

**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:

Steven S. Goldenberg, Esq.
Giordano, Halleran & Ciesla, P.C.
125 Half Mile Rd, Suite 300
Red Bank, NJ 07701-6777
Phone: 732-224-6530
Fax: 732-224-6599
sgoldenberg@ghclaw.com

Paul F. Forshay, Esq.
Eversheds Sutherland (US) LLP
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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.
GIORDANO, HALLERAN & CIESLA, P.C.
125 Half Mile Rd, Suite 300
Red Bank, NJ 07701-6777
Phone: 732-224-6530
Attorneys for New Jersey Large Energy
Users Coalition

Dated: October 2, 2020

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

**In the Matter of the Petition of)
Elizabethtown Gas Company for) **BPU Docket No. GO20090619**
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MOTION FOR ADMISSION *PRO HAC VICE*

The undersigned counsel, a member in good standing of the bar of the State of New Jersey and willing to serve as attorney of record in this proceeding, hereby moves for the admission *pro hac vice* of Paul F. Forshay, Esq. Mr. Forshay is a member in good standing of the bar of the District of Columbia.

There is good cause for Mr. Forshay to be admitted *pro hac vice* because he has had significant experience representing the interests of large end-use customers, he has an attorney-client relationship with the New Jersey Large Energy Users Coalition, and this proceeding involves a complex field of law in which he is a specialist. Specifically, Mr. Forshay has had significant experience with matters arising under the Natural Gas Act and matters involving interstate natural gas pipelines, including ratemaking, capacity release and infrastructure and construction-related issues. Mr. Forshay has also had a longstanding, ongoing representation of the New Jersey Large Energy Users Coalition in a multiplicity of natural gas matters before the Federal Energy Regulatory Commission and the Board of Public Utilities.

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

Steven S. Goldenberg, Esq.
GIORDANO, HALLERAN & CIESLA, P.C.
125 Half Mile Rd, Suite 300
Red Bank, NJ 07701-6777
Phone: 732-224-6530
Attorneys for New Jersey Large Energy
Users Coalition

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Company For Approval of New Energy Efficiency)
Programs and Associated Cost Recovery Pursuant)
to the Clean Energy Act and the Establishment)
of a Conservation Incentive Program)

**AFFIDAVIT IN SUPPORT OF REQUEST
TO APPEAR *PRO HAC VICE***

Washington)
) ss.
District of Columbia)

I, Paul F. Forshay, duly sworn according to law, depose and say:

1. I am an attorney in good standing admitted to practice in the District of Columbia.

I am not admitted to practice in New Jersey. I have no disciplinary proceedings pending against me in any jurisdiction and no discipline has been previously imposed on me in any jurisdiction.

2. I am associated in this matter with New Jersey counsel of record, Steven S. Goldenberg, Esq. of the firm of Giordano, Halleran & Ciesla PC who is qualified to practice law in this State pursuant to R. 1:21-1.

3. The New Jersey Large Energy Users Coalition (“NJLEUC”) has requested my representation in this matter.

4. There is good cause for my admission *pro hac vice* in that I have had considerable experience representing marketers and large end-use customers in various proceedings before the Federal Energy Regulatory Commission and Board of Public Utilities and I have an attorney- client relationship with NJLEUC. The proceeding in which I seek admission involves a complex field of law in which I am a specialist. I have been admitted *pro hac vice* in prior Elizabethtown Gas Company rate and regulatory proceedings.

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.

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.

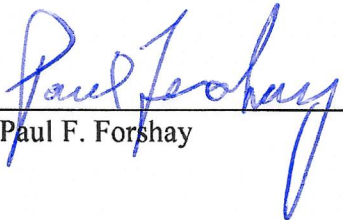
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Paul F. Forshay

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



Notary Public

REBECCA A. MENSO
Notary Public, District of Columbia
My Comm. Exp. October 14, 2020

