

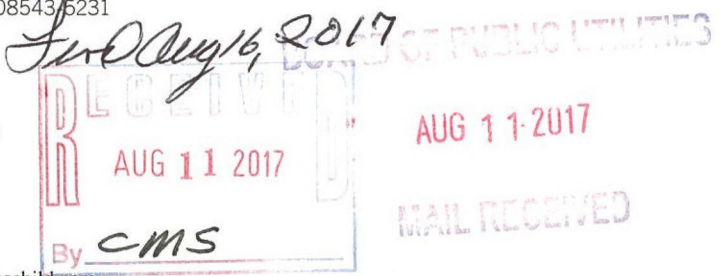


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August 10, 2017

Irene K. Asbury, Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, New Jersey 08625-0350

GR17070776

Re: IMO the Petition of PSE&G for Approval of the Next Phase of the Bas System Modernization Program and Associated Cost Recovery Mechanism (GSMP II) BPU Docket No. TBA

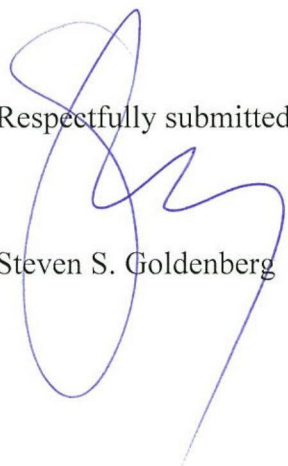
Dear Secretary Asbury:

Enclosed are an original and ten copies of the motion of the New Jersey Large Energy Users Coalition to Intervene in the above proceeding, together with a Motion for Admission Pro Hac Vice of Paul F. Forshay, Esq. By copy of this letter, these motions are being forwarded this date via electronic mail to all persons whose names appear on the attached distribution list.

Thank you for your anticipated courtesies.

Respectfully submitted,

Steven S. Goldenberg

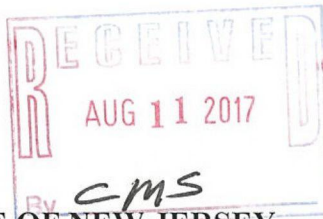


SSG:jfp

Encl.

cc: Distribution List (w/ encl.)

*Case Mgmt*



STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

BOARD OF PUBLIC UTILITIES

AUG 11 2017

MAIL RECEIVED

In the Matter of the Petition of Public Service )  
Electric and Gas Company for Approval of the )  
Next Phase of the Gas System Modernization ) BPU Docket No.  
Program and Associated Cost Recovery )  
Mechanism ("GSMP II") )

**MOTION TO INTERVENE OF  
NEW JERSEY LARGE ENERGY USERS COALITION**

The New Jersey Large Energy Users Coalition ("NJLEUC"), an association whose members include large volume natural gas customers serviced by Public Service Electric and Gas Company ("PSE&G" or the "Company"), hereby moves to intervene in the above-captioned proceeding. In support of its motion, NJLEUC states as follows:

1. All communications and correspondence concerning this proceeding should be directed to:

Steven S. Goldenberg, Esq.  
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2. On July 27, 2017, PSE&G filed a Verified Petition for expedited approval of the second phase of its Gas System Modernization Program (GSMP II"). GSMP II is proposed as an expanded five year infrastructure investment program that is designed to replace an additional

1250 miles of elevated pressure and utilization pressure cast iron main, unprotected steel main and cathodically protected steel and plastic main, and associated unprotected steel services and joint reinforcements, relocate inside meter sets and eliminate associated district regulators. The Verified Petition states that GSMP II is intended to continue the work performed as part of GSMP I, as well as the prior CIP I, CIP II and Energy Strong programs, to further modernize the Company's aging and corroding gas distribution system, reduce gas leaks, and enhance the safety and reliability of the system. The GSMP II would also continue to upgrade low pressure systems to elevated pressure and install additional excess flow valves as a customer safety measure. PSE&G projects a five year capital investment of approximately \$2.68 billion, with the potential for additional capital expenditures in year six to complete certain work if the GSMP II is not extended into additional future phases.

The Company seeks to recover these program costs from ratepayers using a cost recovery mechanism and rate of return that are purportedly aligned with the Board's recently-proposed Infrastructure Investment Program ("IIP") regulations and consistent with the Board's 2015 GSMP Order regarding the underlying GSMP program. The cost recovery method will involve semi-annual base rate roll-in filings purportedly consistent with the proposed IIP regulations and the same approach used for the Energy Strong program's electric investments. The roll-ins would be subject to refund upon a finding of imprudence in a later-filed base rate case.

WHEREFORE, in support of its application for intervention in this proceeding, and as further summarized below, NJLEUC respectfully submits that all factors for intervention set forth in N.J.A.C. 1:1-16 weigh in favor of the granting of NJLEUC's motion to intervene in the above-captioned proceeding:

1. NJLEUC formed, in part, to monitor regulatory proceedings involving the State's electric and natural gas utilities, including PSE&G, and to participate or intervene in regulatory, infrastructure and rate proceedings to the extent necessary to represent its members' common interests. Members of NJLEUC purchase natural gas service from PSE&G and, therefore, will be substantially and specifically affected by the outcome of the proceeding;

2. Given its capacity as an association of large end-use customers on the PSE&G gas distribution system that will be directly affected by the rate relief sought by PSE&G for the expansive infrastructure investments proposed in this proceeding, NJLEUC's interests are unique from and not adequately represented by any other party.

3. NJLEUC has a unique perspective and insight regarding the potential impact, on PSE&G's large natural gas customers, of the significant rate relief and charges that will be sought by the Company in connection with this application.

4. NJLEUC's motion is timely and will not delay or otherwise disrupt the prosecution of this proceeding;

5. Fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to fully participate as an Intervenor in this proceeding, the outcome of which will have a significant impact on the cost and reliability of the natural gas service provided by PSE&G to the members of NJLEUC;

6. NJLEUC has consistently been granted Intervenor status in rate and infrastructure-related proceedings involving PSE&G, including the Company's Energy Strong proceeding, the 2017 Energy Efficiency proceeding and the underlying GSMP I proceeding.

7. Accordingly, the issues to be decided in this proceeding “substantially, specifically and directly affect” NJLEUC within the meaning of these terms as used in the Uniform Rules, thereby making it appropriate for NJLEUC to intervene as a party;

8. Furthermore, the interests of NJLEUC members as large end-use customers of PSE&G, and as continuing Intervenors in numerous matters involving PSE&G, are substantially different from those of any other party seeking intervention. Therefore, NJLEUC’s interests in this proceeding are unique on both a quantitative and qualitative basis;

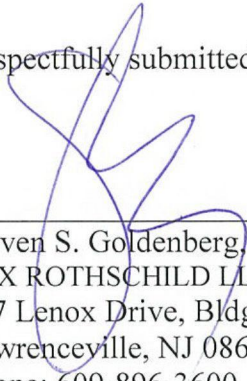
9. NJLEUC’s entry as a party would “measurably and constructively” advance this proceeding (N.J.A.C. 1:1-16.3(a)) because of the unique status of its members as large end-use customers on the PSE&G gas distribution system. NJLEUC’s entry as a party would promote an informed and balanced presentation of the issues;

10. Notwithstanding its unique interests, where it is possible and practical for it to do so, NJLEUC will endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy.

11. For the foregoing reasons, and because the cost and reliability of natural gas service to NJLEUC’s members will be directly and substantially affected by the issues to be determined in this proceeding, NJLEUC has a direct and immediate interest in the outcome of this proceeding that cannot adequately be represented by any other party.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.1, *et seq.*, NJLEUC respectfully requests that it be permitted to intervene, with full procedural and substantive rights, in the above-captioned proceeding.

Respectfully submitted,



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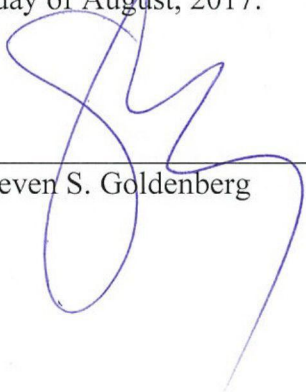
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Energy Users Coalition

Dated: August 10, 2017

### **CERTIFICATION OF SERVICE**

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion to Intervene to the parties identified on the service list. An original and 10 copies have this day been forwarded via first class mail to Irene Kim Asbury, Secretary, Board of Public Utilities.

Dated at Lawrenceville, New Jersey, this 10th day of August, 2017.



---

Steven S. Goldenberg

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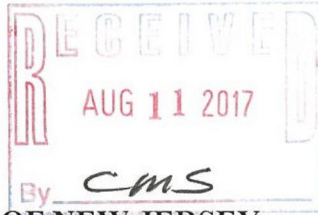
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**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

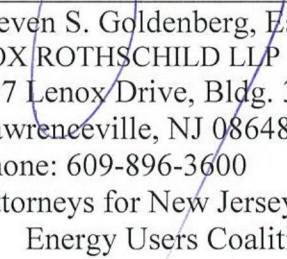
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Electric and Gas Company for Approval of the )  
Next Phase of the Gas System Modernization ) BPU Docket No.  
Program and Associated Cost Recovery )  
Mechanism (“GSMP II”) )

**MOTION FOR ADMISSION *PRO HAC VICE***

The undersigned counsel, a member in good standing of the bar of the State of New Jersey and willing to serve as attorney of record in this proceeding, hereby moves for the admission *pro hac vice* of Paul F. Forshay, Esq. Mr. Forshay is a member in good standing of the bar of the District of Columbia. There is good cause for Mr. Forshay to be admitted *pro hac vice* because he has had significant experience representing the interests of large end-use customers, he has an attorney-client relationship with the New Jersey Large Energy Users Coalition, and this proceeding involves a complex field of law in which he is a specialist. In particular, Mr. Forshay has experience with each of the utility infrastructure proceedings that have been brought to the Board in recent years, including PSE&G’s underlying GSMP proceeding, Energy Strong and the 2017 Energy Efficiency proceeding. As evidenced by his

affidavit attached hereto, Mr. Forshay has paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b).

Respectfully submitted,



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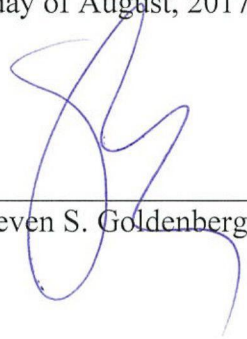
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Phone: 609-896-3600  
Attorneys for New Jersey Large  
Energy Users Coalition

Dated: August 10, 2017

**CERTIFICATION OF SERVICE**

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion for Admission *Pro Hac Vice* to the parties identified on the service list. An original and 10 copies have this day been forwarded via first class mail to Irene Kim Asbury, Secretary, Board of Public Utilities.

Dated at Lawrenceville, New Jersey, this 10th day of August, 2017.



---

Steven S. Goldenberg

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

In the Matter of the Petition of Public Service )  
Electric and Gas Company for Approval of the )  
Next Phase of the Gas System Modernization ) BPU Docket No.  
Program and Associated Cost Recovery )  
Mechanism ("GSMP II") )

**AFFIDAVIT IN SUPPORT OF REQUEST  
TO APPEAR *PRO HAC VICE***

Washington )  
 ) ss.  
District of Columbia )

I, Paul F. Forshay, duly sworn according to law, depose and say:

1. I am an attorney in good standing admitted to practice in the District of Columbia. I am not admitted to practice in New Jersey. I have no disciplinary proceedings pending against me in any jurisdiction and no discipline has been previously imposed on me in any jurisdiction.

2. I am associated in this matter with New Jersey counsel of record, Steven S. Goldenberg, Esq. of the firm of Fox Rothschild LLP, who is qualified to practice law in this State pursuant to R. 1:21-1.

3. The New Jersey Large Energy Users Coalition ("NJLEUC") has requested my representation in this matter.

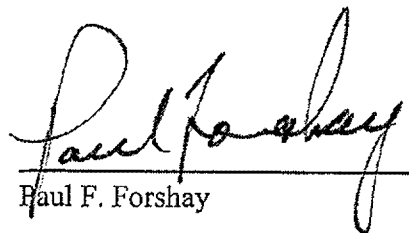
4. There is good cause for my admission *pro hac vice* in that I have had considerable experience representing large end-use customers in various proceedings before the Federal

Energy Regulatory Commission and Board of Public Utilities and I have an attorney-client relationship with NJLEUC. My experience includes involvement in the various utility infrastructure proceedings that have been brought before the Board, including the underlying PSE&G GSMP proceeding, Energy Strong and the 2017 Energy Efficiency filing. The proceeding in which I seek admission involves a complex field of law in which I am a specialist.

5. I have paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1:20-1(b) and 1:28-2.

6. If this application to appear *pro hac vice* is granted, I agree to:

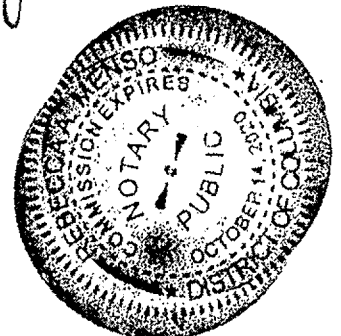
- a. abide by the New Jersey Court Rules, including all disciplinary rules;
- b. consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against me or my firm that may arise out of my participation in this matter;
- c. notify the Board of Public Utilities and Office of Administrative Law immediately of any matter affecting my standing at the bar of any court; and
- d. have all pleadings, briefs and other papers filed with the Board of Public Utilities and Office of Administrative Law signed by the attorney of record.

  
Paul F. Forshay

SUBSCRIBED AND SWORN to before  
me this 10<sup>th</sup> day of August, 2017

  
Notary Public

REBECCA A. MENSO  
Notary Public, District of Columbia  
My Comm. Exp. October 14, 2020



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