



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ENERGY

IN THE MATTER OF THE PETITION OF SOUTH)
JERSEY GAS COMPANY FOR APPROVAL OF A)
MUNICIPAL FRANCHISE IN THE TOWNSHIP OF)
SOUTHAMPTON, BURLINGTON COUNTY) ORDER APPROVING OF
FRANCHISE AGREEMENT
DOCKET NO. GE21020390

Parties of Record:

Brian O. Lipman, Esq., Acting Director, New Jersey Division of Rate Counsel
Van L. McPherson, III, Esq., on behalf of South Jersey Gas Company

BY THE BOARD:

South Jersey Gas Company ("SJG" or "Company"), a regulated public utility subject to the jurisdiction of the New Jersey Board of Public Utilities ("Board"), is a corporation duly organized under the laws of the State of New Jersey and engaged in the distribution and transportation of natural gas to approximately 400,000 residential, commercial and industrial customers located in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem counties in New Jersey.

Public Service Electric and Gas Company ("PSE&G") provides natural gas service to a portion of the Township of Southampton ("Township"). In 2014, the Board authorized SJG to provide service to the Eagles Mere Development.¹ PSE&G was initially approached by residents to provide gas service in unserved portions of the Township, but PSE&G declined to extend service to this area. Subsequently, SJG sought to obtain a nonexclusive franchise in the Township following outreach from residents in the portion of the Township that is unserved by PSE&G. On September 15, 2020, by Ordinance No. 2020-10 ("Ordinance"), the Township approved a nonexclusive franchise agreement for SJG for a period of 50 years and granted SJG consent to lay, maintain, and operate gas facilities within the Township. By letter dated September 30, 2020, SJG accepted and agreed to the terms and conditions of the Ordinance consistent with N.J.S.A. 48:3-16. Copies of the Ordinance and the letter of acceptance are attached to this Order as Exhibits "A" and "B", respectively.

¹ See In re the Petition of South Jersey Gas Company for Approval of a Municipal Franchise in the Township of Southampton, Burlington County, New Jersey, BPU Docket No. GE14090957, Order dated October 22, 2014.

On February 11, 2021, SJG filed a petition with the Board, pursuant to N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, seeking approval of the franchise agreement granted by the Township. As required by law and after notice, a municipal consent hearing in this matter was held on July 29, 2021. A copy of the hearing notice is attached to this Order as Exhibit "C". Suzanne Patnaude, Esq., the Board's duly appointed hearing officer, presided over the hearing. Appearances were made on behalf of the Company, the New Jersey Division of Rate Counsel ("Rate Counsel") and Board Staff. No other party participated in the hearing or filed any written comments with the Board related to this matter.

At the hearing, the Company relied on its petition and exhibits filed with the Board and presented the testimony of Ms. Lauren Cerrone, Government Affairs Specialist Lead, Mr. Todd Gordon, Director of Business Development, Mr. Raymond Wenzel, Director of Engineering Services, and Jonathan Oliva, Manager of Engineering Services. According to Mr. Gordon's testimony, SJG could potentially serve up to approximately 115 customers in the Township over the next five (5) years. Mr. Wenzel testified that the Company has gas distribution systems adjacent to the Township and has sufficient capacity to serve potential customers within the Township.

Rate Counsel, in its written comments to the petition dated September 17, 2021, indicated that it does not object to the Company's petition since the Company represented that it has the capacity necessary to provide natural gas service to the Township. The term of the municipal consent related to the use of streets is limited to a term of 50 years. However, Rate Counsel requested that the approval of the petition include certain restrictions which are incorporated in this Order.

DISCUSSION AND FINDINGS

After careful review and consideration of the petition and exhibits submitted in this matter, the Board **HEREBY FINDS** that the franchise agreement granted to SJG by the Township is necessary and proper for the public convenience, properly serves the public interest, and that SJG has the ability to provide safe, adequate, and proper service. The Board **FURTHER FINDS** that the Company has the necessary experience, financial capability, capacity, and facilities adjacent to the Township to provide adequate and appropriate service to the Township's customers, and that the 50-year duration of the municipal consent to use the streets is consistent with N.J.S.A. 48:3-15. Accordingly, the Board, pursuant to N.J.S.A. 48:2-14, **HEREBY APPROVES** the consent granted to SJG by the Township to provide gas service, and for the use of its public streets for that purpose for a period of 50 years.

The approval granted hereinabove shall be subject to the following provisions:

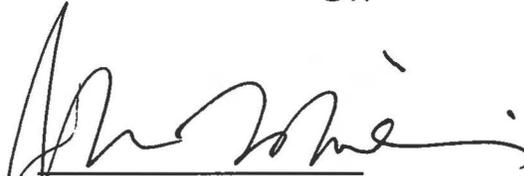
1. As required by N.J.S.A. 48:3-15, and limited by the Ordinance, the municipal consent to construct, maintain, and operate gas lines in the streets and other public places in the Township is limited to a term not exceeding 50 years.
2. This Order shall not be construed as directly or indirectly fixing for any purposes whatsoever the value of any tangible or intangible assets now owned or hereafter to be owned by SJG.
3. This Order shall not affect nor in any way limit the exercise of the authority of this Board or of the State in any future petition or in any proceedings with respect to rates, franchises, services, financing, accounting, capitalization, depreciation, or in any other matters affecting SJG.

4. Any map submitted by SJG showing its proposed service territory within the Township shall be consistent with any map submitted by PSE&G showing its service territory within the Township.
5. The Company will submit any proposed modifications to the June 2014 agreement with PSE&G, the "Agreement Granting Consent to South Jersey Gas Company to Provide Natural Gas Service in the Township of Southampton", regarding their respective service territories within the Township to the Board and Rate Counsel for review and approval.
6. In the event that SJG is unable to resolve a dispute with PSE&G over the allocation of their respective territories within the Township, including the determination of which company will serve a customer, SJG will notify the Board and Rate Counsel and submit the dispute to the Board for resolution.
7. The Board reserves the right to modify the respective territories of SJG and PSE&G within the Township, if necessary to resolve a dispute or other issue arising from the allocation of their territories or ability to provide safe, adequate and proper service to customers.

This Order shall be effective on November 4, 2021.

DATED: *October 28, 2021*

BOARD OF PUBLIC UTILITIES
BY:


JOSEPH L. FIORDALISO
PRESIDENT


MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER


ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

IN THE MATTER OF THE PETITION OF SOUTH JERSEY GAS COMPANY FOR APPROVAL
OF A MUNICIPAL FRANCHISE IN THE TOWNSHIP OF SOUTHAMPTON,
BURLINGTON COUNTY

BPU DOCKET NO. GE21020390

SERVICE LIST

<p>Township of Southampton: Kathleen Hoffman, Administrator/Clerk Southampton Township 5 Retreat Road Southampton, NJ 08088 administrator@southamptonnj.org</p> <p>South Jersey Gas Company: 1 South Jersey Plaza Folsom, New Jersey 08037</p> <p>Andrew McNally, Esq., Director Government Relations amcnally@sjindustries.com</p> <p>Van L. McPherson, III, Esq. Assistant General Counsel vmcpherson@sjindustries.com</p> <p>Carolyn A. Jacobs Regulatory Compliance Specialist cjacobs@sjindustries.com</p> <p>Deborah M. Franco, Esq. VP, Rates, Regulatory & Sustainability SJI Utilities, Inc. 520 Green Lane Union, NJ 07083 dfranco@sjindustries.com</p> <p>Public Service Electric and Gas Company:</p> <p>Matthew M. Weissman, Esq. Managing Counsel, State Regulatory PSEG Services Corporation 80 Park Plaza, T5 Newark, NJ 07102 matthew.weissman@pseg.com</p>	<p>Board of Public Utilities: 44 South Clinton Avenue, 1st Floor Post Office Box 350 Trenton, NJ 08625-0350</p> <p>Aida Camacho-Welch, Board Secretary board.secretary@bpu.nj.gov</p> <p>Stacy Peterson, Deputy Executive Director stacy.peterson@bpu.nj.gov</p> <p>Paul Lupo, Acting Director of Energy paul.lupo@bpu.nj.gov</p> <p>Dean Taklif dean.taklif@bpu.nj.gov</p> <p>Heather Weisband, Esq., Senior Counsel heather.weisband@bpu.nj.gov</p>
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<p>Division of Law: R.J. Hughes Justice Complex 25 Market Street Post Office Box 112 Trenton, NJ 08625</p> <p>Pamela Owen, ASC pamela.owen@law.njoag.gov</p> <p>Terel Klein, DAG terel.klein@law.njoag.gov</p> <p>Matko Ilic, DAG matko.ilic@law.njoag.gov</p>	
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Exhibit A:
Ordinance

TOWNSHIP OF SOUTHAMPTON

ORDINANCE 2020-10

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

WHEREAS, South Jersey 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, filed a Petition with the Township of Southampton seeking Municipal Consent to construct, operate and maintain natural and mixed gas distribution lines for public and private consumption throughout the Township of Southampton.

WHEREAS, Representatives of the Petitioner appeared before the Southampton Township Committee on 8/18/2020 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 Committee of the Township of Southampton.

Section I. Grant of Municipal Consent.

Pursuant to N.J.S.A., 48:3-11, the Mayor and Township Committee of the Township of Southampton hereby grant South Jersey Gas Company, a Corporation of the State of New Jersey (hereinafter "South Jersey Gas") with principal offices located at 1 South Jersey Gas Place, Atlantic City, NJ 08401 its successors and assigns, a non-exclusive 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 Southampton 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 Township as they 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 South Jersey Gas 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) South Jersey Gas 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 Southampton.
- (d) South Jersey Gas 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 Southampton 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 Southampton shall in no way place any obligation, financial or otherwise, or any liability of any kind, upon the Township of Southampton 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, South Jersey Gas 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 Southampton finds it necessary to alter or change the grade of any street, road or other public right-of-way or area, South Jersey Gas shall, upon reasonable notice by the Municipality, remove and relocate its distribution line and pipes at the expense of South Jersey Gas.

- C. Restoration. In the event that South Jersey Gas shall refuse or neglect, after ten (10) days notice in writing by the representative of the Township, that is, the Township Clerk 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 Southampton, and thereafter, South Jersey Gas 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. South Jersey Gas shall give to the Township of Southampton, 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 Southampton'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, South Jersey Gas shall give prompt written notice to the Township of any emergency opening or excavation that South Jersey Gas shall undertake.

Section IV. Indemnification, Performance Bond, Liability.

- A. Indemnification. South Jersey Gas, 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 Southampton 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 South Jersey Gas'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, South Jersey Gas 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 Committee may require.
- C. Liability Insurance. South Jersey Gas 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 Southampton 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) South Jersey Gas shall carry Workman's Compensation Insurance with Statutory limits.
 - (b) South Jersey Gas 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) South Jersey Gas shall furnish to the Township of Southampton 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 South Jersey Gas 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 Southampton shall conduct public hearings regarding the performance of South Jersey Gas 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 Southampton shall consider such extension and such additional conditions as the record of the public hearings may warrant.
- D. Notice of Proceedings. South Jersey Gas shall give the Municipality timely written notice of at least fifteen (15) days in advance of all proceedings initiated by South Jersey Gas or the N.J.B.P.U. or other Regulatory Agency, when such proceedings may affect the commitments, this Municipal Consent or relationship between South Jersey Gas and the Municipality, whether or not such notice is required by law. All submissions provided to such Regulatory Agency by South Jersey Gas shall also be provided to the Township of Southampton.

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 of 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 South Jersey Gas, which written consent shall be filed with the Clerk of the Municipality within thirty (30) days of the date after which South Jersey Gas receives notice of the passage of this Ordinance.

ACTION ON INTRODUCTION:

Motion made by: Heston
Motion seconded by: Rafferty

VOTE:

Committeeman Heston:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Deputy Mayor Rafferty:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Committeewoman Rossell:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Committeeman Young, Sr.:	<input type="radio"/> Yes	No	Abstain	<input checked="" type="radio"/> Not Present
Mayor Mikulski:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present

ACTION ON ADOPTION (after public hearing)

Motion made by: Heston
Motion seconded by: Rossell

VOTE:

Committeeman Heston:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Deputy Mayor Rafferty:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Committeewoman Rossell:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Committeeman Young, Sr.:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Mayor Mikulski:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Southampton Township Committee held on August 18, 2020 and adopted after a public hearing at a meeting of the Southampton Township Committee held on September 15, 2020.

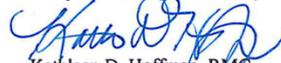

Kathleen D. Hoffman, RMC
Township Clerk/Administrator

Exhibit B:
Letter of Acceptance



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

September 30, 2020

Ms. Kathleen Hoffman
Southampton Township Administrator/Clerk
5 Retreat Road
Southampton, New Jersey 08088

RE: South Jersey Gas – Franchise in Township of Southampton

Dear Ms. Hoffman:

In accordance with N.J.S.A. 48:3-16, I hereby notify you on behalf of South Jersey Gas Company (SJG) that SJG accepts the terms of the Ordinance granting SJG a municipal consent to provide natural gas service to the Township of Southampton, which Ordinance was adopted at the September 15, 2020 meeting.

So that SJG 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 the posting of the Petition.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in blue ink that reads "V L McPherson III".

Van L. McPherson III
Assistant General Counsel
vmcpherson@sjindustries.com

Exhibit C:
Hearing Notice



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

July 9, 2021

VIA E-MAIL ONLY

Kathleen Hoffman, Administrator/Clerk
Southampton Township
5 Retreat Road
Southampton, New Jersey 08088

Eve Cullinan, County Administrator
Burlington County Administration Building
49 Rancocas Road
Room 123
Mount Holly, NJ 08060

Erin M. Kelly, Clerk of the Board of Commissioners
Burlington County Administration Building
49 Rancocas Road
Room 123
Mount Holly, NJ 08060

**RE: In the Matter of the Petition of South Jersey Gas Company for Approval of a
Municipal Franchise in the Township of Southampton, Burlington County
BPU Dkt. No. GE21020390**

Dear Ms. Hoffman, Ms. Cullinan, and Ms. Kelly:

Pursuant to the provisions of N.J.S.A. 48:2-14 and N.J.A.C. 14:1-5.5, South Jersey Gas Company ("SJG") has applied to the New Jersey Board of Public Utilities ("Board") for approval of Township of Southampton Ordinance No. 2020-10, which grants SJG permission to serve natural gas within its community as provided in said Ordinance.

Please be advised the Board has set July 29, 2021 at 10 a.m. as the date and time for the hearing on this matter. This matter will be held virtually due to the pandemic.

Dial-In: 1-609-594-2077

Conference ID: 340 160 310#

Video Conference Link: <https://tinyurl.com/7pa86sw7>

You are welcome to attend and place your views on the record if you desire.

Very truly yours,

A handwritten signature in blue ink that reads "V L McPherson III". The signature is stylized and cursive.

Van L. McPherson III
Assistant General Counsel
vmcpherson@sjindustries.com

VLM/cmm

cc: Attached Service List (E-Mail Only)

IN THE MATTER OF THE PETITION OF : SERVICE LIST
SOUTH JERSEY GAS COMPANY FOR :
APPROVAL OF A MUNICIPAL FRANCHISE :
IN THE TOWNSHIP OF SOUTHAMPTON :
BURLINGTON COUNTY : BPU DOCKET NO. GE21020390

NJ BOARD OF PUBLIC UTILITIES

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- 2 -

SOUTH JERSEY GAS COMPANY

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**PUBLIC SERVICE ELECTRIC AND
GAS COMPANY**

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