



Agenda Date: 10/25/23  
Agenda Item: 2B

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

ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF )  
THE COLLEGE OF NEW JERSEY FOR RELIEF )  
FROM A PENALTY ASSESSED BY PUBLIC )  
SERVICE ELECTRIC & GAS COMPANY )  
)  
) DOCKET NO. GC18111234

**Parties of Record:**

**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel  
**James H. Laskey, Esq.**, Norris McLaughlin, P.A., Counsel to The College of New Jersey  
**Matthew M. Weissman, Esq., General State Regulatory Counsel**, Public Service Electric and Gas Company

BY THE BOARD:

On November 9, 2018, The College of New Jersey (“TCNJ”) filed a petition with the New Jersey Board of Public Utilities (“Board” or “BPU”) for relief from a penalty assessed by Public Service Electric and Gas Company (“PSE&G”) regarding the consumption of natural gas during a period of interruption in January 2018.

**BACKGROUND AND PROCEDURAL HISTORY**

TCNJ is a public college in Ewing, New Jersey that owns, maintains, and operates an on-campus cogeneration plant (“Cogen”) that supplies electricity and steam for heating throughout its campus. The Cogen receives service from PSE&G under a tariff known as Basic Gas Supply Service - Cogeneration Interruptible (“CIG”). The CIG tariff requires customers, upon advance notice of not less than eight (8) hours, to discontinue natural gas use. Consistent with this requirement, TCNJ maintains a fuel oil backup for the Cogen.

On January 4, 2018, TCNJ received a notice from PSE&G to switch over to oil effective the following morning. On January 5, 2018, TCNJ switched to its oil backup and approximately 30 minutes into the interruption, a mechanical failure shut down TCNJ’s backup fuel oil system. TCNJ declared an emergency and notified PSE&G that TCNJ needed to go back on natural gas in order to protect the health and wellbeing of the campus community. PSE&G assessed TCNJ a penalty of \$2,359,532 for not curtailing service during the interruption period. This penalty is the subject of TCNJ’s petition.

On February 17, 2023, the Board retained the matter for hearing pursuant to N.J.S.A. 48:2-32 and designated former President Joseph L. Fiordaliso as the Presiding Officer authorized to establish and modify schedules and decide all motions during the pendency of these proceedings subject to ratification by the Board.<sup>1</sup> Pursuant to the February 2023 Order, the Board also granted PSE&G's intervenor status and directed other entities seeking to intervene or participate in this matter to file the appropriate application with the Board, along with any motions for admission of counsel, pro hac vice, on or before February 27, 2023. No additional motions were filed.

On June 27, 2023, former Presiding Officer President Fiordaliso issued a Prehearing Order adopting a procedural schedule and directing PSE&G, TCNJ, the New Jersey Division of Rate Counsel ("Rate Counsel"), and Board Staff (collectively, "Parties") to comply with the terms contained therein.<sup>2</sup> The Prehearing Order established September 7, 2023 as the deadline to file cross motions, with responses to cross motions due September 28, 2023, and reply briefs due October 18, 2023. On August 31, 2023, counsel for TCNJ submitted a request, supported by the Parties, for a one-week extension of each of the aforementioned deadlines because the process to agree on a stipulation of facts took longer than anticipated. Specifically, TCNJ requested that: 1) cross motions be due September 14, 2023; 2) responses to cross motions be due October 5, 2023; and 3) reply briefs be due October 25, 2023.

On September 6, 2023, Rate Counsel submitted Stipulated Facts and Exhibits jointly on behalf of TCNJ, PSE&G, and Rate Counsel.

On September 14, 2023, TCNJ, PSE&G, and Rate Counsel separately filed Motions for Summary Disposition.

On October 5, 2023, TCNJ, PSE&G, and Rate Counsel separately filed Responses and TCNJ filed a cross motion to supplement the record.

### **DISCUSSIONS AND FINDINGS**

Consistent with the February 2023 Order, the Board **HEREBY DETERMINES** that this matter shall remain with the Board for hearing pursuant to N.J.S.A. 48:2-32, and **HEREBY DESIGNATES** President Christine Guhl-Sadovy as the Presiding Officer replacing former Presiding Officer President Fiordaliso. Presiding Officer Guhl-Sadovy has the authority to establish and modify schedules and decide all motions during the pendency of these proceedings subject to ratification by the Board.

Having reviewed TCNJ's August 31, 2023 correspondence, and noting the consent of the Parties, the Board **HEREBY GRANTS** TCNJ's request for an extension of time. The Board **HEREBY ORDERS** that the Procedural Schedule attached hereto as "Attachment A" shall control as of the date of this Order. All other aspects of the Prehearing Order shall remain in full force.

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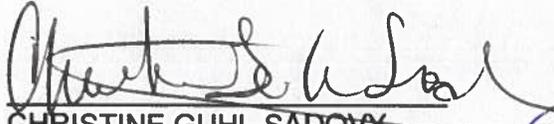
<sup>1</sup> In re the Verified Petition of the College of New Jersey for Relief From a Penalty Assessed by Public Service Electric and Gas, Co., Decision and Order on Motion to Intervene and Designation of a Presiding Commissioner, Docket No. GC18111234, Order dated February 17, 2023 ("February 2023 Order").

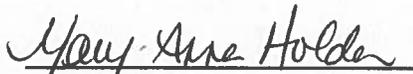
<sup>2</sup> In re the Verified Petition of the College of New Jersey for Relief From a Penalty Assessed by Public Service Electric and Gas, Co., Prehearing Order, Docket No. GC18111234, Order dated June 27, 2023 ("Prehearing Order").

The effective date of this Board Order is November 1, 2023.

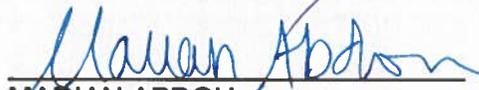
DATED: October 25, 2023

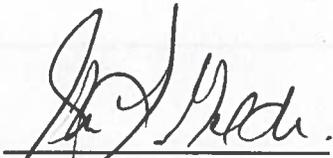
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DR. ZENON CHRISTODOULOU  
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COMMISSIONER

ATTEST:   
SHERRI L. GOLDEN  
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 VERIFIED PETITION OF THE COLLEGE OF NEW JERSEY FOR RELIEF FROM A  
PENALTY ASSESSED BY PUBLIC SERVICE ELECTRIC & GAS COMPANY

DOCKET NO. GC18111234

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**ATTACHMENT A**

IN THE MATTER OF THE VERIFIED PETITION OF THE COLLEGE OF NEW JERSEY FOR  
RELIEF FROM A PENALTY ASSESSED BY PUBLIC SERVICE ELECTRIC AND GAS  
COMPANY

DOCKET NO. GC18111234

REVISED PROCEDURAL SCHEDULE

|  |                       |
|--|-----------------------|
| Deadline to Answer Pending Discovery                             | June 28, 2023         |
| Deadline for Discovery   | July 5, 2023          |
| Final due date for Responses to Discovery                        | July 12, 2023         |
| Discovery Conference   | Week of July 17, 2023 |
| Settlement Conference(s)   | Week of July 24, 2023 |
| Due date for Submission of Stipulated Facts and Exhibits         | August 4, 2023        |
| Cross Motions filed by PSE&G, TCNJ, and Rate Counsel             | September 14, 2023    |
| Response to Cross Motions filed by PSE&G, TCNJ, and Rate Counsel | October 5, 2023       |
| Reply filed by PSE&G, TCNJ, and Rate Counsel                     | October 25, 2023      |