



STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 17490-16

AGENCY DKT. NO. GR16060485

**IN THE MATTER OF THE PETITION OF
PIVOTAL UTILITY HOLDINGS, INC., d/b/a
ELIZABETHTOWN GAS TO REVIEW ITS
PERIODIC BASIC GAG SUPPLY SERVICE
RATE.**

Mary Patricia Keefe, Esq., for petitioner, Pivotal Utility Holdings, Inc., d/b/a
Elizabethtown Gas Company

Kurt S. Lewandowski, Assistant Deputy Rate Counsel, Division of Rate Counsel
(Stephanie A. Brand, Director)

Alex Moreau, Deputy Attorney General for respondent Board of Public Utilities
(Christopher S. Porrino, Attorney General of New Jersey, attorney)

Cms
V. Haynes
D. Lee Thomas
T. Walker
S. Peterson
J. Gentsman
B. Ague
C. Vachier

Record Closed: April 10, 2017

Decided: April 10, 2017

Before **IRENE JONES, ALJ**

STATEMENT OF THE CASE

On May 31, 2016, petitioner, Pivotal Utility Holding, Inc., d/b/a Elizabethtown Gas ("Elizabethtown" or "Company") filed a petition with the Board of Public Utilities (BPU) requesting to decrease its Basic Gas Supply Service ("BGSS") Commodity rate for the

BGSS period commencing October 1, 2016 through September 30, 2017. The proposed decrease was based upon the Company's projection that it would be in an over-recovered position of approximately \$3.1 million as of September 30, 2018.

On August 23 and 25, 2015, public hearings were held in Union and Flemington, New Jersey, respectively. Thereafter, on September 23, 2016, the Board issued an Order authorizing the company to implement a BGSS rate of \$0.3761 per therms on a provisional basis, effective October 1, 2016 subject to refund with interest on any net over-recovered BGSS balance.

On November 17, 2016, the matter was transmitted to the OAL for hearing as a contested case. A prehearing conference was held on December 19, 2016 wherein a procedural schedule was established.

After discovery and settlement conferences, the parties have agree to settle the matter and on April 10, 2017, filed the attached stipulation of settlement.

I have reviewed the record and the terms of the Stipulation of Settlement and I **FIND:**

1. The parties have voluntarily agreed to the settlement as evidence by their signatures or the signatures of their representatives.
2. The settlement fully disposes of all issued in controversy and is consistent with the law.

Therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby **CONCLUDED**.

I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

April 10, 2017



DATE

IRENE JONES, ALJ

Date Received at Agency:

April 10, 2017

Date Mailed to Parties:

id