



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
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**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

IN THE MATTER OF THE PETITION OF PUBLIC )  
SERVICE ELECTRIC AND GAS COMPANY FOR )  
APPROVAL OF THE ENERGY STRONG PROGRAM )  
)  
)

ENERGY

ORDER ON PRO HAC VICE  
MOTION

DOCKET NOs. EO13020155  
GO13020156

Parties of Record:

**Tamara Linde, Esq.**, Vice President –Regulatory Affairs, PSEG  
**Stefanie A. Brand, Esq.**, Director, New Jersey Division of Rate Counsel  
**Steve Goldenberg, Esq.**, Fox Rothschild for NJLEUC  
**Janine G. Bauer, Esq.**, Szaferman Lakind for AARP  
**Roger Schwarz**, Issues Management LLC for the PSE&G Unions  
**Aaron Kleinbaum, Esq.**, Eastern Environmental Clinic for the Environmental  
Participants  
**Vincent M. Giblin, Esq.**, for International Union of Operators and Engineers, Local 825  
**Albert G. Kroll, Esq.**, of Kroll Heineman Carton, LLC for NJLECET  
**Phyllis J. Kessler, Esq.** of Duane Morris for Environmental Defense Fund  
**Thomas P. Scrivo, Esq.** of McElroy, Deutsch, Mulvaney & Carpenter, LLP for Ferreira  
Construction

BY COMMISSIONER JOSEPH L. FIORDALISO:

On February 20, 2013, Public Service Electric and Gas Company (“PSE&G”) petitioned the Board for the recovery of costs to bolster its “electric and gas infrastructure to make them less susceptible to damage from wind, flying debris and water damage in anticipation” of future Major Storm Events (hereafter “Energy Strong”). PSE&G requested approval of approximately \$3.9 billion in infrastructure upgrades, the cost of which would be collected from ratepayers over a period of ten years through the implementation of an “Energy Strong Adjustment Mechanism.” PSE&G further requested that the Board approve this expenditure and recovery mechanism by July 1, 2013.

DOCKET NOs. EO13020155 & GO13020156

On March 20, 2013, the Board opened a generic proceeding (hereafter "Storm Mitigation Proceeding") to investigate possible avenues to support and protect New Jersey's utility infrastructure so that it may be better able to withstand the effects of Major Storm Events.<sup>1</sup> The Storm Mitigation Proceeding focuses on category 5 from the January 23 Order, Underlying Infrastructure Issues for all utility companies, not exclusively the EDCs. Accordingly, the Board invited all regulated utilities to submit detailed proposals for upgrades designed to protect the State's utility infrastructure from future Major Storm Events, pursuant to the terms and at the level of detail requested in the January 23 Order. Additionally, the Board found that the PSE&G Energy Strong petition, and all future petitions within the Storm Mitigation Proceeding, should be retained by the Board for review and hearing as authorized by N.J.S.A. 52:14F-8.

By Order dated June 21, 2013, the Board directed PSE&G to implement certain Board staff recommendations related to the Energy Strong Station Flood and Storm Surge Mitigation sub-program. That Order also designated me as the presiding commissioner for the Energy Strong petition with authority to rule on all motions that arise within this proceeding, and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

On August 2, 2013, I issued a Prehearing Order which set the schedule for this proceeding and provided that any parties wishing to intervene or participate in this matter must submit a motion to intervene or participate by August 12, 2013. On September 25, 2013, I issued an order granting participant status to the International Union of Operators and Engineers, Local 825, the New Jersey Laborer's Employers Cooperation and Trust, the Environmental Defense Fund ("EDF"), and Ferriera Construction Co. All participants were granted the rights to argue orally and file a statement or brief as set forth in N.J.A.C. 1:1-16.6(c)(1) and (2).

On February 7, 2014, Phyllis J. Kessler, Esq., on behalf of EDF filed a motion for the admission of John Finnigan, Esq., pro hac vice, pursuant to N.J.A.C. 1:1-5.2. According to his certification, Mr. Finnigan is a member in good standing of the bars of Kentucky and Ohio, and there is good cause for his admission since, as a senior regulatory attorney for EDF, he has experience in energy law through a number of federal and state court actions and regulatory proceedings. Moreover, Mr. Finnigan has certified that EDF has requested that he be one its attorneys in this matter, and that he is associated in this matter with New Jersey counsel of record. Mr. Finnigan has also represented to the Board that he or EDF will pay fees required by R. 1:28-2 and 1:20-1(b) to the Lawyers Fund for Client Protection, and that he will provide the Board with proof of this payment before the evidentiary hearings commence.

### **DISCUSSION and FINDINGS**

Based on a review of EDF's motion and the supporting certification of John Finnigan, Esq., and no objections to the motion having been received after due notice to the parties, I **FIND** that Mr. Finnegan has satisfied the requirements for admission, subject to the conditions listed below, and HEREBY GRANT the motion to practice before the Board in this proceeding in the understanding that Mr. Finnegan shall:

- (1) abide by the Board's rules and all applicable New Jersey court rules, including all disciplinary rules;

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<sup>1</sup> "Major Storm Event" is defined as sustained impact on or interruption of utility service resulting from conditions beyond the control of the utility that affect at least 10 percent of the customers in an operating area.

- (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;
- (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 attorney admitted by this Order, and
- (5) provide proof of payment of the fees required by R. 1:28-2 and 1:20-1(b).

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 20, 2014

BY:



JOSEPH L. FIORDALISO  
COMMISSIONER

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY  
FOR APPROVAL OF THE ENERGY STRONG PROGRAM  
BPU DOCKET NOS. EO13020155 AND GO13020156

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