



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY

IN THE MATTER OF THE PETITION OF SOUNDVIEW )  
PAPER COMPANY, LLC FOR APPROVAL OF A )  
REDUCTION OF THE SOCIETAL BENEFITS CHARGE )  
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)  
BPU DOCKET NO. ER18070706

**Parties of Record:**

**Kenneth R. Stark, Esq.**, McNeese, Wallace & Nurick, LLC on behalf of Soundview Paper Company, LLC  
**Stefanie A. Brand, Esq.**, Director, Division of Rate Counsel  
**Justin Incardone, Esq.**, Associate General Regulatory Counsel, Public Service Electric and Gas Company

BY COMMISSIONER MARY-ANNA HOLDEN:

**BACKGROUND**

On February 9, 1999, the Electric Discount and Energy Competition Act ("EDECA"), N.J.S.A. 48:3-1 to 3-46, N.J.S.A. 48:3-49, 48:3-98 and N.J.S.A. 48:3-51, -57, -59, -60, -63, 65 and -66, was enacted. L. 1999, c. 23, § 66. Among other provisions, EDECA established the Societal Benefits Charge ("SBC") at N.J.S.A. 48:3-60. The SBC constitutes a per unit charge billed to ratepayers by an electric or gas public utility at a level determined by the New Jersey Board of Public Utilities ("Board") in accordance with N.J.S.A. 48:3-60. The total amount of the SBC paid by each commercial or industrial ratepayer constitutes its SBC liability, and a portion of those remittances fund the New Jersey Clean Energy Program.

**July 2018 Petition**

On July 10, 2018, Soundview Paper Company, LLC ("Soundview" or "Petitioner"), a limited liability corporation incorporated in the State of Delaware, registered to do business in New Jersey, filed a petition pursuant to relevant statutes and regulations with Board requesting a fifty percent (50%) reduction in its SBC obligations for electric service commencing in 2018 for its

Marcal Mill in Elmwood Park, New Jersey. Soundview presently receives electric service from Public Service Electric and Gas Company at the Marcal Mill.

On August 2, 2018, Public Service Electric and Gas Company ("PSE&G"), an electric and gas public utility, filed a motion to intervene pursuant to N.J.A.C. 1:1-16.1. There has been no opposition filed in response to the motion, and the time to file a response has passed.

By Order dated August 29, 2018 the Board retained this matter for review and hearing, pursuant to N.J.S.A. 48:2-32, designated me as presiding officer and authorized me to rule on all motions that arise during the pendency of these proceedings, and to modify any schedules that may be set as necessary to secure a just and expeditious determination of the issues.

#### **DISCUSSION AND FINDINGS:**

On October 5, 2018, Soundview, the New Jersey Division of Rate Counsel ("Rate Counsel"), and Staff agreed to a proposed procedural schedule providing for the submission of comments on the petition only.

I have reviewed the proposal for a procedural schedule, after giving due consideration to the positions of Staff, Rate Counsel, and the Company. I **HEREBY ISSUE** the following as the Prehearing Order, along with the procedural schedule identified as Exhibit A and **HEREBY DIRECT** the parties to comply with its terms.

#### **PREHEARING ORDER**

##### **1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED**

- A. Nature of Proceedings:** The matter involves a petition for Board approval of a 50% reduction in its SBC.
- B. Issues to be Resolved:** Whether Soundview can establish that it is entitled to a limited waiver and fifty percent (50%) reduction of its SBC under the Board's SBC credit program.

##### **2. PARTIES AND THEIR DESIGNATED ATTORNEYS OR REPRESENTATIVES**

###### **A. For Petitioner, Soundview**

Kenneth R. Stark, Esq.  
McNees, Wallace & Nurick, LLC  
100 Pine Street, Suite 550  
Harrisburg, PA 17101  
[kstart@mcneeslaw.com](mailto:kstart@mcneeslaw.com)

Robert A Weishaar, Jr., Esq.  
McNees, Wallace & Nurick, LLC  
777 N. Capital St., NE Suite 401  
Washington, D.C. 20002-4292  
[rweishaar@mcneeslaw.com](mailto:rweishaar@mcneeslaw.com)

**B. For Staff of the New Jersey Board of Public Utilities**

Renee Greenberg, DAG  
Alex Moreau, DAG  
Department of Law & Public Safety  
124 Halsey Street  
P.O. Box 45029  
Newark, N.J. 07102  
[renee.greenberg@njoag.gov](mailto:renee.greenberg@njoag.gov)  
[alex.moreau@njoag.gov](mailto:alex.moreau@njoag.gov)

**C. For the New Jersey Division of Rate Counsel**

Stefanie Brand, Esq., Director  
Division of Rate Counsel  
140 East Front Street, 4th Floor  
P.O. Box 003  
Trenton, N.J. 08625  
[sbrand@rpa.nj.gov](mailto:sbrand@rpa.nj.gov)

**D. For Intervenor, PSE&G**

Justin Incardone, Esq.  
PSEG Services Corporation  
80 Park Plaza, T5  
P.O. Box 570  
Newark NJ 07102  
[Justin.incardone@pseg.com](mailto:Justin.incardone@pseg.com)

**3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF HEARING**

This Order shall be posted on the Board's website and served upon the parties and service list by electronic mail.

**4. SCHEDULE OF HEARING DATES, TIME AND PLACE**

Due to the nature of this proceeding, the parties have consented to all issues being heard on the papers before the Board. The Board will consider the matter and deliberate on its merits at a Board agenda meeting.

**5. STIPULATIONS**

Stipulations, including a joint stipulation on proposed findings of fact with supporting exhibits, are encouraged for submission to the undersigned. The joint stipulation will contain a recitation of all facts that are not the subject of dispute. No stipulations have been submitted at this time.

6. **SETTLEMENT**

Settlement conference(s) among the parties are encouraged, and may be convened at the convenience of the parties on notice to all parties without my prior approval. Any settlement agreement, including notifications on settlements in principle, may be communicated to the undersigned on notice to all parties.

7. **AMENDMENTS TO PLEADINGS**

None.

8. **DISCOVERY AND DATE FOR COMPLETION**

Discovery shall be conducted in accordance with N.J.A.C. 1:1-10.4, and as noted in Exhibit A.

9. **ORDER OF PROOFS**

None.

10. **EXHIBITS MARKED FOR IDENTIFICATION**

None at this time.

11. **EXHIBITS MARKED IN EVIDENCE**

None at this time.

12. **ESTIMATED NUMBER OF FACTS AND EXPERT WITNESSES**

Not applicable.

13. **SPECIAL MATTERS**

None at this time.

14. **MOTIONS**

**PSE&G Motion to Intervene**

By Motion dated August 2, 2018, Public Service Electric and Gas Company ("PSE&G") moved to intervene. PSE&G maintains that it will be directly and specifically affected by the limited waiver being sought by Petitioner. PSE&G is engaged in the purchase, distribution and sale of natural gas for more than 1,800,000 customers throughout the State. PSE&G is also engaged in the purchase, transmission, distribution, and sale of electric energy and related utility services to more than 2.1 million residential, commercial, and industrial customers located within the State of New Jersey. In support of its motion, PSE&G noted that Petitioner specifically referenced PSE&G's interest in the outcome of this matter when it averred that PSE&G's customers would prefer that Soundview pay for a portion of its load-based allocation of SBC costs rather than close

its plant and leave the state, and contribute nothing to the SBC. In addition, PSE&G argued that its service territories, customers, and operations are distinct from other parties therefore no other party will represent its interests. PSE&G also stated that its experience as an electric distribution company and as Petitioner's electric supplier means that it will likely contribute constructively to the proceeding. PSE&G further states that its Motion will not cause undue delay or confusion. Finally, PSE&G says that it will abide by the procedural schedule in this matter. No parties filed opposition.

## **DISCUSSIONS AND FINDINGS**

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

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 for confusion and 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.

As the Board has stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record, which involves consideration of a diversity of interests, must be weighed 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, Order, In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, Docket No. EM05020106 (June 8, 2005).

After considering the motion for intervention, I note that PSE&G has expressed a significant interest in the outcome of this case and will be affected as Soundview is a major customer. PSE&G can add measurably and constructively to the scope of this case by providing rate information and other data. PSE&G has, moreover, agreed to abide by the procedural schedule in this matter, and its involvement is unlikely to result in confusion and delay. I **HEREBY FIND** that PSE&G will be directly affected by the outcome of this proceeding, that its interests are unlike others in the case, and that its intervention would contribute to the development of a full and complete record for review by the Board in its evaluation. Accordingly, I **HEREBY GRANT** PSE&G intervention status in this proceeding on the basis of its representations that it will abide by the procedural schedule.

I **HEREBY DIRECT** that all documents required to be served under the terms of the schedule described on Exhibit A, shall be served by electronic-mail to the service list with hard copies to the Board for filed documents and to a designee of each party requesting hard copies.

The parties are directed to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding.

I **DIRECT** Board Staff to post this Order on the Board's website and serve a copy of the Order to the service list electronically.

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:

  
MARY-ANNA HOLDEN  
COMMISSIONER

**IN THE MATTER OF THE PETITION OF SOUNDVIEW PAPER COMPANY, LLC FOR  
APPROVAL OF A REDUCTION OF THE SOCIETAL BENEFITS CHARGE  
DOCKET NO. ER18070706**

**SERVICE LIST**

**Soundview:**

McNees, Wallace & Nurick, LLC  
100 Pine Street, Suite 550  
Harrisburg, PA 17101

Kenneth R. Stark, Esq.  
[kstark@mcneeslaw.com](mailto:kstark@mcneeslaw.com)

Alessandra L. Hylander Esq.  
[ahylander@mcneeslaw.com](mailto:ahylander@mcneeslaw.com)

Robert A Weishaar, Jr., Esq.  
McNees, Wallace & Nurick, LLC  
777 N. Capital St., NE Suite 401  
Washington, DC 20002-4292  
[rweishaar@mcneeslaw.com](mailto:rweishaar@mcneeslaw.com)

**Division of Rate Counsel:**

140 East Front Street, 4<sup>th</sup> Floor  
Post Office Box 003  
Trenton, NJ 08625-0003

Stefanie A. Brand, Esq., Director  
[sbrand@rpa.nj.gov](mailto:sbrand@rpa.nj.gov)

Brian Lipman, Litigation Manager  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Felicia Thomas-Friel, Esq.  
[ftomas@rpa.nj.gov](mailto:ftomas@rpa.nj.gov)

Kurt Lewandowski, Esq.  
[klewando@rpa.nj.gov](mailto:klewando@rpa.nj.gov)

Shelly Massey  
[smassey@rpa.nj.gov](mailto:smassey@rpa.nj.gov)

**Board of Public Utilities:**

44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite  
314  
Post Office Box 350  
Trenton, NJ 08625-0350

**Division of Energy**

Stacy Peterson, Director  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

**Executive Director**

Paul Flanagan, Esq.  
[paul.flanagan@bpu.nj.gov](mailto:paul.flanagan@bpu.nj.gov)

**Counsel's Office**

Bethany Rocque-Romaine, Esq.  
Deputy Chief Counsel  
[bethany.romaine@bpu.nj.gov](mailto:bethany.romaine@bpu.nj.gov)

Rachel Boylan, Esq.  
[rachel.boylan@bpu.nj.gov](mailto:rachel.boylan@bpu.nj.gov)

Andrea Hart, Esq.  
[andrea.hart@bpu.nj.gov](mailto:andrea.hart@bpu.nj.gov)

**Deputies Attorney General:**  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029

Alex Moreau, DAG  
[alex.moreau@law.njoag.gov](mailto:alex.moreau@law.njoag.gov)

Geoffrey Gersten, DAG  
[geoffrey.gersten@law.njoag.gov](mailto:geoffrey.gersten@law.njoag.gov)

Renee Greenberg, DAG  
[renee.greenberg@law.njoag.gov](mailto:renee.greenberg@law.njoag.gov)

**PSE&G:**

PSEG Services Corporation  
80 Park Plaza, T5, P.O. Box 570  
Newark, NJ 07102

Matthew M. Weissman, Esq.  
General State Regulatory Counsel  
[matthew.weissman@pseg.com](mailto:matthew.weissman@pseg.com)

Justin Incardone, Esq.  
Associate General Regulatory Counsel  
[justin.incardone@pseg.com](mailto:justin.incardone@pseg.com)

Bernard Smalls  
[bernard.smalls@pseg.com](mailto:bernard.smalls@pseg.com)



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**Exhibit A**

**PROCEDURAL SCHEDULE**

Deadline for Interventions	September 21, 2018
Second Round Discovery Due	October 3, 2018
Responses to All Discovery Due	October 17, 2018
Discovery/Settlement Conference	October 29, 2018
Stipulation	November 9, 2018
Deadline for Comments on the Petition	November 15, 2018
Deadline for Reply Comments	November 22, 2018