

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

**In the Matter of the Petition of)
Elizabethtown Gas Company for) BPU Docket No. GO20090619
Approval of New Energy Efficiency)
Programs and Associated Cost Recovery)
Pursuant to the Clean Energy Act and)
the Establishment of a Conservation)
Incentive Program)**

**MOTION TO INTERVENE OF THE
NEW JERSEY LARGE ENERGY USERS COALITION**

The New Jersey Large Energy Users Coalition (“NJLEUC”), an association whose members include large volume natural gas customers serviced by Elizabethtown Gas (“Elizabethtown”), hereby moves to intervene in the above-captioned proceeding. In support of its motion, NJLEUC states as follows:

1. All communications and correspondence concerning this proceeding should be directed to:

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2. On September 25, 2020, Elizabethtown filed a Petition requesting the Board of Public Utilities (“Board”) to approve new Energy Efficiency Programs (“EEPs”), which would be implemented over a three-year period at a cost of \$100 million. Elizabethtown would recover EEP-related costs through its existing EEP Rider rate, and also proposes a new Conservation Incentive Program (“CIP”) pursuant to N.J.S.A. 48:3-87.8 et seq. and 48:3-98.1 et seq.

WHEREFORE, in support of its application for intervention in this proceeding, and as further summarized below, NJLEUC respectfully submits that all factors for intervention set forth

in N.J.A.C. 1:1-16 weigh in favor of granting NJLEUC's motion to intervene in the above-captioned proceeding:

1. NJLEUC formed, in part, to monitor regulatory proceedings involving the State's electric and natural gas utilities, including Elizabethtown, and to intervene or participate in regulatory and rate proceedings to the extent necessary to represent its members' common interests. Members of NJLEUC are large volume purchasers of natural gas distribution service from Elizabethtown and, therefore, have a significant interest in the outcome of this proceeding;

2. Given its capacity as an association of large end-use customers on the Elizabethtown system, NJLEUC's interests with regard to the proposed EEPs are unique from those of any other party.

3. NJLEUC has a unique perspective and insight regarding the potential impact, on large volume gas customers, of the approvals sought by Elizabethtown in this proceeding.

4. NJLEUC's motion is timely and will not delay or otherwise disrupt the prosecution of this proceeding;

5. Fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to intervene in this proceeding, the outcome of which will have an impact on the gas distribution service received from Elizabethtown by the members of NJLEUC;

6. NJLEUC has been granted Intervenor status in prior Elizabethtown infrastructure and rate proceedings, the NUI/AGL Resources merger proceeding, and a number of regulatory proceedings involving Elizabethtown, including the ENDURE proceeding;

7. Accordingly, the issues to be decided in this proceeding substantially, specifically and directly affect NJLEUC within the meaning of these terms as used in the Uniform Rules, thereby making it appropriate for NJLEUC to intervene as a party;

8. Furthermore, the interests of NJLEUC's members as large end-use customers of

Elizabethtown are substantially different from those of any other party seeking intervention or participation. Therefore, NJLEUC's interests in this proceeding are unique on both a quantitative and qualitative basis;

9. NJLEUC's entry as a party would measurably and constructively advance this proceeding because of the unique status of its members as large end-use customers on the Elizabethtown system. NJLEUC's entry as a party would promote an informed and balanced presentation of the issues;

10. Notwithstanding its unique interests, where it is possible and practical for it to do so, NJLEUC will endeavor to work cooperatively with other parties in this proceeding in the interests of administrative efficiency and economy;

11. For the foregoing reasons, and because natural gas delivery service to NJLEUC's members will be directly and substantially affected by the issues to be determined in this proceeding, NJLEUC has a direct and immediate interest in the outcome of this proceeding that cannot adequately be represented by any other party.

WHEREFORE, pursuant to N.J.A.C. 1:1-16, *et seq.*, NJLEUC respectfully requests that it be permitted to intervene in the above-captioned proceeding.

Respectfully submitted,

/s/ Steven S. Goldenberg

Steven S. Goldenberg, Esq.
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Phone: 732-224-6530
Attorneys for New Jersey Large Energy
Users Coalition

Dated: October 2, 2020

As evidenced by his affidavit attached hereto, Mr. Forshay has paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. 1.20-1(b).

Respectfully submitted,

/s/ Steven S. Goldenberg

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5. I have paid to the New Jersey Lawyers' Fund for Client Protection the fees required by R. I :20-1 (b) and 1 :28-2.

6. If this application to appear *pro hac vice* is granted, I agree to:

a. abide by the New Jersey Court Rules, including all disciplinary rules;

b. consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against me or my firm that may arise out of my participation in this matter;

c. notify the Board of Public Utilities and Office of Administrative Law immediately of any matter affecting my standing at the bar of any court; and

d. have all pleadings, briefs and other papers filed with the Board of Public Utilities and Office of Administrative Law signed by the attorney of record.

Paul F. Forshay

SUBSCRIBED AND SWORN to before
me this 2nd day of October, 2020

Notary Public

CERTIFICATION OF SERVICE

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion to Intervene and Motion for Admission *Pro Hac Vice* to the parties identified on the service list.

Dated at Red Bank, New Jersey, this 2nd day of October, 2020.

/s/ Steven S. Goldenberg

Steven S. Goldenberg, Esq.