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APR 04 2018

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ
April 2, 2018

VIA ELECTRONIC AND REGULAR MAIL

Aida Camacho, Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 3rd Fl., Suite 314
P.O. Box 350
Trenton, New Jersey 08625-0350

RECEIVED
CASE MANAGEMENT

APR 04 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Re: **I/M/O The Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for the Approval of a Municipal Consent Renewing a Franchise in the Town of Phillipsburg, Warren County**
BPU Docket No. GE 150410345

Dear Secretary Camacho:

Enclosed please find an original and ten (10) copies of the Petition of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown" or "Company") for the approval of a municipal consent renewing Elizabethtown's franchise ("Municipal Consent") in the Town of Phillipsburg ("Town") in Warren County. Included with the Petition are (i) a copy of the original municipal consent granting Elizabethtown's franchise, (ii) a copy of the Municipal Consent, (iii) Elizabethtown's correspondence accepting the terms and conditions of the Town's Ordinance granting the Municipal Consent; and (iv) a copy of a proposed notice of public hearing.

Copies of the Petition are also being served upon the Division of Rate Counsel.

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

Thank you.

Respectfully yours,

Mary Patricia Keefe
Mary Patricia Keefe

Vice President, Regulatory Affairs
and Business Support

Enclosures

cc: Service List via Federal Express

CMS
Legal
DNG
RPA
Tuxken
SPetersen
ENERGY (TSC)

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

**IN THE MATTER OF THE PETITION OF
PIVOTAL UTILITY HOLDINGS, INC. D/B/A
ELIZABETHTOWN GAS
FOR APPROVAL OF A MUNICIPAL
CONSENT RENEWING A FRANCHISE IN
THE TOWN OF PHILLIPSBURG,
WARREN COUNTY**

BPU DOCKET NO. GE _____

SUMMARY

RECEIVED
CASE MANAGEMENT

APR 04 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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

1. This petition presents the request of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas for the New Jersey Board of Public Utilities ("Board") to approve a municipal consent renewing Elizabethtown's franchise ("Municipal Consent") in the Town of Phillipsburg ("Town"), Warren County, New Jersey. N.J.S.A. 48:2-14 requires Board approval of a franchise granted by a municipality to a public utility subject to the Board's jurisdiction. The Municipal Consent renewing Elizabethtown's franchise in the Town complies with all statutory and administrative requirements necessary for approval. The Board's approval of the franchise is necessary and proper for the public convenience and properly conserves the public interests.

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

**IN THE MATTER OF THE PETITION OF
PIVOTAL UTILITY HOLDINGS, INC. D/B/A
ELIZABETHTOWN GAS
FOR APPROVAL OF A MUNICIPAL
CONSENT RENEWING A FRANCHISE IN
THE TOWN OF PHILLIPSBURG,
WARREN COUNTY**

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BPU DOCKET NO. GE_____

PETITION

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

1. By this petition, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown" or "the Company"), hereby requests that the New Jersey Board of Public Utilities ("BPU" or "Board") pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5 approve the renewal of the franchise granted by the Town of Phillipsburg, Warren County, New Jersey ("Town"). In support of its petition, Elizabethtown states the following:

2. All communications with respect to this pleading and in this proceeding should be served on the following persons:

Mary Patricia Keefe, Esq.
Vice President, Regulatory Affairs and Business Support
Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas
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Union, NJ 07083
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Telephone: (908) 662-8452

Deborah M. Franco, Esq.
Cullen and Dykman LLP
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One Riverfront Plaza
Newark, NJ 07102
Telephone: (973) 849-9005

Erica L. McGill, Esq.
Senior Counsel – Regulatory Affairs, Legal
Southern Company Gas
Ten Peachtree Place, N.E.
Atlanta, GA 30309
ermcgill@southernco.com
Telephone: (404) 584-3682

3. Elizabethtown is a corporation duly organized under the laws of the State of New Jersey and is a public entity engaged in the distribution and transportation of natural gas subject to the jurisdiction of the Board. The Company's principal place of business is located at 520 Green Lane, Union, New Jersey 07083. Elizabethtown distributes natural gas and provides transportation service at retail to approximately 291,000 residential, commercial and industrial customers in Hunterdon, Mercer, Middlesex, Morris, Sussex, Union, and Warren counties.

4. Elizabethtown currently provides natural gas service within the Town and serves approximately 7,734 customers, consisting of 7,100 residential and 634 commercial customers. Elizabethtown has the capacity necessary to ensure the continuation of its natural gas service and does not foresee any concerns regarding its ability to meet the existing and future demands of the Town.

5. Pursuant to an Ordinance adopted on or about August 15, 1946, the Town consented to: (1) the Company furnishing natural gas service in the Town; and (2) the Company's use of the streets (the "Original Consent"). See August 14, 1946 Ordinance attached hereto as Exhibit A.

6. Pursuant to Ordinance No. 2018-2, adopted February 20, 2018, the Town acknowledged the Original Consent and renewed the Town's consent and permission to Elizabethtown to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares, and public spaces within the Town for a period of fifty (50) years. See Ordinance No. 2018-2 attached hereto as Exhibit B.

7. A letter accepting the terms and conditions of Ordinance No. 2018-2 pursuant to N.J.S.A. 48:3-16 is attached as Exhibit C and a proposed notice of public hearing is attached as Exhibit D.

8. N.J.S.A. 48:2-14 requires Board approval of a franchise granted by a municipality to a public utility subject to the Board's jurisdiction. The franchise, which is the subject matter of this petition, complies with all statutory and administrative requirements necessary for approval. The Board's approval of the franchise is necessary and proper for the public convenience and properly conserves the public interests.

WHEREFORE, Elizabethtown respectfully requests that the Board:

- (1) Approve the municipal consent renewing the franchise granted to Elizabethtown by the Town of Phillipsburg pursuant to Ordinance No. 2018-2; and
- (2) Provide any other relief deemed just and equitable.

Respectfully submitted,

Pivotal Utility Holdings, Inc.
d/b/a Elizabethtown Gas

By: Mary Patricia Keefe
Mary Patricia Keefe, Esq.
Vice President, Regulatory Affairs
and Business Support
Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas

DATED: April 2, 2018


VERIFICATION

STATE OF NEW JERSEY)
)
COUNTY OF UNION)

Mary Patricia Keefe, Esq., being duly sworn, deposes and says:

1. I am Vice President, Regulatory Affairs and Business Support for Elizabethtown Gas at 520 Green Lane, Union New Jersey, 07083.

2. I have read the foregoing Petition, know the contents thereof, and the same is true to the best of my knowledge, information and belief.



Mary Patricia Keefe, Esq.
Vice President, Regulatory Affairs and Business Support

Sworn before me this 2nd day
of April, 2018



Notary Public

Jane James
Notary Public
My Commission Expires Dec. 20, 2021