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February 29, 2024

VIA ELECTRONIC FILING

Sherri L. Golden, Secretary of the Board
New Jersey Board of Public Utilities
44 South Clinton Avenue
P. O. Box 350
Trenton, NJ 08625-0350

**Re: In the Matter of the Petition of Elizabethtown Gas Company to Implement
an Infrastructure Investment Program ("IIP") and Associated Recovery
Mechanism**
BPU Docket GR23120882

Dear Secretary Golden:

This firm is counsel to the New Jersey Laborers-Employers Cooperation and Education Trust ("NJLECET") in connection with the above-referenced matter. Attached for electronic filing, please find NJLECET's motion to participate. By copy of this email, copies of the motion are being provided to all parties on the Service List.

Thank you for your attention to this matter.

Very truly yours,

/s/ Bradley M. Parsons

BRADLEY M. PARSONS

BMP:jc
Enclosures

cc: service list

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

IN THE MATTER OF THE PETITION OF
ELIZABETHTOWN GAS COMPANY TO
IMPLEMENT AN INFRASTRUCTURE
INVESTMENT PROGRAM ("IIP") AND
ASSOCIATED RECOVERY MECHANISM
PURSUANT TO N.J.S.A. 48:2-21 AND
N.J.A.C. 14:3-2A

DOCKET NO. GR23120882

**MOTION TO PARTICIPATE OF LABORERS-EMPLOYERS COOPERATION AND
EDUCATION TRUST**

New Jersey Laborers-Employers Cooperation and Education Trust ("NJLECET"), a 501(c)(3) nonprofit labor management fund, representing more than 25,000 laborers in New Jersey and their signatory contractors, hereby moves to participate in the above-captioned proceeding. In support of its motion, NJLECET states as follows:

1. All communications and correspondence concerning this proceeding should be directed to:

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2. Under the Infrastructure Investment Program 2 ("IIP 2" or "Program"), Elizabethtown Gas Company ("Elizabethtown" or "Company") proposes a five-year program to modernize and enhance the safety and reliability of its gas distribution system by (i) installing approximately 250 miles of new main, and retiring approximately 274 miles

of vintage, at-risk facilities, which include low pressure cast iron pipe, vintage plastic pipe and vintage steel pipe and associated services; (ii) continuing to upgrade the Company's legacy low pressure system to elevated pressure; and (iii) installing approximately 35,000 excess flow valves. The projected total expenditures associated with the IIP 2 are approximately \$625 million, excluding Allowance for Funds Used During Construction and Independent Monitor costs, over the five-year Program.

WHEREFORE, in support of its application for participation in this proceeding, and as further summarized below, NJLECET respectfully requests that an Order be entered: (1) granting NJLECET's rights as a Participant in this matter pursuant to N.J.A.C. 1:1-16.6, and (2) providing such further relief in connection therewith as is deemed reasonable and just.

1. NJLECET's membership comprises local unions engaged in the construction and the heavy highway construction industry. The management component of the NJLECET Board comprises representatives from labor as well as representatives from the Associated Construction Contractors of New Jersey ("ACCNJ"), which is itself represents some of the largest construction firms working in New Jersey. NJLECET's interests are sufficiently different from that of any other party so as to add measurably and constructively to the scope of the case.
2. Elizabethtown represents that the proposed IIP 2 is consistent with Federal and State policy objectives to reduce greenhouse gas methane emissions, including New Jersey's most recent Energy Master Plan ("EMP"). NJLECET's membership has extensive experience with New Jersey large-scale construction, and the surrounding political and regulatory environment, and thus is uniquely positioned to evaluate and comment upon the potential impact of the Program, and the proposed accelerated replacement of the highest risk

pipeline facilities. NJLECET has unique perspective and insight regarding: the costs and feasibility of planned infrastructure projects; construction industry best practices for project continuity; the related economic impact of infrastructure investment; and the impact of the current financing environment and amortized costs on long-term construction projects.

3. NJLECET's perspective on the IIP 2 and its potential impact is informed not just by its membership's substantial industry experience but also by its participation in prior BPU petitions, which considered the impact, on New Jersey's EMP, of planned energy infrastructure enhancements and their attendant costs and recovery mechanisms. NJLECET has been granted participant status by the BPU in prior petitions including: "Energy Strong" infrastructure improvements (Docket Nos. EO13020155 & GO13020156); PSE&G's Gas System Modernization Program (Docket No. GR15030272); the Extension II Program (Solar 4 All Program II) (Docket No. EO12080721); PSE& G's second phase Gas System Modernization Program (GSMP II); PSE&G's 2022 petition for approval of an Infrastructure Advancement Program (Docket Nos. EO21111211 & GO21111212); and the merger of South Jersey Industries, Inc. and Boardwalk Merger Sub, Inc. (DOCKET NO. GM22040270).

Legal Standard:

4. The New Jersey Administrative Code provides that "[a]ny person or entity with a significant interest in the outcome of a case may move for permission to participate." N.J.A.C. 1:1-16.6(a). When considering motions to participate, the New Jersey Board of Public Utilities ("Board" or "BPU") "shall consider whether the participant's interest is likely to add constructively to the case without causing undue delay or confusion." N.J.A.C. 1:1-16.6(b).

5. As the Board has stated in previous proceedings, application of these standards involves an implicit balancing test. The need and desire for development of a full and complete record, which involves consideration of diversity of interests, must be weighed against the need for expeditious administrative proceedings. See Order, In re the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control, Docket No. EM05020106 (June 8, 2005).

Argument:

6. NJLECET's participation would measurably and constructively advance this proceeding. Its members, experienced workers, and employers in the construction industry, bring a unique perspective on the potential impact of the proposed IIP 2. BPU has previously found that NJLECET's participation in a matter involving energy infrastructure and efficiency, would add constructively to the case without causing undue delay or confusion. See Order, In the Matter of the Petition of Public Service Electric and Gas Company for Approval of a Gas System Modernization Program and Associated Cost Recovery Mechanism ("GSMP II"), Docket No. GR17070776 (November 9, 2017).
7. NJLECET represents more than 25,000 construction laborers who are employed and have significant experience in site-preparation, remediation, and construction work for underground cable replacement, construction of concrete pads for electric vehicle charging stations, and gas system modernization work.
8. Additionally, NJLECET's board comprises representatives from large New Jersey construction contractors. These contractors work for many of New Jersey's largest private corporations as well as New Jersey's largest utility companies. NJLECET has particular expertise in: tracking construction projects; researching and providing market guidance in

the construction industry; and legislative analysis as relates to construction and infrastructure investment. NJLECET partners with all sectors of the construction industry, local businesses, community activists, and government agencies, to research and promote effective economic development through investment in transportation and infrastructure.

9. NJLECET has an established track record of performing cost/benefit analyses, relating to large-scale construction and remediation projects. NJLECET's members, representing the construction industry, have significant experience in undertaking large-scale construction projects, and is uniquely situated to provide input on the impact of borrowing costs and the interest rate environment on large scale construction projects.
10. NJLECET's membership includes large-scale residential and commercial contractors whose projects and businesses will be directly impacted by the Program, and the proposed accelerated replacement of the highest risk pipeline facilities.
11. The above-referenced interests of NJLECET's membership are unique to the construction industry and those employed within. The issues to be decided in this proceeding "substantially, specifically and directly affect" NJLECET and its constituent members, thereby making NJLECET's participation in this proceeding appropriate under the applicable standards.
12. NJLECET's entry as a participant would add constructively to this proceeding without causing undue delay or confusion.
13. NJLECET will work cooperatively with other parties in this proceeding in the interests of administrative efficiency.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.6, NJLECET respectfully requests that it be permitted to participate in the above-captioned proceedings.

Respectfully submitted,

**KROLL HEINEMAN PTASIEWICZ &
PARSONS, LLC**



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Attorneys for NJLECET

DATED: February 29, 2024

CERTIFICATION OF SERVICE

I hereby certify that copies of the foregoing motion were sent via electronic mail to all parties on the attached service list.



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DATED: February 29, 2024