



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

DIVISION OF ENERGY AND
OFFICE OF CLEAN ENERGY

IN THE MATTER OF THE PETITION OF SOUTH
JERSEY GAS COMPANY FOR APPROVAL OF
AN ENERGY EFFICIENCY PROGRAM ("EEP")
WITH AN ASSOCIATED ENERGY EFFICIENCY
TRACKER ("EET") PURSUANT TO N.J.S.A.
48:3-98.1; AND TO MODIFY RATE SCHEDULE
EGS-LV

)
) ORDER GRANTING INTERVENTION
) AND ADMISSION PRO HAC VICE

)
) DOCKET NO. GO09010059

(SERVICE LIST ATTACHED)

BY PRESIDENT JEANNE M. FOX:

On January 23, 2009, South Jersey Gas Company ("SJG" or "the Company") filed a petition for approval to implement and administer five Energy Efficiency programs ("EEP") in response to Governor Corzine's Economic Stimulus Plan and for approval of an associated cost recovery mechanism. The Company seeks to implement the EEP, which target both residential and Commercial and Industrial ("C&I") market segments, on an expedited basis in the second quarter of 2009. SJG asserts that the EEP is geared toward encouraging customers to reduce their overall energy usage as well as toward creating additional jobs in the energy efficiency market. One of the major objectives of these energy efficiency filings is to preserve and create green collar jobs in the State. SJG will be required to estimate and then track the number of green collar jobs created or preserved through the proposed programs.

SJG anticipates expending approximately \$17,118,275 on the EEP, with recovery of all associated revenue requirements to be recovered through an Energy Efficiency Tracker (“EET”). As envisioned by the Petition, the EET would consist of two parts; one part would earn a return on the EEP costs and recover the amortization of the regulatory asset (“RA”) to be created upon SJG’s balance sheet, while the other would recover incremental operating and maintenance (“O&M”) expenses associated with the EEP. The return on the RA would be set equal to the WACC utilized in the Company’s most recent base rate case in Docket No. GR03080683.

By Order dated February 19, 2009, the Board determined that this matter should be retained by the Board for review and hearing, and, as authorized by N.J.S.A. 48:2-32, designated the undersigned as the presiding officer who is authorized to rule on all motions that arise during the proceeding and modify any schedule that may be set as necessary to secure just and expeditious determination of the issues

By letter dated February 24, 2009, Steven S. Goldenberg, Esq. filed a motion to intervene in this proceeding on behalf of the New Jersey Large Energy Users Coalition (“NJLEUC”). According to the motion, NJLEUC is an association of large volume customers which, among other things, monitors regulatory proceedings on behalf of its members, including those serviced by SJG. According to the motion, NJLEUC’s members, as large end-use customers on the SJG system, will be directly and immediately affected by the energy efficiency investments and associated rate relief requested by the petition. NJLEUC maintains that it has a unique perspective not otherwise represented and that its participation in this matter will constructively and measurably advance this proceeding, as required by N.J.A.C. 1:1-16.3(a). NJLEUC also commits to working cooperatively with the other parties to this proceeding, to the extent possible.

Mr. Goldenberg has also moved pursuant to N.J.A.C. 1:1-5.2 and 1:21-2 for the admission *pro hac vice* of Paul F. Forshay, Esq. a member in good standing of the bar of the District of Columbia. Mr. Forshay filed an affidavit with the motion asserting that there is good cause for his admission since he has considerable experience representing marketers and large end users in proceedings before the Board and the Federal Energy Regulatory Commission, he has been requested by NJLEUC to appear in these proceedings, and that he is associated in this matter with Mr. Goldenberg who is New Jersey counsel of record. The affidavit also indicates that Mr. Forshay has satisfied all of the conditions for admission as set forth in R. 1:21-2(a), and that the fees required by R. 1:20-1(b) and 1:28-2 have been paid to the Disciplinary Oversight Committee and the New Jersey Lawyers’ Fund for Client Protection.

No objections to the motions were received.

FINDINGS and DISCUSSION

Pursuant to N.J.A.C. 1:1-16.3(a), to determine if a motion to intervene should be granted, the Board considers the nature and extent of the party’s interest in the outcome of the investigation; whether the party’s interest is sufficiently different from that of other parties; whether inclusion will add constructively to the case; and whether intervention will confuse or delay the matter.

Based on my review of NJLEUC’s motion to intervene and the record in this matter, I HEREBY GRANT the motion provided that NJLEUC complies with the schedule adopted for this proceeding on February 25, 2009.

Based on review of the motion for admission *pro hac vice* of Mr. Forshay and the supporting affidavit, and no objections having been received, I FIND that Mr. Forshay has satisfied the conditions for admission, and therefore, HEREBY GRANT the motion for admission to practice before the Board for this proceeding only, provided that Mr. Forshay shall:


- 1) abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;
- 2) submit proof of payment of the fees required by R.1:20-1(b) and 1:28-2;
- 3) 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 him that may arise out of his participation in this matter;
- 4) notify the Board immediately of any matter affecting his standing at the bar of any other jurisdiction; and
- 5) have all pleadings, briefs and other papers filed with the Board signed by the 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 attorney admitted by this Order.

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:

3/27/09

BY:


JEANNE M. FOX
PRESIDENT

I/M/O ENERGY EFFICIENCY PROGRAMS AND ASSOCIATED COST
RECOVERY MECHANISM PROCEEDINGS
BPU DOCKET NO. EO09010056

and

I/M/O THE PETITION OF SOUTH JERSEY GAS COMPANY FOR APPROVAL OF AN
ENERGY EFFICIENCY PROGRAM WITH AN ASSOCIATED ENERGY EFFICIENCY TRACKER
PURSUANT TO N.J.S.A. 48:3-98.1 AND TO MODIFY RATE SCHEDULE EGS-LV
BPU DOCKET NO. GO09010059

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