



South Jersey Gas

Stacy A. Mitchell, Esq.  
Regulatory Affairs Counsel

RECEIVED  
SOUTH JERSEY  
BOARD OF FREEHOLDERS

2017 FEB -9 AM 10:59

CLERK OF THE BOARD

February 3, 2017

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**To:** All Municipal Clerks in the South Jersey Gas Company Service Area and Freeholder Clerks of Atlantic County, Burlington County, Camden County, Cape May County, Cumberland County, Gloucester County, Ocean County, Salem County and County Executive of Atlantic County

**Re:** In the Matter of the Petition of South Jersey Gas Company to Change the Level of Its Societal Benefits Clause ("SBC") and its Transportation Initiation Clause ("TIC")  
BPU Docket No. GR16080728

Dear Municipal and Freeholder Clerks and Executive of Atlantic County:

Enclosed herewith for service upon you is a copy of the Notice of Public Hearings in the above-referenced matter. Kindly take note of the location and date of the hearing.

Please do not hesitate to contact me with any questions you may have. Thank you for your attention to this matter.

Respectfully,

  
Stacy A. Mitchell, Esq.  
Regulatory Affairs Counsel

SAM:lvk  
Enclosure

cc: Service List via Email

**IN THE MATTER OF THE PETITION OF SOUTH JERSEY GAS COMPANY  
TO CHANGE THE LEVELS OF ITS SOCIETAL BENEFITS CLAUSE ("SBC")  
AND ITS TRANSPORTATION INITIATION CLAUSE ("TIC")  
BPU DOCKET NO. GR16080728**

**SERVICE LIST**

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### SOUTH JERSEY GAS COMPANY

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**NOTICE OF FILING OF PETITION  
AND OF PUBLIC HEARING**

**IN THE MATTER OF THE PETITION OF SOUTH JERSEY GAS COMPANY TO  
CHANGE THE LEVEL OF ITS SOCIETAL BENEFITS CLAUSE (“SBC”) AND ITS  
TRANSPORTATION INITIATION CLAUSE (“TIC”)  
BPU DOCKET NO. GR16080728**

**NOTICE IS HEREBY GIVEN** that on July 29, 2016, South Jersey Gas Company (“South Jersey” or “Company”), pursuant to N.J.S.A. 48:2-21 and other statutes and regulations, filed a Petition with the New Jersey Board of Public Utilities (“Board”) for approval to increase the level of its Societal Benefits Clause (“SBC”) through an increase of its Remediation Adjustment Clause (“RAC”) charge, an increase of its Clean Energy Program (“CLEP”) charge and to increase its Transportation Initiation Clause (“TIC”) charge.

The RAC recovers costs associated with remediating former manufactured gas plant sites, while the CLEP recovers costs associated with energy efficiency and renewable energy programs. The TIC recovers capital expenditures and operating costs, including consulting and transaction costs, associated with Electronic Data Interchange implementation. The SBC and TIC provide no profit to the Company. These clauses allow the Company to pass through to its customers only the costs incurred to conduct the related mandated programs.

The rates proposed by South Jersey in this Petition would result in the following bill impacts for a typical residential heating customer using 100 therms of gas during a winter month.

	<u>RAC</u>	<u>CLEP</u>	<u>TIC</u>	<u>TOTAL</u>
Current Rate	\$0.010477	\$0.012723	(\$0.001009)	\$0.022191
Proposed Rate	<u>\$0.029166</u>	<u>\$0.020110</u>	<u>(\$0.000411)</u>	<u>\$0.048865</u>
Rate (Decrease)/Increase	<u>\$0.018689</u>	<u>\$0.007387</u>	<u>\$0.000598</u>	<u>\$0.026674</u>
Dollar (Decrease)/Increase	\$1.87	\$0.74	\$0.06	\$2.67
Percentage (Decrease)/Increase	1.56%	0.62%	0.05%	2.23%

If these rate changes are approved, the overall bill impact would be a monthly increase of \$2.67 to a typical residential heating customer using 100 therms in a winter month, or 2.23%.

Any relief determined by the Board to be just and reasonable may be allocated by the Board to establish the SBC and the TIC at levels other than those proposed by South Jersey Gas Company.

Copies of the Company's filing are available for inspection at the Company's offices located at One South Jersey Plaza, Folsom, New Jersey 08037, or at the Board of Public Utilities, 44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350. The Company's filing can also be viewed on the Company's website at [www.southjerseygas.com/for-my-home/current-regulatory-filings](http://www.southjerseygas.com/for-my-home/current-regulatory-filings).

PLEASE TAKE NOTICE that the Board has scheduled public hearings on the Petition at the following date, time and place:

February 23, 2017  
at 4:30 p.m. and 5:30 p.m.  
Voorhees Township, Municipal Court  
2400 Voorhees Town Center  
Voorhees, New Jersey 08043  
(located directly across from Township Library at 203 Laurel Road)

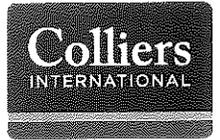
**The public is invited to attend and interested persons will be permitted to testify and/or make a statement of their views on the proposed changes. In order to encourage full participation in this opportunity for public comment, please submit any requests for needed accommodations, including interpreter, listening devices or mobility assistance, 48 hours prior to this hearing. In addition, members of the public may submit written comments concerning the petition to the Board regardless of whether they attend a hearing by addressing them to: Irene Kim Asbury, Secretary, Board of Public Utilities, 44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350.**

**SOUTH JERSEY GAS COMPANY  
By: David Robbins, Jr., President**

FDIC@colliers.com

P.O. Box 261308  
Encino, CA 91426  
www.colliers.com

*COB  
Comesp.*



RECEIVED  
SALEM COUNTY  
BOARD OF TAX assessors

2017 FEB -3 11:52

January 25, 2017

CLERK OF TAX BOARD

Salem County  
110 Fifth Street  
Salem, NJ 08079

RE: Notice of Change of Address, Receiver's exemption from certain taxes, and Receiver's non-consent to Foreclosure.

Dear Salem County:

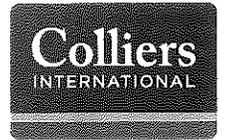
Colliers International is an independent contractor engaged by the FDIC to manage, market and sell the property(s) referenced on the attached page through a contractual arrangement with the FDIC in its capacity as Receiver.

This letter shall serve as notification to update the mailing address for all current and future Value Notices, Tax Statements, and any additional tax related correspondence associated with the Property. The new mailing address for the property owner is:

**FDIC as Receiver for Harvest Community Bank  
c/o Colliers International  
ATTN: FDIC- Account Payable  
P.O. Box 261308  
Encino, CA 91324**

On January 13, 2017 Harvest Community Bank, Pennsville, NJ (the "Institution") was closed by the New Jersey Department of Banking and Insurance, and the Federal Deposit Insurance Corporation ("FDIC") was appointed as receiver of the Institution (the "Receiver"). Notice of the Receiver's appointment was published in the Federal Register on January 13, 2017. Under applicable Federal law, the Receiver is charged with the duty of winding-up the affairs of the closed Institution as expeditiously as possible.

By Federal statute, the Receiver is exempt from certain property taxes, assessments, fines and penalties. Further, no bona fide involuntary lien holder may foreclose upon the receivership property without the prior consent of the Receiver. The



attached statement from the FDIC Division of Resolutions and Receiverships details:

1. The Receiver's statutory rights and exemptions.
2. The FDIC's policy concerning payment of property taxes
3. The Receiver's non-consent to foreclose.

We appreciate your prompt attention to this notice. Assets acquired by the Receiver often raise a number of tax issues. We wish to properly address these issues without undue delay. Should you have any questions or require additional information, please contact by email at [fdic@colliers.com](mailto:fdic@colliers.com)

Please note that the above referenced Property is subject to the prohibition against foreclosure. Please flag this Property for special handling. This notice is provided to you as a courtesy only and is not intended to be all-inclusive. The FDIC and/or the Receiver are not required to provide such a notice and reserves the right to change, modify or update the list of properties subject to the Receiver's control.

Pursuant to the foregoing we request you provide a revised property tax invoice that excludes all penalties and includes only those interest obligations secured by a valid lien. The completed invoice should be mailed to Colliers International at the address provided above. Alternatively, you may fax the invoice to us at (818)325-4029 or email it to us at [FDIC@colliers.com](mailto:FDIC@colliers.com). Please include interest for a three week period beyond the date of

Sincerely,

Colliers International  
On behalf of FDIC as receiver  
For Harvest Community Bank.



- 54 Seventh Street, Salem, NJ 08079
- 221 Johnson Street, Salem, NJ 08079
- 222-224 Sinnickson Street, Salem, NJ 08079
- 134-136 W. Broadway, Salem, NJ 08070
- 164 Seventh Street, Salem, NJ 08079
- 210 Wesley Street, Salem, NJ 08070
- 95 S. Broadway, Pennsville, NJ 08070
- 1022 Almond Road, Pittsgrove, NJ 08318
- 54 Dunn Lane, Pennsville, NJ 08070

## **FDIC Statement of Receiver's Exemption from Certain Taxes and Receiver's Non-consent to Foreclosure.**

### Receiver's Tax Exemptions

Pursuant to 12 U.S.C. §1825(b)(1), receivership property is only subject to ad valorem real property taxes imposed by any State, county, municipality, or local taxing authority. The FDIC as Receiver is exempt from all other forms of taxation imposed by any State, county, municipality, or local taxing authority, including all personal property taxes or special assessments. Moreover, the Receiver is exempt from penalties or fines for failure to pay property taxes.

The FDIC published a statement of policy discussing the payment of ad valorem real property taxes in the Federal Register on December 10, 1996. (See FDIC Statement of Policy Regarding the Payment of State and Local Property Taxes (the "SOP Regarding Taxes") at <http://www.fdic.gov/regulations/laws/rules/5000-2700.html>). In accordance with the SOP Regarding Taxes, the FDIC as Receiver will pay its property tax obligations when they come due. Furthermore, the Receiver will pay claims for delinquencies as promptly as is consistent with sound business practice and the orderly administration of the closed financial institution's affairs.

The FDIC as Receiver will pay interest for periods before and during the Receiver's ownership of the relevant Property on delinquent taxes properly owed at the rate provided under state law, but only to the extent the interest payment obligation is secured by a valid lien. The Receiver will generally follow a state's own characterization as to whether a delinquency charge constitutes a penalty, but will reserve its right to challenge any charge (or portion thereof) called interest that is demonstrably a penalty.

**The FDIC as Receiver is not liable for any amounts in the nature of fines or penalties, including those fines and penalties assessed prior to receivership appointment.** The FDIC will not pay, or recognize liens for, amounts in the nature of fines or penalties incurred during the Receiver's ownership of the property. Further, the Receiver will not pay attorneys' fees or other similar costs that may be imposed under state law in connection with the resolution of tax disputes.

### Foreclosure of Receiver's Interests

Federal law prohibits the foreclosure of receivership property without the consent of the Receiver. See 12 U.S.C. § 1825(b)(2). This section also prohibits any involuntary lien from attaching to receivership property.

Although the FDIC as Receiver is authorized to prohibit foreclosure of any receivership property pursuant to section 1825(b)(2), the FDIC adopted a statement of policy, Statement of Policy on Foreclosure Consent and Redemption Rights (the "SOP on Foreclosure Consent"), on July 2, 1992, which provides for FDIC consent in certain situations. (See <http://www.fdic.gov/regulations/laws/rules/5000-3100.html>.) The Receiver consents to any foreclosure by the holder of a bona fide involuntary lien which encumbers receivership property if the Receiver's interest is not of record. For purposes of the SOP on Foreclosure Consent, the

Receiver's interest is *of record* if (1) such interest appears vested in the FDIC in its corporate capacity or as receiver for a financial institution in the public land records in accordance with local law, or (2) such interest appears vested in a financial institution for which the FDIC has been appointed receiver in the public land records in accordance with local law, and the FDIC has published notice in the Federal Register that it has been appointed receiver for that financial institution.

In addition, the Receiver's interest must be *of record* as of the *notice date*. The SOP on Foreclosure Consent defines *notice date* to address both judicial and nonjudicial foreclosure situations. For judicial foreclosure actions, the *notice date* is "the date on which service of notice of the foreclosure sale has been perfected on all persons required to be provided with notice in accordance with applicable law," and for nonjudicial foreclosure actions, the *notice date* is "the date on which notice of the foreclosure sale has been given to all persons required to be provided with notice in accordance with applicable law."

The Receiver's interest(s) in the Property listed on Attachment A are *of record*, and the Receiver does not consent to any foreclosure(s). Property taxes that can be shown to be valid and owing on the Property will be dealt with in the normal course of business, in consultation with the taxing authority, during the marketing, sale and conveyance of the Property by the Receiver, but foreclosure of the Property would be in violation of federal law.

Although the Receiver will not consent to any foreclosure(s) at this time, the holder of a bona fide lien may seek consent from the Receiver in order to proceed with foreclosure. The procedure for seeking FDIC's consent to foreclosure is set forth in paragraph 6. "Procedures," of the SOP on Foreclosure Consent. In addition, the "Request and Information Form" which must be completed and submitted to the FDIC for consideration is included as Exhibit A to the SOP on Foreclosure Consent.



# PRESS RELEASE

Federal Deposit Insurance Corporation • Each depositor insured to at least \$250,000

January 13, 2017

Media contact:  
Greg Hernandez  
(202) 898-6984  
[ghernandez@fdic.gov](mailto:ghernandez@fdic.gov)

## First-Citizens Bank & Trust Company, Raleigh, North Carolina Assumes All of the Deposits of Harvest Community Bank, Pennsville, New Jersey

Harvest Community Bank, Pennsville, New Jersey, was closed today by the New Jersey Department of Banking and Insurance, which appointed the Federal Deposit Insurance Corporation (FDIC) as receiver. To protect the depositors, the FDIC entered into a purchase and assumption agreement with First-Citizens Bank & Trust Company, Raleigh, North Carolina, to assume all of the deposits of Harvest Community Bank.

The four branches of Harvest Community Bank will reopen as branches of First-Citizens Bank & Trust Company during their normal business hours. Depositors of Harvest Community Bank will automatically become depositors of First-Citizens Bank & Trust Company. Deposits will continue to be insured by the FDIC, so there is no need for customers to change their banking relationship in order to retain their deposit insurance coverage up to applicable limits. Customers of Harvest Community Bank should continue to use their existing branch until they receive notice from First-Citizens Bank & Trust Company that it has completed systems changes to allow other First-Citizens Bank & Trust Company branches to process their accounts as well.

This evening and over the weekend, depositors of Harvest Community Bank can access their money by writing checks or using ATM or debit cards. Checks drawn on the bank will continue to be processed. Loan customers should continue to make their payments as usual.

As of September 30, 2016, Harvest Community Bank had approximately \$126.4 million in total assets and \$123.8 million in total deposits. In addition to assuming all of the deposits of the failed bank, First-Citizens Bank & Trust Company agreed to purchase essentially all of the assets.

Customers with questions about the transaction should call the FDIC toll-free at 1-800-913-3067. The phone number will be operational this evening until 9:00 p.m., Eastern Time (ET); on Saturday from 9:00 a.m. to 6:00 p.m., ET; on Sunday from noon to 6:00 p.m., ET; on Monday from 8 a.m. to 8 p.m., ET; and thereafter from 9:00 a.m. to 5:00 p.m., ET. Interested parties also can visit the FDIC's website at <https://www.fdic.gov/bank/individual/failed/harvestcomm.html>.

The FDIC estimates that the cost to the Deposit Insurance Fund (DIF) will be \$22.3 million. Compared to other alternatives, First-Citizens Bank & Trust Company's acquisition was the least costly resolution for the FDIC's DIF. Harvest Community Bank is the first FDIC-insured institution to fail in the nation this year, and the first in New Jersey. The last FDIC-insured institution closed in the state was Fort Lee Federal Savings Bank, FSB, Fort Lee, on April 20, 2012.

###



Congress created the Federal Deposit Insurance Corporation in 1933 to restore public confidence in the nation's banking system. The FDIC insures deposits at the nation's banks and savings associations, 5,980 as of September 30, 2016. It promotes the safety and soundness of these institutions by identifying, monitoring and addressing risks to which they are exposed. The FDIC receives no federal tax dollars—insured financial institutions fund its operations.

FDIC press releases and other information are available on the Internet at [www.fdic.gov](http://www.fdic.gov), by subscription electronically (go to [www.fdic.gov/about/subscriptions/index.html](http://www.fdic.gov/about/subscriptions/index.html)) and may also be obtained through the FDIC's Public Information Center (877-275-3342 or 703-562-2200). PR-4-2017

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to the FDIC

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