

STATEMENT TO
[First Reprint]
SENATE, No. 995

with Senate Floor Amendments
(Proposed by Senator RUIZ)

ADOPTED: JUNE 20, 2023

These Senate floor amendments provide the following changes to the bill:

(1) revise the definition of the term “copper telephone line” to provide that the term includes those lines that have not been in operation for a period of at least 24 consecutive months, instead of those lines that are no longer in operation;

(2) define the phrase “maintained in a safe condition,” which term is used to determine whether a line is considered to be abandoned. As amended, the bill defines “maintained in a safe condition” as any time in which the state of a line is in compliance with any applicable rules and regulations adopted by the Board of Public Utilities (board) concerning plant and facility construction, including N.J.A.C.14:5-2.1, N.J.A.C.14:10-1A.12, and N.J.A.C.14:18-2.1, as applicable, as well as any other successor regulations;

(3) require the official Internet websites of the board and each entity owning lines in the State to provide instructions concerning the rights of customers under the bill, which instructions would be in addition to those concerning the submission of requests to remove suspected abandoned lines;

(4) revise certain requirements of the bill concerning the provision of annual, written notice to customers, including (i) clarifying that the notice is required to be provided in clear and conspicuous language; (ii) requiring the notice to indicate that the rights of the customer can be found on the entity’s official Internet website; (iii) requiring the notice to be provided in the same language as the customer’s bill; and (iv) allowing the notice to be provided as part of the customer’s bill or as an additional notice;

(5) provide that an entity that violates the requirements of the bill concerning the removal of abandoned lines and the marking lines could be subject to a maximum aggregate fine of \$1,000 for each day in which the violation exists, not \$100 per day as previously provided in the bill;

(6) revise certain requirements of the bill concerning the submission of written plans to remove copper telephone lines, including (i) requiring the board to specify the information that is required to be included in each written plan, as well as the form and manner in which each plan is required to be submitted; and (ii) providing that the on-going requirement to submit written plans for the removal of copper telephone lines would begin within three years after

each entity submits the initial plan required under the bill, not three years after the effective date of the bill; and

(7) revise certain requirements of the bill concerning the affirmative duty of certain entity employees, including (i) limiting the applicability of these requirements to those employees who are responsible for installing lines or responding to service calls, but not employees who provide in-person technical assistance, as previously included in the bill; (ii) revising the scope of the affirmative duty to provide that these employees are required to report, not investigate, any line that is reasonably suspected to be abandoned and which line is attached to a pole or structure in which the employee encounters during the normal course of installing lines or responding to service calls; and (iii) clarifying that the affirmative duty would only apply during the normal course of the employees' work.