



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

IN THE MATTER OF LINDA PORTEWIG	)	ORDER DENYING
PETITION FOR EXEMPTION FROM SMART GROWTH	)	EXEMPTION
RULES <u>N.J.A.C.</u> 14:3-8.8(a)(7)	)	
	)	NON-DOCKETED MATTER

(SERVICE LIST ATTACHED)

BY THE BOARD:

The Board of Public Utilities ("Board") adopted its Extension of Service Rules ("Main Extension Rules") on November 16, 2004 and these rules were subsequently published in the New Jersey Register on December 20, 2004 at 36 N.J.R. 5928. The Main Extension Rules were promulgated to ensure that the Board's regulations governing extension of service reflected the State of New Jersey's Smart Growth policies. This Order will address a petition for an exemption from the Main Extension Rules.

The Board will address a request by Linda Portewig (Petitioner) for an exemption from the Main Extension Rules pursuant to N.J.A.C. 14:3-8.8(a)(7). This section of the rules provides for an exemption from the cost limits on extensions of service in areas not designated for growth for projects that would result in an extraordinary hardship as described in N.J.A.C. 14:3-8.8(i). The Petitioner built a house at 1015 Shunpike Road in Cape May, Cape May County, New Jersey, in an area not designated for growth. Petitioner now seeks relief from the rules which would otherwise require her to pay the entire cost of extending electric and gas service to the house on Shunpike Road in Cape May. Atlantic City Electric Company determined that the cost of extending electric service to the house is \$8,885. South Jersey Gas Company determined that the cost of extending gas service to the house is \$2,105.

To obtain an exemption based on an extraordinary hardship, N.J.A.C. 14:3-8.8(i) provides that a person must demonstrate to the Board that all of the following criteria are met:

- 1 Compliance with this subchapter would cause an extraordinary hardship;
2. The extraordinary hardship results from unique circumstances that do not apply to or affect other projects in the region;
3. The unique circumstances arise from the project itself and not from the circumstances or situation of the regulated entity or its customers; and

4. Neither the extraordinary hardship nor the unique circumstances are the result of any action or inaction by the regulated entity, its shareholders, or its customers.

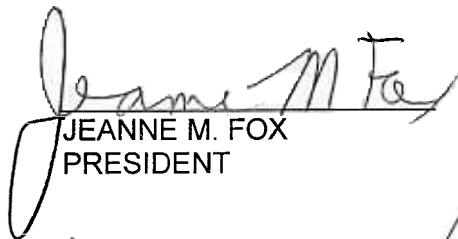
With respect to criterion number one, Petitioner has stated that paying for the cost of extending gas and electric service to her house would cause financial hardship because she is a single mother with a low income who is building a new home in an area not designated for growth. Petitioner is building this house on a portion of property she subdivided from property owned by her and her ex-husband in Cape May. Petitioner offered no explanation or evidence in her petition that criteria two through four have been met.

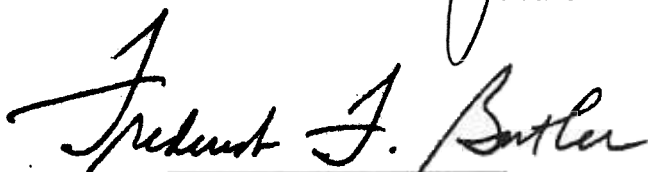
DISCUSSION:

After reviewing the petition, the Board FINDS that the above criteria are not met. Specifically, the Board FINDS that the Petitioner presented no facts other than a claim of financial hardship and offered no justification for why or how she meets the above criteria. Such a claim, standing alone, does not provide sufficient justification for an exemption to be granted. See In the Matter of Evelyn DeLarentis Petition for Exemption from Smart Growth Rules, Non-Docketed Matter, (September 13, 2005). Therefore, the Board HEREBY DENIES the petition for an exemption from the Main Extension Rules pursuant to N.J.A.C. 14:3-8.8(a)(7) for an extension of electric and gas service to a house at 1015 Shunpike Road in Cape May, Cape May County.

DATED: 8/22/07

BOARD OF PUBLIC UTILITIES
BY:

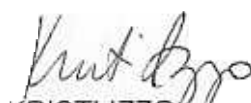

JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

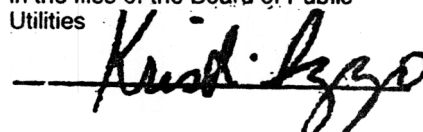

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
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



IN THE MATTER OF EVELYN DeLAURENTIS
PETITION FOR EXEMPTION FROM SMART GROWTH
RULES N.J.A.C. 14:3-8.8(a)(6) .

SERVICE LIST

Linda Portewig
1015 Shunpike Road in
Cape May, NJ

Randall V. Griffin
Atlantic City Electric Company
800 King Street
PO Box 231
Wilmington, Delaware 19899

Samuel A. Pignatelli
South Jersey Gas Company
1 South Jersey Plaza
Folsom, NJ 08037

Eric Wilkinson, Esq.
Smart Growth Policy Advisor
New Jersey Board of Public Utilities
2 Gateway Center, 8th Floor
Newark, NJ 07102