



### **2010 Discount Contract Proceeding**

In 2010, the Board conducted and completed a proceeding in which it examined the standards applicable to gas distribution rate discounts and associated terms and conditions.<sup>2</sup> In the Discount Contract Order, the Board noted that nothing in N.J.S.A. 48:3-60(a) shows a legislative intent that the SBC be applied to all customers at the same level, and in practice the SBC charge varies between the utilities.

On July 10, 2018, Soundview Paper Company, LLC ("Soundview"), a limited liability corporation incorporated in the State of Delaware, registered to do business in New Jersey, filed a petition pursuant to relevant statutes and regulations with Board requesting a fifty percent (50%) reduction in its SBC obligations for electric service commencing in 2018 for its Marcal Mill in Elmwood Park, New Jersey. Soundview presently receives electric service from Public Service Electric and Gas Company at the Marcal Mill.

### **Motions for Admission Pro Hac Vice**

On July 10, 2018, Kenneth R. Stark, Esq., an attorney of the State of New Jersey, filed a motion pursuant to N.J.A.C. 1:1-5.2 to permit the appearance pro hac vice of Robert A. Weishaar, Jr., Esq., a member of the bars of Pennsylvania, the District of Columbia and Maryland in this matter. By his affidavit, Mr. Weishaar represented that: (1) he is associated with Mr. Stark as New Jersey counsel of record; (2) Soundview has requested his representation in this matter; (3) he has paid the fees required by Rules 1:20-1(b) and 1:28-2; and (4) he agrees to abide by the other requirements for admission pro hac vice. No opposition to the motion was received.

Mr. Stark also filed a motion pursuant to N.J.A.C. 1:1-5.2 to permit the appearance pro hac vice of Alessandra L. Hylander, Esq., a member of the bar of Pennsylvania. By her affidavit, Ms. Hylander represented that: (1) she is associated with Mr. Stark as New Jersey counsel of record; (2) Soundview has requested her representation in this matter; (3) she has paid the fees required by Rules 1:20-1(b) and 1:28-2; and (4) she agrees to abide by the other requirements for admission pro hac vice. No opposition to the motion was received.

On August 2, 2018, Public Service Electric and Gas Company ("PSE&G"), an electric and gas public utility, filed a motion to intervene pursuant to N.J.A.C. 1:1-16.1. To date, there has been no opposition filed in response to the motion.

### **DISCUSSION AND FINDINGS**

Having reviewed Soundview's motion and the supporting affidavits of Mr. Weishaar and Ms. Hylander, the Board agrees that this proceeding involves a complex field of law in which Mr. Weishaar and Ms. Hylander specialize and have an attorney-client relationship with Soundview. Receiving no objections to the motions noticed to the parties, the Board **FINDS** that the affidavits satisfy the conditions for admission pro hac vice, including good cause as set forth in

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<sup>2</sup> In re a Generic Proceeding to Consider Prospective Standards for Gas Distribution Utility Rate Discounts and Associated Contract Terms and Conditions, Docket Nos. GR10100761 and ER10100762 (August 18, 2011) ("Discount Contract Order").

Rule 1:21-2(a) - (b), and that proof of payment to the New Jersey Lawyers' Fund for Client Protection of the fees required by Rules 1:20-1(b) and 1:28-2 was submitted. The Board therefore **GRANTS** the motion for admission of Mr. Weishaar and Ms. Hylander to practice before the Board pro hac vice in this proceeding only, provided that Mr. Weishaar and Ms. Hylander 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
- (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 case and the admitted attorneys therein.

By this Order, the Board has further determined that the petition should be retained by the Board for hearing pursuant to N.J.S.A. 48:2-32. The Board **HEREBY DESIGNATES** Commissioner Mary-Anna Holden as the presiding officer. The Board **FURTHER ORDERS** that Commissioner Holden as the presiding Commissioner, is **HEREBY AUTHORIZED** to establish and modify schedules, decide all motions, and otherwise control the conduct of this case, without the need for full Board approval, subject to subsequent Board ratification.

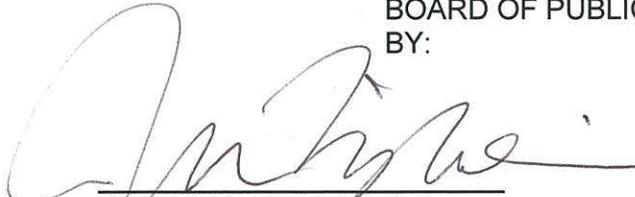
The Board **HEREBY DIRECTS** that all entities seeking to intervene or participate in this matter file the appropriate application with the Board by September 21, 2018. Commissioner Mary-Anna Holden will render a decision on the pending PSE&G motion to intervene and on any additional motions filed after the issuance of this Order. Any party wishing to file a motion for admission of counsel, pro hac vice, should do so concurrently with any motion to intervene or participate.

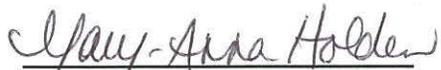
In addition, in the interests of economy, all parties are **HEREBY DIRECTED** to serve all documents electronically, while still providing hard copies to the Board for those documents which must be filed with the Board, and to any party upon request.

This Order shall be effective on September 8, 2018.

DATED: 8/29/18

BOARD OF PUBLIC UTILITIES  
BY:

  
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JOSEPH L. FIORDALISO  
PRESIDENT

  
\_\_\_\_\_  
MARY-ANNA HOLDEN  
COMMISSIONER

  
\_\_\_\_\_  
DIANNE SOLOMON  
COMMISSIONER

  
\_\_\_\_\_  
UPENDRA J. CHIVUKULA  
COMMISSIONER

ATTEST:   
\_\_\_\_\_  
AIDA CAMACHO-WELCH  
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 SOUNDVIEW PAPER COMPANY, LLC FOR  
APPROVAL OF A REDUCTION OF THE SOCIETAL BENEFITS CHARGE  
DOCKET NO. ER18070706

SERVICE LIST

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