



**Van L. McPherson III, Esquire**  
Assistant General Counsel  
*Office of General Counsel*

---

February 23, 2021

**VIA E-MAIL ONLY**

Ms. Aida Camacho-Welch  
Secretary of the Board  
State of New Jersey  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
Trenton, New Jersey 08625-0350

**RE: In the Matter of the Petition of Elizabethtown Gas Company for Approval of  
a Municipal Franchise in the Township of Byram, Sussex County  
BPU Dkt. No. \_\_\_\_\_**

Dear Ms. Camacho-Welch:

Enclosed please find an electronic copy of a petition being filed on behalf of Elizabethtown Gas Company ("ETG") for the approval of a municipal franchise for the Township of Byram, Sussex County. Due to the pandemic, and in accordance with the New Jersey Board of Public Utilities ("BPU") March 19, 2020 and May 20, 2020 Orders issued in BPU Docket No. EO20030254, hard copies are not being provided at this time, but can be provided at a later time, as needed. I have included a copy of the municipal consent, acceptance of the terms and conditions and a copy of a proposed public notice.

By copy of this letter, copies of the motion are being forwarded on this date via electronic mail to all persons whose name appears on the attached Service List. Kindly acknowledge receipt of this filing.

If you have any questions or concerns, please do not hesitate to contact me at [vmcpherson@sjindustries.com](mailto:vmcpherson@sjindustries.com) or (609) 561-9000, ext. 4794. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "V L McPherson III". The signature is stylized with a large "V" and "L" followed by "McPherson" and "III".

Van L. McPherson III  
Assistant General Counsel  
[vmcpherson@sjindustries.com](mailto:vmcpherson@sjindustries.com)

VLM/cmm

cc: Attached Service List (E-Mail Only)

**IN THE MATTER OF THE PETITION OF  
ELIZABETHTOWN GAS COMPANY FOR  
APPROVAL OF A MUNICIPAL FRANCHISE  
IN THE TOWNSHIP OF BYRAM  
SUSSEX COUNTY**

**: SERVICE LIST  
:  
:  
:  
: BPU DOCKET NO. \_\_\_\_\_**

**NJ BOARD OF PUBLIC UTILITIES**

Aida Camacho, Board Secretary  
NJ Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor  
P. O. Box 350  
Trenton, NJ 08625-0350  
[aida.camacho@bpu.nj.gov](mailto:aida.camacho@bpu.nj.gov)

Stacy Peterson, Director  
Division of Energy  
NJ Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor  
P. O. Box 350  
Trenton, NJ 08625-0350  
[Stacy.peterson@bpu.nj.gov](mailto:Stacy.peterson@bpu.nj.gov)

John Zarzycki  
Division of Energy  
Board of Public Utilities  
44 South Clinton Avenue, 3'd Fl., Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[John.zarzycki@bpu.nj.gov](mailto:John.zarzycki@bpu.nj.gov)

**DIVISION OF LAW**

Terel Klein, DAG  
Dept. of Law & Public Safety  
Division of Law  
RJ Hughes Justice Complex  
25 Market Street, 7<sup>th</sup> Floor West  
P.O. Box 112  
Trenton, NJ 08625  
[Terel.Klein@law.njoag.gov](mailto:Terel.Klein@law.njoag.gov)

Pamela Owen, DAG  
Dept. of Law & Public Safety  
Division of Law  
RJ Hughes Justice Complex  
25 Market Street, 7<sup>th</sup> Floor West  
P.O. Box 112  
Trenton, NJ 08625  
[pamela.owen@law.njoag.gov](mailto:pamela.owen@law.njoag.gov)

**DIVISION OF RATE COUNSEL**

Stefanie A. Brand, Esq., Director  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[sbrand@rpa.nj.gov](mailto:sbrand@rpa.nj.gov)

Felicia Thomas-Friel, Managing Attorney  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[fthomas@rpa.nj.gov](mailto:fthomas@rpa.nj.gov)

Brian O. Lipman, Litigation Manager  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Shelly Massey  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
P.O. Box 003  
Trenton, NJ 08625  
[smassey@rpa.nj.gov](mailto:smassey@rpa.nj.gov)

**ELIZABETHTOWN GAS COMPANY**

Deborah M. Franco, Esq.  
VP, Rates, Regulatory & Sustainability  
SJI Utilities, Inc.  
520 Green Lane  
Union, NJ 07083  
[dfranco@sjindustries.com](mailto:dfranco@sjindustries.com)

Carolyn A. Jacobs  
Regulatory Compliance Specialist  
SJI, Utilities Inc.  
One South Jersey Place  
Atlantic City, NJ 08401  
[cjacobs@sjindustries.com](mailto:cjacobs@sjindustries.com)

Andrew McNally, Esq.  
Director, Government Relations  
South Jersey Industries, Inc.  
1 South Jersey Plaza  
Folsom, New Jersey 08037  
[amcnally@sjindustries.com](mailto:amcnally@sjindustries.com)

Van L. McPherson, III, Esq.  
Assistant General Counsel  
South Jersey Industries, Inc.  
1 South Jersey Plaza  
Folsom, New Jersey 08037  
[vmcpherson@sjindustries.com](mailto:vmcpherson@sjindustries.com)

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

<b>IN THE MATTER OF THE PETITION OF</b>	<b>)</b>	
<b>ELIZABETHTOWN GAS COMPANY FOR</b>	<b>)</b>	
<b>APPROVAL OF A MUNICIPAL FRANCHISE</b>	<b>)</b>	<b>BPU DKT. _____</b>
<b>IN THE TOWNSHIP OF BYRAM</b>	<b>)</b>	
<b>SUSSEX COUNTY</b>	<b>)</b>	<b>PETITION</b>

**TO: THE HONORABLE COMMISSIONERS OF  
THE BOARD OF PUBLIC UTILITIES**

This petition presents the request of Elizabethtown Gas Company (“Petitioner”) for the Board of Public Utilities to approve a municipal consent in the Township of Byram, Sussex County, New Jersey. The Township has granted the franchise consent by ordinance subject to the approval of the Board of Public Utilities.

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

<b>IN THE MATTER OF THE PETITION OF</b>	)	
<b>ELIZABETHTOWN GAS COMPANY FOR</b>	)	
<b>APPROVAL OF A MUNICIPAL FRANCHISE</b>	)	<b>BPU DKT. _____</b>
<b>IN THE TOWNSHIP OF BYRAM</b>	)	
<b>SUSSEX COUNTY</b>	)	<b>PETITION</b>

**TO: THE HONORABLE COMMISSIONERS OF  
THE BOARD OF PUBLIC UTILITIES**

By this petition, Elizabethtown Gas Company (“ETG” or “the Company”),  
hereby requests that the New Jersey Board of Public Utilities (“BPU” or “the Board”)  
pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5. approve the franchise granted by  
the Township of Byram, Sussex County, New Jersey. In support of its petition, ETG  
states the following:

1. Copies of all correspondence and other communications relating to this  
proceeding should be addressed to:

Deborah M. Franco, Esq.  
VP, Rates, Regulatory Affairs, & Sustainability  
SJI Utilities, Inc.  
1 South Jersey Plaza  
Folsom, New Jersey 08037  
Phone: (908) 662-8448  
[dfranco@sjindustries.com](mailto:dfranco@sjindustries.com)

Van L. McPherson, III, Esq.  
Assistant General Counsel  
South Jersey Industries, Inc.  
1 South Jersey Plaza  
Folsom, New Jersey 08037  
Phone: (609) 561-9000 x4794  
[vmcpherson@sjindustries.com](mailto:vmcpherson@sjindustries.com)

Additional copies should be addressed to:

Andrew McNally, Esq.  
Director, Government Affairs  
South Jersey Industries, Inc.  
1 South Jersey Plaza  
Folsom, New Jersey 08037  
Phone: (908) 662-8479 x68479  
[amcnally@sjindustries.com](mailto:amcnally@sjindustries.com)

2. ETG is a corporation duly organized under the laws of the State of New Jersey and is a public utility engaged in the in the purchase, distribution, and sale of natural gas for approximately 300,000 customers located within the state. The Company's principal place of business is located at 520 Green Lane, Union. ETG distributes natural gas to residential, commercial, and industrial customers in Union, Middlesex, Sussex, Warren, Hunterdon, Morris, and Mercer counties.

3. ETG has received interest from area residents wishing to receive natural gas service for home heating purposes. A copy of the municipal consent of Byram Township is attached as Exhibit A. A letter accepting the terms and conditions pursuant to N.J.S.A. 48:3-16 is attached as Exhibit B and a proposed public notice is attached as Exhibit C.

4. N.J.S.A. 48:2-14 requires Board approval of a franchise granted by a municipality to a public utility subject to the Board's jurisdiction. The franchise, which is the subject matter of this petition, complies with all statutory and administrative requirements necessary for its approval. The Board's approval of the franchise is necessary and proper for the public convenience and properly conserves the public interests.

**WHEREFORE**, ETG respectfully requests that the Board:

- (1) Approve the franchise granted to Elizabethtown Gas Company by the Township of Byram; and
- (2) Providing such further relief in connection therewith as is deemed reasonable, just, and consistent with the foregoing.

ELIZABETHTOWN GAS COMPANY



---

Van L. McPherson, III, Esq.



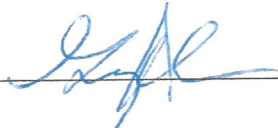
**VERIFICATION**

STATE OF NEW JERSEY )

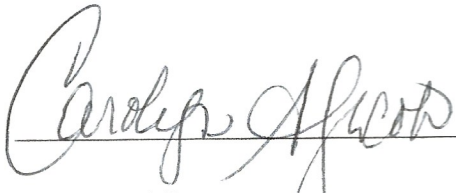
COUNTY OF UNION )

Gary Marmo, being duly sworn, deposes and says:

1. I am Director, New Business Development for Elizabethtown Gas Company at 520 Green Lane, Union, New Jersey 07083.
2. I have read the foregoing Petition, know the contents thereof, and the same is true to the best of my knowledge, information, and belief.

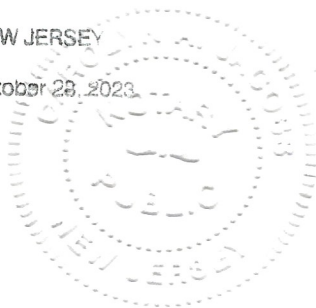
  
\_\_\_\_\_  
Gary Marmo

Sworn to before me this 23<sup>rd</sup> day of February 2021.

  
\_\_\_\_\_  
Notary Public **CAROLYN A. JACOBS**

**NOTARY PUBLIC OF NEW JERSEY**

My Commission Expires October 28, 2023



# Exhibit A

## PETITION FOR MUNICIPAL FRANCHISE

### TO THE HONORABLE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF BYRAM

Petitioner, Elizabethtown Gas Company ("Elizabethtown" or "Company"), a public utility corporation of the state of New Jersey respectfully shows:

1. Petitioner is a corporation duly organized under the laws of the State of New Jersey, and is a public utility engaged in distribution of natural and mixed gas, subject to the jurisdiction of the New Jersey Board of Public Utilities ("NJBPU" or "the Board"). The principal business office of the petitioner is 520 Green Lane, Union, NJ 07083.

2. Communications and correspondence relating to the proceeding herein should be sent as follows:

Christie McMullen  
President and COO  
ELIZABETHTOWN GAS COMPANY  
520 Green Lane  
Union, NJ 07083

3. Petitioner is engaged in the business of transmitting and distributing natural and mixed gas to approximately 297,000 customers within its service area located principally in Hunterdon, Mercer, Middlesex, Morris, Sussex, Union and Warren Counties.

4. The Township of Byram, in the County of Sussex, New Jersey is not served with gas under a franchise consent.

5. Elizabethtown currently serves other communities within Sussex County.

6. Elizabethtown respectfully requests permission to convey, supply and distribute gas for light, heat, power and other purposes for public and private use and consumption along and under the streets, avenues, alleys, parks, parkways, highways or other public places within the area of the Township depicted in green color on the map attached hereto as Exhibit A and as

said streets, avenues, alleys, parks, parkways, highways, or other public places now exist or may be hereinafter laid out by the municipal authorities of the said Township or dedicated to said Township of Byram.

7. The form of Ordinance annexed hereto as Schedule A has been submitted to the Honorable Mayor and Township Council for their consideration. By the terms of such Ordinance, Elizabethtown would agree to restore at its own expense all such streets, avenues, parks, parkways, highways, sidewalks, grass plots, curbs or other public place to their pre-existing condition at the commencement of any said work; said work shall be done in a careful, prudent and workmanlike manner and within such a time as shall be best for the proper restoration thereof.

8. Elizabethtown would agree to give notice to the Township Council or its duly authorized officials, of its intentions to open or excavate a street or other public place as aforesaid, and would agree to abide by any Ordinance now existing or hereafter passed which regulates the excavation and opening of streets, roads or highways.

9. The work of laying or repairing gas mains and/or distribution lines and laterals shall be done by the Company in a careful, prudent and workmanlike manner at its own expense.

10. Elizabethtown would, at all times, protect and save harmless the Township of Byram from any and all damages to person or property and from any and all actions, costs or claims which may be caused by or out of, relate to or result from the Company's negligence in construction, laying, repairing, inspecting, altering or maintaining of mains, conductors, pipes and appurtenances thereto.

11. Elizabethtown would agree to execute and file with the Clerk of the Township its

bond in the penal sum of Ten Thousand (\$10,000.00) Dollars in satisfactory form, guaranteeing its performance of the conditions of the Ordinance which may be enlarged or renewed from time to time as the Township Council Committee may require.

Respectfully submitted,

ELIZABETHTOWN GAS COMPANY

A handwritten signature in cursive script, reading "Christie McMullen". The signature is written in dark ink and is positioned above the printed name.

By: Christie McMullen, President and COO

**STATE OF NEW JERSEY  
COUNTY OF SUSSEX  
TOWNSHIP OF BYRAM**

**ORDINANCE NO. 008-2020**

**AN ORDINANCE OF THE TOWNSHIP OF BYRAM GRANTING MUNICIPAL  
CONSENT TO ELIZABETHTOWN GAS COMPANY TO CONSTRUCT, MAINTAIN  
AND OPERATE A GAS LINE FOR THE DISTRIBUTION OF NATURAL AND MIXED  
GAS.**

**WHEREAS**, Elizabethtown Gas Company, a Corporation of the State of New Jersey and a public utility subject to the jurisdiction of the New Jersey Board of Public Utilities, on August 13, 2020 filed a Petition with the Township of Byram seeking Municipal Consent to construct, operate and maintain natural and mixed gas distribution lines for public and private consumption in portions of the Township of Byram.

**WHEREAS**, Richard Valenti, Esq., and Gary Marmo, representatives of the Petitioner appeared before the Byram Township Council on September 1, 2020 to present their general plans for extension of gas lines within the Township as the need arose; and

**WHEREAS**, the Petitioner has provided public notice of such Petition through publication in the official newspaper of the Municipality, and by posting notice of such Petition pursuant to Statute.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Township Council of the Township of Byram.

**Section I.** Grant of Municipal Consent.

Pursuant to N.J.S.A., 48:3-11, the Mayor and Township Council of the Township of Byram hereby grant Elizabethtown Gas Company, a Corporation of the State of New Jersey (hereinafter "Elizabethtown") with principal offices located at 520 Green Lane, Union, New Jersey 07083, its successors and assigns, a nonexclusive consent, right and privilege for the use, without impairment of, or obstruction to the public use, of the roads, streets, parks, avenues, ways, and other public places of the Township of Byram to construct, lay, maintain, and operate for a period of fifty (50) years, the necessary mains, conductors, pipes and concomitant appurtenances for the purpose of conveying, storing, supplying and distributing natural and mixed gas for heat, power, light and other purposes for public and private use and consumption, along in, or under the following described Service Area: all the streets, avenues, alleys, parks, parkways, highways, or other public places within the portion of the Township shown as the green colored area in the map attached hereto as Exhibit A as said streets, avenues, alleys, parks, parkways, highways, and other public places now exist or may be hereinafter be laid out by the municipal authorities of the said Township or dedicated to said Township.

**Section II.** Conditions on Grant of Municipal Consent.

The Municipal Consent granted herein is expressly conditioned upon the following:

- (a) the written acceptance of Elizabethtown of the terms and conditions of this municipal Consent Ordinance within thirty (30) days of its final adoption.
- (b) the New Jersey Board of Public Utilities (hereinafter "N.J.B.P.U.") approval of the Consent herein granted and the issuance of such other grants or approvals as determined by the N.J.B.P.U.
- (c) Elizabethtown shall satisfy all Statutory requirements of N.J.S.A. 48:13-1 et seq. regarding the proper organization and operation of a Public Utilities engaged in the distribution of natural and mixed gas, and shall remain subject to the jurisdiction of and comply with all Rules and Regulations of the United States Department of Transportation, Office of Pipeline Safety and the N.J.B.P.U. as well as the Ordinance of the Township of Byram.
- (d) Elizabethtown shall construct and continuously maintain and operate their distribution line within the service area in a safe and efficient manner, and maintain such gas distribution lines in a state of good operation and repair and including all streets, roads, and public rights-of-way within the Township of Byram wherein its lines are located.

- (e) the construction, operation and maintenance of the gas distribution system within the rights-of-way of the Township of Byram shall in no way place any obligation, financial or otherwise, or any liability of any kind, upon the Township of Byram and no obligation is to attach for the construction, operation and maintenance of the said gas distribution system to the Township.
- (f) any and all regulating pits and venting structures or like facilities shall not be located along the public rights-of-way comprising the Service Area.

Section III. Construction; Installation; Restoration.

- A. Construction. In each and every case in which road openings or excavation of any nature are required or made for the purposes aforesaid, Elizabethtown shall restore, all such public and private lands or facilities to as good a condition as existed at the commencement of the said work or such better condition, at its sole cost and expense. All such openings and installation and maintenance shall be undertaken in strict compliance with the standards imposed by the N.J.B.P.U., any other regulatory agency, and all applicable Township Ordinances, with such work to be done in a careful, prudent and workmanlike manner, and within such time limitations as shall be best for the proper safeguard of the public.
- B. Relocation. If at any time during the period of this Municipal consent, the Township of Byram finds it necessary to alter or change the grade of any street, road or other public right-of-way or area, Elizabethtown shall, upon reasonable notice by the Municipality, remove and relocate its distribution line and pipes at the expense of Elizabethtown.
- C. Restoration. In the event that Elizabethtown shall refuse or neglect, after ten (10) day's notice in writing by the representative of the Township, that is, the Township Manager or Township Engineer, to restore any disturbed area at its cost and expense, and in compliance with all applicable Municipal Ordinances in effect at the time, to its pre-existing or better condition, any street, road, pavement, driveway or other reserves after having made an opening or excavation, the necessary work to accomplish such restoration may be done by the Township of Byram, and thereafter, Elizabethtown shall be liable for the actual and necessary costs thereof, and shall immediately pay such costs to the Township upon receiving notice thereof.
- D. Preconditions to Undertaking Construction. Elizabethtown shall give to the Township of Byram, through its duly designated representative, written notice of its intention to open or excavate any street or other public place in accordance with the Township of Byram's Ordinance regulating the excavation and opening of streets, roads and highways, with the exception that such notice requirement shall be waived in the event of an emergent circumstance such that such emergency will affect public health or safety. As soon as practically possible after the occurrence of such emergent circumstance, Elizabethtown shall give prompt written notice to the Township of any emergency opening or excavation that Elizabethtown shall undertake.

Section IV. Indemnification, Performance Bond, Liability.

- A. Indemnification. Elizabethtown, its successors and assigns, by the acceptance of the grants, rights and privileges conferred by this ordinance, shall at all times and does hereby and will indemnify and hold harmless, the Township of Byram and all of its subsidiary agencies, officials and employees for any and all claims of whatsoever kind or nature arising from or relating to the construction, installation, maintenance, laying, repairing, inspecting, or altering of maintains conductors, pipes and appurtenances thereto, and any other facilities, and including, but not by way of limitation, any damages, penalties, costs, attorney's fees and charges for personal injury, property damage or otherwise, based upon Elizabethtown's negligence or the negligence of its agents, servants, employees or independent contractors.
- B. Performance Bond. Prior to the commencement or any construction or

installation under this Municipal Consent, Elizabethtown shall execute and deliver to the Clerk of the Township and subject to prior review and approval by the Township Attorney, a Bond in the amount of \$10,000.00 guaranteeing the faithful performance of all of its obligations and undertakings under this Ordinance, which Bond shall be enlarged or renewed from time to time as the Council may require.

- C. Liability Insurance. Elizabethtown agrees to maintain and keep in full force and effect, at its sole expense, and at all times during the terms and duration of this Municipal Consent, sufficient liability insurance naming the Township of Byram as an additional insured party, and insuring and indemnifying the Township against any loss by any such claim, suite, judgment, execution or as follows:
  - (a) Elizabethtown shall carry Workman's Compensation Insurance with Statutory limits.
  - (b) Elizabethtown shall at all times, maintain a Comprehensive General Liability Insurance Policy with a single limit amount of \$1,000,000.00 covering liability for any death, personal injury, property damage or other liability arising out of its construction and operation of the gas distribution systems herein and in addition, an excess liability (or "umbrella") policy in the amount of \$3,000,000.00.
  - (c) Elizabethtown shall furnish to the Township of Byram a certified copy or Certificate of Insurance of each of the Policies as set forth herein.

Section V. Duration of Consent.

- A. Term. The Limited Municipal consent granted to Elizabethtown herein is for a period of fifty (50) years from the effective date of this Ordinance.
- B. Public Hearing. Immediately prior to the fifty (50) year expiration of this Consent, the Township of Byram shall conduct public hearings regarding the performance of Elizabethtown with the terms of this Municipal Consent. The public hearing shall be duly advertised and shall provide any opportunity for all interested persons to participate.
- C. Extension. Upon the conclusion of the public hearings as set forth herein, the Township of Byram shall consider such extension and such additional conditions as the record of the public hearings may warrant.
- D. Notice of Proceedings. Elizabethtown shall give the Municipality timely written notice of at least fifteen (15) days in advance of all proceedings initiated by Elizabethtown or the N.J.B.P.U. or other Regulatory Agency, when such proceedings may affect the commitments, this Municipal Consent or relationship between Elizabethtown and the Municipality, whether or not such notice is required by law. All submissions provided to such Regulatory Agency by Elizabethtown shall also be provided to the Township of Byram.

Section VI. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court or Competent jurisdiction, such Order or Judgment shall not effect or invalidate this remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.


Section VII. Effective Date.

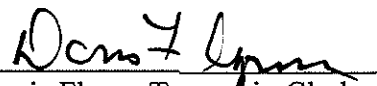
This Municipal Consent Ordinance shall become effective upon adoption and publication according to law, and only upon written acceptance of this Municipal Consent by Elizabethtown, which written consent shall be filed with the Clerk of the Municipality within thirty (30) days of the date after which Elizabethtown receives notice of the passage of this Ordinance.



INTRODUCED: September 1, 2020

ADOPTED: September 15, 2020

By:   
Alexander Rubenstein, Mayor

Attest:   
Doris Flynn, Township Clerk

TOWNSHIP OF BYRAM

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Roseff	Mayor Rubenstein
Motion				✓	
2nd			✓		
Yes	✓	✓	✓	✓	✓
No					
Abstain					
Absent					

NOTICE OF ADOPTION

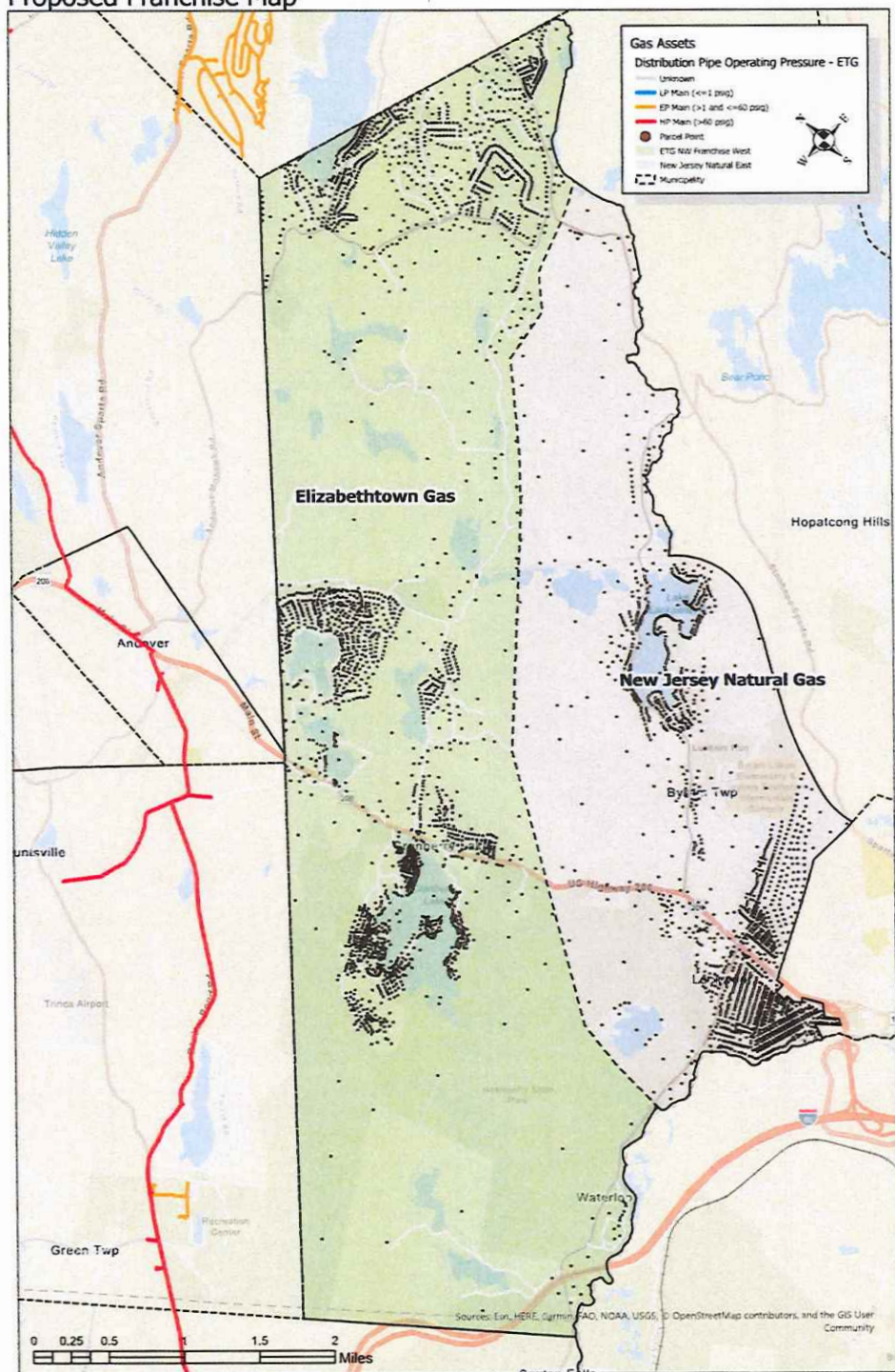
**NOTICE** is hereby given that Ordinance 008-2020 was introduced and passed on first reading at a meeting of the Township Council of the Township of Byram, held on an audio conference call using Zoom on the 1st day of September, 2020. The said ordinance was further considered for final adoption at a meeting of the Byram Township Council on an audio conference call using Zoom on the 15th day of September at 7:30 p.m. at which time all persons were given the opportunity to be heard. It was finally passed and adopted and will be in full force in the Township according to law.

Doris J. Flynn, RMC  
Township Clerk

## EXHIBIT A

## Byram Township, Sussex County

### Proposed Franchise Map



# Exhibit B



MORRIS • DOWNING • SHERRED, LLP

Founded 1899

One Main Street  
P.O. Box 67  
Newton, NJ 07860

email: [rvalenti@mdsfirm.com](mailto:rvalenti@mdsfirm.com)

September 24, 2020

**PARTNERS**

David L. Johnson\*  
M. Richard Valenti  
Paul G. Hunczak  
Douglas C. Gray\*  
Brian C. Lundquist\*  
Dina M. Mikulka

**ASSOCIATES**

Michelle M. Beatty  
Andrew N. Koske

**OF COUNSEL**

Christopher D. Quinn  
James P. Fox  
Angela C. Paternostro-Pfister  
Karen D. Russell (Ret. J.S.C.)

\*Also member of NY Bar

\*Also member of OH Bar

Cynthia Church, RMC/CMR  
Deputy Municipal Clerk  
10 Mansfield Drive  
Stanhope, NJ 07874

Re: Elizabethtown Gas – Franchise in the Township of Byram

Dear Ms. Church:

In accordance with N.J.S.A. 48:3-16, I hereby notify you on behalf of Elizabethtown Gas that Elizabethtown Gas accepts the terms of the Ordinance granting Elizabethtown Gas a municipal consent to provide natural gas service to the Township of Byram, which Ordinance was adopted by the Mayor and Council at the September 15, 2020 meeting.

So that Elizabethtown Gas can process the application with the BPU, kindly forward when available: (i) a certified copy of the Ordinance and Minutes of the meetings evidencing the first reading, second reading and adoption of the Ordinance; (ii) proof of publication of the Ordinance for the second reading; (iii) proof of publication of the Notice of Adoption; and, (iv) certification of posting of the Petition in five (5) public places. I have attached a form that can be used as a template for the certification. Please place the completed and signed form on the Township's letterhead.

Thank you for all of your help in this matter.

Very truly yours,

**MORRIS, DOWNING & SHERRED, LLP**



M. Richard Valenti

MRV:nlc

cc: Gary Marmo, Business Development  
Thomas F. Collins, Jr., Esq.

# Exhibit C



**Van L. McPherson III, Esquire**  
Assistant General Counsel  
*Office of General Counsel*

---

\_\_\_\_\_, 2021

**VIA E-MAIL ONLY**

Ms. Doris Flynn, Clerk  
Byram Township  
10 Mansfield Drive  
Stanhope, New Jersey 07874

Gregory V. Poff, II, County Administrator  
Sussex County Administrative Center  
1 Spring Street  
Newton, NJ 07860

Teresa Lyons, Clerk of the Board of Commissioners  
Sussex County Administrative Center  
1 Spring Street  
Newton, NJ 07860

**RE: In the Matter of the Petition of Elizabethtown Gas Company for Approval of  
a Municipal Franchise in the Township of Byram, Sussex County  
BPU Dkt. No. \_\_\_\_\_**

Dear Ms. Flynn, Mr. Poff, and Ms. Lyons:

Pursuant to the provision of N.J.S.A. 48:12-14, Elizabethtown Gas Company ("ETG") has applied to the new Jersey Board of Public Utilities ("the Board") for approval of the Township of Byram's Ordinance, which grants ETG permission to serve natural gas within its community as provided in said Ordinance.

Please be advised the Board has set \_\_\_\_\_, \_\_\_\_\_, 2021 at \_\_\_\_ a.m. at the Board's ten-floor offices located 44 South Clinton Avenue, Trenton, New Jersey 07102 in the Legal Conference Room as the time and place for the hearing on this matter. This matter may be held virtually due to the pandemic at \_\_\_\_\_. You are welcome to attend and place your views on the record if you desire.

Very truly yours,

Van L. McPherson III  
Assistant General Counsel  
[vmcpherson@sjindustries.com](mailto:vmcpherson@sjindustries.com)

VLM/cmm

cc: Attached Service List (E-Mail Only)