



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
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 SOUTH )  
JERSEY GAS COMPANY FOR APPROVAL OF A )  
MUNICIPAL CONSENT IN THE TOWNSHIP OF )  
WEYMOUTH, ATLANTIC COUNTY, NEW JERSEY )

DECISION AND ORDER

DOCKET NO. GE13030247

**Parties of Record:**

**Stacy A. Mitchell, Esq.**, on behalf of Petitioner, South Jersey Gas Company  
**Stefanie A. Brand, Esq.**, Director, Division of Rate Counsel

BY THE BOARD:

South Jersey Gas Company ("SJG" or "Company"), a regulated utility subject to the jurisdiction of the Board of Public Utilities ("Board"), is a corporation duly organized under the laws of the State of New Jersey engaged in the business of transmission and distribution of natural gas to approximately 360,000 customers within its service territory.

SJG currently provides natural gas service within the Township of Weymouth ("Township") to approximately 315 residential and 13 commercial customers. That portion of the Company's consent from the Township related to use of the streets expired on February 7, 2001.<sup>1</sup> On June 6, 2012, the Township renewed its consent by adopting Ordinance No. 504-2012 which gave SJG consent and permission to lay and construct its facilities within the public rights-of way for the purpose of conducting and distributing natural gas within the Township for a term of 25 years. By letter dated March 5, 2013, the Company accepted and agreed to the terms of the consent. Copies of the Ordinance and the letter of acceptance are attached to this Order as Exhibits "A" and "B," respectively.

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<sup>1</sup> 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, SJG has continued to provide service to its customers within the Township in an uninterrupted manner.

On March 25, 2013, pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, SJG filed a petition requesting that this Board give its approval to the consent adopted by the Township. As required by law, and after notice, a hearing in this matter was held on June 12, 2013, before Edward D. Beslow, Esq., the Board's duly appointed Hearing Examiner. Appearances were made on behalf of the Company, the Division of Rate Counsel ("Rate Counsel") and Board Staff. No other party participated in the hearing or filed any written submission with the Board related to this proceeding.

At hearing, the Company relied on its petition and exhibits filed with the Board and presented the testimony of Charles F. Dippo, its Senior Vice-President of Engineering Services and System Integrity. Mr. Dippo testified that the Company has provided continuous service to the Township, and retains the financial resources, facility base, operational expertise and capacity to maintain safe, adequate and proper service to the customers in the Township which customer base he believes, based on sales and marketing projections, will increase by approximately 125 customers over the next ten-year period.

Rate Counsel, in its written comments to the petition dated July 9, 2013, stated that it had no objection to the granting of the relief requested by SJG provided that the Board clarified that the consent to provide service is limited to 25 years to match the term of the consent to use the streets. Rate Counsel also recommended that the Board include in its Order the terms and conditions that have been traditionally been made part thereof.

After a full review of the entire record, the Board **HEREBY FINDS** that the municipal consent, which is the subject of this matter, is necessary and proper for the public convenience and properly conserves the public interest, and that SJG has the ability to install, operate and maintain the appropriate infrastructure to allow it 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 customers. With regard to Rate Counsel's comments, the Board reads Section 3 of Township Ordinance No. 504-2012 as granting to the Company coextensive "permission and consent" to serve and to use the streets of the Township, with both limited to a period of 25 years from the date of Board approval. Accordingly, the Board, pursuant to N.J.S.A. 48:2-14, **HEREBY APPROVES** the consent granted to SJG by the Township for the provision of gas service in the Township as sought in the Company's petition.

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

1. 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 SJG.
2. The rates for service to SJG's customers in the Township shall continue to be those set in the Company's current tariff approved by and on file with the Board. These rates shall remain in effect until otherwise approved by the Board.
3. This Order shall not effect nor in any way limit the exercise of the authority of this Board 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 SJG.

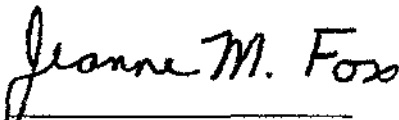
4. In an appropriate subsequent proceeding, SJG shall have the burden of demonstrating whether, and to what extent, any of the costs associated with this petition shall be allocated to ratepayers.
5. Approval of this municipal consent does not constitute Board approval of any costs or expenses associated with this petition. Any determination as to the appropriateness or reasonableness of the costs and expenses related to the franchise, including but not limited to, cost of construction, contributions in aid of construction, depreciation on contributed plant, the cost of connection, or any related capital improvements, and the allocation of such costs and expenses, shall be made in an appropriate subsequent proceeding.
6. The Company has agreed to a 25-year limitation on the consent for the use of the streets. The term of the consent as to the right to provide service is not limited by this Order and shall be effective as previously granted by the Township.

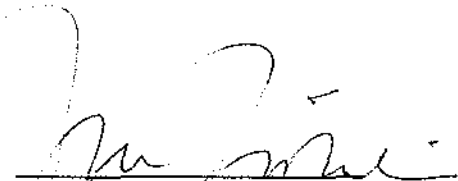
This Order shall be effective as of May 2, 2014.

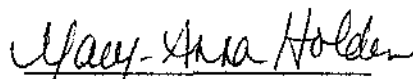
DATED: 4/24/14

BOARD OF PUBLIC UTILITIES  
BY:

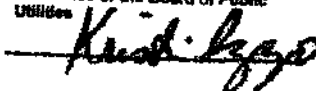
  
DIANNE SOLOMON  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
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 A MUNICIPAL CONSENT IN THE TOWNSHIP OF WEYMOUTH,  
ATLANTIC COUNTY, NEW JERSEY - DOCKET NO. GE13030247

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**EXHIBIT**

**A**

EXHIBIT "A"

WEYMOUTH TOWNSHIP  
ATLANTIC COUNTY  
NEW JERSEY


ORDINANCE NO. 504-2012

AN ORDINANCE GIVING AND GRANTING CONSENT AND PERMISSION TO THE SOUTH JERSEY GAS COMPANY, A CORPORATION OF THE STATE OF NEW JERSEY, TO FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE TOWNSHIP OF WEYMOUTH, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY.

The members of the Township Committee of the Township of Weymouth do ordain:

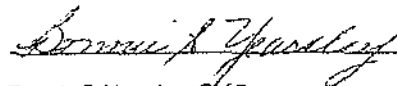
- Section 1. That exclusive and perpetual consent and permission is hereby given to South Jersey Gas Company, a corporation of the State of New Jersey, subject to approval of such consent and permission by the Board of Public Utilities of the State of New Jersey.
- Section 2. That exclusive consent and permission is hereby given to South Jersey Gas company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Township of Weymouth in the manner required by R.S. 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.
- Section 3. The consents granted in Sections 1 and 2 are granted for the entire geographical area of the Township of Weymouth and extend to its boundaries. The term of this consent shall be 25 years from the date of the adoption of this ordinance
- Section 4. The said South Jersey Gas Company shall within thirty (30) days after the passage of this ordinance file with the Township Clerk a bond in the amount of Ten Thousand Dollars (\$10,000.00) to guarantee satisfactory restoration, as determined by the Township Engineer, of any street or public place which may be opened by it during the 25 year term of this consent.
- Section 5. The said South Jersey Gas Company shall also provide certification of liability insurance coverage for all of its work within the municipality in an amount to equal one million dollars and naming Weymouth Township as an also insured.
- Section 5. This ordinance shall take effect after its final passage and publication according to law.

WEYMOUTH TOWNSHIP

BY   
Amelia A. Messina, Mayor

This is to certify that the foregoing Ordinance was introduced by Title at a Regular Meeting of the Weymouth Township Committee which was held on May 16, 2012. This Ordinance was then advertised and a Second Reading and Public Hearing was held on June 6, 2012 after which time it was finally adopted.

Attest:



Bonnie S. Yearsley, CMC  
Weymouth Township Clerk  
June 6, 2012

**EXHIBIT**

**B**

EXHIBIT "B"



South Jersey Industries

Where we put all of our energy\*

Gina Merritt-Epps, Esq.  
Office of General Counsel and Corporate Secretary  
General Counsel and Corporate Secretary

March 5, 2013

Bonnie S. Yearsley, Township Clerk  
Township of Weymouth  
45 South Jersey Avenue  
Dorothy, NJ 08317

Re: Acceptance of Ordinance No. 504-2012 Granting Municipal Consent to Provide Natural Gas by  
South Jersey Gas Company

Dear Ms. Yearsley:

I am writing on behalf of South Jersey Gas Company ("SJG") to advise that we received a fully executed copy of Ordinance No. 504-2012 (copy attached) granting municipal consent for SJG to provide gas and lay its mains and pipes in the Township of Weymouth. Pursuant to the requirements of N.J.S.A. 48:3-16, SJG hereby accepts Ordinance No. 504-2012, as passed.

In addition, I have enclosed a copy of the following two required documents:

1. Performance and Maintenance Surety Bond issued by SJG in the amount of \$10,000 which is valid for the period of July 1, 2012 through June 30, 2013. Please sign and date the enclosed document.
2. Certificate of Liability Insurance coverage in reference to all work within the municipality in an amount equal to one million dollars naming Weymouth Township as an additional insured.

Thank you for your assistance in this regard.

Very truly yours,

  
Gina Merritt-Epps  
[gmerritt@sjindustries.com](mailto:gmerritt@sjindustries.com)

Enclosure

cc (via email): John Stanziola, Director of Regulatory Affairs  
Ira G. Megdal, Esq.  
Stacy A. Mitchell, Esq.  
Ilene Lampitt  
Sherri Vasu  
Thomas Hewitt