

[First Reprint]  
**SENATE, No. 3335**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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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:**

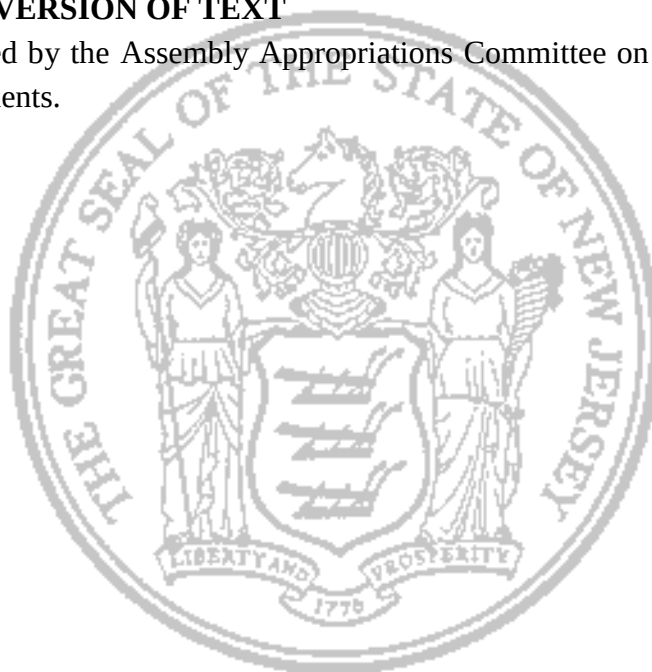
**Senators Cruz-Perez, Oroho, Pennacchio and A.M.Bucco**

**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 reported by the Assembly Appropriations Committee on May 18, 2021, with amendments.



**(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 <sup>1</sup>**[effective date of P.L. , c. (pending before the**  
 33 **Legislature as this bill)] conclusion of a board proceeding**  
 34 **concerning the response to the coronavirus 2019 pandemic<sup>1</sup>**, to the  
 35 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
 36 19.1), to the Legislature, a written report which shall make findings  
 37 and recommendations concerning the effect the coronavirus 2019  
 38 pandemic has had on local utility and public utility service to  
 39 commercial and residential customers in this State. <sup>1</sup>**[An updated**  
 40 **report]** The data collected from the board’s proceeding concerning  
 41 the response to the coronavirus 2019 pandemic<sup>1</sup> shall be  
 42 <sup>1</sup>**[submitted]** posted on the board’s Internet website and updated<sup>1</sup>  
 43 monthly until 180 days after the date of the termination of public  
 44 health emergency and state of emergency declared on March 9,

**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:

<sup>1</sup>Assembly AAP committee amendments adopted May 18, 2021.

1 2020 by the Governor, pursuant to Executive Order No. 103 and  
2 extended, where applicable, by subsequent executive orders. The  
3 '[reports] data shall be formatted in a manner determined by the  
4 board and<sup>1</sup> shall include, but not be limited to <sup>1</sup>,<sup>1</sup> the following <sup>1</sup>[,  
5 with all]<sup>1</sup> information organized by month, utility name, type of  
6 utility service provided, customer class, municipality, and zip code:  
7 (1) the overall impact on local utility and public utility supply,  
8 demand, revenues, and expenses;  
9 (2) the number of local utility and public utility customers, for  
10 each category of utility service and how those numbers compare to  
11 the previous year at the same time;  
12 (3) the number of local utility and public utility service  
13 customer disconnection notices sent due to bill non-payment,  
14 service disconnections due to bill non-payment, service  
15 reconnections of customers disconnected for bill non-payment,  
16 average time between service disconnection due to non-payment  
17 and service reconnection, and how the numbers cited, pursuant to  
18 this paragraph, compare to the previous year at the same time;  
19 (4) as applicable, the number of liens on real property placed,  
20 sold, or enforced due to non-payment, and how those numbers  
21 compare to the previous year at the same time;  
22 (5) the number of customers in arrears by 30, 60, 90, 120, 150,  
23 and 180 days at the end of each month, the total dollar amount owed  
24 and average amount owed per customer in each of those categories,  
25 and how the numbers cited, pursuant to this paragraph, compare to  
26 the previous year at the same time;  
27 (6) the number of customer accounts that became eligible for  
28 disconnection due to bill nonpayment but were not disconnected  
29 because of any legally mandated or voluntary suspension of  
30 disconnections due the coronavirus 2019 pandemic;  
31 (7) the number of customers enrolled in deferred payment  
32 agreements at the end of each month, the total dollar amount of  
33 arrears and average amount of arrears per customer subject to those  
34 agreements, the average length of the repayment term under those  
35 agreements, and how the numbers cited, pursuant to this paragraph,  
36 compare to the previous year at the same time;  
37 (8) the number of customers that entered into, successfully  
38 completed, or defaulted from a deferred payment agreement, the  
39 total dollar amount of arrears and average amount of arrears per  
40 customer subject to those agreements, and how the numbers cited,  
41 pursuant to this paragraph, compare to the previous year at the same  
42 time;  
43 (9) available customer assistance programs, including terms of  
44 eligibility, available budget for each program, and any  
45 enhancements to the programs that are being made to address  
46 anticipated increased demand;  
47 (10) the number of customers that applied for financial assistance  
48 under each applicable utility assistance program, and how that

1 number cited, pursuant to this paragraph, compares to the previous  
2 year at the same time;

3 (11) the number of customers receiving assistance under each  
4 utility assistance program at the end of each month, and how that  
5 number cited, pursuant to this paragraph, compares to the previous  
6 year at the same time;

7 (12) the number of customers charged late fees, penalties, and  
8 interest, the total dollar amount of late fees, penalties, and interest  
9 charged and average amount of late fees, penalties, and interest per  
10 customer subject to such charges, and how the numbers cited,  
11 pursuant to this paragraph, compare to the previous year at the same  
12 time;

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

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

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

27 (16) the board's assessment of whether existing customer  
28 assistance programs are presently, and in the future, sufficient to  
29 meet the financial needs of customers in arrears who are unable to  
30 pay those arrears in full, as well as the needs of customers who may  
31 be unable to pay future bills;

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

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

40 (19) each local utility's and public utility's schedule of rates and  
41 charges. As used in this paragraph, "rates" mean the fixed  
42 component, if any, and the volumetric or other variable component,  
43 if any, of the cost of service that are applied to a category  
44 of customers and "charges" mean amounts that are billed to a  
45 customer under specific circumstances that are not included in the  
46 provider's base rate including, but not limited to, late fees,  
47 connection fees, impact fees for new development, deposits for  
48 opening new accounts, and any other fees, surcharges, or penalties.

1       b. A public utility shall, within 21 days of the effective date of  
2 P.L. , c. (pending before the Legislature as this bill), and  
3 monthly thereafter until 180 days after the date of the termination of  
4 public health emergency and state of emergency declared on March  
5 9, 2020 by the Governor, pursuant to Executive Order No. 103 and  
6 extended, where applicable, by subsequent executive orders, file  
7 with the board, in a form and manner determined by the board, the  
8 information required pursuant to subsection a. of this section.

9       c. A local utility shall, within 21 days of the effective date of  
10 P.L. , c. (pending before the Legislature as this bill), and  
11 monthly thereafter until 180 days after the date of the termination of  
12 public health emergency and state of emergency declared on March  
13 9, 2020 by the Governor, pursuant to Executive Order No. 103 and  
14 extended, where applicable, by subsequent executive orders, file  
15 with the Department of Community Affairs, in a form and manner  
16 determined by the board, the information required pursuant to  
17 subsection a. of this section. The department shall provide this  
18 information to the board in a timely manner.

19       d. The board shall provide on its Internet website the  
20 <sup>1</sup>**['reports] data'** required pursuant to subsection a. of this section,  
21 including in a downloadable format the raw data from each  
22 <sup>1</sup>**['report, simultaneously with the submission of each report]**  
23 **update'**. The <sup>1</sup>**['information] data'** provided on the Internet website  
24 <sup>1</sup>**pursuant to P.L. , c. (C. ) (pending before the Legislature**  
25 **as this bill]**<sup>1</sup> shall not include personally identifiable information of  
26 any customer.  
27

28       3. a. Not more than 180 days after the date of the termination  
29 of public health emergency and state of emergency declared on  
30 March 9, 2020 by the Governor, pursuant to Executive Order No.  
31 103 and extended, where applicable, by subsequent executive  
32 orders, the board, in consultation with the department, shall collect  
33 and compile in a report, on a quarterly basis, information  
34 concerning local utility and public utility service and commercial  
35 and residential customer information, which shall include, but not  
36 be limited to the following, with all information organized by  
37 month, utility name type of utility service provided, customer class,  
38 municipality, and zip code:

39       (1) local utility and public utility supply, demand, revenue, and  
40 expense information;

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

44       (3) the number of local utility and public utility service  
45 customer disconnection notices sent due to bill non-payment,  
46 service disconnections due to bill non-payment, service  
47 reconnections disconnected for bill non-payment, and how the

1 numbers cited, pursuant to this paragraph, compare to the previous  
2 year at the same time;

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

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

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

15 (7) the number of customers enrolled in deferred payment  
16 agreements at the end of each month, the total dollar amount of  
17 arrears and average amount of arrears per customer subject to those  
18 agreements, the average length of the repayment term under those  
19 agreements, and how the numbers cited, pursuant to this paragraph,  
20 compare to the previous year at the same time;

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

27 (9) available customer assistance programs, including terms of  
28 eligibility, available budget for each program, and any  
29 enhancements to the programs that are being made to address  
30 anticipated increased demand;

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

35 (11) the number of customers receiving assistance under each  
36 utility assistance program at the end of each month, and how that  
37 number cited, pursuant to this paragraph, compares to the previous  
38 year at the same time;

39 (12) the number of customers charged late fees, penalties, and  
40 interest, the total dollar amount of late fees, penalties, and interest  
41 charged and average amount of late fees, penalties, and interest per  
42 customer subject to such charges, and how the numbers cited,  
43 pursuant to this paragraph, compare to the previous year at the same  
44 time;

45 (13) the average and median dollar amount billed to customer  
46 accounts and the average and median utility usage per customer  
47 account, and how the numbers cited, pursuant to this paragraph,  
48 compare to the previous year at the same time;

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

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

11 (16) the board's assessment of whether existing customer  
12 assistance programs are presently, and in the future, sufficient to  
13 meet the financial needs of customers in arrears who are unable to  
14 pay those arrears in full, as well as the needs of customers who may  
15 be unable to pay future bills;

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

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

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

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

36 c. A local utility shall file with the Department of Community  
37 Affairs, in a form and manner determined by the board, the  
38 information required pursuant to subsection a. of this section. The  
39 department shall provide this information to the board in a timely  
40 manner.

41 d. The board shall provide on its Internet website the reports  
42 required pursuant to subsection a. of this section, including in a  
43 downloadable format the raw data from each report, simultaneously  
44 with the completion of each report. The information provided on the  
45 Internet website shall not include personally identifiable  
46 information of any customer.

1       4. The board, in consultation with the department, <sup>1</sup>**【shall】**  
2 may<sup>1</sup> adopt, pursuant to the "Administrative Procedure Act,"  
3 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
4 necessary to effectuate the purposes of this act.

5

6       5. This act shall take effect immediately.