

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

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IN THE MATTER OF THE PETITION :	
OF ELIZABETHTOWN GAS COMPANY:	
TO IMPLEMENT AN :	
INFRASTRUCTURE INVESTMENT :	Docket No.: GR23120882
PROGRAM AND ASSOCIATED :	
RECOVERY MECHANISM PURSUANT :	
TO N.J.S.A. 48:2-21 AND :	
N.J.A.C. 14:3-2A :	
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MOTION OF
ENGINEERS LABOR-EMPLOYER COOPERATIVE
TO INTERVENE

Pursuant to N.J.A.C. 1:1-16.5, the Engineers Labor-Employer Cooperative (“ELEC”), the Labor-Management Fund of the International Union of Operating Engineers Local 825, by way of this Motion and the attached declaration of Mark Longo, Director of ELEC, request to intervene in the above-captioned Petition of Elizabethtown Gas Company (“ETG”) seeking authorization to implement an Infrastructure Investment Program pursuant to N.J.S.A 48:2-21 and N.J.A.C. 14:3-2A. All communications and correspondence concerning these proceedings should be directed to:

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I. Background

1. ELEC is a labor-management organization that promotes economic development, investments in infrastructure, and construction to provide opportunities for

developers, union contractors, and members of the International Union of Operating Engineers Local 825 (i.e., heavy equipment operators) (the “Union”). ELEC is a unique organization because it is a partnership between employers and the Union seeking to find common ground and ways to improve the construction industry as a whole for the benefit of both labor and management.

2. On or about December 11, 2023, ETG filed a Petition with the New Jersey Board of Public Utilities (the “Board”) seeking authorization to implement an Infrastructure Investment Program 2 (“IIP2” or the “Program”) and an associated cost recovery mechanism pursuant to N.J.S.A 48:2-21 and N.J.A.C. 14:3-2A (the “Petition”).

3. In the Petition, ETG proposes a five-year Program with a total investment level of approximately \$625 million. ETG proposes to commence the Program on July 1, 2024.

4. ETG proposes in IIP2 to (i) install approximately 250 miles of new main and retire approximately 274 miles of at-risk cast iron, vintage steel, and vintage plastic mains and associated services; (ii) continue to upgrade ETG’s legacy low-pressure system to elevated pressure; and (iii) install approximately 35,000 excess flow valves where appropriate on services on the upgraded system.

5. ETG believes IIP2 will produce benefits for ETG’s customers, its gas distribution system as a whole, the State of New Jersey, and the environment.

6. ETG also anticipates that implementation of the proposed IIP2 will support economic development and enhanced employment opportunities in New Jersey. Specifically, ETG believes IIP2 will support the employment of approximately 900 full time jobs per year during the length of the Program.

7. ELEC represents more than 7,000 experienced operating engineers and over 1,000 contractors throughout the state of New Jersey and the lower counties of the state of New York. These operating engineers operate cranes, bulldozers, front-end loaders, backhoes, graders, and other heavy equipment. Representatives from large New Jersey construction contractors sit on ELEC's Board.

8. ELEC regularly partners with New Jersey business and trade organizations and offers professional support to union contractors. ELEC regularly meets with local officials throughout New Jersey and county governments to identify issues in the construction industry and opportunities for ELEC to positively impact Union operating engineers and their employers.

9. ELEC also supports ongoing training for Union operating engineers to ensure higher levels of productivity, improved safety records, and greater profitability for contractors and project owners.

10. ELEC is in a unique position to provide insight on the impact of the Program from both a contractor and operating engineer perspective, speaking to the costs and feasibility of the continued energy infrastructure improvements, the related economic impact, and the impact of the future and long-term costs of the Program, in addition to providing insight on manpower requirements of the Program, the market for operating engineers, and any additional specific training that may be necessary for operating engineers to perform work under the Program.

II. Legal Standard

11. Under N.J.A.C. 1:1-16.1(a), any person or entity substantially, specifically, or directly affected by the outcome of a contested case, may on motion, seek leave to

intervene.¹ N.J.A.C. 1:1-16.3(a) provides that, in ruling on a motion to intervene, consideration should be made of the nature and extent of the movant's interest in the outcome of the case, whether or not the movant's interest is sufficiently different from that of any party so as to add measurably and constructively to the scope of the case, the prospect of confusion or delay arising from the movant's inclusion, and other appropriate matters.

III. Argument

12. The members of ELEC will be substantially, specifically, and directly affected by the outcome of this proceeding, ELEC's interest in the case differs from that of any other party, ELEC's interest will add measurably and constructively to the scope of the case, and inclusion of ELEC as an intervenor will not cause confusion or delay.

a. The Program Has a Direct Impact on ELEC Members.

13. ELEC represents more than 7,000 experienced operating engineers and over 1,000 contractors throughout the state of New Jersey and the lower counties of the state of New York. Representatives from large New Jersey construction contractors sit on ELEC's Board. ETG has stated in its petition for the Program that the Program is designed to support additional jobs, many of which ELEC believes will be available to operating engineers.

¹ If the standard for intervention is not met, N.J.A.C. 1:1-16.5 provides for a more limited form of involvement in the proceeding as a "participant," if, in the discretion of the trier of fact, the addition of the moving party is likely to add constructively to the case without causing undue delay or confusion. Under N.J.A.C. 1:1-16.6(c), such participation is limited to the right to argue orally, file a statement or brief, file exceptions, or all these as determined by the trier of fact.

14. ELEC's member contractors and operating engineers will be directly impacted by the Program because ELEC member contractors and operating engineers will be performing work called for in ETG's Petition.

b. ELEC's Interest Will Add Measurably and Constructively to the Proceeding.

15. As an intervenor, ELEC has a substantial interest in knowing, understanding, and reviewing the intricacies of the Program as discussed in this proceeding so it has the opportunity to provide input on the manpower requirements of the Program and the market for operating engineers and so ELEC member contractors who are likely to be used for the construction work performed under the Program can provide input on the costs and scope of the Program.

16. Given ELEC's support for additional training for operating engineers, ELEC also has a substantial interest in knowing, understanding, and reviewing the intricacies of the Program as discussed in this proceeding so it has the opportunity to provide input on any additional or specialized training necessary for completing the work.

17. ELEC has a history of successful efforts on behalf of other energy and pipeline projects, including testifying before the Board in the 2014 Energy Strong Initiative; participating in PSE&G's GSMP, GSMP II, and GSMP III proceedings; routinely attending public meetings; and supporting new pipelines throughout the region including the SpectraEnergy Algonquin Incremental Market project, the PennEast Pipeline, the Pilgrim Pipeline, the New Jersey Natural Gas Southern Reliability Link, and the Construction Line. Through this work, ELEC has gained a profound understanding of the impact of energy infrastructure projects on the construction industry and the economy of the region.

18. ELEC's member contractors have significant experience in large-scale, long-term construction projects, including previous energy infrastructure projects, and can provide information on the financial markets for borrowing for large-scale construction projects and the cost feasibility of large-scale construction projects, such as the Program.

19. Permitting ELEC to intervene so it can offer input on the market for operating engineers, which will be used in the construction work under the Program, the economic impact on contractors, operating engineers, and the construction industry, as well as the financial aspects of the Program, will add measurably and constructively to the scope of this proceeding and provide a substantial benefit to this Board in deciding the prudence and reasonableness of the Program.

c. ELEC's Interests Are Not Adequately Represented.

20. The above-referenced interests of ELEC's membership are not adequately represented by any other Party to these proceedings. As a partnership between employers and the Union, ELEC is in a unique position to provide insight on the impact of the Program from both a contractor and operating engineer perspective, with each constituency having an interest in the outcome of this proceeding, as demonstrated above.

d. Inclusion of ELEC as an Intervenor Will Not Cause Delay or Confusion.

21. Intervention of ELEC will not cause undue delay. This Motion is being timely filed pursuant to the Board's Order dated January 31, 2024. Additionally, no prospect of confusion arises from allowing ELEC to intervene. While ELEC's interest in the outcome of the petition is distinct from other parties and potential Intervenors, ELEC will cooperate

with other parties to the proceeding to ensure a decision is made in full view of all relevant facts.

WHEREFORE, pursuant to N.J.A.C. 1:1-16, ELEC respectfully requests it be permitted to intervene in this matter.

Date: February 27, 2024

Respectfully submitted,

A handwritten signature in cursive script, reading "E. Schlax".

Elizabeth K. Schlax
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DECLARATION OF MARK LONGO

I, Mark Longo, declare as follows:

1. I am the Director of ELEC.
2. I have read the herein motion and hereby certify that the statements contained therein are true and accurate to the best of my knowledge.



Mark Longo, Director
ELEC

Dated: February 27, 2024

CERTIFICATE OF SERVICE

I, Elizabeth K. Schlax, hereby certify that copies of the herein motion were sent to all parties on the attached service list by electronic mail.

Date: February 27, 2024

A handwritten signature in black ink, reading "E. Schlax". The signature is written in a cursive style with a horizontal line underneath.

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