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October 12, 2017

BOARD OF PUBLIC UTILITIES

OCT 13 2017

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Via FedEx

Hon. Irene Kim Asbury
Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, New Jersey 08625-0350

**RE: I/M/O of Public Service Electric and Gas for
Approval of a Gas System Modernization Program
and Associated Cost Recovery Mechanism
Docket No. GR17070776**

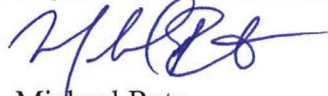
Dear Secretary Asbury:

On behalf of Ferreira Construction Co., Inc. ("Ferreira"), please accept for filing an original and ten copies of Ferreira's Motion for Leave to Intervene or Participate in the above-captioned matter. Also enclosed is an additional copy that we ask you to stamp as "FILED" and return to us in the enclosed self-addressed, stamped envelope.

Please do not hesitate to contact us if you have any comments or questions.

Very truly yours,

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP



Michael Rato

Enclosures

cc: Attached Service List (via e-mail) ✓

Case mgmt

**IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS
COMPANY FOR APPROVAL OF A GAS SYSTEM MODERNIZATION PROGRAM
AND ASSOCIATED COST RECOVERY MECHANISM
DOCKET NO. GR17070776**

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**IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS
COMPANY FOR APPROVAL OF A GAS SYSTEM MODERNIZATION PROGRAM
AND ASSOCIATED COST RECOVERY MECHANISM
DOCKET NO. GR17070776**

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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF)
PUBLIC SERVICE ELECTRIC AND)
GAS COMPANY FOR APPROVAL OF A)
GAS SYSTEM MODERNIZATION)
PROGRAM AND ASSOCIATED)
COST RECOVERY MECHANISM)

OCT 13 2017

DOCKET NO. GR17070776

MAIL RECEIVED

**MOTION OF FERREIRA CONSTRUCTION CO., INC.
FOR LEAVE TO INTERVENE IN THE PRESENT MATTER
OR, ALTERNATIVELY, TO PARTICIPATE IN THE PRESENT MATTER**

1. Ferreira Construction Co., Inc. (“Ferreira”), by way of this Motion, respectfully requests leave to intervene in the present matter pursuant to N.J.A.C. § 1:1-16.1.

A. Introduction

2. Ferreira is a privately held, large-scale, full-service construction company specializing in transportation infrastructures, utilities, marine work, buildings, interior renovations, solar installation, and construction management.

3. On or about July 27, 2017, Public Service Electric & Gas Company (“PSE&G”) filed a Petition with the New Jersey Board of Public Utilities (“BPU” or “Board”) seeking approval of an extension of PSE&G’s Gas System Modernization Program (“GSMP II” or “the Program”).

4. The GSMP II seeks to improve PSE&G’s gas distribution system by, among other things, replacing dated cast iron and unprotected steel mains and services, relocating meter sets, and upgrading utilization pressure systems. The result of the GSMP II will be a safer, cleaner, and more efficient gas distribution system.

5. By Order dated September 22, 2017 (the “Scheduling Order”) the Board determined that the GSMP II petition should be retained for hearing and designated

Commissioner Joseph L. Fiordaliso as the presiding officer for this matter. Order Designating Commissioner and Setting Manner of Service and Bar Date, I/M/O the Petition of Public Service Electric and Gas Company for Approval of a Gas System Modernization Program and Associated Cost Recovery Mechanism, Docket No. GR17070776 (Sept. 22, 2017). That Scheduling Order, among other things, set a deadline of October 13, 2017 for motions to intervene in this proceeding. (Scheduling Order at p. 3).

6. In accordance with the Scheduling Order, Ferreira respectfully submits this motion to intervene or participate in this matter.

B. Motion for Intervention

7. Pursuant to the New Jersey Administrative Code, a party may intervene in any matter where that party “will be substantially, specifically and directly affected by the outcome” of those proceedings. N.J.A.C. § 1:1-16.1(a). Such a motion may be made at any time after a case has been initiated, and in this matter, is being filed in accordance with the deadline set by the Board. See N.J.A.C. § 1:1-16.2(a); Scheduling Order at p. 3.

8. In analyzing a motion to intervene, the Board is directed to consider (a) the “nature and extent” of the moving party’s interest in the outcome of the case; (b) the extent to which the movant’s interest “is sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case;” (c) the “prospect of confusion or undue delay” resulting from the movant’s inclusion; and (d) other “appropriate matters.” N.J.A.C. § 1:1-16.3(a); see also Order, I/M/O Petition of PSE&G Co. for Approval of a Solar Generation Investment Program and an Associated Cost Recovery Mechanism, Docket No. EO09020125 (June 8, 2009) (setting forth standards for intervention).

9. None of these elements are determinative; rather, the “standards involve[] an implicit balancing test. The need and desire for development of a full and complete record . . . must be weighed against the requirements of the New Jersey Administrative Code, which recognizes the need for prompt and expeditious administrative proceedings” Order, I/M/O Petition of Atlantic City Elec. Co. for a Declaratory Order with Respect to the Definition of “Solar Renewable Energy Certificate” Pursuant to the Provisions of N.J.S.A. 48:3-51, Docket No. EO100780626V (Nov. 10, 2010) (granting motion for intervention). Ferreira respectfully submits that, for the reasons described below, its motion to intervene meets each of these elements.

10. As to the first element, it is quite clear that Ferreira has a substantial interest in the outcome of this matter. According to PSE&G, it “anticipates continuing to utilize [independent] contractors for a majority of the planned replacement work under the Program” and who “will need to maintain staff and equipment to complete the work to the extent that was needed in GSMP I.” (Direct Testimony of Wade E. Miller 62:10-13). Ferreira specializes in large-scale heavy infrastructure projects, including many such projects for PSE&G, and has completed a number of gas main installation and replacement projects (including in connection with PSE&G’s Energy Strong Program and GSMP I) that are precisely the type of work contemplated by the Program.

11. In addition, as suggested by PSE&G, knowing whether a multi-year program such as the Project will be approved by the Board is important for contractors like Ferreira because it allows them to make investments in staff, materials and equipment with greater certainty than a program for a shorter duration. Cf. (Direct Testimony of Wade E. Miller at 64:13-15).

12. Accordingly, Ferreira has a current and concrete interest in the Project that will be “specifically and directly” affected by the outcome of this matter.

13. As to the second element, there are no other parties to the proceeding with interests identical to those of Ferreira. While various other parties to the proceeding have a general interest in obtaining approval of the Program, or in making known their comments concerning the Program, Ferreira’s interest is much more specific and concrete. As noted above, Ferreira’s interest and expertise is with regard to the heavy infrastructure projects (and attendant jobs) that will be created as a result of the Program. Thus, Ferreira’s participation will add measurably and constructively to the scope and resolution of this matter.

14. Finally, allowing Ferreira to intervene in this action is not likely to cause any confusion or undue delay. Ferreira will coordinate its representation with similarly situated parties in this docket to the extent that it finds such action appropriate and will abide by the schedule set forth for this proceeding.

15. For the foregoing reasons, Ferreira respectfully requests that the Board grant this motion, and grant Ferreira intervenor status in this proceeding.

C. Alternative Motion for Participant Status

16. Alternatively, Ferreira requests that it be allowed to participate in the instant proceedings pursuant to N.J.A.C. § 1:1-16.6. Cf. N.J.A.C. § 1:1-16.5 (“Every motion for leave to intervene shall be treated, in the alternative, as a motion for permission to participate.”).

17. In analyzing such a request, the Board is directed to consider “whether the participant’s interest is likely to add constructively to the case without causing undue delay or confusion.” N.J.A.C. § 1:1-16.6(b).

18. As noted above, Ferreira's status as a large-scale heavy infrastructure company that has completed the exact projects, including GSMP I, contemplated by the GSMP II gives it unique experience and a distinctive viewpoint concerning the Program as compared to the other parties and participants in this proceeding. Thus, Ferreira's participation is likely to be constructive. For similar reasons, the Board previously permitted Ferreira to participate in proceedings relating to PSE&G's "Energy Strong" program. See Order on Intervention & Participation Motions, I/M/O Public Service Electric and Gas for Approval of the Energy Strong Program, Docket Nos. EO13020155, GO13020156 (Sept. 30, 2013).

19. Ferreira will also coordinate its representation with similarly situated parties in this docket to the extent that it finds such action appropriate. Moreover, Ferreira will abide by the schedule set forth for this proceeding and, if granted participant status, will not seek to participate beyond the bounds permitted by N.J.A.C. § 1:1-16.6(c). Accordingly, allowing Ferreira participant status will not cause any undue delay or confusion with regard to these proceedings.

20. Copies of all correspondence and other communications relating to this proceeding should be addressed to:

Michael Rato
McElroy, Deutsch, Mulvaney & Carpenter, LLP
1300 Mount Kemble Avenue
P.O. Box 2075
Morristown, New Jersey 07962
mrato@mdmc-law.com

WHEREFORE, Ferreira Construction Co., Inc. respectfully requests (1) an Order granting Ferreira intervenor status in this proceeding pursuant to N.J.A.C. § 1:1-16.1; (2) or, in the alternative, an Order granting Ferreira full rights as a participant in this matter pursuant to

N.J.A.C. § 1:1-16.6; and (3) providing such other or further relief as the Board may deem just and proper.

Dated: October 12, 2017

Respectfully submitted,



Michael Rato

**McELROY, DEUTSCH, MULVANEY
& CARPENTER LLP**

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Counsel for Ferreira Construction Co., Inc.