



**SUSANIN WIDMAN & BRENNAN, PC**  
COUNSELLORS AT LAW

ELIZABETH K. SCHLAX  
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June 17, 2021

**Via Federal Express**

Hon. Jacob S. Gertsman, ALJ  
Office of Administrative Law  
Post Office Box 49  
Trenton, NJ 08625-0049

**Re: I/M/O the Petition of New Jersey Natural Gas Company For Approval of an Increase in Gas Base Rates and for Changes in its Tariff For Gas Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1; and For Changes to Depreciation Rates For Gas Property Pursuant to N.J.S.A. 48:2-18 OAL Docket Nos. PUC 04111-2021S and PUC 04342-2021S BPU Docket No. GR21030679**

**I/M/O the Petition of New Jersey Natural Gas Company For Approval of a Base Rate Adjustment Pursuant to the NJ RISE and SAFE II Programs OAL Docket Nos. PUC 04113-2021S and PUC 04341-2021S BPU Docket No. GR21030680**

Dear Judge Gertsman:

This firm serves as counsel to the Engineers Labor-Employer Cooperative ("ELEC"), the Labor Management Fund of the International Union of Operating Engineers Local 825. I am enclosing an original of ELEC's Motion to Intervene in the above-captioned matter.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "E. Schlax".

Elizabeth K. Schlax

Enclosures

c: Nancy Demling (e-mail only)  
Service Lists (via U.S. mail)

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

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I/M/O the Petition of New Jersey Natural Gas Company For Approval of an Increase in Gas Base Rates and for Changes in its Tariff For Gas Service Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1; and For Changes to Depreciation Rates For Gas Property Pursuant to N.J.S.A. 48:2-18 )BPU Docket No. GR21030679 )OAL Docket Nos. PUC 04111-2021S )PUC 04342-2021S ) ) ) ) )

I/M/O the Petition of New Jersey Natural Gas Company For Approval of a Base Rate Adjustment Pursuant to the NJ RISE and SAFE II Programs )BPU Docket No. GR21030680 )OAL Docket Nos. PUC 04113-2021S ) PUC 04341-2021S ) )

**MOTION BY ENGINEERS LABOR-EMPLOYER COOPERATIVE TO INTERVENE**

The Engineers Labor-Employer Cooperative ("ELEC"), the Labor Management Fund of the International Union of Operating Engineers Local 825, by way of this Motion, and the attached declaration of Mark Longo, request to intervene in the above-captioned matters. All communications and correspondence concerning these proceedings should be directed to:

Elizabeth K. Schlax, Esq.  
Susanin, Widman & Brennan, PC  
1001 Old Cassatt Road, Suite 306  
Berwyn, PA 19312  
(610) 710-4510  
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eschlax@swbcounsellors.com

In support of its motion, ELEC states as follows:

ELEC is a labor-management organization that promotes economic development, investments in infrastructure and construction to provide opportunities for developers, union contractors, and members of the International Union of Operating Engineers Local 825 (the “Union”), (heavy equipment operators). ELEC is a unique organization because it is a partnership between employers and the Union, seeking to find common ground and ways to improve the construction industry as a whole for the benefit of both labor and management. ELEC regularly partners with New Jersey business and trade organizations and offers professional support to union contractors. ELEC regularly meets with local officials throughout New Jersey and county governments to identify issues in the construction industry and opportunities for ELEC to positively impact Union operating engineers and their employers. ELEC also supports ongoing training for Union operating engineers to ensure higher levels of productivity, improved safety records, and greater profitability for contractors and project owners.

New Jersey Natural Gas Company (the “Company”) has previously received approvals in two Board of Public Utilities (“BPU”) Orders to construct a major transmission pipeline project, the Southern Reliability Link, (“SRL”), a 30-mile transmission pipeline project. Construction began on the SRL in November 2021 and is expected to continue through the fall of 2021. So far, the SRL has supported more than 6,500 direct and indirect jobs, including for operating engineers.

Through its completion, SRL will further economic development and maintain enhanced employment opportunities in New Jersey, including for operating engineers.

ELEC represents more than 7,000 experienced operating engineers and over 1,000 contractors throughout the state of New Jersey and the lower counties of New York state. These operating engineers operate cranes, bulldozers, front-end loaders, backhoes and graders. Representatives from large New Jersey construction contractors sit on ELEC's Board. These contractors regularly perform work for private and public entities in New Jersey, including the Company. For example, ELEC member contractors and operating engineers performed work on the SRL in phases 1 and 2.

ELEC is in a unique position to provide insight on the impact of the SRL construction project, as well as future energy infrastructure investments, from both a contractor and operating engineer perspective, speaking to the costs and feasibility of infrastructure improvements, the related economic impact, and the impact of the future and long-term costs, in addition to providing insight on cost and manpower requirements, the market for operating engineers and any additional specific training that may be necessary for operating engineers.

### **Legal Standard**

Under N.J.A.C. § 1: 1-16.1(a), any person or entity substantially, specifically, or directly affected by the outcome of a contested case, may on motion, seek leave to intervene. N.J.A.C. § 1: 1-16.3(a) provides that, in ruling on a motion to intervene, consideration should be made of the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's interest is sufficiently different from

that of any party so as to add measurably and constructively to the scope of the case, the prospect of confusion or delay arising from the movant's inclusion, and other appropriate matters.<sup>1</sup>

### **Argument**

The members of ELEC will be substantially, specifically, and directly affected by the outcome of this proceeding, ELEC's interest in the case differs from that of any other party, ELEC's interest will add measurably and constructively to the scope of the case, and inclusion of ELEC as an intervenor will not cause confusion or delay.

#### **Direct Impact to ELEC members**

ELEC represents more than 7,000 experienced operating engineers and over 1,000 contractors throughout the state of New Jersey and the lower counties of New York state. Representatives from large New Jersey construction contractors sit on ELEC's Board. These operating engineers and construction contractors performed substantial work on the SRL to date and will continue to perform work on the SRL until its completion. ELEC's member operating engineers and construction contractors will also be utilized in any future energy infrastructure construction projects.

#### **ELEC's Interest will Add Measurably and Constructively to Proceeding**

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<sup>1</sup> If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant," if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, or file a statement or brief, or file exceptions, or all of these as determined by the trier of fact.

As an intervenor, ELEC has a substantial interest in this proceeding, so it has the opportunity to provide input on the SRL's construction costs to date, energy infrastructure construction costs generally, manpower requirements, the market for operating engineers, and so ELEC member contractors who are likely to be used for the construction work performed for the completion of the SRL project and future energy infrastructure construction projects can provide input on the costs and scope of energy infrastructure construction, as well as input on any additional or specialized training necessary for operating engineers to perform such work.

ELEC has a history of successful efforts on behalf of other energy and pipeline projects, including previous support for the SRL. ELEC Director Mark Longo testified before the Board in the 2014 Energy Strong Initiative, ELEC participated in PSE&G's GSMP II and Energy Strong II proceedings, and ELEC representatives routinely attend public meetings, and support new pipelines throughout the region including the SpectraEnergy Algonquin Incremental Market project, the PennEast Pipeline, and the Pilgrim Pipeline. Most recently, ELEC is involved in a New Jersey energy coalition that is forming in response to the state's Energy Master Plan. The coalition will bring together a broad and diverse group of stakeholders to educate the public and advocate for sound energy policy, including a diverse energy mix, the use of natural gas pipelines as a bridge to renewables, a commitment to making renewables more economically viable and growing energy capacity to grow the economy. Through this work, ELEC has gained a profound understanding of the impact of energy infrastructure projects on the construction industry and the economy of the region.

ELEC's member contractors have significant experience in large-scale, long-term construction projects, including previous energy infrastructure projects on the SRL, as described above, and can provide information on the SRL's construction costs to date and financial markets for completion of the SRL project.

Permitting ELEC to intervene so it can offer input on the market for operating engineers which will be used to complete the construction work for the SRL project and on future energy infrastructure projects, the economic impact on contractors, operating engineers and the construction industry, as well as the financial aspects of the SRL project and future energy infrastructure projects, will add measurably and constructively to the scope of this proceeding and provide a substantial benefit to this Board in deciding the prudence and reasonableness of the Company's petitions.

*ELEC's Interests are Not Adequately Represented*

The above-referenced interests of ELEC's membership are not adequately represented by any other Party to these proceedings. As a partnership between employers and the Union, ELEC is in a unique position to provide insight on the impact of the SRL project and future energy infrastructure construction projects from both a contractor and operating engineer perspective, with each constituency having an interest in the outcome of this proceeding, as demonstrated above.

*Inclusion of ELEC as an Intervenor will Not Cause Delay or Confusion*

Intervention of ELEC will not cause undue delay. This Motion is being made in accordance with the June 17, 2021 deadline for motions to intervene. Additionally, no prospect of confusion arises from allowing ELEC to intervene. While ELEC's interest in

the outcome of the petition is distinct from other Parties and potential Intervenors, ELEC will cooperate with other Parties to the proceeding to ensure a decision is made in full view of all relevant facts.

WHEREFORE, pursuant to N.J.A.C. 1:1-16, ELEC respectfully requests it be permitted to intervene in this matter.

Date: June 17, 2021

Respectfully submitted,

A handwritten signature in black ink that reads "E. Schlax". The signature is written in a cursive style with a large, looped "E" and a stylized "Schlax".

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Elizabeth K. Schlax  
NJ Attorney I.D. No: 901272012  
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1001 Old Cassatt Road, Suite 306  
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eschlax@swbcounsellors.com



**CERTIFICATE OF SERVICE**

I, Elizabeth K. Schlax, hereby certify that copies of the herein motion were sent to all parties on the attached service lists by electronic mail.

Date: June 17, 2021

*E. Schlax*

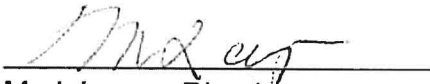
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## DECLARATION OF MARK LONGO

I, Mark Longo, declare as follows:

1. I am the Director of ELEC.
2. I have read the herein motion and hereby certify that the statements contained therein are true and accurate to the best of my knowledge.

  
Mark Longo, Director  
ELEC

Dated: June 17, 2021



*State of New Jersey*  
OFFICE OF ADMINISTRATIVE LAW  
P.O. Box 049  
Trenton, NJ 08625-0049

SERVICE LIST  
OAL DOCKET NO. PUC 04113-2021 S

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