



Michael D. DeLoreto  
Director

Gibbons P.C.  
50 West State Street  
Suite 1104  
Trenton, NJ 08608  
Direct: 609-858-2447 Fax: 973-639-8376  
mdeloreto@gibbonslaw.com

January 21, 2022

**VIA ELECTRONIC MAIL**

Aida Camacho-Welch, Secretary New Jersey Board of Public Utilities  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
P.O. Box 350  
Trenton, New Jersey 08625-0350

**Re: In the Matter of the Petition of the Public Service Electric Gas Company for  
Approval of an Infrastructure Advancement Program (IAP) Docket Nos.  
EO21111211 and GO21111212**

Dear Secretary Camacho-Welch:

On behalf of J. Fletcher Creamer & Son, Inc. ("JFCS"), please find attached JFCS's Motion to Participate in the above-referenced matter pursuant to N.J.A.C. 1:1-16.6 and N.J.A.C. 1:1-1.3.

Pursuant to the Board's Order, In re the Matter of the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations, Docket No. EO20030254 (Mar. 19, 2020), JFCS has not enclosed 10 hard copies of its filing and is serving an electronic copy only. Copies of this motion are being electronically served today upon all persons appearing on the enclosed service list.

Thank you for your attention to this matter.

Respectfully submitted,

Michael D. DeLoreto  
Director

Enclosures

cc: Service List (via e-mail w/ encl.)

Kevin G. Walsh (044241998)  
Michael D. DeLoreto (108002014)  
Courtney A. Johnson (175722016)

**GIBBONS P.C.**

50 West State Street  
Suite 1104  
Trenton, NJ 08608  
(609) 858-2447

[kwalsh@gibbonslaw.com](mailto:kwalsh@gibbonslaw.com)  
[mdeloreto@gibbonslaw.com](mailto:mdeloreto@gibbonslaw.com)  
[cjohnson@gibbonslaw.com](mailto:cjohnson@gibbonslaw.com)

*Attorneys for J. Fletcher Creamer & Son, Inc.*

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

IN THE MATTER OF THE PETITION OF  
PUBLIC SERVICE ELECTRIC AND GAS  
FOR APPROVAL OF THE  
INFRASTRUCTURE ADVANCEMENT  
PROGRAM

**MOTION TO PARTICIPATE**  
Docket Nos. EO21111211 and GO21111212

**J. Fletcher Creamer & Son, Inc. (“JFCS”)**, by and through its undersigned counsel, hereby respectfully moves before the Board of Public Utilities (“Board”) for leave to participate in the above-captioned proceeding pursuant to N.J.A.C. 1:1-16.6 and N.J.A.C. 1:1-1.3.

**Background on JFCS and Prior Participation Before the Board**

1. JFCS is a New Jersey-headquartered and nationally recognized contractor for the infrastructure needs of the business community, governmental agencies and utility companies. Founded nearly 100 years ago, JFCS performs a wide array of infrastructure construction services in New Jersey and throughout the United States ranging from heavy construction to utility construction. Its utility construction expertise includes electric distribution and transmission, substations and power plants, and gas transmission and distribution.

2. Although JFCS makes this motion on an independent basis, it has participated in prior Board proceedings as part of the Creamer-Sanzari Joint Venture (“CSJV”). These

proceedings include filings by Public Service Electric & Gas (“PSE&G”) known as the Energy Strong I and Energy Strong II Programs (collectively “Energy Strong”), and the Gas System Modernization Program (“GSMP”).

3. The Board granted CSJV, and therefore JFCS through its participation in that entity, leave to participate in each of the foregoing matters, due to its unique position to provide the Board with critical insight into utility infrastructure and accurate assessments of construction costs associated with those programs.

4. JFCS has also performed a significant amount of installation work in connection with Energy Strong and GSMP. This work includes, but is not limited to:

- a. Sewaren Switch (Energy Strong) - Work consisted of the demolition of existing foundations and existing electrical equipment and duct banks. The installation work consisted of new foundations for switchgear, control house, support foundations, concrete encased duct banks, pipe piles, helical piles, cable trench (trench), control conduits, ground cables/ground rods, site grading and restoration.
- b. Hoboken Substation (Energy Strong) - Work consisted of the demolition of existing foundations and minor site grading, installation of pipe piles, helical piles, synertech trench, control conduits, ground cables/ground rods, manholes and duct banks, and new concrete foundations for structures such as the oil pump house, control cabinets, transformer containment structures, bus support foundations and switchgear foundations.
- c. Cranford Substation (Energy Strong) - Work consisted of two phases which collectively included the installation of sheeting, pipe piles, helical piles, foundations and containment structures for transformers, station service

transformers, switchgear, bus supports, static masts and firewalls. Installation also included the firewalls themselves, conduits, duct banks, manholes, cable trench, site restoration, site grading, storm sewer and drainage as well as ground cables and ground rods. Lastly, JFCS performed installation of an underground detention basin and drainage system, paving and striping the parking lot, fence installation, raised planting boxes and landscaping as well as ground cables and ground rods.

- d. Hasbrouck Heights Substation (Energy Strong) - Work consisted of the demolition of existing 26kV substation, control house and feeder row foundations. JFCS also installed new pipe piles and helical piles. New foundations installed were for the lightning mast, bus supports, disconnect switch, switchgear, reactor and cap bank. Duct banks, control conduits, ground grid, station road and grading were also performed under this scope of work.
- e. Jersey City #1958 (GSMP) - Work consisted of the replacement of cast iron and/or unprotected steel mains (18,595 LF) and services with new plastic piping (6" HDPE). Service installations consisted of both direct burial plastic and plastic tube insertion. Pressure testing was included in the contract as well.
- f. Oakland #1903 (GSMP) - Work consisted of the replacement of cast iron and/or unprotected steel mains (70,000 LF) and services (1,500 EA) with new plastic piping (2", 4" and 6" main; ½"—1 ¼" services). Service installations consisted of both direct burial plastic and plastic tube insertion. Pressure testing was included in the contract as well.
- g. New Brunswick Route 27 District (GSMP) - Work consisted of the installation of 2", 4" and 6" plastic and 16" and 24" steel mains and services. Pressure testing and

valve installation was included.

**Procedural Status of the Infrastructure Advance Program**

5. On November 4, 2021, PSE&G filed a petition with the Board seeking approval to implement its proposed Infrastructure Advancement Program (“IAP”) and an associated cost recovery mechanism.

6. The IAP proposes to undertake:

- a. An “Electric Outside Plant Subprogram” that includes, among other items, underground cable replacement and open wire secondary (OWS) upgrades;
- b. Substation modernization which includes, among other items, replacement of equipment at switching and substations, replacement of the West Orange Switching Station, and modernization of 4kV switchgear;
- c. Build out of electric vehicle (“EV”) infrastructure; and
- d. Modernization of gas metering and regulating stations.

7. By order dated December 15, 2021 (“the Scheduling Order”), the Board determined that it should retain the IAP petition for hearing and designated Commissioner Mary-Anna Holden as the presiding officer. See Order Designating Commissioner and Setting Manner of Service and Bar Date, I/M/O of Public Service Electric and Gas Company for Approval of the Infrastructure Advancement Program (IAP), Docket Nos. EO21111211 and GO21111212 (Dec. 15, 2021).

8. The Scheduling Order, among other things, set a deadline of January 14, 2022 for filing motions to intervene or participate in this proceeding. Scheduling Order at 3.

**JFCS Seeks Participant Status**

9. JFCS respectfully submits this Motion to Participate in this matter pursuant to N.J.A.C. 1:1-16 and N.J.A.C. 1:1-1.3.

10. N.J.A.C. 1:1-16.6(a) provides that “[a]ny person or entity with a significant interest in the outcome of a case may move for permission to participate.” In deciding such requests, the Board is directed to “consider whether the participant’s interest is likely to add constructively to the case without causing undue burden or delay.” N.J.A.C. § 1:1-16.6(b).

11. JFCS has decades of experience in New Jersey working with the utility industry, including and specifically the type of work necessary to implement the IAP. As noted above, JFCS performed work under both Energy Strong and GSMP similar to the improvements proposed under the IAP. This includes underground cable replacement, substation modernization, installation of energy infrastructure, and gas system infrastructure improvements.

12. Based on JFCS’s extensive experience with the utility industry generally, and its prior experiences with PSE&G’s previous infrastructure improvement programs specifically, as well as the likelihood that JFCS may be retained to complete a portion of the construction work the IAP entails, JFCS has a significant interest in the outcome of this petition.

13. JFCS has employed a significant number of union workers from various trades, including laborers and operating engineers, in connection with previously approved infrastructure improvement programs, and intends to do so in the future. It is therefore in a unique position to provide the Board with critical insight into the creation and retention of jobs in New Jersey. This is particularly important as the IAP proposes to create hundreds of well-paying construction positions and stimulate the New Jersey economy as the State faces an unemployment rate of nearly twice the national average while it recovers from the COVID-19 public health emergency.

14. Due to its significant experience in the utility sector, JFCS can also provide to the Board an accurate assessment of construction costs associated with the IAP, and the implications that the IAP may have for the improvement of utility infrastructure in the State. This insight will

be of great value to the Board as it considers the IAP's various components which propose to enhance reliability and resiliency.

15. Further, JFCS will be able to leverage its substantial experience with PSE&G and other utilities to provide the Board with a detailed, practical assessment of the most effective strategies for the successful implementation of the IAP.

16. JFCS's participation in this proceeding will therefore contribute to the development of a complete record for consideration of the Board on such issues and is likely to be constructive.

17. Similarly, the Board has permitted JFCS (as one half of CSJV) to participate in the Energy Strong and GSMP matters. See e.g., Order on Intervention and Participation, I/M/O the Petition of Public Service Electric & Gas Company for Approval of the Second Energy Strong Program (ESP II), Docket Nos. EO18060629 & GO18060630 (Nov. 30, 2018).

18. JFCS recognizes that this Motion is filed seven days beyond the Scheduling Order's deadline of January 14, 2022 for filing motions to intervene or participate in this proceeding.

19. N.J.A.C. 1:1-1.3 provides that in administrative hearings, the administrative law judge, or in this case the hearing officer, may relax or disregard procedural rules if it is determined that "adherence would result in unfairness or injustice." JFCS respectfully requests that the Board consider this untimely filing and grant the important relief sought herein.

20. JFCS is regretful and apologetic for the untimely submission. However, to exclude JFCS from participating in these proceedings due to a week's delinquency would in fact cause unfairness or injustice. As described above, JFCS has a significant interest in the outcome of this matter and will be able to provide the Board with critical insights that it would otherwise not have available.

21. Moreover, allowing JFCS to participate at this time will not cause any undue delay

or confusion with respect to these proceedings. JFCS will coordinate its participation with similarly situated parties in this docket to the extent that it finds such coordination appropriate. Further, JFCS will abide by the schedule the Board set forth for this proceeding. In doing so, it will have the benefit and support of the undersigned outside counsel.

22. For all these reasons, JFCS respectfully requests the Board grant it participant status in the above-captioned matter that will include the ability to offer oral argument, file statements and briefs, and participate in conferences. N.J.A.C. 1:1-16.6(c); see, e.g., In re the Petition of Public Service Electric and Gas Company for the Approval of the Energy Strong Program, Docket No. EO13020155 (Oct. 16, 20103) (permitting environmental organization to “appropriately share its expertise . . . by participating in conferences and site visits, and filing statements and briefs including its perspective on various proposals.”).

23. Copies of all correspondence and other communications related to this proceeding should be addressed to:

Michael D. DeLoreto, Esq.  
Gibbons P.C.  
50 West State Street  
Suite 1104  
Trenton, NJ 08608  
609-858-2447  
[mdeloreto@gibbonslaw.com](mailto:mdeloreto@gibbonslaw.com)

with a copy to

Kevin G. Walsh, Esq.  
[kwalsh@gibbonslaw.com](mailto:kwalsh@gibbonslaw.com)

and

Courtney A. Johnson, Esq.  
[cjohnson@gibbonslaw.com](mailto:cjohnson@gibbonslaw.com)



**WHEREFORE**, JFCS respectfully requests an Order: (1) relaxing the timeframe set forth in the Scheduling Order pursuant to N.J.A.C. 1:1-1.3; (2) granting JFCS full rights as a participant in this matter pursuant to N.J.A.C. 1:1-16.6(c) including, without limitation, the ability to offer oral arguments, file statements and briefs, and participate in conferences; and (3) granting such other or further relief as the Board deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. DeLoreto", is positioned above the printed name.

Michael D. DeLoreto  
Director

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY  
FOR APPROVAL OF AN INFRASTRUCTURE ADVANCEMENT PROGRAM (IAP)  
Docket Nos. EO21111211 & GO21111212

**Service List**

**BPU**

Aida Comancho-Welch  
Board of Public Utilities  
44 South Clinton Avenue  
1st Floor  
P.O. Box 350  
Trenton NJ 08625  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

David Brown  
Board of Public Utilities  
44 South Clinton Avenue  
Suite 314  
P.O. Box 350  
Trenton NJ 08625-0350  
[david.brown@bpu.nj.gov](mailto:david.brown@bpu.nj.gov)

Paul Lupo  
Board of Public Utilities  
44 South Clinton Avenue  
1st Floor  
P.O. Box 350  
Trenton NJ 08625-0350  
[paul.lupo@bpu.nj.gov](mailto:paul.lupo@bpu.nj.gov)

Ryan Moran  
Board of Public Utilities  
44 South Clinton Avenue  
1st Floor  
P.O. Box 350  
Trenton NJ 08625-0350  
[ryan.moran@bpu.nj.gov](mailto:ryan.moran@bpu.nj.gov)

Stacey Peterson  
Board of Public Utilities  
44 South Clinton Avenue  
1st Floor  
P.O. Box 350  
Trenton NJ 08625-0350  
[stacey.peterson@bpu.nj.gov](mailto:stacey.peterson@bpu.nj.gov)

Heather Weisband  
Board of Public Utilities  
44 South Clinton Avenue  
1st Floor  
P.O. Box 350  
Trenton NJ 08625  
[heather.weisband@bpu.nj.gov](mailto:heather.weisband@bpu.nj.gov)

**Division of Law**

Pamela Owen  
NJ Dept. of Law & Public Safety  
Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street  
P.O. Box 112  
Trenton NJ 08625  
[pamela.owen@law.njoag.gov](mailto:pamela.owen@law.njoag.gov)

Michael Beck  
NJ Dept. of Law and Public Safety  
Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street  
P.O. Box 112  
Trenton NJ 08625  
[Michael.beck@law.njoag.gov](mailto:Michael.beck@law.njoag.gov)

Matko Ilic  
NJ Dept. of Law and Public Safety Richard  
J. Hughes Justice Complex Public Utilities  
Section  
25 Market Street,  
P.O. Box 112  
Trenton NJ 08625  
[matko.ilic@law.njoag.gov](mailto:matko.ilic@law.njoag.gov)

Darren Eppley  
NJ Dept. of Law & Public Safety  
Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street P.O. Box 112  
Trenton NJ 08625  
[darren.eppley@law.njaog.gov](mailto:darren.eppley@law.njaog.gov)

**PSE&G**

Joseph F. Accardo, Jr.  
PSEG Services Corporation  
80 Park Plaza, T5  
P.O. Box 570  
Newark NJ 07102  
(973) 430-5811  
[joseph.accardojr@pseg.com](mailto:joseph.accardojr@pseg.com)

Michelle Falcao  
PSEG Services Corporation  
80 Park Plaza, T5  
P.O. Box 570  
Newark NJ 07102  
(973) 430-6119  
[michele.falcao@pseg.com](mailto:michele.falcao@pseg.com)

Danielle Lopez Esq.  
PSEG Services Corporation  
80 Park Plaza, T5  
P.O. Box 570  
Newark NJ 07102  
973-430-6479  
[danielle.lopez@pseg.com](mailto:danielle.lopez@pseg.com)

Matthew M. Weissman, Esq.  
PSEG Services Corporation  
80 Park Plaza, T5  
Newark NJ 07102-4194  
[matthew.weissman@pseg.com](mailto:matthew.weissman@pseg.com)

Caitlyn White  
PSEG Services Corporation  
80 Park Plaza, T5  
P.O. Box 570  
Newark NJ 07102  
(973)-430-5659  
[caitlyn.white@pseg.com](mailto:caitlyn.white@pseg.com)

Kenneth T. Maloney  
Cullen & Dykman LLP  
1101 14<sup>th</sup> Street NW  
Suite 750  
Washington, DC 20005  
[kmaloney@cullenllp.com](mailto:kmaloney@cullenllp.com)

**Rate Counsel**

T. David Wand  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> floor  
P.O. Box 003  
Trenton NJ 08625  
[dwand@rpa.nj.gov](mailto:dwand@rpa.nj.gov)

Brian O. Lipman, Esq.  
Division of Rate Counsel  
140 East Front Street, 4th Floor  
P.O. Box 003  
Trenton NJ 08625  
(609) 984-1460  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Karen Forbes  
Division of Rate Counsel  
140 East Front Street, 4th Floor  
P.O. Box 003  
Trenton NJ 08625  
[kforbes@rpa.nj.gov](mailto:kforbes@rpa.nj.gov)

Kurt Lewandowski  
Division of Rate Counsel  
140 East Front Street, 4th Floor  
P.O. Box 003  
Trenton NJ 08625  
[klewandowski@rpa.nj.gov](mailto:klewandowski@rpa.nj.gov)

**J. Fletcher Creamer & Son**

Michael D. DeLoreto, Esq.  
50 West State Street  
Suite 1104  
Trenton NJ 08608  
[mdeloreto@gibbonslaw.com](mailto:mdeloreto@gibbonslaw.com)

**Ferreira Construction Co.**

Louis A. Modugno, Esq.  
Trif & Modugno LLC  
89 Headquarters Plaza  
North Tower, Suite 1201  
Morristown NJ 07960  
[lmodugno@tm-firm.com](mailto:lmodugno@tm-firm.com)

**SJI**

Cindy Capozzoli  
Director  
SJI Utilities, Inc.  
1 South Jersey Place  
Atlantic City NJ 08401  
[ccapazzoli@sjindustries.com](mailto:ccapazzoli@sjindustries.com)

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

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

Robert Glover  
Division of Rate Counsel  
140 East Front Street, 4th Flr.  
P.O. Box 003  
Trenton NJ 08625  
(609) 984-1460  
[rglover@rpa.nj.gov](mailto:rglover@rpa.nj.gov)

Sarah Steindel  
Division of Rate Counsel  
140 East Front Street, 4th Floor  
P.O. Box 003  
Trenton NJ 08625  
[ssteindel@rpa.nj.gov](mailto:ssteindel@rpa.nj.gov)

Kevin G. Walsh, Esq.  
50 West State Street  
Suite 1104  
Trenton NJ 08608  
[kwalsh@gibbonslaw.com](mailto:kwalsh@gibbonslaw.com)

Sheree L. Kelly  
Regulatory Affairs Counsel  
South Jersey Industries  
520 Green Lane  
Union NJ 07083  
[skelly@sjindustries.com](mailto:skelly@sjindustries.com)

Brian Weeks  
Division of Rate Counsel  
140 East Front Street, 4th Floor  
P.O. Box 003  
Trenton NJ 08625  
[bweeks@rpa.nj.gov](mailto:bweeks@rpa.nj.gov)

Debora Layugan  
Division of Rate Counsel  
140 East Front Street, 4th Flr. P.O. Box 003  
Trenton NJ 08625  
[dlayugan@rpa.nj.gov](mailto:dlayugan@rpa.nj.gov)

Bethany Rocque-Romaine  
Division of Rate Counsel  
140 East Front Street, 4th Floor  
Trenton NJ 08625  
[bromaine@rpa.nj.gov](mailto:bromaine@rpa.nj.gov)

Courtney A. Johnson, Esq.  
50 West State Street  
Suite 1104  
Trenton NJ 08608  
[cjohnson@gibbonslaw.com](mailto:cjohnson@gibbonslaw.com)

Deborah M. Franco, Esq.  
Vice President Rate, Regulatory &  
Sustainability  
520 Green Lane  
Union, NJ 07083  
[dfranco@sjindustries.com](mailto:dfranco@sjindustries.com)