



million over a two-year period commencing April, 2009 through March 31, 2011. The four UIE projects were developed in continued support with the State's initiative to stimulate economic development and job growth, while enhancing service reliability, safety and system integrity.

On November 12, 2010, Elizabethtown filed a petition in Docket Nos. GO10120969 and GR09090195 requesting that the Board approve an extension of UIE I ("UIE II"). In addition to seeking an increase in its UIE rider rate, the Company also sought the authority to reduce the scope of the UIE I projects in order to mitigate the impact of significant increases in the projected costs of the UIE I projects, which resulted in a projected total cost of \$68.6 million. Instead, the Company proposed to complete the UIE I projects in a manner consistent with the original scope of the UIE program approved by the April 28 Order and to add one additional project to its existing UIE program at a total projected incremental cost of \$40.1 million for the UIE projects. By Order dated May 16, 2011 ("May 16, 2011 Order"), the Board approved the Stipulation of Settlement between the Company, Board Staff and Rate Counsel authorizing the UIE II program and associated cost-recovery mechanism.

Pursuant to the April 28, 2009 Order and May 16, 2011 Order, Elizabethtown completed UIE I and UIE II projects that included the replacement of approximately 29 miles of elevated pressure, 10 to 12-inch cast iron main and the replacement of approximately 36 miles of low pressure, 4-inch cast iron main.

By Order dated August 21, 2013 ("August 21, 2013 Order"), the Board approved a Stipulation of Settlement in Docket No. GO12070693 to implement a four-year Accelerated Infrastructure ("AIR") program that authorized the Company to invest over \$115 million to continue the replacement of bare steel mains, cast iron mains and other facilities. The AIR program will expire on September 1, 2017. According to the Company, it is anticipated that the AIR program will effectuate the replacement of approximately 74 miles of low pressure cast iron main and 5 miles of elevated pressure cast iron main. The August 21, 2013 Order also required Elizabethtown to file a base rate case no later than September 1, 2016 ("2016 base rate case").

#### Elizabethtown Safety, Modernization and Reliability ("SMART") Program Petition

On September 22, 2015, the Company filed a petition with the Board seeking approval to implement and administer its Safety, Modernization and Reliability program and a related rider to the Company's tariff - Safety, Modernization and Reliability Tariff ("SMART") – to permit it to recover the costs of the program. The Company anticipates spending up to \$1.102 billion in SMART investment across its gas service territory over ten years. According to the petition, the implementation of the SMART program will complete projects to replace cast iron mains, unprotected and bare steel mains, ductile iron and copper and vintage plastic mains and services. The Company also proposes to relocate inside meter sets, upgrade its legacy low pressure system to an elevated pressure system and, as a consequence, install excess flow valves and retire district regulators. At this time, the Company anticipates these expenditures will result in the replacement of approximately 630 miles of mains and 67,000 bare steel and copper services.

The Company proposes to recover the revenue requirements associated with the SMART program by utilizing the same cost-recovery methodology and rate design as used for UIE I and UIE II. Specifically, it proposes to establish an initial SMART rider rate designed to recover the Company's projected SMART program costs from the end of the test year of the 2016 base rate case (currently anticipated to be April 1, 2017) through March 31, 2018, subject to the reconciliation in its annual SMART rider filing to be filed by the Company on or before January

1, 2018 ("January filing"). According to the petition, the January filing would reflect (1) the reconciliation of actual and projected SMART program costs and cost recoveries through March 31 of the year in which the filing was made, and (2) projected SMART program costs through the next succeeding April 1 through March 31 SMART recovery year. By Order dated December 16, 2015 ("December 16 Order"), the Board determined that the SMART petition described above should be retained by the Board for hearing and, pursuant to N.J.S.A. 48:2-32, designated Commissioner Mary-Anna Holden as the presiding officer authorized to rule on all motions that arise during the pendency of these proceedings and modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Further, the December 16 Order directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by January 15, 2016.

To aid in the setting of an appropriate schedule, Board Staff requested that the New Jersey Division of Rate Counsel ("Rate Counsel") and the Company circulate a proposed procedural schedule. On January 14, 2016, Rate Counsel circulated a proposed procedural schedule. On February 12, 2016, the Company submitted a revised procedural schedule which shortened the time frame for the completion of discovery and the evidentiary hearings by approximately one month. The Company represents that Rate Counsel consents to the revised proposed procedural schedule.

#### **THE MOTIONS:**

##### **PSE&G Motion to Participate**

By motion dated October 27, 2015, PSE&G moved for an Order granting it status as a participant pursuant to N.J.A.C. 1:1-16.6. PSE&G asserted that it is a New Jersey public utility as defined by N.J.S.A. 48:2-13 and is engaged in the purchase, transmission, distribution, and sale of electric and related utility services to more than 2,100,000 residential, commercial, and industrial customers located within the State of New Jersey. PSE&G further asserted that it is engaged as a New Jersey public utility in the purchase, distribution, and sale of natural gas for more than 1,800,000 customers located within the State of New Jersey.

PSE&G argued that the Board's decision in this proceeding could have precedential effect and impact not only on the Petitioner, but also New Jersey's other electric and gas utilities, including PSE&G and its customers. PSE&G asserted that they will therefore likely be directly and specifically affected by the relief provided.

PSE&G also argued that the service territories, customers, and operations of PSE&G are distinct from those of other parties and participants, or potential parties and participants, in this case. Thus, no other party or participant will represent the interests of PSE&G in this case.

PSE&G further asserted that it will coordinate its representation with other similarly situated parties in this docket to the extent it finds appropriate. They added that their company's experience in the gas and electric industry will allow them to likely constructively add to the proceeding.

##### **Environmental Defense Fund Motion to Intervene**

By motion dated December 17, 2015, the Environmental Defense Fund ("EDF") moved to intervene. According to its motion, EDF is a national non-profit membership organization, with 11,000 members in New Jersey, which links science, economics and law to create solutions to

urgent environmental problems. EDF represents that it is using newly developed technology to find and quantify methane leaks in gas mains, similar to those the Company proposes to modernize. EDF states that it is pursuing initiatives in multiple states affecting numerous natural gas distribution utilities to ensure investments by utilities to repair and replace leak-prone gas infrastructure are cost effective to customers and environmentally efficacious.

EDF argues that it has extensive expertise and experience in presenting evaluative frameworks and project solutions to increase the cost effectiveness, cost efficiency, environmental, consumer, grid, and market benefits of gas system plans and projects.

EDF claims that it also has extensive expertise with regard to new and emerging technologies to find and quantify sub-surface methane leaks from natural gas mains and techniques for reducing leakage rates in natural gas distribution systems.

EDF states that it and its members will be substantially, specifically and directly affected by the outcome of this matter because the SMART program goes to the heart of EDF's mission with regard to the natural gas distribution system. EDF further argues that the outcome of the case is likely to impact the provision of utility service and the functioning of the market as it relates to safety, economic, and environmental welfare.

EDF argues that its experience will add substantive value to this proceeding by bringing a unique expertise and experience in employing practical, market-based solutions to cost-efficiency minimize the loss of natural gas from distribution pipelines. EDF's work with utilities throughout the country including methane surveying and mapping in New Jersey, makes it particularly well qualified to evaluate the proposed investments in Elizabethtown's distribution system and propose ways to optimize these investments. EDF plans to review and comment on comments, proposals, and other information brought throughout the course of this proceeding to the extent that customer, safety, cost, and environmental implications of the petition are raised.

Finally, EDF argues that its intervention will not cause confusion or result in undue delay because it will work with other parties to ensure that it avoids duplicating efforts being made by other parties.

#### Environmental Defense Fund Coalition Motion for Admission Pro Hac Vice

By motion dated December 21, 2015, EDF, via Donald J. Meliado Jr., Esq., moved for admission pro hac vice of Michael Panfil, Esq. The motion included a sworn affidavit by Mr. Panfil. Mr. Panfil submitted that he has paid the fees required by R. 1:20-1(b) and 1:28-2, and he agrees to abide by the other requirements for admission pro hac vice.

Mr. Meliado stated that Mr. Panfil is a member in good standing of the bar of New York. Mr. Meliado argued that there is good cause for Mr. Panfil to be admitted pro hac vice because he has significant experience representing the interests of EDF and EDF's membership.

On January 6, 2016, Mr. Panfil forwarded correspondence to Board Staff addressed to the New Jersey Judiciary which indicated that he paid the fees required by R. 1:20-1(b) and 1:28-2.

#### New Jersey Large Energy Users Coalition Motion to Intervene

By motion dated January 5, 2016, the New Jersey Large Energy Users Coalition ("NJLEUC"), an association whose members include large volume natural gas customers serviced by

Elizabethtown, moved to intervene in this proceeding N.J.A.C. 1:1-16. NJLEUC was formed, in part, to monitor regulatory proceedings involving the State's electric and natural gas utilities, including Elizabethtown. Members of NJLEUC are large volume purchasers of natural gas distribution service from Elizabethtown and, therefore, have a significant interest in the outcome of this proceeding.

NJLEUC further asserted their interests with regard to the Elizabethtown's proposed program are unique from those of any other party and as large end-use customers of Elizabethtown, the interests of NJLEUC members are substantially different from those of any other party seeking intervention or participation. NJLEUC further asserted they have a unique perspective and insight regarding the potential impact, on large volume gas customers, of the relief sought by Elizabethtown in this proceeding.

NJLEUC also argued that fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to intervene in this proceeding, the outcome of which will have an impact on the reliability and cost of gas distribution service received from Elizabethtown by the members of NJLEUC. NJLEUC also stated that the issues to be decided in this proceeding substantially, specifically, and directly affect NJLEUC, making intervention appropriate.

NJLEUC asserted that it have been granted intervenor status in prior Elizabethtown infrastructure and rate proceedings, and a number of regulatory proceedings involving Elizabethtown.

NJLEUC asserted that its entry as a party would measurably and constructively advance this proceeding because of the unique status of its members as large end-use customers. NJLEUC further stated that it would endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy.

#### New Jersey Large Energy Users Coalition Motion for Admission Pro Hac Vice

By motion dated January 5, 2016, NJLEUC, via Mr. Steven S. Goldenberg, Esq., moved for the admission pro hac vice of Paul F. Forshay, Esq. The motion included a sworn affidavit by Mr. Forshay.

Mr. Goldenberg states that Mr. Forshay, is a member in good standing admitted to the bar of the District of Columbia, and has had significant experience representing the interests of large end-use customers, and that he has an attorney-client relationship with NJLEUC. By his affidavit, Mr. Forshay represented that he is associated with Mr. Goldenberg as New Jersey counsel of record, NJLEUC has requested his representation in this matter, and that he specializes in the areas of law at issue in this proceeding, including but not limited to issues arising under the Federal Power Act, Federal Energy Regulatory Commission transmission policies and ratemaking, and PJM operations. Mr. Forshay submitted that he has paid the fees required by R. 1:20-1(b) and 1:28-2, and he agrees to abide by the other requirements for admission pro hac vice. On January 28, 2016, Mr. Forshay forwarded proof of payment of the fees required by R. 1:20-1(b) and 1:28-2 to Board Staff.

By correspondence dated January 19, 2016, Rate Counsel indicated that it did not oppose the motion to participate filed by PSE&G, the motion to intervene filed by EDF and the motions for admission pro hac vice. Rate Counsel further indicated that it did not object to the motion to

intervene filed by NJLEUC, provided that NJLEUC listed its specific members participating in this proceeding. The Company also indicated that it did not object to the motions by correspondence dated February 18, 2016.

## **DISCUSSION AND FINDINGS:**

### **Motions to Intervene**

In ruling on a motion to intervene, N.J.A.C. 1:1-16.3(a) requires that the decision-maker consider the following factors:

1. The nature and extent of the moving party's interest in the outcome of the case;
2. Whether that interest is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;
3. The prospect for confusion and delay arising from inclusion of the party; and
4. Other appropriate matters.

If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant," if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, or file a statement or brief, or file exceptions, or all of these as determined by the trier of fact.

As the Board has stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings by requiring that an intervener's interest be specific, direct and different from that of the other parties so as to add measurably and constructively to the scope of the case. See, Order, In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, Docket No. EM05020106 (June 8, 2005).

After consideration of the papers and given the lack of any objections, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.6(b), the members of EDF living in Elizabethtown's service territory will be directly affected by the outcome of the SMART proceeding, and that EDF has expertise in the detection and remediation of gas leaks that should contribute to the development of a full and complete record for review by the Board in its evaluation of the SMART program. Therefore, I **HEREBY FIND** that EDF has met the standards for intervention in the SMART proceeding, as it has an interest in this proceeding that is not represented by another party. Accordingly, I **HEREBY GRANT** EDF's motion for intervention on the basis of its representation that it will adhere to the scope of the issues to be addressed in this proceeding.

As the members of NJLEUC who are customers of Elizabethtown will be directly affected by the outcome of this proceeding, I **HEREBY FIND** that NJLEUC has met the standards for intervention as it is an interest in this proceeding. Accordingly, having received no objections, I **HEREBY GRANT** the motion for intervention of NJLEUC pursuant to the authority granted to

me by the Board under the December 16 Order. Counsel for NJLEUC shall provide a list which accurately identifies NJLEUC's members that are being represented in this proceeding to Board staff and all parties of record within fourteen (14) days of the date of this Order.

### Motion to Participate

After consideration of the papers and given the lack of any objections, I **HEREBY FIND**, pursuant to N.J.A.C. 1:1-16.6(b), that the participation of PSE&G in this matter is likely to add constructively to the case without causing undue delay or confusion. Accordingly, I **HEREBY GRANT** the motion to participate submitted on behalf of PSE&G, limited to the right to argue orally and file a statement or brief as set out in N.J.A.C. 1:1-16.6(c)(1) and (2).

### Motions Pro Hac Vice

I have reviewed NJLEUC's motion and the supporting affidavit of Mr. Forshay. I agree that this proceeding involves a complex field of law, and I am persuaded that Mr. Forshay specializes in this area and has an attorney-client relationship with NJLEUC. Having received no objections to the motion after due notice to the parties, I **FIND** that Mr. Forshay has satisfied the conditions for admission pro hac vice, has submitted to the Board proof of payment to the New Jersey Lawyers' Fund for Client Protection of the fees required by R. 1:20-1(b) and 1:28-2, and therefore, he **IS HEREBY ADMITTED** to practice before the Board pro hac vice in this matter provided that he 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 his 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 this cause and the admitted attorney therein.

I have also reviewed EDF's motion and the supporting affidavit of Mr. Panfil. I agree that this proceeding involves a complex field of law, and I am persuaded that Mr. Panfil specializes in this area and has an attorney-client relationship with EDF. Having received no objections to the motion after due notice to the parties, I **FIND** that Mr. Panfil has satisfied the conditions for admission pro hac vice, has submitted to the Board proof of payment to the New Jersey Lawyers' Fund for Client Protection of the fees required by R. 1:20-1(b) and 1:28-2, and therefore, he **IS HEREBY ADMITTED** to practice before the Board pro hac vice in this matter provided that he 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 his 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 this cause and the admitted attorney therein.

In addition, I have reviewed the proposal for a preliminary schedule, after giving due consideration to the positions of Staff, Rate Counsel and the Company, I **HEREBY ISSUE** the following as the Prehearing Order, along with the procedural schedule identified as Exhibit A, and **HEREBY DIRECT** the parties to comply with its terms.

### **PREHEARING ORDER**

#### **1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED:**

Through this proceeding Petitioner Elizabethtown Gas ("Elizabethtown" or the "Company") seeks approval to implement and administer a Safety, Modernization and Reliability Program ("SMART"), and a related SMART rider to the Company's tariff to permit it to recover the costs of the program. The Company seeks approval to spend up to \$1.102 billion in SMART investments across its gas service territory over ten years. According to the petition, the SMART program will complete remaining projects to replace cast and ductile iron mains and unprotected and bare steel, copper, and vintage plastic mains and services in the Company's service territory. The Company also proposes to relocate inside meter sets, upgrade its legacy low pressure system to an elevated pressure system, and, as a consequence, install excess flow valves and retire district regulators as needed to accommodate the elevated pressure on the system. At this time, the Company anticipates these expenditures, if approved, will result in the replacement of approximately 630 miles of mains and 67,000 bare steel and copper services.

The Company proposes to recover the revenue requirements associated with the SMART program by utilizing the same cost-recovery methodology and rate design as used for the Company's Utility Infrastructure Enhancement ("UIE") Program and extension of the UIE ("UIE II"). Specifically, it proposes to establish an initial SMART rider rate designed to recover the Company's projected SMART program costs from the end of the test year of the 2016 Base Rate Case (currently anticipated to be April 1, 2017) through March 31, 2018, subject to reconciliation in its annual SMART rider filing to be filed by the Company on or before January 1, 2018 ("January Filing"). According to the petition, the January Filing would reflect (1) the reconciliation of actual and projected SMART program costs and cost recoveries through March 31 of the year in which the filing was made, and (2) projected SMART program costs through the next succeeding April 1 through March 31 SMART recovery year.



A. Issues to be Resolved:

- 1) The prudence, cost effectiveness and cost efficiency of the activities and programs proposed for the ten years of the proposed SMART program;
- 2) The reasonableness and lawfulness of the proposed cost recovery mechanism; and
- 3) The reasonableness of the proposed rates.

2. **PARTIES AND THEIR DESIGNATED ATTORNEYS OR REPRESENTATIVES:**

Counsel for Elizabethtown:

Mary Patricia Keefe, Vice President, Regulatory Affairs and Business Support  
Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas  
520 Green Lane  
Union, NJ 07083  
[mkeefe@aglresources.com](mailto:mkeefe@aglresources.com)

Kenneth T. Maloney, Esq.  
Deborah M. Franco, Esq.  
Cullen and Dykman LLP  
Garden City Center  
100 Quentin Roosevelt Boulevard  
Garden City, NY 11530-4850  
[kmaloney@cullenanddykman.com](mailto:kmaloney@cullenanddykman.com)  
[dfranco@cullenanddykman.com](mailto:dfranco@cullenanddykman.com)

Counsel for the Staff of the New Jersey Board of Public Utilities ("Board"):

Patricia Krogman, DAG  
Alex Moreau, DAG  
Department of Law & Public Safety  
124 Halsey Street  
P.O. Box 45029  
Newark, N.J. 07102  
[alex.moreau@dol.lps.state.nj.us](mailto:alex.moreau@dol.lps.state.nj.us)  
[patricia.krogman@dol.state.nj.us](mailto:patricia.krogman@dol.state.nj.us)

Counsel for Division of Rate Counsel ("Rate Counsel"):

Stefanie Brand, Esq., Director  
Division of Rate Counsel  
140 East Front Street, 4th Floor  
P.O. Box 003  
Trenton, N.J. 08625  
(609) 984-1460 (phone)  
609-292-2923 (fax)  
[sbrand@rpa.state.nj.us](mailto:sbrand@rpa.state.nj.us)

For Intervenors/Participants:

Counsel for PSE&G:

Martin C. Rothfelder, Esq.  
Public Service Electric and Gas Company  
80 Park Plaza, T5  
P.O. Box 570  
Newark, New Jersey 07102  
(973) 430- 6479 (phone)  
(973) 430-5983(fax)  
[martin.rothfelder@pseg.com](mailto:martin.rothfelder@pseg.com)

New Jersey Large Energy Users Coalition ("NJLEUC"):

Steven S. Goldenberg, Esq.  
Fox Rothschild, LLP  
997 Lenox Drive, Bldg. 3  
Lawrenceville, NJ 08648  
(609) 896-3600  
(609) 896-1469 (fax)  
[sgoldenberg@foxrothschild.com](mailto:sgoldenberg@foxrothschild.com)

Paul F. Forshay, Esq.  
Sutherland Asbill & Brennan LLP  
700 Sixth Street, NW, Suite 700  
Washington, DC 20001-3980  
202.383.0100  
Fax: 202.637.3593  
[paul.forshay@sutherland.com](mailto:paul.forshay@sutherland.com)

Environmental Defense Fund:

Michael Panfil, Esq.  
US Climate and Energy Program  
Environmental Defense Fund  
1875 Connecticut Ave., NW  
Washington, D.C. 20009  
[mpanfil@edf.org](mailto:mpanfil@edf.org)

No change in designated trial counsel shall be made without leave if such change will interfere with the dates for hearings. If no specific counsel is set forth in this Order, any partner or associate may be expected to proceed with evidentiary hearings on the agreed dates.

3. **SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING:**

Pursuant to N.J.S.A. 48:2-32.6, public hearings will be held in the Company's service territory after publication of notice in newspapers of general circulation in Elizabethtown's service territory. The public hearings will be held in April 2016 in Flemington, New Jersey and Union, New Jersey.

4. **SCHEDULE OF HEARING DATES, TIME AND PLACE:**

Evidentiary hearings will be held the week of July 18, 2016, starting at 10 a.m. on each day, at the Office of Administrative Law, 33 Washington Street, Newark, New Jersey. Dates will be determined based on the availability of the parties and myself.

5. **STIPULATIONS:**

None at this time.

6. **SETTLEMENT:**

Settlement conference(s) among the parties are encouraged, and may be convened at the convenience of the parties on notice to all parties without my prior approval.

7. **AMENDMENTS TO PLEADINGS:**

None at this time.

8. **DISCOVERY AND DATE FOR COMPLETION:**

Discovery shall be conducted in accordance with N.J.A.C. 1:1-10.4 unless otherwise provided in the schedule marked as Exhibit A.

9. **ORDER OF PROOFS:**

Elizabethtown has the burden of proof. The hearings will be conducted by topic (see point 12, below); within each topic, the hearings will be conducted in the following order:

First – Elizabethtown

Second – Rate Counsel

Third – Intervenors

Fourth – Board Staff

10. **EXHIBITS MARKED FOR IDENTIFICATION:**

None at this time.

11. **EXHIBITS MARKED IN EVIDENCE:**

None at this time.

12. **ESTIMATED NUMBER OF FACTS AND EXPERT WITNESSES:**

Elizabethtown will present the following five (5) witnesses: Brian MacLean, Michael P. Scacifero, Thomas Kaufmann, Salvatore D. Marano, and Daniel P. Yardley. Additional witnesses may be identified by Elizabethtown as necessary for purposes of rebuttal or sur-rebuttal.

Robert J. Henkes. Additional witnesses may be identified by Rate Counsel as necessary for purposes of testimony.

Intervenors shall identify their witnesses no later than five (5) days prior to the filing of testimony.

Any party substituting witnesses shall identify such witnesses within five (5) days of determining to replace a witness, and in no event later than five (5) days before filing of testimony of a substitute witness. All direct testimony will be pre-filed, and all witnesses submitting pre-filed direct testimony will be subject to cross examination at evidentiary hearings, which will be conducted by topic (e.g., program elements, revenue requirements, and so forth).

13. **MOTIONS:**

No other motions are pending at this time.

14. **SPECIAL MATTERS:**

None at this time.

I **HEREBY DIRECT** that all documents required to be served under the terms of the schedule described on Exhibit A, shall be served by electronic-mail, while still providing hard copies 1) to the Board for those documents which must be filed with the Board, and 2) to each party requesting hard copies.

The parties are directed to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding.

I **HEREBY DIRECT** Staff to post this Order on the Board's website and serve a copy of the Order to the service list electronically.

This ruling is provisional and subject to ratification or other alteration by the Board as it deems appropriate during the proceeding in this matter.

DATED: February 18, 2016

  
MARY-ANNA HOLDEN  
COMMISSIONER

IN THE MATTER OF THE PETITION OF PIVOTAL UTILITY HOLDINGS, INC. D/B/A  
ELIZABETHTOWN GAS FOR APPROVAL OF A SAFETY, MODERNIZATION AND  
RELIABILITY PROGRAM AND ASSOCIATED COST RECOVERY MECHANISM

DOCKET NO. GR15091090

SERVICE LIST

**Elizabethtown Gas:**

Mary Patricia Keefe, Vice President,  
Regulatory Affairs and Business Support  
Pivotal Utility Holdings, Inc. d/b/a  
Elizabethtown Gas  
520 Green Lane  
Union, NJ 07083  
[mkeefe@aglresources.com](mailto:mkeefe@aglresources.com)

Erica McGill, Esq.  
Pivotal Utility Holdings, Inc. d/b/a  
Elizabethtown Gas  
520 Green Lane  
Union, NJ 07083  
[emcgill@aglresources.com](mailto:emcgill@aglresources.com)

Thomas Kaufmann  
Pivotal Utility Holdings, Inc. d/b/a  
Elizabethtown Gas  
520 Green Lane  
Union, NJ 07083  
[tkaufman@aglresources.com](mailto:tkaufman@aglresources.com)

Brian MacLean  
Pivotal Utility Holdings, Inc. d/b/a  
Elizabethtown Gas  
520 Green Lane  
Union, NJ 07083  
[bmaclean@aglresources.com](mailto:bmaclean@aglresources.com)

Deborah M. Franco, Esq.  
Cullen and Dykman, LLP  
Garden City Center  
100 Quentin Roosevelt Boulevard  
Garden City, NY 11530-4850  
[dfranco@cullenanddykman.com](mailto:dfranco@cullenanddykman.com)

**Board of Public Utilities:**

Honorable Irene Kim Asbury  
Secretary  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[Irene.Asbury@bpu.state.nj.us](mailto:Irene.Asbury@bpu.state.nj.us)

Cynthia E. Covie, Esq., Chief Counsel  
Counsel's Office  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350

Paul Flanagan, Executive Director  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[paul.flanagan@bpu.state.nj.us](mailto:paul.flanagan@bpu.state.nj.us)

Jerome May, Director  
Division of Energy  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[jerome.may@bpu.state.nj.us](mailto:jerome.may@bpu.state.nj.us)

Robert Schultheis, Chief  
Division of Energy  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[robert.schultheis@bpu.state.nj.us](mailto:robert.schultheis@bpu.state.nj.us)

Kenneth T. Maloney, Esq.  
Cullen and Dykman, LLP  
1101 Fourteenth Street, NW  
Washington, DC 20005  
[kmaloney@cullenanddykman.com](mailto:kmaloney@cullenanddykman.com)

David Weaver  
AGL Resources  
Ten Peachtree Place  
Atlantic, GA 30309  
[dweaver@aglresources.com](mailto:dweaver@aglresources.com)

**Rate Counsel:**

Stefanie A. Brand, Esq., Director  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> floor  
Post Office Box 003  
Trenton, NJ 08625-0003  
[sbrand@rpa.state.nj.us](mailto:sbrand@rpa.state.nj.us)  
[smassey@rpa.state.nj.us](mailto:smassey@rpa.state.nj.us)

Brian Lipman, Litigation Manager  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> floor  
Post Office Box 003  
Trenton, NJ 08625-0003  
[blipman@rpa.state.nj.us](mailto:blipman@rpa.state.nj.us)

Sarah H. Steindel, Esq.  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> floor  
Post Office Box 003  
Trenton, NJ 08625-0003  
[ssteinde@rpa.state.nj.us](mailto:ssteinde@rpa.state.nj.us)

Felicia Thomas-Friel, Esq.  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> floor  
Post Office Box 003  
Trenton, NJ 08625-0003  
[ftthomas@rpa.state.nj.us](mailto:ftthomas@rpa.state.nj.us)

Maura Caroselli, Esq.  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> floor  
Post Office Box 003  
Trenton, NJ 08625-0003  
[mcaroselli@rpa.state.nj.us](mailto:mcaroselli@rpa.state.nj.us)

John Masiello  
Division of Energy  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[john.masiello@bpu.state.nj.us](mailto:john.masiello@bpu.state.nj.us)

Henry Rich  
Division of Energy  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[henry.rich@bpu.state.nj.us](mailto:henry.rich@bpu.state.nj.us)

Megan Lupo, Esq.  
Legal Specialist  
Counsel's Office  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[megan.lupo@bpu.state.nj.us](mailto:megan.lupo@bpu.state.nj.us)

Stacy Peterson  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[stacy.peterson@bpu.state.nj.us](mailto:stacy.peterson@bpu.state.nj.us)

Mark Beyer, Chief Economist  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[mark.beyer@bpu.state.nj.us](mailto:mark.beyer@bpu.state.nj.us)

Jackie O'Grady  
NJ Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350  
[jackie.ogrady@bpu.state.nj.us](mailto:jackie.ogrady@bpu.state.nj.us)

Henry M. Ogden, Esq.  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[hogden@rpa.state.nj.us](mailto:hogden@rpa.state.nj.us)

Shelly Massey  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[smassey@rpa.state.nj.us](mailto:smassey@rpa.state.nj.us)

David E. Dismukes, Ph.D.  
Acadian Consulting Group  
5800 One Perkins Place Drive  
Suite 5-F  
Baton Rouge, LA 70808  
[daviddismukes@acadianconsulting.com](mailto:daviddismukes@acadianconsulting.com)

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

**Deputy Attorneys General:**

Alex Moreau, DAG  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029  
[alex.moreau@dol.lps.state.nj.us](mailto:alex.moreau@dol.lps.state.nj.us)

Patricia Krogman, DAG  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029  
[patricia.krogman@dol.lps.state.nj.us](mailto:patricia.krogman@dol.lps.state.nj.us)

**PSE&G:**

Martin C. Rothfelder, Esq.  
Associate General Regulatory Counsel  
Law Department  
PSE&G Services Corporation  
80 Park Plaza – T5  
Newark, NJ 07102-4194  
[martin.rothfelder@pseg.com](mailto:martin.rothfelder@pseg.com)

Connie E. Lembo  
PSE&G Services Corporation  
80 Park Plaza – T5  
Newark, NJ 07102-4194  
[Constance.lembo@pseg.com](mailto:Constance.lembo@pseg.com)

**NJLEUC:**

Steven S. Goldenberg, Esq.  
Fox Rothschild, LLP  
997 Lenox Drive, Bldg. 3  
Lawrenceville, NJ 08648  
[sgoldenberg@foxrothschild.com](mailto:sgoldenberg@foxrothschild.com)

Paul F. Forshay, Esq.  
Sutherland, Asbill & Brennan, LLP  
700 Sixth Street, NW, Suite 700  
Washington, DC 20004  
[paul.forshay@Sutherland.com](mailto:paul.forshay@Sutherland.com)

**EDF:**

Donald J. Meliado Jr., Esq.  
Meliado & Meliado  
707 Broadway  
Bayonne, NJ 07002  
[dmeliado@aol.com](mailto:dmeliado@aol.com)

Michael Panfil, Esq.  
Environmental Defense Fund  
1875 Connecticut Avenue NW  
Washington, D.C. 20009  
[mpanfil@edf.org](mailto:mpanfil@edf.org)

Geoffrey Gersten, DAG  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029  
[geoffrey.gersten@dol.lps.state.nj.us](mailto:geoffrey.gersten@dol.lps.state.nj.us)



## **Exhibit A**

**IN THE MATTER OF THE PETITION OF PIVOTAL UTILITY HOLDINGS, INC. D/B/A  
ELIZABETHTOWN GAS FOR APPROVAL OF A SAFETY, MODERNIZATION AND  
RELIABILITY PROGRAM AND ASSOCIATED COST RECOVERY MECHANISM  
DOCKET NO. GR15091090**

### **Procedural Schedule**

**February 26, 2016:** Deadline for responses to initial discovery requests

**March or April 2016:** Public hearings

**Week of March 7, 2016:** Discovery Conferences (if necessary)

**April 8, 2016:** Deadline for propounding second round discovery requests

**April 25, 2016:** Deadline for responses to second round discovery requests

**April 27, 2016:** Discovery/Settlement conference

**May 31, 2016:** Deadline for filing Rate Counsel/Intervenor direct testimony

**June 6, 2016:** Deadline for propounding discovery on Rate Counsel/Intervenor testimony

**June 17, 2016:** Deadline for filing responses to discovery on Rate Counsel/Intervenor testimony

**June 22, 2016:** Deadline for Company to file rebuttal testimony

**June 30, 2016:** Deadline for propounding discovery on Company's rebuttal testimony

**July 11, 2016:** Deadline for responses to discovery on Company's rebuttal testimony

**July 13 or 14, 2016:** Settlement conference

**Week of July 18, 2016 (3 Days):** Evidentiary Hearings – with live sur-rebuttal in Newark, subject to the Commissioner's availability

**To Be Determined:** Briefing schedule

Discovery will be conducted on a rolling basis, with responses due in accordance with N.J.A.C. 1:1-10.4, subject to the scheduled end dates.