



Agenda Date: 9/7/22  
Agenda Item: 2G

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
P.O. Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY

IN THE MATTER OF THE PETITION OF )  
ELIZABETHTOWN GAS COMPANY TO (1) SUSPEND )  
ITS WEATHER NORMALIZATION CLAUSE RATE; (2) )  
REVISE THE CLEAN ENERGY PROGRAM )  
COMPONENT OF ITS SOCIETAL BENEFITS CHARGE )  
RATE; AND (3) REVISE ITS ON-SYSTEM MARGIN )  
SHARING CREDIT ) DOCKET NO. GR22070466

**Parties of Record:**

**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel  
**Deborah M. Franco, Esq.**, on behalf of Elizabethtown Gas Company

BY THE BOARD:

On July 29, 2022, Elizabethtown Gas Company (“Elizabethtown” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board” or “BPU”) seeking authority to suspend its Weather Normalization Clause (“WNC”) rate, revise the Clean Energy Program (“CEP”) component of the Societal Benefits Charge (“SBC”) rate, and revise its On-System Margin Sharing Credit (“OSMC”) for the period October 1, 2022 through September 30, 2023 (“July 2022 Petition”).<sup>1</sup> By this Order, the Board considers a stipulation of settlement (“Stipulation”) executed by Elizabethtown, Board Staff (“Staff”), and the New Jersey Division of Rate Counsel (“Rate Counsel”) (collectively, “Parties”) requesting that the Board approve the suspension of the WNC and changes in the CEP and OSMC rates on a provisional basis, subject to refund with interest.

**BACKGROUND**

By Order dated February 23, 2022 in Docket No. GR21071007, the Board approved Elizabethtown’s current WNC, CEP, and OSMC rates on a final basis.<sup>2</sup>

<sup>1</sup> ETG’s SBC currently consists of four (4) components: 1) the CEP; 2) the Remediation Adjustment Clause; 3) the Universal Service Fund; and 4) Lifeline. Only the CEP is addressed in this matter.

<sup>2</sup> In re the Matter of the Petition of Elizabethtown Gas Company to (1) Suspend its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate; and (3) Revise its On-system Margin Sharing Credit, BPU Docket No. GR21071007, Order dated February 23, 2022.

Pursuant to the Board's Order dated April 7, 2021 in Docket Nos. QO19010040 and GO20090619 ("EEP-CIP Order"), the Company received approval to implement a Conservation Incentive Program ("CIP") designed to recover potential lost revenues due to the Company's Energy Efficiency Program ("EEP"). The Board directed the Company to suspend calculation of the excess/deficiency for its existing WNC mechanism for the 2021-2022 period as of October 1, 2021 and to include any over/under WNC true-up balance in its first CIP tariff filing submitted by June 1, 2022. Further, the Board directed the Company to set its WNC rate to zero effective June 1, 2022.

The CEP was created as a result of the Electric Discount and Energy Competition Act of 1999 and the Board's Order dated March 9, 2001 in BPU Docket No. EX99050347 et al., at which time it was known as the Comprehensive Resource Analysis ("CRA") Program. It was created in an effort to promote both energy efficiency and renewable energy programs by offering financial incentives, programs, and services to New Jersey residents, business owners and local governments. The Board annually sets each energy utility's share of the CEP costs to be collected from customers and transferred to the Board as funding for those programs.

The OSMC is the rate mechanism by which 80% of the margins generated from certain on-system non-firm sales and transportation services are flowed back (credited) to the Company's firm sales and residential transportation customers.

### **JULY 2022 PETITION**

Elizabethtown filed the July 2022 Petition with accompanying exhibits and pre-filed direct testimony.

### **WNC**

In the July 2022 Petition, Elizabethtown proposed to set the WNC rate to \$0.0000 and suspend the WNC clause during the operation of the CIP. Elizabethtown calculated the actual over/under WNC true-up revenue deficiency balance as of June 30, 2022 to be \$64,432. Elizabethtown stated that this actual balance will replace the projected WNC true-up balance contained in the Company's June 1, 2022 BGSS-CIP filing, wherein Elizabethtown proposes to recover the \$64,432 WNC true-up balance through its CIP rate.

### **CEP**

In the July 2022 Petition, Elizabethtown proposed to modify the current CEP component of its SBC rate from \$0.0276 per therm to \$0.0260 per therm, to become effective October 1, 2022. The proposed rate was designed to recover prior period costs, the net actual costs incurred to provide Board-approved CEP programs and carrying costs for the period ending June 30, 2022, and projected costs for the period ending June 30, 2023, which total \$12,487,364. As a result of a Board Order dated June 29, 2022 in BPU Docket No. QO22020112, which established the statewide funding levels for CEP programs for Fiscal Year 2023, Elizabethtown has been allocated \$12,302,495 of CEP funding responsibility for the 12 months ending June 30, 2023.<sup>3</sup>

---

<sup>3</sup> In re the Matter of the Comprehensive Energy Efficiency and Renewable Energy Resource Analysis for Fiscal Year 2023 Clean Energy Program, BPU Docket No. QO22020112, Order dated June 29, 2022.

## OSMC

In the July 2022 Petition, Elizabethtown sought to decrease the OSMC rate from a credit of \$0.0021 to a credit of \$0.0031 per therm. The Company's total OSMC balance is \$995,024, which would be credited to firm customers.

### **STIPULATION**

Following review and discussion, the Parties determined that while additional time is needed to complete a review of the July 2022 Petition, it is reasonable and in the public interest for Elizabethtown's WNC rate to be suspended and for Elizabethtown's CEP and OSMC rates to be modified on a provisional basis, subject to refund. Accordingly, the Parties executed the Stipulation, which provides for the following:<sup>4</sup>

7. The Parties agree that additional time is needed to complete a comprehensive review of the July 2022 Petition and that permitting a CEP component of the SBC rate and OSMC rate to become effective on a provisional basis is reasonable to permit Elizabethtown timely rate changes for CEP and OSMC and mitigate the impact of potential excess balances as additional review of the Company's July 2022 Petition takes place.
8. The Parties stipulate and agree that, pending the conclusion of any further review, including at the Office of Administrative Law ("OAL"), if necessary, discussions among the Parties, and a final determination by the Board, and pursuant to N.J.S.A. 48:2-21.1, it would be both reasonable and in the public interest for the Board to authorize Elizabethtown to suspend its WNC rate and to implement a provisional CEP component of the SBC rate of \$0.0260 per therm to be effective as of October 1, 2022 and a provisional OSMC credit rate of \$0.0031 per therm to be effective as of October 1, 2022. The total provisional CEP/OSMC rate of \$0.0229 will decrease the monthly bill of a typical residential customer using 100 therms by \$0.26 from \$110.59 to \$110.33, or a decrease of 0.2%, as compared to the Company's rates in effect as of July 1, 2022. There will be an opportunity for full review of the CEP component of the SBC and the OSMC at the OAL, if necessary, and final approval by the Board, and that the stipulated rates are to be implemented subject to refund with interest.
9. The Company will submit tariff sheets, in the form shown on Appendix A of the Stipulation, within five (5) days of the effective date of the Board's Order approving the Stipulation.
10. The Parties further acknowledge that a Board Order approving the Stipulation will become effective upon the service of said Board Order, or upon such date after the service thereof as the Board may specify, in accordance with N.J.S.A. 48:2-40.

### **DISCUSSION AND FINDINGS**

The Board, having carefully reviewed the record to date in this proceeding, including the July 2022 Petition and the attached Stipulation, **HEREBY FINDS** the Stipulation to be reasonable, in the public interest, and in accordance with the law. Accordingly, the Board **HEREBY ADOPTS** the

---

<sup>4</sup> Although summarized in this Order, the detailed terms of the Stipulation are controlling, subject to the findings and conclusions of this Order. Each paragraph is numbered to coincide with the paragraphs in the Stipulation.

Stipulation in its entirety, and **HEREBY INCORPORATES** its terms and conditions as though fully set forth herein, subject to any terms and conditions set forth in this Order.

The Board **HEREBY AUTHORIZES** Elizabethtown to suspend its WNC rate and implement on a provisional basis, subject to refund with interest on any net over-recovered balance, a per therm CEP rate of \$0.0260 and a per therm OSMC credit rate of \$0.0031, effective for service rendered on and after October 1, 2022. Based upon the Stipulation, a typical residential heating customer using 100 therms in a winter month, would see a net monthly decrease of approximately \$0.26, or 0.2%.

The Board **HEREBY DIRECTS** Elizabethtown to file tariffs consistent with the Board's Order by September 30, 2022.

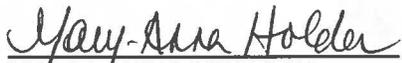
The Company's costs, including those related to WNC, CEP, and OSMC, remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions determined to be appropriate as a result of any such audit.

This Order shall be effective September 14, 2022.

DATED: September 7, 2022

BOARD OF PUBLIC UTILITIES  
BY:

  
\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT

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

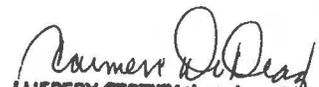
  
\_\_\_\_\_  
DIANNE SOLOMON  
COMMISSIONER

  
\_\_\_\_\_  
ROBERT M. GORDON  
COMMISSIONER

  
\_\_\_\_\_  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
CARMEN D. DIAZ  
ACTING 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 ELIZABETHTOWN GAS COMPANY TO (1)  
SUSPEND ITS WEATHER NORMALIZATION CLAUSE RATE; (2) REVISE THE CLEAN  
ENERGY PROGRAM COMPONENT OF ITS SOCIETAL BENEFITS CHARGE RATE; AND (3)  
REVISE ITS ON-SYSTEM MARGIN SHARING CREDIT

DOCKET NO. GR22070466

SERVICE LIST

**ELIZABETHTOWN GAS COMPANY**

520 Green Lane  
Union, NJ 07083

Deborah M. Franco, Esq.  
VP, Rates, Regulatory & Sustainability  
[dfranco@sjindustries.com](mailto:dfranco@sjindustries.com)

Sheree Kelly, Esq.  
Regulatory Affairs Counsel  
[skelly@sjindustries.com](mailto:skelly@sjindustries.com)

Thomas Kaufmann  
[tkaufmann@sjindustries.com](mailto:tkaufmann@sjindustries.com)

Susan Potanovich  
[spotanovich@sjindustries.com](mailto:spotanovich@sjindustries.com)

**SJI UTILITIES, INC.**

One South Jersey Place  
Atlantic City, NJ 08401

Cindy Capozzoli  
[ccapozzoli@sjindustries.com](mailto:ccapozzoli@sjindustries.com)

Carolyn A. Jacobs  
[cjacobs@sjindustries.com](mailto:cjacobs@sjindustries.com)

Gary Akmentins  
[gakmentins@sjindustries.com](mailto:gakmentins@sjindustries.com)

**DIVISION OF LAW**

Department of Law and Public Safety  
Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street, P.O. Box 112  
Trenton, NJ 08625

Terel Klein, DAG  
[terel.klein@law.njoag.gov](mailto:terel.klein@law.njoag.gov)

Matko Ilic, DAG  
[matko.ilic@law.njoag.gov](mailto:matko.ilic@law.njoag.gov)

Pamela Owen, DAG  
[pamela.Owen@law.njoag.gov](mailto:pamela.Owen@law.njoag.gov)

**DIVISION OF RATE COUNSEL**

Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
Trenton, NJ 08625-0003

Brian O. Lipman, Esq., Director  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Maura Caroselli, Esq.  
[mcaroselli@rpa.nj.gov](mailto:mcaroselli@rpa.nj.gov)

Carlena Morrison, Esq.  
[cmorrison@rpa.nj.gov](mailto:cmorrison@rpa.nj.gov)

Megan Lupo, Esq.  
[mlupo@rpa.nj.gov](mailto:mlupo@rpa.nj.gov)

Sarah Steindel, Esq.  
[ssteinde@rpa.nj.gov](mailto:ssteinde@rpa.nj.gov)

**BOARD OF PUBLIC UTILITIES**

44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350

Carmen D. Diaz, Acting Secretary  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Stacy Peterson, Deputy Executive Director  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

Mike Kammer, Director  
[mike.kammer@bpu.nj.gov](mailto:mike.kammer@bpu.nj.gov)

Paul Lupo, Bureau Chief  
[paul.lupo@bpu.nj.gov](mailto:paul.lupo@bpu.nj.gov)

Jacqueline Galka  
[jacqueline.galka@bpu.nj.gov](mailto:jacqueline.galka@bpu.nj.gov)

Heather Weisband, Esq., Senior Counsel  
[heather.weisband@bpu.nj.gov](mailto:heather.weisband@bpu.nj.gov)

Carol Artale, Esq., Deputy General Counsel  
[carol.artale@bpu.nj.gov](mailto:carol.artale@bpu.nj.gov)

Sheree L. Kelly, Esq.  
Regulatory Affairs Counsel

August 23, 2022

Carmen Diaz, Acting Secretary  
Office of the Secretary  
NJ Board of Public Utilities  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, NJ 08625-0350

Re: **In the Matter of the Petition of Elizabethtown Gas Company to (1) Suspend its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate; and (3) Revie its On-System Margin Sharing Credit BPU Docket No. GR22070466**

Dear Acting Secretary Diaz:

Enclosed for filing in the above-referenced proceeding is a Stipulation executed by representatives of Elizabethtown Gas Company, the Staff of the Board of Public Utilities and the Division of Rate Counsel. It is respectfully requested that the Board consider the Stipulation at its next agenda meeting.

Should you have any questions, please do not hesitate to contact me.

Respectfully,



Sheree L. Kelly, Esq.

SLK:caj  
Enclosures

cc: See attached Service List (with enclosures)

**IN THE MATTER OF THE PETITION OF ELIZABETHTOWN GAS COMPANY  
TO (1) SUSPEND ITS WEATHER NORMALIZATION CLAUSE RATE  
(2) REVISE THE CLEAN ENERGY PROGRAM COMPONENT OF ITS SOCIETAL BENEFITS  
CHARGE RATE (3) REVISE ITS ON-SYSTEM MARGIN SHARING CREDIT  
BPU DOCKET NO. GR22070466**

**SERVICE LIST**

Thomas Kaufmann  
**Elizabethtown Gas Company**  
520 Green Lane  
Union, NJ 07083  
[tkaufmann@sjindustries.com](mailto:tkaufmann@sjindustries.com)

Susan Potanovich  
**Elizabethtown Gas Company**  
520 Green Lane  
Union, NJ 07083  
[spotanovich@sjindustries.com](mailto:spotanovich@sjindustries.com)

Gary Akmentins  
**Elizabethtown Gas Company**  
One South Jersey Place  
Atlantic City, NJ 08401  
[gakmentins@sjindustries.com](mailto:gakmentins@sjindustries.com)

Deborah M. Franco, Esq.  
**SJI Utilities, Inc.**  
520 Green Lane  
Union, NJ 07083  
[dfranco@sjindustries.com](mailto:dfranco@sjindustries.com)

Cindy Capozzoli  
**SJI Utilities, Inc.**  
One South Jersey Place  
Atlantic City, NJ 08401  
[ccapozzoli@sjindustries.com](mailto:ccapozzoli@sjindustries.com)

Sheree Kelly  
**SJI Utilities, Inc.**  
520 Green Lane  
Union, NJ 07083  
[skelly@sjindustries.com](mailto:skelly@sjindustries.com)

Carolyn A. Jacobs  
**SJI Utilities, Inc.**  
One South Jersey Place  
Atlantic City, NJ 08401  
[cjacobs@sjindustries.com](mailto:cjacobs@sjindustries.com)

Stacy Peterson  
**Board of Public Utilities**  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, NJ 08625-0350  
[Stacy.Peterson@bpu.nj.gov](mailto:Stacy.Peterson@bpu.nj.gov)

Heather Weisband, Esq.  
**Board of Public Utilities**  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, NJ 08625-0350  
[Heather.Weisband@bpu.nj.gov](mailto:Heather.Weisband@bpu.nj.gov)

Jacqueline Galka  
**Board of Public Utilities**  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, NJ 08625-0350  
[Jacqueline.Galka@bpu.nj.gov](mailto:Jacqueline.Galka@bpu.nj.gov)

Paul Lupo  
**Board of Public Utilities**  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, NJ 08625-0350  
[Paul.Lupo@bpu.nj.gov](mailto:Paul.Lupo@bpu.nj.gov)

Mike Kammer  
**Board of Public Utilities**  
44 South Clinton Avenue  
Post Office Box 350  
Trenton, NJ 08625-0350  
[Mike.Kammer@bpu.nj.gov](mailto:Mike.Kammer@bpu.nj.gov)

Megan Lupo, Esq.  
**Division of Rate Counsel**  
140 East Front Street 4th Floor  
P.O. Box 003  
Trenton, NJ 08625  
[mlupo@rpa.nj.gov](mailto:mlupo@rpa.nj.gov)

Maura Caroselli, Esq.  
**Division of Rate Counsel**  
140 East Front Street 4th Floor  
P.O. Box 003  
Trenton, NJ 08625  
[mcaroselli@rpa.nj.gov](mailto:mcaroselli@rpa.nj.gov)

Brian Lipman, Esq.  
**Division of Rate Counsel**  
140 East Front Street 4th Floor  
P.O. Box 003  
Trenton, NJ 08625  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Sarah H. Steindel, Esq.  
**Division of Rate Counsel**  
140 East Front Street 4th Floor  
P.O. Box 003  
Trenton, NJ 08625  
[ssteindel@rpa.nj.gov](mailto:ssteindel@rpa.nj.gov)

Carlena Morrison  
**Division of Rate Counsel**  
140 East Front Street 4th Floor  
P.O. Box 003  
Trenton, NJ 08625  
[cmorrison@rpa.nj.gov](mailto:cmorrison@rpa.nj.gov)

Robert Henkes  
**Henkes Consulting**  
7 Sunset Road  
Old Greenwich, CT 06870  
[rhenkes@optonline.net](mailto:rhenkes@optonline.net)

Terel Klein, DAG  
**Dept. of Law & Public Safety**  
Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street, P.O. Box 112  
Trenton, NJ 08625  
[Terel.Klein@law.njoag.gov](mailto:Terel.Klein@law.njoag.gov)

Pamela Owen, DAG  
**Dept. of Law & Public Safety**  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07101  
[Pamela.Owen@law.njoag.gov](mailto:Pamela.Owen@law.njoag.gov)

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

-----X  
:  
**In the Matter of the Petition of Elizabethtown Gas Company to (1) Suspend its Weather Normalization Clause Rate; (2) Revise the Clean Energy Program Component of its Societal Benefits Charge Rate; and (3) Revise its On-System Margin Sharing Credit** : **BPU Docket No. GR22070466**  
:  
:  
:  
**STIPULATION REGARDING**  
**PROVISIONAL CEP**  
**AND OSMC RATES**  
-----X

**APPEARANCES:**

**Deborah M. Franco, Esq.**, Vice President, Rates, Regulatory and Sustainability, SJI Utilities, Inc. for Petitioner, Elizabethtown Gas Company

**Maura Caroselli, Esq.**, Managing Attorney Gas and Clean Energy, **Sarah H. Steindel**, Assistant Deputy Rate Counsel, and **Megan Lupo, Esq.**, Assistant Deputy Rate Counsel, for the Division of Rate Counsel (**Brian O. Lipman, Esq.**, Director)

**Terel Klein**, Deputy Attorney General, for the Staff of the New Jersey Board of Public Utilities (**Matthew Platkin**, Acting Attorney General of the State of New Jersey)

**TO THE HONORABLE COMMISSIONERS OF THE BOARD OF PUBLIC UTILITIES:**

**I. PROCEDURAL HISTORY**

1. On July 29, 2022, Elizabethtown Gas Company (“Elizabethtown” or “Company”) filed a petition with the New Jersey Board of Public Utilities (“Board” or “BPU”) in BPU Docket No. GR22070466 seeking authority to suspend its Weather Normalization Clause (“WNC”) rate and revise the Clean Energy Program (“CEP”) component of the Societal Benefits Charge (“SBC”) rate and its On-System Margin Sharing Credit (“OSMC”) for the period October 1, 2022 through September 30, 2023 (“July 2022 Petition”).

2. Elizabethtown’s current rates in effect for the WNC, CEP, and OSMC were approved on a final basis by the Board in the Company’s 2021 WNC/CEP/OSMC proceeding in

BPU Docket No. GR21071007 in an Order dated February 23, 2022.

3. In the July 2022 Petition, Elizabethtown proposed to suspend its WNC rate as the Company's Conservation Incentive Program has superseded the WNC. The WNC rate is currently \$0.0000 per therm.

4. In the July 2022 Petition, Elizabethtown also proposed to modify the current CEP component of its SBC rate from \$0.0276 per therm to \$0.0260 per therm, to become effective October 1, 2022.<sup>1</sup> As set forth in the July 2022 Petition, the Company stated the rate was designed to recover prior period costs, the net actual costs incurred to provide Board-approved CEP programs and carrying costs for the period ending June 30, 2022, and projected costs for the period ending June 30, 2023.

5. In the July 2022 Petition, Elizabethtown proposed to modify its current OSMC from a credit rate of \$0.0021 per therm to a credit rate of \$0.0031 per therm to become effective October 1, 2022. The OSMC was originally approved as a separate rider by the Board's Order dated March 30, 2001 in BPU Docket No. GX99030121, et al. The rate is set in accordance with the mechanisms approved by the Board in Docket Nos. GT8602131, GM90090949, TC94030057, GR96080574, et. al, GR97070552, et al., and Docket Nos. GX99030121, et al., under which margins from certain on-system sales and transportation services are shared between firm sales customers, certain firm transportation customers, and the Company on an 80%/20% basis through a credit, the OSMC, to the transportation rates charged to firm sales and all Service Classification RDS customers.

6. As stated in the July 2022 Petition, the overall impact of the proposed adjustments to the CEP and OSMC rates would decrease the monthly bill of a residential customer using 100

---

<sup>1</sup> All rates quoted herein are inclusive of all applicable taxes unless otherwise stated.

therms by \$0.26, from \$110.59 to \$110.33, or a decrease of 0.2%, as compared to the rates in effect as of July 1, 2022.

## **II. STIPULATED TERMS**

7. Elizabethtown, Board Staff, and the New Jersey Division of Rate Counsel are the only parties to this proceeding (collectively “Parties”). The Parties agree that additional time is needed to complete a comprehensive review of the July 2022 Petition and that permitting a CEP component of the SBC rate and OSMC rate to become effective on a provisional basis is reasonable to permit Elizabethtown timely rate changes for CEP and OSMC and mitigate the impact of potential excess balances as additional review of the Company’s July 2022 Petition takes place.

8. The Parties hereby stipulate and agree that, pending the conclusion of any further review, including at the Office of Administrative Law (“OAL”), if necessary, discussions among the Parties, and a final determination by the Board, and pursuant to N.J.S.A. 48:2-21.1, it would be both reasonable and in the public interest for the Board to authorize Elizabethtown to suspend its WNC rate and to implement a provisional CEP component of the SBC rate of \$0.0260 per therm to be effective as of October 1, 2022 and a provisional OSMC credit rate of \$0.0031 per therm to be effective as of October 1, 2022. The total provisional CEP/OSMC rate of \$0.0229 will decrease the monthly bill of a typical residential customer using 100 therms by \$0.26 from \$110.59 to \$110.33, or a decrease of 0.2%, as compared to the Company’s rates in effect as of July 1, 2022. There will be an opportunity for full review of the CEP component of the SBC and the OSMC at the OAL, if necessary, and final approval by the Board, and that the stipulated rates are to be implemented subject to refund with interest.

9. The Company will submit tariff sheets, in the form attached as Appendix A, within five (5) days of the effective date of the Board’s Order approving this Stipulation.

10. This Stipulation represents a mutual balancing of interests and therefore is intended to be accepted and approved in its entirety. If the Board does not adopt this Stipulation in its entirety in an Order, then any Party hereto is free to pursue its then available legal remedies with respect to all issues in this Stipulation as though this Stipulation had not been signed.

11. It is the intent of the Parties that the provisions hereof be approved by the Board, as appropriate, as being in the public interest. The Parties further agree that they consider the Stipulation to be binding on them for all purposes herein.

12. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and has been made exclusively for the purpose of this proceeding. Except as expressly provided herein, the Parties shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposed to underlie any agreement provided herein.

13. The Parties further acknowledge that a Board Order approving this Stipulation will become effective upon the service of said Board Order, or upon such date after the service thereof as the Board may specify, in accordance with N.J.S.A. 48:2-40.

**WHEREFORE**, the Parties hereto do respectfully submit this Stipulation to the Board and request the Board to issue a Decision and Order approving this Stipulation in its entirety in accordance with the terms hereof, as soon as reasonably possible.

**ELIZABETHTOWN GAS COMPANY**

**BRIAN O. LIPMAN  
DIRECTOR, DIVISION OF  
RATE COUNSEL**

By:   
**Deborah M. Franco  
VP, Rates, Regulatory and Sustainability**

By: */s/ Sarah H. Steindel*  
**Sarah H. Steindel, Esq.  
Assistant Deputy Rate Counsel**

**MATTHEW PLATKIN**  
**ACTING ATTORNEY GENERAL OF THE STATE OF NEW JERSEY**  
**Attorney for the Staff of the New Jersey Board of Public Utilities**

By:  \_\_\_\_\_ 8/22/22  
**Terel Klein**  
**Deputy Attorney General**

**Dated: Aug. 23, 2022**