



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF )  
THE COLLEGE OF NEW JERSEY FOR RELIEF )  
FROM A PENALTY ASSESSED BY PUBLIC )  
SERVICE ELECTRIC AND GAS COMPANY )  
)  
) ORDER ON MOTION FOR  
CLARIFICATION, OR IN THE  
ALTERNATIVE, MOTION FOR  
RECONSIDERATION  
)  
) DOCKET NO. GC18111234

**Parties of Record:**

**Brian O. Lipman, Esq., Director**, New Jersey Division of Rate Counsel  
**James H. Laskey, Esq.**, Norris McLaughlin, P.A., Counsel for The College of New Jersey  
**Matthew M. Weissman, Esq., General State Regulatory Counsel**, Public Service Electric and Gas Company

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities ("Board") considers a Motion for Clarification, or in the alternative, a Motion for Reconsideration ("Motion"), filed by The College of New Jersey ("TCNJ") regarding the Board's July 24, 2024, Order in the above referenced matter.<sup>1</sup>

**I. BACKGROUND AND PROCEDURAL HISTORY<sup>2</sup>**

TCNJ is a public college with a 289-acre residential campus in Ewing, New Jersey that owns and operates an on-campus cogeneration plant ("Cogen"). The Cogen supplies electricity and steam for heating throughout its campus.

The Cogen receives service from Public Service Electric and Gas Company ("PSE&G") under a

---

<sup>1</sup> In re the Verified Petition of the College of New Jersey For Relief From A Penalty Assessed By Public Service Electric and Gas Company, BPU Docket No. GC18111234, Order dated July 24, 2024 ("July 2024 Order").

<sup>2</sup> The Background and Procedural History provided here is supported by the Stipulated Facts and Exhibits ("SFE") filed with the Board on September 6, 2023, and attached to the July 2024 Order as "Exhibit A."

“grandfathered” tariff known as Cogeneration Interruptible (“CIG”) Service.<sup>3</sup> Customers taking Basic Gas Supply Service (“BGSS”) from PSE&G under the CIG option (“BGSS-CIG”) are charged at a rate substantially discounted compared to both PSE&G’s Large Volume Service (“LVG”) rate and PSE&G’s Non-Firm Transportation Gas Service (“TSG-NF”) rate.

CIG Special Provision (b) requires customers to discontinue their use of gas upon advance notice of eight (8) hours or more by PSE&G. CIG Special Provision (c) mandates that if the customer fails to discontinue the use of gas after proper notification, the customer’s Commodity Charge is \$1.89 per therm, excluding Sales and Use Tax (“SUT”), for a maximum of one (1) hour’s maximum requirement per day of interruption. Use of this amount is limited to a use rate per hour not greater than five percent (5%) of a customer’s maximum hourly requirement. Any usage during the interruption above this amount is charged at a penalty rate of the greater of: 1) ten (10) times the highest price of the daily ranges for delivery in Transco Zone 6, New York, or Texas Eastern Zone M-3 which are published in Gas Daily on the table “Daily Price Survey,” and 2) the maximum penalty charge for unauthorized daily overruns as provided for in the Federal Energy Regulatory Commission (“FERC”)-approved gas tariffs of the interstate pipelines which deliver gas into New Jersey.<sup>4</sup>

In addition to the Cogen, steam to TCNJ is provided by two (2) boilers that receive service on a separate meter under PSE&G’s Rate Schedule TSG-NF.<sup>5</sup> TSG-NF customers must annually certify that they will suspend operations during an interruption, or that they have an alternative fuel source that can be legally used at the customer’s facilities. In addition, customers using specified alternate fuels, including No. 2 Fuel Oil, are required to certify that they have, and will maintain, the availability of at least seven (7) days, either on site or through additional firm contractual supply.

In 2018, PSE&G assessed TCNJ a \$2,359,532 penalty pursuant to CIG Special Provision (b). On November 9, 2018, TCNJ filed a petition with the Board seeking, among other things, relief from the penalty (“Petition”).

## **II. THE JULY 2024 Order**

The Board resolved the Petition by the July 2024 Order, in which the Board decided competing motions for summary disposition. After careful consideration of the record in this matter, the Board ordered, as follows:<sup>6</sup>

- A. TCNJ shall pay the full Penalty Amount to PSE&G on a monthly basis over the five (5) year period beginning September 1, 2024, without interest;

---

<sup>3</sup> B.P.U.N.J. No. 15 effective Jan 1, 2018, Sheet Nos. 107-111.

<sup>4</sup> CIG also provides an optional service, Extended Gas Service (“CEG”), under Special Provision (n) at PSE&G’s highest cost of gas during the applicable period. Any gas used during an interruption when CEG is not available or when a customer does not accept this service is subject to the penalty provided in Special Provision (c).

<sup>5</sup> B.P.U.N.J. No. 15 effective Jan 1, 2018, Sheets Nos. 99-103.

<sup>6</sup> See July 2024 Order at 17.

- B. If TCNJ fails to make timely payments, PSE&G is authorized to take any action permitted under the Company’s tariff and governing law, including, but not limited to, transferring TCNJ to an appropriate alternative rate class; and
- C. TCNJ may remain on the CIG tariff provided that:
  - a. TCNJ makes timely payments of the Penalty Amount; and
  - b. TCNJ annually certifies to PSE&G, with a copy to Staff, that it will suspend operations during an interruption event, or that it has an alternative fuel source that can be legally used at its facilities, and that it will have and will maintain the availability of at least seven (7) days of fuel.

### III. THE MOTION

On August 14, 2024, TCNJ filed the Motion. By the Motion, TCNJ sought clarification as to the following language in the July 2024 Order (referred to hereafter as “Subject Language”):

TCNJ [shall] [a]nnually certif[y] to PSE&G, with a copy to Staff, that it will ... have and will maintain the availability of at least seven (7) days of fuel.

[Motion at 5 (citing July 2024 Order at 17).]

Specifically, TCNJ sought clarification as to whether the Subject Language requires TCNJ to maintain seven (7) days of fuel on site. If the Board intended that the Subject Language requires TCNJ to maintain fuel on site, TCNJ asked, in the alternative, that the Board reconsider that requirement.

No opposition to the Motion was filed.

### IV. DISCUSSIONS AND FINDINGS

The July 2024 Order provides that TCNJ may remain on the CIG tariff provided it satisfies certain conditions, including the Subject Language. For clarity, the Subject Language reads in full:

TCNJ annually certifies to PSE&G, with a copy to Staff, that it will suspend operations during an interruption event, or that it has an alternative fuel source that can be legally used at its facilities, and that it will have and will maintain the availability of at least seven (7) days of fuel.

[July 2024 Order at 17.]

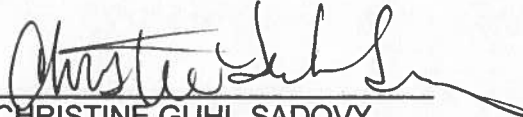
After careful review and consideration of the Board’s July 2024 Order and the Motion, the Board **HEREBY GRANTS** TCNJ’s request for clarification of the Subject Language. The Board **HEREBY CLARIFIES** that the Subject Language does not require TCNJ to maintain alternative fuel on-site. The Board **HEREBY FURTHER CLARIFIES** that the Subject Language requires TCNJ to certify annually that TCNJ will maintain the availability of an alternative fuel source that TCNJ can use for its CIG account. The availability may be on site or through additional contractual supply. Consistent with the foregoing, the Board **FURTHER FINDS** that the Board need not address TCNJ’s alternative request for relief, specifically, TCNJ’s request for reconsideration.

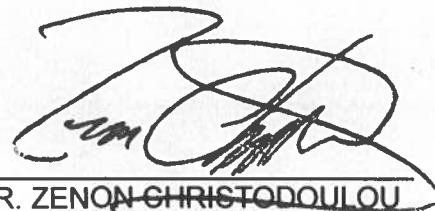
The Board emphasizes that this Order only clarifies the July 2024 Order, and does not modify or alter the July 2024 Order. As such, the Board **HEREBY ORDERS** that the July 24 Order remain in full force and effect.

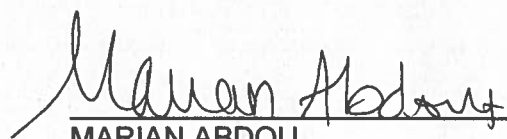
The effective date of this Board Order is October 30, 2024.

DATED: October 23, 2024

BOARD OF PUBLIC UTILITIES  
BY:

  
CHRISTINE GUHL-SADOVY  
PRESIDENT

  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

  
MARIAN ABDOU  
COMMISSIONER

  
MICHAEL BANGE  
COMMISSIONER

ATTEST:

  
SHERRI L. GOLDEN  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities.

IN THE MATTER OF THE VERIFIED PETITION OF THE COLLEGE OF NEW JERSEY FOR RELIEF FROM A  
PENALTY ASSESSED BY PUBLIC SERVICE ELECTRIC AND GAS COMPANY

DOCKET NO. GC18111234

SERVICE LIST

**THE COLLEGE OF NEW JERSEY**

PO Box 7718  
Ewing, NJ 08628-0718

Thomas Mahoney, VP and General Counsel  
[tmahoney@tcnj.edu](mailto:tmahoney@tcnj.edu)

Michael Canavan, Deputy General Counsel  
[canavanm@tcnj.edu](mailto:canavanm@tcnj.edu)

**NORRIS MCLAUGHLIN, P.A.**

James H. Laskey  
400 Crossing Blvd., 8<sup>th</sup> Floor  
Bridgewater, New Jersey 08807-5933  
[jlaskey@norris-law.com](mailto:jlaskey@norris-law.com)

**PUBLIC SERVICE ELECTRIC AND GAS COMPANY**

80 Park Plaza, T5  
Newark, NJ 07102

Matthew M. Weissman, Esq.  
[matthew.weissman@pseg.com](mailto:matthew.weissman@pseg.com)

Justin B. Incardone, Esq.  
[justin.incardone@pseg.com](mailto:justin.incardone@pseg.com)

Joseph Accardo, Esq.  
[joseph.accardojr@pseg.com](mailto:joseph.accardojr@pseg.com)

Bernard Smalls  
[bernard.smalls@pseg.com](mailto:bernard.smalls@pseg.com)

**DIVISION OF LAW**

Department of Law and Public Safety  
Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street, P.O. Box 112  
Trenton, NJ 08625

Terel Klein, DAG  
[terel.klein@law.njoag.gov](mailto:terel.klein@law.njoag.gov)

Matko Ilic, DAG  
[matko.ilic@law.njoag.gov](mailto:matko.ilic@law.njoag.gov)

**DIVISION OF RATE COUNSEL**

Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
Trenton, NJ 08625-0003

Brian O. Lipman, Esq., Director  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Maura Caroselli, Esq., Managing Attorney  
[mcaroselli@rpa.nj.gov](mailto:mcaroselli@rpa.nj.gov)

**BOARD OF PUBLIC UTILITIES**

44 South Clinton Avenue, 1<sup>st</sup> Floor  
Trenton, NJ 08625-0350

Sherri L. Golden, Board Secretary  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Stacy Peterson, Deputy Executive Director  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

Jacqueline Galka  
[jacqueline.galka@bpu.nj.gov](mailto:jacqueline.galka@bpu.nj.gov)

Carol Artale, Deputy General Counsel  
[carol.artale@bpu.nj.gov](mailto:carol.artale@bpu.nj.gov)

Gary Colin Emerle, Deputy General Counsel  
[colin.emerle@bpu.nj.gov](mailto:colin.emerle@bpu.nj.gov)

Heather Weisband, Esq., Senior Counsel  
[heather.weisband@bpu.nj.gov](mailto:heather.weisband@bpu.nj.gov)