition on behalf of your client, St. Peter's University Hospital, Inc. for a declaratory ruling pursuant to N.J.S.A. 52:14B-8 and N.J.S.A. 2A:16-50 et seq. By this petition, your client sought a Board ruling that its combined heat and power facility constituted an "on-site generation facility" within the meaning of N.J.S.A. 48:3-51 and N.J.S.A. 48:3-77.

As you note in this petition, N.J.S.A. 52:14B-8 provides, with respect to declaratory rulings, that "an agency upon the request of any interested person may in its discretion make a declaratory ruling with respect to the applicability to any person, property or state of facts of any statute or rule enforced or administered by that agency." The Board has previously exercised its discretion to declare that a generation facility owned by a hospital, serving additional medical facilities owned by closely affiliated entities, and separated from these end-use customers by no more than a single easement, public thoroughfare, or transportation or utility-owned right-of-way, constitutes an "on-site generation facility within the meaning of N.J.S.A. 48:3-51 and N.J.S.A. 48:3-77." I/M/O Petition of the Cooper Hospital System, a New Jersey Non-Profit Corporation, for a Declaratory Ruling Pursuant to N.J.S.A. 52:14B-8 and N.J.S.A. 2A:16-50 et seq., BPU Docket No. QO16070727 (April 21, 2017).

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Having thoroughly reviewed the record and the current corporate structure of St. Peter's University Hospital, Inc., the Board has determined that its decision in Cooper obviates the need for further individual rulings upon matters which, like the above-captioned matter, so closely approximate the Cooper fact pattern. Accordingly, the Board will exercise its discretion by declining to rule upon the above-captioned matter.

Sincerely,

A handwritten signature in black ink that reads "Aida Camacho-Welch". The signature is written in a cursive style with a long, sweeping underline.

Aida Camacho-Welch
Secretary of the Board

/ac