

[First Reprint]

ASSEMBLY, No. 2371

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

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 reported by the Assembly Environment and Solid Waste Committee on February 3, 2020, with amendments.



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 P.L. , c. (C.) (pending
 9 before the Legislature as this bill):

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

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

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

26 “Food waste” means food processing vegetative waste, food
 27 processing residue generated from processing and packaging
 28 operations, overripe produce, trimmings from food, food product
 29 over-runs from food processing, soiled and unrecyclable paper
 30 generated from food processing, and used cooking fats, oil, and
 31 grease, but shall not include food donated by the generator for
 32 human consumption , any waste generated by a consumer after the
 33 generator issues or sells food to the consumer, or any waste
 34 regulated by 7 C.F.R. ss.330.400 through 330.403 and 9 C.F.R.
 35 s.94.5.

36 “Large food waste generator” means any commercial food
 37 wholesaler, distributor, industrial food processor, supermarket,
 38 resort, conference center, banquet hall, restaurant, educational or
 39 religious institution, military installation, prison, hospital, medical
 40 facility, or casino that produces at least 52 tons per year of food
 41 waste; provided that "large food waste generator" shall not include
 42 any interstate carrier conducting interstate transportation operations
 43 in the post-security area of an international airport.

44 “Source separate” or “source separated” means the process by

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 AEN committee amendments adopted February 3, 2020.

1 which food waste is separated at the point of generation by the
2 generator thereof from other solid waste for the purpose of
3 recycling.

4
5 2. (New section) a. Beginning one year after the effective
6 date of P.L. , c. (C.)(pending before the Legislature as this
7 bill), each large food waste generator that is located within 25 road
8 miles of an authorized food waste recycling facility and that
9 generates an average projected volume of 52 or more tons per year
10 of food waste within 25 road miles of an authorized food waste
11 recycling facility shall:

12 (1) source separate its food waste from other solid waste; and

13 (2) send the source separated food waste to an authorized food
14 waste recycling facility that has available capacity and will accept
15 it.

16 b. Notwithstanding the provisions of subsection a. of this
17 section:

18 (1) If a large food waste generator is not located within 25 road
19 miles of an authorized food waste recycling facility, or the
20 authorized food waste recycling facility will not accept the
21 generator's food waste, the large food waste generator may send the
22 food waste for final disposal at a solid waste facility as provided in
23 the approved district solid waste management plan for the solid
24 waste management district in which the generator is located;

25 (2) Any large food waste generator that is obligated to source
26 separate and recycle its food waste pursuant to subsection a. of this
27 section shall be deemed to be in compliance with the provisions of
28 this section if the large food waste generator:

29 (a) performs enclosed on-site composting, or anaerobic or
30 aerobic digestion of its source separated food waste in accordance
31 with standards adopted by the department pursuant to subsection d.
32 of this section, or

33 (b) recycles food waste using an alternative authorized food
34 waste recycling method; and

35 (3) A large food waste generator may petition the Department of
36 Environmental Protection for a waiver of the requirements in
37 subsection a. of this section if the cost of transporting the food
38 waste plus the fee charged by an authorized food waste recycling
39 facility located within 25 road miles of the large food waste
40 generator is at least 10 percent more than the cost of transporting
41 the food waste for disposal as solid waste plus the disposal fee
42 charged for solid waste disposal in the State for noncontract
43 commercial waste by a properly licensed transfer station, sanitary
44 landfill facility, incinerator, or resource recovery facility located
45 within 25 road miles of the large food waste generator provided that
46 any authorized food waste recycling facility located within 25 road
47 miles of the large food waste generator seeking the waiver must be

1 given notice of the petition and an opportunity to participate in the
2 proceeding before the department.

3 c. Any person who violates this act, or any rule or regulation
4 adopted pursuant thereto, shall be subject to a civil penalty of \$250
5 for the first offense, \$500 for the second offense, and \$1,000 for the
6 third and each subsequent offense, to be collected in a civil action
7 by a summary proceeding under the “Penalty Enforcement Law of
8 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a
9 continuing nature, each day during which it continues shall
10 constitute an additional, separate, and distinct offense. The Superior
11 Court and the municipal court shall have jurisdiction to enforce the
12 provisions of the “Penalty Enforcement Law of 1999,” P.L.1999,
13 c.274 (C.2A:58-10 et seq.) in connection with this subsection.

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

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

21 (2) guidelines and procedures for businesses to follow to
22 determine whether they are subject to the requirements of this
23 section, including food waste generation estimates and food waste
24 audits or assessments;

25 (3) a list of food waste products that must be source separated
26 and recycled pursuant to this section;

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

31 (5) a list of actions businesses may take to reduce the amount of
32 food waste they generate to a level below the threshold amount
33 established in subsection a. of this section.

34 e. The department shall publish on its Internet website the
35 name, location, and contact information for each authorized food
36 waste recycling facility in the State.

37

38 3. (New section) a. Any municipality within which an
39 authorized food waste recycling facility is located, pursuant to an
40 adopted district solid waste management plan approved after the
41 effective date of P.L. , c. (C.)(pending before the
42 Legislature as this bill), shall be entitled to an economic benefit of
43 not less than the equivalent of \$0.50 per ton, to be paid and adjusted
44 quarterly, of all food waste accepted for processing at the
45 authorized food waste recycling facility during the ¹**2019** 2021¹
46 calendar year and each year thereafter. The owner or operator of
47 the authorized food waste recycling facility shall pay quarterly to
48 the municipality the full amount due under this subsection. The

1 municipality is authorized to anticipate this amount for the purposes
2 of preparing its annual budget.

3 b. For the purposes of calculating the payments, the owner or
4 operator of the authorized food waste recycling facility may, subject
5 to the prior agreement of the municipality and approval of the
6 Department of Environmental Protection, provide the municipality
7 with any of the following benefits in consideration for the use of
8 land within the municipality's boundaries as the location of the
9 authorized food waste recycling facility:

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

13 (2) exemption from all fees and charges for the acceptance of
14 food waste for composting, anaerobic or aerobic digestion, or other
15 processing, as approved by the department, of food waste generated
16 within the municipality's boundaries;

17 (3) quarterly lump sum cash payments; or

18 (4) any combination thereof.

19

20 4. (New section) a. There is established in the Department of
21 Environmental Protection a Food Waste Recycling Market
22 Development Council, which shall consist of 12 members. The
23 members shall include the Commissioner of Environmental
24 Protection, the President of the Board of Public Utilities, the
25 Commissioner of Transportation, the Secretary of Agriculture, the
26 State Treasurer, and the Attorney General, or their designees, who
27 shall serve ex officio; and six citizens of the State appointed by the
28 Governor. Of the appointed members: two shall be actively
29 engaged in the composting industry, of whom one shall be a
30 representative of the National Waste and Recycling Association and
31 one shall be a representative of the National Biosolids Partnership
32 or equivalent entities; two shall be actively engaged in the recycling
33 or solid waste collection industry, of whom one shall be a
34 representative of the Association of New Jersey Recyclers or
35 equivalent entities; and two shall represent the general public. The
36 Commissioner of Environmental Protection shall appoint the
37 chairperson and the vice-chairperson of the council from the citizen
38 members.

39 b. Members of the council shall serve without compensation,
40 but shall be reimbursed for expenses incurred in attending meetings
41 and performing their duties to the extent funds are available
42 therefor.

43 c. Within 18 months after the date of enactment of this act, the
44 Food Waste Recycling Market Development Council shall prepare a
45 report on the existing markets for any products and energy produced
46 from food recycling facilities, food waste composting facilities, and
47 anaerobic and aerobic digestion facilities that accept food waste
48 material. The council shall investigate the feasibility of providing

1 preferences for products or energy produced from food recycling
2 facilities, food waste composting facilities, and anaerobic and
3 aerobic digestion facilities in the State procurement process,
4 including how to stimulate the use in public projects of compost or
5 soil amendment products derived from these facilities. The council
6 shall provide recommendations on changes needed to State laws or
7 rules or regulations to stimulate the market for products and energy
8 produced from food recycling facilities, food waste composting
9 facilities, and anaerobic and aerobic digestion facilities that accept
10 food waste material. The report shall be transmitted to the Governor
11 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
12 Legislature.

13

14 5. (New section) a. Every State department or agency that
15 engages in landscaping or construction activities on State land, or
16 for State projects or facilities, shall use, where technically feasible,
17 environmentally sound, and competitively priced, compost, mulch,
18 or other soil amendments produced from municipal solid waste,
19 food waste, sludge, yard waste, clean wood waste, or other organic
20 materials that the supplier has certified comply with applicable
21 project standards and specifications. Such compost, mulch, or soil
22 amendments shall be used in place of chemical fertilizers or soil
23 amendments.

24 b. In purchasing compost, mulch, or other soil amendments for
25 use by the various departments or agencies of State government, the
26 Director of the Division of Purchase and Property in the Department
27 of the Treasury, whenever the price is competitive and the quality
28 satisfactory for the purpose intended, shall make contracts available
29 for compost, mulch, or other soil amendments produced from
30 municipal solid waste, food waste, sludge, yard waste, clean wood
31 waste, or other organic materials.

32 c. As used in this section:

33 "Competitive" or "competitively priced" means a price of no
34 more than 10% above the price of products which are manufactured
35 or produced from virgin materials; except that the Director of the
36 Division of Purchase and Property, upon consultation with the
37 Department of Environmental Protection, may make contracts
38 available for compost, mulch, or other soil amendments produced
39 from municipal solid waste, food waste, sludge, yard waste, clean
40 wood waste, or other organic materials at a price no more than 15%
41 above the price of products manufactured or produced from virgin
42 materials whenever the director determines that a 15% price
43 differential is in the best interest of the State.

44 "Food waste" shall have the same meaning as provided in section
45 1 of P.L. , c. (C.) (pending before the Legislature as this
46 bill).

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

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

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

11 "Base load electric power generation facility" means an electric
12 power generation facility intended to be operated at a greater than
13 50 percent capacity factor including, but not limited to, a combined
14 cycle power facility and a combined heat and power facility.

15 "Base residual auction" means the auction conducted by PJM, as
16 part of PJM's reliability pricing model, three years prior to the start
17 of the delivery year to secure electrical capacity as necessary to
18 satisfy the capacity requirements for that delivery year.

19 "Basic gas supply service" means gas supply service that is
20 provided to any customer that has not chosen an alternative gas
21 supplier, whether or not the customer has received offers as to
22 competitive supply options, including, but not limited to, any
23 customer that cannot obtain such service for any reason, including
24 non-payment for services. Basic gas supply service is not a
25 competitive service and shall be fully regulated by the board.

26 "Basic generation service" or "BGS" means electric generation
27 service that is provided, to any customer that has not chosen an
28 alternative electric power supplier, whether or not the customer has
29 received offers for competitive supply options, including, but not
30 limited to, any customer that cannot obtain such service from an
31 electric power supplier for any reason, including non-payment for
32 services. Basic generation service is not a competitive service and
33 shall be fully regulated by the board.

34 "Basic generation service provider" or "provider" means a
35 provider of basic generation service.

36 "Basic generation service transition costs" means the amount by
37 which the payments by an electric public utility for the procurement
38 of power for basic generation service and related ancillary and
39 administrative costs exceeds the net revenues from the basic
40 generation service charge established by the board pursuant to
41 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,
42 together with interest on the balance at the board-approved rate, that
43 is reflected in a deferred balance account approved by the board in
44 an order addressing the electric public utility's unbundled rates,
45 stranded costs, and restructuring filings pursuant to P.L.1999,
46 c.23 (C.48:3-49 et al.). Basic generation service transition costs
47 shall include, but are not limited to, costs of purchases from the
48 spot market, bilateral contracts, contracts with non-utility

1 generators, parting contracts with the purchaser of the electric
2 public utility's divested generation assets, short-term advance
3 purchases, and financial instruments such as hedging, forward
4 contracts, and options. Basic generation service transition costs
5 shall also include the payments by an electric public utility pursuant
6 to a competitive procurement process for basic generation service
7 supply during the transition period, and costs of any such process
8 used to procure the basic generation service supply.

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

11 "Bondable stranded costs" means any stranded costs or basic
12 generation service transition costs of an electric public utility
13 approved by the board for recovery pursuant to the provisions of
14 P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the
15 board: (1) the cost of retiring existing debt or equity capital of the
16 electric public utility, including accrued interest, premium and other
17 fees, costs, and charges relating thereto, with the proceeds of the
18 financing of bondable transition property; (2) if requested by an
19 electric public utility in its application for a bondable stranded costs
20 rate order, federal, State and local tax liabilities associated with
21 stranded costs recovery, basic generation service transition cost
22 recovery, or the transfer or financing of the property, or both,
23 including taxes, whose recovery period is modified by the effect of
24 a stranded costs recovery order, a bondable stranded costs rate
25 order, or both; and (3) the costs incurred to issue, service or
26 refinance transition bonds, including interest, acquisition or
27 redemption premium, and other financing costs, whether paid upon
28 issuance or over the life of the transition bonds, including, but not
29 limited to, credit enhancements, service charges,
30 overcollateralization, interest rate cap, swap or collar, yield
31 maintenance, maturity guarantee or other hedging agreements,
32 equity investments, operating costs, and other related fees, costs,
33 and charges, or to assign, sell, or otherwise transfer bondable
34 transition property.

35 "Bondable stranded costs rate order" means one or more
36 irrevocable written orders issued by the board pursuant to P.L.1999,
37 c.23 (C.48:3-49 et al.) which determines the amount of bondable
38 stranded costs and the initial amount of transition bond charges
39 authorized to be imposed to recover the bondable stranded costs,
40 including the costs to be financed from the proceeds of the
41 transition bonds, as well as on-going costs associated with servicing
42 and credit enhancing the transition bonds, and provides the electric
43 public utility specific authority to issue or cause to be issued,
44 directly or indirectly, transition bonds through a financing entity
45 and related matters as provided in P.L.1999, c.23 (C.48:3-49 et al.),
46 which order shall become effective immediately upon the written
47 consent of the related electric public utility to the order as provided
48 in P.L.1999, c.23 (C.48:3-49 et al.).

1 "Bondable transition property" means the property consisting of
2 the irrevocable right to charge, collect, and receive, and be paid
3 from collections of, transition bond charges in the amount necessary
4 to provide for the full recovery of bondable stranded costs which
5 are determined to be recoverable in a bondable stranded costs rate
6 order, all rights of the related electric public utility under the
7 bondable stranded costs rate order including, without limitation, all
8 rights to obtain periodic adjustments of the related transition bond
9 charges pursuant to subsection b. of section 15 of P.L.1999,
10 c.23 (C.48:3-64), and all revenues, collections, payments, money,
11 and proceeds arising under, or with respect to, all of the foregoing.

12 "British thermal unit" or "Btu" means the amount of heat
13 required to increase the temperature of one pound of water by one
14 degree Fahrenheit.

15 "Broker" means a duly licensed electric power supplier that
16 assumes the contractual and legal responsibility for the sale of
17 electric generation service, transmission, or other services to end-
18 use retail customers, but does not take title to any of the power sold,
19 or a duly licensed gas supplier that assumes the contractual and
20 legal obligation to provide gas supply service to end-use retail
21 customers, but does not take title to the gas.

22 "Brownfield" means any former or current commercial or
23 industrial site that is currently vacant or underutilized and on which
24 there has been, or there is suspected to have been, a discharge of a
25 contaminant.

26 "Buydown" means an arrangement or arrangements involving the
27 buyer and seller in a given power purchase contract and, in some
28 cases third parties, for consideration to be given by the buyer in
29 order to effectuate a reduction in the pricing, or the restructuring of
30 other terms to reduce the overall cost of the power contract, for the
31 remaining succeeding period of the purchased power arrangement
32 or arrangements.

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

37 "Class I renewable energy" means electric energy produced from
38 solar technologies, photovoltaic technologies, wind energy, fuel
39 cells, geothermal technologies, wave or tidal action, small scale
40 hydropower facilities with a capacity of three megawatts or less and
41 put into service after the effective date of P.L.2012, c.24, **[and]**
42 methane gas from landfills **[or],** methane gas from a biomass
43 facility~~**[,]**~~ provided that the biomass is cultivated and harvested in a
44 sustainable manner, or methane gas from a composting or anaerobic
45 or aerobic digestion facility that converts food waste or other
46 organic waste to energy.

47 "Class II renewable energy" means electric energy produced at a
48 hydropower facility with a capacity of greater than three megawatts,

1 but less than 30 megawatts, or a resource recovery facility, provided
2 that the facility is located where retail competition is permitted and
3 provided further that the Commissioner of Environmental
4 Protection has determined that the facility meets the highest
5 environmental standards and minimizes any impacts to the
6 environment and local communities. Class II renewable energy
7 shall not include electric energy produced at a hydropower facility
8 with a capacity of greater than 30 megawatts on or after the
9 effective date of P.L.2015, c.51.

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

13 "Combined cycle power facility" means a generation facility that
14 combines two or more thermodynamic cycles, by producing electric
15 power via the combustion of fuel and then routing the resulting
16 waste heat by-product to a conventional boiler or to a heat recovery
17 steam generator for use by a steam turbine to produce electric
18 power, thereby increasing the overall efficiency of the generating
19 facility.

20 "Combined heat and power facility" or "co-generation facility"
21 means a generation facility which produces electric energy and
22 steam or other forms of useful energy such as heat, which are used
23 for industrial or commercial heating or cooling purposes. A
24 combined heat and power facility or co-generation facility shall not
25 be considered a public utility.

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

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

38 "Comprehensive resource analysis" means an analysis including,
39 but not limited to, an assessment of existing market barriers to the
40 implementation of energy efficiency and renewable technologies
41 that are not or cannot be delivered to customers through a
42 competitive marketplace.

43 "Connected to the distribution system" means, for a solar electric
44 power generation facility, that the facility is: (1) connected to a net
45 metering customer's side of a meter, regardless of the voltage at
46 which that customer connects to the electric grid; (2) an on-site
47 generation facility; (3) qualified for net metering aggregation as
48 provided pursuant to paragraph (4) of subsection e. of section 38 of

1 P.L.1999, c.23 (C.48:3-87); (4) owned or operated by an electric
2 public utility and approved by the board pursuant to section 13 of
3 P.L.2007, c.340 (C.48:3-98.1); (5) directly connected to the electric
4 grid at 69 kilovolts or less, regardless of how an electric public
5 utility classifies that portion of its electric grid, and is designated as
6 "connected to the distribution system" by the board pursuant to
7 subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-
8 87); or (6) is certified by the board, in consultation with the
9 Department of Environmental Protection, as being located on a
10 brownfield, on an area of historic fill, or on a properly closed
11 sanitary landfill facility. Any solar electric power generation
12 facility, other than that of a net metering customer on the customer's
13 side of the meter, connected above 69 kilovolts shall not be
14 considered connected to the distribution system.

15 "Customer" means any person that is an end user and is
16 connected to any part of the transmission and distribution system
17 within an electric public utility's service territory or a gas public
18 utility's service territory within this State.

19 "Customer account service" means metering, billing, or such
20 other administrative activity associated with maintaining a customer
21 account.

22 "Delivery year" or "DY" means the 12-month period from June
23 1st through May 31st, numbered according to the calendar year in
24 which it ends.

25 "Demand side management" means the management of customer
26 demand for energy service through the implementation of cost-
27 effective energy efficiency technologies, including, but not limited
28 to, installed conservation, load management, and energy efficiency
29 measures on and in the residential, commercial, industrial,
30 institutional, and governmental premises and facilities in this State.

31 "Electric generation service" means the provision of retail
32 electric energy and capacity which is generated off-site from the
33 location at which the consumption of such electric energy and
34 capacity is metered for retail billing purposes, including agreements
35 and arrangements related thereto.

36 "Electric power generator" means an entity that proposes to
37 construct, own, lease, or operate, or currently owns, leases, or
38 operates, an electric power production facility that will sell or does
39 sell at least 90 percent of its output, either directly or through a
40 marketer, to a customer or customers located at sites that are not on
41 or contiguous to the site on which the facility will be located or is
42 located. The designation of an entity as an electric power generator
43 for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in
44 and of itself, affect the entity's status as an exempt wholesale
45 generator under the Public Utility Holding Company Act of 1935,
46 15 U.S.C. s.79 et seq., or its successor act.

47 "Electric power supplier" means a person or entity that is duly
48 licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et

1 al.) to offer and to assume the contractual and legal responsibility to
2 provide electric generation service to retail customers, and includes
3 load serving entities, marketers, and brokers that offer or provide
4 electric generation service to retail customers. The term excludes an
5 electric public utility that provides electric generation service only
6 as a basic generation service pursuant to section 9 of P.L.1999,
7 c.23 (C.48:3-57).

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

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

18 "Electronic signature" means an electronic sound, symbol, or
19 process, attached to, or logically associated with, a contract or other
20 record, and executed or adopted by a person with the intent to sign
21 the record.

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

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

33 "Energy consumer" means a business or residential consumer of
34 electric generation service or gas supply service located within the
35 territorial jurisdiction of a government aggregator.

36 "Energy efficiency portfolio standard" means a requirement to
37 procure a specified amount of energy efficiency or demand side
38 management resources as a means of managing and reducing energy
39 usage and demand by customers.

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

43 "Existing business relationship" means a relationship formed by
44 a voluntary two-way communication between an electric power
45 supplier, gas supplier, broker, energy agent, marketer, private
46 aggregator, sales representative, or telemarketer and a customer,
47 regardless of an exchange of consideration, on the basis of an
48 inquiry, application, purchase, or transaction initiated by the

1 customer regarding products or services offered by the electric
2 power supplier, gas supplier, broker, energy agent, marketer,
3 private aggregator, sales representative, or telemarketer; however, a
4 consumer's use of electric generation service or gas supply service
5 through the consumer's electric public utility or gas public utility
6 shall not constitute or establish an existing business relationship for
7 the purpose of P.L.2013, c.263.

8 "Farmland" means land actively devoted to agricultural or
9 horticultural use that is valued, assessed, and taxed pursuant to the
10 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-
11 23.1 et seq.).

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

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

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

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

27 "Gas related service" means a service that is directly related to
28 the consumption of gas by an end user, including, but not limited to,
29 the installation of demand side management measures at the end
30 user's premises, the maintenance, repair or replacement of
31 appliances or other energy-consuming devices at the end user's
32 premises, and the provision of energy consumption measurement
33 and billing services.

34 "Gas supplier" means a person that is duly licensed pursuant to
35 the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and
36 assume the contractual and legal obligation to provide gas supply
37 service to retail customers, and includes, but is not limited to,
38 marketers and brokers. A non-public utility affiliate of a public
39 utility holding company may be a gas supplier, but a gas public
40 utility or any subsidiary of a gas utility is not a gas supplier. In the
41 event that a gas public utility is not part of a holding company legal
42 structure, a related competitive business segment of that gas public
43 utility may be a gas supplier, provided that related competitive
44 business segment is structurally separated from the gas public
45 utility, and provided that the interactions between the gas public
46 utility and the related competitive business segment are subject to
47 the affiliate relations standards adopted by the board pursuant to
48 subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58).

1 "Gas supply service" means the provision to customers of the
2 retail commodity of gas, but does not include any regulated
3 distribution service.

4 "Government aggregator" means any government entity subject
5 to the requirements of the "Local Public Contracts Law," P.L.1971,
6 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
7 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"
8 P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written
9 contract with a licensed electric power supplier or a licensed gas
10 supplier for: (1) the provision of electric generation service, electric
11 related service, gas supply service, or gas related service for its own
12 use or the use of other government aggregators; or (2) if a
13 municipal or county government, the provision of electric
14 generation service or gas supply service on behalf of business or
15 residential customers within its territorial jurisdiction.

16 "Government energy aggregation program" means a program and
17 procedure pursuant to which a government aggregator enters into a
18 written contract for the provision of electric generation service or
19 gas supply service on behalf of business or residential customers
20 within its territorial jurisdiction.

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

24 "Greenhouse gas emissions portfolio standard" means a
25 requirement that addresses or limits the amount of carbon dioxide
26 emissions indirectly resulting from the use of electricity as applied
27 to any electric power suppliers and basic generation service
28 providers of electricity.

29 "Historic fill" means generally large volumes of non-indigenous
30 material, no matter what date they were emplaced on the site, used
31 to raise the topographic elevation of a site, which were
32 contaminated prior to emplacement and are in no way connected
33 with the operations at the location of emplacement and which
34 include, but are not limited to, construction debris, dredge spoils,
35 incinerator residue, demolition debris, fly ash, and non-hazardous
36 solid waste. "Historic fill" shall not include any material which is
37 substantially chromate chemical production waste or any other
38 chemical production waste or waste from processing of metal or
39 mineral ores, residues, slags, or tailings.

40 "Incremental auction" means an auction conducted by PJM, as
41 part of PJM's reliability pricing model, prior to the start of the
42 delivery year to secure electric capacity as necessary to satisfy the
43 capacity requirements for that delivery year, that is not otherwise
44 provided for in the base residual auction.

45 "Leakage" means an increase in greenhouse gas emissions
46 related to generation sources located outside of the State that are not
47 subject to a state, interstate, or regional greenhouse gas emissions

1 cap or standard that applies to generation sources located within the
2 State.

3 "Locational deliverability area" or "LDA" means one or more of
4 the zones within the PJM region which are used to evaluate area
5 transmission constraints and reliability issues including electric
6 public utility company zones, sub-zones, and combinations of
7 zones.

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

13 "Market transition charge" means a charge imposed pursuant to
14 section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public
15 utility, at a level determined by the board, on the electric public
16 utility customers for a limited duration transition period to recover
17 stranded costs created as a result of the introduction of electric
18 power supply competition pursuant to the provisions of P.L.1999,
19 c.23 (C.48:3-49 et al.).

20 "Marketer" means a duly licensed electric power supplier that
21 takes title to electric energy and capacity, transmission and other
22 services from electric power generators and other wholesale
23 suppliers and then assumes the contractual and legal obligation to
24 provide electric generation service, and may include transmission
25 and other services, to an end-use retail customer or customers, or a
26 duly licensed gas supplier that takes title to gas and then assumes
27 the contractual and legal obligation to provide gas supply service to
28 an end-use customer or customers.

29 "Mid-merit electric power generation facility" means a
30 generation facility that operates at a capacity factor between
31 baseload generation facilities and peaker generation facilities.

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

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

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

44 "Offshore wind energy" means electric energy produced by a
45 qualified offshore wind project.

46 "Offshore wind renewable energy certificate" or "OREC" means
47 a certificate, issued by the board or its designee, representing the

1 environmental attributes of one megawatt hour of electric
2 generation from a qualified offshore wind project.

3 "Off-site end use thermal energy services customer" means an
4 end use customer that purchases thermal energy services from an
5 on-site generation facility, combined heat and power facility, or co-
6 generation facility, and that is located on property that is separated
7 from the property on which the on-site generation facility,
8 combined heat and power facility, or co-generation facility is
9 located by more than one easement, public thoroughfare, or
10 transportation or utility-owned right-of-way.

11 "On-site generation facility" means a generation facility,
12 including, but not limited to, a generation facility that produces
13 Class I or Class II renewable energy, and equipment and services
14 appurtenant to electric sales by such facility to the end use customer
15 located on the property or on property contiguous to the property on
16 which the end user is located. An on-site generation facility shall
17 not be considered a public utility. The property of the end use
18 customer and the property on which the on-site generation facility is
19 located shall be considered contiguous if they are geographically
20 located next to each other, but may be otherwise separated by an
21 easement, public thoroughfare, transportation or utility-owned
22 right-of-way, or if the end use customer is purchasing thermal
23 energy services produced by the on-site generation facility, for use
24 for heating or cooling, or both, regardless of whether the customer
25 is located on property that is separated from the property on which
26 the on-site generation facility is located by more than one easement,
27 public thoroughfare, or transportation or utility-owned right-of-way.

28 "Person" means an individual, partnership, corporation,
29 association, trust, limited liability company, governmental entity, or
30 other legal entity.

31 "PJM Interconnection, L.L.C." or "PJM" means the privately-
32 held, limited liability corporation that is a FERC-approved Regional
33 Transmission Organization, or its successor, that manages the
34 regional, high-voltage electricity grid serving all or parts of 13
35 states including New Jersey and the District of Columbia, operates
36 the regional competitive wholesale electric market, manages the
37 regional transmission planning process, and establishes systems and
38 rules to ensure that the regional and in-State energy markets operate
39 fairly and efficiently.

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

42 "Private aggregator" means a non-government aggregator that is
43 a duly-organized business or non-profit organization authorized to
44 do business in this State that enters into a contract with a duly
45 licensed electric power supplier for the purchase of electric energy
46 and capacity, or with a duly licensed gas supplier for the purchase
47 of gas supply service, on behalf of multiple end-use customers by
48 combining the loads of those customers.

1 "Properly closed sanitary landfill facility" means a sanitary
2 landfill facility, or a portion of a sanitary landfill facility, for which
3 performance is complete with respect to all activities associated
4 with the design, installation, purchase, or construction of all
5 measures, structures, or equipment required by the Department of
6 Environmental Protection, pursuant to law, in order to prevent,
7 minimize, or monitor pollution or health hazards resulting from a
8 sanitary landfill facility subsequent to the termination of operations
9 at any portion thereof, including, but not necessarily limited to, the
10 placement of earthen or vegetative cover, and the installation of
11 methane gas vents or monitors and leachate monitoring wells or
12 collection systems at the site of any sanitary landfill facility.

13 "Public utility holding company" means: (1) any company that,
14 directly or indirectly, owns, controls, or holds with power to vote,
15 10 percent or more of the outstanding voting securities of an
16 electric public utility or a gas public utility or of a company which
17 is a public utility holding company by virtue of this definition,
18 unless the Securities and Exchange Commission, or its successor,
19 by order declares such company not to be a public utility holding
20 company under the Public Utility Holding Company Act of 1935,
21 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the
22 Securities and Exchange Commission, or its successor, determines,
23 after notice and opportunity for hearing, directly or indirectly, to
24 exercise, either alone or pursuant to an arrangement or
25 understanding with one or more other persons, such a controlling
26 influence over the management or policies of an electric public
27 utility or a gas public utility or public utility holding company as to
28 make it necessary or appropriate in the public interest or for the
29 protection of investors or consumers that such person be subject to
30 the obligations, duties, and liabilities imposed in the Public Utility
31 Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its
32 successor act.

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

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

46 "Regulatory asset" means an asset recorded on the books of an
47 electric public utility or gas public utility pursuant to the Statement
48 of Financial Accounting Standards, No. 71, entitled "Accounting for

1 the Effects of Certain Types of Regulation," or any successor
2 standard and as deemed recoverable by the board.

3 "Related competitive business segment of an electric public
4 utility or gas public utility" means any business venture of an
5 electric public utility or gas public utility including, but not limited
6 to, functionally separate business units, joint ventures, and
7 partnerships, that offers to provide or provides competitive services.

8 "Related competitive business segment of a public utility holding
9 company" means any business venture of a public utility holding
10 company, including, but not limited to, functionally separate
11 business units, joint ventures, and partnerships and subsidiaries, that
12 offers to provide or provides competitive services, but does not
13 include any related competitive business segments of an electric
14 public utility or gas public utility.

15 "Reliability pricing model" or "RPM" means PJM's capacity-
16 market model, and its successors, that secures capacity on behalf of
17 electric load serving entities to satisfy load obligations not satisfied
18 through the output of electric generation facilities owned by those
19 entities, or otherwise secured by those entities through bilateral
20 contracts.

21 "Renewable energy certificate" or "REC" means a certificate
22 representing the environmental benefits or attributes of one
23 megawatt-hour of generation from a generating facility that
24 produces Class I or Class II renewable energy, but shall not include
25 a solar renewable energy certificate or an offshore wind renewable
26 energy certificate.

27 "Resource clearing price" or "RCP" means the clearing price
28 established for the applicable locational deliverability area by the
29 base residual auction or incremental auction, as determined by the
30 optimization algorithm for each auction, conducted by PJM as part
31 of PJM's reliability pricing model.

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

39 "Restructuring related costs" means reasonably incurred costs
40 directly related to the restructuring of the electric power industry,
41 including the closure, sale, functional separation, and divestiture of
42 generation and other competitive utility assets by a public utility, or
43 the provision of competitive services as those costs are determined
44 by the board, and which are not stranded costs as defined in
45 P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be limited
46 to, investments in management information systems, and which
47 shall include expenses related to employees affected by
48 restructuring which result in efficiencies and which result in

1 benefits to ratepayers, such as training or retraining at the level
2 equivalent to one year's training at a vocational or technical school
3 or county community college, the provision of severance pay of two
4 weeks of base pay for each year of full-time employment, and a
5 maximum of 24 months' continued health care coverage. Except as
6 to expenses related to employees affected by restructuring,
7 "restructuring related costs" shall not include going forward costs.

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

14 "Retail margin" means an amount, reflecting differences in
15 prices that electric power suppliers and electric public utilities may
16 charge in providing electric generation service and basic generation
17 service, respectively, to retail customers, excluding residential
18 customers, which the board may authorize to be charged to
19 categories of basic generation service customers of electric public
20 utilities in this State, other than residential customers, under the
21 board's continuing regulation of basic generation service pursuant to
22 sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the
23 purpose of promoting a competitive retail market for the supply of
24 electricity.

25 "Sales representative" means a person employed by, acting on
26 behalf of, or as an independent contractor for, an electric power
27 supplier, gas supplier, broker, energy agent, marketer, or private
28 aggregator who, by any means, solicits a potential residential
29 customer for the provision of electric generation service or gas
30 supply service.

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

33 "School district" means a local or regional school district
34 established pursuant to chapter 8 or chapter 13 of Title 18A of the
35 New Jersey Statutes, a county special services school district
36 established pursuant to article 8 of chapter 46 of Title 18A of the
37 New Jersey Statutes, a county vocational school district established
38 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
39 Statutes, and a district under full State intervention pursuant to
40 P.L.1987, c.399 (C.18A:7A-34 et al.).

41 "Shopping credit" means an amount deducted from the bill of an
42 electric public utility customer to reflect the fact that the customer
43 has switched to an electric power supplier and no longer takes basic
44 generation service from the electric public utility.

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

47 "Small scale hydropower facility" means a facility located within
48 this State that is connected to the distribution system, and that

1 meets the requirements of, and has been certified by, a nationally
2 recognized low-impact hydropower organization that has
3 established low-impact hydropower certification criteria applicable
4 to: (1) river flows; (2) water quality; (3) fish passage and
5 protection; (4) watershed protection; (5) threatened and endangered
6 species protection; (6) cultural resource protection; (7) recreation;
7 and (8) facilities recommended for removal.

8 "Social program" means a program implemented with board
9 approval to provide assistance to a group of disadvantaged
10 customers, to provide protection to consumers, or to accomplish a
11 particular societal goal, and includes, but is not limited to, the
12 winter moratorium program, utility practices concerning "bad debt"
13 customers, low income assistance, deferred payment plans,
14 weatherization programs, and late payment and deposit policies, but
15 does not include any demand side management program or any
16 environmental requirements or controls.

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

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

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

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

37 "Standard offer capacity price" or "SOCP" means the capacity
38 price that is fixed for the term of the SOCA and which is the price
39 to be received by eligible generators under a board-approved
40 SOCA.

41 "State entity" means a department, agency, or office of State
42 government, a State university or college, or an authority created by
43 the State.

44 "Stranded cost" means the amount by which the net cost of an
45 electric public utility's electric generating assets or electric power
46 purchase commitments, as determined by the board consistent with
47 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the
48 market value of those assets or contractual commitments in a

1 competitive supply marketplace and the costs of buydowns or
2 buyouts of power purchase contracts.

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

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

12 "Telemarketing sales call" means a telephone call made by a
13 telemarketer to a potential residential customer as part of a plan,
14 program, or campaign to encourage the customer to change the
15 customer's electric power supplier or gas supplier. A telephone call
16 made to an existing customer of an electric power supplier, gas
17 supplier, broker, energy agent, marketer, private aggregator, or
18 sales representative, for the sole purpose of collecting on accounts
19 or following up on contractual obligations, shall not be deemed a
20 telemarketing sales call. A telephone call made in response to an
21 express written request of a customer shall not be deemed a
22 telemarketing sales call.

23 "Thermal efficiency" means the useful electric energy output of a
24 facility, plus the useful thermal energy output of the facility,
25 expressed as a percentage of the total energy input to the facility.

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

31 "Transition bonds" means bonds, notes, certificates of
32 participation, beneficial interest, or other evidences of indebtedness
33 or ownership issued pursuant to an indenture, contract, or other
34 agreement of an electric public utility or a financing entity, the
35 proceeds of which are used, directly or indirectly, to recover,
36 finance or refinance bondable stranded costs and which are, directly
37 or indirectly, secured by or payable from bondable transition
38 property. References in P.L.1999, c.23 (C.48:3-49 et al.) to
39 principal, interest, and acquisition or redemption premium with
40 respect to transition bonds which are issued in the form of
41 certificates of participation or beneficial interest or other evidences
42 of ownership shall refer to the comparable payments on such
43 securities.

44 "Transition period" means the period from August 1, 1999
45 through July 31, 2003.

46 "Transmission and distribution system" means, with respect to an
47 electric public utility, any facility or equipment that is used for the
48 transmission, distribution, or delivery of electricity to the customers

1 of the electric public utility including, but not limited to, the land,
2 structures, meters, lines, switches, and all other appurtenances
3 thereof and thereto, owned or controlled by the electric public
4 utility within this State.

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

8 "Unsolicited advertisement" means any advertising claims of the
9 commercial availability or quality of services provided by an
10 electric power supplier, gas supplier, broker, energy agent,
11 marketer, private aggregator, sales representative, or telemarketer
12 which is transmitted to a potential customer without that customer's
13 prior express invitation or permission.

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

15

16 7. This act shall take effect immediately.