

**STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW**

**In the Matter of the Petition of )  
Elizabethtown Gas Company for )  
Approval of Increased Base Tariff ) OAL Docket No. PUC 00872-22  
Rates and Charges for Gas Service, ) BPU Docket No. GR 21121254  
Changes to Depreciation Rates and ) (Judge Morejon)  
Other Tariff Revisions )**

**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 Company (“Elizabethtown” or “Company”), 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  
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](mailto:sgoldenberg@ghclaw.com)

Paul F. Forshay  
Eversheds Sutherland (US) LLP  
700 Sixth Street, N.W., Suite 700  
Washington, D.C. 20001-3980  
Phone: 202-383-0100  
Fax: 202-637-3593  
[paulforshay@eversheds-sutherland.us](mailto:paulforshay@eversheds-sutherland.us)

2. On December 28, 2021, Elizabethtown filed a Petition proposing to increase its base tariff rates, modify its depreciation rates, establish several regulatory assets and implement certain tariff revisions. The Petition states that the requested rate increase is driven predominantly by the significant capital investments that have been made since the Company’s last rate case, and that will continue to be made this year as part of the Infrastructure Investment Program (“IIP”). In accordance with the Board’s June 12, 2019, IIP Order, the costs associated with the IIP investments are proposed to be rolled into the rates established in this proceeding. The proposed rates would

increase the Company's operating revenues by \$77 million, or approximately 19% above adjusted post-test year revenues, and would result in a 17.2 percent bill increase to an average residential heat customer. Similar increases would result for the Company's large volume customers. Elizabethtown further requests a 10.75 percent return on equity, an increase over the current 9.6% rate approved by the Board, and a capital structure consisting of 54.89 percent common equity and 45.11 percent long term debt. The Company states that no consolidated tax adjustment should be applied in the circumstances of this matter.

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 rates and other relief sought 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 relief 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 cost and quality of the gas distribution service received from Elizabethtown by the members of NJLEUC;

6. NJLEUC has been granted Intervenor status in prior Elizabethtown rate and infrastructure 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 volume 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,

A handwritten signature in blue ink, appearing to read 'S. Goldenberg', with a long horizontal flourish extending to the right.

Steven S. Goldenberg  
GIORDANO, HALLERAN & CIESLA, P.C.  
125 Half Mile Rd, Suite 300  
Red Bank, NJ 07701-6777  
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[sgoldenberg@ghclaw.com](mailto:sgoldenberg@ghclaw.com)

Dated: March 30, 2022

Attorneys for New Jersey  
Large Energy Users Coalition

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OFFICE OF ADMINISTRATIVE LAW**

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<b>Elizabethtown Gas Company for</b>	)	<b>BPU Docket No. GR 21121254</b>
<b>Approval of Increased Base Tariff</b>	)	<b>OAL Docket No. PUC 00872-22</b>
<b>Rates and Charges for Gas Service,</b>	)	<b>(Judge Morejon)</b>
<b>Changes to Depreciation Rate and</b>	)	
<b>Other Tariff Revisions</b>	)	

**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,

A handwritten signature in blue ink, appearing to be 'SG', is centered on the page.

Steven S. Goldenberg  
GIORDANO, HALLERAN & CIESLA, P.C.  
125 Half Mile Rd, Suite 300  
Red Bank, NJ 07701-6777  
Phone: 732-224-6530  
[sgoldenberg@ghclaw.com](mailto:sgoldenberg@ghclaw.com)

Attorneys for New Jersey  
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Dated: March 30, 2022

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**Changes to Depreciation Rates and** )  
**Other Tariff Revisions** )

**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 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, regulatory and merger 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.

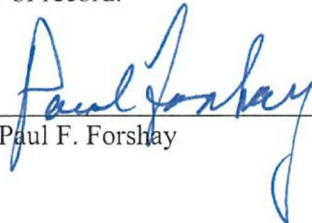
6. If this application to appear *pro hac vice* is granted, I agree to:

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

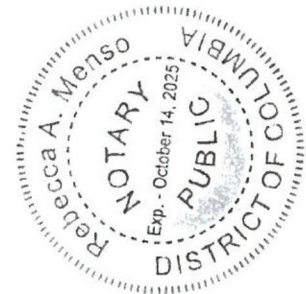
d. have all pleadings, briefs and other papers filed with the Board of Public Utilities and Office of Administrative Law signed by the attorney of record.

  
Paul F. Forshay

SUBSCRIBED AND SWORN to before  
me this 30<sup>th</sup> day of March 2022

  
Notary Public

Rebecca A. Menso  
Notary Public, District of Columbia  
My Commission Expires October 14, 2025





**CERTIFICATION OF SERVICE**

I hereby certify that in accordance with the Board's COVID Orders, 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 30<sup>th</sup> day of March 2022.

A handwritten signature in black ink, appearing to be 'S. Goldenberg', written in a cursive style.

Steven S. Goldenberg