

LAW OFFICES OF PAUL LEODORI, P.C.

The Haines Building
61 Union Street, 2nd Floor
Medford, New Jersey 08055
(609) 714-3400
(609) 714-2228 - fax
todd@leodori.com
www.leodori.com

Paul Leodori
Todd M. Parisi

September 1, 2017

***Via Electronic Mail (nancy.wittenberg@njpinelands.state.nj.us;
info@njpinelands.state.nj.us) & Federal Express***

Mr. Sean Earlen, Chairman
Ms. Nancy Wittenberg, Executive Director
New Jersey Pinelands Commission
PO Box 359
15 Springfield Road
New Lisbon, New Jersey 08064

**Re: Pinelands Commission Application No.: 2014-0045.001
Applicant: New Jersey Natural Gas Company**

Dear Mr. Earlen and Ms. Wittenberg:

This office represents the Pinelands Preservation Alliance (“PPA”). We were surprised to see when the Commission issued its schedule to vote on the New Jersey Natural Gas application. The Commission intends to vote on the pipeline only ten (10) days after issuing the Executive Director’s report and draft resolution, but that schedule directly violates the resolution the Commission adopted setting out the process it would follow on this application, and the CMP regulations affording interested parties the right to file a request for an evidentiary hearing within fifteen (15) days of the Executive Director’s report. Kindly accept this correspondence in lieu of a more formal request for the Pinelands Commission (the “Commission”) to have the upcoming vote scheduled for September 8, 2017 rescheduled in accordance with Resolution PC4-17-10.

The Executive Director’s report and draft resolution approving the installation and operation of the Southern Reliability Link (“SRL”) were posted late in the day on August 29, 2017. Disturbingly, the report and draft resolution were not accompanied in the Commission meeting packet by the standard document explaining the Pinelands Commission Appeal Procedure.

Resolution PC4-17-10 states:

6. Any interested party who possesses a particularized property interest sufficient to require a hearing on constitutional or statutory grounds in accordance with N.J.S.A. 52: 14B-3.2 & 3.3, may **within 15 days of the posting** of the Commission staff's recommendation report, submit a hearing request to the Commission.

7. **At the next Commission meeting after the time for appeal set forth in Paragraph 6 above has expired** and if no valid hearing request has been submitted, the Commission, based on the record as delineated in Paragraph 1 above, any public comments received and the Commission staff's recommendation, shall either approve or disapprove such recommendation. (emphases added)

The fact that the Commission adopted Resolution PC4-17-10, and then blatantly ignores the procedure it set forth is yet another in a long line of flaws in its handling of New Jersey Natural Gas' application to the detriment of all interested parties and those who will be impacted by the SRL. The Commission should at least adhere to its own rules affording rights of appeal from the Executive Director's recommendation, and not simply ignore them when it sees fit. The shortening of the time period within which an interested party may submit a request for a hearing is a direct violation those parties' due process rights as well as a violation of the Comprehensive Management Plan ("CMP").

Public and private parties must be given the fifteen (15) day period to seek an adjudicatory hearing that is required by the CMP and by the Commission's resolution. PPA requests that the Commission reschedule its vote on the SRL application to a date at least 15 days after the publication of the Executive Director's report and recommendation, i.e. no sooner than September 14th recognizing Labor Day on the 4th.

Very truly yours,



Todd M. Parisi

cc: Carleton Montgomery, Executive Director – Pinelands Preservation Alliance
William F. Harrison, Esq.
Katelyn M. McElmoyl, Esq.