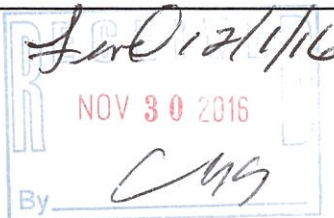




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November 29, 2016

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BOARD OF PUBLIC UTILITIES
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Via Federal Express and Electronic Mail

Irene Kim Asbury, Secretary
Board of Public Utilities
44 South Clinton Ave, 3rd Floor, Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

**Re: In The Matter Of The Petition Of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas For Authority To Extend The Term Of Energy Efficiency Programs With Certain Modifications And Approval Of Associated Cost Recovery Mechanism
BPU Docket No. GR16070618**

**In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Authority to Extend the Term of Energy Efficiency Programs with Certain Modifications and Approval of Associated Cost Recovery Mechanism
BPU Docket No. GO15050504**

Dear Secretary Asbury:

Enclosed for filing in the above proceedings are an original and ten copies of a Stipulation to extend the 180-day review period applicable to this matter which has been executed by representatives of Pivotal Utility Holdings Inc. d/b/a Elizabethtown Gas ("Elizabethtown"), the Staff of the Board of Public Utilities and the Department of the Public Advocate, Division of Rate Counsel. Elizabethtown respectfully requests that the Board consider and approve this Stipulation as expeditiously as possible.

The enclosed Stipulation is intended to replace the Stipulation previously submitted in this matter on October 14, 2016. Accordingly, it is further respectfully requested that the October 14 Stipulation be withdrawn.

*Case mgmt
list copied*

Please let us know if you have any questions or require further information.

Respectfully submitted,

/s/ Deborah M. Franco / KB

Deborah M. Franco
Of Counsel to
Pivotal Utility Holdings, Inc.
d/b/a Elizabethtown Gas

cc: Service List
Commissioner, Dianne Solomon

**IN THE MATTER OF THE PETITION OF
PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS
FOR AUTHORITY TO EXTEND THE TERM OF ENERGY EFFICIENCY
PROGRAMS WITH CERTAIN MODIFICATIONS AND
APPROVAL OF ASSOCIATED COST RECOVERY MECHANISM
BPU DOCKET NO. GR16070618**

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**IN THE MATTER OF THE PETITION OF
PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS
FOR AUTHORITY TO EXTEND THE TERM OF ENERGY EFFICIENCY
PROGRAMS WITH CERTAIN MODIFICATIONS AND
APPROVAL OF ASSOCIATED COST RECOVERY MECHANISM
BPU DOCKET NO. GR16070618**

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NOV 30 2016

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

BOARD OF PUBLIC UTILITIES
MAIL ROOM

-----X
:
In the Matter of the Petition of Pivotal : **STIPULATION TO EXTEND**
Utility Holdings, Inc. d/b/a Elizabethtown : **180-DAY REVIEW PERIOD**
Gas for Authority to Extend the Term of : **AND ENERGY EFFICIENCY**
Energy Efficiency Programs with Certain : **PROGRAMS**
Modifications and Approval of Associated :
Cost Recovery Mechanism : **BPU Docket No. GR16070618**
:
In the Matter of the Petition of Pivotal :
Utility Holdings, Inc. d/b/a Elizabethtown :
Gas for Authority to Extend the Term of :
Energy Efficiency Programs with Certain :
Modifications and Approval of Associated :
Cost Recovery Mechanism : **BPU Docket No. GO15050504**
:
-----X

APPEARANCES:

Kenneth T. Maloney and Deborah M. Franco (Cullen and Dykman LLP), Attorneys for the Petitioner, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas
Mary Patricia Keefe, Vice President for Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas

Felicia Thomas-Friel, Esq. Managing Attorney – Gas, Division of Rate Counsel, **Maura Caroselli, Esq., Sarah H. Steindel, Esq., and Kurt S. Lewandowski, Esq.,** Assistant Deputy Rate Counsels, Division of Rate Counsel (Stefanie A. Brand, Director, Division of Rate Counsel)

Alex Moreau and Renee Greenberg, Deputy Attorneys General, for the Staff of the New Jersey Board of Public Utilities (Christopher S. Porrino, Attorney General of New Jersey)

TO THE NEW JERSEY BOARD OF PUBLIC UTILITIES:

1. Pursuant to the New Jersey 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.*

2. On July 1, 2016, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas (“Elizabethtown” or “Company”) filed a petition (“Petition” or “July 1 Petition”) in BPU Docket No. GO16070618 to extend the term of the energy-efficiency program (“EE Program”) made available to Elizabethtown’s customers pursuant to *N.J.S.A.* 48:3-98.1 for a four-year period effective January 1, 2017. The individual programs that comprise Elizabethtown’s existing EE Program, described more fully below, were first authorized by an August 3, 2009 Board Order (“August 3 Order”) in Docket Nos. EO09010056 and GO09010060 *et al.*, which approved a Stipulation of Settlement (“Stipulation”) among Elizabethtown, Board Staff and the Division of Rate Counsel (“Rate Counsel”). In that Stipulation, the parties agreed to the implementation of the EE Program and the establishment of a surcharge to enable the Company to recover the costs associated with its EE Program. The Board subsequently authorized a number of extensions of Elizabethtown’s EE Program in BPU Docket Nos. GO11070399, GO12100946 and GO15050504. The currently effective EE Program, which was authorized in GO15050504 by BPU Order dated December 16, 2015 (“December 16 Order”), are effective through December 31, 2016. The individual programs, which comprise the EE Program are described below. Recovery of the costs necessary to deliver these programs, including grants, incentives, incremental operations and maintenance (“O&M”) expenses and carrying costs is provided through Rider G to the Company’s Tariff (“EE Program Rate”).

3. By Order dated July 29, 2016 (“July 29 Order”), the Board designated Commissioner Dianne Solomon as the presiding officer who is authorized to rule on all motions and modify schedules. The July 29 Order further authorized Commissioner Solomon to render a decision on a stipulation to extend the 180-day review period applicable to these proceedings to the extent the stipulation is signed by all parties and it is limited to a single extension of the 180-day review period, with any further extension to be directed by

the Board. The parties to this proceeding are the Company, Board Staff and Rate Counsel (collectively "Parties"). By Order dated August 17, 2016 ("August 17 Order"), Commissioner Solomon approved a procedural schedule applicable to this proceeding which the Parties requested be held in abeyance to allow the development of a new schedule as reflected in this Stipulation. On September 15, 2016, Public Service Electric and Gas Company moved to participate in this proceeding, which by letter dated September 16, 2016, Elizabethtown indicated it did not oppose. On October 14, 2016, a separate Stipulation to extend the 180-day period was filed and subsequently withdrawn by the Parties, by the Company's November 29, 2016 letter to the Board to enable the parties to establish a new procedural schedule as reflected herein. Discovery is ongoing in this proceeding and public hearings were held on October 17, 2016 in Flemington, New Jersey and October 19, 2016 in Union, New Jersey. No members of the public attended.

STIPULATION

4. The Parties agree that additional time is needed to complete a comprehensive review of Elizabethtown's July 1 Petition. Through this Stipulation, the Parties agree that Elizabethtown shall extend its existing Board approved EE Programs, with the exception of the Dashboard, through July 31, 2017 ("EE Program Extension Period"), consistent in all other respects with the Board's December 16 Order, or until the date set in the instant proceeding by a Board Order authorizing the implementation of revised or new Elizabethtown EE programs. In addition, the Company will provide rebates to Commercial Customer Energy Efficiency Program projects that are currently in progress, but otherwise that program will be discontinued as of December 31, 2016. The individual existing programs that comprise Elizabethtown's EE Program as approved by the December 16 Order include the Residential Gas Heating Ventilation and Air Conditioning and Gas Hot Water Heater Incentive Program, Commercial Customer Energy Efficiency Program and Customer

Education and Outreach Program. All authority to continue the EE Program ends on July 31, 2017, unless otherwise ordered by the Board.

5. Based on Elizabethtown's historical spending on the EE Program during the period November 15, 2015 through October 31, 2016, Elizabethtown will need a total of approximately \$430,000.00 to fund program expenditures and O&M expenses associated with the EE Program during the EE Program Extension Period. To fund program expenditures and O&M expenses associated with the EE Program during the EE Program Extension Period, Elizabethtown will utilize (1) the approximately \$253,760 that remains in Elizabethtown's EE Program budget as of October 31, 2016 and (2) additional funding of approximately \$180,000. Attached as Attachment A is a schedule that reflects Elizabethtown's historical spending for the period November 15, 2015 through October 31, 2016 and projected spending through the EE Program Extension Period.

6. There will be no change to the EE Program Rate by virtue of this Stipulation and all costs will be reviewed in the Company's next annual EE Program Rate reconciliation proceeding to be filed in July 2017.

7. The Parties agree to engage in settlement discussions in good faith in order to reach a timely resolution of this proceeding.

8. The Parties further agree that Rate Counsel shall have until February 17, 2017 to file its direct testimony and the Parties propose the amended procedural schedule attached hereto as Attachment B.

9. The Parties also agree to extend the 180-day RGGI review period applicable to the July 1 Petition to allow for a Board determination by the first scheduled Board agenda meeting in July 2017.

10. This Stipulation represents a mutual balancing of interests, contains interdependent provisions and, therefore, is intended to be accepted and approved in its

entirety. In the event any particular aspect of this Stipulation is not accepted and approved in its entirety by the Board, any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right to litigate all issues addressed herein to a conclusion. More particularly, in the event this Stipulation is not adopted in its entirety by the Board, in any applicable Order(s), 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.

11. It is the intent of the Parties that the provisions hereof be approved by the Board as being in the public interest. The Parties further agree that they consider the Stipulation to be binding on them for all purposes herein.

12. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and has been made exclusively for the purpose of these proceedings. Except as expressly provided herein, Elizabethtown, Board Staff and Rate Counsel shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposed to underlie any agreement provided herein and, in total or by specific item. This Stipulation is in no way binding upon them in any other proceeding, except to enforce the terms of this Stipulation.

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 hereof, as soon as reasonably possible.

PIVOTAL UTILITY HOLDINGS, INC.
D/B/A ELIZABETHTOWN GAS

STEFANIE A. BRAND,
DIRECTOR, DIVISION OF
RATE COUNSEL

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Mary Patricia Keefe, Esq.
Vice President, Regulatory
Affairs and Assistant Corporate
Secretary

By: Kurt S. Lewandowski
Kurt S. Lewandowski, Esq.
Assistant Deputy Rate Counsel

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Attorney for the Staff of the New Jersey Board of Public Utilities

By: Alex Moretti
Alex Moretti
Deputy Attorney General

Dated: November 29, 2016

PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS
ENERGY EFFICIENCY PROGRAM ("EEP")

Attachment - A

Schedule of Actual and Projected Expenditures

	O&M Recoverable In Period Expended				Program Expenditures - Amortized Over Four Years				
	Labor (1)	Customer Education	Dashboard / Opower	Prog Eval/ Consultant	Total O&M	Customer Financing	Program Expenditures	Program Total	Total
Nov-15	\$9,968	\$1,876	\$13,500	\$0	\$25,344	\$0	\$27,056	\$27,056	\$52,400
Dec-15	\$11,074	\$434	\$0	\$0	\$11,508	\$0	\$67,554	\$67,554	\$79,062
Jan-16	\$10,097	\$1,332	\$0	\$0	\$11,429	\$0	\$5,366	\$5,366	\$16,795
Feb-16	\$9,968	\$1,728	\$0	\$0	\$11,696	\$0	\$139,111	\$139,111	\$150,807
Mar-16	\$11,288	\$5,152	\$13,500	\$0	\$29,940	\$0	\$26,827	\$26,827	\$56,767
Apr-16	\$10,266	\$7,430	\$13,500	\$0	\$31,196	\$0	\$1,132	\$1,132	\$32,328
May-16	\$10,758	\$479	\$0	\$0	\$11,237	\$0	\$4,007	\$4,007	\$15,244
Jun-16	\$10,961	\$2,173	\$0	\$0	\$13,134	\$0	\$25,675	\$25,675	\$38,809
Jul-16	\$10,620	\$2,270	\$13,500	\$0	\$26,390	\$0	\$53,903	\$53,903	\$80,293
Aug-16	\$11,206	\$508	\$0	\$0	\$11,714	\$0	\$1,929	\$1,929	\$13,643
Sep-16	\$10,777	\$34	\$0	\$0	\$10,811	\$0	\$31,675	\$31,675	\$42,486
Oct-16	\$10,267	\$288	\$0	\$0	\$10,555	\$0	\$17,197	\$17,197	\$27,752
Nov-16	* \$10,604	\$2,100	\$13,500	\$0	\$26,204	\$0	\$40,708	\$40,708	\$66,912
Dec-16	* \$10,604	\$2,100	\$0	\$0	\$12,704	\$0	\$32,630	\$32,630	\$45,334
Jan-17	* \$10,604	\$2,100	\$0	\$0	\$12,704	\$0	\$31,230	\$31,230	\$43,934
Feb-17	* \$10,604	\$2,100	\$0	\$0	\$12,704	\$0	\$32,630	\$32,630	\$45,334
Mar-17	* \$10,604	\$2,100	\$0	\$0	\$12,704	\$0	\$34,930	\$34,930	\$47,634
Apr-17	* \$10,604	\$2,100	\$0	\$0	\$12,704	\$0	\$31,230	\$31,230	\$43,934
May-17	* \$10,604	\$2,100	\$0	\$0	\$12,704	\$0	\$32,630	\$32,630	\$45,334
Jun-17	* \$10,604	\$2,100	\$0	\$0	\$12,704	\$0	\$31,230	\$31,230	\$43,934
Jul-17	* \$10,604	\$2,100	\$0	\$0	\$12,704	\$0	\$38,645	\$38,645	\$51,349
Total Nov 15 - Oct 16 Actual	\$127,250	\$23,704	\$54,000	\$0	\$204,954	\$0	\$401,432	\$401,432	\$606,386
Avg 12 Mos Actual	\$10,604	\$1,975	\$4,500	\$0	\$17,080	\$0	\$33,453	\$33,453	\$50,532
Total Nov 16 - Jul 17 Projected	\$95,436	\$18,900	\$13,500	\$0	\$127,836	\$0	\$305,863	\$305,863	\$433,699
Avg 9 mos Projected	\$10,604	\$2,100	\$1,500	\$0	\$14,204	\$0	\$33,985	\$33,985	\$48,189

* Projected

Balance at October 2015	\$860,146
Spending Nov 15 - Oct 16	\$606,386
Remaining	\$253,760
Additional Requested	\$179,939
Proj Costs Nov 16 - July 17	\$433,699

Attachment B

In the Matter of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for Authority to Extend the Term of Energy Efficiency Programs with Certain Modifications and Approval of Associated Cost Recovery Mechanism - Docket Number GR16070618

Proposed Procedural Schedule

<i>Board designates a Presiding Commissioner</i>	<i>July 29, 2016</i>
<i>Discovery Requests on Initial Testimony+</i>	<i>August 12, 2016</i>
<i>Responses to Discovery on Initial Testimony</i>	<i>August 25, 2016</i>
<i>Motions to Intervene/Participate Due</i>	<i>August 23, 2016</i>
<i>Opposition to Intervention/Participation Motions due</i>	<i>August 30, 2016</i>
Additional Rounds of Discovery	October 14, 2016 through January 16, 2017
Responses to Additional Rounds of Discovery	To be completed by January 27, 2017
Public Hearings	October 17 and 19, 2016
Discovery/Settlement Conferences	Weeks of December 5, 12 and 19, 2016
Settlement Conferences	Weeks of January 2 and 9, 2017
Intervener/ Respondent Testimony Due	February 17, 2017
Settlement Conference	February 24, 2017
Discovery on Intervener/Respondent Testimony	February 28, 2017
Responses to Discovery on Intervener/Respondent Testimony	March 15, 2017
Rebuttal Testimony	March 17, 2017
Discovery on Rebuttal Testimony	March 24, 2017
Responses to Discovery on Rebuttal Testimony	April 7, 2017
Evidentiary Hearings (if necessary)*	Week of April 24, 2017
Briefing Schedule	TBD
Anticipated Board Action	July Agenda (date TBD)

+ - Petitioner agrees that discovery is ongoing and will endeavor to answer all discovery within seven business days of service.

* - Subject to Presiding Commissioner's availability. Interveners/respondents may present oral surrebuttal at evidentiary hearings.