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PUBLIC UTILITIES - NEW JERSEY

Matter of Petition of South Jersey Gas Company

Superior Court of New Jersey, Appellate Division - November 7, 2016 - A.3d - 2016 WL 6575214

Environmental organizations appealed from decision of executive director of Pinelands Commission finding that proposed natural gas pipeline was consistent with minimum standards for land use under Pinelands Comprehensive Management Plan (CMP) and decision of Board of Public Utilities granting public utility's petition seeking order declaring that Municipal Land Use Law (MLUL) and local government MLUL regulations did not apply to proposed pipeline project.

The Superior Court, Appellate Division, held that:

- Commission retained final decision-making authority as to whether public utility's proposed natural gas pipeline was consistent with the minimum standards for land use under CMP, and thus, matter would be remanded to allow Commission to review determination by its executive director, and
- Sufficient evidence supported Board's determination that public utility's proposed natural gas pipeline was reasonably necessary for service, convenience, or welfare of the public, as required to support Board's waiver of MLUL and local government MLUL regulations for pipeline project.