



STATE OF NEW JERSEY
Board of Public Utilities
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DIVISION OF ENERGY AND
OFFICE OF CLEAN ENERGY

IN THE MATTER OF THE PETITION OF NEW)
JERSEY NATURAL GAS COMPANY FOR)
APPROVAL OF EXISTING AND NEW ENERGY-)
EFFICIENCY PROGRAMS AND A CLASS I)
RENEWABLE ENERGY PROGRAM AND THE)
ASSOCIATED COST RECOVERY MECHANISM)
PURSUANT TO N.J.S.A. 48:3-98.1)

ORDER APPROVING
STIPULATION

DOCKET NO. GO18030355

Parties of Record:

Andrew Dembia, Esq., New Jersey Natural Gas Company
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On March 29, 2018, New Jersey Natural Gas Company ("NJNG" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board" or "BPU") requesting approval of the extension of energy efficiency programs and a Class I renewable energy program and the associated cost recovery mechanism. By this Order, the Board considers a stipulation of settlement ("Stipulation") entered into by NJNG, the New Jersey Division of Rate Counsel ("Rate Counsel"), and Board Staff ("Staff") (collectively, the "Parties") which resolves all issues in this matter.

BACKGROUND AND PROCEDURAL HISTORY

On January 13, 2008, L. 2007, c. 340 (the "Act") was signed into law based on the New Jersey Legislature's findings that energy efficiency ("EE") 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 energy efficiencies.

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

On July 17, 2009, the Board authorized NJNG to implement three energy efficiency programs: 1) Home Performance with Energy Star ("HPwES") Enhancements; 2) Enhanced Warm Advantage Rebate Program; and 3) Commercial Customer Direct Install Program as part of the Economic Stimulus Plan announced in October 2008¹ ("Original Programs"). The programs were designed to complement or supplement existing New Jersey Clean Energy Program ("NJCEP") offerings including the ongoing WarmAdvantage, COOLAdvantage, HPwES, Commercial Direct Install and Smart Start Building programs. The NJNG programs were available to eligible customers for approximately twelve months. In the event there was still program funding available after that period, NJNG could continue to offer the approved programs through December 31, 2010.

By Order dated September 24, 2010, the Board authorized NJNG to extend and expand the Original Programs through December 31, 2011.² In addition to authorizing modifications to the Original Programs, the September 2010 Order authorized the Company to implement an OPOWER pilot through which customers could obtain information about their specific energy use in comparison to comparable households, an incremental incentive for Combined Heat and Power projects undertaken in conjunction with NJCEP, and a program that offers eligible customers an opportunity for customized provisions, fostering environmental and economic development (collectively, "NJNG SAVEGREEN Project").

By Order dated January 18, 2012, the Board further extended the NJNG SAVEGREEN Project, with modifications, for an additional twelve (12) months.³ In addition, NJNG also received approval to implement its proposed Access Program, which offered higher efficiency heating equipment through conversions to natural gas for electric heat customers receiving benefits from the Universal Service Fund Program. By Order dated June 21, 2013, the Board authorized NJNG to further extend the NJNG SAVEGREEN Project, with modifications through June 30, 2015.⁴ The Order was subsequently revised on August 21, 2013, to make a necessary correction regarding the SAVEGREEN Direct Install program.⁵ By Order dated July 23, 2015

¹ In re Energy Efficiency Programs and Associated Cost Recovery Mechanisms AND I/M/O the Petition of New Jersey Natural Gas Company for Approval of Energy Efficiency Programs with an Associated Cost Recovery Mechanism, BPU Docket Nos. EO09010056 and GO09010057 (July 17, 2009.)

² In re the Petition of New Jersey Natural Gas for Approval of Regional Greenhouse Gas Initiative Programs and Associated Cost Recovery Mechanisms Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO10030225 (September 24, 2010.) ("September 2010 Order")

³ In re the Petition of New Jersey Natural Gas Company for Approval of an Extension of the Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GR11070425 (January 18, 2012.)

⁴ In re the Petition of New Jersey Natural Gas Company for Approval of an Extension of the Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket Nos. GO12070640 and GR12070641 (June 21, 2013.)

⁵ In re the Petition of New Jersey Natural Gas Company for Approval of an Extension of the Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO12070640 (August 21, 2013.)

("July 2015 Order"),⁶ the Board authorized NJNG to extend the SAVEGREEN Program through July 31, 2017. By Order dated June 29, 2016, the Board approved a no-cost extension of the existing SAVEGREEN programs through December 31, 2018.⁷

March 2018 Filing

On March 29, 2018, NJNG filed the instant petition with the Board including supporting testimonies of Thomas J. Massaro, Isaac Gabel-Frank, and Daniel P. Yardley. In the filing, the Company requested Board authorization to continue its existing energy efficiency programs with some modifications, as well as to continue its on-bill repayment program ("OBRP"). In addition, the Company sought approval to implement several new energy efficiency programs, including Emerging Technologies and Approaches, Community Efficiency, and SAVEGREEN Low Income Solar. The Company sought approval to continue the existing SAVEGREEN programs, as well as various new SAVEGREEN programs, and the implementation of a new proposed solar program through December 31, 2024.

As proposed in the filing, the total projected cost of the SAVEGREEN programs is approximately \$352.84 million over the six (6) year program period, comprised of \$158.37 million of direct investment, \$182.83 million of loans and associated OBRP, and \$11.64 million of operation and maintenance expenses.

In addition, the Company requested approval of rate recovery of all costs through its EE Rider, as well as a return on investment. NJNG estimated it would recover a total of approximately \$302.28 million through 2049. NJNG requested that any variance between cost and recovery accrue at the rate of the Company's most recent monthly commercial payment rate. The Company did not request a contemporaneous change in the rate, stating that it would address recovery of the costs associated with the proposed SAVEGREEN program in its annual energy efficiency rate filing.⁸

By Order dated April 25, 2018, the Board designated President Fiordaliso as Presiding Commissioner and authorized him 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. Further, the Board ordered that any entity seeking to intervene or participate file the appropriate application with the Board by May 27, 2018.

On April 26, 2018, Board Staff notified the Company that the March 29, 2018 filing was deemed administratively complete. Therefore, pursuant to the Board's May 2008 Order, the 180-day review period commenced on March 29, 2018.

By letter dated May 25, 2018, Public Service Electric & Gas ("PSE&G") Company filed a motion to intervene. In its motion, PSE&G argued that as the State's largest electric and gas

⁶ In re the Petition of New Jersey Natural Gas Company for Approval of an Extension of the Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO12070640 (July 23, 2015.)

⁷ In re the Petition of New Jersey Natural Gas Company for Approval of the Extension of Energy-Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1, BPU Docket No. GO14121412 (June 29, 2016.)

⁸ The Company filed its annual energy efficiency rate filing on May 29, 2018. I/M/O New Jersey Natural Gas Company - Approval Of The Cost Recovery Associated With Energy Efficiency Programs, BPU Docket No. GR18050585.

distribution company the Board's decision in this matter could have precedential effect on PSE&G due to its existing and anticipated future energy efficiency and solar investments. On May 25, 2018, NJNG filed a response in opposition, arguing that its filing has no direct impact on PSE&G since PSE&G is not a NJNG customer. In addition, NJNG stated that since none of its prior EE filings had such an effect, it could be deduced that neither would the current filing. NJNG also objected to participant status. By letter dated June 7, 2018, PSE&G filed a response to NJNG, asserting that there is no requirement that an intervenor in a utility matter be a customer of the utility in question. PSE&G reiterated its claim that it had a significant interest by virtue of being a utility which delivered electric and gas service and which had invested over a billion dollars in clean energy. By letter dated June 6, 2018, Rate Counsel filed a statement of no position on PSE&G's motion. By Order dated September 11, 2018, President Fiordaliso denied PSE&G's motion to intervene but in the alternative granted PSE&G participant status.

After notice in newspapers of general circulation within the service territory, public hearings were held on July 25, 2018 in Freehold Township, New Jersey and on July 26, 2018 in Rockaway Township, New Jersey. No members of the public appeared at any of the public hearings. Two written comments were received by the Board in support of the Company's filing.

STIPULATION

Following discovery, the Parties executed the Stipulation on September 10, 2018 in this matter. In a letter dated September 7, 2018, PSE&G indicated that it had no objection to the Stipulation. The Stipulation provides for the following:⁹

13. The Parties agree that the Company may offer the following approved sub-programs (collectively, "SAVEGREEN 2018") for a term of three (3) years commencing January 1, 2019 and ending December 31, 2021, subject to the Parties' re-assessment after the second year of the three-year term:

	Direct Investment	OBRP / Financing	Total
<u>RESIDENTIAL:</u>			
BEHAVIORAL	\$ 5,879,122	\$ -	\$ 5,879,122
EFFICIENT PRODUCTS REBATES	15,755,716	5,629,986	21,385,702
HOME ENERGY ASSESSMENTS	2,098,823	381,931	2,480,754
HVAC INCENTIVES	8,547,165	17,605,875	26,153,040
HOME PERFORMANCE w/ ENERGY STAR	1,669,618	41,207,257	42,876,875
TOTAL RESIDENTIAL	\$ 33,950,443	\$ 64,825,049	\$ 98,775,492
<u>COMMERCIAL & INDUSTRIAL:</u>			
SAVEGREEN ON MAIN INCENTIVE	\$ 2,742,441	\$ 3,996,587	\$ 6,739,028
ENGINEERED SOLUTIONS INCENTIVES	13,184,838	8,534,560	21,719,397
DIRECT INSTALL / SMART START	560,020	7,261,721	7,821,741
TOTAL COMMERCIAL & INDUSTRIAL	\$ 16,487,299	\$ 19,792,867	\$ 36,280,166
TOTAL PROGRAM	\$ 50,437,742	\$ 84,617,917	\$ 135,055,659

⁹ Although summarized 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. Each paragraph is numbered to coincide with the paragraphs in the Stipulation.

14. The Operation and Maintenance ("O&M") expense for SAVEGREEN 2018, including Administration and Program Development, Sales and Marketing, Training, Audit and Quality Control, and Evaluation and Related Research, shall not exceed \$5.22 million. To facilitate the startup of the Programs, the Company may incur costs upon the effective date of the Board Order which will be reviewed in the Company's subsequent Energy Efficiency Cost Recovery filing.
15. The Parties agree that the design for all sub-programs will be as described in Attachment A of the Stipulation, The SAVEGREEN 2018 Program Plan.
16. In an effort to avoid market disruption, and maintain momentum in energy efficiency, the Parties agree to implement NJNG's SAVEGREEN 2018 and its contained sub-programs for the specific term and design as described in Attachment A of the Stipulation and to address any potential modifications to term and/or conditions of the sub-programs as detailed in the Stipulation.
17. To effectuate any future modifications to the energy efficiency market, NJNG will, no later than December 31, 2020, file a comprehensive assessment of the SAVEGREEN 2018 Program with the Board and Rate Counsel. This assessment will include, but not be limited to, the following items:
 1. A Cost Benefit Analysis ("CBA"), reflective of actual costs and customer participation. The CBAs shall be calculated in accordance with prevailing approved NJCEP protocols at the subprogram level and will include:
 - a. CBA ratios for the following tests:
 - Participant Cost Test
 - Program Administrator Cost Test
 - Ratepayer Impact Measure Test
 - Total Resource Cost Test
 - Societal Cost Test
 - b. Energy savings by fuel type
 - c. Monetary savings
 - d. Environmental savings
 2. Summary CBAs will also be provided at the program and portfolio level;
 3. The number of participants by sub program;
 4. The budgeted dollars per sub program;
 5. The actual dollars spent through October 31, 2020 by type of expenditure:
 - a. Direct Investment
 - b. On-Bill Repayment/Financing
 - c. Administrative costs
 6. The actual dollars committed through October 31, 2020;
 7. Recap of recent policy determinations or NJCEP program changes that are relevant by sub program;

8. Summary of insights and barriers identified to date for the sub-programs;
 9. Summary of relevant insights regarding the potential for joint/aligned utility efforts by sub program, including potential timing for advancements in this area; and
 10. Description of how the program delivery and administrative mechanisms of those programs which are subsequently determined to be more appropriately delivered by NJCEP will be transitioned from NJNG to NJCEP management.
18. NJNG will, no later than February 28, 2021, schedule an initial meeting among the Parties to review this assessment. Based on this discussion, the Parties may schedule additional meetings to discuss potential prospective determinations on the structure of the SAVEGREEN 2018. These determinations may include:
1. No action deemed necessary, i.e., SAVEGREEN 2018 continues as approved for the remainder of the three (3) year term established by the stipulation;
 2. Extension of approved sub-programs to continue for an additional year, i.e., four (4) years in total; and
 3. Modifications to existing sub-programs to comply with the recently approved State legislation, L. 2018, c. 21, changes in the NJCEP, or policy decisions made by the Board since the date of Board approval of the stipulation, or based on program results. These modifications could include processes for some sub-programs to be replaced by successor programs approved through the assessment processes; or
 4. Designating some or all of the programs to be wound down and terminated, depending on the implementation of the legislative requirements, changes in the NJCEP, or policy decisions made by the Board since the date of Board approval of the stipulation, the Board's strategic planning process, or program results.
19. In addition, NJNG commits to share market insights from all SAVEGREEN 2018 programs with the BPU and other stakeholders as the State begins to address the legislative mandates for energy efficiency and renewable energy or as otherwise deemed appropriate by the BPU.
20. Work related to any specific SAVEGREEN 2018 offer or application that has been initiated prior to the end date of December 31, 2021 may continue for close-out and completion purposes within the budget levels agreed to in the Stipulation.
21. The Parties agree that NJNG is permitted to shift funds between the approved sub-programs and operation and maintenance expense, subject to actual participation levels and overall budget considerations. The Company agrees to provide written notice to the BPU and Rate Counsel for any proposed changes between sub-program funding levels or any changes resulting from Board-approved changes to NJCEP programs, including a

description of the proposed budget re-allocation with supporting schedules. Furthermore, if applicable funds approved for SAVEGREEN 2018 through December 31, 2021 are not fully expended or committed by December 31, 2021, NJNG will transfer those amounts to the proposed program work in future years or to other BPU-approved NJNG energy efficiency programs as directed by the Board. The Parties agree that should there be a prospective change to an NJCEP program for which the Company has a corresponding SAVEGREEN 2018 program, the Company will modify its corresponding program to be consistent with the NJCEP program. The Company agrees to implement any such modified offering within sixty (60) days of the BPU Order approving the modification to the NJCEP program, or a date as determined by the BPU. The Company will notify the Parties if it believes that a longer transition time is necessary to perform the required implementation activities by the Company or to better align with NJCEP implementation dates as determined by the BPU, and explain the reasoning and need for the longer timeframe. If a longer transition is needed, the Company will notify the Parties and explain the reasoning and need for the longer timeframe.

22. The Parties agree that the Company is and will be authorized to defer and seek recovery of all reasonable and prudent SAVEGREEN 2018 program costs, including grant costs, customer incentives, and associated reasonable and prudent O&M expenses as noted on Attachment B of the Stipulation. These costs shall be subject to recovery through rates in future periods pursuant to the terms of NJNG's Rider F and separately tracked through a sub-component of Rider F called SAVEGREEN 2018. Annual true-up filings will separately break out the expenses, investments, unamortized investments and revenue requirement calculations for the Program. The SAVEGREEN 2018 program costs shall be subject to the terms set forth in Rider F and shall be recovered through a per-therm EE charge relative to all applicable jurisdictional throughput on the NJNG distribution system as provided in Rider F. Proposed Tariff sheets are provided as Attachment C of the Stipulation.
23. The calculation of the carrying costs on the average monthly balances of under-recovery or over-recovery of deferred costs shall be subject to the terms under Rider F and as described in more detail in the Board's Order in BPU Docket Nos. EO09010056 and EO09010057, dated July 17, 2009. The interest rate shall not exceed the overall rate of return as authorized by the Board in NJNG's pre-tax Weighted Average Cost of Capital ("WACC") as identified in Paragraph 22 of the Stipulation or as authorized in NJNG's subsequent base rate case.

24. NJNG agrees that the SAVEGREEN 2018 program investments made in participating customer rebates and incentive payments will be amortized over a seven (7) year period, on a straight line basis, with the return of the investment and return on the unamortized investments based upon a rate of 6.69 percent as shown in the capital structure below.

	Percent	Embedded Cost	Weighted Cost
Long-Term Debt	45.07%	3.41%	1.54%
Short-Term Debt	2.43%	1.55%	0.04%
Common Equity	52.50%	9.75%	5.12%
Total	100.00%		6.69%

25. The Parties agree that any change in the WACC authorized by the Board in a subsequent base rate case will be reflected in the subsequent monthly revenue requirement calculations as of the date of the next scheduled annual true-up.
26. As currently structured, the customer repayment periods for the OBRP offers will be two (2), three (3), five (5), seven (7), and ten (10) years, depending on the program and total OBRP funds made available. In computing the return component of its costs, NJNG will, in addition to a reduction for the accumulated amortization of its investments, deduct the applicable deferred income taxes related to the amortization of SAVEGREEN 2018 program costs over a two-year, three-year, five-year, seven-year, and ten-year period for book purposes and over one year for tax purposes. NJNG will continue to calculate the monthly net investment balances by subtracting from the monthly net investment balances the current month-end accumulated amortization balances.
27. The SAVEGREEN 2018 program investments and operating costs will be reconciled to actual recoveries from the EE Rate in the EE Rate Recovery filings to be submitted in June of each year, for which the Company may seek recovery. Any federal or state benefits, if applicable, received by the Company and associated with these programs will be used to reduce the revenue requirement to be collected from ratepayers.
28. The Company's current EE Rate Recovery filing, BPU Docket No. GR18050585, seeks a January 1, 2019 effective date. The Company will include in its annual EE Rate Recovery filings the Minimum Filing Requirements ("MFRs") set forth in Attachment D of the Stipulation.
29. NJNG will continue to submit data regarding the SAVEGREEN programs and expenses in accordance with the format and timing dictated by the NJCEP Program Administrator. The Company will continue to submit each report within thirty (30) days of the end of the calendar month covered by the report or consistent with the timing dictated by NJCEP's Program Administrator.

DISCUSSION AND FINDING

During the pendency of this filing, two (2) significant policy shifts occurred. The Governor ordered the Board and several executive branch agencies to begin work on a new Energy Master Plan ("EMP") that would contain several significant changes to former State energy policy as identified in the 2011 New Jersey EMP and 2015 Update to that EMP.¹⁰ At the same time, P.L.2018 c. 17 ("Clean Energy Act") was signed into law. The Clean Energy Act contains several provisions addressing energy efficiency, including provisions specific to the role of energy utilities. The Board has and will continue to maintain a central role in the implementation of these changes to existing law and policy; its energy and clean energy policies will be profoundly impacted. While these changes are pending, a cautious and incremental approach to the introduction of new utility-run programs best supports the transitions under way.

The Stipulation provides for continuing several successful EE programs. The Parties have also agreed to implement several carefully selected new programs for a two-year period, with a third year contingent on review and analysis of an assessment to be submitted by NJNG no later than December 31, 2020.

As the above discussion indicates, much has changed since the Board initially approved NJNG's SAVEGREEN Program on July 17, 2009.¹¹ The Board's commitment to the principles stated in the July 17 Order, however, has not changed. Energy efficiency investments, if properly implemented, serve to help the State meet its environmental goals, serve the need to provide jobs in the short term, and enhance the State's competitiveness, business climate, and economic prospects in the long term. NJNG has been able to build on its relationships with customers to help those customers improve the energy efficiency of existing residential and commercial buildings, and, by proposing the extension of the SAVEGREEN Program, the Company shows that it is committed to continuing that effort. The Board **FINDS** that NJNG's SAVEGREEN Program has assisted in achieving the State's energy efficiency goals.

While the Board remains committed to the principles stated in the July 17, 2009 Order, it is equally committed to achieving the State's goals in a cost effective and efficient manner. Staff and Rate Counsel thoroughly reviewed and analyzed the financial documentation provided by the Company. Based on that review and analysis, and on other information provided by NJNG, Staff and Rate Counsel have executed the Stipulation as being in the public interest. The Board has carefully reviewed the petition submitted by the Company and the Stipulation signed by the Parties. There will be no immediate change to the EE rate or impact on customer bills as a result of the Stipulation. Pursuant to Board-approved Rider F, NJNG shall submit annual filings for changes to the EE rate.

The Board, having carefully reviewed the Stipulation, **HEREBY FINDS** the Stipulation to be reasonable, in the public interest, and in accordance with the law. Accordingly, the Board **HEREBY APPROVES** the attached Stipulation in its entirety, and **HEREBY INCORPORATES** its terms and conditions as though fully stated herein.

The Board **HEREBY RATIFIES** the decisions made by President Fiordaliso during the pendency of this proceeding for the reasons stated in his decisions and Orders.

¹⁰ Executive Order 29 (May 23, 2018).

¹¹ In The Matter Of The Petition Of New Jersey Natural Gas Company For Approval Of Energy Efficiency Programs With An Associated Cost Recovery Mechanism, Docket Nos. EO09010056 and GO09010057 (July 17, 2009) ("July 17 Order").

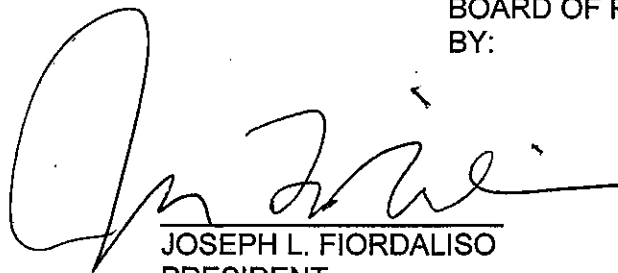
The Board **HEREBY ORDERS** the Company to file revised tariff sheets conforming to the terms of this Order and the Stipulation by October 1, 2018.

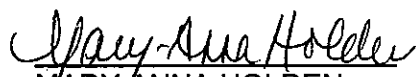
The Company's costs remain subject to audit by the Board. This Decision and Order shall not preclude or prohibit the Board from taking any such actions determined to be appropriate as a result of any such audit.

The effective date of this Order is September 27, 2018.

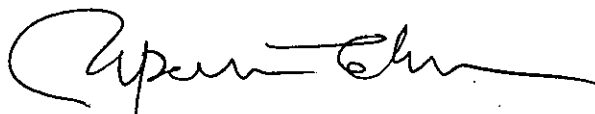
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BOARD OF PUBLIC UTILITIES
BY:

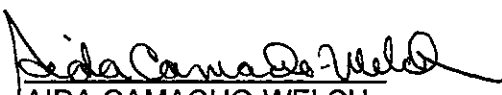

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COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
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 New Jersey Natural Gas Company for Approval of the Extension of Energy Efficiency Programs and the Associated Cost Recovery Mechanism Pursuant to N.J.S.A. 48:3-98.1

BPU DOCKET NO. GO18030355

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