



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
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 TO REVISE THE)
LEVELS OF ITS SOCIETAL BENEFITS CLAUSE ("SBC"))
CHARGES AND ITS TRANSPORTATION INITIATION)
CLAUSE ("TIC") CHARGE) ORDER APPROVING
STIPULATION
DOCKET NO. GR23070475

Parties of Record:

Dominick DiRocco, Esq., South Jersey Gas Company
Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:¹

On July 31, 2023, South Jersey Gas Company ("SJG" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board") requesting approval to revise the rates related to its Transportation Initiation Clause ("TIC") and two (2) components of its Societal Benefits Charge ("SBC"): 1) the Remediation Adjustment Clause ("RAC"), and 2) the Clean Energy Program ("CLEP") Clause ("Petition"). By this Order, the Board considers a stipulation of settlement ("Stipulation") executed by SJG, Board Staff ("Staff"), and the New Jersey Division of Rate Counsel ("Rate Counsel") ("collectively, "Parties") intended to resolve the Company's requests.

BACKGROUND

Pursuant to the Electric Discount and Energy Competition Act, the Board permits each electric public utility and gas public utility to recover certain costs through its respective SBC.² SJG's SBC is comprised of the RAC, the CLEP, the Universal Service Fund ("USF"), and the Lifeline Program ("Lifeline") charges. The RAC allows the Company to adjust its rates to recover reasonably incurred environmental remediation costs associated with the clean-up of its former manufactured gas plant ("MGP") sites, on a deferred basis, over a rolling seven (7)-year period, with carrying charges tied to seven (7)-year treasuries plus 60 basis points. The CLEP recovers the costs associated with energy efficiency programs related to the New Jersey Clean Energy

¹ Commissioner Michael Bange abstained from voting on this matter.

² N.J.S.A. 48:3-60(a).

Program. The USF and Lifeline Programs help provide affordable electric and natural gas service to eligible New Jersey residential customers.

By Order dated March 30, 2001, the Board ordered implementation of the Electronic Data Interchange (“EDI”) to facilitate electronic exchange of information between gas distribution utilities and third party suppliers.³ The TIC was designed to recover all reasonable and prudent development and operating costs related to the EDI.

Petition

In the Petition, SJG sought to increase the overall annual revenue level of its SBC and TIC charges by \$0.5 million for the 2023-2024 clause year from November 1 through October 31.⁴ Specifically, the Company sought to: 1) increase its per-therm RAC rate to \$0.058983, an increase in annual revenues of \$2.8 million; 2) decrease its per-therm CLEP rate to \$0.026858, a decrease in annual revenues of \$2.5 million; and 3) increase its per-therm TIC rate to \$0.000776, an increase in annual revenues of \$0.2 million.

Through discovery, SJG provided updated information to include actual data through August 31, 2023 (“Update”). Based upon the Update, the Company revised its originally proposed CLEP rate to \$0.027627 per therm and its originally proposed TIC rate to \$0.000779 therm. The Company did not propose changes to the RAC rate provided in the Petition.

Following publication of notice, virtual public hearings were conducted on December 5, 2023 at 4:30 p.m. and 5:30 p.m. No members of the public attended or filed comments with the Board regarding this matter.

STIPULATION

Following a review of the Petition, discovery, and Update, the Parties executed the Stipulation, which provides as follows:⁵

7. The Company’s proposed per therm RAC rate component of \$0.058983 should be implemented and made final.
8. The Company’s proposed per therm CLEP rate component of \$0.026858 should be implemented and made final.
9. The Company’s proposed TIC rate per therm of \$0.000776 should be implemented and made final.
10. The combined RAC, CLEP and TIC rate changes will result in an overall SBC rate of \$0.103541 per therm and TIC rate of \$0.000776 per therm effective upon Board approval,

³ In re the Rate Unbundling Filings by Gas Public Utilities Pursuant to Section 10, Subsection A of the Electric Discount and Energy Competition Act of 1999, BPU Docket Nos. GX99030121 and GO99030125, Order dated March 30, 2001.

⁴ All rates quoted herein include Sales and Use Tax (“SUT”).

⁵ Although summarized in this Order, should there be any conflict between this summary and the Stipulation, the terms of the Stipulation control, subject to the finding and conclusion in this Order. Paragraphs are lettered and/or numbered to coincide with the Stipulation.

which represents a monthly increase of \$0.10, or approximately 0.06%, from a bill of \$181.24 to \$181.34 for a residential heating customer using 100 therms of natural gas during a winter heating month, compared to rates in effect on November 1, 2023.

11. The Parties agree that SJG's Manufactured Gas Plant ("MGP") remediation costs will remain subject to Board audit. SJG will continue to conduct an annual audit of the RAC to assess the validity of the expenses being charged to the RAC.
12. The Company represents that no MGP-related properties were leased or sold during the RAC remediation period for which this RAC rate is established.
13. SJG also represents that the Stipulation does not include recovery of any administrative, legal, consulting, or other costs associated with Natural Resource Damage ("NRD") related to MGP claims. The Stipulation also does not include any costs associated with incentive compensation or pension costs incurred during the period set forth in the petition.
14. The Company agrees to provide a final reconciliation of its annual RAC factor recovery within ninety (90) days of the completion of each RAC recovery year, which reconciliation will include the calculation of actual sales volumes that recovered the RAC factor and the resultant net expenses or credit amount which is to be carried over to the next recovery year. Implementation and/or adjustments of the RAC factor is subject to the Parties' review of SJG's expenditures and reconciliation thereof in SJG's future RAC and/or SBC proceedings.

DISCUSSION AND FINDINGS

The Board reviewed the entire record in this proceeding, including the Petition, the Update, and the Stipulation, and **HEREBY FINDS** the Stipulation to be reasonable, in the public interest, and in accordance with the law. As such, the Board **HEREBY ADOPTS** the Stipulation in its entirety and **HEREBY INCORPORATES** its terms and conditions as though fully set forth herein, subject to any terms and conditions imposed in this Order.

Consistent with the Stipulation, the Board **HEREBY APPROVES** SJG's implementation of the following per-therm rates effective February 1, 2024: 1) a RAC rate of \$0.058983; 2) a CLEP rate of \$0.026858; and 3) a TIC rate of \$0.000776. The adjustments to the RAC and CLEP components of the SBC result in a revised overall SBC rate of \$0.103541 per therm, and a TIC rate of \$0.000776 per therm, effective for service rendered on and after February 1, 2024.

Based upon the Board's approval of the Stipulation, a residential heating customer using 100 therms per month will experience a monthly bill increase of \$0.10 or 0.06%.

The Board **HEREBY DIRECTS** SJG to file revised tariffs prior to February 1, 2024.

The Company's costs will remain subject to audit by the Board. This Order shall not preclude or prohibit the Board from taking further action relating to any such audit.

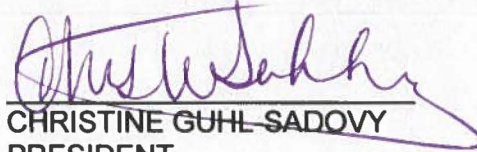
The effective date of this Order is January 17, 2024.

DATED: January 10, 2024

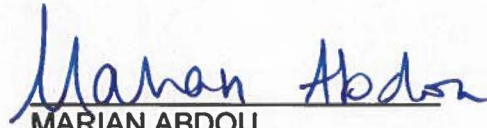
BOARD OF PUBLIC UTILITIES
BY:



DR ZENON CHRISTODOULOU
COMMISSIONER



CHRISTINE GUHL-SADOVY
PRESIDENT



MARIAN ABDOU
COMMISSIONER

ATTEST: 
SHERRIL 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 PETITION OF SOUTH JERSEY GAS COMPANY FOR APPROVAL TO
REVISE THE LEVELS OF ITS SOCIETAL BENEFITS CLAUSE ("SBC") CHARGES AND ITS
TRANSPORTATION INITIATION CLAUSE ("TIC") CHARGE

BPU DOCKET NO. GR23070475

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Dominick DiRocco, Esq.
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December 22, 2023

Sherri Golden, Board 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 South Jersey Gas Company For Approval To Revise
The Levels of Its Societal Benefits Clause ("SBC") Charges and Its Transportation
Initiation Clause ("TIC") Charge
BPU Docket No. GR23070475**

Dear Secretary Golden:

Enclosed for filing in the above-referenced proceeding is a Stipulation executed by representatives of South Jersey 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 submitted,

A handwritten signature in black ink that reads "Dominick DiRocco".

Dominick DiRocco

DD/caj
Enclosure

cc: See attached Service List

**IN THE MATTER OF THE PETITION OF SOUTH JERSEY GAS COMPANY
FOR APPROVAL TO REVISE THE LEVEL OF ITS SOCIETAL BENEFITS
CLAUSE (“SBC”) CHARGES AND ITS TRANSPORTATION INITIATION
CLAUSE (“TIC”) CHARGE
BPU DOCKET NO. GR23070475**

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

IN THE MATTER OF THE	:	
PETITION OF SOUTH JERSEY	:	BPU DOCKET NO. GR23070475
GAS COMPANY FOR APPROVAL	:	
TO REVISE THE LEVELS OF ITS	:	STIPULATION OF SETTLEMENT
SOCIETAL BENEFITS CLAUSE	:	
(“SBC”) CHARGES AND ITS	:	
TRANSPORTATION INITIATION	:	
CLAUSE (“TIC”) CHARGE	:	

Dominick DiRocco, Esq., Vice President, Rates & Regulatory Affairs, for South Jersey Gas Company, Petitioner.

Maura Caroselli, Esq., Managing Attorney, Gas and Clean Energy, **Sarah H. Steindel, Esq.**, Assistant Deputy Rate Counsel and **Megan Lupo, Esq.**, Assistant Deputy Rate Counsel, for the New Jersey 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 J. Platkin**, Attorney General of the State of New Jersey).

TO THE HONORABLE COMMISSIONERS OF THE BOARD OF PUBLIC UTILITIES:

This stipulation of settlement (“Stipulation”) is intended to resolve the pending Societal Benefits Clause (“SBC”) proceeding (hereinafter referred to as “Proceeding”) by which South Jersey Gas Company (“South Jersey” or “Company”) seeks approval from the New Jersey Board of Public Utilities (“Board”) to increase the annual revenue level of the Company’s SBC through an increase in its Remediation Adjustment Clause (“RAC”) charge, and a decrease in its Clean Energy Program (“CLEP”) charge, both components of the SBC, as well as an increase in its Transportation Initiation Clause (“TIC”) charge. The parties to this Proceeding are South Jersey, the New Jersey Division of Rate Counsel (“Rate Counsel”), and Board Staff (“Staff”) (collectively, “Parties”).

I. PROCEDURAL HISTORY

1. On July 31, 2023, consistent with N.J.S.A. 48:2-21, South Jersey filed a petition with the Board, in Docket No. GR23070475, seeking to increase the overall annual revenue level of its SBC

and TIC charges by \$0.5 million, including taxes (“Petition”). Specifically, the Petition sought an increase in South Jersey’s RAC charge and a decrease in its CLEP charge, both components of the SBC, and an increase to the TIC charge.

2. In its Petition, South Jersey requested that: i) the per therm RAC rate be increased to \$0.058983 from its current level of \$0.054031; ii) the per therm CLEP rate be decreased to \$0.026858 from its current level of \$0.031280; and iii) the per therm TIC rate be increased from its current level of \$0.000244 to \$0.000776.¹ The rates requested in the Petition were derived utilizing actual information for the period November 2022 through June 2023, and projected information for the period July 2023 through October 2024.

3. As stated in the Petition, the Universal Service Fund (“USF”) and Lifeline components of the SBC were addressed in a separate proceeding.²

4. On October 17, 2023, the Company provided updated schedules based on actual data as of August 31, 2023, resulting in: i) a per therm RAC rate of \$0.058983; ii) a per therm CLEP rate of \$0.027627; and (iii) a per therm TIC rate of \$0.000779.

5. Following proper notice, two (2) virtual public hearings were held in the Proceeding on December 5, 2023 at 4:30 p.m. and 5:30 p.m. No members of the public were in attendance to express their views on this filing and no written comments were received by the Board, South Jersey, or Rate Counsel.

6. The Parties engaged in discovery in this Proceeding and all such discovery has been answered by the Company.

II. STIPULATED TERMS

¹ All rates quoted herein include sales and use taxes.

² In re the 2023/2024 Annual Compliance Filings for the Universal Service Fund (“USF”) Program Factor within the Societal Benefits Charge Rate – Order Approving Interim USF Rates and Lifeline Rates, BPU Docket No. ER23060409, Order dated September 27, 2023.

Based upon the terms and conditions set forth herein, the Parties **STIPULATE AND AGREE** as follows:

7. The Company's proposed per therm RAC rate component of \$0.058983 should be implemented and made final.

8. The Company's proposed per therm CLEP rate component of \$0.026858 should be implemented and made final.

9. The Company's proposed TIC rate per therm of \$0.000776 should be implemented and made final.

10. The combined RAC, CLEP and TIC rate changes will result in an overall SBC rate of \$0.103541 per therm and TIC rate of \$0.000776 per therm effective upon Board approval. This represents a monthly increase of \$0.10, or approximately 0.06%, from a bill of \$181.24 to \$181.34 for a residential heating customer using 100 therms of natural gas during a winter heating month, compared to rates in effect on November 1, 2023.

11. The Parties agree that South Jersey's Manufactured Gas Plant ("MGP") remediation costs will remain subject to Board audit. South Jersey will continue to conduct an annual audit of the RAC to assess the validity of the expenses being charged to the RAC.

12. The Company represents that no MGP-related properties were leased or sold during the RAC remediation period for which this RAC rate is established.

13. South Jersey also represents that this Stipulation does not include recovery of any administrative, legal, consulting, or other costs associated with Natural Resource Damage ("NRD") related to MGP claims.³ Furthermore, this Stipulation does not include any costs associated with

³ Pursuant to the Board's Order dated April 27, 2021 in BPU Docket No. GR20070504 In re the Petition of South Jersey Gas Company to Change the Levels of its Societal Benefits Clause ("SBC") and its Transportation Initiation Clause ("TIC"), beginning with the RAC remediation year commencing August 1, 2019, NRD-related costs that are incurred by the Company will be deferred in a regulatory asset account with carrying costs, pending a decision by the Board as to whether such costs are reasonable and recoverable through the RAC.

incentive compensation or pension costs incurred during the period set forth in the Petition.

14. The Company agrees to provide a final reconciliation of its annual RAC factor recovery within 90 days of the completion of each RAC recovery year, which reconciliation will include the calculation of actual sales volumes that recovered the RAC factor and the resultant net expenses or credit amount which is to be carried over to the next recovery year. Implementation and/or adjustments of the RAC factor is subject to the Parties' review of South Jersey's expenditures and reconciliation thereof in South Jersey's future RAC and/or SBC proceedings.

15. The Parties agree that the terms of this Stipulation shall resolve all factual and legal issues relating to the determination of all amounts that were or could be included in the calculation of the Company's deferred RAC balance, except as described in Paragraph 13 above with respect to NRD-related costs and incentive compensation costs or pension costs.

16. The Company agrees that it will include in its future RAC filings responses to the minimum filing requirements ("MFRs") as set forth in Exhibit A to this Stipulation. At a minimum, the Company agrees to provide electronic copies of the filings and the MFRs to the Board, Rate Counsel, and the consultants to Rate Counsel.

17. The Parties further acknowledge that a Board Order approving, rejecting, or modifying this Stipulation shall 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.

18. Following acceptance of this Stipulation by an Order of the Board, South Jersey will submit a Compliance Filing incorporating the final rates approved by the Board within ten (10) days of such approval.

III. MISCELLANEOUS

19. This Stipulation fully disposes of all issues in controversy in this proceeding, is consistent with law, and is in the public interest. This Stipulation represents a mutual balancing of interests,

contains interdependent provisions and, therefore, is intended to be accepted and approved in its entirety. In the event that any provision of this Stipulation is not accepted and approved in its entirety by the Board, any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, in the event that the Board, in any applicable order, does not adopt this Stipulation in its entirety, then any Party hereto is free to pursue its then available legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

20. This Stipulation shall be binding on the Parties for all purposes herein.

21. 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. This Stipulation shall not be cited as precedent except for the purpose of enforcing its terms. All rates are subject to audit by the Board. The Parties further acknowledge that a Board Order approving, rejecting, or modifying this Stipulation shall 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.

22. This Stipulation may be executed in as many counterparts as there are signatories to this Stipulation each of which counterparts shall be an original, but all of which shall constitute one and the same instrument.

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

SOUTH JERSEY GAS COMPANY



By: _____
Dominick DiRocco, Esq.
Vice President, Rates & Regulatory Affairs

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the Board of Public Utilities



By: _____
Terel Klein
Deputy Attorney General

BRIAN O. LIPMAN
DIRECTOR, DIVISION OF RATE COUNSEL

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

Dated: December 21, 2023