

RECEIVED
CASE MANAGEMENT

APR 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

PHIL MURPHY
Governor

SHEILA OLIVER
Lt. Governor



State of New Jersey
DIVISION OF RATE COUNSEL
140 EAST FRONT STREET, 4TH FL
P.O. BOX 003
TRENTON, NEW JERSEY 08625

*Send
4/19/18*

RECEIVED
MAIL ROOM

APR 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

STEFANIE A. BRAND
Director

April 12, 2018

Via Electronic and US Regular Mail

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

**Re: In the Matter of the New Jersey Board of Public Utilities Consideration of the Tax Cuts and Jobs Act of 2017
Docket No. AX1801001**

**In the Matter of the Petition of Atlantic City Electric Company for Approval of the Treatment of Tax Impacts Associated with Implementation of Tax Cuts and Jobs Act of 2017 and to Determine the Appropriate Level and Mechanism By which Rates Must Be Adjusted to Reflect the Benefits of the Act
Docket No. ER18030241**

**In the Matter of the Compliance Filing of Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas
Docket No. GR18030232**

**In the Matter of the Petition of South Jersey Gas Company for Approval of a Change in Rates, Customer Refund and Rider Associated with the Tax Cuts and Jobs Act of 2017.
Docket No. GR18030230**

**In the Matter of the New Jersey Board of Public Utilities Consideration of the Tax Cuts and Jobs Act of 2017 Filing on Behalf of Suez Water New Jersey, Inc.
Docket No. WR18030238**

**In the Matter of the New Jersey Board of Public Utilities Consideration of the Tax Cuts and Jobs Act of 2017 Filing on Behalf of Suez Water Toms River, Inc.
Docket No. WR18030239**

*AMS
T. Walker
M. Moran*

Tel: (609) 984-1460 • Fax: (609) 292-2923 • Fax: (609) 292-2954
<http://www.nj.gov/rpa> E-Mail: njratepayer@rpa.state.nj.us

In the Matter of the New Jersey Board of Public Utilities Consideration of the Tax Cuts and Jobs Act of 2017 Filing on Behalf of Suez Arlington Hills, Inc.
Docket No. WR18030240

Gordon's Corner Water Company Compliance Filing
Docket No. WR18030243

In the Matter of the Petition of Environmental Disposal Corporation With Calculation of Rates Under the Tax Cuts and Jobs Act 2017
Docket No. WR18030235

In the Matter of the Petition of New Jersey-American Water Company, Inc. With Calculation of Rates Under the Tax Cuts and Jobs Act 2017
Docket No. WR18030233

RECEIVED
MAIL ROOM

APR 16 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Dear Secretary Camacho-Welch:

On January 31, 2018, the Board issued an Order establishing a generic proceeding to review the impact of the Federal Tax Cuts and Jobs Act of 2017 on the rates of regulated utilities in the State of New Jersey. As part of that Order, the Board established a procedural schedule. That procedural schedule included timeframes pursuant to which the parties would conduct discovery. Rate Counsel served discovery specific to each of the thirteen utilities' petitions by March 23, 2018 as required by the Board's Order. Responses were due by April 9, 2018 and follow-up discovery is due by April 20, 2018. The above-referenced utilities did not fully respond to discovery by April 9, 2018 as ordered by the Board.

At its March 26, 2018 agenda, the Board assigned each company its own docket number in a separate Order. Significantly, the Board did not revise the procedural schedule in any of those Orders. Indeed, all the Orders except the one issued to Atlantic City Electric ("ACE"), the Board explicitly stated that the utilities' tax plans will be reviewed "in accordance with the schedule set forth in the Board's January 31, 2018 Order." For ACE, the Board did not establish a separate schedule, but stated that if ACE files a rate case, the Board may consider any outstanding issues in the context of the rate case. ACE has not filed a rate case, so the procedural schedule in the January 31 Order still applies to ACE as well.


To date, ACE has not provided any responses to discovery propounded upon them. South Jersey Gas, Gordon's Corner, and all the Suez Companies have not responded to any of Rate Counsel's Policy questions, while Elizabethtown Gas has responded to only one of three. New Jersey American Water and Environmental Disposal provided final answers today, April 12, 2018. Because of the delay in providing responses to discovery it will be difficult for Rate Counsel to comply with the Board's Order that it serve follow-up discovery by April 20th. It is patently unfair that Rate Counsel's ability to litigate these cases should be undermined due to the utilities' failure to comply with the Board's Order.

Rate Counsel, however, is concerned with expanding the schedule, as this will only serve to delay fully returning the excess funds held by the utilities. Therefore, Rate Counsel

respectfully requests that the Board allow Rate Counsel eleven days (as it would have had under the original Board Order) from the date each utility finalizes its discovery responses to serve follow-up discovery. In order to keep the Board's procedural schedule, the Board should further order that the utilities must still provide responses by May 3, 2018. This will remedy any harm caused by the utilities' violation of the Board Order, but maintain the procedural schedule set by the Board.

Very truly yours,

Stefanie A. Brand, Esq.
Director, Division of Rate Counsel

By: 

Brian O. Lipman, Esq.
Litigation Manager

BOL

cc: Service Lists

**I/M/O the New Jersey Board of Public
Utilities' Consideration of the Tax Cuts
and Jobs Act of 2017
BPU Dkt. Nos. AX18010001**

SERVICE LIST-GENERIC LIST

Aida Camacho-Welch
Office of the Secretary
Board of Public Utilities
44 South Clinton Ave., 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Paul Flanagan, Executive Director
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Noreen Giblin, Chief Counsel
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Carol Artale, Esq.
Counsel's Office
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Bethany Rocque-Romaine, Esq.
Counsel's Office
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Alice Bator, Director
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Caroline Vachier, DAG
Division of Law & Public Safety
124 Halsey Street- 5th Floor
P.O. Box 45029
Newark, NJ 07101

Geoffrey Gersten, DAG
Division of Law & Public Safety
124 Halsey Street- 5th Floor
P.O. Box 45029
Newark, NJ 07101

Alex Moreau, DAG
Division of Law & Public Safety
124 Halsey Street- 5th Floor
P.O. Box 45029
Newark, NJ 07101

Stefanie A. Brand, Esq., Director
Division of the Rate Counsel
140 East Front Street, 4th Fl.
P.O. Box 003
Trenton, NJ 08625

Brian O. Lipman, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Ami Morita, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Felicia Thomas-Friel, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Debra Robinson, Esq.
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Lisa Gurkas
Division of Rate Counsel
140 East Front Street, 4th Fl.
Trenton, NJ 08625

Jessica Rozier
GDS Associates, Inc.
111 N. Orange Avenue
Suite 750
Orlando, FL 32801

William Foley
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Darren Erbe
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Jehvson Espiritu
NJ Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, NJ 08625-0350

Bernard Smalls, Paralegal
PSEG Services Corp.
80 Park Plaza, T5, P O Box 570
Newark, New Jersey 07102

Michele Falcao
Regulatory Filings Supervisor
PSEG Services Corp.
80 Park Plaza, T5, P O Box 570
Newark, New Jersey 07102

Caitlyn White
Regulatory Case Coordinator
PSEG Services Corp.
80 Park Plaza, T5, P O Box 570
Newark, New Jersey 07102

Matthew M Weissman, Esquire
Public Service Electric & Gas
80 Park Plaza, T5G
P O Box 570
Newark, NJ 07102

Hesser McBride
Public Service Electric & Gas
80 Park Plaza, T5G
P O Box 570
Newark, NJ 07102