ASSEMBLY, No. 5719

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 17, 2021

Sponsored by:
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District 14 (Mercer and Middlesex)
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SYNOPSIS

Prohibits public utilities from discontinuing residential electric, gas, water, and sewer service after expiration of coronavirus public health emergency; requires those utilities to implement deferred payment agreements for those services.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/1/2021)

AN ACT prohibiting a public utility from discontinuing electric, gas, water, and sewer services to residential customers following the expiration of the coronavirus public health emergency and amending various parts of the statutory law.

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

1. R.S.48:2-24 is amended to read as follows:

[No**]** 48:2-24. a. A public utility shall not discontinue, curtail, or abandon any service without obtaining permission from the board after notice and in compliance with the provisions of subsection b. of this section. The board may withhold permission until after a hearing to determine if the discontinuance, curtailment, or abandonment will adversely affect public convenience and necessity. With respect to common carriers, the provisions of this paragraph shall apply only to service operated in accordance with base schedules on file with the board; provided, however, that the State Highway Commissioner upon entering into a contract for passenger service pursuant to chapter 66 of the laws of 1960, as amended and supplemented, may, without approval of the board, authorize a discontinuance, curtailment, abandonment, or change in passenger service, which discontinuance, curtailment, abandonment, or change in service shall exist only during the term of said contract.

A public utility may terminate service for a violation of the terms of its approved tariffs on file with the **[**Board of Public Utility Commissioners**]** board upon giving the customer at least **[**3**]** three days' notice of such termination unless otherwise provided for by rules, regulations, or orders of the board, except that in those situations where a hazardous condition prevails the public utility may terminate service without notice.

If any public utility shall discontinue, curtail, or abandon service and the board after hearing upon notice shall find and determine that service should be resumed, the board may order that service be resumed forthwith or on such date as it may fix.

b. Notwithstanding the foregoing, or the provisions of any law, rule, regulation, or order to the contrary, except when a public utility experiences a public utility emergency, as defined in section 1 of P.L.2002, c.107 (C.48:2-24.2), a public utility providing electric, gas, sewer, or water service shall not discontinue, curtail, or abandon service for the sole reason of a residential customer service bill payment delinquency for 180 days following the expiration of the coronavirus 2019 pandemic public health emergency and state of emergency declared on March 9, 2020 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.

the Governor, pursuant to Executive Order No. 103, and extended, where applicable. Instead, a public utility shall enter into a deferred payment agreement with the residential customer under terms and conditions established by the board. The terms and conditions so established, shall, at a minimum, allow the residential customer to make monthly payments to the public utility, over a period of at least 48 months. The public utility is prohibited from discontinuing, curtailing, or abandoning service as long as the residential customer complies with the terms and conditions of the deferred repayment plan.

(cf: P.L.1964, c.58. s.1)

2. Section 1 of P.L.2002, c.107 (C.48:2-24.2) is amended to read as follows:

1. a. Any public utility as defined in R.S.48:2-13, which discontinues gas, electric, sewer, or water service to a multifamily housing unit customer for safety related purposes due to a public utility emergency, shall provide written or verbal notice of the discontinuance to the chief law enforcement officer of the municipality in which the customer's premises are located or the Superintendent of the State Police, as appropriate, within 12 hours after the public utility discontinues service to the customer, except that if service has been fully restored to the customer prior to the expiration of the 12 hours, the public utility shall not be required to provide notice pursuant to this subsection.

b. For the purposes of this section:

"multifamily housing unit customer" means a customer who resides in housing in which three or more units of dwelling space are occupied, or are intended to be occupied, by three or more persons who live independently of one another.

"public utility emergency" means any condition constituting a potential danger to life, health, or property requiring a public utility to immediately discontinue or interrupt electric, gas, sewer, and water service or that results in an unscheduled discontinuance or interruption in electric, gas, sewer, and water service.

[b.**]** c. The notice required by subsection a. of this section shall include the name of the customer and the address of the premises where service was discontinued provided that such information is available to the public utility.

(cf: P.L.2002, c.107. s.1)

3. Section 2 of P.L.2019, c.154 (C.48:2-29.49) is amended to read as follows:

2. a. An electric public utility shall request from every residential customer, on a semi-annual basis, information, determined by the board, as to whether the residential customer, or any person living at the residential customer's address, uses life-sustaining equipment powered by electricity at the residential

customer's address. If a residential customer responds to the utility's request for information indicating that the residential customer or a person living at the residential customer's address uses life-sustaining equipment powered by electricity, the utility shall designate that residential customer as a medical customer.

b. Discontinuance of electric service for nonpayment is prohibited for a period of 90 days, if a medical customer's condition would be aggravated by a discontinuance of electric service. The board may extend the 90-day period of time in which a discontinuance of electric service is prohibited for an additional period of time for good cause. The board shall determine which types of licensed medical professionals are able to sign a medical certification needed to avoid the discontinuance of electric service pursuant to this section and shall establish conditions that shall apply to the prohibition on a discontinuance of electric service to a medical customer that shall include, but not be limited to, provisions requiring the medical customer to:

(1) provide reasonable proof of an inability to pay a utility bill on or before the bill's due date; and

(2) submit a written licensed medical professional's statement to the utility, stating:

(a) the existence of the medical customer's use of life-sustaining equipment powered by electricity at the medical customer's premises and the probable duration of that use;

(b) the nature of the condition of the medical customer and its probable duration, only if the disclosure of the information is not otherwise prohibited by law; and

(c) that the discontinuance of service to the medical customer will aggravate the condition of the medical customer.

c. Notwithstanding the provisions of subsection b. of this section, or the provisions of any law, rule, regulation, or order to the contrary, except when a public utility experiences a public utility emergency, as defined in section 1 of P.L.2002, c.107 (C.48:2-24.2), a public utility shall not discontinue, curtail, or abandon service for the sole reason of medical customer service bill payment delinquency for 180 days following the expiration of the coronavirus 2019 pandemic public health emergency and state of emergency declared on March 9, 2020 by the Governor, pursuant to Executive Order No. 103, and extended, where applicable. Instead, a public utility shall enter into a deferred payment agreement with the medical customer under terms and conditions established by the board. The terms and conditions so established, shall, at a minimum, allow the medical customer to make monthly payments to the public utility, over a period of at least 48 months. The public utility is prohibited from discontinuing, curtailing, or abandoning service as long as a medical customer complies with the terms and conditions of the deferred repayment plan.

(cf: P.L.2019, c.154. s.2)

4. Section 3 of P.L.2019, c.154 (C.48:2-29.50) is amended to read as follows:

3. A medical customer who does not pay in full an electric public utility bill on or before the date the bill is due shall be liable for any bill payment balance for service rendered by the utility, in accordance with a utility's tariff and, following the expiration of the COVID-19 public health emergency, in accordance with the deferred payment agreement under the terms and conditions established by the board pursuant to subsection b. of R.S.48:2-24.

(cf: P.L.2019, c.154. s.3)

5. Section 5 of P.L.2019, c.154 (C.48:2-29.52) is amended to read as follows:

5. An electric public utility shall be excused from compliance with the provisions of section 2 of P.L.2019, c.154 (C.48:2-29.49) in the event of **[**an**]** a public utility emergency, as defined in section 1 of P.L.2002, c.107 (C.48:2-24.2), or if, despite compliance by the utility with the requirements of section 2 of P.L.2019, c.154 (C.48:2-29.49), the medical customer fails or refuses to respond to a request for information by the utility pursuant to section 2 of P.L.2019, c.154 (C.48:2-29.49).

(cf: P.L.2019, c.154. s.5)

6. This act shall take effect immediately.

STATEMENT

This bill prohibits public utilities (utilities) providing electric, gas, water, and sewer utility services to residential customers from discontinuing those services following the end of the coronavirus 2019 (COVID-19) public health state of emergency.

The bill prohibits a utility from discontinuing, curtailing, or abandoning service for the sole reason of residential customer service bill nonpayment for 180 days following the expiration of the COVID-19 public health state of emergency. Instead, a public utility is required to enter into a deferred payment agreement with the residential customer under terms and conditions established by the Board of Public Utilities (BPU). At a minimum, the terms and conditions established by the BPU will allow residential customers to make monthly payments to the utility over a period of at least 48 months. As long as a residential customer complies with the terms and conditions of the deferred repayment plan, a utility cannot discontinue service.