

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE VERIFIED)	
PETITION OF THE COLLEGE OF)	
NEW JERSEY FOR RELIEF FROM A)	DOCKET NO. GC19111234
PENALTY ASSESSED BY PUBLIC)	
SERVICE ELECTRIC & GAS)	
COMPANY)	

CROSS-MOTION TO SUPPLEMENT THE RECORD

The College of New Jersey (“TCNJ” or “Petitioner”), hereby moves to supplement the factual record pursuant to the final paragraph of the Stipulated Facts and Exhibits submitted jointly on behalf of Petition, Respondent Public Service Electric and Gas (“PSE&G”), and the New Jersey Division of Rate Counsel (“Rate Counsel”) on September 6, 2023 (the “Stipulation”).

Pursuant to the Stipulation, “[t]hese stipulated facts are subject to amendment by the parties if necessary. Additional exhibits may be added, subject to the other parties’ right to raise objections.” See Stipulation at ¶ 51. In this Motion, TCNJ asks the Board to permit it to submit the Certification of Richard Schweigert (“Schweigert Cert.”), a copy of which is annexed hereto as Exhibit A, in response to certain arguments made by Rate Counsel in its motion for summary decision. In its moving brief, Rate Counsel for the first time advanced an argument that the full force of the unjust and unreasonable CIG penalty should be brought to bear against TCNJ, an arm of the state, because (in Rate Counsel’s estimation), such a penalty would not “create a hardship”. See Rate Counsel Brief, page 20. Rate Counsel also argues, again with no basis, that “TCNJ could . . . have obtained the funds needed to pay the penalty during [the five years since the penalty was assessed], or that it lacks the ability to do so now.” Id. Rate Counsel also states that there is nothing in the record to “document that payment of the penalty would create a hardship”, id., while

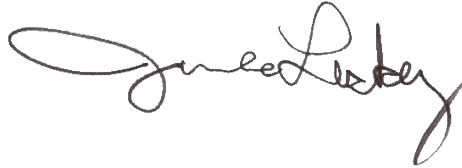
failing to mention that the record is devoid of such documentation because a hardship argument has never been raised by any party to these proceedings until now. TCNJ seeks to add such documentation to the record by way of the instant motion.

As detailed in the Schweigert Cert., the financial hardship which will be suffered by TCNJ were it forced to pay the CIG penalty as currently assessed would be immense. Like virtually all public institutions of higher education, the COVID pandemic and subsequent inflation have had a devastating impact on TCNJ. TCNJ's budgets have been significantly reduced, and its reserves have still fallen below normal levels. TCNJ's Board is considering further operating budget reductions that would enable it to add \$15 million to its depleted reserves. To pile another \$2.4 million on top of that would require increases in tuition or slashes in scholarships and/or programs that would have severe detrimental effects on the students and professional staff at TCNJ.

The Schweigert Cert will therefore assist the Board in ruling that the penalty assessed by Public Service Electric and Gas ("PSE&G") of approximately \$2.4 million related to the consumption of natural gas by TCNJ during a period of interruption in January 2018 would represent an overwhelming hardship to the college, in addition to the fact that it is at odds with the statutory requirement that all rates charged by utilities such as PSE&G be just and reasonable.

WHEREFORE, Petitioner moves to supplement the factual record for these proceedings by introducing the Schweigert Cert. in the form annexed hereto as Exhibit A.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James Laskey". The signature is fluid and cursive, with a large initial "J" and a stylized "L".

James Laskey
NORRIS McLAUGHLIN, PA
Attorneys for Petitioner

400 Crossing Blvd, 8th Floor
Bridgewater, NJ 08807
(908) 722-0700

Dated: October 5, 2023