



Agenda Date: 12/18/13
Agenda Item: 2E

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF SOUTH)
JERSEY GAS COMPANY FOR A DETERMINATION)
PURSUANT TO THE PROVISIONS OF N.J.S.A.)
40:55D-19)
ORDER DESIGNATING)
COMMISSIONER AND SETTING)
MANNER OF SERVICE)
DOCKET NO. GO13111049)

Parties of Record:

Stacy A. Mitchell, Esq., on behalf of South Jersey Gas Company
Stefanie A. Brand, Esq., Director, Division of Rate Counsel
Barbara L. Young, Municipal Clerk, Upper Township
Linda Costello, Acting Clerk, Maurice River Township
Fern A. Brown, Acting City Clerk, City of Estell Manor

BY THE BOARD:

The Board of Public Utilities (the "Board") is empowered to ensure that regulated public utilities provide safe, adequate and proper service to the citizens of New Jersey. N.J.S.A. 48:2-23. Pursuant to N.J.S.A. 48:2-13, the Board has been vested by the Legislature with the general supervision and regulation of and jurisdiction and control over all public utilities, "so far as may be necessary for the purpose of carrying out the provisions of [Title 48]." The courts of this State have held that the grant of power by the Legislature to the Board is to be read broadly, and that the provisions of the statute governing public utilities are to be construed liberally. See, e.g., In re Public Service Electric and Gas Company, 35 N.J. 358, 371 (1961), Twp. of Deptford v. Woodbury Terrace Sewerage Corp., 54 N.J. 418, 424 (1969), Bergen County v. Dep't. of Public Utilities, 117 N.J. Super. 304 (App. Div. 1971).

On November 4, 2013, South Jersey Gas Company ("Petitioner or "SJG"), a New Jersey public utility engaged in the business of purchasing, distributing, transporting, and selling natural gas to approximately 360,000 customers within its service areas in Cape May, Cumberland, Atlantic, and Salem counties, and parts of Gloucester, Camden and Burlington counties, filed a petition with the Board of Public Utilities ("Board") pursuant to N.J.S.A. 40:55D-19 of the New Jersey Municipal Land Use Act ("MLUA").

Petitioner seeks authorization and approval from the Board to construct and operate approximately 21.6 miles of 24-inch natural gas high pressure transmission pipeline ("pipeline")

with an alignment that runs through Maurice River Township in Cumberland County, City of Estell Manor in Atlantic County and Upper Township in Cape May County. The pipeline will allow for the use of in-line inspection equipment to assess its pipeline integrity and will be certified to a maximum allowable operating pressure ("MAOP") of 700 psig.

SJG indicates that the pipeline will consist of a reliability line and a dedicated line. The first segment referred to as the "reliability line" will interconnect with SJG's existing system and provide system reliability and reinforcement enhancements for its customers in Cape May and Atlantic Counties. The second segment referred to as the "dedicated line" will provide natural gas transportation service to the B.L. England facility in Upper Township, New Jersey. The proposed route for the first segment will begin at SJG's Cumberland Pond Station in Maurice River Township and will end at a proposed distribution district regulating facility on Marshall Avenue in Upper Township. The Marshall Avenue regulating facility will also be the starting point for the second segment. The proposed route for the second segment will run from the regulating facility to a proposed B.L. England metering station, and will be entirely located in Upper Township.

The pipeline will be located within the public right-of-way and in easements across private property. SJG indicates that the pipeline is subject to 2 local land use approvals. The first approval that it claims is necessary for the construction of the pipeline is from Maurice River Township in Cumberland County for the proposed Cumberland Pond Station near Union Road and Upper Township. The second approval SJG claims is required is from Upper Township in Cape May County for two proposed remote operated sectionalizing valve facilities, the proposed Marshall Avenue regulating facility and the proposed B.L. England Metering Station facility. SJG claims that no local land use approval is necessary from the City of Estell Manor.

N.J.S.A. 40:55D-19 provides that the MLUA, and any ordinance or regulations made under the authority thereof shall not apply to a development proposed by a public utility for installation in more than one municipality for the furnishing of service if, upon petition by the public utility to the Board with notice to all affected municipalities, the Board thereafter conducts a hearing to determine whether the proposed installation of the development in question is "reasonably necessary for the service, convenience or welfare of the public." SJG indicates that the proposed pipeline is subject to site plan review by Upper Township and Maurice River Township. SJG has also indicated that the proposed pipeline is not subject to any site plan review by the City of Estell Manor.

Accordingly, the Board has determined that the petition should be retained by the Board for hearing in order to decide whether the pipeline is reasonably necessary for the service, convenience or welfare of the public consistent with N.J.S.A. 40:55-D-19. Pursuant to N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** Commissioner Joseph Fiordaliso as the presiding officer. The Board **FURTHER ORDERS** that Commissioner Fiordaliso, as the presiding Commissioner, is **HEREBY AUTHORIZED** to modify the schedule set by this Order, decide all motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

Based upon consent of the parties, a notice of public hearing in this matter was published announcing a public hearing to take place on December 18, 2013, at 5:30 p.m. in the meeting room at the Upper Township branch of the Cape May County Library, 2050 Route 631, Petersburg, New Jersey. The notice indicated that a representative of the Board would preside over the hearing. Consistent with this Order, Commissioner Fiordaliso will preside.

The Board **HEREBY DIRECTS** that all parties seeking to intervene in this matter make the appropriate application with the Board by December 30, 2013.

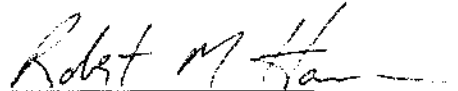
The Board **HEREBY DIRECTS** staff to post this Order on the Board's website and serve a copy of the Order to the service list electronically.

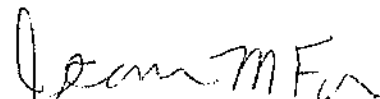
In addition, in the interests of economy, all parties are **HEREBY DIRECTED** to serve all documents electronically, while still providing hard copies to the Board for those documents which must be filed with the Board, with hard copies to each party upon request.

This Order shall be effective on December 18, 2013.

DATED: 12/18/13

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

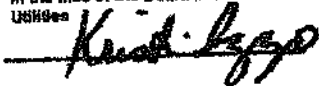

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
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 THE PETITION OF SOUTH JERSEY GAS COMPANY FOR A
DETERMINATION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40:55D-19

DOCKET NO. GO13111049

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