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March 6, 2019

Regular Mail and Email

South Jersey Gas Company  
Steve Cocci, Senior Vice President  
One South Jersey Plaza  
Folsom, NJ 08037

Dear Mr. Cocci:

I am in receipt of the February 27, 2019 letters of South Jersey Gas and RC Cape May Holdings to the Appellate Division, confirming that RC Cape May will not be repowering the BL England facility with natural gas. This new information directly implicates the February 24, 2017 Pinelands Commission approval of the South Jersey Gas Pipeline Project.

The BL England facility's decision not to use the South Jersey Gas Pipeline undermines the basis for the approval of that project. The Pinelands Comprehensive Management standard requires that the pipeline "primarily serve only the needs of the Pinelands." N.J.A.C. 7:50-5.23(b)(12). As detailed in the February 17, 2017 Executive Director's Report, the Commission only found that standard satisfied because the South Jersey Gas Pipeline Project was going to serve the BL England facility. In addition, the Executive Director's report includes a Condition (#10) that states that an application to the Commission would be required if any of the proposed gas flow was redirected from the BL England facility. The new information makes clear that the natural gas intended for the BL England facility will now be redirected.

As you must agree, the approval granted by the Commission was based on and specific to the particular project proposed. Since the factual basis for the Commission's approval has substantially changed, that approval can no longer be justified and South Jersey Gas will need to make a new application to the Commission for any new or amended project through the Pinelands Area.

Sincerely,

Nancy Wittenberg  
Executive Director

C: John R. Renella, Section Chief (via email only)  
Kristina Miles, Deputy Attorney General (via email only)