ASSEMBLY, No. 457

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires electric distribution lines be located underground in areas affected by severe weather or natural disasters.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning placement of electric distribution lines and supplementing Title 48 of the Revised Statutes.

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

1. As used in this act:

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

"Electric distribution line" means a primary electric voltage line, wire, or cable including supporting structures and appurtenant facilities, which delivers electricity from transformation points on the transmission system to points of connection, which are not considered a transmission line, at a customer's premises.

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

"Electric transmission line" means electrical line, wire, or cable, including the supporting structures and appurtenant facilities, which transmits electricity from a generating plant to electric distribution lines.

"Interruption" means the cessation of electric, water, or gas utility service to one or more customers.

"Major catastrophic event" means a natural occurrence arising from conditions beyond the control of the electric public utility, including but not limited to, a thunderstorm, tornado, hurricane, flood, heat wave, snowstorm, ice storm, or an earthquake, which results in: (1) a sustained interruption of utility service to at least 10 percent of the customers in an operating area or 10 percent of the customers of a municipality or county located in an operating area; or (2) the declaration of a state of emergency or disaster by the State or by the federal government.

"Operating area" means a geographical subdivision of each utility's service territory.

2. The board shall initiate a proceeding and shall adopt, after notice and opportunity for public comment and public hearing, standards, consistent with federal law, concerning the location and placement of electric distribution lines in areas affected by major catastrophic events. The standards shall provide that, in operating areas that have been affected by a major catastrophic event, every electric distribution line of an electric public utility installed after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), or installed, reinstalled, or repaired in response to damage resulting from a major catastrophic event, shall be located underground, wherever feasible, as determined by the board. In adopting the standards, and in the issuance of orders pursuant to the adoption of the standards, the board shall consider

applicable federal regulations, industry codes, national electric industry practices, sound engineering judgment, and the ability of an electric public utility to obtain necessary municipal consent, easements, environmental permits, and rights of way.

3. This act shall take effect on the 90th day after the date of enactment.

STATEMENT

This bill requires the Board of Public Utilities (BPU) to adopt standards providing that, in operating areas that have been affected by a major catastrophic event, every electric distribution line of an electric public utility installed after the effective date of the bill, or installed, reinstalled, or repaired in response to damage resulting from a major catastrophic event, shall be located underground, wherever feasible, as determined by the BPU. In adopting the standards, and in the issuance of orders pursuant to the adoption of the standards, the BPU would consider applicable industry codes, national electric industry practices, sound engineering judgment, and the ability of an electric public utility to obtain necessary municipal consent, easements, environmental permits, and rights of way. A "major catastrophic event" is defined to mean a natural occurrence arising from conditions beyond the control of the electric public utility, including but not limited to, a thunderstorm, tornado, hurricane, flood, heat wave, snowstorm, ice storm, or earthquake which results in: (1) a sustained interruption of electric, water, or gas utility service to at least 10 percent of the customers in an operating area or 10 percent of the customers of a municipality or county located in an operating area; or (2) the declaration of a state of emergency or disaster by the State or by the federal government.