



Agenda Date: 6/18/14
Agenda Item: IIA

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 TAQA GEN-X,)
LLC FOR AUTHORIZATION AND APPROVAL OF)
CONSTRUCTION OF A PROPOSED PIPELINE)
PURSUANT TO N.J.A.C. 14:7-1.4, ET SEQ.)
)
) ORDER GRANTING)
) MOTIONS FOR ADMISSION)
) PRO HAC VICE)
) DOCKET NO. GO14050440)

Parties of Record:

Steven S. Goldenberg, Esq., Fox Rothschild, LLP on behalf of TAQA Gen-X, LLC
Andrew K. Dembia, Esq., on behalf of New Jersey Natural Gas Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

The New Jersey Board of Public Utilities ("Board") is empowered to ensure that 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); Township 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). The Board is also vested with the authority, pursuant to N.J.S.A. 48:2-19, to investigate any public utility, and, pursuant to N.J.S.A. 48:2-16 and 48:2-40, to issue orders to public utilities.

On May 15, 2014, TAQA Gen-X¹, LLC ("TAQA") filed a petition with the Board pursuant to N.J.A.C. 14:7-1.4 under the rules governing the construction of natural gas pipelines.

TAQA seeks authorization and approval from the Board to construct approximately 4,225 feet of 16-inch natural gas high pressure transmission pipeline, a metering station and pigging

¹ TAQA is a Delaware limited liability company having an office at 2000 Westchester Ave., Purchase, New York 10577.

receiving station in the Borough of Sayreville, Middlesex County, New Jersey. The proposed pipeline will be certified to a maximum allowable operating pressure ("MAOP") of 722 psig.

According to the petition, the proposed pipeline will be owned by TAQA and used solely by TAQA to receive its natural gas supply through New Jersey Natural Gas Company for conversion into electric energy at the combined-cycle, gas-fired power plant owned by Cogentrix Red Oak Holdings, LLC and operated by Red Oak Power, LLC ("Red Oak"). Red Oak currently has a tolling agreement with TAQA whereby Red Oak has agreed to use the generating facility to convert the natural gas fuel provided by TAQA into electric energy for delivery back to TAQA. TAQA in turn, trades that energy on the PJM Interconnection, LLC² ("PJM") wholesale energy market.

On May 16, 2014, Steven S. Goldenberg, Esq. of Fox Rothschild, LLP, on behalf of TAQA, filed motions for the admission *pro hac vice* of Paul F. Forshay, Esq. and Meghan R. Gruebner, Esq. Mr. Goldenberg represented that: (1) Mr. Forshay and Ms. Gruebner have attorney client relationships with TAQA; (2) Mr. Forshay and Ms. Gruebner have significant experience representing the interests of various participants in the energy markets; and (3) they are specialists in the field of law involved in this proceeding. Mr. Forshay and Ms. Gruebner represented that: (1) they are duly admitted to practice of law in the District of Columbia but not in the State of New Jersey; (2) no disciplinary proceedings are pending against them and no discipline has previously been imposed on them in any jurisdiction; (3) they are specialists in the field of law involved in this proceeding and they have attorney client relationships with TAQA; (4) Mr. Forshay has paid and Ms. Gruebner will pay the fees required by R.1:20-1(b) and 1:28-2; and (5) they will comply with the New Jersey Court Rules, consent to and give notices to the Board and the Office of Administrative Law ("OAL") as required, and ensure that all papers filed with the Board and OAL bear the signature of the attorney of record admitted to practice law in New Jersey.

The Board has reviewed the motions and the supporting affidavits for admission *pro hac vice* of Paul F. Forshay, Esq. and Meghan R. Gruebner, Esq., and no objections to them having been received after notice, **FINDS** that Mr. Forshay and Ms. Gruebner have satisfied the conditions for admission, have affirmed to the Board that Mr. Forshay has paid and that Ms. Gruebner will make the payment to the New Jersey Lawyers' Fund for Client Protection of the fees required by R. 1:20-1(b) and 1:28-2, and therefore, are **HEREBY** admitted to practice before the Board *pro hac vice* in the above-captioned matter provided that they shall:

- (1) Abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;
- (2) Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against each of them that may arise out of his participation in this matter;
- (3) Notify the Board immediately of any matter affecting their standing at the bar of any other jurisdiction; and

² PJM is the regional transmission organization that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia, including New Jersey.

- (4) Have all pleadings, briefs and other papers filed with the Board signed by an attorney of record authorized to practice in this State, who shall be held responsible for them and for the conduct of the cause and the admitted attorney therein.

In addition, Ms. Gruebner is **HEREBY DIRECTED** to provide to the Board proof of payment of the fees required by R. 1:20-1(b) and 1:28-2. to the New Jersey Lawyers' Fund for Client Protection.

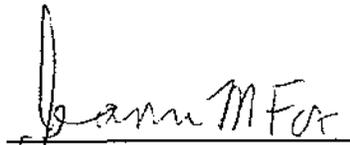
In the interests of economy, all parties are **HEREBY DIRECTED** to serve all documents electronically, while still providing hard copies to the Board for those documents which must be filed with the Board, with hard copies provided to each party upon request.

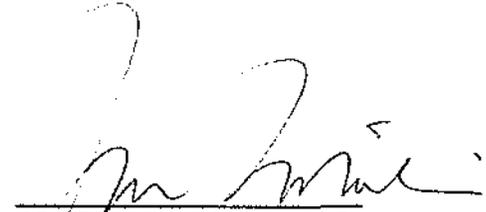
This Order shall be effective on June 27, 2014.

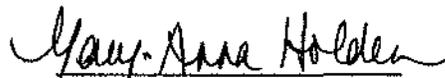
DATED: 6/18/14

BOARD OF PUBLIC UTILITIES
BY:

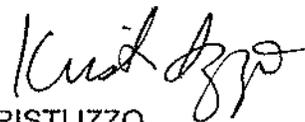

DIANNE SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER

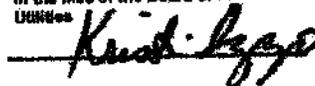

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
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.



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APPROVAL OF CONSTRUCTION OF A PROPOSED PIPELINE PURSUANT TO
N.J.A.C. 14:7-1.4, ET SEQ. - DOCKET NO. GO14050440**

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