



Agenda Date: 12/12/16
Agenda Item: 6A

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

RELIABILITY & SECURITY

IN THE MATTER OF THE PETITION OF SOUTH)
JERSEY GAS COMPANY FOR AUTHORIZATION) AMENDED ORDER UPON
TO CONSTRUCT A 24" PIPELINE THROUGH) REMAND FROM THE SUPERIOR
MAURICE RIVER TOWNSHIP IN CUMBERLAND) COURT, APPELLATE DIVISION¹
COUNTY, CITY OF ESTELL MANOR IN ATLANTIC)
COUNTY AND UPPER TOWNSHIP IN CAPE MAY)
COUNTY, NEW JERSEY) DOCKET NO. GO13030202

Parties of Record:

Ira G. Megdal, Esq., Cozen O'Connor, P.C., on behalf of South Jersey Gas Company
Stefanie A. Brand, Esq., Director, Division of Rate Counsel

BY THE BOARD:²

BACKGROUND

By Order dated June 21, 2013 ("June 21, 2013 Order"), the New Jersey Board of Public Utilities ("Board") authorized South Jersey Gas Company ("SJG") to construct and operate a twenty-four (24) inch natural gas transmission pipeline ("Pipeline" or "Project") with an approximate 21.6 mile alignment through Maurice River Township in Cumberland County, City of Estell Manor in Atlantic County and Upper Township in Cape May County, subject to certain conditions.

The affected municipalities are located in land use management areas under the jurisdiction of the New Jersey Pinelands Commission ("Pinelands Commission"), and are subject to the Commission's Comprehensive Management Plan ("CMP"), set forth in N.J.A.C. 7:50-1, et seq.

¹ This Order supersedes the Order entered on July 23, 2015 to further reflect the Board's action.

² Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

On October 20, 2014, SJG filed a petition ("Petition for an Amended Order") with the Board requesting that it amend the June 21, 2013 Order to include two (2) additional provisions. Specifically, the first amendment requested by the Company provided as follows:

Provided, however, that unless ordered to do so by this Board, or other governmental authority having jurisdiction, the Company will not connect any new customer to that portion of the Pipeline within the area designated as the Forest Area pursuant to the CMP.

SJG also requested that the Board approve a change in the location of the point of interconnection and the regulator station from Marshall Avenue in Upper Township to Mount Pleasant–Tuckahoe Road in Upper Township.

The Board issued an Order on July 23, 2015 ("July 23, 2015 Order"), which granted SJG's requests to: (1) preclude new customers from utilizing the Pipeline unless approved by the Board or other governmental entity; and (2) change the location of the point of interconnection and the regulator station. In re the Petition of South Jersey Gas Company for Authorization to Construct a 24" Pipeline Through Maurice River Township in Cumberland County, City of Estell Manor in Atlantic County and Upper Township in Cape May County, New Jersey, Docket No. GO13030202 (Order dated July 23, 2015) at 8. The July 23, 2015 Order contains the extensive procedural history of this matter, which is incorporated herein by reference.

On September 4, 2015, the Pinelands Preservation Alliance filed a notice of appeal of the Board's July 23, 2015 Order with the Superior Court of New Jersey, Appellate Division ("Appellate Division"), Docket No. A-0151-15T1. In a decision issued on November 7, 2016, the Appellate Division affirmed the Board's July 23, 2015 Order, but remanded the matter to the Board for entry of an Amended Order adding the following: "the Board's approval of the pipeline and its construction is conditioned upon the issuance by the [Pinelands] Commission of a final decision finding the that the pipeline is consistent with the minimum standards of the CMP." In re South Jersey Gas Co., 2016 N.J. Super. Unpub. LEXIS 2428, 18 (App. Div. November 7, 2016).

DISCUSSION AND FINDINGS

Accordingly, based upon the above, and in conformance with the Appellate Division's ruling, on remand, and pursuant to the provisions of N.J.A.C. 14:7-1.4, the Board **HEREBY AMENDS** the Board's Order of July 23, 2015 to include the following language:

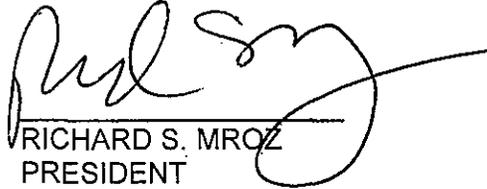
The Board's approval of the Pipeline and its construction is further conditioned upon the issuance by the Pinelands Commission of a final decision finding that the Pipeline is consistent with the minimum standards of the Pinelands Comprehensive Management Plan (CMP); and

The Board **FURTHER ORDERS** that the terms and conditions of the Board's prior orders, which are incorporated herein by reference, shall remain in effect, except as modified by this order.

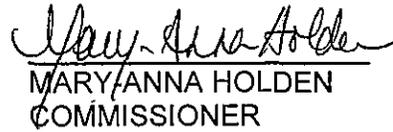
This Order shall be effective on December 22, 2016.

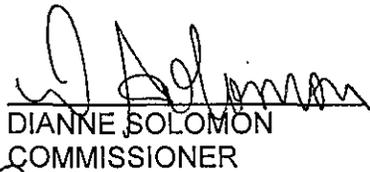
DATED: 12/12/16

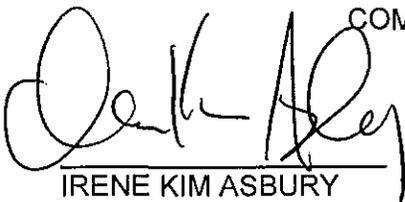
BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT

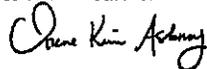

JOSEPH L. FIORDALISO
COMMISSIONER


MARYANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER

ATTEST: 
IRENE KIM ASBURY
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
AUTHORIZATION TO CONSTRUCT A 24" PIPELINE THROUGH MAURICE RIVER
TOWNSHIP IN CUMBERLAND COUNTY, CITY OF ESTELL MANOR IN ATLANTIC COUNTY,
AND UPPER TOWNSHIP IN CAPE MAY COUNTY, NEW JERSEY

DOCKET NO. GO13030202

SERVICE LIST

Ira G. Megdal, Esq.
Cozen O'Connor
Liberty View Building, Suite 300
457 Haddonfield Road
Cherry Hill, NJ 08002
imegdal@cozen.com

Steven R. Cocchi, Esq.
Director, Rates and Revenue Requirements
South Jersey Gas Company
One South Jersey Plaza
Route 54
Folsom, NJ 08037
scocchi@sjindustries.com

Richard Bethke, Associate Engineer
Engineering Services & System Integrity
South Jersey Gas
1 South Jersey Plaza
Folsom, NJ 08037
rbethke@sjindustries.com

Michael K. Plumb, Esq.
Chiesa, Shahinian & Giantomosi, P.C.
One Boland Drive
West Orange, NJ 07052
mplumb@csglaw.com

John Valeri, Esq.
Chiesa, Shahinian & Giantomosi, P.C.
One Boland Drive
West Orange, NJ 07052
jvaleri@csglaw.com

Roxanne Wright, Esq.
Dechert LLP
902 Carnegie Center, Suite 500
Princeton, NJ 08540
roxanne.wright@dechert.com

Irene Kim Asbury, Esq.
Secretary of the Board
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
irene.asbury@bpu.nj.gov

Cynthia Covie, Esq.
Chief of Staff
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
cynthia.covie@bpu.nj.gov

Paul Flanagan, Executive Director
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
paul.flanagan@bpu.nj.gov

Megan Lupo, Legal Specialist
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
megan.lupo@bpu.nj.gov

James Giuliano, Director
Division of Reliability and Security
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
james.giuliano@bpu.nj.gov

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
sbrand@rpa.state.nj.us

James W. Glassen, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
jglassen@rpa.state.nj.us

Geoffrey Gersten, DAG
Division of Law and Public Safety
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07101-45029
geoffrey.gersten@dol.lps.state.nj.us

Andrew Kuntz, DAG
Division of Law and Public Safety
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07101-45029
andrew.kuntz@dol.lps.state.nj.us

Michael Stonack, Bureau Chief
Bureau of Pipeline Safety
Division of Reliability and Security
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
michael.stonack@bpu.nj.gov