



CULLEN and DYKMAN LLP

RECEIVED
CASE MANAGEMENT

One Riverfront Plaza
Newark, New Jersey 07102

NAME: DEBORAH M. FRANCO, ESQ.
TITLE: PARTNER
DIRECT DIAL: 973-849-9005
DFRANCO@CULLENANDDYKMAN.COM

SEP 28 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ September 27, 2018

Via Federal Express

Records Custodian
NJ Board of Public Utilities
44 S. Clinton Ave., 3rd Floor
Suite 314
Trenton, NJ 08625

RECEIVED
MAIL ROOM
SEP 28 2018
BOARD OF PUBLIC UTILITIES
TRENTON, NJ

**Re: In the Matter of the Acquisition of Elizabethtown Gas, a Division of Pivotal Utility Holdings, Inc., by ETG Acquisition Corp., a Subsidiary of South Jersey Industries, Inc. and Related Transactions
BPU Docket No. GM17121309**

Dear Records Custodian,

Under a cover letter dated September 27, 2018, a public version of a 90-Day Compliance Filing ("Compliance Filing") was filed with the New Jersey Board of Public Utilities ("Board") by South Jersey Industries, Inc. and Elizabethtown Gas Company ("Elizabethtown") in accordance with the Board's June 22, 2018 Order in the above-referenced matter. The 90-Day Compliance Filing includes, *inter alia*, Appendix C which contains an executed copy of the new asset management agreement between South Jersey Resources Group, LLC and Elizabethtown for the term April 1, 2019 through March 31, 2022.

The purpose of this letter is to file with the Board's designated Custodian of Records to request confidential treatment for Appendix C to the Compliance Filing in accordance with the Open Public Records Act ("OPRA") (*N.J.S.A.* 47:1A-1, *et seq.*) and Section 14:1-12, *et seq.* of the Board's regulations.¹ Consistent with those regulations, submitted herewith are (a) both a preliminary public copy and a confidential copy of the Compliance Filing and its appendices, and (b) a substantiation of claim as required under *N.J.A.C.* 14:1-12.8. The confidential copy of the referenced information has been sealed within a separate envelope as required by *N.J.A.C.* 14:1-12.3(d).²

¹ *N.J.A.C.* 14:1-12.1 *et seq.*

² In accordance with Section 14:1-12.3 of the Board's rules, the unredacted version of the filing is labeled "CONFIDENTIAL COPY" and is sealed in an envelope displaying the word "CONFIDENTIAL" which is enclosed in another envelope bearing no markings indicating the confidential nature of the contents. The redacted version of the filing is labeled "PRELIMINARY PUBLIC COPY" with the confidential information identified.

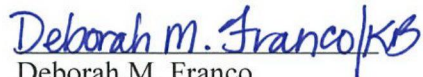
CMS
Energy
Legal
DAG
S. Peterson, Energy
M. Lupo, Legal

In accordance with *N.J.A.C.* 14:1-12.8, substantiation of this request for confidential treatment is attached hereto and contains the affidavit of Mary Patricia Keefe, Vice President, Regulatory Affairs and Business Support of Elizabethtown. As set forth below and in the attached substantiation, certain information in Appendix C to the Compliance Filing should be afforded confidential treatment as such information is not normally disclosed to the public and is proprietary and competitively sensitive.

Consistent with the provisions of *N.J.A.C.* 14:1-12.10, it is requested that the information submitted herein be treated as confidential pending a final determination that the request for confidential treatment has been substantiated. A copy of the confidential information has been provided to representatives of Board Staff and Rate Counsel pursuant to fully executed confidentiality agreements.

Kindly acknowledge receipt and filing of the enclosures by date stamping the enclosed copy of this letter and returning it to us in the enclosed self-addressed and stamped envelope. Should you have any questions, please contact the undersigned.

Sincerely,



Deborah M. Franco

Cullen and Dykman LLP

Of Counsel to Elizabethtown Gas Company

Enclosures: Confidentiality Claim, Preliminary Public Copy and Confidential Copy

cc: Secretary Camacho w/ Confidentiality Claim and Preliminary Public Copy
Paul Flanagan, Executive Director, BPU*
Stacy Peterson, Director, Division of Energy, BPU*
Kevin Moss, Bureau Chief, Division of Energy, BPU*
Stefanie A. Brand, Director, Division of Rate Counsel*
Felicia Thomas-Friel, Managing Attorney-Gas*

*In addition to the Confidentiality Claim and Public Copy, the Confidential Copy is being provided to these parties in accordance with the Non-Disclosure Agreement established in BPU Docket No. GM17121309.