



Agenda Date: 11/17/23  
Agenda Item: 2B

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

ENERGY

IN THE MATTER OF A PETITION OF PS&S	)	ORDER DESIGNATING
ARCHITECTURE AND ENGINEERING, PC FOR A	)	COMMISSIONER, SETTING
WAIVER OF THE PUBLIC SERVICE ELECTRIC AND	)	MANNER OF SERVICE AND
GAS (PSE&G) TARIFF FOR INDIVIDUAL METERS	)	BAR DATE
	)	
	)	DOCKET NO. GW23080558

**Parties of Record:**

**Kenneth J. Sheehan, Esq.**, Genova Burns on behalf of Petitioner, PS&S Architecture and Engineering, PC  
**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel  
**Danielle Lopez, Esq.**, on behalf of Public Service Electric and Gas Company

BY THE BOARD:

**BACKGROUND**

On August 7, 2023, PS&S Architecture and Engineering, PC (“PS&S” or “Petitioner”) filed a petition with the New Jersey Board of Public Utilities (“Board”) seeking waiver of a provision contained within Public Service Electric and Gas Company’s (“PSE&G”) gas tariff requiring individual gas meters in residential buildings (“Petition”).

By the Petition, PS&S explained that a new four (4)-story residential building at 365 Terhune Road, Princeton, New Jersey 08540, “The Alice,” is under development and will provide 125 units of mixed-income rental housing with numerous public amenities (“Project”).<sup>1</sup> The Project received approval from the New Jersey Department of Community Affairs (“DCA”) and local officials. The Project is funded, in part, with governmental financing from the Municipality of Princeton. According to PS&S, notice to proceed with construction of the project was provided on February 21, 2023, and the project is currently under construction.

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<sup>1</sup> Mixed-income housing includes both market rate and restricted affordable rental housing units.

According to the Petition, The Alice will use natural gas for 1) the central domestic hot water heating system, 2) a single gas cooktop in each of the residential units, and 3) a handful of small gas-fired appliances located in shared amenity spaces.<sup>2</sup> Additionally, PS&S explained that the property owner/developer committed to pay for the gas consumption in the building, including cooking appliances located in the residential units, without a chargeback to the tenants, and would provide necessary documentation to certify this declaration.

The Petitioner noted that it designed The Alice to use a single common natural gas meter; with all gas loads fed by gas piping from the meter to the individual equipment and appliances that require natural gas. All gas piping will be run internally to the building with no underground piping downstream of the common natural gas meter.

The Petitioner further noted that, on August 1, 2023, PSE&G informed PS&S that individual natural gas meters are required for each individual residential unit under the provisions of the applicable PSE&G tariff, specifically Section 8.3.1 of the Standard Terms and Conditions.

According to PS&S, the separation of gas service within the building solely for cooking in each residential unit is impractical and presents an unnecessary hardship. PS&S asserted that the gas piping scope, both inside and outside of the building, would increase greatly if individual gas meters for each rental unit were required instead of only one (1) natural gas meter for the entire building, and demonstrated on plans approved by both the DCA and the local authorities. In addition, PS&S stated that the overall site plan would need to be re-arranged significantly to provide adequate space to house the 126 individual gas meters (one per unit and one for common area equipment).

### **PSE&G Motion to Intervene**

On September 29, 2023, PSE&G filed a motion to intervene pursuant to N.J.A.C. 1:1-16.1 *et seq.* ("Motion"). According to the Motion, PSE&G is a New Jersey public utility, as defined by N.J.S.A. 48:2-13, engaged 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 explained that, as a New Jersey public utility, it is engaged in the purchase, transmission, distribution, and sale of electric energy and related utility services to more than 2,100,000 residential, commercial, and industrial customers.

By the Motion, PSE&G noted that it has a duty to abide by its Board-approved tariffs and that PSE&G will be directly and specifically affected by the relief requested in the Petition; PSE&G therefore has a direct interest in any final Order issued in this matter. Thus, PSE&G claimed that its interest in this proceeding is sufficiently different from that of any party so as to add measurably and constructively to the scope of this matter.

PSE&G further asserted that it will abide by the schedule set forth in this proceeding and, should the Board grant its Motion, there will be no undue delay or confusion.

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<sup>2</sup> Electricity will be used for 1) the clothes dryers in the individual dwelling units, and 2) the building's heating, ventilation and air conditioning equipment, and the building's emergency generator is diesel fired.

## **DISCUSSION AND FINDINGS**

### **Motion to Intervene**

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

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 of confusion or undue 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.

Application of these standards involves an implicit balancing test to weigh the need and desire for development of a full and complete record, which involves consideration of a diversity of interests, 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 In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, BPU Docket No. EM05020106, Order dated June 8, 2005.

After thoroughly considering the Motion, and given the lack of any objections, the Board **HEREBY FINDS**, pursuant to N.J.A.C. 1:1-16.3(a), PSE&G will be directly affected by the outcome of this proceeding, and will contribute to the development of a full and complete record for review by the Board. Therefore, the Board **HEREBY FINDS** that PSE&G has met the standards for intervention in this matter because it has interests in this proceeding not represented by another party, and it will add measurably and constructively to the proceeding without causing undue delay. Accordingly, the Board **HEREBY GRANTS** PSE&G's motion for intervention on the condition that, in accordance with its representations, it will adhere to the scope of the issues to be addressed in this proceeding.

### **Designation of Commissioner**

The Board **HEREBY DETERMINES** that the Petition be retained by the Board for hearing and, pursuant to N.J.S.A. 48:2-32, the Board **HEREBY DESIGNATES** President Guhl-Sadovy as the presiding officer with authority to rule on all motions arising during the pendency of this proceeding and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues. Further, the Board **HEREBY DIRECTS** that any entity seeking to intervene or participate in this matter file the appropriate application with the Board on or before December 8, 2023. Any party wishing to file a motion for admission of counsel, *pro hac vice*, should do so concurrently with any motion to intervene or participate.


In addition, pursuant to the Board's Orders in In re the New Jersey Board of Public Utilities' Response to the Covid-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, BPU Docket No. EO20030254, Orders dated March 19, 2020 and June 10,

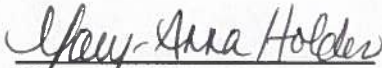
2020, all parties are **HEREBY DIRECTED** to serve all documents electronically. No hard copies shall be filed until the Board lifts the restrictions imposed by the Orders. The Board **FURTHER DIRECTS** Staff to post this Order to the Board's website.

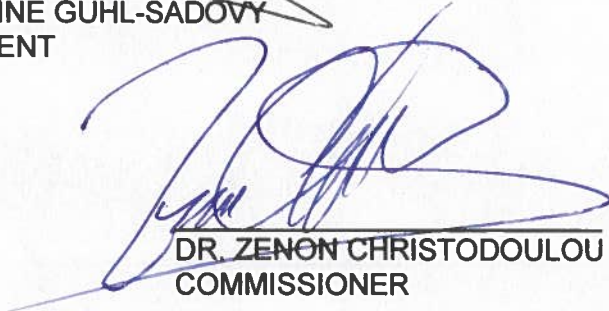
The effective date of this Order is November 24, 2023.

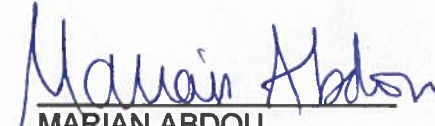
DATED: November 17, 2023

BOARD OF PUBLIC UTILITIES  
BY:

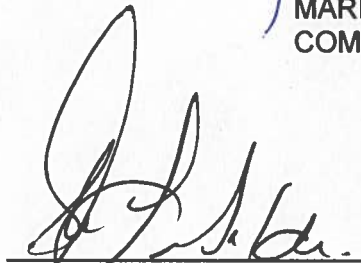
  
CHRISTINE GUHL-SADOVY  
PRESIDENT

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

  
MARIAN ABDOU  
COMMISSIONER

ATTEST:

  
SHERRI L. GOLDEN  
SECRETARY

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

IN THE MATTER OF A PETITION OF PS&S ARCHITECTURE AND ENGINEERING, PC FOR A  
WAIVER OF THE PUBLIC SERVICE ELECTRIC AND GAS (PSE&G) TARIFF FOR INDIVIDUAL  
METERS

DOCKET NO. GW23080558

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