



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 PIVOTAL)
UTILITY HOLDINGS, INC. D/B/A ELIZABETHTOWN)
GAS FOR THE APPROVAL OF A MUNICIPAL)
CONSENT RENEWING A FRANCHISE IN THE TOWN)
OF NEWTON, SUSSEX COUNTY) DOCKET NO. GE18040364

Parties of Record:

Mary Patricia Keefe, Esq., Elizabethtown Gas Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

Pivotal Utility Holdings, Inc.,¹ d/b/a Elizabethtown Gas ("Elizabethtown" 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 291,000 customers within its service territory.

Elizabethtown currently provides natural gas service within the Town of Newton ("Town") to approximately 2,300 residential and 511 commercial customers. The Company's consent to use the streets within the Town for the provision of gas service expired in January 1997, pursuant to the fifty (50) year statutory limitation set forth in N.J.S.A. 48:3-15.² A copy of the original ordinance is attached to this Order as Exhibit "A." On March 12, 2018 pursuant to Ordinance No. 2018-05 ("Ordinance"), the Town renewed its consent and granted

¹ In an Order dated June 22, 2018, in BPU Docket No. GM17121309, the Board approved, *inter alia*, the acquisition of Elizabethtown Gas, then a utility operating division of Pivotal Utility Holdings, Inc., by ETG Acquisition Corp., a wholly owned subsidiary of South Jersey Industries, Inc. The acquisition was consummated on July 1, 2018 and ETG Acquisition Corp. was renamed "Elizabethtown Gas Company."

² 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 its petition, Elizabethtown has continued to provide service to its customers within the Town in an uninterrupted manner.

Elizabethtown continued permission to lay and construct its pipes, mains, and related appurtenances and facilities within the streets, alleys, squares and public places within the Town for a period of fifty (50) years to furnish gas service in the Town. By letter dated March 14, 2018, 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.

On April 3, 2018, pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, Elizabethtown filed a petition requesting that the Board approve the consent adopted by the Town. As required by law and after notice, a hearing in this matter was held on September 27, 2018. Stacy Ho Richardson, Esq., the Board's duly appointed hearing officer, presided over the hearing. A copy of the hearing notice is attached to this Order as Exhibit "D." 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 Gary Marmo, its Director of New Business Development. According to Mr. Marmo's testimony, Elizabethtown has the capacity to meet the existing and future needs of customers located within the municipality. Mr. Marmo also testified that Elizabethtown has continued to provide uninterrupted service to its customers within the Town.

On October 25, 2018, Rate Counsel filed written comments in this matter, indicating that it does not object to the approval of the Company's petition since the Company represented that it has the capacity necessary to continue to provide natural gas service to the Town, 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.

On November 1, 2018, Elizabethtown filed correspondence with the Board indicating that it did not object to the language recommended by Rate Counsel.

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 Elizabethtown 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 Town 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 Elizabethtown by the Town 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:

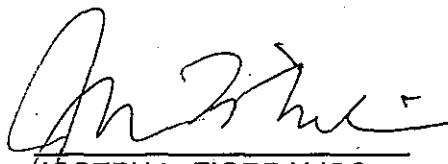
1. As required by N.J.S.A. 48:3-15, the municipal consent to construct, maintain and operate gas lines in the streets and other public places in the Town is limited to a term not exceeding fifty (50) years.

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

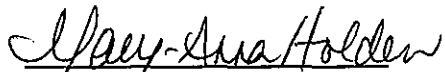
This Order shall be effective as of December 28, 2018.

DATED: 12/18/18

BOARD OF PUBLIC UTILITIES
BY:




JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
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 PIVOTAL UTILITY HOLDINGS, INC. D/B/A
ELIZABETHTOWN GAS FOR THE APPROVAL OF A MUNICIPAL CONSENT RENEWING A
FRANCHISE IN THE TOWN OF NEWTON, SUSSEX COUNTY
DOCKET NO. GE18040364

SERVICE LIST

Board of Public Utilities

44 South Clinton Avenue
Post Office Box 350
Trenton, NJ 08625-0350

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Secretary of the Board
board.secretary@bpu.nj.gov

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Division of Energy

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Caroline Vachier, DAG
caroline.vachier@law.njoag.gov

Elizabethtown Gas Company

520 Green Lane
Union, NJ 07083

Mary Patricia Keefe, Esq.
mkeefe@sjindustries.com

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dfranco@cullenanddykman.com

Town of Newton

Lorraine Read, Clerk
39 Trinity Street
Newton, NJ 07860

Gregory V. Poff II, County Administrator
Sussex County Administrative Center
One Spring Street
Newton, NJ 07860

Teresa Lyons, Clerk of the Board of Chosen
Freeholders
Sussex County Administrative Center
One Spring Street
Newton, NJ 07860

Exhibit A

C
O
P
Y

W. G. Annals

AN ORDINANCE GRANTING TO CITY GAS COMPANY OF NEWTON, NEW JERSEY, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, LAY, MAINTAIN AND OPERATE THROUGH THE STREETS, AVENUES, LANES, ALLEYS, SQUARES AND HIGHWAYS OF THE TOWN OF NEWTON, SUSSEX COUNTY, NEW JERSEY, THE NECESSARY UNDERGROUND MAINS, CONDUCTORS AND PIPES FOR THE PURPOSE OF CONVEYING, SUPPLYING AND DISTRIBUTING GAS FOR LIGHT, HEAT OR POWER, FOR A TERM OF FIFTY (50) YEARS.

BE IT ORDAINED BY THE TOWN COMMITTEE OF THE TOWN OF NEWTON:

SECTION 1. That the consent of the said Town of Newton be and the same hereby is given by the Town Committee of the said Town of Newton, to City Gas Company of Newton, New Jersey, hereinafter designated as the Grantee, to construct, lay, maintain, and operate through the streets, avenues, lanes, alleys, squares, highways and other public places of the Town of Newton, Sussex County, New Jersey, the necessary mains, conductors and pipes for the purpose of conveying, supplying and distributing gas for light, heat and power to the Town of Newton and to points beyond the boundary lines of said Town and to the public and private buildings therein and to the inhabitants thereof; also the right to build, erect, install and maintain within said Town such plant and equipment as shall be necessary or proper to manufacture and produce gas by any and all means as shall be necessary or proper. Provided, however, that nothing contained in this section shall be construed as giving a consent to use any road, street, lanes, alleys, squares, highways, or other public places of the County of Sussex or the State of New Jersey which may be within the limits of the Town of Newton without having first obtained where necessary, the consent of the County of Sussex or State of New Jersey and the right hereby given shall apply only to property owned by said Town of Newton. The above consent shall be subject to such regulations as are herein contained and which the Town of Newton may from time to time prescribe.

SECTION 2. Said grantee shall, at its own expense, restore any streets, avenues, lanes, alleys, squares, highways, sidewalk, curb, pavement or public place in which it makes any openings to as good condition as they were prior to the commencement of the work within such time and in such manner as shall be best for the proper restoration thereof. If said Grantee shall refuse or neglect after ten (10) days' notice by the Town to restore and replace any such street, avenue, lane, alley, square, highway, sidewalk, pavement or curb after having disturbed or removed the same as herein provided, the said work shall be done by the Town and the Grantee shall be liable for the actual and necessary cost thereof upon receiving a notice from the Town of such cost and upon receipt of said notice of said amount the said Grantee shall forthwith pay the same to the Town.

SECTION 3. Before any street, avenue, lane, alley, square, highway or other public place in the Town of Newton shall be open, excavated, or interfered with the said City Gas Company of Newton, New Jersey shall obtain from the Town Engineer a consent for said opening, excavation, or interference with the use of the same in the same manner as is required by other persons desiring to open, excavate or interfere with the use of the streets of the Town of Newton making application for such permit in the same manner, except that the said City Gas Company of Newton in lieu of making a deposit for each excavation as required by other applicants shall enter into bond with the Town of Newton to restore, at the expense of said City Gas Company, the streets, avenues, lanes, alleys, squares, highways, sidewalks, curbs, pavements or public places in as good con-

- 2 -

dition as before any such openings, excavations or uses were made, and to indemnify and save harmless the said Town of Newton because of any claims, suits, damages or costs occasioned to the Town of Newton by said opening or excavation or interference with the use as a result thereof, which said bond shall be in the sum of Ten Thousand Dollars and shall be executed by said corporation, its successors, or assigns and which said bond is to remain in effect so long as the privileges granted hereunder are in the grantee herein, its successors or assigns.

SECTION 4. The rights and privileges hereby granted shall continue for a period of fifty (50) years from the date of the adoption of this ordinance.

SECTION 5. Said Grantee shall at all times protect and save the Town harmless from any and all damages, or injury to person or property and from any and all actions, damages, costs or charges which may happen, grow out of, relate to or result from the construction, laying, repairing, inspecting, altering or maintaining of such plant, equipment, mains, conductors and pipes.

SECTION 6. This permission and grant shall be void and of no effect unless the Grantee herein shall file with the Town Clerk a written acceptance thereof within thirty (30) days after receiving notice of the passage of this ordinance.

SECTION 7. That the permission and consent hereby granted shall extend to the said City Gas Company of Newton, New Jersey, its successors, assigns and lessees.

*Dated: 9/3/46 See minute book for copy and
also acceptance & Comm. order.*



State of New Jersey
BOARD OF PUBLIC UTILITY COMMISSIONERS

IN THE MATTER OF THE APPLICATION OF CITY GAS COMPANY)
OF NEWTON, N. J., FOR APPROVAL OF AN ORDINANCE PASSED) C E R T I F I C A T E
BY THE TOWN COMMITTEE OF THE TOWN OF NEWTON, SUSSEX)
COUNTY, NEW JERSEY.

Application being made to the Board of Public Utility Commissioners, by the City Gas Company of Newton, N. J., by petition dated October 5, 1946, for approval of an ordinance of the Town Committee of the Town of Newton, Sussex County, New Jersey, passed by the said Town Committee of the Town of Newton, September 3, 1946, entitled:

"An Ordinance granting to City Gas Company of Newton, N. J., its successors and assigns, permission to construct, lay, maintain and operate through the streets, avenues, lanes, alleys, squares and highways of the Town of Newton, Sussex County, New Jersey, the necessary underground mains, conductors and pipes for the purpose of conveying, supplying and distributing gas for light, heat or power, for a term of fifty (50) years."

The Board now, after investigation and hearing, determines that the privilege or franchise granted by said ordinance is necessary and proper for the public convenience, and properly conserves the public interest, and, in accordance with such determination, APPROVES the same.

Dated: January 7, 1947
(SEAL)

BOARD OF PUBLIC UTILITY COMMISSIONERS,
BY:

ATTEST:
(Signed) EMMETT T. DREW

(Signed) JOHN E. BOSWELL
PRESIDENT

SECRETARY

I HEREBY CERTIFY the foregoing to be a true copy of a Certificate issued by the Board of Public Utility Commissioners at its meeting held Tuesday, January 7, 1947, and recorded in the minutes of said meeting.

SECRETARY

Exhibit B

EXHIBIT A

**STATE OF NEW JERSEY
COUNTY OF SUSSEX
TOWN OF NEWTON**

ORDINANCE NO. 2018-5

AN ORDINANCE OF THE TOWN OF NEWTON GRANTING MUNICIPAL CONSENT TO PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS TO CONSTRUCT, MAINTAIN AND OPERATE GAS LINES FOR THE DISTRIBUTION OF NATURAL AND MIXED GAS

WHEREAS, Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey and a public utility subject to the jurisdiction of the New Jersey Board of Public Utilities, on January 24, 2018, filed a Petition with the Clerk of the Town of Newton seeking renewal of the Municipal Consent to construct, operate and maintain natural and mixed gas distribution lines for public and private consumption throughout the Town of Newton (the "Town"); and

WHEREAS, City Gas Company of Newton, a predecessor of Elizabethtown Gas was granted Municipal Consent to serve residents within the municipality and to construct, maintain, and operate a gas line for the distribution of natural and mixed gas in the Town, pursuant to an Ordinance adopted on September 2, 1946, and that Municipal Consent expired fifty (50) years thereafter; and

WHEREAS, representatives of the Petitioner appeared before the Mayor and Council to present their request for renewal of the Consent Ordinance within the Town; and

WHEREAS, the Petitioner has provided public notice of such Petition through publication in the official newspaper of the Town, and notices of such Petition have been posted pursuant to Statute; and

WHEREAS, the Town has determined that it is reasonable and necessary for Elizabethtown Gas, its successors and assigns, to continue to provide for construction, maintenance, and operation of a gas line for the distribution of natural and mixed gas in the entire Town; and

WHEREAS, the Town desires to extend the municipal consent to Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas under the terms set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Newton:

Section I. Grant of Municipal Consent.

The Mayor and Council of the Town of Newton hereby grant to Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey (hereinafter "Elizabethtown") with principal offices located at 520 Green Lane, Union, New Jersey 07083, its successors and assigns, a nonexclusive consent, right and privilege for the use, without impairment of, or obstruction to the public use, of the public roads, streets, avenues, ways, and other public places of the Town to construct, lay, maintain, and operate for a period of fifty (50) years, the necessary mains, conductors, pipes and concomitant appurtenances for the purpose of furnishing, conveying, storing, supplying and distributing natural and mixed gas for heat, power, light and other purposes for public and private use and consumption, along, in, or under the following described service area: all the public roads, streets, avenues, highways, and public places within the Town as they now exist or may be hereinafter be laid out by the municipal authorities of the Town or dedicated to the Town.

Section II. Conditions on Grant of Municipal Consent.

The Municipal Consent granted herein is expressly conditioned upon the following:

- (a) the written acceptance of Elizabethtown of the terms and conditions of this municipal Consent Ordinance within thirty (30) days of its final adoption.
- (b) the New Jersey Board of Public Utilities (hereinafter "N.J.B.P.U.") approval of the Consent herein granted and the issuance of such other grants or approvals as determined by the N.J.B.P.U.
- (c) Elizabethtown shall satisfy all Statutory requirements regarding the proper organization and operation of a Public Utilities engaged in the distribution of natural and mixed gas, and shall remain subject to the jurisdiction of and comply with all Rules and Regulations of the United States Department of Transportation, Office of Pipeline Safety and the N.J.B.P.U. as well as the Ordinance of the Town.
- (d) Elizabethtown shall construct and continuously maintain and operate their distribution lines within the service area in a safe and efficient manner, and maintain such gas distribution lines in a state of good operation and repair and including all streets, roads, and public rights-of-way within the Town wherein its lines are located.
- (e) the construction, operation and maintenance of the gas distribution system within the rights-of-way of the Town shall in no way place any obligation, financial or otherwise, or any liability of any kind, upon the Town and no obligation is to attach for the construction, operation and maintenance of the said gas distribution system to the Town.

Section III. Construction; Installation; Restoration.

- A. Construction. In each and every case in which road openings or excavation of any nature are required or made for the purposes aforesaid, Elizabethtown shall restore, all such public and private lands or facilities to as good a condition as existed at the commencement of the said work or such better condition, at its sole cost and expense. All such openings and installation and maintenance shall be undertaken in strict compliance with the standards imposed by the N.J.B.P.U., any other regulatory agency, and all applicable Municipal Ordinances, with such work to be done in a careful, prudent and workmanlike manner, and within such time limitations as shall be best for the proper safeguard of the public.
- B. Relocation. If at any time during the period of this Municipal consent, the Town finds it necessary to alter or change the grade of any street, road or other public right-of-way or area, Elizabethtown shall, upon reasonable notice by the Town, remove and relocate its distribution line and pipes at the expense of Elizabethtown.
- C. Restoration. In the event that Elizabethtown shall refuse or neglect, after ten (10) days notice in writing by the representative of the Town, to restore any disturbed area at its cost and expense, and in compliance with all applicable Municipal Ordinances in effect at the time, to its pre-existing or better condition, any street, road, pavement, driveway or other improvements after having made an opening or excavation, the necessary work to accomplish such restoration may be done by the Town, and thereafter, Elizabethtown shall be liable for the actual and necessary costs thereof, and shall immediately pay such costs to the Town upon receiving notice thereof.

- D. Preconditions to Undertaking Construction. Elizabethtown shall give to the Town, through its duly designated representative, written notice of its intention to open or excavate any street or other public place in accordance with the Town Ordinance regulating the excavation and opening of streets, roads and highways, with the exception that such notice requirement shall be waived in the event of an emergent circumstance such that such emergency will affect public health or safety. As soon as practically possible after the occurrence of such emergent circumstance, Elizabethtown shall give prompt written notice to the Town of any emergency opening or excavation that Elizabethtown shall undertake.

Section IV. Indemnification, Performance Bond, Liability.

- A. Indemnification. Elizabethtown, its successors and assigns, by the acceptance of the grants, rights and privileges conferred by this ordinance, shall at all times and does hereby and will indemnify and hold harmless, the Town and all of its subsidiary agencies, officials and employees for any and all claims of whatsoever kind or nature arising from or relating to the construction, installation, maintenance, laying, repairing, inspecting, or altering of mains conductors, pipes and appurtenances thereto, and any other facilities, and including, but not by way of limitation, any damages, penalties, costs, attorney's fees and charges for personal injury, property damage or otherwise, based upon Elizabethtown's negligence or the negligence of its agents, servants, employees or independent contractors.
- B. Performance Bond. Prior to the commencement or any construction or installation under this Municipal Consent, Elizabethtown shall execute and deliver to the Clerk of the Town and subject to prior review and approval by the Town Attorney, a Bond in the amount of \$10,000.00 guaranteeing the faithful performance of all of its obligations and undertakings under this Ordinance, which Bond shall be enlarged or renewed from time to time as the Council may require.
- C. Liability Insurance. Elizabethtown agrees to maintain and keep in full force and effect, at its sole expense, and at all times during the terms and duration of this Municipal Consent, sufficient liability insurance naming the Town as an additional insured party, and insuring and indemnifying the Town against any loss by any such claim, suit, judgment, execution or as follows:
- (a) Elizabethtown shall carry Workman's Compensation Insurance with Statutory limits.
 - (b) Elizabethtown shall at all times, maintain a Comprehensive General Liability Insurance Policy with a single limit amount of \$1,000,000.00 covering liability for any death, personal injury, property damage or other liability arising out of its construction and operation of the gas distribution systems herein and in addition, an excess liability (or "umbrella") policy in the amount of \$3,000,000.00.
 - (c) Elizabethtown shall furnish to the Town a certified copy or Certificate of Insurance of each of the Policies as set forth herein.

Section V. Duration of Consent.

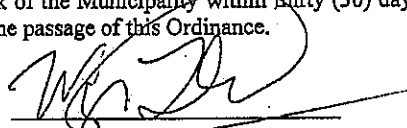
Term. The Municipal consent granted to Elizabethtown herein is for a period of fifty (50) years from the effective date of this Ordinance.

Section VI. Severability.

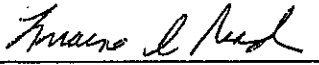
If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court or Competent jurisdiction, such Order or Judgment shall not effect or invalidate this remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section VII. Effective Date.

This Municipal Consent Ordinance shall become effective upon adoption and publication according to law, and only upon written acceptance of this Municipal Consent by Elizabethtown, which written consent shall be filed with the Clerk of the Municipality within thirty (30) days of the date after which Elizabethtown receives notice of the passage of this Ordinance.


Wayne F. Levante, Mayor

ATTEST:


Lorraine A. Read, Municipal Clerk

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 26, 2018. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, March 12, 2018 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

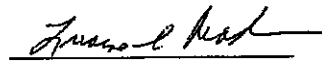

Lorraine A. Read, RMC
Municipal Clerk

Exhibit C



Mary Patricia Keefe
Vice President, External
Affairs and Business Support

520 Green Lane
Union, NJ 07083
908 652 8452 tel
908 358 9671 cell
pkeefe@southernco.com

March 14, 2018

Lorraine Read, Clerk
TOWN OF NEWTON
39 Trinity Street
Newton, NJ 07860

Re: Elizabethtown Gas – Franchise in Town of Newton

Dear Ms. Read:

On behalf of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas (“Elizabethtown Gas”), please allow this letter to confirm that Elizabethtown Gas accepts the terms of Ordinance 2018-5 granting to Elizabethtown Gas the municipal consent to provide natural gas service to the Town of Newton, which Ordinance was passed on second reading by the Council at the March 12, 2018 Council Meeting. Please file this acceptance letter in your records. Thank you for your courtesies throughout this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Patricia Keefe".

Mary Patricia Keefe

MPK/

Exhibit D



*Filed
8/29/18*

520 Green Lane
Union, NJ 07083
T: 908.662.8452
F: 908.662.8496

MKeefe@sjindustries.com

RECEIVED
MAIL ROOM

AUG 29 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

RECEIVED
CASE MANAGEMENT

AUG 29 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Mary Patricia Keefe
Vice President, Regulatory Affairs and Business Support

By Certified Mail, R.R.R.

August 28, 2018

Lorraine Read, Clerk
Town of Newton
39 Trinity Street
Newton, NJ 07860

Gregory V. Poff II, County Administrator
Sussex County
Sussex County Administrative Center
One Spring Street
Newton, NJ 07860

Teresa Lyons, Clerk of the Board of Chosen Freedholders
Sussex County
Sussex County Administrative Center
One Spring Street
Newton, NJ 07860

Re: **I/M/O The Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for the Approval of a Municipal Consent Renewing a Franchise in the Town of Newton, Sussex County BPU Docket No. GE18040364**

Dear Ms. Read, Mr. Poff, and Ms. Lyons:

Pursuant to the provisions of N.J.S.A. 48:2-14, Elizabethtown Gas Company ("Elizabethtown") has applied to the New Jersey Board of Public Utilities ("the Board") for approval of the Town of Newton's Ordinance, which renews Elizabethtown's franchise in the Town of Newton as provided in said Ordinance. Please also note that the Elizabethtown's name has changed from "Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas" to "Elizabethtown Gas Company" as a result of the acquisition of the Company by South Jersey Industries, Inc. on July 1, 2018.

Please be advised that the Board has set Thursday, September 27, 2018 at 10:00 a.m. in Room 2W in the Board's offices located at 44 South Clinton Avenue, Trenton, New Jersey 07102 as the time and place for the hearing on this matter. You are welcome to attend and place your views on the record if you desire.

Respectfully submitted,

/s/ Mary Patricia Keefe
Mary Patricia Keefe, Esq.

cc: Service List via Federal Express ✓

CTAS