



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/

ENERGY

IN THE MATTER OF THE PETITION OF SOUTH)
JERSEY GAS COMPANY FOR APPROVAL OF A)
MUNICIPAL CONSENT IN THE BOROUGH OF)
MAGNOLIA, CAMDEN COUNTY, NEW JERSEY) DECISION AND ORDER
DOCKET NO. GE16121155

Parties of Record:

Stacy M. Barnes, Esq., South Jersey Gas Company
Stefanie A. Brand, Esq., New Jersey Division of Rate Counsel

BY THE BOARD:

South Jersey Gas Company ("SJG" or "Company"), a regulated public utility subject to the jurisdiction of the New Jersey Board of Public Utilities ("Board"), is a corporation duly organized under the laws of the State of New Jersey engaged in the business of transmission and distribution of natural gas to approximately 360,000 customers within its service territory.

SJG currently provides natural gas service within the Borough of Magnolia ("Borough") to approximately 1,801 residential, seventy-eight (78) commercial and two (2) industrial customers. The Company's consent to use the streets within the Borough for the provision of gas service expired on October 1, 1997, pursuant to the fifty (50) year statutory limitation set forth in N.J.S.A. 48:3-15.¹ A copy of the original ordinance is attached to this Order as Exhibit "A". On May 6, 2015 pursuant to Ordinance No. 2015:08, the Borough renewed its consent and granted SJG continued permission to lay and construct its pipes, mains, and related appurtenances and facilities within the streets, alleys, squares and public places within the Borough for a period of fifty (50) years to furnish gas service in the Borough. By letter dated May 13, 2015, the Company accepted and agreed to the terms of the consent. Copies of the Ordinance and the letter of acceptance are attached to this Order as Exhibits "B" and "C" respectively.

¹ The Board notes that municipal consents often expire some time prior to their renewal even when the Company initiates the renewal process prior to the expiration of the previous term. This is primarily the result of the time necessary for a municipality to fulfill the legal requirements that attend to all formal actions it must take along with the additional time for hearing and Board approval as required by law. The Board has been assured that pending review of this petition, SJG has continued to provide service to its customers within the Borough in an uninterrupted manner.

On December 14, 2016, pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, SJG filed a petition requesting that the Board approve the consent adopted by the Borough. As required by law and after notice, a hearing in this matter was held on July 28, 2017. William Agee, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel ("Rate Counsel") and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

At the hearing, the Company relied on its petition and exhibits filed with the Board and presented the testimony of Joseph Schneider, its General Manager of Compliance, Standards and Records. According to the petition, SJG anticipates growth in its defined service territory to be approximately one percent (1%) annually for the next three (3) to five (5) years. Mr. Schneider testified that the Company has the capacity to meet the anticipated level of growth within the municipality.

Rate Counsel, in its written comments to the petition dated August 18, 2017, indicated that it does not object to the Company's petition since the Company represented that it has the capacity necessary to continue to provide natural gas service to the Borough, and since the term of the municipal consent related to the use of streets is limited to the statutory maximum term of fifty (50) years. However, Rate Counsel requests that approval of the petition include certain restrictions which are incorporated in this Order.

Following its receipt of Rate Counsel's comments, SJG filed correspondence with the Board on August 29, 2017 indicating that it had no additional comments.

After a full review of the entire record, the Board **HEREBY FINDS** that the municipal consent for use of the streets, which is the subject of this matter, is necessary and proper for the public convenience and properly serves the public interest, and that SJG has the ability to continue to provide safe, adequate and proper service. The Board **FURTHER FINDS** that the Company has the necessary experience, financial capability, capacity, and facilities in the Borough to continue to provide, adequate and appropriate service to its existing customers, as well as expected future customers, and that the fifty (50) year duration of the municipal consent to use the streets is consistent with N.J.S.A. 48:3-15. Accordingly, the Board, pursuant to N.J.S.A. 48:2-14, **HEREBY APPROVES** the consent granted to SJG by the Borough to continue to provide gas service, and for the continued use of its public streets for that purpose for a period of fifty (50) years.

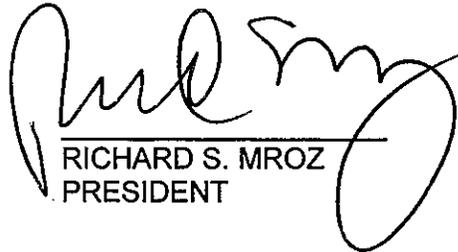
The approval granted hereinabove shall be subject to the following provisions:

1. This Order shall not be construed as directly or indirectly fixing for any purposes whatsoever the value of any tangible or intangible assets now owned or hereafter to be owned by SJG.
2. This Order shall not effect nor in any way limit the exercise of the authority of this Board or of the State in any future petition or in any proceedings with respect to rates, franchises, services, financing, accounting, capitalization, depreciation, or in any other matters affecting SJG.

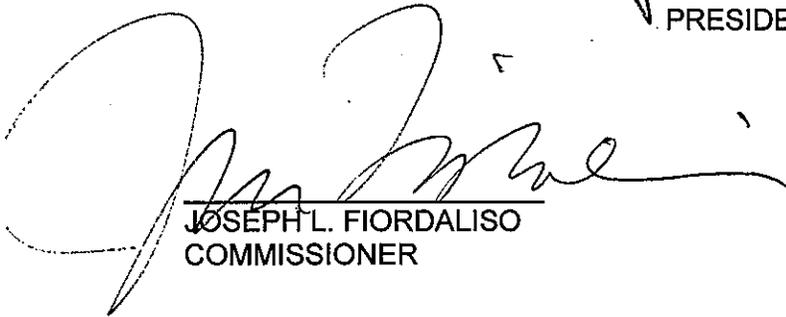
This Order shall be effective as of October 2, 2017.

DATED: 9/22/17

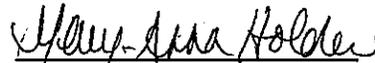
BOARD OF PUBLIC UTILITIES
BY:



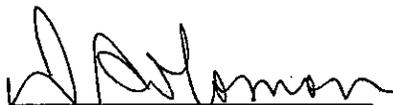
RICHARD S. MROZ
PRESIDENT



JOSEPH L. FIORDALISO
COMMISSIONER



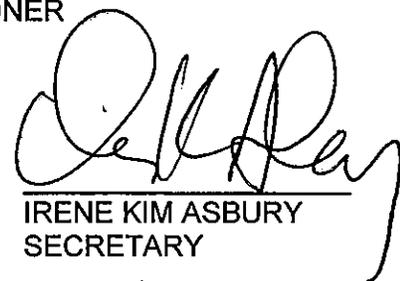
MARY ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

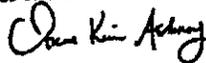


UPENDRA J. CHIVUKULA
COMMISSIONER

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 APPROVAL
OF A MUNICIPAL CONSENT IN THE BOROUGH OF MAGNOLIA, CAMDEN COUNTY, NEW
JERSEY - DOCKET NO. GE16121155

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Borough of Magnolia:

John D. Keenan, Jr., R.M.C.
Clerk, Borough of Magnolia
438 West Evesham Avenue
Magnolia, NJ 08049-1725

Ross Angilella, County Administrator
Camden City Hall
520 Market Street
Camden, NJ 08012

Clerk, Board of Chosen Freeholders
Camden City Hall
520 Market Street
Camden, NJ 08012

Exhibit A

AN ORDINANCE GIVING AND GRANTING CONSENT AND PERMISSION TO SOUTH JERSEY GAS COMPANY TO FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE BOROUGH OF ~~BRIDGEVIEW~~, IN THE COUNTY OF ~~WARREN~~

BE IT ORDAINED by the Borough Council of the Borough of ~~BRIDGEVIEW~~ in the County of ~~WARREN~~ :

1. That consent and permission to furnish gas for light, heat and power in the Borough of ~~BRIDGEVIEW~~ in the County of ~~WARREN~~ is hereby given and granted to South Jersey Gas Company, subject to approval of such consent and permission by the Board of Public Utility Commissioners of the State of New Jersey.

2. The said South Jersey Gas Company shall lay and construct its pipes and mains within the Borough in the manner required by R.S. 48:9-21 and subject to reasonable regulations with respect to the opening of streets and public places imposed by the Borough Council.

3. South Jersey Gas Company shall within thirty (30) days after the passage of this ordinance file with the Borough Clerk a bond in the amount of One Thousand Dollars (\$1,000) conditioned for the restoration of any street or public place which may be opened by it in a manner satisfactory to the Borough Council.

4. This ordinance shall take effect immediately upon publication as required by law.

Laura R. Turner
~~Mayor~~

Samuel D. Amico
~~Mayor~~

I, **SAMUEL D'AMICO**, Clerk of the
Borough of **Margolis**, in the County of
Camden, do hereby certify that the foregoing
ordinance granting consent and permission to the South Jersey Gas Company
to furnish gas for light, heat and power in the Borough of **Margolis**
in the County of **Camden**
is a true copy of said ordinance as introduced at a meeting of the Borough
Council of said Borough held on the **30th** day of **September**, 1947,
and finally passed at a meeting of said Council held on the **1st** day of
October, 1947.


SAMUEL D'AMICO Borough Clerk

Exhibit B

ORDINANCE 2015:08

**AN ORDINANCE GRANTING RENEWED CONSENT AND PERMISSION TO
SOUTH JERSEY GAS COMPANY TO USE THE PUBLIC STREETS TO
FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE BOROUGH OF
MAGNOLIA**

WHEREAS, South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to the Borough of Magnolia pursuant to the municipal consent first granted to South Jersey Gas Company on October 1, 1947 by Ordinance; and

WHEREAS, South Jersey Gas Company now seeks, pursuant to NJSA 48:3-15, the consent of the Borough of Magnolia to renew the 1947 Ordinance applicable to the use of the streets in the Borough of Magnolia by adopting the following Ordinance;

NOW, THEREFORE, BE IT ORDAINED by Mayor and Council of the Borough of Magnolia, County of Camden, and State of New Jersey as follows:

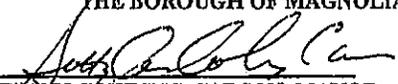
Section 1. That exclusive consent and permission is hereby renewed and granted to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Borough of Magnolia in the manner prescribed by NJSA 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

Section 2. This consent is granted for the entire geographical area of the Borough of Magnolia and extend to the boundaries of the Borough of Magnolia and shall remain in effect for a period of fifty (50) years from the date of final adoption of this Ordinance.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law, and acceptance by South Jersey Gas Company.

THE BOROUGH OF MAGNOLIA

BY: 
BETTYANN COWLING-CARSON, MAYOR

ATTEST:


JOHN KEENAN, BOROUGH CLERK

Ordinance 2015:08

Page 2

I, John Keenan, Clerk of the Borough of Magnolia hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Council at their meeting of May 06, 2015, held in the Municipal Building, 438 W. Evesham Avenue, Magnolia, New Jersey.



JOHN KEENAN, BOROUGH CLERK

Introduced: March 19, 2015

Public Hearing: March 19, 2015

Final Adoption: May 06, 2015

Exhibit C



Stacey M. Barnes, Esq.
Office of General Counsel and Corporate Secretary

May 13, 2015

(Via email: jkeenan@magnolia-nj.org)

John D. Keenan, Jr., R.M.C.
Borough of Magnolia
438 West Evesham Avenue
Magnolia, NJ 08049-1725

Re: Acceptance of Ordinance No. 2015:08 Granting Municipal Consent to South Jersey Gas Company to Use the Streets for the Provision of Natural Gas Service

Dear Mr. Keenan:

I am writing on behalf of South Jersey Gas Company ("SJG") to advise that we received a fully executed copy of Ordinance No. 2015:08 (copy attached) granting municipal consent for SJG to provide gas and lay its mains and pipes in the Borough of Magnolia. Pursuant to the requirements of N.J.S.A. 48:3-16, SJG hereby accepts Ordinance No. 2015:08, as passed.

Please do not hesitate to call if you have any questions. Thank you.

Very truly yours,

Stacey M. Barnes, Esq.
Director, Legal Compliance
sbarnes@sjindustries.com

Enclosure

cc: John Stanziola, Director, Regulatory Affairs
Abbey Greenberg, Public Affairs Specialist

ORDINANCE 2015:08

**AN ORDINANCE GRANTING RENEWED CONSENT AND PERMISSION TO
SOUTH JERSEY GAS COMPANY TO USE THE PUBLIC STREETS TO
FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE BOROUGH OF
MAGNOLIA**

WHEREAS, South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to the Borough of Magnolia pursuant to the municipal consent first granted to South Jersey Gas Company on October 1, 1947 by Ordinance; and

WHEREAS, South Jersey Gas Company now seeks, pursuant to N.J.S.A. 48:3-15, the consent of the Borough of Magnolia to renew the 1947 Ordinance applicable to the use of the streets in the Borough of Magnolia by adopting the following Ordinance;

NOW, THEREFORE, BE IT ORDAINED by Mayor and Council of the Borough of Magnolia, County of Camden, and State of New Jersey as follows:

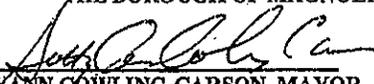
Section 1. That exclusive consent and permission is hereby renewed and granted to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Borough of Magnolia in the manner prescribed by N.J.S.A. 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

Section 2. This consent is granted for the entire geographical area of the Borough of Magnolia and extend to the boundaries of the Borough of Magnolia and shall remain in effect for a period of fifty (50) years from the date of final adoption of this Ordinance.

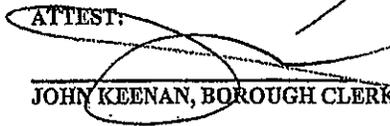
Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law, and acceptance by South Jersey Gas Company.

THE BOROUGH OF MAGNOLIA

BY: 
BETTYANN COWLING-CARSON, MAYOR

ATTEST:


JOHN KEENAN, BOROUGH CLERK

Ordinance 2015:08

Page 2

I, John Keenan, Clerk of the Borough of Magnolia hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Council at their meeting of May 06, 2015, held in the Municipal Building, 438 W. Evesham Avenue, Magnolia, New Jersey.



JOHN KEENAN, BOROUGH CLERK

Introduced: March 19, 2015

Public Hearing: March 19, 2015

Final Adoption: May 06, 2015

Exhibit D



South Jersey Industries

Stacey M. Barnes, Esq.
Director, Legal Compliance
Office of General Counsel and Corporate Secretary

December 8, 2016

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ARTICLE NO.:

John D. Keenan, Jr., R.M.C.
Clerk, Borough of Magnolia
438 West Evesham Avenue
Magnolia, NJ 08049-1725

ARTICLE NO.:

Clerk, Board of Chosen Freeholders
Camden City Hall
520 Market Street
Camden, NJ 08102

ARTICLE NO.:

Ross Angilella
County Administrator
Camden City Hall
520 Market Street
Camden, NJ 08102

**Re: In the Matter of the Petition of South Jersey Gas Company for Approval of a
Municipal Consent in the Borough of Magnolia, Camden County
BPU Docket No. _____**

To the Parties Addressed:

Pursuant to the provisions of N.J.S.A. 48:2-14, South Jersey Gas Company ("South Jersey") has applied to the New Jersey Board of Public Utilities (the "Board") for approval of the Borough of Magnolia, Ordinance No. 2015:08, which granted South Jersey renewed permission to continue to use the streets in the Borough for the provision of natural gas service for fifty (50) years.

Please be advised that the Board has set _____ at _____ at the Board's office located at 44 South Clinton Avenue, Trenton, New Jersey 08625 in Conference Room No. 2W (second floor) as the time and place for the hearing on this matter. You are welcome to attend and put your views on the record.

Very truly yours,

Stacey M. Barnes, Esq.
sbarnes@sjindustries.com

SMB/cmm

cc: Service List (via email)

1 South Jersey Plaza, Folsom, New Jersey 08037 ♦ www.sjindustries.com
Tel. 609-561-9000 ♦ Fax 609-561-1012 ♦ TDD Only 1-800-547-9085