



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/

DIVISION OF ENERGY AND
OFFICE OF CLEAN ENERGY

IN THE MATTER OF THE PETITION OF SOUTH) ORDER
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) DOCKET NO. GO12050363

Parties of Record:

Ira G. Megdal, Esq., for the Petitioner, South Jersey Gas Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

BACKGROUND AND PROCEDURAL HISTORY

On January 13, 2008, L. 2007, c. 340 ("Act") was signed into law by former Governor Corzine based on the New Jersey Legislature's findings that energy efficiency and conservation measures must be essential elements of the State's energy future, and that greater reliance on energy efficiency and conservation will provide significant benefits to the citizens of New Jersey. The Legislature also found that public utility involvement and competition in the conservation and energy efficiency industries are essential to maximize efficiencies. N.J.S.A. 26:2C-45.

Pursuant to Section 13 of the Act, codified as N.J.S.A. 48:3-98.1 (a)(1), an electric or gas public utility may, among other things, provide and invest in energy efficiency and conservation programs in its service territory on a regulated basis. Such investment in energy efficiency and conservation programs may be eligible for rate treatment approved by the New Jersey Board of Public Utilities ("Board"), including a return on equity, or other incentives or rate mechanisms that decouple utility revenue from sales of electricity and gas. N.J.S.A. 48:3-98.1(b). Ratemaking treatment may include placing appropriate technology and program cost investments in the utility's rate base, or recovering the utility's technology and program costs through another ratemaking methodology approved by the Board. An electric or gas public

utility seeking cost recovery for any energy efficiency and conservation programs pursuant to N.J.S.A. 48:3-98.1 must file a petition with the Board.

By Order dated July 24, 2009, the Board authorized South Jersey Gas Company ("SJG" or "Company") to implement five energy efficiency programs: 1) Enhanced Residential Heating, Ventilation, and Air Conditioning ("HVAC") Rebate; 2) Residential Home Performance Finance; 3) Combined Heat and Power ("CHP"); 4) Commercial Customer Direct Install Financing; and 5) Non-Residential Energy Efficiency Investment ("Original Programs")¹. The programs were designed to complement or supplement existing New Jersey Clean Energy Program ("NJCEP") offerings. The SJG programs were to be available to eligible customers for approximately twenty-one (21) months.

By Order dated January 19, 2011, the Board authorized SJG to extend the Original Programs and carryover individual program under-spending of the Original Programs through December 31, 2011 ("January 2011 Order")². The January 2011 Order also allowed SJG's monthly program investment and operating and maintenance ("O&M") costs associated with the Original Programs to continue until April 30, 2012. In addition, the January 2011 Order also authorized the Company to reallocate money within the Original Programs.

May 2012 Filing

On May 3, 2012, SJG filed the instant petition with the Board. By letter dated June 1, 2012, Board Staff notified SJG that the filing was administratively incomplete. On July 18, 2012, SJG submitted a supplemental filing to address the deficiencies outlined in the June 1 letter from Staff, including the direct testimony of Bruce Grossman and Renee Farmer. On July 23, 2012, Board Staff notified SJG that with the information submitted in the July 18 supplemental filing, the filing was administratively complete.³

In the filing, SJG requests approval of an Energy Efficiency Program ("EEP II") and approval to continue its Energy Efficiency Tracker ("EET") to recover costs associated with EEP II. SJG further requests that it be allowed to earn a return on and a return of investments associated with EEP II. The proposed budget for the five programs included in EEP II is \$24,238,341, to be spent from the effective date through December 2013. SJG proposes to recover the costs

¹ In re Energy Efficiency Programs and Associated Cost Recovery Mechanisms AND In re the Petition of South Jersey Gas Company for Approval of an Energy Efficiency Program ("EEP") with an Associated Energy Tracker ("EET") Pursuant to N.J.S.A. 48:3-98.1; and to Modify Rate Schedule EGS-LV, BPU Docket Nos. EO09010056 and GO09010059, Order dated July 24, 2009.

² In re 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, BPU Docket No. GO10110861, Order dated January 19, 2011.

³ N.J.S.A. 48: 3-98.1 requires the Board to decide cost recovery issues within 180 days. Pursuant to the Board Order issued in response to a further statutory directive within that section, Board Staff must review a petition for completeness within 30 days and, when a petition is determined to be complete, set the beginning of the 180-day period. In re Electric Public Utilities and Gas Public Utilities Offering Energy Efficiency and Conservation Programs, Investing in Class I Renewable Energy Resources, and Offering Class I Renewable Energy Programs in their Respective Service Territories on a Regulated Basis Pursuant to N.J.S.A. 48:3-98.1, Dkt. No. EO08030164 (May 8, 2008). Accordingly, the 180-day period for a Board determination commenced on July 18, 2012.

through a separate component of the Company's EET. Below is a summary of the requested sub-programs in the proposed EEP II and their associated budgets:

1. Enhanced Residential HVAC Energy Efficiency Program	\$14,528,424
2. Natural Gas Vehicle Grant Program	\$3,220,000
3. Social Marketing and Education Program	\$1,039,000
4. Non-Residential Energy Efficiency Finance and Incentive Program	\$2,387,317
5. Combined Heat and Power and Distributed Generation Technology	\$3,063,600

By Order dated August 15, 2012, the Board retained this matter for review and hearing as authorized by N.J.S.A. 48:2-32, and designated Commissioner Mary-Anna Holden as the presiding commissioner in this proceeding. Additionally, the Board adopted a procedural schedule agreed to by the Company, Board Staff, and the New Jersey Division of Rate Counsel ("Rate Counsel") (collectively, the "Parties"). By letter dated October 19, 2012, SJG notified Commissioner Holden that the Parties were working on a modification of the procedural schedule approved by the August 15, 2012 Board Order. On December 5, 2012, SJG submitted a modified procedural schedule to Commissioner Holden which she subsequently approved. By Order dated December 19, 2012, the Board approved a stipulation between the Parties that extended the 180 day period review period through March 1, 2013.

Pursuant to the procedural schedule, on November 9, 2012, Rate Counsel submitted the direct testimony of Robert J. Henkes, Maximilian Chang, and Matthew I. Kahal. On December 7, 2012, SJG filed rebuttal testimony of Bruce Grossman and Paul Moul.

After notice in newspapers in general circulation within the service territory, public hearings were held on December 3, 2012 in Voorhees, NJ. No members of the public attended.

STIPULATION

The Parties have met to discuss the filing. On January 15, 2013, the Parties entered into the attached stipulation of settlement ("Stipulation") whereby the Parties agreed to a further extension of the 180 day review period, as well as an extension of the EEP 1 through June 30, 2013.

The Parties have agreed to the following salient terms:

16. The Parties stipulate that the Board should permit the Company to extend its EEP I through June 30, 2013 ("EEP I Extension Period") on the same terms and conditions set forth in the July Order and subsequent Orders addressing the EEP I Program. There will be no change to the EEP rate by virtue of this Stipulation and all authority to continue the EEP I Program ends on June 30, 2013 unless authorized by Board Order.

17. The Parties stipulate the Company shall prorate its 2011 budget for the EEP I programs for the term of the EEP I Extension Period. A prorated budget for the EEP I Extension Period is attached hereto as Exhibit A.
18. The Parties stipulate that the Board should extend its one-hundred and eighty (180) day deadline for review of the EEP II Petition through June 30, 2013 to allow for the Company to prepare and submit additional data, including cost/benefit analyses for the proposed EEP II Programs, and for the Parties to review the proposed EEP II Programs in light of the additional data.
19. The Parties further stipulate and agree that the hearings scheduled in the EEP II matter, originally scheduled to take place on January 15-17, 2013 shall be adjourned to a later date to be determined by presiding officer or the Board, and the schedule set forth in the December 19, 2012 Order should be suspended and a new schedule established in accordance with the extension of the review period for the EEP II Petition.

DISCUSSION AND FINDING

The Board, has carefully reviewed the record to date in this matter. The Board is satisfied and **HEREBY FINDS** that the Stipulation extending the review date to June 30, 2013, and the current EEP I through June 30, 2013, on the same terms and conditions set forth in the July 24, 2009 Order and subsequent Orders addressing the EEP I Program, is reasonable and is in the public interest. There will be no change to the EEP rate by virtue of the approval of the Stipulation, and all authority to continue the EEP I Program ends on June 30, 2013 unless further authorized by Board Order. The costs and expenditures associated with the budget as stated in Attachment A to the Stipulation will be deferred, and will be the subject of a full review for reasonableness and prudence in future annual true-up proceedings. This will provide additional time for a thorough review of the proposed EEP II and will allow for the development of a full and complete record for review by the Board while permitting SJG to continue offering its energy efficiency programs for the benefit of its customers. Accordingly, the Board **HEREBY ADOPTS** the attached Stipulation as its own, incorporating by reference its terms and conditions as if fully set forth herein.

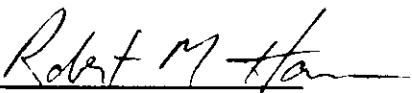
The Board **HEREBY DIRECTS** the Parties to comply with the terms and conditions of the Stipulation.

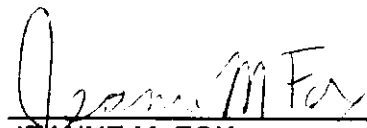
The Company's rates will remain subject to audit by the Board. This Decision and Order shall not preclude the Board from taking any actions deemed to be appropriate as a result of any Board audit.

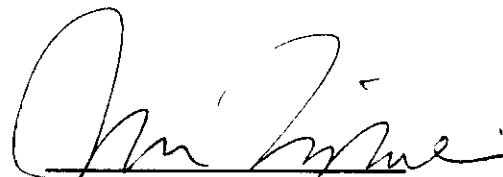
The Board Order shall be effective as of the date that it is served.

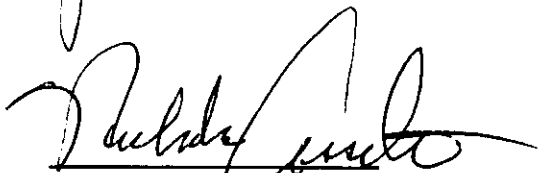
DATED: 1/23/13

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT



JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

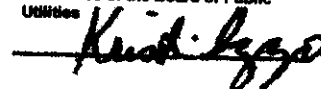

NICHOLAS ASSELTA
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

ATTEST:


KRISTI IZZO
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 for Approval of an Energy Efficiency Program With an Associated Energy Efficiency Tracker,
Pursuant to N.J.S.A. 48:3-98.1
DOCKET NO. GO12050363

NOTIFICATION LIST

BOARD OF PUBLIC UTILITIES		
Jerome May New Jersey Board of Public Utilities 44 South Clinton Avenue, 9 th Floor Post Office Box 350 Trenton, NJ 08625-0350	Alice Bator New Jersey Board of Public Utilities 44 South Clinton Avenue, 9 th Floor Post Office Box 350 Trenton, NJ 08625-0350	Michael Winka New Jersey Board of Public Utilities 44 South Clinton Avenue, 9 th Floor Post Office Box 350 Trenton, NJ 08625-0350
Mona Mosser New Jersey Board of Public Utilities 44 South Clinton Avenue, 9 th Floor Post Office Box 350 Trenton, NJ 08625-0350	Stacy Peterson New Jersey Board of Public Utilities 44 South Clinton Street, 9 th Floor P.O. Box 350 Trenton, NJ 08625-0350	Andrea Reid New Jersey Board of Public Utilities 44 South Clinton Avenue, 9 th Floor Post Office Box 350 Trenton, NJ 08625-0350
Elizabeth Teng New Jersey Board of Public Utilities 44 South Clinton Avenue, 9 th Floor Post Office Box 350 Trenton, NJ 08625-0350	John Zarzycki New Jersey Board of Public Utilities 44 South Clinton Avenue, 9 th Floor Post Office Box 350 Trenton, NJ 08625-0350	Kristi Izzo, Secretary New Jersey Board of Public Utilities 44 South Clinton Avenue, 9 th Floor Post Office Box 350 Trenton, NJ 08625-0350
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<p>Veronica Beke, DAG Division of Law 124 Halsey Street P.O. Box 45029 Newark, NJ 07101</p>		
SJG		
<p>Ira G. Megdal, Esq. Cozen O'Connor 457 Haddonfield Road Suite 300 Cherry Hill, NJ 08002</p>	<p>Stephen Cocchi, Esq. South Jersey Gas Company One South Jersey Plaza Route 54 Folsom, NJ 08037</p>	

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF :
SOUTH JERSEY GAS COMPANY FOR :
APPROVAL OF AN ENERGY EFFICIENCY : DOCKET NO. GO12050363
PROGRAM ("EEP") WITH AN ASSOCIATED :
ENERGY EFFICIENCY TRACKER ("EET"), :
PURSUANT TO N.J.S.A. 48:3-98.1 :

IN THE MATTER OF THE PETITION OF :
SOUTH JERSEY GAS COMPANY FOR :
APPROVAL OF AN ENERGY EFFICIENCY : DOCKET NO. GO09010059
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 :

**STIPULATION FOR EXTENSION OF ENERGY EFFICIENCY PROGRAM
THROUGH JUNE 30, 2013**

APPEARANCES:

Ira G. Megdal, Esquire and Sarah A. Shapiro, Esquire (Cozen O'Connor, attorneys) for South Jersey Gas Company ("Petitioner")

Felicia Thomas-Friel, Esquire, Deputy Rate Counsel, Kurt S. Lewandowski, Esquire, and James W. Glassen, Esquire, Assistant Deputy Rate Counsels on behalf of the New Jersey Division of Rate Counsel ("Rate Counsel") (Stefanie A. Brand, Director)

Alex Moreau and Veronica Beke, Deputy Attorneys General, on behalf of the Staff of the Board of Public Utilities ("Board Staff")(Jeffrey S. Chiesa, Attorney General of New Jersey)

TO: THE NEW JERSEY BOARD OF PUBLIC UTILITIES

1. Pursuant to the State's Regional Greenhouse Gas Initiative ("RGGI") legislation, an electric or natural gas utility can offer and invest in regulated energy efficiency and conservation programs within its service territory. *N.J.S.A. 48:3-98.1*. Furthermore, utilities are authorized to seek approval from the New Jersey Board of Public Utilities ("Board") for recovery of costs related to such programs. *Id.* That recovery may include

a return on equity, the establishment of incentives and the development of a rate mechanism that breaks the link between utility revenues and customer usage. *Id.* The eligible ratemaking treatments can provide for the inclusion of certain related investments in rate base or the recovery of such costs through a Board approved method. *Id.*

2. On January 23, 2009, in accordance with the RGGI Order,¹ South Jersey Gas Company (“South Jersey”, or “Company”) petitioned the Board seeking approval of an Energy Efficiency Program (“EEP I”) with an associated Energy Efficiency Tracker (“EET”), pursuant to *N.J.S.A. 48:3-98.1*. That Petition was assigned Docket No. GO09010059 by the Board, which retained jurisdiction.

3. In an Order dated July 24, 2009 (the “July Order”), the Board adopted the terms and conditions of a stipulation entered into among representative from the Board Staff, the New Jersey Division of Rate Counsel (“Rate Counsel”) and South Jersey (the “Parties”) authorizing the Company to offer the EEP I program and to recover reasonable and prudent revenue requirements associated with the EEP 1 through a deferred accounting mechanism. Cost recovery was through the creation of an Energy Efficiency Tracker (“EET”), which consisted of two parts. One part allowed the Company to earn a return on the unamortized investments and amortization of program investments over four years. The other part of the EET recovered reasonable and prudent incremental Operating and Maintenance (“O&M”) expenses associated with the EEP I. Pursuant to the July Order, the initial EET rate was established as \$0.0024 per therm, including taxes. Also, according to the July Order, the Company was required to submit annual EEP cost recovery filings to establish future EET rates.

¹ Docket No. EO08030134 (Order, May 12, 2008).

4. On July 9, 2010, in Docket No. GO10070466, the Company submitted its first annual filing with the Board seeking approval of an increase in the cost recovery associated with its EEP I. (“First Annual EET Filing”). In the First Annual EET Filing, the Company sought to increase the EET rate to \$0.0078 per therm, including taxes. On June 1, 2011, in Docket No. GR11060336, South Jersey filed its second annual Petition with the Board seeking approval of an increase in the cost recovery associated with its EEP I. (“Second Annual EET Petition”). In the Second Annual EET Petition, South Jersey sought an increase of the existing EET rate to \$0.0096 per therm, including taxes.
5. On September 13, 2012, the Board approved an increase in the EET rate to \$0.0096 per therm, including taxes, resolving the First and Second Annual EET Filings.
6. In the interim, on November 18, 2010, South Jersey filed a Letter Petition with the Board seeking modification of the July Order, seeking to reallocate funds within the EEP I programs, and seeking to extend EEP I through April 2012. The Letter Petition did not seek to modify any of the EEP I programs or to increase total funding for the EEP I programs. The Parties entered into a stipulation dated January 12, 2011, whereby the parties agreed, *inter alia*, to extend the EEP I to April 30, 2012. The stipulation was subsequently approved by the Board on January 19, 2011 in Docket No GO10110861.
7. On May 3, 2012, South Jersey filed a petition in Docket No. GO12050363 seeking approval from the Board of an Energy Efficiency Program (“EEP II”), and permission for South Jersey to continue its EET to recover all costs associated with the EEP II (the “EEP II Petition”).

8. On June 6, 2012, in Docket No. GO12060492, South Jersey filed a Petition seeking to extend the EEP I and EET through December 31, 2012 to permit the Company to spend remaining unexpended EEP I funds. Pursuant to an Order dated August 15, 2012, the Board authorized the extension of South Jersey's EEP I until the remaining unexpended funds were exhausted or until approval of the EEP II Petition, whichever occurred first.
9. In its EEP II Petition the Company proposed to include the following programs ("EEP II Programs"):
 1. Enhanced Residential HVAC Energy Efficiency Program
 2. Natural Gas Vehicle Grant Program
 3. Social Marketing and Education Program
 4. Non Residential Energy Efficiency Finance and Incentive Program
 5. Combined Heat and Power (CHP) Program
10. By letter dated June 1, 2012, in accordance with the Board Order dated May 12, 2008, establishing Minimum Filing Requirements, Board Staff notified SJG that the filing was administratively incomplete. On July 18, 2012, SJG submitted a supplemental filing to address the deficiencies outlined in the June 1 letter from Board Staff. On July 23, 2012, Board Staff notified SJG that with the information submitted in the July 18 supplemental filing, the filing was administratively complete.
11. By Order dated August 15, 2012, the Board retained this matter for review and hearing as authorized by *N.J.S.A. 48:2-32* and designated Commissioner Mary-Anna Holden as the presiding officer in this proceeding. Additionally, the Board adopted a procedural schedule agreed to by the Parties. Subsequently, by Order dated December 6, 2012, Commissioner Holden approved a modified procedural schedule for this matter. By

Board Order dated December 19, 2012, the Board approved a stipulation between the parties that extended the 180-day deadline for review through March 1, 2013.

12. Discovery was propounded by the Parties, answered by the Company, and is ongoing.

Pursuant to the procedural schedule, on November 9, 2012, Rate Counsel submitted the direct testimony of Robert J. Henkes, Maximilian Chang, and Matthew I. Kahal. On December 7, 2012, SJG filed rebuttal testimony of Bruce Grossman and Paul Moul.

13. Two public hearings were held on December 3, 2012 in Voorhees, New Jersey. The Notices of these hearings were published in newspapers of general circulation throughout South Jersey's service territory and sent via certified mail to the municipal and freeholder clerks, and county executives, where appropriate, in the municipalities and counties in South Jersey's territory twenty days in advance of the hearings. No members of the public attended these hearings.

14. The Parties held settlement discussions on the Petition on January 8, 2013. The Company agreed to provide additional data on its proposed EEP II programs.

15. To allow time for the Company to submit additional data, and to avoid the potential negative impacts that terminating the EEP I programs would have on South Jersey's customers, energy efficiency contractors, and the State's energy efficiency goals, the Parties have stipulated to and agreed upon the following:

STIPULATED MATTERS

16. The Parties stipulate that the Board should permit the Company to extend its EEP I through June 30, 2013 ("EEP I Extension Period") on the same terms and conditions set forth in the July Order and subsequent Orders addressing the EEP I Program. There will

be no change to the EEP rate by virtue of this Stipulation and all authority to continue the EEP I Program ends on June 30, 2013 unless authorized by Board Order.

17. The Parties stipulate the Company shall prorate its 2011 budget for the EEP I programs for the term of the EEP I Extension Period. A prorated budget for the EEP I Extension Period is attached hereto as Exhibit A.
18. The Parties stipulate that the Board should extend its one-hundred and eighty (180) day deadline for review of the EEP II Petition through June 30, 2013 to allow for the Company to prepare and submit additional data, including cost/benefit analyses for the proposed EEP II Programs, and for the Parties to review the proposed EEP II Programs in light of the additional data.
19. The Parties further stipulate and agree that the hearings scheduled in the EEP II matter, originally scheduled to take place on January 15-17, shall be adjourned to a later date to be determined by presiding officer or the Board, and the schedule set forth in the December 19, 2012 Order should be suspended and a new schedule established in accordance with the extension of the review period for the EEP II Petition.

MISCELLANEOUS

20. 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.

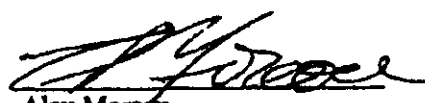
21. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and has been made exclusively for the purposes of this proceeding. Except as expressly provided herein, nothing agreed to in this Stipulation by Petitioner, Board Staff, or Rate Council shall be deemed to be precedential in any other proceeding nor shall any principle or methodology underlying this Stipulation be deemed precedential in any other proceeding.

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 thereof, as soon as reasonably possible.

SOUTH JERSEY GAS COMPANY

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Staff of the Board of Public Utilities

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

By: 
Alex Moreau
Deputy Attorney General

DIVISION OF RATE COUNSEL
Stefanie Brand, Esq.
Director

BY 
Kurt S. Lewandowski, Esq.

Assistant Deputy Rate Council

Dated: 1/15/2013

EXHIBIT A: EXTENSION BUDGET

South Jersey Gas Company

	February 2013 - June 2013 Budget
O&M	
Commercial Direct Install	\$ -
Enhanced Residential HVAC	\$ 177,938
Non Residential Energy Efficiency	\$ 56,147
Home Performance Financing	\$ 168,293
Total Program Investment	<u>\$ 402,377</u>
Program Investments	
Commercial Direct Install	\$ -
Enhanced Residential HVAC	\$ 425,059
Non Residential Energy Efficiency	\$ 400,000
Home Performance Financing	\$ 1,295,033
Total Program Investment	<u>\$ 2,120,092</u>
Total Costs	
Commercial Direct Install	\$ -
Enhanced Residential HVAC	\$ 602,996
Non Residential Energy Efficiency	\$ 456,147
Home Performance Financing	\$ 1,463,326
Grand Total	<u>\$ 2,522,469</u>