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Please reply to Trenton

October 19, 2022

Via Electronic Mail

Commissioner Mary-Anna Holden & Secretary Carmen Diaz
Board of Public Utilities
44 South Clinton Avenue
Trenton, NJ 08625

RE: In the Matter of The Merger of South Jersey Industries, Inc. and Boardwalk Merger Sub, Inc., Dkt No. GM22040270, **EDF Opposition to New Proposed Procedural Schedule**

Dear Commissioner Holden and Secretary Diaz:

Our office represents Intervener Environmental Defense Fund (EDF) in this matter. EDF respectfully opposes the Joint Petitioners proposed new schedule in this matter, filed October 18, 2022.

Under the current schedule, testimony by Rate Counsel and Interveners is due tomorrow, October 20, 2022. At this late date, such work has undoubtedly been substantially completed, and the Joint Petitioners do not identify any benefits to extending the timeline for testimony filing to their proposed date of November 10, 2022. The Joint Petitioners state that the parties wish to continue the process of settlement negotiations, but filing of testimony does not preclude the continuation of settlement negotiations, and EDF submits that seeing all parties' litigation positions may help facilitate settlement negotiations in this matter. Thus, there is no benefit to delaying the October 20, 2022 filing.¹

Furthermore, EDF's undersigned counsel in this matter is unavailable during February 13-15, 2023, the first three hearing dates proposed by Joint Petitioners. The other attorney in Rothfelder Stern, LLC is out of the country that week. Purposely scheduling hearings on dates when EDF's

¹ If a party needs an extension of time to complete its testimony, EDF does not oppose a short extension. EDF has not been made aware of any party needing such additional time.

counsel are not available would be prejudicial to EDF. Thus, EDF respectfully requests that the hearing not be rescheduled for February 13-15, 2023.

EDF has been and remains ready to discuss settlement in this matter. EDF is also open to discussing a new procedural schedule, if needed, but the specific schedule proposed by Joint Petitioners two days before testimony is due is not well supported, is prejudicial, and should be rejected.

Sincerely,

A handwritten signature in blue ink, appearing to read "Martin C. Rothfelder". The signature is fluid and cursive, with the first name "Martin" being the most prominent.

Martin C. Rothfelder

Cc: Service list via e-mail