



Elizabethtown Gas™

An AGL Resources Company

300 Connell Drive, Suite 3000  
Berkeley Heights, NJ 07922  
908 289 5000 phone  
www.elizabethtowngas.com

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NJ BPU  
MAILROOM

October 24, 2014

**VIA ELECTRONIC AND REGULAR MAIL**

Honorable Kristi Izzo, Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
P.O. Box 350  
Trenton, NJ 08625-0350

REC'D  
2014 OCT 27 PM 1 51  
NJ BPU  
CASE MANAGEMENT

**Re: I/M/O The Petition Of Pivotal Utility Holdings Inc. d/b/a  
Elizabethtown Gas for Approval of a Municipal Franchise in  
the Borough of Andover, Sussex County  
BPU Docket No. GE 14101230**

Dear Secretary Izzo:

Enclosed please find an original and 10 copies of a petition being filed on behalf of Pivotal Utility Holdings Inc. d/b/a Elizabethtown Gas ("Elizabethtown" or "the Company") for the approval of a municipal franchise for the Borough of Andover in Sussex County. I have included a copy of the municipal consent, acceptance of the terms and conditions and a copy of a proposed public notice.

Copies of the petition are also being served upon the Division of Rate Counsel.

Kindly acknowledge receipt of this filing by date stamping the enclosed copy of this letter and returning same in the self-addressed, stamped envelope.

Thank you.

Respectfully yours,

  
Mary Patricia Keefe,  
Vice President, Regulatory Affairs  
and Business Support

CM's  
LEGAL  
E. Bestow  
DAG  
RPA  
J. MAY  
A. Bator  
MPK/adh

ENERGY(H)TCC

Enclosures

cc: (Service List attached)

IN THE MATTER OF THE PETITION OF  
 PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS  
 FOR APPROVAL OF A MUNICIPAL FRANCHISE IN  
 THE BOROUGH OF ANDOVER, SUSSEX COUNTY  
 BPU DOCKET NO. GE \_\_\_\_\_

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SERVICE LIST

Kristi Izzo, Secretary <b>Board of Public Utilities</b> 44 South Clinton Avenue, 9 <sup>th</sup> Floor P.O. Box 350 Trenton, NJ 08625-0350	Stefanie A. Brand, Director <b>Division of Rate Counsel</b> 140 East Front Street, 4 <sup>th</sup> Floor P.O. Box 003 Trenton, NJ 08625	James Glassen, Esq. <b>Division of Rate Counsel</b> 140 East Front Street, 4 <sup>th</sup> Floor P.O. Box 003 Trenton, NJ 08625
Edward Beslow, Chief Legal Specialist <b>Board of Public Utilities</b> 44 South Clinton Avenue, 10 <sup>th</sup> Floor P.O. Box 350 Trenton, NJ 08625-0350 (via electronic mail)	William Agee, Legal Specialist <b>Board of Public Utilities</b> 44 South Clinton Avenue, 10 <sup>th</sup> Floor P.O. Box 350 Trenton, NJ 08625-0350	Alice Bator, Chief Bureau of Rates & Tariffs <b>Board of Public Utilities</b> 44 South Clinton Avenue, 2nd Floor P.O. Box 350 Trenton, NJ 08625-0350
Jerome May, Director, Division of Energy <b>Board of Public Utilities</b> 44 South Clinton Avenue, 2nd Floor P.O. Box 350 Trenton, NJ 08625-0350 (via electronic mail)	Ricky John Division of Energy <b>Board of Public Utilities</b> 44 South Clinton Avenue, 7th Floor P.O. Box 350 Trenton, NJ 08625-0350 (via electronic mail)	
Mary Patricia Keefe, Esq. Vice President, Regulatory Affairs and Business Support <b>Elizabethtown Gas Company</b> 300 Connell Drive, Suite 3000 Berkeley Heights, NJ 07922	Gary Marmo, Director New Business Development Mid-Atlantic Operations <b>Elizabethtown Gas Company</b> 300 Connell Drive, Suite 3000 Berkeley Heights, NJ 07922	Deborah M. Franco, Esq. <b>Cullen and Dykman LLP</b> 100 Quentin Roosevelt Boulevard Garden City, New York 11530-4850

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NJ BPU  
MANAGEMENT

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

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MAILROOM

**IN THE MATTER OF THE PETITION OF )  
PIVOTAL UTILITY HOLDINGS, INC. D/B/A )  
ELIZABETHTOWN GAS )  
FOR APPROVAL OF A MUNICIPAL )  
FRANCHISE IN THE BOROUGH OF )  
ANDOVER, SUSSEX COUNTY )**

**BPU DOCKET NO. \_\_\_\_\_**

**SUMMARY**

**TO: THE HONORABLE COMMISSIONERS OF  
THE BOARD OF PUBLIC UTILITIES**

This petition presents the request of Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas (“Petitioner”) for the Board of Public Utilities to approve a municipal consent in the Borough of Andover, Sussex County, New Jersey. The Borough has granted the franchise consent by ordinance subject to the approval of the Board of Public Utilities.

REC'D  
2014 OCT 27 PM 1  
CASE MANAGEMENT  
NJ BPU

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

RECEIVED  
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MAILROOM

IN THE MATTER OF THE PETITION OF )  
PIVOTAL UTILITY HOLDINGS, INC. D/B/A )  
ELIZABETHTOWN GAS )  
FOR APPROVAL OF A MUNICIPAL )  
FRANCHISE IN THE BOROUGH OF )  
ANDOVER, SUSSEX COUNTY )

BPU DOCKET NO. \_\_\_\_\_  
PETITION

TO: THE HONORABLE COMMISSIONERS OF  
THE BOARD OF PUBLIC UTILITIES

By this petition, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas (“Elizabethtown” or “the Company”), hereby requests that the New Jersey Board of Public Utilities (BPU or Board) pursuant to *N.J.S.A.* 48:2-14 and *N.J.A.C.* 14:1-5.5 approve the franchise granted by the Borough of Andover, Sussex County, New Jersey. In support of its petition, Elizabethtown states the following:

1. All communications with respect to this pleading and in this proceeding should be served on the following person:

Mary Patricia Keefe, Esq.  
Vice President, Regulatory Affairs  
and Business Support  
Pivotal Utility Holdings, Inc.  
d/b/a Elizabethtown Gas  
300 Connell Drive, Suite 3000  
Berkeley Heights, New Jersey 07922  
Tel. No. (908) 771-8220  
[mkeefe@aglresources.com](mailto:mkeefe@aglresources.com)

Gary Marmo  
Director, New Business Development  
Mid-Atlantic Operations  
Pivotal Utility Holdings, Inc.  
d/b/a Elizabethtown Gas  
300 Connell Drive, Suite 3000  
Berkeley Heights, New Jersey 07922  
Tel. No. (908) 771-8210  
[gmarmo@aglresources.com](mailto:gmarmo@aglresources.com)

Deborah M. Franco, Esq.  
Cullen and Dykman LLP  
100 Quentin Roosevelt Boulevard  
Garden City, New York 11530-4850  
(516) 357-3878  
[DFranco@CullenandDykman.com](mailto:DFranco@CullenandDykman.com)

2. Elizabethtown is a corporation duly organized under the laws of the State of New Jersey and is a public utility engaged in the distribution and transportation of natural gas subject to the jurisdiction of the Board. The Company’s principal place of business is located at 300 Connell Drive, Suite 3000, Berkeley Heights, New Jersey 07922. Elizabethtown distributes natural gas and provides

transportation service at retail to over 275,000 residential, commercial and industrial customers in Hunterdon, Mercer, Middlesex, Morris, Sussex, Union and Warren counties.

3. Elizabethtown has a distribution pipeline located on County Road 517 but does not provide utility service to Andover Borough. Elizabethtown has received interest from area residents wishing to receive natural gas service for home heating purposes. A copy of the municipal consent of Andover Borough is attached as Exhibit A. A letter accepting the terms and conditions pursuant to *N.J.S.A.* 48:3-16 is attached as Exhibit B and a proposed public notice is attached as Exhibit C.

4. *N.J.S.A.* 48:2-14 requires Board approval of a franchise granted by a municipality to a public utility subject to the Board's jurisdiction. The franchise, which is the subject matter of this petition, complies with all statutory and administrative requirements necessary for its approval. The Board's approval of the franchise is necessary and proper for the public convenience and properly conserves the public interests.


**WHEREFORE**, Elizabethtown Gas respectfully requests that the Board:

- (1) Approve the franchise granted to Elizabethtown by the Borough of Andover; and
- (2) Provide any other relief deemed just and equitable.

Respectfully submitted,

Pivotal Utility Holdings, Inc.  
d/b/a Elizabethtown Gas

By:

  
Mary Patricia Keefe, Esq.  
Vice President, Regulatory Affairs  
and Business Support  
Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas

DATED: October 24, 2014

VERIFICATION

STATE OF NEW JERSEY )

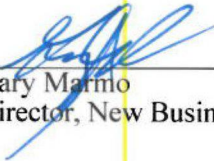
:

COUNTY OF UNION )

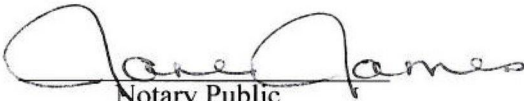
Gary Marmo, being duly sworn, deposes and says:

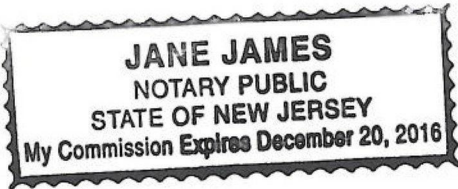
1. I am Director, New Business Development for Elizabethtown Gas at 300 Connell Drive, Suite 3000, Berkeley Heights, New Jersey 07922.

2. I have read the foregoing Petition, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Gary Marmo  
Director, New Business Development

Sworn to before me this 24<sup>TH</sup> day  
of October, 2014

  
Notary Public



**EXHIBIT A**

## PETITION FOR MUNICIPAL FRANCHISE

TO THE HONORABLE MAYOR AND BOROUGH COUNCIL OF THE  
BOROUGH OF ANDOVER

Petitioner, Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas ("Elizabethtown" or "Company"), a public utility corporation of the state of New Jersey respectfully shows:

1. Petitioner is a corporation duly organized under the laws of the State of New Jersey, and is a public utility engaged in distribution of natural and mixed gas, subject to the jurisdiction of the New Jersey Board of Public Utilities ("NJBPU" or "the Board"). The principal business office of the petitioner is 300 Connell Drive, Suite 3000, Berkeley Heights, New Jersey 07922.

2. Communications and correspondence relating to the proceeding herein should be sent as follows:

Mary Patricia Keefe  
Vice President, Regulatory Affairs  
300 Connell Drive, Ste. 3000  
Berkeley Heights, NJ 07922

3. Petitioner is engaged in the business of transmitting and distributing natural and mixed gas to approximately 275,000 customers within its service area located principally in Hunterdon, Mercer, Middlesex, Morris, Sussex, Union and Warren Counties.

4. The Borough of Andover, in the County of Sussex, New Jersey is not served with gas under a franchise consent.

5. Elizabethtown currently serves other communities within Sussex County.

6. Elizabethtown respectfully requests permission to convey, supply and distribute gas for light, heat, power and other purposes for public and private use and



consumption along and under all the streets, avenues, alleys, parks, parkways, highways or other public places within the Borough as they now exist or may be hereinafter laid out by the municipal authorities of the said Borough or dedicated to said Borough of Andover.

7. The form of Ordinance annexed hereto as Schedule A has been submitted to the Honorable Mayor and Borough Council for their consideration. By the terms of such Ordinance, Elizabethtown would agree to restore at its own expense all such streets, avenues, parks, parkways, highways, sidewalks, grass plots, curbs or other public place to their pre-existing condition at the commencement of any said work; said work shall be done in a careful, prudent and workmanlike manner and within such a time as shall be best for the proper restoration thereof.

8. Elizabethtown would agree to give notice to the Borough Council or its duly authorized officials, of its intentions to open or excavate a street or other public place as aforesaid, and would agree to abide by any Ordinance now existing or hereafter passed which regulates the excavation and opening of streets, roads or highways.

9. The work of laying or repairing gas mains and/or distribution lines and laterals shall be done by the Company in a careful, prudent and workmanlike manner at its own expense.

10. Elizabethtown would, at all times, protect and save harmless the Borough of Andover from any and all damages to person or property and from any and all actions, costs or claims which may be caused by or out of, relate to or result from the Company's negligence in construction, laying, repairing, inspecting, altering or maintaining of mains, conductors, pipes and appurtenances thereto.

11. Elizabethtown would agree to execute and file with the Clerk of the

Borough its bond in the penal sum of Ten Thousand (\$10,000.00) Dollars in satisfactory form, guaranteeing its performance of the conditions of the Ordinance which may be enlarged or renewed from time to time as the Borough Council Committee may require.

Respectfully submitted,

  
Mary Patricia Keefe, Vice  
President, Regulatory Affairs

STATE OF NEW JERSEY  
COUNTY OF SUSSEX  
BOROUGH OF ANDOVER

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOROUGH OF ANDOVER GRANTING MUNICIPAL  
CONSENT TO PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN  
GAS TO CONSTRUCT, MAINTAIN AND OPERATE A GAS LINE FOR THE  
DISTRIBUTION OF NATURAL AND MIXED GAS.**

WHEREAS, Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey and a public utility subject to the jurisdiction of the New Jersey Board of Public Utilities, on \_\_\_\_\_, 2013, filed a Petition with the Borough of Andover seeking Municipal Consent to construct, operate and maintain natural and mixed gas distribution lines for public and private consumption throughout the Borough of Andover;

WHEREAS, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, representatives of the Petitioner appeared before the Andover Borough Council on \_\_\_\_\_, 2013 and \_\_\_\_\_, 2013 to present their general plans for extension of gas lines within the Borough as the need arose; and

WHEREAS, the Petitioner has provided public notice of such Petition through publication in the official newspaper of the Municipality, the New Jersey Herald, and by posting notice of such Petition pursuant to Statute.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Andover.

Section I. Grant of Municipal Consent.

Pursuant to N.J.S.A., 48:3-11, the Mayor and Borough Council of the Borough of Andover hereby grant to Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey (hereinafter "Elizabethtown") with principal offices located at 300 Connell Drive, Berkeley Heights, New Jersey 07922, its successors and assigns, a nonexclusive consent, right and privilege for the use, without impairment of, or obstruction to the public use, of the roads, streets, parks, avenues, ways, and other public places of the Borough of Andover to construct, lay, maintain, and operate for a period of twenty-five (25) years, the necessary mains, conductors, pipes and concomitant appurtenances for the purpose of conveying, storing, supplying and distributing natural and mixed gas for heat, power, light and other purposes for public and private use and consumption, along in, or under the following described service area: all the streets, avenues, alleys, parks, parkways, highways, or other public places within the Borough as they now exist or may be hereinafter be laid out by the municipal authorities of the said Borough or dedicated to said Borough.

Section II. Conditions on Grant of Municipal Consent.

The Municipal Consent granted herein is expressly conditioned upon the following:

- (a) the written acceptance of Elizabethtown of the terms and conditions of this municipal Consent Ordinance within thirty (30) days of its final adoption.
- (b) the New Jersey Board of Public Utilities (hereinafter "N.J.B.P.U.") approval of the Consent herein granted and the issuance of such other grants or approvals as determined by the N.J.B.P.U.
- (c) Elizabethtown shall satisfy all Statutory requirements of N.J.S.A. 48:13-1 et seq. regarding the proper organization and operation of a Public Utilities engaged in the distribution of natural and mixed gas, and shall remain subject to the jurisdiction of and comply with all Rules and Regulations of the United States Department of Transportation, Office of Pipeline Safety and the N.J.B.P.U. as well as the Ordinance of the Borough of Andover.
- (d) Elizabethtown shall construct and continuously maintain and operate their distribution line within the service area in a safe and efficient manner, and maintain such gas distribution lines in a state of good operation and repair and including all streets, roads, and public rights-of-way within the Borough of Andover wherein its lines are located.
- (e) the construction, operation and maintenance of the gas distribution system within the rights-of-way of the Borough of Andover shall in no way place any obligation, financial or otherwise, or any liability of any kind, upon the Borough of Andover and no obligation is to attach for the construction, operation and maintenance of the said gas distribution system to the Borough.
- (f) any and all regulating pits and venting structures or like facilities shall not be located along the public rights-of-way comprising the Service Area.

Section III. Construction; Installation; Restoration.

- A. Construction. In each and every case in which road openings or excavation of any nature are required or made for the purposes aforesaid, Elizabethtown shall restore, all such public and private lands or facilities to as good a condition as existed at the commencement of the said work or such better condition, at its sole cost and expense. All such openings and installation and maintenance shall be undertaken in strict compliance with the standards imposed by the N.J.B.P.U., any other regulatory agency, and all applicable Borough Ordinances, with such work to be done in a careful, prudent and workmanlike manner, and within such time limitations as shall be best for the proper safeguard of the public.

- B. Relocation. If at any time during the period of this Municipal consent, the Borough of Andover finds it necessary to alter or change the grade of any street, road or other public right-of-way or area, Elizabethtown shall, upon reasonable notice by the Municipality, remove and relocate its distribution line and pipes at the expense of Elizabethtown.
- C. Restoration. In the event that Elizabethtown shall refuse or neglect, after ten (10) days notice in writing by the representative of the Borough, that is, the Borough Clerk or Borough Engineer, to restore any disturbed area at its cost and expense, and in compliance with all applicable Municipal Ordinances in effect at the time, to its pre-existing or better condition, any street, road, pavement, driveway or other reserves after having made an opening or excavation, the necessary work to accomplish such restoration may be done by the Borough of Andover, and thereafter, Elizabethtown shall be liable for the actual and necessary costs thereof, and shall immediately pay such costs to the Borough upon receiving notice thereof.
- D. Preconditions to Undertaking Construction. Elizabethtown shall give to the Borough of Andover, through its duly designated representative, written notice of its intention to open or excavate any street or other public place in accordance with the Borough of Andover's Ordinance regulating the excavation and opening of streets, roads and highways, with the exception that such notice requirement shall be waived in the event of an emergent circumstance such that such emergency will affect public health or safety. As soon as practically possible after the occurrence of such emergent circumstance, Elizabethtown shall give prompt written notice to the Borough of any emergency opening or excavation that Elizabethtown shall undertake.

Section IV. Indemnification, Performance Bond, Liability.

- A. Indemnification. Elizabethtown, its successors and assigns, by the acceptance of the grants, rights and privileges conferred by this ordinance, shall at all times and does hereby and will indemnify and hold harmless, the Borough of Andover and all of its subsidiary agencies, officials and employees for any and all claims of whatsoever kind or nature arising from or relating to the construction, installation, maintenance, laying, repairing, inspecting, or altering of maintains conductors, pipes and appurtenances thereto, and any other facilities, and including, but not by way of limitation, any damages, penalties, costs, attorney's fees and charges for personal injury, property damage or otherwise, based upon Elizabethtown's negligence or the negligence of its agents, servants, employees or independent contractors.

- B. Performance Bond. Prior to the commencement or any construction or installation under this Municipal Consent, Elizabethtown shall execute and deliver to the Clerk of the Borough and subject to prior review and approval by the Borough Attorney, a Bond in the amount of \$10,000.00 guaranteeing the faithful performance of all of its obligations and undertakings under this Ordinance, which Bond shall be enlarged or renewed from time to time as the Council may require.
- C. Liability Insurance. Elizabethtown agrees to maintain and keep in full force and effect, at its sole expense, and at all times during the terms and duration of this Municipal Consent, sufficient liability insurance naming the Borough of Andover as an additional insured party, and insuring and indemnifying the Borough against any loss by any such claim, suit, judgment, execution or as follows:
  - (a) Elizabethtown shall carry Workman's Compensation Insurance with Statutory limits.
  - (b) Elizabethtown shall at all times, maintain a Comprehensive General Liability Insurance Policy with a single limit amount of \$1,000,000.00 covering liability for any death, personal injury, property damage or other liability arising out of its construction and operation of the gas distribution systems herein and in addition, an excess liability (or "umbrella") policy in the amount of \$3,000,000.00.
  - (c) Elizabethtown shall furnish to the Borough of Andover a certified copy or Certificate of Insurance of each of the Policies as set forth herein.

Section V. Duration of Consent.

- A. Term. The Limited Municipal consent granted to Elizabethtown herein is for a period of twenty-five (25) years from the effective date of this Ordinance.
- B. Public Hearing. Immediately prior to the twenty-five (25) year expiration of this Consent, the Borough of Andover shall conduct public hearings regarding the performance of Elizabethtown with the terms of this Municipal Consent. The public hearing shall be duly advertised and shall provide any opportunity for all interested persons to participate.
- C. Extension. Upon the conclusion of the public hearings as set forth herein, the Borough of Andover shall consider such extension and such additional conditions as the record of the public hearings may warrant.

- D. Transferability. The right of Elizabethtown to transfer or assign any and all of its rights and obligations under this Municipal Consent Ordinance shall only be permitted upon Elizabethtown providing to the Borough thirty (30) days advance written notice of such intent to transfer, and specifying the name of the assignee and other pertinent data as may be required by the Borough. No transfer or assignment shall be made without the prior written consent of the Borough of Andover, which consent shall not be unreasonably withheld. Any notice or request for assignment must contain the written acknowledgement of the proposed assignee to be bound by all the terms and conditions of this Municipal Consent Ordinance and shall require the posting of a replacement Performance Bond and satisfaction of the liability insurance requirements prior to any written consent to transfer by the Andover Mayor and Borough Council.
- E. Notice of Proceedings. Elizabethtown shall give the Municipality timely written notice of at least fifteen (15) days in advance of all proceedings initiated by Elizabethtown or the N.J.B.P.U. or other Regulatory Agency, when such proceedings may affect the commitments, this Municipal Consent or relationship between Elizabethtown and the Municipality, whether or not such notice is required by law. All submissions provided to such Regulatory Agency by Elizabethtown shall also be provided to the Borough of Andover.

Section VI. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court or Competent jurisdiction, such Order or Judgment shall not effect or invalidate this remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section VII. Effective Date.

This Municipal Consent Ordinance shall become effective upon adoption and publication according to law, and only upon written acceptance of this Municipal Consent by Elizabethtown, which written consent shall be filed with the Clerk of the Municipality within thirty (30) days of the date after which Elizabethtown receives notice of the passage of this Ordinance.

\_\_\_\_\_  
, Mayor

ATTEST:

\_\_\_\_\_  
Beth Brothman, Clerk

**EXHIBIT B.**



# MDS

MORRIS · DOWNING · SHERRED, LLP

Founded 1899

One Main Street  
P.O. Box 67  
Newton, NJ 07860

email: [rvalenti@mdsfirm.com](mailto:rvalenti@mdsfirm.com)

SPECIAL COUNSEL  
Douglas C. Gray\*\*

OF COUNSEL  
Thomas J. Bain  
Karen D. Russell (Ret. J.S.C.)  
James M. Cerra  
David L. Jubańowski

\*Also member of NY Bar  
\*\*Also member of OH Bar

PARTNERS

David L. Johnson\*  
Christopher D. Quinn  
James P. Fox  
M. Richard Valenti  
Paul G. Hunczak  
Angela C. Paternostro-Pfister

ASSOCIATES

Michelle M. Beatty  
Brian C. Lundquist\*

August 5, 2013

Beth Brothman, Clerk  
BOROUGH OF ANDOVER  
137 Main Street  
Andover, NJ 07821

Re: Request for Municipal Consent - Elizabethtown Gas

Dear Ms. Brothman:

In accordance with N.J.S.A. 48:3-16, I hereby notify you on behalf of Pivotal Utility Holdings, d/b/a Elizabethtown Gas that the Company accepts the terms of the Ordinance granting Elizabethtown Gas a municipal consent to provide natural gas service to the Borough of Andover, which was passed by the Mayor and Council at the June 10, 2013 meeting.

So that we can process the application with the BPU, kindly forward a certified copy of the Ordinance and Minutes of the meetings evidencing the first reading, second reading and passage of the Ordinance. In addition, kindly forward proof of publication of the Ordinance and posting of the Petition. A proposed form of Proof of Posting is attached hereto.

Thank you.

Very truly yours,

MORRIS · DOWNING · SHERRED, LLP

M. Richard Valenti

MRV:nic

cc: Mary Patricia Keefe, Vice President  
Francis McGovern, Esq.

**EXHIBIT C**



# Elizabethtown Gas™

An *AGL Resources* Company

300 Connell Drive, Suite 3000  
Berkeley Heights, NJ 07922

908 289 5000 phone  
www.elizabethtowngas.com

October 24, 2014

**BY CERTIFIED MAIL, R.R.R**

Beth Brothman, Clerk  
Borough of Andover  
137 Main Street  
Andover, NJ 07821

John Eskilson, Sussex County Administrator  
Sussex County Administrative Center  
One Spring Street  
Newton, NJ 07860

Elaine A. Morgan, Clerk of the Board of Freeholders  
Sussex County Administrative Center  
One Spring Street  
Newton, NJ 07860

Re: **I/M/O The Petition Of Pivotal Utility Holdings Inc. d/b/a Elizabethtown Gas for the Approval of a Municipal Franchise in the Borough of Andover, Sussex County  
BPU Docket No.GE \_\_\_\_\_**

Dear Ms. Brothman, Mr. Eskilson and Ms. Morgan:

Pursuant to the provisions of N.J.S.A. 48:12-14, Pivotal Utility Holdings Inc. d/b/a Elizabethtown Gas ("Elizabethtown") has applied to the New Jersey Board of Public Utilities ("the Board") for approval of the Borough of Andover's Ordinance, which grants Elizabethtown permission to serve natural gas within its community as provided in said Ordinance.

Please be advised the Board has set \_\_\_\_\_, \_\_\_\_\_, 2014 at \_\_\_\_\_  
\_\_\_\_\_ a.m.at the Board's tenth-floor offices located 44 South Clinton Avenue,

Trenton, New Jersey 07102 in the Legal Conference Room as the time and place for the hearing on this matter.. You are welcome to attend and place your views on the record if you desire.

Respectfully submitted,

*/s/ Mary Patricia Keefe*

Mary Patricia Keefe, Esq.  
Vice President, Regulatory Affairs  
and Business Support

MPK/adh

cc: (Service List attached)

**IN THE MATTER OF THE PETITION OF  
 PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS  
 FOR APPROVAL OF A MUNICIPAL FRANCHISE IN  
 THE BOROUGH OF ANDOVER, SUSSEX COUNTY  
 BPU DOCKET NO. GE \_\_\_\_\_**

**SERVICE LIST**

<p>Kristi Izzo, Secretary  <b>Board of Public Utilities</b>                  44 South Clinton Avenue, 9<sup>th</sup> Floor                  P.O. Box 350                  Trenton, NJ 08625-0350</p>	<p>Stefanie A. Brand, Director  <b>Division of Rate Counsel</b>                  140 East Front Street, 4<sup>th</sup> Floor                  P.O. Box 003                  Trenton, NJ 08625</p>	<p>James Glassen, Esq.  <b>Division of Rate Counsel</b>                  140 East Front Street, 4<sup>th</sup> Floor                  P.O. Box 003                  Trenton, NJ 08625</p>
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