



South Jersey Industries

DEC 14 2016

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BOARD OF PUBLIC UTILITIES  
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**Stacey M. Barnes, Esq.**  
Director, Legal Compliance  
*Office of General Counsel and Corporate Secretary*

December 8, 2016

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**ARTICLE NO.: 7016 1370 0001 5068 9721**

Honorable Irene Kim Asbury  
Secretary  
Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
PO Box 350  
Trenton, NJ 08625

*GE16121155*

**Re: In the Matter of the Petition of South Jersey Gas Company for Approval of a Municipal Consent in the Borough of Magnolia, Camden County BPU Docket No. \_\_\_\_\_**

Dear Secretary Asbury:

Enclosed for filing please find an original and ten (10) copies of the Petition of South Jersey Gas Company ("South Jersey") for approval of the municipal consent granted by the Borough of Magnolia, Camden County. Also included is the Ordinance, South Jersey's correspondence accepting the terms and conditions of the Ordinance, and a proposed notice of public hearing.

Copies of this filing are being served upon the Division of Law and Rate Counsel.

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

Very truly yours,

Stacey M. Barnes, Esq.  
[sbarnes@sjindustries.com](mailto:sbarnes@sjindustries.com)

*CMS*  
*DAG*  
*Legal*  
*RA*  
*S. Peterson*  
*T. Waller*  
*Energy Tel*

SMB/cmm

Enclosure

cc: Division of Law – Attn: Caroline Vachier, DAG - with 3 copies of enclosure  
(via Certified Mail – Return Receipt Requested - Article No.: 7016 1370 0001 5068 9707)  
Division of Rate Counsel - Attn: Stefanie A. Brand, Esquire - with 3 copies of enclosure  
(via Certified Mail – Return Receipt Requested - Article No.: 7016 1370 0001 5068 9714)



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STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

DEC 14 2015

BOARD OF PUBLIC UTILITIES  
MAIL ROOM

IN THE MATTER OF THE PETITION OF : BPU DOCKET NO.  
SOUTH JERSEY GAS COMPANY FOR :  
APPROVAL OF A MUNICIPAL CONSENT :  
IN THE BOROUGH OF MAGNOLIA : PETITION  
:

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

By this Petition, South Jersey Gas Company (“South Jersey” or the “Company”), hereby requests that the New Jersey Board of Public Utilities (“BPU” or the “Board”) pursuant to *N.J.S.A. 48:2-14* and *N.J.A.C. 14:1-5.5* approve the municipal consent granted by the Borough of Magnolia, Camden County, New Jersey (the “Borough”). In support of its Petition, South Jersey states the following:

**BACKGROUND**

1. South Jersey is a regulated public utility engaged in the transmission, distribution, transportation and sale of natural gas in its defined service territory within the State of New Jersey. As such, South Jersey is subject to the jurisdiction of the Board. Within its service territory, the Company services approximately 360,000 customers.

2. South Jersey currently provides natural gas service within the Borough and serves approximately 1801 residential, 78 commercial and 2 industrial customers. South Jersey anticipates customer growth within its defined service territory to be approximately 1% annually and for the next 3-5 years.

3. South Jersey has the capacity necessary to ensure a continuation of its natural gas service and does not foresee any concerns regarding its ability to meet the existing and future demands of the Borough.

4. Moreover, the Borough is serviced by South Jersey's Waterford Division customer service center located at 305 Center Avenue, Waterford Works, New Jersey 08089. The Waterford Division will continue to serve South Jersey's customers within the Borough for the foreseeable future. No modifications to the location or hours of operation of the center are proposed by virtue of this Petition.

#### **MUNICIPAL CONSENT**

5. On or about October 1, 1947, pursuant to ordinance, the Borough consented to: (1) the Company furnishing natural gas service in the Borough; and (2) the Company's use of the streets (the "Original Consent"). See October 1, 1947 Ordinance attached hereto as Exhibit "A".

6. Pursuant to *N.J.S.A. 48:3-15*, the portion of the Original Consent applicable to the Company's use of the streets expired. Specifically, *N.J.S.A. 48:3-15* provides, in relevant part, that "the board or body of such municipality authorized to grant consent may, by ordinance and not otherwise, grant for a period not exceeding fifty years, the right to use the streets petitioned for."

7. By virtue of this fifty (50) year statutory limitation, South Jersey obtained the renewed consent of the Borough applicable to its use of the streets. Pursuant to Ordinance No. 2015:08, the Borough acknowledged the Original Consent and granted exclusive consent and permission to South Jersey to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Borough for a period of fifty (50) years. See Ordinance No. 2015:08 attached hereto as Exhibit "B".

8. By letter to the Borough dated May 13, 2015, South Jersey accepted and agreed to the terms and conditions of such municipal consent pursuant to *N.J.S.A. 48:3-16*. A true and correct copy of the Company's May 13, 2015 correspondence is attached hereto as Exhibit "C".

**MISCELLANEOUS**

9. A proposed public notice is attached to this Petition as Exhibit "D". A copy of this Petition will be served on the Clerk of the Borough and the Clerk of the Board of Chosen Freeholders.

10. *N.J.S.A. 48:2-14* requires Board approval of a municipal consent granted by a municipality to a public utility subject to the Board's jurisdiction. The consent, 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 consent is necessary and proper for the public convenience and properly conserves the public interests.

**WHEREFORE**, South Jersey Gas respectfully requests that the Board grant the following:

1. Approve the municipal consent granted to South Jersey by the Borough; and
2. Provide any and other further relief deemed just and equitable.

Respectfully submitted,

South Jersey Industries

By: 

Stacey M. Barnes, Esq.

Dated: 10/8/16

Communications addressed to the  
Petitioner in this case are to be sent to:

South Jersey Industries  
Stacey M. Barnes, Esq.  
1 South Jersey Plaza  
Folsom, NJ 08037  
(609) 561-9000, ext 6964

### **VERIFICATION**

I, Robert Fatzinger, of full age, being duly sworn to law upon my oath, depose and say:

1. I am Senior Vice President, Engineering Services and System Integrity of South Jersey Gas Company and am authorized to make this Verification on behalf of the Company.
2. I have reviewed the foregoing Petition and the information contained therein is true according to the best of my knowledge, information and belief.