

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE MERGER )  
OF SOUTHERN COMPANY AND ) BPU DOCKET NO. GM15101196  
AGL RESOURCES, INC. )

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DIRECT TESTIMONY OF  
DANTE MUGRACE  
ON BEHALF OF THE  
DIVISION OF RATE COUNSEL

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STEFANIE A. BRAND, ESQ.  
DIRECTOR, DIVISION OF RATE COUNSEL

DIVISION OF RATE COUNSEL  
140 EAST FRONT STREET, 4<sup>th</sup> FLOOR  
P.O. BOX 003  
Trenton, New Jersey 08625-0003  
Telephone (609) 984-1460  
Email: [niratepayer@rpa.state.nj.us](mailto:niratepayer@rpa.state.nj.us)

FILED: March 11, 2016

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**Attachment DM-A**

1 I. INTRODUCTION

2 ***Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND POSITION.***

3 ***A.*** My name is Dante Mugrace. I am a Senior Consultant with the Economic and  
4 Management Consulting Firm of PCMG and Associates, Inc. (PCMG). Our business  
5 address is 22 Brooks Avenue, Gaithersburg, MD 20877. In my capacity as a Senior  
6 Consultant, I have participated in numerous utility regulatory proceedings, including  
7 offering testimony on utility economic and policy issues,

8 ***Q. PLEASE DESCRIBE THE NATURE OF WORK CONDUCTED BY THE***  
9 ***CONSULTING FIRM PCMG.***

10  
11 ***A.*** PCMG is a newly formed firm in 2014 whose associates are experts in the areas of utility  
12 regulation and policy, economics, accounting and finance. PCMG's members have over  
13 75 years of collective experience in utility regulation.

14 ***Q. PLEASE SUMMARIZE YOUR PROFESSIONAL EXPERIENCE IN THE UTILITY***  
15 ***INDUSTRY.***

16  
17 ***A.*** Prior to my association with PCMG, I was employed as a Senior Consultant with the  
18 consulting firm of Snavelly-King Majoros and Associates (SKM) from 2013 to 2015. In  
19 my capacity as a Senior Consultant I was responsible for evaluating and making  
20 recommendations regarding revenue requirement analyses for electric, gas, and water  
21 utilities in certain Public Service Commissions in the United States. Prior to SKM, I was  
22 employed by the New Jersey Board of Public Utilities Commission (NJBPU) from  
23 October 1983 to my retirement in June 2011. During my tenure at the NJBPU, I held  
24 various Accounting, Rate Analyst and supervisory positions. My last position was Bureau  
25 Chief of Rates in the Agency's Water Division (Bureau Chief of Rates). I held this  
26 position for nearly 10 years. In my capacity as Bureau Chief of Rates, I was responsible

1 for overseeing and managing the day-to-day activities of the Rates Bureau. In addition  
2 to evaluating all water and wastewater utility rate filings and other rate-related  
3 applications, I oversaw a staff of 12 professionals on a daily basis. During my tenure at  
4 the BPU, I participated in all aspects of water utility regulation, including various  
5 customer service issues, to ensure that water and wastewater utilities provided safe,  
6 adequate and proper service to their customers.

7 ***Q. WHAT IS YOUR EDUCATIONAL BACKGROUND?***

8 ***A.*** I hold a Master of Business Administration (MBA) degree with a concentration in  
9 Strategic Management from Pace University-Lubin School of Business in New York  
10 City, New York. I hold a Master of Public Administration (MPA) degree from Kean  
11 University, in Union, New Jersey. I hold a Bachelor of Science (BS) degree in  
12 Accounting from Saint Peter's University in Jersey City, New Jersey.

13 ***Q. WHAT EXPERIENCE DO YOU HAVE REGARDING CUSTOMER SERVICE***  
14 ***ISSUES?***

15  
16 ***A.*** During my tenure at the Board, in addition to overseeing the rate case process, I was  
17 involved in various aspects of utility customer service, including such matters as billing  
18 complaints, notices of discontinuance, service appointments, meter reading issues,  
19 increases in rates and billing arrangements. At times, I prepared responses to inquiries  
20 regarding customer service issues for the Board President's and/or Commissioner's  
21 signature. My responsibilities included determining whether water and wastewater  
22 utilities were providing quality customer service to their customers, including resolving  
23 customer service issues in a reasonable manner.  
24

1 ***Q. WHAT EXPERIENCE DO YOU HAVE REGARDING EMPLOYEE/LABOR***  
2 ***ISSUES?***

3 Again, as part of the core management team responsible for water and wastewater  
4 regulation at the BPU, I examined utility staffing levels and labor issues. Particularly  
5 during the base rate case process, I made judgment calls as to whether water and  
6 wastewater utilities were maintaining adequate staffing levels to ensure safe, adequate,  
7 and proper service. I also examined the level of benefits being offered to employees,  
8 collective bargaining agreements, and the status of utilities' pension funding.

9 ***Q. HAVE YOU PREPARED A SUMMARY OF YOUR QUALIFICATIONS AND***  
10 ***EXPERIENCE?***

11  
12 ***A.*** Yes, please see Attachment DM-A for a summary of my qualifications and experience.

13  
14 ***Q. FOR WHOM ARE YOU APPEARING IN THIS PROCEEDING?***

15 ***A.*** I am appearing on behalf of the New Jersey Division of Rate Counsel (Rate Counsel).

16  
17 ***Q. HAVE YOU PREVIOUSLY TESTIFIED IN REGULATORY PROCEEDINGS?***

18 ***A.*** Yes. I have testified and provided filed testimonies in rate and rate-related proceedings  
19 before the Commissions in the Commonwealth of Massachusetts, and the States of New  
20 Jersey, New York, North Dakota, and Ohio. I am also currently engaged in evaluating  
21 customer service issues in the proposed Merger between Southern Company ("Southern")  
22 and AGLR Resources, Inc. ("AGLR") before the Public Service Commission of  
23 Maryland on behalf of the Office of People's Counsel regarding the acquisition of Elkton  
24 Gas. (MPSC Case No. 9404). I also filed testimony in New Jersey regarding customer

1 service and employee issues in the proposed merger between Exelon and Pepco  
2 Holdings, Inc., BPU Docket No. EM14060581.

3  
4 ***Q. WHAT ISSUES ARE YOU TESTIFYING TO IN THIS PROCEEDING?***

5  
6 ***A.*** I am providing testimony regarding the proposed merger of Southern and AGLR (Joint  
7 Petitioners) and specifically the Elizabethtown Gas Company ("ETG"), a subsidiary of  
8 AGLR, regarding the issues related to the Company's proposals on Customer Service  
9 impacts and the need to allocate adequate resources to provide safe, adequate and proper  
10 service. I am also testifying on the impact on employees from the proposed merger.  
11 Additionally, there are other witnesses on behalf of New Jersey Rate Counsel presenting  
12 testimony in this case.

13  
14 ***Q. WHAT DOCUMENTS HAVE YOU REVIEWED IN THE PREPARATION OF YOUR***  
15 ***TESTIMONY?***

16  
17 ***A.*** I have reviewed the October 16, 2015, Joint Merger Application of Southern, AGLR,  
18 AMS Corp., and Pivotal Holdings, Inc. d/b/a Elizabethtown Gas Company (Joint  
19 Petitioners), the related attachments, the pre-filed testimonies and exhibits of the Joint  
20 Petitioners' witnesses, and the responses to data requests (formal and informal) regarding  
21 Customer Service Impacts and Employee Impacts. I have reviewed the Customer Service  
22 Measure Reports filed by ETG with the Board from 2010 through 2015, pursuant to the  
23 BPU Docket No. GR09030195 dated December 17, 2009. (2009 Base Rate Order). I  
24 have also reviewed the Board's Order approving the NUI Utilities, Inc. and AGL  
25 Resources, Inc. merger in Docket No. GM04070721 dated November 17, 2004 (2004  
26 Merger Order).

1  
2 **Q. WHAT IS THE LEGAL STANDARD OF REVIEW FOR A PROPOSED UTILITY**  
3 **MERGER IN NEW JERSEY?**

4 **A.** New Jersey regulators evaluate proposed utility mergers using a “positive benefits”  
5 standard of review, which is set forth in N.J.A.C. 14:1-5.14(d). In a recent merger Order,  
6 the Board recently reaffirmed the positive benefits standard, stating:

7  
8 Consistent with the provisions of N.J.S.A. 48:2-51.1 and the standard of  
9 review set out in N.J.A.C. 14:1-5.14(c), the Board shall not approve a  
10 change in control "unless it is satisfied that positive benefits will flow to  
11 customers and the State of New Jersey and, at a minimum, that there are  
12 no adverse impacts" on competition, rates, the employees of the affected  
13 public utility, and on the provision of safe and adequate utility service at  
14 just and reasonable rates. Joint Petitioners have the burden of proving to  
15 the Board by a preponderance of the evidence, that the Merger meets the  
16 requirements of this section. N.J.A.C. 14:1-5.14(d).<sup>1</sup>

17 There must be a showing of positive benefits before a utility merger can be approved.

18 Consistent with the statutes and regulations, I examined whether the proposed merger  
19 will result in positive benefits or adverse impacts to employees and customer service. In  
20 order to receive merger approval in New Jersey, the Joint Petitioners must demonstrate  
21 overall positive benefits resulting from the merger and no adverse impacts on  
22 competition, rates, service, or utility employees.

23  
24 **II. OVERVIEW OF THE JOINT APPLICATION**

25 ***Q. CAN YOU PLEASE PROVIDE AN OVERVIEW OF THE JOINT PETITIONERS’***  
26 ***PETITION WITH REGARD TO CUSTOMER SERVICE AND IMPACTS ON***  
27 ***EMPLOYEES?***

28  
29 **A.** Yes. The Joint Petitioners have proposed a merger whereby Southern will acquire AGLR,  
30 thus becoming the ultimate parent of ETG. The Joint Petitioners claim that the merger

---

<sup>1</sup> I/M/O the Merger of Exelon Corporation and PEPCO Holdings, Inc., BPU Dkt. No. EM14060581 (Order, February 11, 2015), p. 34.

1 will not have an adverse impact on the employees of ETG or on the provision of safe,  
2 adequate and proper utility service at just and reasonable rates. Company witness, Art P.  
3 Beattie, testifies that the philosophy of Southern is to foster strong, independent operating  
4 utilities with critical local decision-making authority. He states that AGLR and ETG will  
5 continue to operate as they are today with the same core management team. The Joint  
6 Petitioners have proposed to maintain a minimum of 300 employees in New Jersey to  
7 support ETG's operations for three years following the closing of the merger.<sup>2</sup> The Joint  
8 Petitioners will honor all collective bargaining agreements currently in effect.<sup>3</sup> The Joint  
9 Petitioners also propose to maintain ETG's call center in New Jersey for a minimum of  
10 three years post-merger.<sup>4</sup>

11  
12 ***Q. HOW WOULD YOU CHARACTERIZE THE JOINT PETITIONERS' PROPOSAL***  
13 ***REGARDING CUSTOMER SERVICE AND EMPLOYEE ISSUES?***  
14

15 **A.** The Joint Petitioners' proposal would simply maintain the status quo for three years post-  
16 merger. The Joint Petitioners have not offered any positive benefits to customer service  
17 for ETG ratepayers, or any positive benefits for ETG employees. Accordingly, I urge the  
18 BPU to reject the Joint Petitioners' petition as filed.

19  
20 **III. ANALYSIS OF JOINT APPLICATION**  
21

22 ***Q. CAN YOU SUMMARIZE YOUR TESTIMONY REGARDING THE IMPACT ON***  
23 ***CUSTOMER SERVICE ISSUES FROM THE PROPOSED MERGER BETWEEN***  
24 ***SOUTHERN AND AGLR?***

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<sup>2</sup> Joint Petition, page 2 and 3.

<sup>3</sup> Joint Petition, page 12.

<sup>4</sup> Joint Petition page 13.



1 A. Yes. Based upon my review of the Merger Petition, I do not believe that the Merger  
2 Petition will produce positive benefits to customers pursuant to N.J.A.C. 14:1-5.14(c).  
3 Furthermore, the proposed merger could produce adverse impacts on customer service  
4 and employees, particularly once the proposed three year commitment period expires.  
5 Accordingly, I recommend that the BPU reject the Merger Petition as filed. However, if  
6 the Board approves the merger, I am recommending that the Board adopt the following  
7 conditions:

- 8
- 9 a. ETG shall maintain the call center in its current location in Union, New Jersey  
10 permanently.
  - 11
  - 12 b. ETG shall maintain its two walk-in centers in Elizabeth and Perth Amboy  
13 indefinitely, subject to Board approval to relocate or close any of these centers.  
14
  - 15 c. ETG shall maintain its four Customer Service Centers in Stewartsville, Flemington,  
16 Newton, and Union indefinitely, subject to Board approval to relocate or close any of  
17 these centers.  
18
  - 19 d. ETG must meet the threshold of 95% of Leak/Odor calls responded to within 60  
20 minutes within one year post-merger. Furthermore, ETG must investigate reasons for  
21 its poor leak/odor response rate on nights and weekends, and must meet the 95%  
22 response rate within 60 minutes for both nights and weekends within one year post-  
23 merger.  
24
  - 25 e. ETG must investigate the reasons why it has failed to ever meet the metric of 1 BPU  
26 complaint per 1,000 customers per year as set forth in the order in its 2009 Base Rate  
27 Order. ETG must implement changes to address this metric within one year post-  
28 merger, and report those changes to BPU and Rate Counsel.  
29

- 1 f. ETG must meet all other metrics set forth in the 2009 Base Rate Order, and must  
2 continue quarterly reporting on such metrics to BPU and Rate Counsel.  
3
- 4 g. ETG shall maintain at least 300 employees in the State of New Jersey for a minimum  
5 of five years.  
6
- 7 h. ETG shall maintain all 278 operations employees indefinitely (235 at the customer  
8 service centers, 37 employees of the ETG call center, and 6 employees of ETG's two  
9 walk-in centers) subject to Board approval of any changes in staffing levels.  
10  
11

## 12 A. CUSTOMER SERVICE ISSUES

### 13 14 1. CUSTOMER CALL CENTER

15 ***Q. HOW MANY CALL CENTERS DOES ETG CURRENTLY MAINTAIN?***

16 ***A.*** ETG currently maintains one call center located at 520 Green Lane, Union, NJ. The  
17 number of employees assigned to the Customer Care Center in Union, NJ is 37. (RCR-  
18 CUS-1). The hours of operation at the Union Customer Care Center are 7 AM to 8PM  
19 Monday to Friday for billing, payments, order processing and other miscellaneous calls.

20  
21 ***Q. WHAT IS YOUR OPINION OF THE JOINT PETITIONERS' PROPOSAL***  
22 ***REGARDING ETG'S CALL CENTER?***  
23

24 ***A.*** Although the Joint Petitioners have committed to maintain the call center in New Jersey  
25 for three years post-merger, this does not represent a positive benefit to the State of New  
26 Jersey or ratepayers because it simply maintains the status quo. Moreover, New Jersey  
27 ratepayers may experience adverse impacts after three years if Southern decides to

1 relocate the call center out of New Jersey. In the past, ETG has relocated the call center  
2 out of the country and out of state, to the detriment of ETG ratepayers. I am very  
3 concerned about the possibility of the call center eventually being relocated.  
4

5 **Q. *WHAT ARE YOUR CONCERNS ABOUT RELOCATING THE CUSTOMER CALL***  
6 ***CENTER OUTSIDE OF NEW JERSEY?***  
7

8 **A.** In ETG's last base rate case proceeding, (GR09030195), Rate Counsel Witness, Dian P.  
9 Callaghan, testified that the AGLR Customer Call Center has moved from Florida, to  
10 Riverdale, Georgia, to Mumbai and Pune, India and back to Union, New Jersey. The  
11 Customer Call Center has been located in New Jersey since late 2009.<sup>5</sup> When the Call  
12 Center was relocated to India in 2007, certain customer service issues such as satisfaction  
13 with telephone service representatives' courtesy and knowledge dropped, as did issue  
14 resolution. While certain metrics improved somewhat over time, the lack of knowledge  
15 and the ability to resolve problems did not. As a result, the call center returned to New  
16 Jersey in 2009. The move to New Jersey from India has shown improvements to  
17 customer satisfaction and overall service performance over time. Also, according to the  
18 testimony of Rate Counsel witness, Richard W. LeLash, in ETG's 2009 base rate case,  
19 the transfer of ETG's call center from Florida, to Georgia to India and back to New  
20 Jersey has resulted in erratic call center performance.<sup>6</sup>  
21

22 **Q. *WHAT IS YOUR RECOMMENDATION WITH RESPECT TO THE JOINT***  
23 ***PETITIONERS' CUSTOMER CALL CENTER?***

---

<sup>5</sup> In the Matter of the Petition of Pivotal Utility Holdings, Inc. D/B/A Elizabethtown Gas For Approval of Increased Base Tariff Rates and Charges for Gas Service and other Tariff Revisions, BPU Docket No. GR09030195, Direct Testimony of Dian P. Callaghan on behalf of the New Jersey Department of the Public Advocate, Division of Rate Counsel, page 5.

<sup>6</sup> Ibid, Direct Testimony of Richard W. LeLash page 13.

1  
2 *A.* There should be no future relocation of ETG's Call Center outside of New Jersey. I am  
3 recommending that as a condition of approval of the merger, the Board require that ETG  
4 maintain the Customer Call Center permanently, with adequate staffing to meet  
5 ratepayers' needs. This would prevent reoccurrence of the erosion in customer service  
6 performance experienced in the past. Given the erratic history of the call center and the  
7 negative customer service experienced by ETG ratepayers in the past, it would not be  
8 prudent to relocate the Call Center outside of New Jersey.  
9

## 10 **2. CUSTOMER WALK-IN CENTERS**

11 *Q. HOW MANY WALK-IN CENTERS DOES ETG CURRENTLY MAINTAIN?*

12 *A.* ETG maintains two walk-in centers where customers can pay their bills and discuss other  
13 customer service issues. These centers are located in Elizabeth, NJ and Perth Amboy,  
14 NJ. In each location, ETG's has 3 employees for a total of 6 employees. ETG also has a  
15 contract with Western Union that allows customers to walk into various retail locations  
16 throughout New Jersey and pay their bills. (RCR-CUS-41). In general, the majority of  
17 customers who utilize walk-in centers tend to be low-income customers.  
18

19 *Q. ARE YOU CONCERNED ABOUT ETG'S WALK-IN CENTERS POST MERGER?*

20  
21 *A.* Yes. The Joint Petitioners have not committed to maintaining the walk-in centers post-  
22 merger. Since these walk-in centers serve low-income customers who have few other  
23 options, I recommend that the BPU require ETG to maintain the two walk-in centers in  
24 Elizabeth and Perth Amboy indefinitely with Board approval to relocate or close either  
25 center, with adequate staffing levels at each center.

1

2 **3. CUSTOMER SERVICE METRICS**

3

4 ***Q. WHAT IS YOUR OPINION OF ETG'S CURRENT CUSTOMER SERVICE?***

5 ***A.*** Pursuant to the 2009 Base Rate Order, ETG is required to track certain customer service  
6 metrics and file quarterly reports on their performance. Based on an examination of these  
7 quarterly reports, it appears ETG is meeting most metrics but it is not meeting the overall  
8 leak/odor response consistently and there is a particular problem with meeting this metric  
9 on nights and weekends where ETG responds within 60 minutes only 85% of the time, on  
10 average. The 2009 Base Rate Order requires that the company respond within 60  
11 minutes 95% of the time. The slower response time on nights and weekends is causing  
12 this metric to fall short of or barely meet the 95% benchmark. Additionally, the number  
13 of BPU complaints is higher than the industry standard of 1 complaint per 1,000  
14 customers per year.

15 ***Q. WHAT IS YOUR RECOMMENDATION WITH RESPECT TO THE CUSTOMER***  
16 ***SERVICE METRICS SET FORTH IN THE 2009 BASE RATE ORDER?***  
17

18 ***A.*** I recommend that as a condition for merger approval, the Board require ETG to meet the  
19 threshold of 95% of Leak/Odor calls responded to within 60 minutes within one year  
20 post-merger. Since 2010, ETG is only meeting this metric about 60% of the time.  
21 Furthermore, I recommend the BPU order ETG to investigate reasons why its poor  
22 leak/odor response rate on nights and weekends is within 60 minutes only 85% of the  
23 time, report these results to the Board and Rate Counsel, and require ETG to meet the  
24 95% response rate within 60 minutes for weekdays, nights, and weekends within one year  
25 post-merger. I recommend the BPU also order ETG to investigate the reasons it has failed

1 to ever meet the metric of 1 BPU complaint per 1,000 customers per year as set forth in  
2 the order in its 2009 Base Rate Order. The BPU should also require ETG to implement  
3 changes to address this metric within one year post-merger. Furthermore, I recommend  
4 the Board order ETG to meet all other metrics set forth in the 2009 Base Rate Order. I  
5 recommend that ETG continue to dedicate the resources, dollars, methods, and processes  
6 to maintain and further enhance the current level of performance and prevent any  
7 backsliding or degradation of customer service. I will discuss my individual concerns  
8 and recommendations on the Customer Service issues below.

9  
10 ***Q. PLEASE DISCUSS YOUR SPECIFIC RECOMMENDATIONS REGARDING THE***  
11 ***CUSTOMER SERVICE METRICS SET FORTH IN THE 2009 BASE RATE***  
12 ***ORDER?***

13  
14 ***A.*** ETG is not meeting the following metrics set forth in the 2009 Base Rate Order:

15 **1. 95% of Leak Calls Responded To Within 60 Minutes** – Under the 2009 Base Rate

16 Order, the Board directed ETG to report on the metric of 95% of leak calls responded  
17 to within 60 minutes. In the five year period from January 2010 to December 2015,  
18 ETG met this established benchmark only about 60% of the time. (RCR-CUS-3  
19 Attach01). Furthermore, in recent years, ETG’s response rate within 60 minutes on  
20 nights and weekends was met on average only 85% of the time. (RCR-CUS-3  
21 Attach01). Given the serious safety concerns involving natural gas odors and leaks,  
22 the current nights/weekends response rate is not acceptable.

23  
24 **2. Customer Complaints** – Under the 2009 Base Rate Order, ETG was required to  
25 report the number of BPU complaints per 1,000 customers. The standard agreed to

1 among the parties in that proceeding was 1 BPU complaint/contact per 1,000  
2 customers annually, which for ETG with approximately 282,000 customers, is  
3 equivalent to 282 complaints or less per year. However, the number of customer  
4 complaints for the years 2010, 2011, 2012, 2013, 2014 and 2015 were 545, 470, 310,  
5 325, 491, and 430, respectively. (RCR-CUS-3 Attach01). These results exceed the  
6 282 yearly threshold. In other words, ETG has never met the standard agreed to in the  
7 2009 Base Rate Order. As a condition of approval of the merger, ETG should be  
8 required to investigate the reasons for this failure and change its practices within one  
9 year in an effort to meet the metric of no more than 1 complaint per 1,000 customers  
10 annually, or 282 customer complaints.<sup>7</sup>

11  
12 ***Q. PLEASE PROVIDE SPECIFIC DETAILS REGARDING ETG'S RESPONSE TIME***  
13 ***TO LEAK AND ODOR CALLS.***  
14

15 ***A.*** The data response RCR-CUS-3 Attach01, (Quarterly Reports) show ETG's response  
16 within 60 minutes to leak or odor calls for the period of January 2010 through September  
17 2015. This information was provided on a quarterly basis to the BPU pursuant to the  
18 2009 Base Rate Order.

19  
20 ***Q. WHAT DO THESE QUARTERLY REPORTS SHOW?***

21 ***A.*** These quarterly reports show that ETG has met the 95% benchmark only about 60% of  
22 the time. For those quarterly periods where ETG did not meet the 95% benchmark, ETG  
23 was required to report quarterly to the Board for all calls that are not responded to within

---

<sup>7</sup> 282,000 current customers / 1,000 per customer /contact

1 60 minutes stating the reasons for the delay, as required in Appendix D attached to the  
2 Stipulation of Settlement in the 2009 Base Rate Order.

3  
4 ***Q. WHAT DO THE QUARTERLY REPORTS SHOW FOR ETG'S LEAK RESPONSE***  
5 ***RATE DURING NIGHTS AND WEEKENDS?***

6  
7 The quarterly reports show that ETG is under-performing in this area. While ETG  
8 appears to be doing a good job of responding to leak calls during the day on weekdays,  
9 ETG's response time of 60 minutes or less at night and on weekends has recently been in  
10 the range of 76% to 91%, with an average of only 85%. Given the potential danger  
11 involved in these types of emergency calls, ETG's after-hours performance for this  
12 metric is simply unacceptable.

13  
14 ***Q. WHAT IS YOUR RECOMMENDATION REGARDING THIS ISSUE?***

15 ***A.*** As a condition of the approval of the merger, ETG should be required to meet the  
16 standards set forth in the 2009 Base Rate Order and meet the 95% benchmark with  
17 respect to responding to Leak/Odor calls within 60 minutes at all times. The Board  
18 should adopt a condition requiring ETG to meet this metric both on an overall basis, and  
19 specifically at night and on weekends, within one year post-merger. Since ETG's after-  
20 hours performance is currently lagging, adoption of both recommendations would  
21 provide a positive benefit to ETG ratepayers.

22  
23 ***Q. PLEASE PROVIDE SPECIFIC DETAILS WITH RESPECT TO ETG'S CUSTOMER***  
24 ***COMPLAINT LEVEL.***  
25



1 A. As part of the Board's 2009 Base Rate Order, the Board required ETG to have "less than  
2 1 complaint /contact per 1,000 customers annually." (2009 Base Rate Order, Appendix  
3 D, Item 4 (A) BPU Complaints). Although the Order required 1 complaint /contact per  
4 1,000 customers annually, ETG has been unable to meet this requirement. Table I shows  
5 the number of ETG customer complaints to the Board since the 2009 Base Rate Order.  
6 (RCR-CUS-3, Attach01).

7

TABLE I.

Year	# of Complaints	Limit
2010	545	282
2011	470	282
2012	310	282
2013	325	282
2014	491	282
2015	430	282

**Q. WHAT IS YOUR OPINION WITH RESPECT TO THE LEVEL OF CUSTOMER COMPLAINTS?**

**A.** The numbers reflect that ETG's approach and method in reducing the number of BPU customer complaints to a level of less than 1 complaint /contact per 1,000 customers annually is not effective. The Company has not met the Board's directive pursuant to the 2009 Base Rate Order. Although the information indicated above in Table I shows reductions in certain years, it also suggests that ETG's actions have not been effective in meeting the Board's 2009 Base Rate Order directive in reducing ETG's customer complaints to less than 1 complaint/contact per 1,000 customers annually.

**Q. WHAT HAS BEEN THE MAJORITY OF THE CUSTOMERS' COMPLAINTS AS SHOWN ON RCR-CUS-3 ATTACH01?**

**A.** The majority of the customer complaints are mainly generated by issues related to collections.

1  
2 **Q. HAVE THERE BEEN ANY CONSEQUENCES TO ETG FOR FAILING TO MEET**  
3 **THIS STANDARD?**

4  
5 **A.** Not that I am aware of. According the response to RCR-CUS-12, the BPU has not  
6 imposed any penalties on ETG regarding its customer service in the past 5 years.

7  
8 **Q. WHAT ARE YOUR SUGGESTIONS WITH RESPECT TO REDUCING THE LEVEL**  
9 **OF CUSTOMER COMPLAINTS?**

10  
11 **A.** Some suggestions to reduce the level of customer complaints would be to:  
12

- Conduct a Root Cause Analysis.
- Require ETG to look at and review its process and methods in order to address  
13 and reduce the number of collections inquiries.
- Providing sufficient supervisory oversight regarding the internal review to track  
14 and resolve these collection inquiries.

15  
16  
17  
18 **Q. WHAT IS ROOT CAUSE ANALYSIS?**

19 **A.** Root Cause Analysis (RCA) is a methodology that is used to determine the reason for the  
20 occurrence of customer complaints. An RCA is triggered when a trend in a particular  
21 complaint type is identified by the Company. Trends include complaint frequency and/or  
22 anecdotal reporting of possible process gaps.

23  
24 **Q. WERE THERE ANY AREAS IN ETG'S CUSTOMER SERVICE OPERATIONS**  
25 **THAT TRIGGERED A TREND IN A PARTICULAR TYPE OF COMPLAINT?**

26  
27 **A.** Yes. The majority of customer complaints are related to Collection issues. Below is an  
28 analysis of the ETG's Collection complaints since 2010:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

TABLE II.

Time Frame	Collection Complaints	Total Complaints	% of Total
2010	245	545	44.96%
2011	253	470	53.83%
2012	136	310	43.87%
2013	160	325	49.23%
2014	310	491	63.14%
2015	292	430	67.91%
<b>Total</b>	1,396	2,571	54.43%

**Q. WHAT DO YOU BELIEVE CAUSED THE UNUSUALLY HIGH NUMBER OF COLLECTIONS COMPLAINTS?**

**A.** This data suggests that ETG's may not have proper customer service procedures or methods in place to resolve collections issues before they escalate to a situation where customers file a BPU complaint. ETG may not have sufficient supervisory oversight or other internal review in place to track and resolve these collection complaints, or complaints generally. ETG agreed to a standard of 1 BPU complaint per 1,000 customers annually in the 2009 Base Rate Order; however, several years later, ETG has never met this standard.

**Q. WHAT IS YOUR RECOMMENDATION REGARDING THIS CUSTOMER SERVICE ISSUE?**

**A.** As a condition for approval of the merger, the Company should be required to conduct a root cause analysis and possibly restructure its customer service process based on that analysis, within one year post-merger, in order to address and reduce the level of BPU Customer Complaints to what the parties agreed to in the 2009 Base Rate Order 1 complaint per 1,000 customers annually or less.

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**B. EMPLOYEE IMPACTS**

***Q. WHAT ARE YOUR CONCERNS REGARDING EMPLOYEE IMPACTS AS A RESULT OF THE PROPOSED MERGER?***

***A.*** I have four areas of concern relating to ETG Employee Impacts:

1. **The Level of Employees at ETG’s Service Centers-** ETG maintains four Customer Service Centers that serve as home bases for operations personnel: New Village, Stewartsville, NJ; Flemington, Flemington, NJ; Andover, Newton, NJ and; Union, Union, NJ. There are 235 employees that work out of these four Service Centers. According to the response to RCR-CUS-1, ETG does not have any current plans to move the Service Centers. However, the Joint Petitioners have offered no commitment to maintain the Service Centers post-merger.

2. **The Level of Employees at ETG’s Call Center** –The Call Center is located in Union, NJ and houses 37 ETG employees. Certain concerns with potential relocation of the call center were discussed above. Furthermore, if the Company decides to relocate the call center when the three year commitment expires, Board approval of such a move would not be necessary, and thirty-seven New Jersey jobs would be lost as a result.

3. **The Number of Walk-In Centers** – According to the response to RCR-CUS-41, ETG maintains two walk-in centers where customers can pay their bills: one in Elizabeth, NJ and, one in Perth Amboy, NJ. Each location houses 3 employees for a total of 6 employees at these Walk-In Centers. The Joint Petitioners have offered no

1 commitment to maintaining the walk-in centers post-merger. In addition to the concerns  
2 discussed above, closure of the walk-in centers would result in the loss of six New Jersey  
3 jobs.

4  
5 **4. Employment Levels in New Jersey** - According to the response to RCR-  
6 CUS-18 and RCR-CUS-31, the Joint Petitioners have committed to maintaining a  
7 minimum of three hundred employees in New Jersey for the first three years following  
8 the closing of the merger. In addition, ETG states it will maintain a strong local  
9 management team after closing. Once the three year period expires, however, further job  
10 losses may very well occur, to the detriment of New Jersey ratepayers and our State's  
11 economy.

12  
13 **1. CUSTOMER SERVICE CENTERS**

14 ***Q. HOW MANY CUSTOMER SERVICE CENTERS DOES THE COMPANY***  
15 ***CURRENTLY MAINTAIN?***

16  
17  
18 ***A.*** ETG maintains four customer centers staffed with operations and customer service  
19 personnel with the following specifically assigned employees:

20 New Village – 148 Edison Road, Stewartville NJ – 35 employees assigned

21 Flemington – 56 East Main Street, Flemington, NJ – 14 employees assigned

22 Andover – 95B Sickles Pond Road, Newton, NJ – 7 employees assigned

23 Union – 520 Green Lane, Union, NJ<sup>8</sup> -- 179 employees assigned

24  

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<sup>8</sup> The Company maintains one call center at this location

1 ***Q. WHAT ARE YOUR CONCERNS WITH RESPECT TO MAINTAINING THESE***  
2 ***FOUR SERVICE AREAS?***  
3

4 Since the employees who work out of these centers are customer service and operations  
5 personnel, I am concerned about post-merger plans affecting customer service. Although  
6 ETG refers to these four centers as “Customer Service Centers,” these centers house both  
7 the customer service and operational functions for ETG. The Joint Petitioners should be  
8 required to maintain the four Customer Service Centers at their present locations for an  
9 indefinite period of time. I recommend that as a condition of approval of the merger, the  
10 Board require that ETG maintain the technical and operational employees at the  
11 Customer Service Centers permanently. Please see the testimony of Rate Counsel  
12 witness, David E. Dismukes Ph.D., which refers specifically to the engineering and  
13 technical staff employed at these Centers. Additionally, I recommend that as a condition  
14 of approval of the merger, the Board require ETG maintain the four Customer Service  
15 Centers and the entire current staff level at each center<sup>9</sup> indefinitely, subject to Board  
16 approval of changes to staffing and the relocation or closure of a Center.

17  
18 I believe that sufficient staffing at the levels indicated above for each Customer Service  
19 Center is required to adequately address and respond to customers’ issues and to maintain  
20 an adequate level of customer service. Given that there are current issues with leak  
21 response, any reduction in staffing at these service centers would be detrimental to  
22 resolving these issues going forward.

23  
24 **2. EMPLOYMENT LEVELS IN NEW JERSEY**

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<sup>9</sup> Response to RCR-CUS-1

1 **Q. WHAT HAVE THE JOINT PETITIONERS PROPOSED WITH RESPECT TO**  
2 **EMPLOYMENT LEVELS?**

3  
4 **A.** According to the response to RCR-CUS-18, the Joint Petitioners have committed that for  
5 the first three years following the close of the merger, Southern Company, Southern  
6 Company Services (“SCS”), AGLR Resources, AGL Services Company, Inc. (“AGSC”)  
7 and ETG together will maintain a minimum of 300 employees in New Jersey supporting  
8 ETG’s operations. In addition, the Joint Petitioners stated that they will maintain a strong  
9 local management team after closing.

10  
11 **Q. DOES THE JOINT PETITIONERS’ REPRESENTATION TO MAINTAIN THREE**  
12 **HUNDRED JOBS FOR A PERIOD OF THREE YEARS POST-MERGER**  
13 **REPRESENT A POSITIVE BENEFIT TO NEW JERSEY?**

14  
15 **A.** No it does not. First, there are currently 308 employees of AGLR and/or ETG employed  
16 in New Jersey. Under the Joint Petitioners’ proposal, Southern may still layoff eight  
17 employees in the next three years and satisfy this commitment. This possibility is hardly  
18 a positive benefit to New Jersey. Furthermore, additional reductions may occur once this  
19 three year commitment has expired, further reducing the New Jersey workforce. Not  
20 only is the Joint Petitioners’ proposal not a positive benefit, there may be adverse impacts  
21 after three years not only through loss of New Jersey jobs, but through a concomitant  
22 reduction in ETG’s customer service.

23  
24 **Q. DID THE JOINT PETITIONERS COMMIT TO HONORING ALL OF AGLR**  
25 **RESOURCES AND ETG’S EXISTING COLLECTIVE BARGAINING**  
26 **AGREEMENTS?**

27  
28 **A.** According to the response to RCR-CUS-19, the Joint Petitioners have committed to  
29 honoring all of AGLR Resources’ and ETG’S existing collective bargaining agreements



1 in effect at the time of the closing of the Merger. However, it is important to note that  
2 under the terms of the merger agreement, Southern is assuming the obligations of ETG  
3 and would be required to honor existing collective bargaining agreements regardless of  
4 any commitment in its merger petition. By making this “commitment” to the Board, the  
5 Joint Petitioners are simply stating that Southern will honor the obligations it is  
6 voluntarily assuming - and that ETG would otherwise have been required to honor -  
7 absent a merger. This is not an extraordinary commitment, nor a positive benefit to New  
8 Jersey.

9  
10 ***Q. HAVE THE LABOR UNIONS WHO REPRESENT ETG’S EMPLOYEES VOICED***  
11 ***THEIR CONCERNS ON THE PROPOSED MERGER?***

12  
13 ***A.*** According to the response to RCR-CUS-36, the Utility Workers of America AFL-CIO,  
14 New Jersey Local 424 have not filed for Intervening Status in this proceeding, nor have  
15 the Joint Petitioners received any support or objection from the labor union to the Joint  
16 Petitioners’ Petition. To my knowledge, no verbal discussions have occurred.

17  
18 ***Q. DID THE JOINT PETITIONERS MAKE ANY COMMITMENTS ABOUT ETG’S***  
19 ***EMPLOYEES FOLLOWING THE THREE YEAR PERIOD POST-MERGER?***

20  
21 ***A.*** No. According to the response to RCR-CUS-18, the Joint Petitioners have not developed  
22 a plan beyond the three year post – closing timeframe. While the Joint Petitioners  
23 commit to maintaining a minimum of 300 employees in New Jersey for the first three  
24 years, they have not developed a plan beyond that three year period. No commitment has  
25 been made to maintain these employees beyond the three year period post-closing  
26 timeframe.

1 **Q. DID THE JOINT PETITIONERS COMMIT TO HONORING THE EXISTING ETG'S**  
2 **EMPLOYEE PENSIONS OR CHANGE THE PENSION PLAN?**

3  
4 **A.** While the Joint Petitioners stated that there are no current plans regarding the change to  
5 the pension plans,<sup>10</sup> they also state that the integration process has just begun. The Joint  
6 Petitioners have not determined whether they will make any changes to the current  
7 AGLR pension plan or whether AGLR's pension plan will merge with Southern  
8 Company's pension plan following the close of the merger.<sup>11</sup> The Joint Petitioners did  
9 not provide a detailed comparison of benefits offered by Southern to those currently  
10 provided by ETG, despite numerous requests for such information. In lieu of a  
11 comparison, the Joint Petitioners provided a cursory summary of the two pension plans,<sup>12</sup>  
12 but more detailed information is needed and an extensive review of that information must  
13 be performed before I can make a recommendation in this area. For all of these reasons,  
14 it is impossible to evaluate whether there will be positive benefits, adverse impacts, or  
15 neither on ETG employees' pensions.

16  
17 **Q. WHAT ARE YOUR CONCLUSIONS REGARDING THE JOINT PETITIONERS**  
18 **PROPOSED MERGER REGARDING THE IMPACTS ON ETG'S EMPLOYEES?**

19  
20 **A.** My conclusion is indeterminate. The Joint Petitioners stated that for the three year period  
21 following the closing of the Merger, Southern Company, SCS, AMS, AGLR and ETG  
22 together, will maintain a minimum of 300 employees in New Jersey to support ETG's  
23 operations. Beyond that three year period, I cannot be certain that ETG's employees will  
24 not be adversely affected by the proposed transaction. This is because the Joint  
25 Petitioners have not offered any information on future ETG employment beyond the three

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<sup>10</sup> Response to RCR-CUS-23.

<sup>11</sup> Response to RCR-CUS-21 and S-ECON-11.

<sup>12</sup> Response to RCR-IR-8.

1 year period. In the response to RCR-CUS-18, the Joint Petitioners state they have not  
2 developed a plan beyond the three year post-closing timeframe.

3  
4 ***Q. IF THE BOARD DECIDES TO APPROVE THE MERGER, WHAT IS YOUR***  
5 ***RECOMMENDATION REGARDING THE IMPACT ON EMPLOYEES?***

6  
7 ***A.*** I recommend that the proposed three year commitment to retain at least three hundred  
8 employees should be extended to a minimum of five years. At a minimum, this will  
9 avoid extensive employee layoffs during the five years post-merger. Additionally, ETG  
10 should be required to maintain sufficient operations and technical employee levels  
11 permanently. Specifically, the BPU should require ETG as a condition of the merger to  
12 indefinitely retain the 235 employees located at each of ETG's four Customer Service  
13 Centers, the 37 employees at ETG's call center, and the 6 employees located at ETG's  
14 two customer walk-in centers (Elizabeth and Perth Amboy, NJ) subject to Board approval  
15 of any changes in staffing levels, location, or the closure of any of the four Centers. I  
16 recommend that ETG employees be treated fairly in any future downsizing and that all  
17 employees whose positions are terminated should be offered severance packages. Finally  
18 I recommend that the Board should require ETG to maintain a permanent regional  
19 headquarters in New Jersey that is staffed with adequate personnel capable of properly  
20 addressing New Jersey and ETG's concerns, including a staff that is sufficiently skilled  
21 and experienced to manage and administer ETG's operations, utility assets, and customer  
22 service.<sup>13</sup>

23  
24 **IV. CONCLUSION AND RECOMMENDATIONS**

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<sup>13</sup> As noted above, see Rate Counsel witness Dr. Dismukes' testimony in this matter regarding retaining skilled personnel in the engineering and technical areas.

1 **Q. PLEASE SUMMARIZE YOUR RECOMMENDATIONS.**

2  
3 **A.** Because the proposed merger offers no positive benefits to customer service and/or  
4 employees, I recommend that the Board reject the Joint Petitioners' petition as filed. In  
5 the event that the Board decides to approve the proposed merger, I recommend that the  
6 Board adopt the following terms and conditions for approval:

- 7 **a.** ETG shall retain the call center in its current location in Union, New Jersey  
8 permanently.
- 9
- 10 **b.** ETG shall retain its two walk-in centers in Elizabeth and Perth Amboy subject to  
11 Board approval of closures or changes in location.
- 12
- 13 **c.** ETG shall retain maintain its four Customer Service Centers in Stewartville,  
14 Flemington, Newton, and Union indefinitely subject to Board approval of closures or  
15 changes in location of the Centers.
- 16
- 17 **d.** ETG must meet the threshold of 95% of Leak/Odor calls responded to within 60  
18 minutes within one year post-merger. Furthermore, ETG must investigate reasons for  
19 its poor leak/odor response rate on nights and weekends, and must meet the 95%  
20 response rate within 60 minutes for weekdays, nights, and weekends within one year  
21 post-merger.
- 22
- 23 **e.** ETG must investigate the reasons it has failed to ever meet the metric of 1 BPU  
24 complaint per 1,000 customers per year as set forth in the 2009 Base Rate Order.  
25 ETG must implement changes to address this metric within one year post-merger, and  
26 report those changes to BPU and Rate Counsel.
- 27
- 28 **f.** ETG must meet all other metrics set forth in the 2009 Base Rate Order, and must  
29 continue quarterly reporting on such metrics to BPU and Rate Counsel.
- 30

1 g. ETG shall maintain at least 300 employees in the State of New Jersey for a minimum  
2 of five years.

3  
4 h. ETG shall maintain all 278 operations employees indefinitely (235 at the customer  
5 service centers, 37 employees of the ETG call center, and 6 employees of ETG's two  
6 walk-in centers), subject to Board approval of any staffing changes.

7  
8 ***Q. DOES THIS CONCLUDE YOUR TESTIMONY?***

9 ***A.*** Yes, it does; however, I reserve the right to supplement my testimony subject to further  
10 updates to discovery and information provided by the Joint Petitioners.

11

**ATTACHMENT DM-A**

## DANTE MUGRACE

### *Education*

Master Business Administration, MBA Strategic Management, Pace University, Lubin School of Business, New York, NY, 2010

Master Public Administration, MPA, Kean University, Union, NJ, 2001

Bachelor of Science, BS. Accounting, St. Peter's University, Jersey City, NJ, 1983

### *Position*

Senior Consultant – PCMG and Associates	2014 – present
Senior Consultant – Snavelly King Majoros and Associates	2013 – 2014
Independent Consultant	2012 – 2013
Bureau Chief/Utility Rate Manager – New Jersey Board of Public Utilities	1983 – 2012

### *Professional Experience*

Mr. Mugrace has over 25 years' experience in all aspects of regulatory accounting and policy including processing, analyzing and evaluating utility rate case petitions before Public Service Commissions. Mr. Mugrace examines and evaluates rate filings, contracts, agreements and rate matters regarding utility operations and provides recommendations as to best course of action. Additionally, Mr. Mugrace analyzes and reviews utility regulatory matters and sets forth recommendations for resolution of issues, calculates total revenue requirement needed to cover operating expenses and rate of return, and researches, and evaluates regulatory utility matters to assess impact on various classes of customers, regarding rates, service, compliance and cost of service provisions, as well as annual true-up and tracking mechanisms.

Prior to undertaking consulting assignments, Mr. Mugrace was the Bureau Chief Utility Rate Manager for the New Jersey Board of Public Utilities, in which role he managed and assigned tasks to a staff of 12 professionals and supervisory personal in the daily administrative, financial and managerial functions of the Division. Mr. Mugrace's primary duties were to determine whether the utility had sufficient revenues to cover its operating expenses and earn a return on its plant investment and to ensure that the utility provided safe, reliable and continuing utility service to its customers. Mr. Mugrace set rates and charges for utility companies with revenues of up to and exceeding \$500 million and ensured that the revenue requirement provided for recovery of all Operating Expenses, returns on investment and depreciation. Mr. Mugrace was also responsible for reviewing and verifying that the companies' property, plant and equipment (of up to and exceeding \$2.5 billion) were used and useful in providing service to its customers. Additionally, as Bureau Chief he examined utility staffing levels and labor issues to ensure safe, adequate and proper service. This examination included analysis of employee benefits, pensions, and collective bargaining agreements. Mr. Mugrace also coordinated and met with the New Jersey State Department of Environmental Protection to determine whether water and wastewater utilities were complying with State regulations and were adhering to any directives

## PCMG and Associates

or Orders emanating out of the regulatory agencies. Mr. Mugrace focused on and developed ways to minimize the rising costs of water utility services by investigating alternative rate structures, analyzing engineering mechanisms and techniques, looking into the feasibility of mergers and acquisitions within the water industry and reviewing financing and rate alternatives to minimize the impact on ratepayers. Mr. Mugrace was responsible for ensuring that the rate case process adhered to the statutory timeframe for preparing, reviewing and recommending findings to the Board Commissioners on financial operations, costs, revenues and operating expenses, prior to the litigation proceedings. Mr. Mugrace also examined alternative rate recovery mechanisms and clauses, phase-ins of revenue requirements, deferral mechanisms and pass through of rate charges. Mr. Mugrace assumed the role of Director during transition periods and Administrative changes. Finally, Mr. Mugrace recruited and conducted the hiring of employees for placement within the Division and the Board.

As a Senior Consultant, Mr. Mugrace has served as an expert for New Jersey Rate Counsel and the Office of People's Counsel in Maryland on customer service and labor issues in utility merger matters. He analyzed customer service metrics and employee impacts as a result of the proposed merger. In those matters, Mr. Mugrace collaborated with colleagues to prepare testimony and entered his own testimony.

### *Professional and Business Affiliations*

- Institute of Public Utilities (IPU) Michigan State University (MSU), National Association of Regulatory Utility Commissioners (NARUC)

### *Regulatory and Court Appearances*

IN THE MATTER OF THE JOINT APPLICATION OF THE SOUTHERN COMPANY, AGL RESOURCES INC., AND PIVOTAL HOLDINGS, INC. D/B/A ELKTON GAS MPSC CASE NO. 9404

IN THE MATTER OF THE MERGER OF SOUTHERN COMPANY AND AGL RESOURCES INC. BPU DOCKET NO. GM15101196

IN THE MATTER OF THE OF UNITED WATER NEW JERSEY, INC., FOR APPROVAL OF AN INCREASE IN RATES FOR WATER SERVICE AND OTHER TARIFF CHANGES BPU DOCKET NO. WR15101177

IN RE: PETITION OF BOSTON GAS COMPANY AND COLONIAL GAS COMPANY D/B/A NATIONAL GRID FOR APPROVAL OF PRECEDENT AGREEMENTS WITH MILLENNIUM PIPELINE COMPANY, LLC - MA D.P.U. 15-130

IN RE: PETITION OF BOSTON GAS COMPANY AND COLONIAL GAS COMPANY D/B/A NATIONAL GRID FOR APPROVAL OF AGREEMENTS FOR LNG OR LIQUEFACTION SERVICES WITH GDF SUEZ GAS NA, LLC; NORTHEAST ENERGY CENTER, LLC; GAZ METRO LNG, L.P.; AND NATIONAL GRID LNG - MA D.P.U. 15-129

IN RE: COLUMBIA GAS OF MASSACHUSETTS CY2014 TARGETED INFRASTRUCTURE REINVESTMENT FACTOR COMPLIANCE FILING - MA D.P.U. 15-55



**PCMG and Associates**

IN THE MATTER OF THE BAY STATE GAS COMPANY D/B/A COLUMBIA GAS OF MASSACHUSETTS FOR APPROVAL OF ITS TARGETED INFRASTRUCTURE REINVESTMENT FACTOR (TIRF) FOR CY 2013 - MA D.P.U. 14-83

IN THE MATTER OF THE MERGER OF EXELON CORPORATION AND PEPCO HOLDINGS, INC. (ATLANTIC CITY ELECTRIC COMPANY) CASE NO. EM14060581

PUBLIC UTILITIES COMMISSION OF OHIO, CASE NO. 13-2124-WW-AIR IN THE MATTER OF THE APPLICATION OF AQUA OHIO, INC. TO INCREASE ITS RATES AND CHARGES FOR ITS WATERWORKS SERVICE. – REVENUES AND RATE

NEW YORK PUBLIC SERVICE COMMISSION, CASE 13-E-0030 ET AL AS TO THE RATES, CHARGES, RULES AND REGULATIONS OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., ON-GOING, REVENUE REQUIREMENT.

NORTH DAKOTA PUBLIC SERVICE COMMISSION, PU-12-813 - APPLICATION OF NORTHERN STATES POWER COMPANY FOR AUTHORITY TO INCREASE RATES FOR ELECTRIC SERVICE IN NORTH DAKOTA, ON-GOING, REVENUE REQUIREMENT.

IN THE MATTER OF THE PETITION OF NEW JERSEY AMERICAN WATER COMPANY, INC. FOR APPROVAL OF INCREASED TARIFF RATES AND CHARGES FOR WATER AND SEWER SERVICE; INCREASED DEPRECIATION RATES AND OTHER TARIFF REVISIONS BPU DOCKET NO. WR0801 0020 OAL DOCKET NO. PUC0319-08, dated December 8, 2008.

IN THE MATTER OF THE JOINT PETITION OF THE CITY OF TRENTON, NEW JERSEY AND NEW JERSEY-AMERICAN WATER COMPANY, INC. FOR AUTHORIZATION OF THE PURCHASE AND SALE OF THE ASSETS OF THE OUTSIDE WATER UTILITY SYSTEM ("OWUS") OF THE CITY OF TRENTON, NEW JERSEY AND FOR OTHER RELIEF ORDER ADOPTING INITIAL DECISION DOCKET NO. WM08010063, dated April 3, 2009.

IN THE MATTER OF THE PETITION OF UNITED WATER NEW JERSEY, UNLTED WATER TOMS RIVER, UNITED WATER LAMBERTVILLE, UNITED WATER MID-ATI-ANTIC AND GAZ de FRANCE FOR APPROVAL AS NEED FOR A CHANGE IN OWNERSHIP AND CONTROL DOCKET NO. DOCKET NO WMO6110767, dated July 5, 2007.

IN THE MATTER OF THE PETITION OF UNITED WATER ARLINGTON HILLS SEWERAGE, INC. FOR AN INCREASE IN RATES FOR WASTEWATER SERVICE AND OTHER TARIFF CHANGES ORDER ADOPTING INITIAL. DECISION/STIPULATION BPU DOCKET NO. WR081 00929OAL DOCKET NO. PUC 13761-08N, dated April 27, 2009.

IN THE MATTER OF THE PETITION OF UNITED WATER NEW JERSEY INC. FOR APPROVAL OF AN INCREASE IN RATES FOR WATER SERVICE AND OTHER TARIFF CHANGES, ORDER ADOPTINGINITIAL DECISION/STIPULA TION BPU DOCKET NO. WRO809071 0 OAL DOCKET NO. PUC 11730-2008N, dated April 3, 2009.

IN THE MATTER OF THE PETITION OF UNITED WATER TOMS RIVER, INC. FOR APPROVAL OF AN INCREASE IN RATES FOR WATER SERVICE AND OTHER TARIFF CHANGES ORDER APPROVING PROVISIONAL RATES BPU DKT. NO. WRO8030139 OAL DKT. NO. PUCO3509-2008N, dated November 7, 2008.

**PCMG and Associates**

IN THE MATTER OF THE JOINT PETITIONERS OF NEW JERSEY-AMERICAN WATER COMPANY, INC., S.J. SERVICES, INC., SOUTH JERSEY WATER SUPPLY COMPANY, INC. AND PENNSGROVE WATER SUPPLY COMPANY, INC. FOR AMONG OTHER THINGS APPROVAL OF A CHANGE IN CONTROL OF SOUTH JERSEY WATER SUPPLY COMPANY, INC. AND PENNSGROVE WATER SUPPLY COMPANY, INC.  
ORDER ADOPTING INITIAL DECISION BPU. DOCKET NO. WMO7020076  
OAL DOCKET NO. PUC2966-07, dated September 13, 2007.

IN THE MATTER OF THE PETITION OF AQUA, NEW JERSEY, INC. FOR APPROVAL OF AN INCREASE IN RATES FOR WATER SERVICE AND OTHER TARIFF CHANGES  
ORDER ADOPTING INITIAL DECISION/STIPULATION  
BPU DOCKET NO. WRO7120955 OAL DOCKET NO. PUCRL 01211-2008N, dated July 14, 2008.

I/M/O THE JOINT PETITION OF THAMES WATER, AQUA HOLDINGS GMBH, ON BEHALF OF ITSELF AND ITS PARENT HOLDING COMPANY, RWE AKTI ENGESELLSCHAFT, THAMES WATER AQUA US HOLDINGS, INC., AMERICAN WATER WORKS COMPANY INC., THAMES WATER HOLDINGS INCORPORATED, E'TOWN CORPORATION, NEW JERSEY-AMERICAN WATER COMPANY, INC., ELIZABETHTOWN WATER COMPANY, THE MOUNT HOLLY WATER COMPANY AND APPLIED WASTEWATER MANAGEMENT, INC. FOR CONFIRMATION THAT THE BOARD OF PUBLIC UTILITIES DOES NOT HAVE JURISDICTION OVER, OR, ALTERNATIVELY, FOR APPROVAL OF, A PROPOSED TRANSACTION INVOLVING, AMONG OTHER THINGS, THE SALE BY THAMES WATER AQUA HOLDINGS GMBH OF UP TO 100% OF THE SHARES OF THE COMMON STOCK OF AMERICAN WATERWORKS COMPANY, INC. IN ONE OR MORE PUBLIC OFFERINGS  
DECISION AND ORDER DOCKET NO. WMO6050388, dated June 18, 2007.

IN THE MATTER OF THE PETITION OF ELIZABETHTOWN WATER COMPANY FOR APPROVAL OF AN INCREASE IN RATES FOR WATER SERVICE  
DECISION AND ORDER DOCKET NO. WRO307051 0, dated July 12, 2007.

IN THE MATTER OF THE PETITION OF NEW JERSEY AMERICAN WATER COMPANY, INC. FOR APPROVAL OF INCREASED TARIFF RATES AND CHARGES FOR WATER AND SEWER SERVICE; INCREASED DEPRECIATION RATES AND OTHER TARIFF REVISIONS BPU DOCKET NO. WR0801 0020 OAL DOCKET NO. PUC0319-08, dated December 8, 2008.

IN THE MATTER OF MIDDLESEX WATER COMPANY FOR APPROVAL OF AN INCREASE IN ITS RATES FOR WATER SERVICE AND OTHER TARIFF CHANGES ORDER ADOPTING INITIAL DECISION/SETTLEMENT BPU DKT. NO. WRO7040275 OAL DKT. NO. PUCRLO5663-2007N, dated November 29, 2007.

IN THE MATTER OF THE JOINT PETITION OF UNITED WATER NEW JERSEY, INC., UNITED WATER ARLINGTON HILLS, INC., UNITED WATER HAMPTON, INC., UNITED WATER VERNON WATER HILLS, INC., AND UNITED WATER LAMBERTVILLE, INC. FOR AN INCREASE IN RATES AND CHARGES FOR WATER SERVICE AND OTHER TARIFF CHANGES AND FOR APPROVAL TO MERGE THE OPERATIONS OF THE JOINT PETITIONERS INTO AND WITH UNITED WATER NEW JERSEY, INC. BPU DKT. NO. WRO7020135 OAL DKT. NO. PUCRL3325-2007N, dated October 25, 2007.

IN THE MATTER OF THE PETITION OF NEW JERSEY AMERICAN WATER COMPANY FOR AUTHORIZATION TO IMPLEMENT A DISTRIBUTION SYSTEM IMPROVEMENT CHARGE (DSIC) ORDER DENYING PETITION AND INSTITUTING STAKEHOLDER PROCESS  
BPU DOCKET NO. WOO8050358, dated October 10, 2010.