



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 RESOLUTION OF THE)
TOWNSHIP OF LITTLE EGG HARBOR, OCEAN)
COUNTY, NEW JERSEY, AUTHORIZING)
RENEWAL OF THE FRANCHISE AGREEMENT)
WITH NEW JERSEY NATURAL GAS COMPANY)

ORDER APPROVING RENEWAL
OF FRANCHISE AGREEMENT

DOCKET NO. GE20030212

Parties of Record:

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

BY THE BOARD:

New Jersey Natural Gas ("NJNG" or "Company"), a regulated public utility subject to the jurisdiction of the New Jersey Board of Public Utilities ("Board"), is a corporation duly organized under the laws of the State of New Jersey engaged in the distribution and transportation of natural gas to approximately 530,000 residential, commercial and industrial customers located in Monmouth and Ocean Counties, and parts of Middlesex, Burlington, and Morris counties in New Jersey.

NJNG currently provides natural gas service within the Township of Little Egg Harbor ("Township") to 10,112 residential customers and 295 commercial customers. The Company's franchise to use the streets within the Township for the provision of gas service expired on December 21, 2009.¹ On November 14, 2019, by Resolution No. 2019-220 ("Resolution"), the Township renewed NJNG's franchise for a period of 10 years, and granted NJNG consent to lay, maintain, and operate gas facilities in the Township. A copy of the Resolution is attached to this Order as Exhibit "A". By letter dated December 3, 2019, NJNG accepted and agreed to the terms and conditions of the Resolution consistent with N.J.S.A. 48:3-16. Copies of the letter of acceptance and the hearing notice are attached to this Order as Exhibits "B" and "C", respectively.

¹ The Board notes that municipal consents often expire some time prior to their renewal even when the Company initiates the renewal process prior to the expiration of the previous term. This is primarily the result of the time necessary for a municipality to fulfill the legal requirements that attend to all formal actions it must take along with the additional time for hearing and Board approval as required by law. The Board has been assured that pending review of its petition, NJNG represents that it has continued to provide service to its customers within the Township in an uninterrupted manner.

On March 5, 2020, NJNG filed a petition with the Board, pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, seeking approval of the franchise renewal agreement granted by the Township. As required by law and after notice, a municipal consent hearing in this matter was held on August 17, 2020. Heather Weisband, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel ("Rate Counsel") and Board Staff. No other party participated in the hearing or filed any written comments with the Board related to this matter.

At the hearing, the Company relied on its petition and exhibits filed with the Board and presented the testimony of Joseph Puglisi, Supervising Engineer. According to Mr. Puglisi's testimony and discovery responses, NJNG anticipates growth in the Township over the next five (5) years of approximately 150 to 200 customers annually. Mr. Puglisi also testified that the Company has the capacity to meet the anticipated level of growth within the municipality, and has no plans to change its gas distribution system within the Township.

Rate Counsel, in its written comments to the petition dated October 2, 2020, indicated that it does not object to the Company's petition since the Company represented that it has the capacity necessary to continue to provide natural gas service to the Township. The term of the municipal consent related to the use of streets is limited to a term of 10 years. However, Rate Counsel requested the approval of the petition include certain restrictions which are incorporated in this Order.

DISCUSSION AND FINDINGS

After careful review and consideration of the petition and exhibits submitted in this matter, the Board **HEREBY FINDS** that the renewal of the franchise agreement granted to NJNG by the Township of Little Egg Harbor is necessary and proper for the public convenience, and properly serves the public interest, and that NJNG has the ability to continue to provide safe, adequate, and proper service. The Board **FURTHER FINDS** that the Company has the necessary experience, financial capability, capacity, and facilities in the Township to continue to provide adequate and appropriate service to its existing and future customers, and that the 10 year duration of the municipal consent to use the streets is consistent with N.J.S.A. 48:3-15. Accordingly, the Board, pursuant to N.J.S.A. 48:2-14, **HEREBY APPROVES** the consent granted to NJNG by the Township to continue to provide gas service, and for the continued use of its public streets for that purpose for a period of 10 years.

The approval granted hereinabove shall be subject to the following provisions:

1. As required by N.J.S.A. 48:3-15, and limited by the Resolution, the municipal consent to construct, maintain and operate gas lines in the streets and other public places in the Township is limited to a term not exceeding 10 years.
2. This Order shall not be construed as directly or indirectly fixing for any purposes whatsoever the value of any tangible or intangible assets now owned or hereafter to be owned by NJNG.
3. This Order shall not affect, nor in any way limit, the exercise of the authority of this Board or of the State in any future petition or in any proceedings with respect to rates, franchises, services, financing, accounting, capitalization, depreciation, or in any other matters affecting NJNG.


This Order shall be effective on November 28, 2020.

DATED: November 18, 2020

BOARD OF PUBLIC UTILITIES
BY:



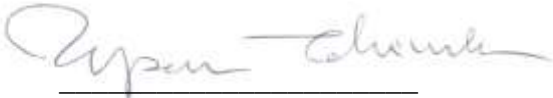
JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

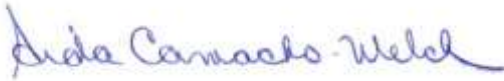


UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

IN THE MATTER OF THE RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, OCEAN
COUNTY, NEW JERSEY, AUTHORIZING RENEWAL OF THE FRANCHISE AGREEMENT WITH NEW
JERSEY NATURAL GAS COMPANY
BPU DOCKET NO. GE20030212

SERVICE LIST

Township of Little Egg Harbor:

Diana K. McCracken, RMC
Township Clerk
Township of Little Egg Harbor
655 Radio Road
Little Egg Harbor, New Jersey 08087

New Jersey Natural Gas Company:

1415 Wyckoff Road
Post Office Box 1464
Wall, NJ 07719

Mark G. Kahrer
mkahrer@njng.com

Andrew Dembia
adembia@njng.com

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Trenton, NJ 08625-0003

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Terel Klein, DAG
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Michael Beck, DAG
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Exhibit A: Resolution

RESOLUTION NO. 2019 – 220

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG
HARBOR, COUNTY OF OCEAN, STATE OF NEW
JERSEY, AUTHORIZING THE RENEWAL OF THE
FRANCHISE AGREEMENT WITH NEW JERSEY
NATURAL GAS COMPANY**

WHEREAS, New Jersey Natural Gas Company has heretofore been granted a franchise and consent to lay, maintain and operate gas facilities in the Township of Little Egg Harbor; and

WHEREAS, New Jersey Natural Gas Company is desirous of extending and renewing the period of the consent to this municipality to exercise its franchise rights in the Township of Little Egg Harbor for the purpose of furnishing gas therein.

NOW, THEREFORE, BE IT RESOLVED, that New Jersey Natural Gas Company be and it is hereby authorized to lay, maintain, and operate its conductors, mains and pipes, together with the appurtenances thereto, in all the public streets, alleys, squares and public places in this municipality which are under the control and jurisdiction of the Township for the purpose of conducting gas, or any mixture of gases of various type including natural gas, and for the purpose of transmitting and distributing such gas in this municipality for a period of ten (10) years from the date hereof, upon the following terms and conditions:

1. That New Jersey Natural Gas Company shall report to the department of public works and the Township engineer, annually, their intentions with regard to prospective work requiring future street openings in the community for the purpose of coordinating such activity with pavement projects anticipated by the Township. Except in the case of an emergency, the Township shall have the right to schedule street openings in a manner which will create the least disturbance to payment courses, in furtherance of which purpose the department of public works shall provide a schedule of expected street construction and resurfacing; and
2. That New Jersey Natural Gas Company shall agree that, in all cases in which street openings or excavations are made for the purposes aforesaid, the pavement and the surface of the streets, alleys, squares or roadways shall be restored to the same condition as existed prior to the opening thereof. The restoration shall include milling and repaving of the area so as to blend uniformly with the adjacent roadway, including restoration of pavement markings, signage and all other appurtenances; and
3. Prior to the beginning of any street openings or excavations for the aforesaid purposes, New Jersey Natural Gas Company shall apply, in writing, on forms to be supplied by New Jersey Natural Gas Company, to the Township Clerk, acting as an agent of this governing body for permission to make any street

opening or excavations. The Construction official is authorized to demand a cash escrow or equivalent in an amount not to exceed \$10,000 to ensure that any road opening is restored satisfactorily; and

4. That New Jersey Natural Gas Company shall conduct the work or the laying or maintaining of gas pipes therein in a careful and prudent manner; and
5. That New Jersey Natural Gas Company shall safeguard the public interest in continuous and uninterrupted service at and after the expiration of the term of the grant; and
6. That New Jersey Natural Gas Company shall maintain its property in good order throughout the full term of the grant; and
7. That New Jersey Natural Gas Company shall continuously afford safe, adequate and proper service at just and reasonable rates.

BE IT FURTHER RESOLVED, that this franchise consent, upon approval of the Board of Public Utilities of the State of New Jersey, shall supersede the Resolution granted by the Township of Little Egg Harbor on December 21, 1959; and

BE IT FURTHER RESOLVED, that New Jersey Natural Gas Company shall file with the clerk of this municipality, within sixty (60) days from the date hereof, its acceptance of the terms and provisions of the franchise consent herein granted and its agreement to be bound by the terms and provisions thereof; and

BE IT FURTHER RESOLVED, that this resolution shall not become effective until it is approved by the Board of Public Utilities of the State of New Jersey.

CERTIFICATION

I, **DIANA K. MCCRACKEN, RMC**, Clerk of the Township of Little Egg Harbor, do hereby certify that the foregoing resolution was duly adopted by the Little Egg Harbor Township Committee at a meeting held on the 14th day of **November, 2019**.


DIANA K. MCCRACKEN, Township Clerk
Township of Little Egg Harbor

Exhibit B: Letter of Acceptance



December 3, 2019

VIA FEDERAL EXPRESS

Diana K. McCracken, RMC
Township Clerk
Township of Little Egg Harbor
655 Radio Road
Little Egg Harbor, New Jersey 08087

**Re: RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING
THE RENEWAL OF THE FRANCHISE AGREEMENT WITH
NEW JERSEY NATURAL GAS COMPANY
RESOLUTION NO. 2019 - 220**

Dear Ms. McCracken:

New Jersey Natural Gas Company ("NJNG") hereby accepts the terms and provisions of the resolution authorizing renewal of the franchise agreement granted by the Township of Little Egg Harbor on November 14, 2019, and hereby agrees to be bound by the terms and provisions thereof. See Resolution No. 2019 - 220 (the "Resolution") herein enclosed.

NJNG will submit the Resolution to the New Jersey Board of Public Utilities (the "BPU") for approval and provide you with advance notice of the BPU hearing on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Gonzalez', is written over a horizontal line.

Alex Gonzalez, Esq.
Assistant General Counsel

AG:sg
Enclosure

219937

1415 Wyckoff Road P.O. Box 1464 Wall, NJ 07719 Phone: 800-221-0051 www.njng.com

Exhibit C: Hearing Notice



July 28, 2020

BY ELECTRONIC MAIL

Diana K. McCracken,
RMC Township Clerk
Township of Little Egg Harbor
655 Radio Road
Little Egg Harbor, New Jersey 08087

Carl W. Block, County Administrator
Ocean County
101 Hooper Ave.
Admin Building
Toms River, NJ 08754-2191

Scott M. Colabella, County Clerk
Ocean County Court House
118 Washington St.
PO Box 2191
Toms River, New Jersey 08754

RE: In the Matter of the Petition of New Jersey Natural Gas Company for the Approval of a Municipal Franchise in the Township of Little Egg Harbor, Ocean County BPU Docket No. GE20030212

Dear the Parties Addressed:

Pursuant to the provisions of N.J.S.A. 48:2-14, New Jersey Natural Gas Company ("NJNG") has applied to the New Jersey Board of Public Utilities ("Board") for approval of the Township of Little Egg Harbor's ("Township") Resolution No. 2019-220, which granted NJNG permission to continue to provide natural gas service in the Township as provided in said Resolution. Please be advised that the Board has set August 17, 2020 at 10:00am-12:30pm EST, as the date and time for the Municipal Consent Hearing. Due to the COVID-19 pandemic, this Municipal Consent Hearing will be held via Zoom. The Zoom log-in information is as follows:

<https://zoom.us/j/2458136397?pwd=V3ZURkMxRnhDVk43SFEvbGZsRktFZz09>
Passcode: 871017

My assistant, Susan Fastuca is the Zoom meeting organizer. A Zoom meeting invitation will be sent to you in advance of the scheduled date for this Municipal Consent Hearing. You are welcome to participate in the Zoom meeting to put your views on the record if you so desire. Also, notice of the hearing is posted on the Company's web site, njng.com, so interested members of the public may view the hearing.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Andrew K. Dembia'. Below the signature, the name and title are printed in a black, sans-serif font.

Andrew K. Dembia, Esq.
Regulatory Affairs Counsel

AKD:sf
C: Service List

1415 Wyckoff Road P.O. Box 1464 Wall, NJ 07719 Phone: 800-221-0051 www.njng.com