

ASSEMBLY, No. 1494

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

**Assemblymen McGuckin, S.Kean, Assemblywoman N.Munoz,
Assemblymen Coughlin, Caputo, Giblin and Wimberly**

SYNOPSIS

Requires public utility requesting rate increase to hold public hearings in every county.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning public hearing requirements for public utilities
2 and amending P.L.1980, c.179 and P.L.1983, c.454.

3

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

6

7 1. Section 1 of P.L.1980, c.179 (C.48:2-32.4) is amended to
8 read as follows:

9 1. Prior to granting a public utility a proposed adjustment
10 which would result in an increase in individual rates, joint rates,
11 tolls, charges, or schedules thereof, the Board of Public Utilities or
12 the Office of Administrative Law shall hold at least one public
13 hearing in the municipality affected by the proposed adjustment. If
14 more than one municipality is located in **the service area** a county
15 affected by the proposed adjustment, the public hearing shall be
16 held in a centrally located municipality in the affected **service**
17 **area** county. Notice of any such hearing shall be furnished in the
18 manner provided for notices generally pursuant to subsections c.
19 and d. of section 34 of P.L.1962, c.198 (C.48:2-32.2). In the case
20 of a hearing held by the Office of Administrative Law, proof of
21 service of notice by a public utility shall be furnished to that office.
22 (cf: P.L.1985, c.203, s.2)

23

24 2. Section 2 of P.L.1983, c.454 (C.48:2-32.6) is amended to
25 read as follows:

26 2. a. The provisions of any other law, rule, regulation, or order
27 to the contrary notwithstanding, the board, or the Office of
28 Administrative Law acting pursuant to subsection (c) of section 10
29 of the "Administrative Procedure Act," P.L.1968, c.410
30 **[(C.52:14B-10(c))]** (C.52:14B-10), shall conduct as many of its
31 public hearings held to review applications by gas and electric
32 light, heat and power companies other than municipally owned
33 companies for significant increases, changes, or alterations in their
34 rate schedules, in the service area of the applicant as it deems
35 necessary or appropriate to afford the affected ratepayers the
36 opportunity to monitor the decision-making process by which the
37 rates are set. At least **two** one public **hearings** hearing shall be
38 held in every county in the service area with respect to any
39 application **except that if substantial portions of the service area**
40 **are located in more than one geographic region of the State, then at**
41 **least two public hearings shall be held in the service area located in**
42 **each of those geographic regions],** under the terms and conditions
43 specified in this **subsection** section. **One** If more than one
44 public hearing is held, one of the public hearings **held in the**
45 **service area, or one of the hearings held in each geographic area, as**

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.

1 the case may be,] shall be a hearing in which petitioners,
2 respondents, and intervenors are parties. [At the] If a second
3 hearing [or hearings required by the provisions of this subsection]
4 is held, statements by objectors shall be permitted. All public
5 hearings held pursuant to the provisions of this subsection shall be
6 held at places which are easily accessible to the public with at least
7 one such hearing held during evening hours.

8 b. On the day that the final public hearing in each county in the
9 service area is to be held in connection with any application, after
10 which the recommended report and decision is to be filed in
11 accordance with subsection (c) of section 10 of the "Administrative
12 Procedure Act," P.L.1968, c.410 [(C.52:14B-10(c))]
13 (C.52:14B-10), the administrative law judge or the board, as the case may be,
14 may require the parties to the proceedings to present a summary
15 statement of their cases or defenses. After such a presentation,
16 statements by the objectors shall be permitted in order to accord
17 persons not parties to the proceedings an opportunity to participate
18 in the proceedings. If no such presentation is made, objector's
19 statements shall be permitted in any event before the conclusion of
20 the hearing. [The final public hearing shall be held in the service
21 area.]

22 (cf: P.L.1983, c.454, s.2)

23
24 3. This act shall take effect immediately.

25 26 27 STATEMENT

28
29 This bill amends current law concerning public hearing
30 requirements for public utilities requesting rate adjustments. Under
31 the bill, at least one public hearing regarding an application for a
32 rate adjustment is to be held in every county in the service area of
33 the public utility making the application. If more than one public
34 hearing is held, the first is to be a public hearing involving the
35 parties to the application for the rate adjustment. The second public
36 hearing is to provide the opportunity for public comment and
37 objection to any application for a rate adjustment and is to be held
38 in every county in the area served by the public utility making the
39 application.

40 The bill also requires that at least one public hearing is to be held
41 in a municipality affected by a proposed rate adjustment. If more
42 than one municipality in a county is affected by the proposed rate
43 adjustment, the public hearing is to be held in a centrally located
44 municipality in the county.

45 Under current law, two public hearings in the service area are
46 required when public utilities make application for a rate
47 adjustment. This bill will require at least one public hearing in
48 every county in the service area.