



Agenda Date: 9/22/17
Agenda Item: IIB-3

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 TOWNSHIP OF)
TABERNACLE, BURLINGTON COUNTY, NEW)
JERSEY)
DECISION AND ORDER
DOCKET NO. GE17030230

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 Township of Tabernacle ("Township") to approximately 932 residential and sixty-one (61) commercial customers. The Company's consent to use the streets within the Township for the provision of gas service expired on June 10, 2016, 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 February 13, 2017 pursuant to Ordinance No. 2017-2, the Township 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 Township for a period of ten (10) years to furnish gas service in the Township. By letter dated February 23, 2017, 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 Township in an uninterrupted manner.

On March 9, 2017, 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 Township. 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 Township, and since the term of the municipal consent related to the use of streets is limited to ten (10) years, which is less than 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 Township to continue to provide adequate and appropriate service to its existing customers, as well as expected future customers, and that the ten (10) 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 Township to continue to provide gas service, and for the continued use of its public streets for that purpose for a period of ten (10) years.

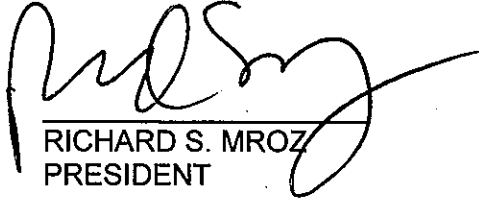
The approval granted hereinabove shall be subject to the following provisions:

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.

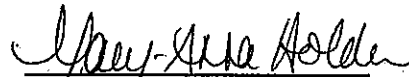
This Order shall be effective as of October 2, 2017.

DATED: 9/22/17

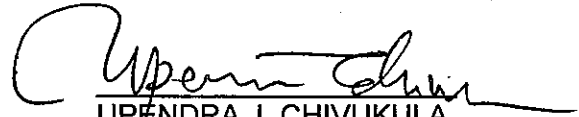
BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT

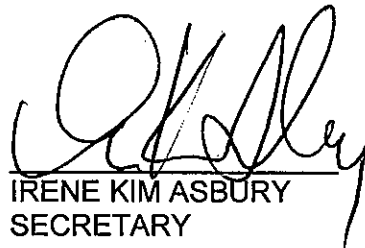

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

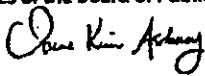

DIANNE SOLOMON
COMMISSIONER


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 TOWNSHIP OF TABERNAACLE, BURLINGTON
COUNTY, NEW JERSEY - DOCKET NO. GE17030230

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Township of Tabernacle:

La Shawn R. Barber, RMC/CMR, Municipal
Clerk
163 Carranza Road
Tabernacle, NJ 08088

Eve Cullinan
County Administration Building
49 Rancocas Road
Mount Holly, NJ 08060

Clerk, Board of Chosen Freeholders
49 Rancocas Road, Room 123
P.O. Box 6000
Mount Holly, NJ 08060

Exhibit A



Exhibit B

TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY

CERTIFICATION

Title: ORDINANCE NO. 2017-2 - 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 TABERNACLE TOWNSHIP.

I, **La Shawn R. Barber**, Municipal Clerk of the Township of Tabernacle hereby certify
that this is a true and correct copy of **Ordinance 2017-2** adopted on second reading by
the Township Committee on February 13, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the
Township of Tabernacle this 16th day of February 2017.


La Shawn R. Barber, RMC
Municipal Clerk

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

**ORDINANCE 2017-2
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 TABERNACLE TOWNSHIP**

WHEREAS, South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to TABERNACLE TOWNSHIP pursuant to the municipal consent first granted to South Jersey Gas Company on January 1, 1967; and

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

NOW, THEREFORE, **BE IT ORDAINED** by the TOWNSHIP COMMITTEE of TABERNACLE TOWNSHIP, County of Burlington 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 TABERNACLE TOWNSHIP 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 TABERNACLE TOWNSHIP and extend to the boundaries of TABERNACLE TOWNSHIP and shall remain in effect for a period of ten (10) years from the date of final adoption of this Ordinance and retroactive to January 1, 2017.

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.

Introduction: January 23, 2017
Adoption: February 13, 2017

NOTICE OF FINAL ADOPTION

PLEASE TAKE NOTICE that an Ordinance entitled as above was finally adopted following a public hearing by the Township Committee of the Township of Tabernacle, County of Burlington and State of New Jersey at a meeting thereof held on February 13, 2017 at the Municipal Building, 163 Carranza, Road, Tabernacle New Jersey 08088 at 7:30P.M.

La Shawn R. Barber, RMC
Township Clerk

Exhibit C



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

February 23, 2017

VIA EMAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE NO.: 7016 1970 0000 3121 7832
Township of Tabernacle
Attn: La Shawn R. Barber, RMC/CMR, Municipal Clerk
163 Carranza Road
Tabernacle, NJ 08088

**Re: Acceptance of Ordinance No. 2017-2 Granting Municipal Consent to
South Jersey Gas Company to Use the Streets for the Provision of
Natural Gas Service**

Dear Mr. Barber:

I am writing on behalf of South Jersey Gas Company ("SJG") to advise that we received a fully executed copy of Ordinance No. 2017-2 (copy attached) granting municipal consent for SJG to provide gas and lay its mains and pipes in the Township of Tabernacle. Pursuant to the requirements of N.J.S.A. 48:3-16, SJG hereby accepts Ordinance No. 2017-2, 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 and Legal Affairs, SJG
sbarnes@sjindustries.com

SMB/cmm
Enclosure

cc: Lauren Hurtt, Supervisor, Community Relations – via email
Stacy Mitchell, Esq., Regulatory Affairs Counsel, Rates and Regulatory Affairs – 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

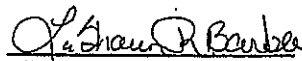
TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY

CERTIFICATION

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CONSENT AND PERMISSION TO SOUTH JERSEY GAS COMPANY TO
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POWER IN TABERNACLE TOWNSHIP.

I, La Shawn R. Barber, Municipal Clerk of the Township of Tabernacle hereby certify
that this is a true and correct copy of Ordinance 2017-2 adopted on second reading by
the Township Committee on February 13, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the
Township of Tabernacle this 16th day of February 2017.


La Shawn R. Barber, RMC
Municipal Clerk

**TOWNSHIP OF TABERNACLE
BURLINGTON COUNTY, NEW JERSEY**

**ORDINANCE 2017-2
AN ORDINANCE GRANTING RENEWED CONSENT AND
PERMISSION TO SOUTH JERSEY GAS COMPANY TO USE THE
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La Shawn R. Barber, RMC
Township Clerk

Exhibit D



South Jersey Industries

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

March 7, 2017

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

<u>ARTICLE NO.:</u>	<u>ARTICLE NO.:</u>	<u>ARTICLE NO.:</u>
Township of Tabernacle	Clerk,	Eve Cullinan
Attn: La Shawn R. Barber,	Board of Chosen Freeholders	County Administrator
RMC/CMR, Municipal Clerk	49 Rancocas Road, Room 123	County Administration Building
163 Carranza Road	P.O. Box 6000	49 Rancocas Road, Room 123
Tabernacle, NJ 08088	Mount Holly, NJ 08060	Mount Holly, NJ 08060

**Re: In the Matter of the Petition of South Jersey Gas Company for Approval of a
Municipal Consent in the Township of Tabernacle, Burlington 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 Township of Tabernacle, Ordinance No. 2017-2, which granted South Jersey renewed permission to continue to use the streets in the Township for the provision of natural gas service for ten (10) 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)
J H Buehrer & Associates
(via Certified Mail - Return Receipt Requested - Article No.: _____)

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