

SENATE, No. 3335

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 11, 2021

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Cruz-Perez, Oroho, Pennacchio and A.M.Bucco

SYNOPSIS

Requires BPU to conduct study of effect of coronavirus 2019 pandemic on local and public utility service and to quarterly collect and publish certain local and public utility service and customer information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/28/2021)

1 AN ACT concerning local and public utility service and customer
2 information and supplementing Title 48 of the Revised Statutes.

3

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

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Board” means the Board of Public Utilities or any successor
10 agency.

11 “Coronavirus 2019” means the coronavirus disease 2019, as
12 announced by the World Health Organization on February 11, 2020,
13 and first identified in Wuhan, China.

14 “Department” means the Department of Community Affairs.

15 “Local utility” means any sewerage authority created pursuant to
16 the “sewerage authorities law,” P.L.1946, c.138 (C.40:14A-1 et
17 seq.); any utilities authority created pursuant to the “municipal and
18 county utilities authorities law,” P.L.1957, c.183 (C.40:14B-1 et
19 seq.); or any municipal, county, or regional utility, authority,
20 commission, special district, or other local government entity, not
21 regulated by the Board of Public Utilities, that provides electricity,
22 gas, heat, power, sewer, or water service.

23 “Personally identifiable information” means any information that
24 is linked or reasonably linkable to an identified or identifiable
25 customer.

26 “Public utility” means a public utility, defined pursuant to
27 R.S.48:2-13, providing electric, gas, sewer, or water service to
28 customers.

29

30 2. a. The Board of Public Utilities, in consultation with the
31 Department of Community Affairs, shall prepare and submit, within
32 30 days after the effective date of P.L. , c. (pending before the
33 Legislature as this bill), to the Governor and, pursuant to section 2 of
34 P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a written report
35 which shall make findings and recommendations concerning the effect
36 the coronavirus 2019 pandemic has had on local utility and public
37 utility service to commercial and residential customers in this State.
38 An updated report shall be submitted monthly until 180 days after the
39 date of the termination of public health emergency and state of
40 emergency declared on March 9, 2020 by the Governor, pursuant to
41 Executive Order No. 103 and extended, where applicable, by
42 subsequent executive orders. The reports shall include, but not be
43 limited to the following, with all information organized by month,
44 utility name, type of utility service provided, customer class,
45 municipality, and zip code:

46 (1) the overall impact on local utility and public utility supply,
47 demand, revenues, and expenses;

- 1 (2) the number of local utility and public utility customers, for
2 each category of utility service and how those numbers compare to the
3 previous year at the same time;
- 4 (3) the number of local utility and public utility service customer
5 disconnection notices sent due to bill non-payment, service
6 disconnections due to bill non-payment, service reconnections of
7 customers disconnected for bill non-payment, average time between
8 service disconnection due to non-payment and service reconnection,
9 and how the numbers cited, pursuant to this paragraph, compare to the
10 previous year at the same time;
- 11 (4) as applicable, the number of liens on real property placed, sold,
12 or enforced due to non-payment, and how those numbers compare to
13 the previous year at the same time;
- 14 (5) the number of customers in arrears by 30, 60, 90, 120, 150, and
15 180 days at the end of each month, the total dollar amount owed and
16 average amount owed per customer in each of those categories, and
17 how the numbers cited, pursuant to this paragraph, compare to the
18 previous year at the same time;
- 19 (6) the number of customer accounts that became eligible for
20 disconnection due to bill nonpayment but were not disconnected
21 because of any legally mandated or voluntary suspension of
22 disconnections due the coronavirus 2019 pandemic;
- 23 (7) the number of customers enrolled in deferred payment
24 agreements at the end of each month, the total dollar amount of arrears
25 and average amount of arrears per customer subject to those
26 agreements, the average length of the repayment term under those
27 agreements, and how the numbers cited, pursuant to this paragraph,
28 compare to the previous year at the same time;
- 29 (8) the number of customers that entered into, successfully
30 completed, or defaulted from a deferred payment agreement, the total
31 dollar amount of arrears and average amount of arrears per customer
32 subject to those agreements, and how the numbers cited, pursuant to
33 this paragraph, compare to the previous year at the same time;
- 34 (9) available customer assistance programs, including terms of
35 eligibility, available budget for each program, and any enhancements
36 to the programs that are being made to address anticipated increased
37 demand;
- 38 (10) the number of customers that applied for financial assistance
39 under each applicable utility assistance program, and how that number
40 cited, pursuant to this paragraph, compares to the previous year at the
41 same time;
- 42 (11) the number of customers receiving assistance under each
43 utility assistance program at the end of each month, and how that
44 number cited, pursuant to this paragraph, compares to the previous
45 year at the same time;
- 46 (12) the number of customers charged late fees, penalties, and
47 interest, the total dollar amount of late fees, penalties, and interest

1 charged and average amount of late fees, penalties, and interest per
2 customer subject to such charges, and how the numbers cited, pursuant
3 to this paragraph, compare to the previous year at the same time;

4 (13) the average and median dollar amount billed to customer
5 accounts and the average and median utility usage per customer
6 account, and how the numbers cited, pursuant to this paragraph,
7 compare to the previous year at the same time;

8 (14) the total dollar amounts billed to and collected from customer
9 accounts how the numbers cited, pursuant to this paragraph, compare
10 to the previous year at the same time, except that such data need not be
11 broken down by municipality and zip code within the service area of a
12 utility;

13 (15) the methods and contents of general communications by local
14 utilities and public utilities to customers concerning their rights and
15 available assistance programs if customers are unable to pay their bills
16 in full, excluding any customer-specific communications;

17 (16) the board's assessment of whether existing customer
18 assistance programs are presently, and in the future, sufficient to
19 meet the financial needs of customers in arrears who are unable to
20 pay those arrears in full, as well as the needs of customers who may
21 be unable to pay future bills;

22 (17) a list of any planned local utility and public utility
23 infrastructure projects that were scheduled to take place during or after
24 the reporting period that were canceled or for which the actual or
25 anticipated start date was delayed due to the financial or other impacts
26 of the coronavirus 2019 pandemic;

27 (18) local utility and public utility revenue, including sales
28 revenue and operating or net revenue information, and how those
29 numbers compare to the previous year at the same time; and

30 (19) each local utility's and public utility's schedule of rates and
31 charges. As used in this paragraph, "rates" mean the fixed component,
32 if any, and the volumetric or other variable component, if any, of the
33 cost of service that are applied to a category of customers and
34 "charges" mean amounts that are billed to a customer under specific
35 circumstances that are not included in the provider's base rate
36 including, but not limited to, late fees, connection fees, impact fees for
37 new development, deposits for opening new accounts, and any other
38 fees, surcharges, or penalties.

39 b. A public utility shall, within 21 days of the effective date of
40 P.L. , c. (pending before the Legislature as this bill), and monthly
41 thereafter until 180 days after the date of the termination of public
42 health emergency and state of emergency declared on March 9, 2020
43 by the Governor, pursuant to Executive Order No. 103 and extended,
44 where applicable, by subsequent executive orders, file with the board,
45 in a form and manner determined by the board, the information
46 required pursuant to subsection a. of this section.

47 c. A local utility shall, within 21 days of the effective date of
48 P.L. , c. (pending before the Legislature as this bill), and monthly

1 thereafter until 180 days after the date of the termination of public
2 health emergency and state of emergency declared on March 9, 2020
3 by the Governor, pursuant to Executive Order No. 103 and extended,
4 where applicable, by subsequent executive orders, file with the
5 Department of Community Affairs, in a form and manner determined
6 by the board, the information required pursuant to subsection a. of this
7 section. The department shall provide this information to the board in
8 a timely manner.

9 d. The board shall provide on its Internet website the reports
10 required pursuant to subsection a. of this section, including in a
11 downloadable format the raw data from each report, simultaneously
12 with the submission of each report. The information provided on the
13 Internet website shall not include personally identifiable information
14 of any customer.

15

16 3. a. Not more than 180 days after the date of the termination of
17 public health emergency and state of emergency declared on March 9,
18 2020 by the Governor, pursuant to Executive Order No. 103 and
19 extended, where applicable, by subsequent executive orders, the board,
20 in consultation with the department, shall collect and compile in a
21 report, on a quarterly basis, information concerning local utility and
22 public utility service and commercial and residential customer
23 information, which shall include, but not be limited to the following,
24 with all information organized by month, utility name type of utility
25 service provided, customer class, municipality, and zip code:

26 (1) local utility and public utility supply, demand, revenue, and
27 expense information;

28 (2) the number of local utility and public utility customers, for
29 each category of utility service and how those numbers compare to the
30 previous year at the same time;

31 (3) the number of local utility and public utility service customer
32 disconnection notices sent due to bill non-payment, service
33 disconnections due to bill non-payment, service reconnections
34 disconnected for bill non-payment, and how the numbers cited,
35 pursuant to this paragraph, compare to the previous year at the same
36 time;

37 (4) as applicable, the number of liens on real property placed, sold,
38 or enforced due to non-payment, and how those numbers compare to
39 the previous year at the same time;

40 (5) the number of customers in arrears by 30, 60, 90, 120, 150, and
41 180 days at the end of each month, the total dollar amount owed and
42 average amount owed per customer in each of those categories, and
43 how the numbers cited, pursuant to this paragraph, compare to the
44 previous year at the same time;

45 (6) the number of customer accounts that became eligible for
46 disconnection due to bill nonpayment but were not disconnected
47 because of any legally mandated or voluntary suspension of
48 disconnections due the coronavirus 2019 pandemic;

1 (7) the number of customers enrolled in deferred payment
2 agreements at the end of each month, the total dollar amount of arrears
3 and average amount of arrears per customer subject to those
4 agreements, the average length of the repayment term under those
5 agreements, and how the numbers cited, pursuant to this paragraph,
6 compare to the previous year at the same time;

7 (8) the number of customers that entered into, successfully
8 completed, or defaulted from a deferred payment agreement, the total
9 dollar amount of arrears and average amount of arrears per customer
10 subject to those agreements, and how the numbers cited, pursuant to
11 this paragraph, compare to the previous year at the same time;

12 (9) available customer assistance programs, including terms of
13 eligibility, available budget for each program, and any enhancements
14 to the programs that are being made to address anticipated increased
15 demand;

16 (10) the number of customers that applied for financial assistance
17 under each applicable utility assistance program, and how that number
18 cited, pursuant to this paragraph, compares to the previous year at the
19 same time;

20 (11) the number of customers receiving assistance under each
21 utility assistance program at the end of each month, and how that
22 number cited, pursuant to this paragraph, compares to the previous
23 year at the same time;

24 (12) the number of customers charged late fees, penalties, and
25 interest, the total dollar amount of late fees, penalties, and interest
26 charged and average amount of late fees, penalties, and interest per
27 customer subject to such charges, and how the numbers cited, pursuant
28 to this paragraph, compare to the previous year at the same time;

29 (13) the average and median dollar amount billed to customer
30 accounts and the average and median utility usage per customer
31 account, and how the numbers cited, pursuant to this paragraph,
32 compare to the previous year at the same time;

33 (14) the total dollar amounts billed to and collected from customer
34 accounts how the numbers cited, pursuant to this paragraph, compare
35 to the previous year at the same time, except that such data need not be
36 broken down by municipality and zip code within the service area of a
37 utility;

38 (15) the methods and contents of general communications by local
39 utilities and public utilities to customers concerning their rights and
40 available assistance programs if customers are unable to pay their bills
41 in full, excluding any customer-specific communications;

42 (16) the board's assessment of whether existing customer
43 assistance programs are presently, and in the future, sufficient to meet
44 the financial needs of customers in arrears who are unable to pay those
45 arrears in full, as well as the needs of customers who may be unable to
46 pay future bills;

47 (17) a list of any planned local utility and public utility
48 infrastructure projects that were scheduled to take place during or after

1 the reporting period that were canceled or for which the actual or
2 anticipated start date was delayed due to the financial or other impacts
3 of the coronavirus 2019 pandemic;

4 (18) local utility and public utility revenue, including sales revenue
5 and operating or net revenue information, and how those numbers
6 compare to the previous year at the same time; and

7 (19) each local utility's and public utility's schedule of rates and
8 charges. As used in this paragraph, "rates" mean the fixed component,
9 if any, and the volumetric or other variable component, if any, of the
10 cost of service that are applied to a category of customers and
11 "charges" mean amounts that are billed to a customer under specific
12 circumstances that are not included in the provider's base rate
13 including, but not limited to, late fees, connection fees, impact fees for
14 new development, deposits for opening new accounts, and any other
15 fees, surcharges, or penalties.

16 b. A public utility shall file with the board, in a form and manner
17 determined by the board, the information required pursuant to
18 subsection a. of this section.

19 c. A local utility shall file with the Department of Community
20 Affairs, in a form and manner determined by the board, the
21 information required pursuant to subsection a. of this section. The
22 department shall provide this information to the board in a timely
23 manner.

24 d. The board shall provide on its Internet website the reports
25 required pursuant to subsection a. of this section, including in a
26 downloadable format the raw data from each report, simultaneously
27 with the completion of each report. The information provided on the
28 Internet website shall not include personally identifiable information
29 of any customer.
30

31 4. The board, in consultation with the department, shall adopt,
32 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
33 (C.52:14B-1 et seq.), rules and regulations necessary to effectuate
34 the purposes of this act.
35

36 5. This act shall take effect immediately.
37
38

39 STATEMENT
40

41 This bill requires the Board of Public Utilities (BPU), in
42 consultation with the Department of Community Affairs (DCA), to
43 prepare and submit, within 30 days of the effective date of the bill, to
44 the Governor and to the Legislature, a written report which is to make
45 findings and recommendations concerning the effects of the
46 coronavirus 2019 pandemic on local utility and public utility service to
47 commercial and residential customers in this State. The report is to

1 include, but not be limited to, certain information enumerated in the
2 bill. The bill requires a public utility to, within 21 days of the effective
3 date of the bill, to file with the BPU, in a form and manner determined
4 by the BPU, the information required pursuant to the bill. A local
5 utility is to, within 21 days of the effective date of the bill, file with
6 the DCA, in a form and manner determined by the BPU, the
7 information required pursuant to the bill. The DCA is to provide this
8 information to the BPU in a timely manner.

9 The bill directs the BPU to provide on its Internet website the
10 information required pursuant to the bill simultaneously with the
11 submission of each report. The information provided on the Internet
12 website is not to include personally identifiable information of any
13 customer.

14 The bill provides that, not more than 180 days after the date of the
15 termination of public health emergency and state of emergency
16 declared on March 9, 2020 by the Governor, pursuant to Executive
17 Order No. 103 and extended, where applicable, by subsequent
18 executive orders, the BPU, in consultation with the DCA, is to
19 continue to collect and compile, on a quarterly basis, information
20 concerning local utility and public utility service and commercial and
21 residential customer information, which is to include, but not be
22 limited to, certain information enumerated in the bill. A public utility
23 is to file with the BPU, in a form and manner determined by the BPU,
24 the information required pursuant to the bill. A local utility is to file
25 with the DCA, in a form and manner determined by the BPU, the
26 information required pursuant to the bill. The DCA is to provide this
27 information to the BPU in a timely manner.

28 The bill requires the BPU to provide on its Internet website the
29 information required pursuant to the bill simultaneously with the
30 completion of each report, which is to be updated on a quarterly basis.
31 The information provided on the Internet website is not to include
32 personally identifiable information of any customer.