



100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166
Tel: 717.232.8000 • Fax: 717.237.5300

September 13, 2019

Ms. Aida Camacho-Welch, Secretary
Office of the Secretary
Board of Public Utilities
44 S. Clinton Ave., 9th Floor
Trenton, NJ 08625

RECEIVED
MAIL ROOM
SEP 16 2019
BOARD OF PUBLIC UTILITIES
TRENTON, NJ

RECEIVED
CASE MANAGEMENT
2019 SEP 16 10:35
BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Kenneth R. Stark
Direct Dial: 717.237.5378
kstark@mcneeslaw.com

VIA UPS

RE: In the Matter of The Petition Of Soundview Paper Company, LLC to Modify the Electric and Natural Gas Societal Benefits Charge Due to Changed Circumstances; Docket Nos. ER19070812/GR19070813

Dear Office of the Secretary:

Enclosed for filing, please find a Joint Position (“Joint Position”), which has been executed by Soundview Paper Company, LLC. (“Soundview”) and the Staff of the Board of Public Utilities (“Board Staff”) in the above-referenced proceeding.


Consistent with N.J.A.C. § 14:1-4.2, hard copies of this filing are being provided to the Board. Please date-stamp one of the copies of this filing and return it to us in the enclosed, postage-paid envelope for our records.

Other parties in this proceeding will receive electronic service of the enclosed document.

Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Kenneth R. Stark (NJ Bar I.D.: 003832012)

Counsel to Soundview Paper Company, LLC.
Enclosures

c: Service List (via Email)



STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF ADMINISTRATIVE LAW

RECEIVED
MAIL ROOM
SEP 16 2019
BOARD OF PUBLIC UTILITIES
TRENTON, NJ

IN THE MATTER OF THE PETITION OF
SOUNDVIEW PAPER COMPANY, LLC TO
MODIFY THE ELECTRIC AND NATURAL
GAS SOCIETAL BENEFITS CHARGE DUE
TO CHANGED CIRCUMSTANCES

**JOINT
POSITION**

DOCKET NO. ER19070812

Kenneth R. Stark and **Robert A. Weishaar, Jr.**, McNees Wallace and Nurick, LLC, for the Petitioner, Marcal Manufacturing, LLC d/b/a Soundview Paper Company, LLC.

Emma Yao Xiao, Deputy Attorney General, for the Staff of the New Jersey Board of Public Utilities (Gurbir S. Grewal, Attorney General of the State of New Jersey)

This Joint Position is hereby made and executed as of the dates indicated below, by and among the Petitioner, Marcal Manufacturing, LLC d/b/a Soundview Paper Company, LLC (“Soundview”), and the Staff of the New Jersey Board of Public Utilities (“Board Staff”) (collectively, “Signatory Parties”).¹

The Signatory Parties hereby join in recommending that the Honorable New Jersey Board of Public Utilities (“Board”) issue an Order approving the Joint Position without modification based upon the following terms:

BACKGROUND AND PROCEDURAL HISTORY

On July 12, 2019, Soundview, pursuant to N.J.S.A. § 48:2-40(e), submitted a petition to modify the Board’s existing orders governing the Societal Benefits Charge (“SBC”) paid by Soundview at its Marcal Mill in Elmwood Park, New Jersey for electric and natural gas service

¹ Public Service Electric and Gas Company (“PSE&G”) and the New Jersey Division of Rate Counsel (“Rate Counsel”) are not signatories to this Joint Position. PSE&G takes no position with respect to the Joint Position.

provided by Public Service Electric & Gas Company (“PSE&G”). Due to a unique change in circumstances – a devastating, ten-alarm fire on January 30, 2019 (“January 2019 Fire”) that destroyed 90% of the Marcal Mill’s revenue generating capacity – Soundview, pursuant to N.J.S.A. -60(a), requested that the Board determine that Soundview has demonstrated good cause to further modify the amount of the SBC associated with Soundview’s electric and natural gas usage. Given the physical and financial circumstances at Soundview’s mill, Soundview sought expedited review by the Board and requested, on a temporary and limited basis, a reduction of at least 90% of the SBC associated with the electric and natural gas distribution service it receives at the Mill. Soundview also requested elimination of the condition in the 2018 Electric SBC Order in Docket No. ER18070706 that restricts Soundview from withdrawing funds from the New Jersey Clean Energy Program (“CEP”) while any SBC discount is in effect.

On July 19, 2019, PSE&G filed a motion to intervene. In its motion to intervene, PSE&G asserted that, because Soundview is a large customer of PSE&G, Soundview’s economic viability is of significant interest to PSE&G.

In response to the Petition, on August 13, 2019, the New Jersey Division of Rate Counsel (“Rate Counsel”) issued 12 discovery requests to Soundview regarding Soundview’s Petition. On August 28, 2019, Soundview served the parties with written responses and documents to Rate Counsel’s discovery requests.

On September 11, 2019, the Board issued an Order granting PSE&G’s Motion to Intervene and Soundview’s motion for admission *pro hac vice* of Soundview attorney Mr. Weishaar.

As a result of settlement discussions, the Signatory Parties reached a Joint Position for resolving this matter.

The Signatory Parties stipulate and agree as follows:

1. Soundview will receive a 75% discount of the total SBC rate that is billed by PSE&G to Soundview for electric service.

2. Soundview's revised SBC rate for electric service will become effective on October 1, 2019, or on a date specified by the Board, and will continue in effect until the conclusion of Soundview's existing 50% electric SBC discount in BPU Docket No. ER18070706 on December 1, 2022. If Soundview determines the need for an uninterrupted extension of the reduced SBC rate based on substantially similar financial conditions underlying Soundview's SBC Petitions before the Board, Soundview will file a new petition in advance of December 1, 2022.

3. Soundview will receive a 75% discount of the total SBC rate that is billed by PSE&G to Soundview for natural gas service.

4. Soundview's revised SBC rate for natural gas service will become effective on October 1, 2019, or on a date specified by the Board, and will continue in effect until the conclusion of Soundview's discounted Contract Gas Service agreement in BPU Docket No. GR15060659 on December 1, 2022. If Soundview determines the need for an uninterrupted extension of the reduced SBC rate based on substantially similar financial conditions underlying Soundview's SBC Petitions before the Board, Soundview will file a new petition in advance of December 1, 2022.

5. Soundview may determine that a new cogeneration facility or other clean energy project would materially improve its ability to successfully restart and maintain business operations following the catastrophic fire of January 30, 2019. As such, the Signatory Parties request the Board to grant Soundview the option to apply for CEP grants, at some point in the future, to assist with the funding of a cogeneration facility or other clean energy project while the

SBC discounts are in effect. If Soundview elects to apply and then receives significant state-funded assistance for a cogeneration facility or other clean energy project, then Soundview will agree to immediately terminate the discounts for the gas and electric SBC when such cogeneration facility or other clean energy project becomes fully operational.

6. The Signatory Parties respectfully request that the Board approve this Joint Position without modification, with the rate modifications set forth herein, effective for service rendered on October 1, 2019, or a date specified by the Board. Upon approval of this Joint Position without modification, the Signatory Parties recommend that the Board close this proceeding.

7. The undersigned parties hereby agree that this Joint Position has been made exclusively for the purpose of resolving the issues in this proceeding. The Signatory Parties also agree that this Joint Position was negotiated and agreed to in its entirety, with each section being mutually dependent on approval of all other sections. Therefore, if the Board modifies any of the terms of this Joint Position, each party is given the option, before implementation of any different rates or terms in this case, to accept the change or to resume the proceeding as if no agreement had been reached. If these proceedings are resumed, each party is given the right to return to the position it was in before this Joint Position was executed.

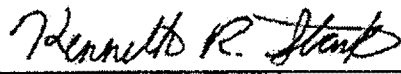
8. The Signatory Parties hereby agree that this Joint Position has been made exclusively for the purpose of this proceeding and that this settlement, in total or by specific item, is in no way binding upon them in any other proceeding, except to enforce the terms of this Joint Position.

9. The Signatory Parties further acknowledge that a Board Order approving this Joint Position will become effective upon the service of the Board Order, or upon such date after service thereof as the Board may specify, in accordance with N.J.S.A. 48:2-40.

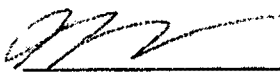
10. It is specifically understood and agreed that this Joint Position represents a negotiated agreement and has been made exclusively for the purpose of this proceeding. Except as expressly provided herein, Board Staff and Soundview shall not be deemed to have approved, agreed to, or consented to any principle or methodology underlying or supposed to underlie any agreement provided herein.

IN WITNESS THEREOF, the undersigned Parties do HEREBY AGREE to the form and execution of
this Joint Position:

SOUNDVIEW PAPER COMPANY, LLC

By: 
Kenneth R. Stark
McNees Wallace and Nurick LLC
Counsel to Soundview Paper Company, LLC.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY,
Attorney for the Staff of the New Jersey Board
of Public Utilities

By: 
Emma Yao Xiao
Deputy Attorney General

DATED: September 13, 2019

SERVICE LIST

In the Matter of The Petition Of Soundview Paper Company, LLC to Modify the Electric and Natural Gas Societal Benefits Charge Due to Changed Circumstances

BPU Docket No. **ER19070812/GR19070813**

NJ BPU

Grace Power, Esq.
Chief of Staff
Board of Public Utilities
PO Box 350
Trenton, NJ 08625-0350
Grace.Power@bpu.nj.gov

Paul Flanagan, Executive Director
44 South Clinton Avenue, 9th Fl
PO Box 350
Trenton, NJ 08625-0350
paul.flanagan@bpu.state.nj.us

Scott Hunter
Board of Public Utilities
Division of Clean Energy
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625-0350
b.hunter@bpu.state.nj.us

Carol Artale
Board of Public Utilities
44 South Clinton Avenue
Trenton, NJ 08625-0350
Carol.Artale@bpu.nj.gov

Heather Weisband, Esq.
Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
Trenton, NJ 08625-0350
Heather.Weisband@bpu.nj.gov

Stacy Peterson
Director of the Division of Energy
Board of Public Utilities
PO Box 350
Trenton, NJ 08625-0350
stacy.peterson@bpu.nj.gov

Thomas Walker, Director
Board of Public Utilities
44 South Clinton Avenue, 9th Fl
PO Box 350
Trenton, NJ 08625-0350
Thomas.walker@bpu.nj.gov

Andrea Hart, Legal Specialist
Counsel's Office
Board of Public Utilities
PO Box 350
Trenton, NJ 08625-0350
Andrea.Hart@bpu.nj.gov

Rachel Boylan, Legal Specialist
Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
Trenton, NJ 08625-0350
Rachel.Boylan@bpu.nj.gov

Sherri Jones
Board of Public Utilities
Division of Clean Energy
44 South Clinton Avenue
PO Box 350
Trenton, NJ 08625-0350
Sherri.Jones@bpu.nj.gov

Caroline Vachier, DAG
Veronica Beke, DAG
Department of Law and Public Safety
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, NJ 07101
Caroline.vachier@dol.lps.state.nj.us
Veronica.Beke@dol.lps.state.nj.us

Renee Greenberg, DAG
Department of Law and Public Safety
Division of Law
PO Box 45029
Newark, NJ 07101
Renee Greenberg
Renee.Greenberg@law.njoag.gov

Alex Moreau, DAG
Department of Law and Public Safety
Division of Law
124 Halsey Street, 5th Floor
PO Box 45029
Newark, NJ 07101
Alex.Moreau@law.njoag.gov

Ken Sheehan, Esq.
Director of the Office of Economic
Development and Emerging
Technology/Clean Energy
Board of Public Utilities
44 South Clinton Avenue, PO Box 350
Trenton, NJ 08625-0350
Ken.Sheehan@bpu.nj.gov

Emma Xiao, DAG
Department of Law and Public Safety
Division of Law
PO Box 45029
Newark, NJ 07101
Emma.Xiao@law.njoag.gov

Geoffrey Gersten, DAG
Department of Law and Public Safety
Division of Law
PO Box 45029
Newark, NJ 07101
Geoffrey.Gersten@law.njoag.gov

Peter Van Brunt, DAG
Division of Law
PO Box 45029
Newark, NJ 07101
Peter.VanBrunt@law.njoag.gov

Rate Counsel

Stefanie Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
PO Box 003
Trenton, NJ 08625-0003
sbrand@rpa.state.nj.us

Brian O. Lipman, Esq., Litigation Manager
Division of Rate Counsel
140 East Front Street, 4th Floor
PO Box 003
Trenton, NJ 08625-0003
blipman@rpa.state.nj.us

Felicia Thomas-Friel, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
PO Box 003
Trenton, NJ 08625-0003
ftthomas@rpa.state.nj.us

Kurt Lewandowski, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
PO Box 003
Trenton, NJ 08625-0003
klewando@rpa.state.nj.us

Shelly Massey, Paralegal
Division of Rate Counsel
140 East Front Street, 4th Floor
PO Box 003
Trenton, NJ 08625-0003
smassey@rpa.state.nj.us

Henry Ogden
Division of Rate Counsel
140 East Front Street, 4th Floor
PO Box 003
Trenton, NJ 08625-0003
hogden@rpa.state.nj.us

PSE&G

Matthew M. Weissman, Esq.
PSEG Services Corporation
80 Park Plaza, T5, P.O. Box 570
Newark, NJ 07102
matthew.weissman@pseg.com

Justin Incardone, Esq.
PSEG Services Corporation
80 Park Plaza, T5, P.O. Box 570
Newark, NJ 07102
Justin.incardone@pseg.com

Caitlyn White
Regulatory Case Coordinator
Caitlyn.White@pseg.com

James Glassen
Division of Rate Counsel
140 East Front Street, 4th Floor
PO Box 003
Trenton, NJ 08625-0003
Jglassen@rpa.state.nj.us

Mr. David Peterson
Chesapeake Regulatory Consultants, Inc.
10351 Southern Maryland Boulevard
Suite 202
Dunkirk, MD 20754-9500
davep@chesapeake.net

Michele Falcao, Regulatory Filings
Supervisor
PSEG Services Corporation
80 Park Plaza, T5, P.O. Box 570
Newark, NJ 07101
Michele.Falcao@pseg.com

Bernard Smalls
PSEG Services Corporation
80 Park Plaza, T5, P.O. Box 570
Newark, NJ 07102
Bernard.smalls@pseg.com