



Agenda Date: 5/19/15
Agenda Item: 2E

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF SOUTH)	DECISION AND ORDER
JERSEY GAS COMPANY TO CHANGE THE LEVEL OF)	APPROVING STIPULATION
ITS SOCIETAL BENEFITS CLAUSE ("SBC") AND ITS)	OF SETTLEMENT
TRANSPORTATION INITIATION CLAUSE ("TIC"))	
)	DOCKET NO. GR14070831

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Ira G. Megdal, Esq., for petitioner South Jersey Gas Company (Cozen O'Connor)

BY THE BOARD¹:

On July 31, 2014, South Jersey Gas Company ("SJG" or "Company") filed a petition in Docket No. GR13070685 with the New Jersey Board of Public Utilities ("Board") requesting Board approval to change the annual level of its combined Societal Benefits Charge ("SBC") charge and Transportation Initiation Clause ("TIC"), resulting in a decrease in the SBC and TIC charges of \$25.681 million to ratepayers if approved. Specifically, the Company sought to change the rates associated with certain components of its SBC: the Remediation Adjustment Clause ("RAC") and the Clean Energy Program ("CLEP") charge. According to the Company, the \$25.401 million decrease associated with these components of the SBC charge were the result of a \$15.537 million decrease to its RAC expenditures for the remediation year August 1, 2013 to July 31, 2014, and a \$9.864 million decrease to its CLEP charges for the period November 1, 2014 through October 31, 2015. There was also a decrease of \$0.280 million in of the annual level of the non-SBC related TIC.

The SBC was created as a result of the Electric Discount and Energy Competition Act, and is comprised of a number of components: the RAC, the CLEP, the Universal Service Fund ("USF") and the Lifeline Program charges. The RAC allows the Company to adjust its rates to recover reasonably incurred environmental remediation costs associated with the clean-up of its former manufactured gas plant ("MGP") sites, on a deferred basis over a rolling seven (7) year period with carrying charges tied to seven (7) year treasuries plus sixty basis points. The CLEP promotes both energy efficiency and renewable energy programs. The USF and Lifeline

¹ Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

Programs were established to help provide affordable electric and natural gas service to eligible New Jersey residential customers. The USF and Lifeline components of the SBC are addressed in a different docket.

The Board, in its Order in Docket No. GX99030121, dated March 2000, directed that Electronic Data Interchange (“EDI”) be implemented in the natural gas industry to allow information to be exchanged electronically between the gas distribution utilities and sellers of gas to customers. The TIC was designed to recover all reasonable and prudent EDI development and operating costs, including consulting and EDI transaction costs.

During the pendency of this matter, the Board approved a stipulation in a previously filed SBC matter, Docket No. GR13070685, which implemented a RAC rate component of \$0.011900 per therm, a CLEP rate component of \$0.047400 per therm, and a TIC rate of \$0.002400 per therm, all including taxes and effective for service rendered on or after October 1, 2014.

In the instant petition, the Company sought to decrease the following rates²: the RAC from its current rate of \$0.011900 per therm to \$0.000491, the CLEP from \$0.047400 per therm to \$0.026441, and the TIC from \$0.002400 per therm to \$0.001025 per therm.

On November 26, 2014, the Board transmitted the matter to the Office of Administrative Law as a contested case where it was subsequently assigned to Kelly Kirk, Administrative Law Judge (“ALJ”).

STIPULATION³

Following extensive discovery, on April 21, 2015 the Company, the Division of Rate Counsel (“Rate Counsel”), and Board Staff (collectively, “Parties”) entered into a stipulation⁴ (“Stipulation”) proposing the following changes to the RAC, CLEP and TIC after-tax rates:

	\$ Per Therm Rates Including SUT			
	RAC	CLEP	TIC	
Current Rates	\$0.011900	\$0.047400	\$0.002400	
Proposed Rates	\$0.000491	\$0.026441	\$0.001025	
Rate (Decrease)	(\$0.011409)	(\$0.020959)	(\$0.001375)	

	Pre-Tax Dollars [millions]			
	RAC	CLEP	TIC	TOTAL
Recoverable \$ in Current Rates	\$6.082	\$24.218	\$0.815	\$31.115
Recoverable \$ in Proposed Rates	\$0.251	\$13.510	\$0.354	\$14.115
Difference: Decrease in \$ Recoveries	\$5.831	\$10.708	\$0.461	\$17.000

² All rates include sales and use tax (SUT).

³ Although described in this Order, should there be any conflict between this summary and the Stipulation, the terms of the Stipulation control, subject to the findings and conclusion in this Order.

The salient terms of the Stipulation further provide as follows:

- SJG's MGP remediation costs will remain subject to Board audit.
- The Company will continue to conduct an annual audit of the RAC to assess the validity of expenses being charged to the RAC.
- SJG represents that the Stipulation does not include the recovery of any administrative, legal, consulting or other costs associated with Natural Resource Damages related MGP claims currently being investigated by the New Jersey Department of Environmental Protection, or any costs associated with incentive compensation or pension costs incurred during the remediation year, August 1, 2013 through July 31, 2014.
- The Company further represents that no remediation properties were leased or sold during the RAC remediation period for which the current RAC rate is being established.
- The proposed rates translate into a bill decrease of \$3.37 (2.4%) for a residential heating customer using 100 therms during a winter month.
- The Company agrees to provide a final reconciliation of its annual RAC recovery factor within ninety (90) days of the completion of each RAC recovery year, which reconciliation will include the calculation of actual sales volumes that recovered the RAC factor and the resultant net expenses or credit amount which is to be carried over to the next recovery year.
- Implementation and/or adjustment of the RAC factor is subject to the Parties' review of SJG's expenditures and reconciliation thereof in SJG's future RAC and/or SBC proceedings.
- The Company agrees that it will continue to include in future RAC filings its responses to the minimum filing requirements ("MFRs") as set forth in Exhibit A to the Stipulation. At a minimum, the Company agrees to provide hard copies of the filings and the MFRs to the Board, Rate Counsel and the consultant to Rate Counsel.
- Following acceptance of the Stipulation by an Order of the Board, SJG will submit a compliance filing incorporating the final SBC rates approved by the Board within seven (7) days of such approval.

On April 29, 2015, ALJ Kirk issued an Initial Decision approving the Stipulation finding that the Parties had voluntarily agreed to the terms of the Stipulation and that the Stipulation fully disposes of all matters and is consistent with the law.

DISCUSSION AND FINDINGS

The Board having carefully reviewed the record in this proceeding and the attached Stipulation and Initial Decision, **HEREBY FINDS** that, subject to the terms and conditions set forth below, the Stipulation is reasonable, in the public interest and in accordance with the law. Accordingly, the Board **HEREBY ADOPTS** the Stipulation and Initial Decision as its own, as if fully set forth herein.

The Board **HEREBY ORDERS** that, effective June 1, 2015, the revised after-tax per therm rates are set as follows: the RAC at \$0.000491, the CLEP at \$0.026441 and the TIC at \$0.001025.

The Company is **HEREBY DIRECTED** to file the appropriate tariff sheets conforming to the terms and conditions of this Order within five (5) business days after the effective date of this Order.

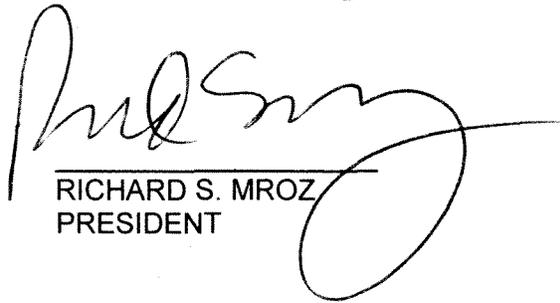
The Company's gas costs will remain subject to audit by the Board. This Decision and Order shall not preclude the Board from taking any such actions deemed to be appropriate as a result of any such audit.

The effective date of this Order is June 1, 2015.

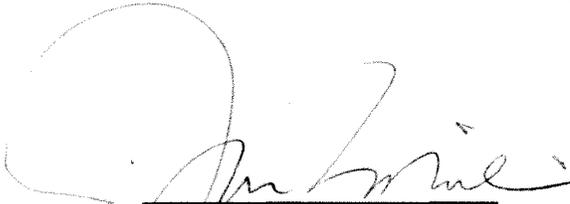
DATED:

May 19, 2015

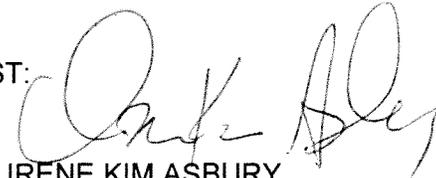
BOARD OF PUBLIC UTILITIES
BY:



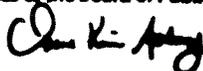
RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER
MARY-ANNA HOLDEN
COMMISSIONER
DIANNE SOLOMON
COMMISSIONER

ATTEST:


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



**IN THE MATTER OF THE PETITION OF SOUTH JERSEY GAS COMPANY TO CHANGE
THE LEVEL OF ITS SOCIETAL BENEFITS CLAUSE ("SBC") AND ITS TRANSPORTATION
INITIATION CLAUSE ("TIC") - BPU Docket GR14070831**

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STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
SETTLEMENT

OAL DOCKET NO. PUC 16110-2014N

AGENDY DOCKET NO. GR14070831

IN THE MATTER OF THE PETITION OF
SOUTH JERSEY GAS COMPANY TO
CHANGE THE LEVELS OF ITS SOCIETAL
BENEFITS CLAUSE (“SBC”) AND ITS
TRANSPORTATION INITIATION CLAUSE
(“TIC”)

Ira G. Megdal, Esq. and Stacy A. Mitchell, Esq. (Cozen O’Connor, attorneys) Counsel
for South Jersey Gas Company

Felicia Thomas-Friel, Esq., Deputy Rate Counsel, **Henry M. Ogden, Esq.**, Assistant
Deputy Rate Counsel, and **James W. Glassen, Esq.**, Assistant Deputy Rate Counsel, on
half of the New Jersey Division of Rate Counsel (**Stephanie Brand, Esq.**, Director)

Alex Moreau, Esq. and Christopher Psihoules, Esq., Deputy Attorneys General, on
half of the Staff of the New Jersey Board of Public Utilities (**John J. Hoffman**, Acting
Attorney General of the State of New Jersey).

Record Closed: April 28, 2015

Decided: April 28, 2015

BEFORE **KELLY J. KIRK**, ALJ:

This matter was transmitted to the Office of Administrative Law on December 3, 2014
for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-
1 to -13.

The parties have agreed to a settlement have prepared a Stipulation of Settlement
indicating the terms thereof, which is attached and fully incorporated herein.

I have reviewed the record and the terms of settlement and I **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by their
signatures or their representatives’ signatures.

2. The settlement fully disposes of all issues in controversy and is consistent with the law.

I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

DATE

KELLY J. KIRK, ALJ

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION OF	:	BPU DOCKET NO. GR14070831
SOUTH JERSEY GAS COMPANY TO	:	OAL DOCKET NO. PUC 16110-
CHANGE THE LEVEL OF ITS	:	2014 N
SOCIETAL BENEFIT CLAUSE ("SBC")	:	
AND ITS TRANSPORTATION	:	
INITIATION CLAUSE ("TIC")	:	STIPULATION OF SETTLEMENT

APPEARANCES:

Ira G. Megdal, Esq. and **Stacy A. Mitchell, Esq.** (Cozen O'Connor, attorneys) Counsel for South Jersey Gas Company

Felicia Thomas-Friel, Esq., Deputy Rate Counsel, **Henry M. Ogden, Esq.**, Assistant Deputy Rate Counsel, and **James W. Glassen, Esq.**, Assistant Deputy Rate Counsel, on behalf of the New Jersey Division of Rate Counsel (**Stefanie Brand, Esq.** Director)

Alex Moreau, Esq. and **Christopher Psihoules, Esq.**, Deputy Attorneys General, on behalf of the Staff of the New Jersey Board of Public Utilities (**John J. Hoffman**, Acting Attorney General of the State of New Jersey).

TO THE HONORABLE BOARD OF PUBLIC UTILITIES:

1. This Stipulation is intended to resolve the pending Societal Benefits Clause ("SBC") proceeding (hereinafter referred to as this "Proceeding"), by which South Jersey Gas Company ("South Jersey" or the "Company") seeks a decrease to its SBC charge. The parties participating in this Proceeding include South Jersey, the New Jersey Division of Rate Counsel ("Rate Counsel"), and the Staff of the Board of Public Utilities ("Staff") (collectively, the "Parties"). Upon review and analysis of the Petition, Pre-Filed Exhibits, and Discovery, the Parties agree and stipulate to the following procedural history and terms of settlement.

PROCEDURAL HISTORY

2. By Petition filed July 31, 2014 (the "Petition"), consistent with N.J.S.A. 48:2-21, South Jersey, a public utility corporation of the State of New Jersey, requested that the Board of Public Utilities ("Board") authorize a decrease in the annual level of its SBC Charge by \$25.681 million, of which \$15.537 million represented a decrease to South Jersey's Remediation Adjustment Clause ("RAC") for the remediation year August 1, 2013 to July 31, 2014 ("2014 Remediation Year"), a \$9.864 million decrease to South Jersey's Clean Energy Program ("CLEP") charges for the period November 1, 2014 through October 31, 2015 and a \$0.280 million decrease in the Company's annual level of its Transportation Initiation Clause ("TIC").

3. In support of the Petition, South Jersey submitted the following summary of the RAC rate calculation:

<u>Remediation Year</u>	Projected Aug '13 - July '14
Amortization of Recoverable Cost	\$9,508,033
Less: Deferred Tax Benefit	\$438,617
Amortization	<u>\$9,069,416</u>
	Projected Nov '14 - Oct '15
<u>Recovery Year</u>	
Amortization	\$9,069,416
Carrying Cost	\$1,230,251
Subtotal	<u>\$10,299,667</u>
Prior Year Reconciliation	(\$9,896,292)
Expenses To Be Recovered	<u>\$403,375</u>

4. In its Petition, South Jersey requested a RAC rate of \$0.000737 per therm, a CLEP rate of \$0.026698 per therm, and a TIC rate of \$0.001055 per therm, all including taxes. The rates requested in the Petition were derived utilizing actual information for the period November 2013 through May 2014 and projected information for the period June 2014 through October 2015.

5. Subsequent to the filing of the Petition, the Parties stipulated in Docket No. GR13070685 (“2013 SBC Petition”) to a RAC rate component of \$0.011900 per therm, a CLEP rate component of \$0.047400 per therm, and a TIC rate component of \$0.002400 per therm, all including taxes. These rates were approved by Board Order dated September 30, 2014, and became effective October 1, 2014.

6. As proposed in the Petition, the rate changes would result in a bill decrease for a typical residential heating customer using 100 therms of gas during a winter heating month of \$3.32, or 2.36%.

7. During the pendency of this Proceeding, South Jersey received and responded to Discovery Requests seeking updated schedules and rates utilizing actual information for the period November 2013 through December 2014 and projected information for the period January 2015 through October 2015.

8. In response to these Discovery Requests, South Jersey submitted the following updated summary of the RAC rate calculation:

<u>Remediation Year</u>	Actual Aug '13 - July '14
Amortization of Recoverable Cost	\$9,552,121
Less: Deferred Tax Benefit	\$429,105
Amortization	<u>\$9,123,016</u>

<u>Recovery Year</u>	Actual & Projected Nov '14 - Oct '15
Amortization	\$9,123,016
Carrying Cost	\$1,093,600
Subtotal	\$10,216,616
Prior Year Reconciliation	(\$9,965,585)
Expenses To Be Recovered	\$251,031

9. Utilizing the updated information provided to the Parties during discovery, the proposed RAC rate would be modified to \$0.000491 per therm, the CLEP rate would be modified to \$0.026441 per therm and the TIC rate would be modified to \$0.001025 per therm, all including taxes.

10. As stated in the Petition, the Universal Service Fund ("USF") and Lifeline components of the SBC (hereinafter USF/Lifeline) were addressed in a separate proceeding in Docket No. ER14060613, in which an Order was issued on September 30, 2014 approving a state-wide rate of \$0.016900 per therm (after taxes), effective October 1, 2014.

11. Discovery has been propounded upon the Company, and all such discovery has been answered.

STIPULATED TERMS

12. The Parties accordingly **STIPULATE AND AGREE** that the Company's proposed RAC rate component of \$0.000491 per therm (including taxes) should be implemented and made final.

13. The Parties further **STIPULATE AND AGREE** that the Company's proposed CLEP rate component of \$0.026441 per therm (including taxes) should be implemented and made final.

14. The Parties further **STIPULATE AND AGREE** that the Company's proposed TIC rate component of \$0.001025 per therm (including taxes) should be implemented and made final.

15. The Parties agree that the South Jersey's Manufactured Gas Plant ("MGP") remediation costs will remain subject to Board audit. Additionally, South Jersey will continue to conduct an annual audit of the RAC to assess the validity of the expenses being charged to the RAC. South Jersey also represents that this Stipulation does not include recovery of any administrative, legal, consulting or other costs associated with Natural Resource Damage ("NRD") related MGP claims currently being investigated by the New Jersey Department of Environmental Protection or any costs associated with incentive compensation or pension costs incurred during the time period set forth in the Petition. The Company further represents that no remediation properties were leased or sold during the RAC remediation period for which the RAC rate is established.

16. The SBC rates and other changes set forth in this Stipulation result in a bill decrease of \$3.37, or 2.40%, for the average residential heating customer using 100 therms during a winter month. These new factors will result in an approximately \$18.2M reduction from the current annual SBC recovery amount.

17. The Company agrees to provide a final reconciliation of its annual RAC factor recovery within ninety (90) days of the completion of each RAC recovery year, which reconciliation will include the calculation of actual sales volumes that recovered the RAC

factor and the resultant net expenses or credit amount which is to be carried over to the next recovery year. Implementation and/or adjustments of the RAC factor is subject to the Parties' review of South Jersey's expenditures and reconciliation thereof in South Jersey's future RAC and /or SBC proceedings.

18. The Parties agree that the terms of this Stipulation shall be deemed to resolve all factual and legal issues relating to the determination of all amounts that were or could be included in the calculation of the Company's deferred RAC balance, except as described in Paragraph 13 above with respect to NRD related costs and incentive compensation costs.

19. The Company agrees that it will include in its future RAC filings, responses to the minimum filing requirements ("MFRs") as set forth in Exhibit A to this Stipulation. At a minimum, the Company agrees to provide hard copies of the filings and the MFRs to the Board, Rate Counsel, and the consultant to Rate Counsel. The Parties further acknowledge that a Board order approving this Stipulation will become effective upon service of said Board Order, or upon such date after the service thereof as the Board may specify, in accordance with N.J.S.A. 48:2-40.

20. Following acceptance of this Stipulation by the Board, South Jersey will submit a Compliance Filing incorporating the final rates approved by the Board within 7 days of such approval.

MISCELLANEOUS

21. This Stipulation represents a mutual balancing of interests and, therefore, is intended to be accepted and approved in its entirety. In the event this Stipulation is not adopted in its entirety by the Board, then any party hereto is free to pursue its then available legal

remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

22. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and has been made exclusively for the purpose of this proceeding. Except as expressly provided herein, South Jersey, Staff and Rate Counsel shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposed to underlie any agreement provided herein. Also, all rates are subject to Board audit.

23. This Stipulation may be executed in as many counterparts as there are signatories of this Stipulation, each of which counterparts shall be an original, but all of which shall constitute one and the same instrument.

WHEREFORE, the Parties hereto do respectfully submit this Stipulation and request that the Board issue a Decision and Order approving it in its entirety, in accordance with the terms hereof, as soon as reasonably possible.

SOUTH JERSEY GAS COMPANY

By: Ira G. Megdal
Ira G. Megdal, Esq.
Cozen O'Connor

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ACTING ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the Board of Public Utilities

By: Alex Morcau
Alex Morcau, Esq., Deputy Attorney General

STEFANIE A. BRAND
DIRECTOR, DIVISION OF RATE COUNSEL

By: Henry M. Ogden
Henry M. Ogden, Esq.
Assistant Deputy Rate Counsel

Dated: April 21 2015

Exhibit A

RAC Minimum Filing Requirements

As part of the Company's annual RAC filing, the Company will provide responses to the following Minimum Filing Requirements ("MFRs"). The requests, unless noted otherwise, relate to the historical 12-month RAC period.

1. The Company currently provides a vendor summary as part of its annual RAC filing. This document provides a summary of the expenditures by vendor by site by vendor for the twelve-month RAC period. Hereafter, the vendor summary will be supplemented with a general description of the services provided by each vendor. When more specific vendor invoices are requested, the Company shall provide documentation sufficiently detailed to describe tasks performed by individuals with the firm. The data noting expenditures incurred through July 31st of each year will continue to be submitted with the Company's annual RAC filing.
2. Identify the three MGP sites with the highest level of expenditures during the prior RAC period. For each identified site, provide a copy of the latest work plan, remediation report, or major work product submitted to the NJDEP. The copies should include the narrative portion of the report or work plan but need not include the technical supporting workpapers, charts and tables.
3. For each of the same three MGP sites, provide all correspondence between the Company and the NJDEP concerning submissions for the site, reply comments, and other major items which have a material impact on remediation activities and associated costs incurred by the Company. The correspondence should span the twelve-months preceding July 31st of the most recent RAC period.
4. For each of the same three MGP sites, provide expense documentation for any contractor or supplier whose invoices for the RAC period exceed \$250,000 in aggregate. The expense documentation should include descriptions of services rendered, applicable invoices, and any tracking of invoiced charges vs. budgets. The expense detail need not include expense reports or time sheets, but it should include supporting documentation for any subcontractor and third party expenses totaling \$100,000 or more for the period.
5. For each of the same three MGP sites, provide a narrative description and organization chart for that site, showing the vendors and project control structure for the remediation effort. The response should show what entities supervise all significant contractors and subcontractors and which Company personnel are involved in site and remediation supervision and control.

6. Provide a detailed narrative describing Company activities and any reimbursements related to insurance claims or potentially responsible parties' liabilities for all of the Company's MGP sites. The narrative, with supporting documentation, should cover the prior RAC period.
7. Provide copies of any RAC audit reports or related materials prepared by the Board's Audit Staff, FERC, or the Company's internal or external auditors during the previous twelve months. To the degree applicable, please also provide any materials prepared in response to the audits or in compliance with any audit findings.
8. Provide a narrative concerning all material events, whether related to NJDEP mandates or not, which could have an impact on the Company's ultimate MGP remediation liability, with claimed confidential information provided pursuant to a confidentiality agreement. The narrative should encompass all sites, whether or not active remediation efforts on the site are under way.
9. Provide schedules and supporting workpapers and documents, which show the reconciliation of the prior period RAC expenditures and recoveries as well as the derivation of the deferred tax credit and the interest accrual on any unamortized balances.
10. Provide the Company's bid evaluation studies, reports, workpapers or other material related to the two largest MGP remediation contracts awarded during the previous RAC period. The response should include the criteria utilized for bid evaluation and the comparisons between the terms and conditions offered by the competitive bidders. The Company shall affirmatively state the successful bidder was selected through the Company's competitive selection process.
11. Provide documentation relating to the two largest supplemental contract amendments authorized by the Company during the previous RAC period. The response should provide the contractor's request for supplemental funding, the reasons cited for the request, and the Company's evaluation and action taken concerning the request.
12. Provide documentation relating to any instances during the previous RAC period where the Company sought to modify, change, or eliminate the NJDEP site remediation requirements for any of its MGP sites. The response should provide copies of any such Company requests, the NJDEP responses, and the ultimate outcome concerning the requests.

13. Provide a calculation of the carrying costs that the Company seeks to recover in this filing, including workpapers and supporting documentation.
14. The Company currently provides a schedule that summarizes the expenditures incurred by major cost category by site on a quarterly basis. These data will be reported with its annual filing.
15. For each of the Company's MGP sites, provide a schedule showing the status of the remediation effort and estimated dates for the completion of remaining milestones. The Parties understand that the timeframes to complete the remediation efforts are subject to a great deal of uncertainty due to factors beyond the Company's control. Also, provide an update concerning the status of discussions with the NJDEP concerning its NRD initiative as well as any other NRD-related activities, with claimed confidential information provided pursuant to a confidentiality agreement.