



Agenda Date: 1/27/16
Agenda Item: 6B

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

RELIABILITY & SECURITY

IN THE MATTER OF THE PETITION OF NEW)
JERSEY NATURAL GAS COMPANY FOR)
APPROVAL AND AUTHORIZATION TO)
CONSTRUCT AND OPERATE THE SOUTHERN)
RELIABILITY LINK PURSUANT TO N.J.A.C.)
14:7-1.4) DOCKET NO. GE15040402

Parties of Record:

John G. Valeri, Jr., Esq., Chiesa, Shahinian & Giantomasi, P.C., on behalf of New Jersey Natural Gas Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

Background:

On April 2, 2015, as amended on June 5, 2015, New Jersey Natural Gas Company ("Petitioner or "NJNG"), a New Jersey public utility engaged in the business of purchasing, distributing, transporting, and selling natural gas to approximately five-hundred and tenthousand ("510,000") customers within its service areas in Monmouth and Ocean Counties, and parts of Morris, Middlesex and Burlington Counties, filed a petition with the Board of Public Utilities ("Board") pursuant to N.J.A.C. 14:7-1.4¹. Petitioner seeks authorization and approval from the Board to construct and operate approximately thirty (30) miles of thirty (30) inch natural gas transmission pipeline ("Pipeline" or "Project") with an alignment that runs through the Township of Chesterfield ("Chesterfield") and Township of North Hanover ("North Hanover") in Burlington County; Township of Upper Freehold ("Upper Freehold") in Monmouth County; and Township of Plumsted ("Plumsted"), Township of Jackson ("Jackson") and Township of Manchester ("Manchester") in Ocean County. NJNG anticipates initiating construction of the Pipeline by the third quarter of 2016 and completing construction by the first quarter of 2017. The Pipeline will be designed for the use of in-line inspection equipment to assess the pipe's integrity and will be

¹ The Company simultaneously filed a second petition with the Board pursuant to N.J.S.A. 40:55D-19 of the New Jersey Municipal Land Use Law ("MLUL") and N.J.S.A. 48:9-25.4. I/M/O the Petition of New Jersey Natural Gas Company for a Determination Concerning the Southern Reliability Link Pursuant to N.J.S.A. 40:55D-19 and N.J.S.A. 48:9-25.4, Docket No. GO15040403 ("MLUL Proceeding"). The Board retained that matter for hearing and designated Commissioner Dianne Solomon as the Presiding Officer.

certified to a maximum allowable operating pressure (“MAOP”) of seven-hundred and twenty-two (“722”) pounds per square inch gauge (“psig”).

A portion of this Project is also located within the Pinelands. By letter dated December 9, 2015, Charles M. Horner, P.P., the Director of Regulatory Programs at the New Jersey Pinelands Commission (“Pineland Commission”), notified the Company that, pursuant to N.J.A.C. 7:50-4.2(c) of the Pinelands Comprehensive Management Plan, the completion of the Company’s application resulted in the issuance of a Certificate of Filing. A copy of the Certificate of Filing was provided to Board Staff by the Company.

Pursuant to N.J.A.C. 14:7-1.4, Board approval is required prior to the construction or operation of a natural gas Pipeline that is intended to be operated in excess of two-hundred and fifty (250) psig and is located within one-hundred (100) feet of any building intended for human occupancy, and further requires that the Pipeline satisfy the requirements of 49 C.F.R. 192.

Public Hearings & Comments:

An open house was held by NJNG on June 11, 2015 at the Upper Elementary School in North Hanover, for the public to learn about the Project and review proposed routing. On July 28, 2015, 2 public hearings were held at 3:00 p.m. and 6:00 p.m., at the municipal building in Manchester, New Jersey. A third public hearing was held on August 26, 2015 in the Enterprise Center at Rowan College at Burlington County’s Mount Laurel campus in Mount Laurel, New Jersey. Commissioner Dianne Solomon presided over the public hearings.² Michael Stonack, Bureau Chief, Bureau of Pipeline Safety, appeared and commented on behalf of the Staff of the Board. Maura Caroselli, Esq. and Henry M. Ogden, Esq. appeared on behalf of the Division of Rate Counsel (“Rate Counsel”), and John G. Valeri, Jr., Esq. appeared on behalf of Petitioner. Paul Flanagan, the Board’s Executive Director, appeared on behalf of Board Staff, but commented solely on the MLUL Proceeding.

At the hearings, Mr. Valeri introduced several exhibits, including the petitions in this matter and in the MLUL proceeding, affidavit of notices of the public hearing to the affected property owners and government officials as well as newspaper publications, which were accepted and made part of the record. Mr. Valeri stated the Project is necessary to support the reliability and system integrity of NJNG’s natural gas transmission system because it provides a second major transmission feed to a critical part of the Company’s service territory, namely its Central and Ocean Divisions, which encompass Monmouth, Ocean and a portion of Burlington Counties. He stated that currently, over eight-five percent (85%) of NJNG’s winter season peak day gas supply for its Central and Ocean Divisions is provided by a single interstate pipeline, namely, Texas Eastern Transmission Company (“TETCO”). The TETCO interstate pipeline runs through Middlesex County, northwest of NJNG’s system and outside its franchise area. There are no interstate natural gas pipelines located within the Company’s shore service area and, therefore according to Mr. Valeri, NJNG has no other alternative but to run a pipeline outside of its shore service area borders, through municipalities that it does not serve, to connect to TETCO and Transcontinental Gas Pipe Line Corporation (“Transco”) pipelines.

Mr. Valeri also stated that the Project would connect NJNG’s natural gas system that serves these shore area customers to a new interstate supply point in Chesterfield and connect to the existing transmission system in Manchester. By creating a second major natural gas supply line,

² All public hearings in this matter were held jointly with public hearings in the MLUL Proceeding . As such, although summarized here, some comments are not relevant to this proceeding.

located generally south and west of NJNG's shore service area, the Pipeline would support the safe, reliable and resilient delivery of natural gas to the NJNG customers in Monmouth, Ocean and a portion of Burlington Counties. Mr. Valeri claimed that the customers in these counties are the most vulnerable and are likely to be adversely affected by a supply interruption or system failure. Mr. Valeri further commented that reliability requires planning to meet the needs of customers during extreme cold weather when demand escalates and peaks, as well as all other times when unplanned major storm events or system interruptions occur.

Rate Counsel provided an opening statement indicating that, if the Pipeline were constructed and the Company seeks recovery of the costs associated with it in a future proceeding, Rate Counsel will conduct a complete investigation of the Company's petition based on the information supplied and updated by the Company.

Mr. Stonack spoke on behalf of Board Staff and stated that Board Staff has reviewed the design and construction plans associated with the Project, and has performed field inspections of the entire proposed route and various alternative routes. He also stated that Board Staff finds the Pipeline to be in compliance with State and Federal pipeline safety regulations. As part of these regulations, NJNG is required to install remote controlled valves for emergency shutdown and to have a comprehensive transmission pipeline integrity management program which includes requirements for performing inline inspections with devices known as "smart pigs" according to Mr. Stonack. He further stated that NJNG is required to have full-time inspectors, qualified by training and experience, overseeing the Pipeline construction to ensure that it is constructed and installed in accordance with State and Federal requirements.

In addition, Mr. Stonack stated that Board Staff intends to conduct pipeline safety compliance inspections during the construction, as well as perform future operating and maintenance inspections of the Pipeline as part of the Board's ongoing Pipeline Safety Program.

The hearings were well attended by the public. Several members of the public expressed opposition to the Pipeline based upon safety implications, such as a risk of explosions and the Pipeline's close proximity to residences. These individuals included Belinda Blazic, Laurie Brandl, Wendy Brophy, Tom Brown, Mildred Eckley, John Fullmer, Denise Garne, Thomas Glapion, Pat Gurico, Jaclyn Halaw, Jim Kelleher, Theresa Lettman, Suzanne Martin, Chris Mirabelli, Nancy Morrow, Ray Ostrowski, Alex Robotin, Ralph Ruocco, Jane Ryan, George Samuelson, Tom Schwarzwald, Kimberly Slous, and Talba Warner.

Jaclyn Rhoads, the Assistant Executive Director of the Pinelands Preservation Alliance ("PPA"), spoke in opposition to the Pipeline. Ms. Rhoads stated that the Board should not approve the Pipeline because NJNG has not demonstrated the Pipeline is necessary for maintaining or safeguarding the region's natural gas supply, and NJNG has also provided conflicting statements on the purpose for the Pipeline.

Ms. Rhoads also claimed that NJNG has not provided clear justification as to the need of the Joint Base McGuire-Dix-Lakehurst ("Joint Base") to have or use the Pipeline in association with the function of the Federal installation. She further stated that the Pinelands Commission has not issued a Certificate of Filing because it has deemed NJNG's application incomplete. Therefore, she stated that the Board should not have started its review of the petition.

Ms. Rhoads further asserted that ecological disruptions and endangered species impacts were not addressed by NJNG and rather, it only submitted habitat suitability studies. In addition, she stated that the Board cannot waive the Pinelands Laws. According to Ms. Rhoads, because the

ordinances in question are required by the Pinelands Protection Act at N.J.S.A. 13:18A-1, et seq., and the Comprehensive Management Plan ("CMP") at N.J.A.C. 7:50-1, et seq., they are not subject to preemption via the MLUL; the Pinelands Laws override the MLUL within the Pinelands.

Todd Parisi, Esq. also spoke in opposition to the Project on behalf of PPA. Mr. Parisi expressed the same concerns as Ms. Rhoads, emphasizing that there are numerous plant life and endangered species in the area and the construction and operation of the Project is going to disrupt them. He reiterated that there hasn't been enough testing to ensure that these species and habitats are protected. He further commented that the Project is being constructed for profitability and not reliability and, as such, the cost of the Project should not be passed on to ratepayers.

Assemblyman Ronald Dancer expressed concern over the safety aspects of the Pipeline. He provided information on potential alternative routes to substantiate his argument. The Mayor of Chesterfield, Jeremy Liedtka, expressed concerns about the safety and quality of life of the residents along the proposed route compared to an alternate route. Mayor Liedtka also expressed concerns with regard to the economic impact on local businesses during construction of the Pipeline.

Joseph Brickley, Burlington County Engineer, made a presentation and spoke against the Pipeline, stating it would create significant impact on County roads, cause safety concerns, and impact traffic safety during the Pipeline's construction. Mr. Brickley recommended that the Company implement an alternate route for the Pipeline. Counsel for Burlington County attended the public hearing but did not place any statement on the record.

Michael Hlubik, Richard Locascio, and Alex Robotin, members of the Chesterfield Township Committee, and Jack Trotta, the Mayor of Plumsted, advocated for an alternative route that would be safer and less expensive. Many members of the public also asserted that an alternative route should be utilized, and expressed opposition to the Pipeline due to its potential safety and economic impacts on nearby residences, businesses, and the military cemetery in North Hanover. These individuals included Kevin Blazic, Andrea Bonette, Karl Braun, Sandi Chesler, Melissa Conk, Barbara Fox-Cooper, Jenny Goodman, Walter Helfrecht, Valerie Jones, Thomas Kimball, Christopher Mirabelli, Christine Olschewski, Ryan Peters, Joseph Ratajczak, Alex Robotin, Cathy Santaniello, and Kenneth Southard.

Ed Allen, Uli Haller, and Gail Scharber further stated that they were concerned with increased traffic that could result from the construction of the Pipeline and its potential impact on the funerals occurring at the military cemetery in North Hanover.

Opposition to the Pipeline because of environmental objections was expressed by representatives from the New Jersey Sierra Club ("Sierra Club"), New Jersey Conservation Foundation, Citizens United for Renewable Energy, PPA, Environment New Jersey, Food and Water Watch, Clean Water Action, Watchdog of the Watershed, New Jersey Industrial Union Council, Physicians for Social Responsibility and South Jersey Surf Rider Foundation. These groups expressed concern about the Pipeline's potential impacts on the Pineland's natural resources and the increase in air and water pollution from the use of fossil fuels.

Several members of the public also expressed opposition to the Pipeline due to its potential environmental impacts on the Pinelands, climate and groundwater in the region, and asserted that renewable sources of energy should be utilized instead. These individuals included Patricia

Buckley, Mike DeLozier, Temma Fishman, Barbara Fox-Cooper, George Hay III, Marty Levin, Harry Litwack, Amy Myers, Fran Ondrushek, Joanne Pamonne, Margo Pellegrino, Elliot Redman, Lynn Schambach, Bill Wolfe, and Stephen Zielinski.

Eleanor Dill, Walter Helfrecht, Ray Ostrowski, James Pskea, Geoff Richter, Ralph Ruocco, Gail Scharber, and Jean Spector also spoke against the Pipeline. These citizens questioned the necessity of the project and expressed opposition to the Pipeline for various reasons, including that the State should explore upgraded energy sources, the Company provided false information and that it is simply unfair.

Support for the Pipeline was expressed by representatives of the Laborers Local Union 172, Local 825 of the Union of Operating Engineers, Teamsters Union Local 469, Laborers International Union of North America, Heavy Construction Laborers District Council and Engineers Labor-Employment Cooperative and Education Trust on the grounds that the Pipeline will create jobs and provide energy infrastructure that is relied upon by local residents and businesses.

The Board also received over one-thousand (1,000) written comments from the public with regard to this matter³. Letters were received from members of Food and Water Watch, which stated that its members opposed the project over concerns that pipelines are explosive and put the health and safety of the communities at risk. Members also expressed concern that compressor stations release chemicals that are known to cause cancer, diabetes, and obesity. Additionally, they were concerned that the Pipeline has the risk of leaking, which may pollute air and water resources. Finally, they were concerned that the level of methane released during the natural gas extraction process would contribute to climate change.

Several members of the Sierra Club filed written comments with the Board in opposition to the Pipeline because of their concern it would mean more hydraulic fracturing into New Jersey, undermining the State's clean energy goals. They also opposed the Pipeline because it would produce greenhouse gasses and it does not serve the needs of the Pinelands.

Residents of Chesterfield submitted written comments opposing the Pipeline over their concern that an explosion from a high pressure natural gas Pipeline would have devastating consequences on the homes, businesses, churches, municipals services, public parks, historical structures, and other valued properties in the area. These residents were also concerned about road closures and detours that could lead to more accidents, and would have a negative impact on emergency vehicle access, school bus routes, and evacuation routes.

Lisa Hannigan, Marvin Feil, Bonnie Herman, Carolyn Sullivan, Elena Papavero, Temma Fishman, Barry O'Donnell, Rita Faferty, Nick Homyak, Leigh Freeman, Diane Cannizzaro, Pam Masturzo, Raven Potosky, Rebecca Canright, Mary Roberts, Nancy Klein, Melissa Kendall, Nick Berezansky, Mike Barton, Terence Major, Linda Major, Thomas Glapion, Barb Spector, Renee Farrar, Katherine Marlin, Tony Giordano, and Steven Kostis opposed the Pipeline because of various environmental and safety concerns, and, in some instances, asserted it is not consistent with the Pinelands Comprehensive Management Plan.

Karen Timmons and Neil Rarig expressed general opposition to the Pipeline. Maria Palumbo opposed the pipeline because of safety concerns and because of the extensive construction

³ The names of the individuals who submitted written comments are more fully setforth in Exhibit A which is incorporated and attached hereto.

that will happen in her neighborhood. Tim Cochran, Belinda Blazic, Agnes Marsala, Lisa Mount, Jean Kovath, Suzanne Martin, Christopher Mirabelli, Jean Publee, and Valerie Jones also opposed the Pipeline due to safety concerns.

Opposing the Pipeline, Micah Rasmussen stated that the Company is misleading the Board about the Southern Reliability Link's purpose and potential impact area. He also took issue with the Company's Pinelands application and stated that the Project lacks public safety and will be an expense to ratepayers.

Several citizens stated that the Project is not necessary, including Jamie Zaccaria, Rita Romeu, George Hay, Martha Veselka, Karen Berman, Joann Ramos, and Elizabeth Jahn.

In addition, Mary Jane Genestra opposed the Pipeline, asserting that New Jersey should be investing in clean energy. Tom Widmeier opposed the Pipeline over concerns about safety and its proximity to his property. Brian Kokot opposed the Pipeline over safety concerns, frustration about road closures and detours and asserted it does not benefit the local residents. Jean Spector opposed the Pipeline, stating it is expensive and only has a vague promise of a cheaper commodity. Carol Murray opposed the Pipeline, stating it would be better to place the Pipeline in the Jersey Central Power and Light electric transmission right of way ("JCP&L ROW") already in place. David Salewski opposed the Pipeline, stating it would not benefit any of the properties on which it would be built, lacks public support, is dangerous, and negatively affects property values.

The Board of Education of Chesterfield School District opposed the Pipeline, stating it would place the Chesterfield School District and its busing route in harm's way. Kenneth Palmer, the Mayor of Manchester, opposed the pipeline over concerns about the location of the Pipeline in Manchester, believing it would be safer if the Pipeline was installed on the opposite side of Route 70. Additionally, Upper Freehold Township passed a resolution in opposition to the Project.

The Neptune Township Committee issued a resolution in support of the Project, stating it would benefit Neptune Township with safe, reliable, resilient natural gas service. Assemblyman David P. Rible, of the thirtieth (30th) Legislative District, also expressed support for the Project, stating that it would increase the reliability and resiliency of NJNG's natural gas distribution system.

Additional Proceedings:

A technical conference was held by NJNG on September 2, 2015, at its offices in Wall, New Jersey. Representatives from Chesterfield, North Hanover, Burlington County and PPA attended the technical conference.

In the MLUL Proceeding, the Burlington County Board of Chosen Freeholders ("Burlington County"), North Hanover, and Chesterfield, (collectively "Government Entities") filed motions to intervene. Plumsted filed a motion to participate, and the PPA filed a motion to intervene, or in the alternative to participate, in the MLUL Proceeding. By Order dated July 21, 2015, Commissioner Solomon granted the motions to intervene or participate that were filed by Burlington County, North Hanover, Chesterfield and Plumsted, and granted PPA participant status I/M/O the Petition of New Jersey Natural Gas Company for a Determination Concerning the Southern Reliability Link Pursuant to N.J.S.A. 40:55D-19 and N.J.S.A. 48:9-25.4, Docket No. GO15040403 (Commissioner Order dated July 21, 2015).

Motions to intervene or participate were also filed by the Government Entities in this matter. Plumsted filed a motion to participate, and the PPA filed a motion to intervene or, in the alternative, participate. NJNG opposed the motions to intervene or participate on the grounds that matters filed pursuant to N.J.A.C. 14:7-1.4 are deemed uncontested by the Board. By Order dated August 19, 2015, the Board denied all motions to intervene or participate and determined this matter to be an “uncontested” case and that, as a result, the Government Entities were not entitled to intervene. The Board reasoned that the Government Entities could not prevail with their motions to intervene since they did not have a statutory or constitutional right to a hearing, and that this statutory or constitutional right to a hearing is required pursuant to the definition of a contested case in N.J.A.C. 1:1-21. The Board also stated that the Government Entities would have sufficient opportunity to raise their concerns in the MLUL Proceeding, as well as through the public comment portion of this case.

On September 3, 2015, Rate Counsel filed a Motion for Reconsideration of the August 19 Order and for Consolidation of this matter and the MLUL Proceeding. On September 3, 2015, Burlington County filed correspondence with the Board indicating that it joined in Rate Counsel’s Motion to Reconsider and Consolidate. On September 14, 2015, Chesterfield filed a Cross Motion for Reconsideration and Consolidation.

Subsequent to discovery and substantive discussions of the issues, on December 29, 2015, NJNG and Rate Counsel executed a stipulation of settlement (“Stipulation”). As a result of the execution of the Stipulation, by correspondence dated December 30, 2015, Rate Counsel advised the Board that it was withdrawing its Motion for Reconsideration and Consolidation. The disposition of the remaining Motions to Reconsider and Consolidate, by Chesterfield and Burlington County, are the subject of a separate Order⁴.

Analysis:

The requirements that govern the construction, operation and maintenance of transmission and distribution pipelines for the transportation of natural gas by intrastate natural gas pipeline operators within the State of New Jersey are set forth in N.J.A.C. 14:7. Operators are also responsible to comply with all applicable requirements of other State or local agencies having jurisdiction, in addition to the requirements set forth in the New Jersey Administrative Code. N.J.A.C. 14:7-1.1(c). A gas pipeline operator is also required to ensure that each pipeline is constructed, operated and maintained with the Federal Code, which contains the Pipeline Safety Regulations of the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 49 C.F.R. 190, et seq., and any other standard as the Board from time to time may prescribe. N.J.A.C. 14:7-1.2.

As stated above, pursuant to N.J.A.C. 14:7-1.4, Board approval is required prior to the construction or operation of a natural gas pipeline that is intended to be operated in excess of 250 psig and is located within one-hundred (100) feet of any building intended for human occupancy, and further requires that the Pipeline satisfy the requirements of 49 C.F.R. 192. The proposed Pipeline alignment includes one hundred forty-four (144) structures intended for human occupancy within one hundred (100) feet of the Pipeline, of which one hundred thirty two (132) are residential and twelve (12) are commercial. The closest buildings include two (2) residential structures, both of which will be thirty (30) feet from the proposed thirty (30) inch

⁴ See Agenda Item 6A, I/M/O the Petition of New Jersey Natural Gas Company for Approval and Authorization to Construct and Operate the Southern Reliability Link Pursuant to N.J.A.C. 14:7-1.4 (Order dated January 27, 2016).

Pipeline. Petitioner has stated that the Project is deemed necessary to provide adequate supply and reliability to the southern portion of its service territory in Ocean, Burlington and Monmouth Counties by creating a redundant major feed.

Five (5) primary pipeline routes were considered during the alternative route selection process performed by a consulting engineering company for NJNG. Three (3) additional primary routes were considered by Board Staff after the original and amended petitions were filed with the Board, and were documented in discovery requests and responses S-NJSRL-20, S-NJSRL-21, and S-NJSRL-22 as part of the MLUL proceeding. Several variations on the primary alternative routes were also considered by NJNG and Board Staff. The additional primary alternative routes included the use of Route 68 and an existing JCP&L ROW; however, the Pipeline would cross preserved farmland protected under the New Jersey Farmland Preservation Program, known as the Agriculture Retention and Development Act ("ARDA"). N.J.S.A. 4:1C-11, et seq. It was determined that the Pipeline could not be constructed on preserved farmland as it was prohibited pursuant to ARDA, as well as State Agricultural Development Committee regulations. See N.J.S.A. 4:1C-24, 25, 32 (b) and (42); See also N.J.A.C. 2:76-6.15(a)(1). In addition, the JCP&L ROW route would cross environmentally sensitive areas containing extensive wetlands as well as threatened and endangered species.

The additional primary alternative routes also included routes which would travel through the Joint Base but were ultimately determined to be unviable by Joint Base management as they would cross the operational areas of McGuire Air Force Base as well as the artillery/firing ranges in Fort Dix. One such route was considered along the northern boundary of the Joint Base but this route would pass through the residential community of Cookstown in North Hanover, as well as environmentally sensitive areas, in addition to the operational areas and artillery/firing ranges of the Joint Base. An additional alternative route was proposed by the Chesterfield following Route 68 and the JCP&L ROW, but this route was determined to be unviable as it would cross preserved farmland as well as environmentally sensitive areas. It is documented in discovery request and response S-NJSRL-10a as part of the MLUL proceeding.

Board Staff's review of Petitioner's proposal included the Project design, construction plans and specifications, the listing of structures within one hundred (100) feet of the Pipeline and their distances from the proposed Pipeline alignment. Board staff also conducted a full field inspection of the entire Pipeline route, and as described above, undertook review of the alternate routes that were considered. The proposed route alignment for the Pipeline construction, as described in the amended Petition, begins in Chesterfield at a proposed Transco compressor station to be located at 14 Bordentown-Chesterfield Road (County Route ("CR") 528) near the New Jersey Turnpike. The Pipeline will follow CR 528, Chesterfield-Crosswicks Road (CR 677), Mathews Lane, private easements through three (3) properties, and Arneytown-Chesterfield Road (CR 528) in Chesterfield, then cross into North Hanover following Arneytown-Chesterfield Road (CR 528), Arneytown-Chesterfield Road (CR 664), private easements through two (2) properties, and Arneytown-Chesterfield Road (CR 664). In Upper Freehold, the route will follow Province Line Road to Monmouth Road (CR 537), which it follows to Plumsted. Through Plumsted, the route will follow Monmouth Road (CR 537), Hornerstown Road (CR 26), Pinehurst Road (CR 539), Lakewood Road (CR 528), Fisher Road (CR 24), W. Colliers Mills Road (CR 640), and Pinehurst Road (CR 539). In Jackson, the route will continue along Pinehurst Road (CR 539), which turns into Whiting-New Egypt Road (CR 539). Just before the border between Jackson and Manchester, the route will turn east into the fenced portion of the Joint Base and follow the base's southern fence line along access roads, East Boundary Road, East Clubhouse Lake Road, Lakehurst Naval Air Center Taxiway, Broome Road, Lakehurst Naval Air Center Access Road, and Lakehurst-Whitesville

Road, before exiting the base along CR 547. The route will then cross CR 547, continue through several easements through private properties, then follow Lowell Road and Route 70 before ultimately terminating by tying into NJNG's existing transmission system on Colonial Drive south of NJ State Route 70 in Manchester. The entire length of the Pipeline is designed to provide adequate supply and reliability to the southern portion of the Petitioner's service territory by interconnecting with an existing twenty four (24) inch transmission line in Manchester.

Board Staff worked with the Petitioner on the Pipeline alignment to mitigate the number of human-occupied structures within one hundred (100) feet of the Pipeline. Several changes were agreed upon that do not change the overall route of the Pipeline, but have resulted in moving the Pipeline further away from certain buildings intended for human occupancy, where appropriate. For additional safety, during the pipeline construction, seven (7) remote controlled valves for emergency shutdown will be installed by NJNG. In accordance with the requirements of N.J.A.C. 14:7-1.12, NJNG will comply with a minimum four (4) feet depth of cover over the Pipeline⁵ and Board Staff is requiring the installation of two (2) twelve (12) inch wide warning tapes⁶, side by side, over the Pipeline as an additional damage prevention measure for the Pipeline. Also, the Pipeline will be constructed using higher strength steel pipe with yield strength equal to 60,000 pounds per square inch ("psi"). In addition, Board Staff is requiring NJNG to complete an initial integrity assessment of the Pipeline using inline inspection devices within five (5) years from the date the Pipeline is installed and placed into operation⁷.

Petitioner will have full-time inspectors, qualified by training and experience, overseeing the Pipeline construction to ensure that the Pipeline is constructed and installed in accordance with State and Federal requirements. All Pipeline welders will be qualified by testing in accordance with the weld procedure qualified for 60,000 psi yield strength pipe and all welds completed during the Pipeline construction will be x-rayed to ensure the integrity of the welds. In addition, Board Staff will conduct Pipeline safety compliance inspections during the construction of this Pipeline, as well as perform future operating and maintenance inspections on it as part of the Board's ongoing Pipeline Safety Program. In accordance with N.J.A.C. 14:7-1.20, NJNG will perform inspection patrols at least once per month to observe surface conditions on and adjacent to the Pipeline right of way for indications of leaks, construction activity and other factors affecting safety and operation⁸. NJNG shall maintain with the Board a valve assessment and emergency closure plan for the Pipeline and shall assess each Pipeline valve on an annual basis. In addition, as required by N.J.A.C. 14:7-1.22, NJNG will provide on-site inspection oversight immediately prior to and during any excavation and backfilling, and for bored or horizontally directional drilled installations performed by other excavators in the vicinity of the Pipeline. NJNG will provide the pressure testing certification and documentation required by N.J.A.C. 14:7-1.14 prior to placing the Pipeline in operation. Taken together, all of these safety and preventative measures ensure the integrity of the Pipeline and enhance public safety.

⁵ The four (4) feet depth of cover is a more stringent requirement than is required by the Federal Code, which only requires a minimum of three (3) feet depth of cover. See 49 C.F.R. 192.327.

⁶ N.J.A.C. 14:7-1.11 requires the installation of one (1) twelve (12) inch wide warning tape. The Federal Code does not contain a requirement for the installation of warning tape.

⁷ The five (5) year requirement is more stringent than the Federal Code, which requires an initial inline inspection of a new transmission pipeline within ten (10) years from the date a pipeline is installed and placed into service. See 49 C.F.R. 192.921.

⁸ The requirement of performing inspection patrols at least once per month pursuant to N.J.A.C. 14:7-1.20 is more stringent than the Federal Code, which only requires a minimum of four (4) inspection patrols per year. See 49 C.F.R. 192.705.

After consideration of all pertinent materials submitted in this matter, and review by Board Staff, the Board **HEREBY FINDS** that Petitioner's request to construct and operate a 30-inch Pipeline running through the Township of Chesterfield, Township of North Hanover, Township of Upper Freehold, Township of Plumsted, Township of Jackson and Township of Manchester is reasonable and is in compliance with all relevant Federal and State requirements.

Therefore, pursuant to the provisions of N.J.A.C. 14:7-1.4, the Board **HEREBY APPROVES** the request of NJNG to construct the Pipeline, subject to the approval of all environmental permits required by the New Jersey Department of Environmental Protection, approval of road opening permits from the affected counties and municipalities, all other permits and approvals, if any, the approval of traffic control and detour plans with the affected jurisdictions, the installation of two (2) twelve (12) inch wide warning tapes, side by side, over the Pipeline, the pressure testing requirements of N.J.A.C. 14:7-1.14 prior to placing the Pipeline into operation, and completion of an initial integrity assessment of the Pipeline using inline inspection devices within five (5) years from the date the Pipeline is installed and placed into operation, as well as the following:

1. That the Order shall not be construed as directly or indirectly fixing for any purposes whatsoever the value of any tangible or intangible assets now owned or hereafter to be owned by New Jersey Natural Gas Company;
2. That the Order shall not affect nor in any way limit the exercise of the authority of the Board or this State in any future petition or in any proceedings with respect to rates, franchises, services, financing, accounting, capitalization, depreciation, or in any other matters affecting New Jersey Natural Gas Company;
3. In an appropriate subsequent proceeding, the Company shall have the burden of demonstrating whether, and to what extent, any of the costs associated with this petition shall be allocated to ratepayers. Approval of this petition does not include authorization to include in rate base the specific assets that are or will be completed as a result of the construction of the proposed Pipeline; and
4. Approval of this petition does not constitute Board approval of any costs or expenses associated with this petition. Any determination as to the appropriateness or reasonableness of the costs and expenses related to the proposed Pipeline, including, but not limited to, cost of construction, contributions in aid of construction, depreciation on contributed plant, the cost of connection, or any related capital improvements, and the allocation of such cost and expenses, shall be made in an appropriate subsequent proceeding.

This Order shall be effective on February 6, 2016.

DATED:

Jan 28, 2016

BOARD OF PUBLIC UTILITIES
BY:

[Signature]
RICHARD S. MROZ
PRESIDENT

[Signature]
JOSEPH L. FIORDALISO
COMMISSIONER

[Signature]
MARY-ANNA HOLDEN
COMMISSIONER

[Signature]
DIANNE SOLOMON
COMMISSIONER

[Signature]
UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:

[Signature]
IRENE KIM ASBURY
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities

[Signature]

IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS COMPANY FOR
APPROVAL AND AUTHORIZATION TO CONSTRUCT AND OPERATE THE SOUTHERN
RELIABILITY LINK PURSUANT TO N.J.A.C. 14:7-1.4

DOCKET NO. GE15040402

SERVICE LIST

NJNG:

John J. Valeri, Esq.
Chiesa, Shahinian & Giantomasi, P.C.
One Boland Drive
West Orange, NJ 07052
jvaleri@csglaw.com

Jeffrey S. Chiesa, Esq.
Chiesa, Shahinian & Giantomasi, P.C.
One Boland Drive
West Orange, NJ 07052
jchiesa@csglaw.com

Michael K. Plumb, Esq.
Chiesa, Shahinian & Giantomasi, P.C.
One Boland Drive
West Orange, NJ 07052
mplumb@csglaw.com

Matthew Korkes
Chiesa, Shahinian & Giantomasi, P.C.
One Boland Drive
West Orange, NJ 07052
mkorkes@csglaw.com

Andrew Dembia, Esq.
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719
adembia@njng.com

Craig Lynch
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719
clynch@njng.com

Board of Public Utilities:

Paul Flanagan, Executive Director
NJ 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

Michael Stonack, Bureau Chief
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
michael.stonack@bpu.state.nj.us

Cynthia Covie, Chief Counsel
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
cynthia.covie@bpu.state.nj.us

Maureen Wagner, Esq.
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
maureen.wagner@bpu.state.nj.us

Megan Lupo, Esq.
NJ 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

Keith Sturn
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719
kstum@njng.com

Mariellen Dugan, Esq.
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719
mdugan@njng.com

Mark R. Sperduto
New Jersey Natural Gas Company
1415 Wyckoff Road
P.O. Box 1464
Wall, NJ 07719
msperduto@njng.com

Division of Rate Counsel:

Stefanie A. Brand, Director
State of New Jersey
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-003
sbrand@rpa.state.nj.us

Felicia Thomas-Friel, Esq.
State of New Jersey
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-003
ftthomas@rpa.state.nj.us

Brian O. Lipman, Litigation Manager
State of New Jersey
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-003
blipman@rpa.state.nj.us

DAGs:

Alex Moreau, DAG
State of New Jersey
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

Christopher Psihoules, DAG
State of New Jersey
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
christopher.psihoules@dol.lps.state.nj.us

Geoffrey Gersten, DAG
State of New Jersey
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

Township of Chesterfield:

Katelyn M. McElmoyl, Esq.
Parker McCay, P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054
kmcelmoyl@parkermccay.com

John C. Gillespie, Esq.
Parker McCay, P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054
jgillespie@parkermccay.com

Henry M. Ogden, Esq.
State of New Jersey
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
hogden@rpa.state.nj.us

Maura Caroselli, Esq.
State of New Jersey
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-003
mcaroselli@rpa.state.nj.us

Shelly Massey
State of New Jersey
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-003
smassey@rpa.state.nj.us

Kimberly Dismukes
Acadian Consulting Group, LLC
5800 One Perkins Place Drive, Suite 5-F
Baton Rouge, LA 70808
kimdismukes@acadianconsulting.com

Edward McGee
Acadian Consulting Group, LLC
5800 One Perkins Place Drive, Suite 5-F
Baton Rouge, LA 70808
edmcgee@acadianconsulting.com

Burlington County Board of Chosen
Freeholders:

William R. Burns, Esq.
Capehart & Scatchard, P.A.
142 West State Street
Trenton, NJ 08608
wburns@capehart.com

Township of Upper Freehold:

Dennis A. Collins, Esq.
Collins, Vella & Casello, L.L.C.
2317 Highway 34, Suite 1A
Manasquan, NJ 08736
dcollins@cvclaw.net

Township of North Hanover:

Mark Roselli, Esq.
Roselli Griegel Lozier & Lazzaro, P.C.
1337 Highway 33
Hamilton, NJ 08690
mroselli@roselligriegel.com

Township of Plumsted:

Denis P. Kelly, Esq.
Gilmore & Monahan, P.A.
10 Allen Street
P.O. Box 1540
Toms River, NJ 08754
dpk@gm-law.net

Municipal Clerks:

Cindy Dye
North Hanover Township Clerk
41 Schoolhouse Rd.
Jacobstown, NJ 08562
clerk@northhanovertwp.com

Dana L. Tyler
Upper Freehold Township Clerk
314 Route 539
Cream Ridge, NJ 08514
dtyler@uftnj.com

Dorothy J. Hendrickson, R.M.C.
Plumsted Township Clerk
121 Evergreen Road
New Egypt, NJ 08533
municipalclerk@plumsted.org

Ann Marie Eden, RMC
Jackson Township Clerk
95 W. Veterans Hwy.
Jackson, NJ 08527
clerk@jacksontwpnj.net

Joint Base McGuire-Dix-Lakehurst:

Alice Good, Chief, Environmental and Real
Property Law
2901 Falcon Lane
Joint Base McGuire-Dix-Lakehurst, NJ
08641
alice.good@us.af.mil

County Administrators:

Paul Drayton, Jr.
Burlington County Administrator
49 Rancocas Road, Room 108
Mount Holly, NJ 08060
clerkoftheBoard@co.burlington.nj.us

Carl W. Block
Ocean County Administrator
101 Hooper Avenue
Toms River, NJ 08754-2191
cblock@co.ocean.nj.us

Teri O'Connor
Monmouth County Administrator
Hall of Records
Freehold, NJ 07728
teri.oconnor@co.monmouth.nj.us

Sabina T. Skibo, RMC, CMR, CPM
Manchester Township Clerk
1 Colonial Drive
Manchester, NJ 08759
clerk@manchestertwp.com

State Agricultural Development Committee:

Steven Bruder, PP
State Agriculture Development Committee
369 S. Warren St.
P.O. Box 330
Trenton, NJ 08625-0330
Steven.Bruder@ag.state.nj.us

Pinelands Preservation Alliance:

Paul Leodori, Esq.
Law Offices of Paul Leodori, P.C.
The Haines Building
61 Union Street, 2nd Floor
Medford, NJ 08055
paul@leodori.com

Todd M. Parisi, Esq.
Law Offices of Paul Leodori, P.C.
The Haines Building
61 Union Street, 2nd Floor
Medford, NJ 08055
todd@leodori.com

Carleton Montgomery, Executive Director
Pinelands Preservation Alliance
Bishop Farmstead
17 Pemberton Road
Southampton, NJ 08088
carleton@pinelandsalliance.org

EXHIBIT A

IN THE MATTER OF THE PETITION OF THE PETITION OF NEW JERSEY NATURAL GAS
COMPANY FOR APPROVAL AND AUTHORIZATION TO CONTRUCT AND OPERATE THE
SOUTHERN RELIABILITY LINK PURSUANT TO N.J.A.C. 14:7-1.4, DOCKET NO.
GE15040402

AND

IN THE MATTER OF THE PETITION OF NEW JERSEY NATURAL GAS COMPANY FOR A
DETERMINATION CONCERNING SOUTHERN RELIABILITY LINK PURSUANT TO N.J.S.A.
40:55D-19 AND N.J.S.A. 48:9-25.4, DOCKET NO. GO15040403

Written Comments were received by the Board from the following individuals and/or entities:

Ramy Abdeljabbar
Angela Abreu
Ann Marie Accardi
Evan Acuna
Maura Adams
Beth Adleman
Grace Agnew
David Aguilar
Francis Ahearn
Karin Ahmed
Rosemary Aja
Martha C. Akers
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David Aleff
Patricia Alessandrini
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Kathy Aprile
Jerzy Apt
Carroll Arkema
Karen Armlin
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Mr. Armm
Susan Armstrong
Alice Artzi
Donna Arvelo
Andrew Astalos
Michelle Astrid
Antoinette Auger
Laura Aurilio
Randy Bain
Curtis Baker
Joe Bannon
Kevin Bannon
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Marion Barnes
Ellen Barnett

Carolyn Barrett
Elizabeth Barrett
Lee Bartell
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Lou Basile
Melba Battin
Brigitte Baumann
Olive Beach
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Jonathan Beiler
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Sangeeta Prasad Benbow
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June Bente
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Nick Berezansky
Nick Berezanskyl
Mylene Berkowitz
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Mary Bissell
Robin Blair
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Belinda Blazic
Kevin Blazic
Belinda Blazic
Theo Block
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Mary Anne Borge
Kurt Borne

Ruth Boroshok
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Liam Brom
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Robin Brownfield
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Andrew Bruno
Jennifer Bulava
James Bunderia
Max Burger
Caitlin Burke
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Paula Bushkoff
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Jacqueline Callas
Kathleen Canavan
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Diane Cannizzaro
Rebecca Canright
Charlene Caputo
Chris Carbone
Rosemary Carey
Ida Carideo

Karla Carmona
Robert Carnevale
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Gina Carola
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Anne M. Carroll
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Nicholas Caruso
Zachary Caruso
D. Casamento
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The Greater Monmouth Chamber of
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Francisco Dacosta
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Bridget Daley
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John D'Arcy
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Ted Davis
Wilma Davison
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Nichole Diamond
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Pranab Duttaroy
Hogan Dwyer
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Cheryl Dzubak
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Susan Eckstein
Jo Ann Eckstut
Anna Egorova
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Muammer Ekin
Christina Elsayed
Linda ElsenHans
Douglas Engle
Elika Etemad
Vincenza Euripides
Jane Euteneuer
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F. H. Fabend
Mark Fabian
Dorlaina Fabiano
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The Broderick Family
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Ferne Founds
R. Fox-Cooper
Patrick Frain
Suzanne F. Frank
Suzanne Frank
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Linos Frantzeskakis
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Joy Fregonese
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Monica Freund
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Terry Friedman
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George Gavaras
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Rick Von Gerichten
Jo Anne Gibbons
Susan Gibilisco
J. Gilbert
Judith Gilbert
Gene Gilbert
Kevin Gill
Nicole Gillespy
Evelyn Gillette
Sheila Gillies
Andrew Gilman
Sarah Gioe
Tony Giordano
Doris L. Glapion
Thomas Glapion
Melissa Glick
Aileen Glynn
Margaret Goddard
Lascinda Goetschius
Evelyn Gomez
Francisco Gonzalez
Al Good
Roe Goodman
Bruce Gordon
Robert Gordon
Sherry Gordon
Kathleen Gorecki
James Gorman
Taryn Gormley
Eugene Gorrin
Jeanne Goyette
Beth Graham
Joyce Grant
Kathryn Grauerholz
Chuck Graver
Robert Graver
Barbara Greaves
Ira Green
Chuck Greenberg
Esther Greenberg
Richard Greenwood

Arlene Griscom
Cheryl Grochowski
Harriet Grose
Dolores Gross
Joanne Grossi
Michele Grossman
Hope Guajardo
Judy Klavens Guinta
Alan Gustavson
M. H.
Raven Haber
Jennifer Haines
Jaclyn Halaw
Michael Hamburger
Peter Hamerslag
Helen Hamilton
Virginia Hammer
Assemblywoman Amy H. Handlin
Susan Hanlon
Lisa Hannigan
Carolyn Haon
Hadith Harper
Louis Harris
Nicole Scott Harris
Patricia Harris
Louis C. Harris, Jr.
Timothy Harrison
Kathy Hart
Ken Hart
Norman Hartz
Nancy Hassab
John Hauch
Jay Hawkshead
George Hay
George A. Hay, III
Denise Hazelwood
Chris Hazyński
Hattie Heavner
Kerry Heck
Kathleen Hehre
Kim Heilig
Jamie Helaudais
Andrew Hendry
Matt Hengesbaugh
Bonnie Herman
Eloy Hernandez
Gary Hildebrand
George R. Hill
Lisa Hillenbrand
Adalyn Hixson
Sherry Ho

Dona Hoagland
Larry Hochman
Melissa Hoffmann
Dorothy Holtzman
Neil Holzman
Yvette Homan
Nick Homyak
Peggy Hoover
Anne Hoppenot
Fiamma Aaron Horvath
David Houck
Frederick Howe
Ariel Howlett
John Hrebin
Georgina Hricak
Renee Hughes
Diana Hulich
William Hull
Catherine Hunt
Kathleen Hurley
George Hurst
Susan Hurwitz
Philip Hyun
Philip J. Hyun
Virginia Hyzer
Ken Iavacca
Shannon Igo
Ingrid Ingargiola
Jason Ingargiola
Peter Ingerman
Thomas F. Ingram
Celia Intili
Monique Dubois Inzinna
Farzana Ismail
Richard Jackson
April Jacob
Mary Jacobus
Elizabeth Jahn
Ellen Jamieson
J. Jody Janetta
Lori Benton Janetta
Monica Jelonnek
Leslie Jenkins
Arthur Jernigan
Steve Jeselson
Dorothy Ji
Erica Johanson
John Johnson
Katrene Johnson
Kelley Johnson
Kenneth W. Johnson

K. Jones
SallyMarie Jones
Valerie Jones
Temple Jordan
Anthony Joseph
Justin K.
Nicole Kachadoorian
Mo Kafka
Brigitta Kahn
Constantine Kallas
Tarek Kalzia
Lu Karameros
Linda Kardos
Edward Karlsson
A. Kasbarian
John Kashner
Allen Katchikian
Sheila Kaupas
Jackie Kehrmann
Ann Kelly
Eadie Kelly
Philip Kelly
R. Kelly
Richard Kelly
Magdalena Kiss Kemenczy
Melissa Kendall
Cynthia Kent
Sarah Key
John Killeen
Karen Kilpatrick
Milos Kivich
Nancy Klein
Margaret Kling
Jill Klosner
Marc Klosner
Julia Knaz
Allison Knox
Denise Kobylarz
Robert Koch
Cristina Kocsis
Carol Kodner
Christine Koehler
Joanne Koehler
Boris Kofman
Brian Kokot
Alex Komjati
Robin H. Komjati
Eddie Konczal
Edward Kosberg
Steven Kostis
Karen Kotvas

Jean Kovath
Jean Kovath
Jean Kovath
Marybeth Kowalski
Ruth Kram
John Krelik
Bruce Krout
Nicholas Kubisky
Jean Kuhn
Betty Kurowski
Mary Kushner
Janys Kuznier
Marie Kwasniewski
Senator Joseph M. Kyrillos, Jr.
Douglas Labrie
Louis LaBrunda
Mayor Walter G. LaCicero
Denise Laffer
Michael Laki
Dan Landis
Edward Lang
Phillip Langer
Dean Languell
D. Lap
Dorothy Larsen
John Lasell
Nancy J. Lavoie
Pat Lawson
Debbie Lawton
Evelyn Susan Layton
David Layton
Susan Layton
Sara Lazarus
David Leachman
Rosemarie Leavey
Martine Lecorps
Grace Lederer
Jessica Lederman
George Lee
Susan Lentz
Benito Leon
Michael Leone
Christopher Lepple
Michelle Lerner
Brian Lestini
Kirsten Levin
Margaret Levine
Peter Lewin
Andrea Lewis
Paul Leyva
Achille Liberati

Shawn Liddick
Philip Lipari
Margaret Lisciandrello
Robert Locicero
Patrick Lombardy
Thornton Long
Mark Lopes
Katherine Lopez
Deana Loria
Gerard Lostaglio
Noelle Lotano
Frank Louvis
Mark Lowenthal
Lindsay Lowry
Christine Lozier
Donald Maccourt
Scott MacDougall
Miriam MacGillis
Richard Mackesy
James MacNair
Joe Madero
Bambi Magie
Kathleen Maher
Bobbi Maiuro
Terence Major
Linda Major
Suzanne Maley
Leo Danny Mallonga
Hilary Malyon
Karen Chin Mancini
Sandi Mangino
Barb Mangus
Cate Manochio
Patti Manthey
Karen Marcason
Mary Alice Marcial
Suzanne Maresca
Gladys Marhefka
Sister Joseph Marie
Louis Marks
Katherine Marlin
Fran Maroney
Roseann Marrero
Kathy Marsala
Agnes Marsala
Stephen Marshall
Suzanne Martin
Suzanne Martin
Bianca Martino
Robert Martins
Joe Maryanski

Mary Masnik
John Massaro
John Mastrangelo
Pam Masturzo
Gerry Masurat
Michelle Matel
Anne Matlack
Lou Matlack
Steve Mattan
Craig Matthews
Jp Maurer
Gary Max
Dean Mayo
Sheila Mazar
Cornelia Mazzan
Tanya McCabe
Eileen Croker McCann
Emmie McCleary
Corinne McConnell
Ellen McConnell
Kevin McCormick
Steven McCoy
Charlie McCullagh
Denise McDermott
Kathy McDevitt
John McDonald
Jo Ann McGeorge
Ralph McGinnis
Suzan McGlinch
Damian McGuire
Margaret McHugh
Dennis McIntyre
Edward McKenna
Margaret McKenna
Lynne McLewin
Ken McManamy
Virginia McRae
Diane Mechanic
Dhaval Mehta
Theresa Meine
Nancy Meister
Ellen Mendelsohn
Lynn Merle
John Mesler
Bill Mestichelli
Robert Michielutti
Donna Mikulka
Jim Miller
Joan Miller
Julie Miller
Ellen Minde

Christopher Mirabelli
Jeannette Mistretta
Fr. Charles Mitzenius
CJ Monks
Margaret Monks
Henry Montague
Joe Montaperto
Bonnie Monte
Marilyn Montigel
Krissy Montuoro
Margaret Morgano
Bert Morris
Christynn Morris
David Morris
Barbara Morrison
Agnes Morsala
Mike Mosco
Mayor Stanley Moslowski, Jr.
Geraldyn Moss
Lisa A. Mount
Lisa Mount
Charles Muise
Charolotte Mullen
Patrick Mulligan
Andrew Mumford
Anette Munt
Peri Munter
Jill Muriithi
Donald Murphy
Michelle Murphy
Patricia Murphy
Eileen Murray
Carol Murray
Margaret Murtha
Nick Musica
Trisha Muzones
Bernadette Myers
Frank Naclerio
Mark Nagelhout
Lindsay Napolitano
Cheryl Nardello
Terianne Nash
Susan Ndiaye
Margaret Needham
Thelma Nelson
Gloria Nelson
Paul Netusil
Mark Niederman
Susan Nierenberg
Edward Nolan
Edward Norkus

Chris Noyes
Alvin Obleada
Michele Ochsner
Joan O'Connell
Tara O'Connor
Barry O'Donnell
Carl Oerke, Jr.
The Board of Education of Chesterfield
School District
Joel Ogonowski
Christopher O'Keefe
Grecia Olivas
Naomi Olsen
James Olszewski
Kevin Oneill
Terrence O'Neill
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Ray Ostrowski, Sr.
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C. P.P.
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Mayor Kenneth Palmer
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Jennifer Pantow
Kerry Paone
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Deborah Parker
Roland Parker
Francisco Parra
Marya Parral
John Parsons
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Diana Patton
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Carole Paulus
Alison Paulus
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Brian Peng
Greg Peniston
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Carolyn Pereyra
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Anthony Petruzzi
Michele Pezzullo
Carl Pflug
Richard Pfluger
Kathleen Pfoutz
Holly Phillips
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Walter Pinkston
Frank Pinnola
Sylvia Piskunov
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Rebecca Polito
Irene Pomianowski
Joe Ponessa
Carlo Poplizio
Maureen Porcelli
Joseph Porter
Raven Potosky
Suzan Preiksats
Jill Press
Jennifer Prezant
Jean Publee
Elena Pugh
Elizabeth Pulawski
Eugene Pumphrey
Frank Puzzo
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Jennifer Quigley
Diana Quinn
Mike Quinn
Ninu-Alexandri Quirk
Remedios Quiroz
Alex R.
Paige Radcliffe
Nabi Rafiee
Anne Rafferty
Rita Rafferty
Jo Ann Ramos
Karen Ramos
Joann Ramos
John Rancich
Neil Rarig
Micah Rasmussen
Jeffrey Rattner
Mary Reader
Martha Reid
Marian Reiff
Catherine Reilly
Joan Reilly
Bettie Reina
Susan Reinhard
Bill Reitter
Bruce Revesz
Brian Reynolds
Daniel Reynolds

Gibson Reynolds
Jim Reynolds
Assemblyman David P. Rible
John Richkus
Mary Lynn Ricketts
Mary Ellen Ries
Lisa Riggiola
J. Rigney
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