

# ROTHFELDER STERN, L.L.C.

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**Please reply to Trenton**

November 9, 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 Response to New Proposed Procedural Schedule**

Dear Commissioner Holden and Secretary Diaz:

Our office represents Intervener Environmental Defense Fund (EDF) in this matter. EDF supports the concept of 3 or 4 weeks of additional time to support the discussion of settlement, and thus supports all but one date in the Joint Petitioner's proposed new schedule – the delay in the filing of Rate Counsel and Intervener testimony.

The Joint Petitioners state that “the parties... wish to continue [settlement discussions] in the hopes of reaching a full resolution of this matter.” EDF has not had any active settlement discussions with Joint Petitioners since the last schedule change. Nevertheless, EDF supports settlement discussions moving forward. EDF has been and remains ready to discuss settlement in this matter. Altering the schedule as proposed to provide a 3 or 4 week period for that is reasonable.

However, the proposed delay in the filing of Rate Counsel and Intervener testimony is unwarranted, unsupported, and counterproductive. Under the current schedule, testimony by Rate Counsel and Interveners is due tomorrow, November 10, 2022. At this late date, such work has undoubtedly been substantially completed.

EDF submits that there is no benefit from delaying this filing a second time, and seeing all parties' litigation positions in such testimony may help facilitate settlement negotiations in this matter. Thus, the new schedule should maintain the current November 10 date for the filing of Rate Counsel and Intervener direct testimony.

*Commissioner Holden & Secretary Diaz*

*November 9, 2022*

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Sincerely,

A handwritten signature in blue ink, reading "Martin C. Rothfelder". The signature is written in a cursive, flowing style.

Martin C. Rothfelder

Cc: Service List via e-mail