

[Third Reprint]

ASSEMBLY, No. 3726

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MARCH 26, 2018

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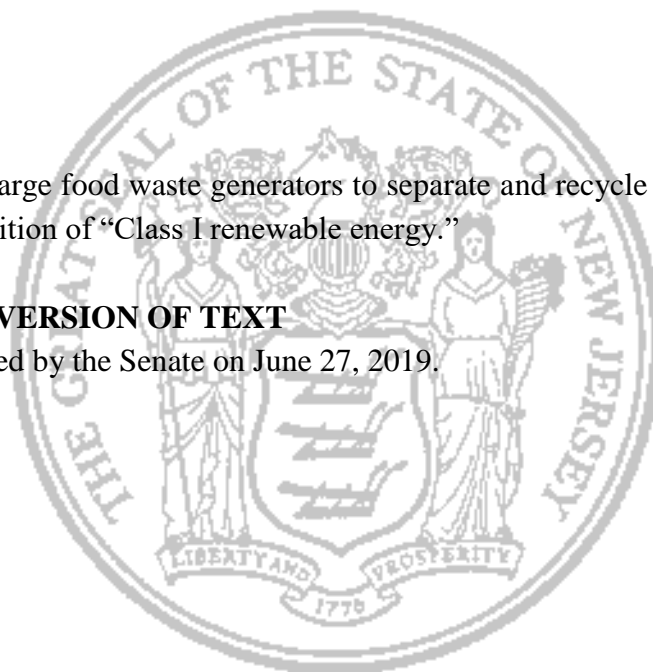
Assemblywomen Timberlake, Pinkin, Lopez and Assemblyman Conaway

SYNOPSIS

Requires large food waste generators to separate and recycle food waste and amends definition of "Class I renewable energy."

CURRENT VERSION OF TEXT

As amended by the Senate on June 27, 2019.



(Sponsorship Updated As Of: 6/28/2019)

1 AN ACT concerning food waste recycling and food waste-to-energy
 2 production, supplementing Titles 13 and 52 of the Revised
 3 Statutes, and amending P.L.1999, c.23.

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. (New section) As used in ¹**[this act]** P.L. , c. (C.)
 9 (pending before the Legislature as this bill)¹:

10 “Alternative authorized food waste recycling method” means ¹;¹
 11 (1) recycling food waste at the site at which it is generated as
 12 authorized by the Department of Environmental Protection ¹**[,]** ¹;
 13 (2) treating food waste at the site at which it is generated pursuant
 14 to a permit issued by the department ¹**[,]** ¹; (3) sending food waste
 15 for offsite use for agricultural purposes, including as animal feed
 16 ¹**[,]** ¹; (4) sending food waste offsite for treatment with sewage
 17 sludge in an anaerobic digester for ²renewable natural gas or²
 18 biogas recovery as authorized by the department ¹**[,]** ¹; or (5) any
 19 other method of recycling or reuse of food waste, as authorized by
 20 the department.

21 “Authorized food waste recycling facility” means a ²Class C²
 22 recycling center within the State authorized to accept, store,
 23 process, or transfer food waste or compostable material, pursuant to
 24 subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34).

25 “Department” means the Department of Environmental
 26 Protection.

27 “Food waste” means food processing vegetative waste, food
 28 processing residue generated from processing and packaging
 29 operations, overripe produce, trimmings from food, food product
 30 over-runs ¹from food processing¹, soiled and unrecyclable paper
 31 ¹generated from food processing¹, and used cooking fats, oil, and
 32 grease, but shall not include food donated by the generator for
 33 human consumption ¹, any waste generated by a consumer after the
 34 generator issues or sells food to the consumer, or any waste
 35 regulated by 7 C.F.R. ss.330.400 through 330.403 and 9 C.F.R.
 36 s.94.5¹ .

37 “Large food waste generator” means ²**[¹[any] each¹]** any²
 38 commercial food wholesaler, distributor, industrial food processor,
 39 supermarket, resort, conference center, banquet hall, restaurant,
 40 educational or religious institution, military installation, prison,
 41 hospital, medical facility, or casino that produces at least 52 tons
 42 per year of food waste ²**[¹at each establishment or location owned**
 43 **or operated by the large food waste generator¹]** ; provided that
 44 "large food waste generator" shall not include any interstate carrier

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AST committee amendments adopted May 16, 2019.

²Assembly AAP committee amendments adopted June 18, 2019.

³Senate floor amendments adopted June 27, 2019.

1 conducting interstate transportation operations in the post-security
2 area of an international airport² .

3 “Source separate” or “source separated” means the process by
4 which food waste is separated at the point of generation by the
5 generator thereof from other solid waste for the purpose of
6 recycling.

7
8 2. (New section) a. Beginning January 1, 2020, each large
9 food waste generator that is located within 25 road miles of an
10 authorized food waste recycling facility and that ²[¹individually¹]²
11 generates an average projected volume of ³[104] 52³ or more tons
12 per year of food waste ²[¹at each individual establishment or
13 location owned or operated by the large food waste generator¹]²
14 ³within 25 road miles of an authorized food waste recycling
15 facility³ shall:

16 (1) source separate its food waste from other solid waste; and
17 (2) send the source separated food waste to an authorized food
18 waste recycling facility that has available capacity and will accept
19 it.

20 b. ³[Beginning January 1, 2023, each large food waste
21 generator that is located within 25 road miles of an authorized food
22 waste recycling facility and that ²[¹individually¹]² generates an
23 average projected volume of 52 or more tons per year of food waste
24 ²[¹at each individual establishment or location owned or operated
25 by the large food waste generator¹]², and which is not already
26 subject to the provisions of subsection a. of this section, shall:

27 (1) source separate its food waste from other solid waste; and
28 (2) send the source separated food waste to an authorized food
29 waste recycling facility that has available capacity and will accept
30 it.

31 c.]³ Notwithstanding the provisions of ³[subsections a. and b.]
32 subsection a.³ of this section:

33 (1) If a large food waste generator is not located within 25 road
34 miles of an authorized food waste recycling facility, or the
35 authorized food waste recycling facility will not accept the
36 generator’s food waste, the large food waste generator may send the
37 food waste for final disposal at a solid waste facility as provided in
38 the approved district solid waste management plan for the solid
39 waste management district in which the generator is located;

40 (2) Any large food waste generator that is obligated to source
41 separate and recycle its food waste pursuant to subsection a. ³[or
42 b.]³ of this section ¹[, and which] shall be deemed to be in
43 compliance with the provisions of this section if the large food
44 waste generator:¹

45 (a) performs enclosed on-site composting, or anaerobic or
46 aerobic digestion of its source separated food waste in accordance

1 with standards adopted by the department pursuant to subsection e.
2 of this section, or

3 (b) recycles food waste using an alternative authorized food
4 waste recycling method ¹], shall be deemed to be in compliance
5 with the provisions of this section¹;

6 (3) A large food waste generator may petition the Department of
7 Environmental Protection for a waiver of the requirements in
8 subsection a. ³[or b.]³ of this section if the cost of transporting the
9 food waste plus the fee charged by an authorized food waste
10 recycling facility located within 25 road miles of the large food
11 waste generator is at least 10 percent more than the cost of
12 transporting the food waste for disposal as solid waste plus the
13 disposal fee charged for solid waste disposal in the State for
14 noncontract commercial waste by a properly licensed transfer
15 station, sanitary landfill facility, incinerator, or resource recovery
16 facility located within 25 road miles of the large food waste
17 generator; and

18 (4) A large food waste generator shall be deemed in compliance
19 with the provisions of this section if it sends its food waste for final
20 disposal to ²a ³:

21 (a)³ resource recovery facility ³[that generates Class II
22 renewable energy pursuant to P.L.1999, c.23 (C.48:3-49 et al.), or
23 to² a] , provided that, beginning no later than four years after the
24 date of enactment of P.L. , c. (C.) (pending before the
25 Legislature as this bill), a large food waste generator shall be
26 deemed in compliance with the provisions of this section if it sends
27 its food waste for final disposal to a resource recovery facility only
28 if the resource recovery facility processes the food waste it receives
29 in an anaerobic digester as authorized by the department; or

30 (b)³ sanitary landfill facility that delivers the landfill gas to a
31 gas-to-energy facility ²that was in operation prior to the date of
32 enactment of P.L. , c. (C.) (pending before the Legislature as
33 this bill),² as fuel for the generation of electricity.

34 ³[d.] c.³ Any person who violates this act, or any rule or
35 regulation adopted pursuant thereto, shall be subject to a civil
36 penalty of \$250 for the first offense, \$500 for the second offense,
37 and \$1,000 for the third and each subsequent offense, to be
38 collected in a civil action by a summary proceeding under the
39 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10
40 et seq.). If the violation is of a continuing nature, each day during
41 which it continues shall constitute an additional, separate, and
42 distinct offense. The Superior Court and the municipal court shall
43 have jurisdiction to enforce the provisions of the “Penalty
44 Enforcement Law of ¹[1999]” 1999,” P.L.1999, c.274 (C.2A:58-10
45 et seq.)¹ in connection with this subsection.

46 ³[e. Within 180 days after the date of enactment of ¹[this act]
47 P.L. , c. (C.) (pending before the Legislature as this bill)¹,

1 the **d.** ³The Department of Environmental Protection shall adopt,
2 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
3 (C.52:14B-1 et seq.), rules and regulations necessary to implement
4 this section, including, but not limited to:

5 (1) record keeping and reporting requirements for large food
6 waste generators and authorized food waste recycling facilities, as
7 determined necessary by the department;

8 (2) guidelines and procedures for businesses to follow to
9 determine whether they are subject to the requirements of
10 subsection a. or b. of this section, including food waste generation
11 estimates and food waste audits or assessments;

12 (3) a list of food waste products that must be source separated
13 and recycled pursuant to subsection a. or b. of this section;

14 (4) standards for the enclosed on-site composting, or anaerobic
15 or aerobic digestion of source separated food waste, including
16 requirements for energy production and other sustainable uses of
17 the byproducts of recycled food waste; and

18 (5) a list of actions businesses may take to reduce the amount of
19 food waste they generate to a level below the threshold amounts
20 established in subsection a. and b. of this section.

21 ³**[f.] e.** ³The department shall publish on its Internet website
22 the name, location, and contact information for each authorized
23 food waste recycling facility in the State.

24
25 3. (New section) a. Any municipality within which an
26 authorized food waste recycling facility is located, pursuant to an
27 adopted and approved district solid waste management plan, shall
28 be entitled to an economic benefit of not less than the equivalent of
29 \$0.50 per ton, to be paid and adjusted quarterly, of all food waste
30 accepted for processing at the authorized food waste recycling
31 facility during the 2019 calendar year and each year thereafter. The
32 owner or operator of the authorized food waste recycling facility
33 shall pay quarterly to the municipality the full amount due under
34 this subsection. The municipality is authorized to anticipate this
35 amount for the purposes of preparing its annual budget.

36 b. For the purposes of calculating the payments, the owner or
37 operator of the authorized food waste recycling facility may, subject
38 to the prior agreement of the municipality and approval of the
39 Department of Environmental Protection, provide the municipality
40 with any of the following benefits in consideration for the use of
41 land within the municipality's boundaries as the location of the
42 authorized food waste recycling facility:

43 (1) quarterly payments of money in lieu of taxes on the land
44 used for the authorized food waste recycling center or other
45 authorized facility;

46 (2) exemption from all fees and charges for the acceptance of
47 food waste for composting, anaerobic or aerobic digestion, or other

1 processing, as approved by the department, of food waste generated
2 within the municipality's boundaries;

3 (3) quarterly lump sum cash payments; or

4 (4) any combination thereof.

5

6 4. (New section) a. There is established in the Department of
7 Environmental Protection a Food Waste Recycling Market
8 Development Council, which shall consist of 12 members. The
9 members shall include the Commissioner of Environmental
10 Protection, the President of the Board of Public Utilities, the
11 Commissioner of Transportation, the Secretary of Agriculture, the
12 State Treasurer, and the Attorney General, or their designees, who
13 shall serve ex officio; and six citizens of the State appointed by the
14 ³~~Commissioner of Environmental Protection~~ Governor³. Of the
15 appointed members: two shall be actively engaged in the
16 composting industry, of whom one shall be a representative of the
17 National Waste and Recycling Association and one shall be a
18 representative of the National Biosolids Partnership or equivalent
19 entities; two shall be actively engaged in the recycling or solid
20 waste collection industry, of whom one shall be a representative of
21 the Association of New Jersey Recyclers or equivalent entities; and
22 two shall represent the general public. The Commissioner of
23 Environmental Protection shall appoint the chairperson and the
24 vice-chairperson of the council from the citizen members.

25 b. Members of the council shall serve without compensation,
26 but shall be reimbursed for expenses incurred in attending meetings
27 and performing their duties to the extent funds are available
28 therefor.

29 c. Within 18 months after the date of enactment of this act, the
30 Food Waste Recycling Market Development Council shall prepare a
31 report on the existing markets for any products and energy produced
32 from food recycling facilities, food waste composting facilities, and
33 anaerobic and aerobic digestion facilities that accept food waste
34 material. The council shall investigate the feasibility of providing
35 preferences for products or energy produced from food recycling
36 facilities, food waste composting facilities, and anaerobic and
37 aerobic digestion facilities in the State procurement process,
38 including how to stimulate the use in public projects of compost or
39 soil amendment products derived from these facilities. The council
40 shall provide recommendations on changes needed to State laws or
41 rules or regulations to stimulate the market for products and energy
42 produced from food recycling facilities, food waste composting
43 facilities, and anaerobic and aerobic digestion facilities that accept
44 food waste material. The report shall be transmitted to the Governor
45 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
46 Legislature.

1 5. (New section) a. Every State department or agency that
2 engages in landscaping or construction activities on State land, or
3 for State projects or facilities, shall use, where technically feasible,
4 environmentally sound, and competitively priced, compost, mulch,
5 or other soil amendments produced from municipal solid waste,
6 food waste, sludge, yard waste, clean wood waste, or other organic
7 materials. Such compost, mulch, or soil amendments shall be used
8 in place of chemical fertilizers or soil amendments.

9 b. In purchasing compost, mulch, or other soil amendments for
10 use by the various departments or agencies of State government, the
11 Director of the Division of Purchase and Property in the Department
12 of the Treasury, whenever the price is competitive and the quality
13 satisfactory for the purpose intended, shall make contracts available
14 for compost, mulch, or other soil amendments produced from
15 municipal solid waste, food waste, sludge, yard waste, clean wood
16 waste, or other organic materials.

17 c. As used in this section:

18 "Competitive" or "competitively priced" means a price of no
19 more than 10% above the price of products which are manufactured
20 or produced from virgin materials; except that the Director of the
21 Division of Purchase and Property, upon consultation with the
22 Department of Environmental Protection, may make contracts
23 available for compost, mulch, or other soil amendments produced
24 from municipal solid waste, food waste, sludge, yard waste, clean
25 wood waste, or other organic materials at a price no more than 15%
26 above the price of products manufactured or produced from virgin
27 materials whenever the director determines that a 15% price
28 differential is in the best interest of the State.

29 "Food waste" shall have the same meaning as provided in section
30 1 of P.L. , c. (C.) (pending before the Legislature as this
31 bill).

32

33 6. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read
34 as follows:

35 3. As used in P.L.1999, c.23 (C.48:3-49 et al.):

36 "Assignee" means a person to which an electric public utility or
37 another assignee assigns, sells, or transfers, other than as security,
38 all or a portion of its right to or interest in bondable transition
39 property. Except as specifically provided in P.L.1999,
40 c.23 (C.48:3-49 et al.), an assignee shall not be subject to the public
41 utility requirements of Title 48 or any rules or regulations adopted
42 pursuant thereto.

43 "Base load electric power generation facility" means an electric
44 power generation facility intended to be operated at a greater than
45 50 percent capacity factor including, but not limited to, a combined
46 cycle power facility and a combined heat and power facility.

47 "Base residual auction" means the auction conducted by PJM, as
48 part of PJM's reliability pricing model, three years prior to the start

1 of the delivery year to secure electrical capacity as necessary to
2 satisfy the capacity requirements for that delivery year.

3 "Basic gas supply service" means gas supply service that is
4 provided to any customer that has not chosen an alternative gas
5 supplier, whether or not the customer has received offers as to
6 competitive supply options, including, but not limited to, any
7 customer that cannot obtain such service for any reason, including
8 non-payment for services. Basic gas supply service is not a
9 competitive service and shall be fully regulated by the board.

10 "Basic generation service" or "BGS" means electric generation
11 service that is provided, to any customer that has not chosen an
12 alternative electric power supplier, whether or not the customer has
13 received offers for competitive supply options, including, but not
14 limited to, any customer that cannot obtain such service from an
15 electric power supplier for any reason, including non-payment for
16 services. Basic generation service is not a competitive service and
17 shall be fully regulated by the board.

18 "Basic generation service provider" or "provider" means a
19 provider of basic generation service.

20 "Basic generation service transition costs" means the amount by
21 which the payments by an electric public utility for the procurement
22 of power for basic generation service and related ancillary and
23 administrative costs exceeds the net revenues from the basic
24 generation service charge established by the board pursuant to
25 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,
26 together with interest on the balance at the board-approved rate, that
27 is reflected in a deferred balance account approved by the board in
28 an order addressing the electric public utility's unbundled rates,
29 stranded costs, and restructuring filings pursuant to P.L.1999,
30 c.23 (C.48:3-49 et al.). Basic generation service transition costs
31 shall include, but are not limited to, costs of purchases from the
32 spot market, bilateral contracts, contracts with non-utility
33 generators, parting contracts with the purchaser of the electric
34 public utility's divested generation assets, short-term advance
35 purchases, and financial instruments such as hedging, forward
36 contracts, and options. Basic generation service transition costs
37 shall also include the payments by an electric public utility pursuant
38 to a competitive procurement process for basic generation service
39 supply during the transition period, and costs of any such process
40 used to procure the basic generation service supply.

41 "Board" means the New Jersey Board of Public Utilities or any
42 successor agency.

43 "Bondable stranded costs" means any stranded costs or basic
44 generation service transition costs of an electric public utility
45 approved by the board for recovery pursuant to the provisions of
46 P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the
47 board: (1) the cost of retiring existing debt or equity capital of the
48 electric public utility, including accrued interest, premium and other

1 fees, costs, and charges relating thereto, with the proceeds of the
2 financing of bondable transition property; (2) if requested by an
3 electric public utility in its application for a bondable stranded costs
4 rate order, federal, State and local tax liabilities associated with
5 stranded costs recovery, basic generation service transition cost
6 recovery, or the transfer or financing of the property, or both,
7 including taxes, whose recovery period is modified by the effect of
8 a stranded costs recovery order, a bondable stranded costs rate
9 order, or both; and (3) the costs incurred to issue, service or
10 refinance transition bonds, including interest, acquisition or
11 redemption premium, and other financing costs, whether paid upon
12 issuance or over the life of the transition bonds, including, but not
13 limited to, credit enhancements, service charges,
14 overcollateralization, interest rate cap, swap or collar, yield
15 maintenance, maturity guarantee or other hedging agreements,
16 equity investments, operating costs, and other related fees, costs,
17 and charges, or to assign, sell, or otherwise transfer bondable
18 transition property.

19 "Bondable stranded costs rate order" means one or more
20 irrevocable written orders issued by the board pursuant to P.L.1999,
21 c.23 (C.48:3-49 et al.) which determines the amount of bondable
22 stranded costs and the initial amount of transition bond charges
23 authorized to be imposed to recover the bondable stranded costs,
24 including the costs to be financed from the proceeds of the
25 transition bonds, as well as on-going costs associated with servicing
26 and credit enhancing the transition bonds, and provides the electric
27 public utility specific authority to issue or cause to be issued,
28 directly or indirectly, transition bonds through a financing entity
29 and related matters as provided in P.L.1999, c.23 (C.48:3-49 et al.),
30 which order shall become effective immediately upon the written
31 consent of the related electric public utility to the order as provided
32 in P.L.1999, c.23 (C.48:3-49 et al.).

33 "Bondable transition property" means the property consisting of
34 the irrevocable right to charge, collect, and receive, and be paid
35 from collections of, transition bond charges in the amount necessary
36 to provide for the full recovery of bondable stranded costs which
37 are determined to be recoverable in a bondable stranded costs rate
38 order, all rights of the related electric public utility under the
39 bondable stranded costs rate order including, without limitation, all
40 rights to obtain periodic adjustments of the related transition bond
41 charges pursuant to subsection b. of section 15 of P.L.1999,
42 c.23 (C.48:3-64), and all revenues, collections, payments, money,
43 and proceeds arising under, or with respect to, all of the foregoing.

44 "British thermal unit" or "Btu" means the amount of heat
45 required to increase the temperature of one pound of water by one
46 degree Fahrenheit.

47 "Broker" means a duly licensed electric power supplier that
48 assumes the contractual and legal responsibility for the sale of

1 electric generation service, transmission, or other services to end-
2 use retail customers, but does not take title to any of the power sold,
3 or a duly licensed gas supplier that assumes the contractual and
4 legal obligation to provide gas supply service to end-use retail
5 customers, but does not take title to the gas.

6 "Brownfield" means any former or current commercial or
7 industrial site that is currently vacant or underutilized and on which
8 there has been, or there is suspected to have been, a discharge of a
9 contaminant.

10 "Buydown" means an arrangement or arrangements involving the
11 buyer and seller in a given power purchase contract and, in some
12 cases third parties, for consideration to be given by the buyer in
13 order to effectuate a reduction in the pricing, or the restructuring of
14 other terms to reduce the overall cost of the power contract, for the
15 remaining succeeding period of the purchased power arrangement
16 or arrangements.

17 "Buyout" means an arrangement or arrangements involving the
18 buyer and seller in a given power purchase contract and, in some
19 cases third parties, for consideration to be given by the buyer in
20 order to effectuate a termination of such power purchase contract.

21 "Class I renewable energy" means electric energy produced from
22 solar technologies, photovoltaic technologies, wind energy, fuel
23 cells, geothermal technologies, wave or tidal action, small scale
24 hydropower facilities with a capacity of three megawatts or less and
25 put into service after the effective date of P.L.2012, c.24, **[and]**
26 methane gas from landfills **[or]**, methane gas from a biomass
27 facility**[,]** provided that the biomass is cultivated and harvested in a
28 sustainable manner, or methane gas from a composting or anaerobic
29 or aerobic digestion facility that converts food waste or other
30 organic waste to energy.

31 "Class II renewable energy" means electric energy produced at a
32 hydropower facility with a capacity of greater than three megawatts,
33 but less than 30 megawatts, or a resource recovery facility, provided
34 that the facility is located where retail competition is permitted and
35 provided further that the Commissioner of Environmental
36 Protection has determined that the facility meets the highest
37 environmental standards and minimizes any impacts to the
38 environment and local communities. Class II renewable energy
39 shall not include electric energy produced at a hydropower facility
40 with a capacity of greater than 30 megawatts on or after the
41 effective date of P.L.2015, c.51.

42 "Co-generation" means the sequential production of electricity
43 and steam or other forms of useful energy used for industrial or
44 commercial heating and cooling purposes.

45 "Combined cycle power facility" means a generation facility that
46 combines two or more thermodynamic cycles, by producing electric
47 power via the combustion of fuel and then routing the resulting
48 waste heat by-product to a conventional boiler or to a heat recovery

1 steam generator for use by a steam turbine to produce electric
2 power, thereby increasing the overall efficiency of the generating
3 facility.

4 "Combined heat and power facility" or "co-generation facility"
5 means a generation facility which produces electric energy and
6 steam or other forms of useful energy such as heat, which are used
7 for industrial or commercial heating or cooling purposes. A
8 combined heat and power facility or co-generation facility shall not
9 be considered a public utility.

10 "Competitive service" means any service offered by an electric
11 public utility or a gas public utility that the board determines to be
12 competitive pursuant to section 8 or section 10 of P.L.1999,
13 c.23 (C.48:3-56 or C.48:3-58) or that is not regulated by the board.

14 "Commercial and industrial energy pricing class customer" or
15 "CIEP class customer" means that group of non-residential
16 customers with high peak demand, as determined by periodic board
17 order, which either is eligible or which would be eligible, as
18 determined by periodic board order, to receive funds from the Retail
19 Margin Fund established pursuant to section 9 of P.L.1999,
20 c.23 (C.48:3-57) and for which basic generation service is hourly-
21 priced.

22 "Comprehensive resource analysis" means an analysis including,
23 but not limited to, an assessment of existing market barriers to the
24 implementation of energy efficiency and renewable technologies
25 that are not or cannot be delivered to customers through a
26 competitive marketplace.

27 "Connected to the distribution system" means, for a solar electric
28 power generation facility, that the facility is: (1) connected to a net
29 metering customer's side of a meter, regardless of the voltage at
30 which that customer connects to the electric grid; (2) an on-site
31 generation facility; (3) qualified for net metering aggregation as
32 provided pursuant to paragraph (4) of subsection e. of section 38 of
33 P.L.1999, c.23 (C.48:3-87); (4) owned or operated by an electric
34 public utility and approved by the board pursuant to section 13 of
35 P.L.2007, c.340 (C.48:3-98.1); (5) directly connected to the electric
36 grid at 69 kilovolts or less, regardless of how an electric public
37 utility classifies that portion of its electric grid, and is designated as
38 "connected to the distribution system" by the board pursuant to
39 subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-
40 87); or (6) is certified by the board, in consultation with the
41 Department of Environmental Protection, as being located on a
42 brownfield, on an area of historic fill, or on a properly closed
43 sanitary landfill facility. Any solar electric power generation
44 facility, other than that of a net metering customer on the customer's
45 side of the meter, connected above 69 kilovolts shall not be
46 considered connected to the distribution system.

47 "Customer" means any person that is an end user and is
48 connected to any part of the transmission and distribution system

1 within an electric public utility's service territory or a gas public
2 utility's service territory within this State.

3 "Customer account service" means metering, billing, or such
4 other administrative activity associated with maintaining a customer
5 account.

6 "Delivery year" or "DY" means the 12-month period from June
7 1st through May 31st, numbered according to the calendar year in
8 which it ends.

9 "Demand side management" means the management of customer
10 demand for energy service through the implementation of cost-
11 effective energy efficiency technologies, including, but not limited
12 to, installed conservation, load management, and energy efficiency
13 measures on and in the residential, commercial, industrial,
14 institutional, and governmental premises and facilities in this State.

15 "Electric generation service" means the provision of retail
16 electric energy and capacity which is generated off-site from the
17 location at which the consumption of such electric energy and
18 capacity is metered for retail billing purposes, including agreements
19 and arrangements related thereto.

20 "Electric power generator" means an entity that proposes to
21 construct, own, lease, or operate, or currently owns, leases, or
22 operates, an electric power production facility that will sell or does
23 sell at least 90 percent of its output, either directly or through a
24 marketer, to a customer or customers located at sites that are not on
25 or contiguous to the site on which the facility will be located or is
26 located. The designation of an entity as an electric power generator
27 for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in
28 and of itself, affect the entity's status as an exempt wholesale
29 generator under the Public Utility Holding Company Act of 1935,
30 15 U.S.C. s.79 et seq., or its successor act.

31 "Electric power supplier" means a person or entity that is duly
32 licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et
33 al.) to offer and to assume the contractual and legal responsibility to
34 provide electric generation service to retail customers, and includes
35 load serving entities, marketers, and brokers that offer or provide
36 electric generation service to retail customers. The term excludes an
37 electric public utility that provides electric generation service only
38 as a basic generation service pursuant to section 9 of P.L.1999,
39 c.23 (C.48:3-57).

40 "Electric public utility" means a public utility, as that term is
41 defined in R.S.48:2-13, that transmits and distributes electricity to
42 end users within this State.

43 "Electric related service" means a service that is directly related
44 to the consumption of electricity by an end user, including, but not
45 limited to, the installation of demand side management measures at
46 the end user's premises, the maintenance, repair, or replacement of
47 appliances, lighting, motors, or other energy-consuming devices at

1 the end user's premises, and the provision of energy consumption
2 measurement and billing services.

3 "Electronic signature" means an electronic sound, symbol, or
4 process, attached to, or logically associated with, a contract or other
5 record, and executed or adopted by a person with the intent to sign
6 the record.

7 "Eligible generator" means a developer of a base load or mid-
8 merit electric power generation facility including, but not limited to,
9 an on-site generation facility that qualifies as a capacity resource
10 under PJM criteria and that commences construction after the
11 effective date of P.L.2011, c.9 (C.48:3-98.2 et al.).

12 "Energy agent" means a person that is duly registered pursuant to
13 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), that arranges the
14 sale of retail electricity or electric related services, or retail gas
15 supply or gas related services, between government aggregators or
16 private aggregators and electric power suppliers or gas suppliers,
17 but does not take title to the electric or gas sold.

18 "Energy consumer" means a business or residential consumer of
19 electric generation service or gas supply service located within the
20 territorial jurisdiction of a government aggregator.

21 "Energy efficiency portfolio standard" means a requirement to
22 procure a specified amount of energy efficiency or demand side
23 management resources as a means of managing and reducing energy
24 usage and demand by customers.

25 "Energy year" or "EY" means the 12-month period from June 1st
26 through May 31st, numbered according to the calendar year in
27 which it ends.

28 "Existing business relationship" means a relationship formed by
29 a voluntary two-way communication between an electric power
30 supplier, gas supplier, broker, energy agent, marketer, private
31 aggregator, sales representative, or telemarketer and a customer,
32 regardless of an exchange of consideration, on the basis of an
33 inquiry, application, purchase, or transaction initiated by the
34 customer regarding products or services offered by the electric
35 power supplier, gas supplier, broker, energy agent, marketer,
36 private aggregator, sales representative, or telemarketer; however, a
37 consumer's use of electric generation service or gas supply service
38 through the consumer's electric public utility or gas public utility
39 shall not constitute or establish an existing business relationship for
40 the purpose of P.L.2013, c.263.

41 "Farmland" means land actively devoted to agricultural or
42 horticultural use that is valued, assessed, and taxed pursuant to the
43 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-
44 23.1 et seq.).

45 "Federal Energy Regulatory Commission" or "FERC" means the
46 federal agency established pursuant to 42 U.S.C. s.7171 et seq. to
47 regulate the interstate transmission of electricity, natural gas, and
48 oil.

1 "Final remediation document" shall have the same meaning as
2 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

3 "Financing entity" means an electric public utility, a special
4 purpose entity, or any other assignee of bondable transition
5 property, which issues transition bonds. Except as specifically
6 provided in P.L.1999, c.23 (C.48:3-49 et al.), a financing entity
7 which is not itself an electric public utility shall not be subject to
8 the public utility requirements of Title 48 of the Revised Statutes or
9 any rules or regulations adopted pursuant thereto.

10 "Gas public utility" means a public utility, as that term is defined
11 in R.S.48:2-13, that distributes gas to end users within this State.

12 "Gas related service" means a service that is directly related to
13 the consumption of gas by an end user, including, but not limited to,
14 the installation of demand side management measures at the end
15 user's premises, the maintenance, repair or replacement of
16 appliances or other energy-consuming devices at the end user's
17 premises, and the provision of energy consumption measurement
18 and billing services.

19 "Gas supplier" means a person that is duly licensed pursuant to
20 the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and
21 assume the contractual and legal obligation to provide gas supply
22 service to retail customers, and includes, but is not limited to,
23 marketers and brokers. A non-public utility affiliate of a public
24 utility holding company may be a gas supplier, but a gas public
25 utility or any subsidiary of a gas utility is not a gas supplier. In the
26 event that a gas public utility is not part of a holding company legal
27 structure, a related competitive business segment of that gas public
28 utility may be a gas supplier, provided that related competitive
29 business segment is structurally separated from the gas public
30 utility, and provided that the interactions between the gas public
31 utility and the related competitive business segment are subject to
32 the affiliate relations standards adopted by the board pursuant to
33 subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58).

34 "Gas supply service" means the provision to customers of the
35 retail commodity of gas, but does not include any regulated
36 distribution service.

37 "Government aggregator" means any government entity subject
38 to the requirements of the "Local Public Contracts Law," P.L.1971,
39 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
40 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"
41 P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written
42 contract with a licensed electric power supplier or a licensed gas
43 supplier for: (1) the provision of electric generation service, electric
44 related service, gas supply service, or gas related service for its own
45 use or the use of other government aggregators; or (2) if a
46 municipal or county government, the provision of electric
47 generation service or gas supply service on behalf of business or
48 residential customers within its territorial jurisdiction.

1 "Government energy aggregation program" means a program and
2 procedure pursuant to which a government aggregator enters into a
3 written contract for the provision of electric generation service or
4 gas supply service on behalf of business or residential customers
5 within its territorial jurisdiction.

6 "Governmental entity" means any federal, state, municipal, local,
7 or other governmental department, commission, board, agency,
8 court, authority, or instrumentality having competent jurisdiction.

9 "Greenhouse gas emissions portfolio standard" means a
10 requirement that addresses or limits the amount of carbon dioxide
11 emissions indirectly resulting from the use of electricity as applied
12 to any electric power suppliers and basic generation service
13 providers of electricity.

14 "Historic fill" means generally large volumes of non-indigenous
15 material, no matter what date they were emplaced on the site, used
16 to raise the topographic elevation of a site, which were
17 contaminated prior to emplacement and are in no way connected
18 with the operations at the location of emplacement and which
19 include, but are not limited to, construction debris, dredge spoils,
20 incinerator residue, demolition debris, fly ash, and non-hazardous
21 solid waste. "Historic fill" shall not include any material which is
22 substantially chromate chemical production waste or any other
23 chemical production waste or waste from processing of metal or
24 mineral ores, residues, slags, or tailings.

25 "Incremental auction" means an auction conducted by PJM, as
26 part of PJM's reliability pricing model, prior to the start of the
27 delivery year to secure electric capacity as necessary to satisfy the
28 capacity requirements for that delivery year, that is not otherwise
29 provided for in the base residual auction.

30 "Leakage" means an increase in greenhouse gas emissions
31 related to generation sources located outside of the State that are not
32 subject to a state, interstate, or regional greenhouse gas emissions
33 cap or standard that applies to generation sources located within the
34 State.

35 "Locational deliverability area" or "LDA" means one or more of
36 the zones within the PJM region which are used to evaluate area
37 transmission constraints and reliability issues including electric
38 public utility company zones, sub-zones, and combinations of
39 zones.

40 "Long-term capacity agreement pilot program" or "LCAPP"
41 means a pilot program established by the board that includes
42 participation by eligible generators, to seek offers for financially-
43 settled standard offer capacity agreements with eligible generators
44 pursuant to the provisions of P.L.2011, c.9 (C.48:3-98.2 et al.).

45 "Market transition charge" means a charge imposed pursuant to
46 section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public
47 utility, at a level determined by the board, on the electric public
48 utility customers for a limited duration transition period to recover

1 stranded costs created as a result of the introduction of electric
2 power supply competition pursuant to the provisions of P.L.1999,
3 c.23 (C.48:3-49 et al.).

4 "Marketer" means a duly licensed electric power supplier that
5 takes title to electric energy and capacity, transmission and other
6 services from electric power generators and other wholesale
7 suppliers and then assumes the contractual and legal obligation to
8 provide electric generation service, and may include transmission
9 and other services, to an end-use retail customer or customers, or a
10 duly licensed gas supplier that takes title to gas and then assumes
11 the contractual and legal obligation to provide gas supply service to
12 an end-use customer or customers.

13 "Mid-merit electric power generation facility" means a
14 generation facility that operates at a capacity factor between
15 baseload generation facilities and peaker generation facilities.

16 "Net metering aggregation" means a procedure for calculating
17 the combination of the annual energy usage for all facilities owned
18 by a single customer where such customer is a State entity, school
19 district, county, county agency, county authority, municipality,
20 municipal agency, or municipal authority, and which are served by
21 a solar electric power generating facility as provided pursuant to
22 paragraph (4) of subsection e. of section 38 of P.L.1999,
23 c.23 (C.48:3-87).

24 "Net proceeds" means proceeds less transaction and other related
25 costs as determined by the board.

26 "Net revenues" means revenues less related expenses, including
27 applicable taxes, as determined by the board.

28 "Offshore wind energy" means electric energy produced by a
29 qualified offshore wind project.

30 "Offshore wind renewable energy certificate" or "OREC" means
31 a certificate, issued by the board or its designee, representing the
32 environmental attributes of one megawatt hour of electric
33 generation from a qualified offshore wind project.

34 "Off-site end use thermal energy services customer" means an
35 end use customer that purchases thermal energy services from an
36 on-site generation facility, combined heat and power facility, or co-
37 generation facility, and that is located on property that is separated
38 from the property on which the on-site generation facility,
39 combined heat and power facility, or co-generation facility is
40 located by more than one easement, public thoroughfare, or
41 transportation or utility-owned right-of-way.

42 "On-site generation facility" means a generation facility,
43 including, but not limited to, a generation facility that produces
44 Class I or Class II renewable energy, and equipment and services
45 appurtenant to electric sales by such facility to the end use customer
46 located on the property or on property contiguous to the property on
47 which the end user is located. An on-site generation facility shall
48 not be considered a public utility. The property of the end use

1 customer and the property on which the on-site generation facility is
2 located shall be considered contiguous if they are geographically
3 located next to each other, but may be otherwise separated by an
4 easement, public thoroughfare, transportation or utility-owned
5 right-of-way, or if the end use customer is purchasing thermal
6 energy services produced by the on-site generation facility, for use
7 for heating or cooling, or both, regardless of whether the customer
8 is located on property that is separated from the property on which
9 the on-site generation facility is located by more than one easement,
10 public thoroughfare, or transportation or utility-owned right-of-way.

11 "Person" means an individual, partnership, corporation,
12 association, trust, limited liability company, governmental entity, or
13 other legal entity.

14 "PJM Interconnection, L.L.C." or "PJM" means the privately-
15 held, limited liability corporation that is a FERC-approved Regional
16 Transmission Organization, or its successor, that manages the
17 regional, high-voltage electricity grid serving all or parts of 13
18 states including New Jersey and the District of Columbia, operates
19 the regional competitive wholesale electric market, manages the
20 regional transmission planning process, and establishes systems and
21 rules to ensure that the regional and in-State energy markets operate
22 fairly and efficiently.

23 "Preliminary assessment" shall have the same meaning as
24 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

25 "Private aggregator" means a non-government aggregator that is
26 a duly-organized business or non-profit organization authorized to
27 do business in this State that enters into a contract with a duly
28 licensed electric power supplier for the purchase of electric energy
29 and capacity, or with a duly licensed gas supplier for the purchase
30 of gas supply service, on behalf of multiple end-use customers by
31 combining the loads of those customers.

32 "Properly closed sanitary landfill facility" means a sanitary
33 landfill facility, or a portion of a sanitary landfill facility, for which
34 performance is complete with respect to all activities associated
35 with the design, installation, purchase, or construction of all
36 measures, structures, or equipment required by the Department of
37 Environmental Protection, pursuant to law, in order to prevent,
38 minimize, or monitor pollution or health hazards resulting from a
39 sanitary landfill facility subsequent to the termination of operations
40 at any portion thereof, including, but not necessarily limited to, the
41 placement of earthen or vegetative cover, and the installation of
42 methane gas vents or monitors and leachate monitoring wells or
43 collection systems at the site of any sanitary landfill facility.

44 "Public utility holding company" means: (1) any company that,
45 directly or indirectly, owns, controls, or holds with power to vote,
46 10 percent or more of the outstanding voting securities of an
47 electric public utility or a gas public utility or of a company which
48 is a public utility holding company by virtue of this definition,

1 unless the Securities and Exchange Commission, or its successor,
2 by order declares such company not to be a public utility holding
3 company under the Public Utility Holding Company Act of 1935,
4 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the
5 Securities and Exchange Commission, or its successor, determines,
6 after notice and opportunity for hearing, directly or indirectly, to
7 exercise, either alone or pursuant to an arrangement or
8 understanding with one or more other persons, such a controlling
9 influence over the management or policies of an electric public
10 utility or a gas public utility or public utility holding company as to
11 make it necessary or appropriate in the public interest or for the
12 protection of investors or consumers that such person be subject to
13 the obligations, duties, and liabilities imposed in the Public Utility
14 Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its
15 successor act.

16 "Qualified offshore wind project" means a wind turbine
17 electricity generation facility in the Atlantic Ocean and connected
18 to the electric transmission system in this State, and includes the
19 associated transmission-related interconnection facilities and
20 equipment, and approved by the board pursuant to section 3 of
21 P.L.2010, c.57 (C.48:3-87.1).

22 "Registration program" means an administrative process
23 developed by the board pursuant to subsection u. of section 38 of
24 P.L.1999, c.23 (C.48:3-87) that requires all owners of solar electric
25 power generation facilities connected to the distribution system that
26 intend to generate SRECs, to file with the board documents
27 detailing the size, location, interconnection plan, land use, and other
28 project information as required by the board.

29 "Regulatory asset" means an asset recorded on the books of an
30 electric public utility or gas public utility pursuant to the Statement
31 of Financial Accounting Standards, No. 71, entitled "Accounting for
32 the Effects of Certain Types of Regulation," or any successor
33 standard and as deemed recoverable by the board.

34 "Related competitive business segment of an electric public
35 utility or gas public utility" means any business venture of an
36 electric public utility or gas public utility including, but not limited
37 to, functionally separate business units, joint ventures, and
38 partnerships, that offers to provide or provides competitive services.

39 "Related competitive business segment of a public utility holding
40 company" means any business venture of a public utility holding
41 company, including, but not limited to, functionally separate
42 business units, joint ventures, and partnerships and subsidiaries, that
43 offers to provide or provides competitive services, but does not
44 include any related competitive business segments of an electric
45 public utility or gas public utility.

46 "Reliability pricing model" or "RPM" means PJM's capacity-
47 market model, and its successors, that secures capacity on behalf of
48 electric load serving entities to satisfy load obligations not satisfied

1 through the output of electric generation facilities owned by those
2 entities, or otherwise secured by those entities through bilateral
3 contracts.

4 "Renewable energy certificate" or "REC" means a certificate
5 representing the environmental benefits or attributes of one
6 megawatt-hour of generation from a generating facility that
7 produces Class I or Class II renewable energy, but shall not include
8 a solar renewable energy certificate or an offshore wind renewable
9 energy certificate.

10 "Resource clearing price" or "RCP" means the clearing price
11 established for the applicable locational deliverability area by the
12 base residual auction or incremental auction, as determined by the
13 optimization algorithm for each auction, conducted by PJM as part
14 of PJM's reliability pricing model.

15 "Resource recovery facility" means a solid waste facility
16 constructed and operated for the incineration of solid waste for
17 energy production and the recovery of metals and other materials
18 for reuse, which the Department of Environmental Protection has
19 determined to be in compliance with current environmental
20 standards, including, but not limited to, all applicable requirements
21 of the federal "Clean Air Act" (42 U.S.C. s.7401 et seq.).

22 "Restructuring related costs" means reasonably incurred costs
23 directly related to the restructuring of the electric power industry,
24 including the closure, sale, functional separation, and divestiture of
25 generation and other competitive utility assets by a public utility, or
26 the provision of competitive services as those costs are determined
27 by the board, and which are not stranded costs as defined in
28 P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be limited
29 to, investments in management information systems, and which
30 shall include expenses related to employees affected by
31 restructuring which result in efficiencies and which result in
32 benefits to ratepayers, such as training or retraining at the level
33 equivalent to one year's training at a vocational or technical school
34 or county community college, the provision of severance pay of two
35 weeks of base pay for each year of full-time employment, and a
36 maximum of 24 months' continued health care coverage. Except as
37 to expenses related to employees affected by restructuring,
38 "restructuring related costs" shall not include going forward costs.

39 "Retail choice" means the ability of retail customers to shop for
40 electric generation or gas supply service from electric power or gas
41 suppliers, or opt to receive basic generation service or basic gas
42 service, and the ability of an electric power or gas supplier to offer
43 electric generation service or gas supply service to retail customers,
44 consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

45 "Retail margin" means an amount, reflecting differences in
46 prices that electric power suppliers and electric public utilities may
47 charge in providing electric generation service and basic generation
48 service, respectively, to retail customers, excluding residential

1 customers, which the board may authorize to be charged to
2 categories of basic generation service customers of electric public
3 utilities in this State, other than residential customers, under the
4 board's continuing regulation of basic generation service pursuant to
5 sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the
6 purpose of promoting a competitive retail market for the supply of
7 electricity.

8 "Sales representative" means a person employed by, acting on
9 behalf of, or as an independent contractor for, an electric power
10 supplier, gas supplier, broker, energy agent, marketer, or private
11 aggregator who, by any means, solicits a potential residential
12 customer for the provision of electric generation service or gas
13 supply service.

14 "Sanitary landfill facility" shall have the same meaning as
15 provided in section 3 of P.L.1970, c.39 (C.13:1E-3).

16 "School district" means a local or regional school district
17 established pursuant to chapter 8 or chapter 13 of Title 18A of the
18 New Jersey Statutes, a county special services school district
19 established pursuant to article 8 of chapter 46 of Title 18A of the
20 New Jersey Statutes, a county vocational school district established
21 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
22 Statutes, and a district under full State intervention pursuant to
23 P.L.1987, c.399 (C.18A:7A-34 et al.).

24 "Shopping credit" means an amount deducted from the bill of an
25 electric public utility customer to reflect the fact that the customer
26 has switched to an electric power supplier and no longer takes basic
27 generation service from the electric public utility.

28 "Site investigation" shall have the same meaning as provided in
29 section 3 of P.L.1976, c.141 (C.58:10-23.11b).

30 "Small scale hydropower facility" means a facility located within
31 this State that is connected to the distribution system, and that
32 meets the requirements of, and has been certified by, a nationally
33 recognized low-impact hydropower organization that has
34 established low-impact hydropower certification criteria applicable
35 to: (1) river flows; (2) water quality; (3) fish passage and
36 protection; (4) watershed protection; (5) threatened and endangered
37 species protection; (6) cultural resource protection; (7) recreation;
38 and (8) facilities recommended for removal.

39 "Social program" means a program implemented with board
40 approval to provide assistance to a group of disadvantaged
41 customers, to provide protection to consumers, or to accomplish a
42 particular societal goal, and includes, but is not limited to, the
43 winter moratorium program, utility practices concerning "bad debt"
44 customers, low income assistance, deferred payment plans,
45 weatherization programs, and late payment and deposit policies, but
46 does not include any demand side management program or any
47 environmental requirements or controls.

1 "Societal benefits charge" means a charge imposed by an electric
2 public utility, at a level determined by the board, pursuant to, and in
3 accordance with, section 12 of P.L.1999, c.23 (C.48:3-60).

4 "Solar alternative compliance payment" or "SACP" means a
5 payment of a certain dollar amount per megawatt hour (MWh)
6 which an electric power supplier or provider may submit to the
7 board in order to comply with the solar electric generation
8 requirements under section 38 of P.L.1999, c.23 (C.48:3-87).

9 "Solar renewable energy certificate" or "SREC" means a
10 certificate issued by the board or its designee, representing one
11 megawatt hour (MWh) of solar energy that is generated by a facility
12 connected to the distribution system in this State and has value
13 based upon, and driven by, the energy market.

14 "Standard offer capacity agreement" or "SOCA" means a
15 financially-settled transaction agreement, approved by board order,
16 that provides for eligible generators to receive payments from the
17 electric public utilities for a defined amount of electric capacity for
18 a term to be determined by the board but not to exceed 15 years,
19 and for such payments to be a fully non-bypassable charge, with
20 such an order, once issued, being irrevocable.

21 "Standard offer capacity price" or "SOCP" means the capacity
22 price that is fixed for the term of the SOCA and which is the price
23 to be received by eligible generators under a board-approved
24 SOCA.

25 "State entity" means a department, agency, or office of State
26 government, a State university or college, or an authority created by
27 the State.

28 "Stranded cost" means the amount by which the net cost of an
29 electric public utility's electric generating assets or electric power
30 purchase commitments, as determined by the board consistent with
31 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the
32 market value of those assets or contractual commitments in a
33 competitive supply marketplace and the costs of buydowns or
34 buyouts of power purchase contracts.

35 "Stranded costs recovery order" means each order issued by the
36 board in accordance with subsection c. of section 13 of P.L.1999,
37 c.23 (C.48:3-61) which sets forth the amount of stranded costs, if
38 any, the board has determined an electric public utility is eligible to
39 recover and collect in accordance with the standards set forth in
40 section 13 of P.L.1999, c.23 (C.48:3-61) and the recovery
41 mechanisms therefor.

42 "Telemarketer" shall have the same meaning as set forth in
43 section 2 of P.L.2003, c.76 (C.56:8-120).

44 "Telemarketing sales call" means a telephone call made by a
45 telemarketer to a potential residential customer as part of a plan,
46 program, or campaign to encourage the customer to change the
47 customer's electric power supplier or gas supplier. A telephone call
48 made to an existing customer of an electric power supplier, gas

1 supplier, broker, energy agent, marketer, private aggregator, or
2 sales representative, for the sole purpose of collecting on accounts
3 or following up on contractual obligations, shall not be deemed a
4 telemarketing sales call. A telephone call made in response to an
5 express written request of a customer shall not be deemed a
6 telemarketing sales call.

7 "Thermal efficiency" means the useful electric energy output of a
8 facility, plus the useful thermal energy output of the facility,
9 expressed as a percentage of the total energy input to the facility.

10 "Transition bond charge" means a charge, expressed as an
11 amount per kilowatt hour, that is authorized by and imposed on
12 electric public utility ratepayers pursuant to a bondable stranded
13 costs rate order, as modified at any time pursuant to the provisions
14 of P.L.1999, c.23 (C.48:3-49 et al.).

15 "Transition bonds" means bonds, notes, certificates of
16 participation, beneficial interest, or other evidences of indebtedness
17 or ownership issued pursuant to an indenture, contract, or other
18 agreement of an electric public utility or a financing entity, the
19 proceeds of which are used, directly or indirectly, to recover,
20 finance or refinance bondable stranded costs and which are, directly
21 or indirectly, secured by or payable from bondable transition
22 property. References in P.L.1999, c.23 (C.48:3-49 et al.) to
23 principal, interest, and acquisition or redemption premium with
24 respect to transition bonds which are issued in the form of
25 certificates of participation or beneficial interest or other evidences
26 of ownership shall refer to the comparable payments on such
27 securities.

28 "Transition period" means the period from August 1, 1999
29 through July 31, 2003.

30 "Transmission and distribution system" means, with respect to an
31 electric public utility, any facility or equipment that is used for the
32 transmission, distribution, or delivery of electricity to the customers
33 of the electric public utility including, but not limited to, the land,
34 structures, meters, lines, switches, and all other appurtenances
35 thereof and thereto, owned or controlled by the electric public
36 utility within this State.

37 "Universal service" means any service approved by the board
38 with the purpose of assisting low-income residential customers in
39 obtaining or retaining electric generation or delivery service.

40 "Unsolicited advertisement" means any advertising claims of the
41 commercial availability or quality of services provided by an
42 electric power supplier, gas supplier, broker, energy agent,
43 marketer, private aggregator, sales representative, or telemarketer
44 which is transmitted to a potential customer without that customer's
45 prior express invitation or permission.

46 (cf: P.L.2015, c.51, s.1)

47

48 7. This act shall take effect immediately.