



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

ENERGY

IN THE MATTER OF THE MOTION OF PUBLIC)	DECISION AND ORDER
SERVICE ELECTRIC AND GAS COMPANY TO MODIFY)	APPROVING SETTLEMENT
ITS MANUFACTURED GAS PLANT (MGP))	
REMEDATION COMPONENT WITHIN ITS ELECTRIC)	
SOCIETAL BENEFITS CHARGE (SBC) AND ITS GAS)	
SBC; FOR A BOARD ORDER FINDING THAT ITS MGP)	
REMEDATION WORK PERFORMED DURING THE)	
REMEDATION ADJUSTMENT CHARGE (RAC) 15)	
PERIOD, AUGUST 1, 2006 TO JULY 31, 2007 WAS)	
PRUDENT; THAT THE RESULTING RAC 15 COSTS ARE)	
REASONABLE AND AVAILABLE FOR RECOVERY; AND)	
TO MAKE CHANGES IN THE TARIFF FOR ELECTRIC)	
SERVICE B.P.U.N.J. NO. 14, AND TO MAKE CHANGES)	
IN THE TARIFF FOR GAS SERVICE B.P.U.N.J.NO. 14,)	
PURSUANT TO <u>N.J.S.A. 48:2-21</u> AND <u>N.J.S.A. 48:2-21</u>)	DOCKET NO. ER07120970

(SERVICE LIST ATTACHED)

BY THE BOARD:

During December, 2007 Public Service Electric and Gas Company ("Petitioner", "PSE&G" or "Company") filed a Motion with the New Jersey Board of Public Utilities ("Board") seeking an Order finding that the Company's Manufactured Gas Plant ("MGP") Remediation work performed during the Gas Plant Remediation Adjustment Charge ("RAC") period August 1, 2006 through July 31, 2007 ("RAC 15") was prudent and the resulting net annual RAC 15 costs of \$35.811 million (net of insurance proceeds and other recoveries) are reasonable and appropriate for rate recovery. The Company's filing also requested that the Board approve revised tariff sheets for the RAC components of its gas Societal Benefits Charge ("SBC") rates and its electric SBC rates. The RAC is a separate component of the SBC.

The RAC allows for recovery of PSE&G's reasonably incurred MGP costs, amortized over a seven year rolling average period, with carrying charges tied to seven-year treasuries plus sixty basis points. PSE&G's program costs are allocated to electric and gas customers on a 60/40 percent basis pursuant to prior Board Orders.

The Company's Motion seeks to reduce its gas RAC rates by approximately \$0.225 million (including SUT) and to reduce its gas RAC rates by approximately \$4.509 million (including SUT) for a total decrease in RAC dollars of \$4.734 million. The \$4.734 million includes a \$579 deferral of Natural Resource Damage ("NRD") related expenses. The current gas RAC factor of \$0.4225 per therm (including SUT) would be decreased to \$0.4161 per therm (including SUT) and the current electric RAC factor rate for secondary service of \$0.0126 per kWh (including losses and SUT) would be reduced to \$0.0017 per kWh (including and SUT), with other electric services by voltage level (Primary, Sub-transmission and High Voltage) reduced accordingly.

The Company, the Board's Staff, the New Jersey Department of the Public Advocate, Division of Rate Counsel ("Rate Counsel") ("collectively the "Parties") were the only Parties of record in this matter.

Subsequent to discovery and discussions, the Parties executed the attached Settlement of Settlement on September 18, 2008. The salient points of the Settlement are as follows:

The MGP Remediation work performed during the RAC 15 period, August 1, 2006 to July 31, 2007, was prudent and reasonable, and the resulting RAC 15 costs of \$35.811 million (net of insurance proceeds and other recoveries) are reasonable and appropriate for recovery. This amount has been reduced to reflect a deferral of \$579 NRD related MGP expenses incurred during the RAC 15 period.

- Petitioner's current gas RAC rates shall be reduced by \$0.231 million (including SUT) on an annual basis, and Petitioner's current electric RAC rates shall be reduced by \$4.509 million (including SUT) on an annual basis, for a total decrease in RAC related revenues of approximately \$4.7341 million on an annual basis. Petitioner's current gas RAC factor of \$0.4225 per therm (including SUT) would be decreased to \$0.4159 per therm (including SUT). Similarly, the Company's current secondary service electric RAC factor of \$0.0126 per kWh (including losses and SUT) would be reduced to \$0.0017 per kWh (including losses and SUT). Petitioner's other electric services by voltage level (Primary, Sub-transmission and High Voltage) will also be reduced accordingly. The agreed upon RAC factors are set so that Petitioner may recover \$13.432 million through its gas SBC and \$0.698 million through its electric SBC, or a total of approximately \$14.130 million annually.

NRD related costs of \$1,020 from RAC 11, \$2,029 from RAC 12, \$7,497 from RAC 13 and \$60,755 from RAC 14, which had been previously built into the Company's rates, have been removed from the agreed upon RAC rates resulting from this proceeding. PSE&G agrees to defer these NRD-related MGP expenditures, and to continue to defer the \$579 of NRD-related expenditures proposed for recovery in the Company's RAC 15 filing until such time as the Board addresses the rate recoverability of NRD-related expenditures through the RAC mechanism.

Upon Board approval of the above rates, the Company is authorized to issue 1) a revised Gas SBC tariff sheet No. 41 that reflects the revised RAC charges set forth in the Settlement and 2) a revised Electric SBC tariff sheet No. 57 that reflects the agreed upon revised RAC charges set forth in the Settlement.

- The revised RAC factors for gas customers and electric customers and for gas co-generation customers in accordance with their Board approved contract terms, shall remain in effect until new RAC rates are approved by the Board

PSE&G will periodically conduct audits of its RAC expenditures, similar to its other expenses. RAC related expenditures will continue to be subject to Board audit.

DISCUSSION AND FINDINGS

- The Board has reviewed the attached Settlement of the Parties and FINDS them to be reasonable and in the public interest. Accordingly, the Board HEREBY ADOPTS the Settlement in its entirety, incorporating the terms and conditions thereof into this Order as if they were set forth at length herein. The Board FINDS that the Company's MGP remediation work performed during the RAC period August 1, 2006 through July 31, 2007 was prudent and the resulting net annual RAC 15 costs of \$35.811 million (net of insurance proceeds and other recoveries) are reasonable and appropriate for rate recovery. The Board HEREBY ORDERS that Petitioner's gas RAC factor is decreased from \$0.4225 per therm (including SUT) to \$0.4159 per therm (including SUT). The Board FURTHER ORDERS a decrease in Petitioner's current secondary service electric RAC factor from \$0.0126 per kWh (including losses and SUT) to \$0.0017 per kWh (including losses and SUT), with Petitioner's other electric services by voltage level (Primary, Sub-transmission and High Voltage) reduced accordingly. These rates are set so that Petitioner may recover \$13.432 million through its gas SBC and \$0.698 million through its electric SBC, for a total of approximately \$14.130 million annually.

The Settlement shall become effective as of the date of this Order.

The Board HEREBY DIRECTS the Company to submit revised tariff sheets that conform to the terms and conditions of this Order within ten (10) days from the effective date of this Order.

The Company's RAC related costs shall remain subject to on-going audit by the Board. Additionally, the Company will periodically conduct audits of these expenses.

This Decision and Order shall not preclude, nor prohibit, the Board from taking any actions determined to be appropriate as a result of any such audit.

DATED: 10/3/08

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

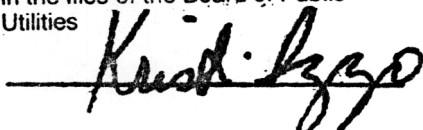

NICHOLAS ASSELTA
COMMISSIONER


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



I/M/O THE MOTION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY
TO MODIFY ITS MANUFACTURED GAS PLANT (MGP) REMEDIATION COMPONENT
WITHIN ITS ELECTRIC SOCIETAL BENEFITS CHARGE (SBC) AND ITS GAS SBC;
FOR A BOARD ORDER FINDING THAT ITS ADJUSTMENT CHARGE (RAC) 15 PERIOD,
AUGUST 1, 2006 TO JULY 31, 2007 WAS PRUDENT; THAT THE RESULTING RAC 15
COSTS ARE REASONABLE AND AVAILABLE FOR RECOVERY; AND TO MAKE CHANGES
IN THE TARIFF FOR GAS SERVICE B.P.U. N.J. NO.14, PURSUANT TO N.J.S.A. 48:2-21
AND N.J.S.A. 48:2-21.1 - BPU DOCKET NO. GR07120970

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September 23, 2008

In The Matter Of The Motion Of Public Service Electric
And Gas Company To Modify Its Manufactured Gas Plant (MGP)
Remediation Component Within Its Electric Societal Benefits Charge (SBC)
And Its Motion Gas SBC; For A Board Order Finding That Its MGP Remediation
Work Performed During The Remediation Adjustment
Charge (RAC) 15 Period, August 1, 2006 To July 31, 2007
Was Prudent; That The Resulting Rac15 Costs Are Reasonable
And Available For Recovery; And To Make Changes
In The Tariff For Electric Service B.P.U.N.J. No. 14
And To Make Changes In The Tariff For Gas
Service B.P.U.N.J. No. 14, Pursuant To
N.J.S.A. 48:2-21 And N.J.S.A. 48:2-21-1

Kristi Izzo, Secretary
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

Dear Secretary Izzo:

Enclosed for filing please find a fully executed Settlement Agreement in the above referenced matter. Thank you for your assistance in this proceeding.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gregory Eisenstark", written over a horizontal line.

Attachments
C Service List

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BPU DOCKET NO. GR07120970

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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE MOTION OF)
PUBLIC SERVICE ELECTRIC AND GAS)
COMPANY TO MODIFY ITS MANUFACTURED)
GAS PLANT (MGP) REMEDIATION)
COMPONENT WITHIN ITS ELECTRIC)
SOCIETAL BENEFITS CHARGE (SBC) AND ITS)
GAS SBC; FOR A BOARD ORDER FINDING)
THAT ITS MGP REMEDIATION WORK)
PERFORMED DURING THE REMEDIATION)
ADJUSTMENT CHARGE (RAC) 15)
PERIOD, AUGUST 1, 2006 TO JULY 31, 2007)
WAS PRUDENT; THAT THE RESULTING RAC)
15 COSTS ARE REASONABLE AND)
AVAILABLE FOR RECOVERY; AND TO MAKE)
CHANGES IN THE TARIFF FOR ELECTRIC)
SERVICE B.P.U.N.J. NO. 14 AND TO MAKE)
CHANGES IN THE TARIFF FOR GAS SERVICE)
B.P.U.N.J. NO. 14, PURSUANT TO N.J.S.A.)
48:2-21 AND N.J.S.A. 48:2-21.1)

SETTLEMENT

DOCKET NO. ER07120970

APPEARANCES:

Gregory Eisenstark, Esq., for the Petitioner, Public Service Electric and Gas Company

Judith Appel, Esq., Assistant Deputy Public Advocate, and Henry M. Ogden, Esq.,
Assistant Deputy Public Advocate, Department of the Public Advocate, Division of Rate
Counsel (Ronald K. Chen, Public Advocate, Stefanie A. Brand, Director)

Geoffrey Gersten and Alex Moreau, Deputy Attorneys General, for the Staff of the New
Jersey Board of Public Utilities (Anne Milgram, Attorney General of New Jersey)

On December 14, 2007, Public Service Electric and Gas Company (Public
Service, the Company) filed a Motion with the Board of Public Utilities (Board) for an

Order finding that Public Service's Manufactured Gas Plant (MGP) Remediation work performed during the Remediation Adjustment Charge (RAC) period August 1, 2006 through July 31, 2007 (RAC 15) was prudent, and that the resulting RAC 15 costs are reasonable and appropriate for rate recovery. The Company's filing also requested that the Board approve revised tariff sheets for the RAC components of its gas Societal Benefits Charge (SBC) and electric SBC rates that would result in reduced annual RAC revenues from the Company's gas customers of approximately \$0.225 million, and reduced annual RAC revenues from the Company's electric customers of approximately \$4.509 million. The Company's filing requested authority to (1) decrease its Gas RAC factor rate from 0.4225 cents per therm (including Sales and Use Tax, "SUT") to 0.4161 cents per therm (including SUT); and (2) to decrease its Electric RAC factor rate for secondary service from 0.0126 cents per kWh (including losses and SUT) to 0.0017 cents per kWh (including losses and SUT), with other voltage level services reduced accordingly.

The Company proposed a March 1, 2008 effective date for these tariff changes.

The Board Staff (Staff) and the Department of the Public Advocate, Division of Rate Counsel (Rate Counsel), the only parties to this proceeding (the Parties), have propounded discovery requests, to which the Company has responded. In addition,

Staff, Rate Counsel and the Company have held settlement and discovery conferences concerning this matter.

NOW, THEREFORE, THE UNDERSIGNED AGREE AS FOLLOWS:

- 1) The Company's MGP Remediation work performed during the RAC 15 period, August 1, 2006 to July 31, 2007, as described in Company witness Bruce A. Preston's testimony (Attachment B to the Company's Motion), was prudent and reasonable, and the resulting RAC 15 costs of \$35.811 million (net of insurance proceeds and other recoveries) are reasonable and appropriate for recovery.

amount has been reduced to reflect a deferral of \$579 of NRD-related MGP expenses incurred during the RAC 15 period.
- 2) The Parties agree that the current electric and gas RAC rates, approved by the Board on October 25, 2007, should be changed as follows. The current gas RAC rates shall be reduced by \$0.231 million on an annual basis, and the current electric RAC rates shall be reduced by \$4.509 million on an annual basis, for a total decrease of \$4.741 million on an annual basis. The current secondary service electric RAC factor of 0.0126 cents per kWh (includes losses and SUT) would be reduced to 0.0017 cents per kWh (including losses and SUT).

other electric services by voltage level (Primary, Subtransmission and High Voltage) will also be reduced accordingly. Similarly, the current gas RAC factor of 0.4225 cents per therm (including SUT) would be decreased to 0.4159 cents

per therm (including SUT). The foregoing rates will allow recovery of 1/7 of the RAC 9 through RAC 15 expenditures. The undersigned agree that the foregoing RAC factors are set so that Public Service may recover \$13.432 million through the gas SBC and \$0.698 million through the electric SBC, for a total of \$14.130 million.

- 3) The Parties agree that upon Board approval of the above rates, the Company is authorized to issue a revised Gas SBC Tariff Sheet No. 41 to reflect the revised RAC charges delineated in Paragraph 2 above applicable to all gas customers. The undersigned parties further agree that upon Board approval of the above rates, the Company is authorized to issue a revised Electric SBC Tariff Sheet No. 57 to reflect the revised RAC charges delineated in paragraph 2 above applicable to all electric customers.
- 4) The Parties further agree that the revised RAC factors for gas customers and electric customers as set forth herein, and for gas co-generation customers in accord with their Board-approved contract terms, shall remain effective to recover the above-referenced RAC costs until any new rates are approved by the Board.
- 5) The Parties agree that during the RAC 15 period, the Company properly credited all net proceeds from the sale or lease of MGP properties to the RAC 15 balance, for the benefit of customers.

- 6) The Parties agree that Natural Resource Damage (NRD)-related MGP expenditures of \$1,020 from RAC 11, \$2,029 from RAC 12, \$7,497 from RAC 13, and \$60,755 from RAC 14, which were included in prior PSE&G RAC 11 through RAC 14 filings, and which had been built into PSE&G's RAC rates, have been removed from the Company's RAC rates. PSE&G agrees to defer the above-indicated NRD-related MGP expenditures, and to continue to defer the NRD-related expenditures proposed for recovery in the Company's RAC 15 filing in the amount of \$579, until such future time as the Board specifically addresses the rate recoverability of NRD-related expenditures through the RAC mechanism. The impact of the deferred NRD-related amounts has been included in the new RAC factors set forth in Paragraph 2 of this Settlement.
- 7) The Parties agree that this Settlement is being entered into exclusively for the purpose of resolving the issues in this matter. The parties further agree that this Settlement resolves all issues regarding the Company's RAC 15 filing.
- 8) The Parties agree that this Settlement was negotiated and agreed to in its entirety with each section being mutually dependent on approval of all other sections. Therefore, if the Board modifies any of the terms of this Settlement, each party is given the option, before implementation of any different rate or terms in this case, to accept the change or to resume the proceeding as if no agreement had

been reached. If these proceedings are resumed, each party is given the right to return to the position it was in before this settlement was executed.

- 9) The Parties agree that the Company's MGP remediation costs will remain subject to audit by the Board. Additionally, the Company periodically conducts audits of these expenses, similar to its other expenses.
- 10) The Parties hereby agree that this Settlement has been made exclusively for the purpose of this proceeding and that this Settlement, in total or by specific item, is

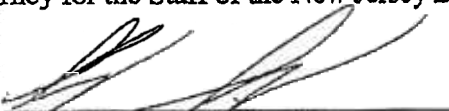
in no way binding upon them in any other proceeding, except to enforce the terms of this Settlement.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

By: 
Gregory Eisenstark, Esq.

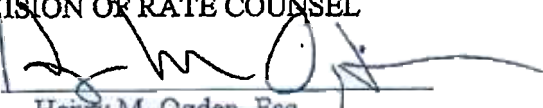
DATED: 9-18-08

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the New Jersey Board of Public Utilities

BY: 
Geoffrey Gersten, DAG
Alex Moreau, DAG

DATED: 9/15/08

RONALD K. CHEN
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STEFANIE A. BRAND, DIRECTOR
DIVISION OF RATE COUNSEL

By: 
Henry M. Ogden, Esq.
Assistant Deputy Public Advocate

DATED: September 15, 2008