STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

In the Matter of the Petition of Elizabethtown Gas Company for Approval of Increased Base Tariff Rates and Charges for Gas Service, Changes to Depreciation Rates and Other Tariff Revisions	)))))	**Docket No.**

MOTION TO INTERVENE OF
NEW JERSEY LARGE ENERGY USERS COALITION

The New Jersey Large Energy Users Coalition ("NJLEUC"), an association whose members include large natural gas distribution customers served by Elizabethtown Gas Company ("Elizabethtown" or the "Company"), hereby moves to intervene in the above captioned proceeding. In support of its motion, NJLEUC states as follows:

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

Steven S. Goldenberg
Giordano, Halleran & Ciesla, P.C.
125 Half Mile Road, Suite 300
Red Bank, NJ 07701-6777
Phone: 732-741-3900
Fax: 732-224-6599
sgoldenberg@ghclaw.com

2. On February 29, 2024, Elizabethtown filed a petition with the Board, pursuant to N.J.S.A. 48:2-21, N.J.S.A. 48:2-21.1 and N.J.A.C. 14:1-5.7, commencing a base rate case that seeks approval to increase the annual revenue requirements for the Company's gas operations. The petition seeks recovery of $276.3 million invested in plant additions not currently reflected in rates and an additional $213.4 million of capital investments to be added to plant in service by December 31, 2024. The Company proposes rates that would yield additional operating revenues of $75,558,923, based on a post-test year rate base of $1,862,108,979. Subject to prudence review,

the Company also proposes to roll into the rates established in this proceeding approximately $300 million in infrastructure investment previously approved by the Board as part of Elizabethtown's Infrastructure Investment Program.

3. The Company proposes a return on equity of 10.75 percent applied to a capital structure consisting of 57 percent common equity and 43 percent long-term debt. The Company does not propose a Consolidated Tax Adjustment.

4. The Company states that it has made significant investments in its transmission and distribution infrastructure that are not reflected in its current gas rates, and that these rates do not reflect an adequate return on Elizabethtown's invested capital. The Company seeks recovery of and on all prudent investment within the scope of this proceeding and certain related relief, including modification of its depreciation rates and establishment of an Uncollectible Adjustment Clause. The $75,558,923 in additional annual operating revenues would represent an increase of approximately 16% above the Company's adjusted post-test year revenues of $470,797,010. The Company projects that these additional revenues would increase the bill of an average residential heating customer using 100 therms per month by $21.92 or 15.8%. No projection is provided regarding the rate impact of the additional revenues on large commercial and industrial customers.

WHEREFORE, in support of its application for intervention, NJLEUC respectfully submits that all factors for intervention set forth in N.J.A.C. 1:1-16 weigh in favor of the granting of NJLEUC's motion in this proceeding:

1. NJLEUC formed, in part, to monitor regulatory and rate proceedings involving the State's electric and natural gas utilities, including Elizabethtown, and has consistently been granted intervenor status in Elizabethtown's rate, merger, regulatory and infrastructure proceedings. Members of NJLEUC purchase natural gas distribution service from Elizabethtown on a usage

basis and, therefore, will be substantially and specifically affected by the outcome of this proceeding, which would significantly increase the Company's distribution rates;

2. Given its capacity as an association of large end-use customers of Elizabethtown that will be directly affected by the significant rate increases proposed in this proceeding, NJLEUC's interests are unique from, and not adequately represented by any other party;

3. NJLEUC has a unique perspective and insight regarding the potential impact, on large usage-based customers, of the significant costs that are at issue in this proceeding. NJLEUC's members employ thousands of New Jersey residents, are a bedrock of the State's business community and economy and pay substantial state taxes. Its members, particularly those businesses that are national in focus, continually assess the competitiveness of their New Jersey operations, which has a direct influence on their managements' willingness to invest additional capital in them. These assessments consider the outcome of regulatory proceedings like these, which have significantly increased large businesses' already-high energy costs, often by tens of thousands of dollars each month. No other party to this proceeding is similarly situated with NJLEUC in this regard;

4. NJLEUC's motion is timely and will not delay or otherwise disrupt the prosecution of the proceeding;

5. Fundamental fairness and due process considerations require that NJLEUC be afforded an opportunity to fully participate as an Intervenor in this proceeding, the outcome of which will result in a significant increase in the gas distribution rates charged by Elizabethtown;

6. The issues to be decided in this proceeding "substantially, specifically and directly affect" NJLEUC within the meaning of these terms as used in the Uniform Rules, thereby making it appropriate for NJLEUC to intervene as a party;

7. The interests of NJLEUC's members as large distribution customers of Elizabethtown are substantially different from those of any other party seeking intervention. Therefore, NJLEUC's interests in this proceeding are unique on both a quantitative and qualitative basis;

8. NJLEUC's entry as a party would "measurably and constructively" advance this proceeding (N.J.A.C. 1:1-16.3(a)) because of the unique, well-informed status of its members, which are among the largest customers on Elizabethtown's natural gas distribution system. NJLEUC's entry as a party would therefore contribute to an informed and balanced presentation of the issues;

9. Notwithstanding its unique interests, where it is possible and practical for it to do so, NJLEUC will endeavor to work cooperatively with the other parties in this proceeding in the interests of administrative efficiency and economy.

10. For the foregoing reasons, and because the cost of natural gas distribution service to NJLEUC's members will be directly and substantially affected by the issues to be determined in this proceeding, NJLEUC has a direct and immediate interest in the outcome of this proceeding that cannot adequately be represented by any other party.

WHEREFORE, pursuant to N.J.A.C. 1:1-16.1, *et seq.*, NJLEUC respectfully requests that it be permitted to intervene in this proceeding with full procedural and substantive rights.

Respectfully submitted,

Steven S. Goldenberg

Dated: March 29, 2024

#10631925v1

CERTIFICATION OF SERVICE

I hereby certify that I have this day served via electronic mail copies of the foregoing Motion to Intervene to the parties identified on the service list in this proceeding.

Dated at Red Bank, New Jersey, this 29th day of March 2024.

Steven S. Goldenberg

IN THE MATTER OF THE PETITION OF ELIZABETHTOWN GAS COMPANY FOR APPROVAL OF INCREASED BASE TARIFF RATES AND CHARGES FOR GAS SERVICE, CHANGES TO DEPRECIATION RATES AND OTHER TARIFF REVISIONS

BPU DOCKET NO. _____

SERVICE LIST

Dominick DiRocco Esq.
SJI Utilities, Inc.
1 South Jersey Place
Atlantic City, NJ 08401
ddirocco@sjindustries.com

Sheree Kelly
SJI Utilities, Inc.
520 Green Lane
Union, NJ 07083
skelly@sjindustries.com

Cindy Capozzoli
SJI Utilities, Inc.
1 South Jersey Place
Atlantic City, NJ 08401
ccapozzoli@sjindustries.com

Carolyn A. Jacobs
SJI Utilities, Inc.
1 South Jersey Place
Atlantic City, NJ 08401
cjacobs@sjindustries.com

Andrew McNally
SJI Utilities, Inc.
520 Green Lane
Union, NJ 07083
amcnally@sjindustries.com

Jennifer Weitz
SJI Utilities, Inc.
520 Green Lane
Union, NJ 07083
jweitz@sjindustries.com

Gary Akmentins
Elizabethtown Gas Company
1 South Jersey Place
Atlantic City, NJ 08401
gakmentins@sjindustries.com

Ian Azar
Elizabethtown Gas Company
520 Green Lane
Union, NJ 07083
iazar@sjindustries.com

John Houseman
South Jersey Industries, Inc.
1 South Jersey Plaza
Folsom, NJ 08037
jhouseman@sjindustries.com

Thomas Kaufmann
Elizabethtown Gas Company
520 Green Lane
Union, NJ 07083
tkaufmann@sjindustries.com

Susan Potanovich
Elizabethtown Gas Company
520 Green Lane
Union, NJ 07083
spotanovich@sjindustries.com

Michael Scacifero
Elizabethtown Gas Company
520 Green Lane
Union, NJ 07083
mscacifero@sjindustries.com

Cindy Bianco
Board of Public Utilities
44 South Clinton Ave
P.O. Box 350
Trenton, NJ 08625-0350
Cindy.Bianco@bpu.nj.gov

Robert Brabston
Board of Public Utilities
44 South Clinton Ave
P.O. Box 350
Trenton, NJ 08625-0350
Robert.Brabston@bpu.nj.gov

Joseph Costa
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Joseph.Costa@bpu.nj.gov

Julie Ford-Williams
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Julie.Ford@bpu.nj.gov

Jacqueline Galka
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Jacqueline.Galka@bpu.nj.gov

William Barkasy
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
William.barkasy@bpu.nj.gov

Bart Kilar
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Bart.Kilar@bpu.nj.gov

Mike Kammer
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Mike.Kammer@bpu.nj.gov

Jackie O'Grady
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
jackie.ogrady@bpu.nj.gov

Christopher Oprysk
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Christopher.Oprysk@bpu.nj.gov

Stacy Peterson
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Stacy.Peterson@bpu.nj.gov

Scott Sumliner
Board of Public Utilities
44 South Clinton Avenue
P. O. Box 350
Trenton, NJ 08625-0350
scott.sumliner@bpu.nj.gov

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SERVICE LIST

Sri Medicherla
Board of Public Utilities
44 South Clinton Avenue
P. O. Box 350
Trenton, NJ 08625-0350
sri.medicherla@bpu.nj.gov

Dean Taklif
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Dean.taklif@bpu.nj.gov

Benjamin Witherell
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Benjamin.witherell@bpu.nj.gov

Jason Forsythe
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Jason.forsythe@bpu.nj.gov

Heather Weisband
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625-0350
Heather.Weisband@bpu.nj.gov

Son-lin Lai
Board of Public Utilities
44 South Clinton Avenue
P.O. Box 350
Trenton, NJ 08625
Son.lai@bpu.nj.gov

Brian Lipman
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
blipman@rpa.nj.gov

Maura Caroselli, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
mcaroselli@rpa.nj.gov

Megan Lupo, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
mlupo@rpa.nj.gov

Bethany Rocque-Romaine, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
bromaine@rpa.nj.gov

Sarah H. Steindel, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
ssteinde@rpa.nj.gov

Brian Weeks, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
bweeks@rpa.nj.gov

Karen Forbes
Division of Rate Counsel
140 East Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625
kforbes@rpa.nj.gov

Carlena Morrison, Paralegal
Division of Rate Counsel
140 East Front Street
P.O. Box 003
Trenton, NJ 08625
cmorrison@rpa.nj.gov

Matko Ilic, DAG
NJ Dept of Law & Public Safety
Richard J. Hughes Justice Complex
Public Utilities Section
25 Market Street, P.O. Box 112
Trenton, NJ 08625
Matko.Ilic@law.njoag.gov

Terel Klein, DAG
NJ Dept of Law & Public Safety
Richard J. Hughes Justice Complex
Public Utilities Section
25 Market Street, P.O. Box 112
Trenton, NJ 08625
Terel.Klein@law.njoag.gov

Kenneth T. Maloney
Cullen and Dykman
1101 14th Street, NW
Suite 750
Washington, DC 20005
kmaloney@cullenllp.com

Terrence W. Regan
Cullen and Dykman
One Battery Park Plaza, 34th Floor
New York, NY 10004
tregan@cullenllp.com

Ann E. Bulkley
The Brattle Group
One Beacon Street
Suite 2600
Boston, MA 02108
Ann.bulkley@brattle.com

Timothy S. Lyons
ScottMadden, Inc.
1900 West Park Drive
Suite 250
Westborough, MA 01581
tlyons@scottmadden.com

Howard S. Gorman
HSG Group, Inc.
45 Hillpark Avenue
Great Neck, NY 11021
hgorman@hsg-group.biz

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SERVICE LIST

Dane A. Watson
Alliance Consulting Group
101 E. Park Blvd
Plano, Texas 75074
dwatson@alliancecg.net