

[Second Reprint]

ASSEMBLY, No. 3329

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Senator M. TERESA RUIZ

District 29 (Essex)

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 amended by the Senate on June 16, 2022.



(Sponsorship Updated As Of: 6/29/2022)

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 conclusion of a board proceeding concerning the
33 response to the coronavirus 2019 pandemic, to the Governor and,
34 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
35 Legislature, a written report which shall make findings and
36 recommendations concerning the effect the coronavirus 2019
37 pandemic has had on local utility and public utility service to
38 commercial and residential customers in this State. The data
39 collected from the board’s proceeding concerning the response to
40 the coronavirus 2019 pandemic shall be posted on the board’s
41 Internet website and updated ²**[monthly]** quarterly² until ²**[180**
42 **days after the date of the termination of** ¹**[public health emergency**
43 **and]** the¹ state of emergency declared on March 9, 2020 by the
44 Governor, pursuant to Executive Order No. 103 and ¹**[extended]**

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 ATU committee amendments adopted March 14, 2022.

²Senate floor amendments adopted June 16, 2022.

1 continued¹, where applicable, by subsequent executive orders] 24
2 months after the effective date of P.L. _____, c. _____ (C. _____)
3 (pending before the Legislature as this bill)². The data shall be
4 formatted in a manner determined by the board and shall include,
5 but not be limited to, the following information organized by
6 month, utility name, type of utility service provided, customer class,
7 municipality, and zip code:

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

10 (2) the number of local utility and public utility customers, for
11 each category of utility service and how those numbers compare to
12 the ¹[previous year at the] ¹ same ¹[time] ²[month] time² in 2019¹;

13 (3) the number of local utility and public utility service
14 customer disconnection notices sent due to bill non-payment,
15 service disconnections due to bill non-payment, service
16 reconnections of customers disconnected for bill non-payment,
17 average time between service disconnection due to non-payment
18 and service reconnection, and how the numbers cited, pursuant to
19 this paragraph, compare to the ¹[previous year at the] ¹ same
20 ¹[time] ²[month] time² in 2019¹;

21 (4) as applicable, the number of liens on real property placed,
22 sold, or enforced due to non-payment, and how those numbers
23 compare to the ¹[previous year at the] ¹ same ¹[time] ²[month]
24 time² in 2019¹;

25 (5) the number of customers in arrears by 30, 60, 90, 120, 150,
26 and 180 days at the end of each month, the total dollar amount owed
27 and average amount owed per customer in each of those categories,
28 and how the numbers cited, pursuant to this paragraph, compare to
29 the ¹[previous year at the] ¹ same ¹[time] ²[month] time² in 2019¹;

30 (6) the number of customer accounts that became eligible for
31 disconnection due to bill nonpayment but were not disconnected
32 because of any legally mandated or voluntary suspension of
33 disconnections due ¹to¹ the coronavirus 2019 pandemic;

34 (7) the number of customers enrolled in deferred payment
35 agreements at the end of each month, the total dollar amount of
36 arrears and average amount of arrears per customer subject to those
37 agreements, the average length of the repayment term under those
38 agreements, and how the numbers cited, pursuant to this paragraph,
39 compare to the ¹[previous year at the] ¹ same ¹[time] ²[month]
40 time² in 2019¹;

41 (8) the number of customers that entered into, successfully
42 completed, or defaulted from a deferred payment agreement, the
43 total dollar amount of arrears and average amount of arrears per
44 customer subject to those agreements, and how the numbers cited,
45 pursuant to this paragraph, compare to the ¹[previous year at the] ¹
46 same ¹[time] ²[month] time² in 2019¹;

- 1 (9) available customer assistance programs, including terms of
2 eligibility, available budget for each program, and any
3 enhancements to the programs that are being made to address
4 anticipated increased demand;
- 5 (10) the number of customers that applied for financial
6 assistance under each applicable utility assistance program, and
7 how that number cited, pursuant to this paragraph, compares to the
8 ¹【previous year at the】¹ same ¹【time】 ²【month】 time² in 2019¹;
- 9 (11) the number of customers receiving assistance under each
10 utility assistance program at the end of each month, and how that
11 number cited, pursuant to this paragraph, compares to the
12 ¹【previous year at the】¹ same ¹【time】 ²【month】 time² in 2019¹;
- 13 (12) the number of customers charged late fees, penalties, and
14 interest, the total dollar amount of late fees, penalties, and interest
15 charged and average amount of late fees, penalties, and interest per
16 customer subject to such charges, and how the numbers cited,
17 pursuant to this paragraph, compare to the ¹【previous year at the】¹
18 same ¹【time】 ²【month】 time² in 2019¹;
- 19 (13) the average and median dollar amount billed to customer
20 accounts and the average and median utility usage per customer
21 account, and how the numbers cited, pursuant to this paragraph,
22 compare to the ¹【previous year at the】¹ same ¹【time】 ²【month】
23 time² in 2019¹;
- 24 (14) the total dollar amounts billed to and collected from
25 customer accounts ¹and¹ how the numbers cited, pursuant to this
26 paragraph, compare to the previous year at the same time, except
27 that such data need not be broken down by municipality and zip
28 code within the service area of a utility;
- 29 (15) the methods and contents of general communications by
30 local utilities and public utilities to customers concerning their
31 rights and available assistance programs if customers are unable to
32 pay their bills in full, excluding any customer-specific
33 communications;
- 34 (16) the board's assessment of whether existing customer
35 assistance programs are presently, and in the future, sufficient to
36 meet the financial needs of customers in arrears who are unable to
37 pay those arrears in full, as well as the needs of customers who may
38 be unable to pay future bills;
- 39 (17) a list of any planned local utility and public utility
40 infrastructure projects that were scheduled to take place during or
41 after the reporting period that were canceled or for which the actual
42 or anticipated start date was delayed due to the financial or other
43 impacts of the coronavirus 2019 pandemic;
- 44 (18) local utility and public utility revenue, including sales
45 revenue and operating or net revenue information, and how those
46 numbers compare to the ¹【previous year at the】¹ same ¹【time】
47 ²【month】 time² in 2019¹; and

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

10 b. ²**[A]** Each² public utility ²and local utility² shall, within 21
11 days of the effective date of P.L. , c. ¹(C.)¹(pending before
12 the Legislature as this bill), and ²**[monthly]** quarterly² thereafter
13 until ²**[180 days after the date of the termination of** ¹**[public health**
14 **emergency and]** the¹ state of emergency declared on March 9, 2020
15 by the Governor, pursuant to Executive Order No. 103 and
16 ¹**[extended]** continued¹, where applicable, by subsequent executive
17 orders] 24 months after the effective date of P.L. , c. (C.)
18 (pending before the Legislature as this bill)², file with the board, in
19 a form and manner determined by the board, the information
20 required pursuant to subsection a. of this section.

21 c. ²**[A local utility shall, within 21 days of the effective date of**
22 **P.L. , c. ¹(C.)¹(pending before the Legislature as this bill),**
23 **and monthly thereafter until 180 days after the date of the**
24 **termination of** ¹**[public health emergency and]** the¹ state of
25 emergency declared on March 9, 2020 by the Governor, pursuant to
26 Executive Order No. 103 and ¹**[extended]** continued¹, where
27 applicable, by subsequent executive orders, file with the
28 Department of Community Affairs, in a form and manner
29 determined by the board, the information required pursuant to
30 subsection a. of this section. The department shall provide this
31 information to the board in a timely manner.

32 d.]² The board shall provide on its Internet website the data
33 required pursuant to subsection a. of this section, including in a
34 downloadable format the raw data from each update. The data
35 provided on the Internet website pursuant to P.L. , c. (C.)
36 (pending before the Legislature as this bill) shall not include
37 personally identifiable information of any customer.
38

39 3. a. Not more than ²**[180 days after the date of the**
40 **termination of** ¹**[public health emergency and]** the¹ state of
41 emergency declared on March 9, 2020 by the Governor, pursuant to
42 Executive Order No. 103 and ¹**[extended]** continued¹, where
43 applicable, by subsequent executive orders] 30 months after the
44 effective date of P.L. , c. (C.) (pending before the
45 Legislature as this bill)², the board, in consultation with the
46 department, shall collect and compile in a report, on a quarterly

1 basis, information concerning local utility and public utility service
2 and commercial and residential customer information, which shall
3 include, but not be limited to the following, with all information
4 organized by month, utility name ^{1,1} type of utility service
5 provided, customer class, municipality, and zip code:

6 (1) local utility and public utility supply, demand, revenue, and
7 expense information;

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

11 (3) the number of local utility and public utility service
12 customer disconnection notices sent due to bill non-payment,
13 service disconnections due to bill non-payment, service
14 reconnections disconnected for bill non-payment, and how the
15 numbers cited, pursuant to this paragraph, compare to the previous
16 year at the same time;

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

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

25 (6) the number of customer accounts that became eligible for
26 disconnection due to bill nonpayment but were not disconnected
27 because of any legally mandated or voluntary suspension of
28 disconnections due ¹to¹ the coronavirus 2019 pandemic;

29 (7) the number of customers enrolled in deferred payment
30 agreements at the end of each month, the total dollar amount of
31 arrears and average amount of arrears per customer subject to those
32 agreements, the average length of the repayment term under those
33 agreements, and how the numbers cited, pursuant to this paragraph,
34 compare to the previous year at the same time;

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

41 (9) available customer assistance programs, including terms of
42 eligibility, available budget for each program, and any
43 enhancements to the programs that are being made to address
44 anticipated increased demand;

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

- 1 (11) the number of customers receiving assistance under each
2 utility assistance program at the end of each month, and how that
3 number cited, pursuant to this paragraph, compares to the previous
4 year at the same time;
- 5 (12) the number of customers charged late fees, penalties, and
6 interest, the total dollar amount of late fees, penalties, and interest
7 charged and average amount of late fees, penalties, and interest per
8 customer subject to such charges, and how the numbers cited,
9 pursuant to this paragraph, compare to the previous year at the same
10 time;
- 11 (13) the average and median dollar amount billed to customer
12 accounts and the average and median utility usage per customer
13 account, and how the numbers cited, pursuant to this paragraph,
14 compare to the previous year at the same time;
- 15 (14) the total dollar amounts billed to and collected from
16 customer accounts ¹and¹ how the numbers cited, pursuant to this
17 paragraph, compare to the previous year at the same time, except
18 that such data need not be broken down by municipality and zip
19 code within the service area of a utility;
- 20 (15) the methods and contents of general communications by
21 local utilities and public utilities to customers concerning their
22 rights and available assistance programs if customers are unable to
23 pay their bills in full, excluding any customer-specific
24 communications;
- 25 (16) the board's assessment of whether existing customer
26 assistance programs are presently, and in the future, sufficient to
27 meet the financial needs of customers in arrears who are unable to
28 pay those arrears in full, as well as the needs of customers who may
29 be unable to pay future bills;
- 30 (17) a list of any planned local utility and public utility
31 infrastructure projects that were scheduled to take place during or
32 after the reporting period that were canceled or for which the actual
33 or anticipated start date was delayed due to the financial or other
34 impacts of the coronavirus 2019 pandemic;
- 35 (18) local utility and public utility revenue, including sales
36 revenue and operating or net revenue information, and how those
37 numbers compare to the previous year at the same time; and
- 38 (19) each local utility's and public utility's schedule of rates and
39 charges. As used in this paragraph, "rates" mean the fixed
40 component, if any, and the volumetric or other variable component,
41 if any, of the cost of service that are applied to a category
42 of customers and "charges" mean amounts that are billed to a
43 customer under specific circumstances that are not included in the
44 provider's base rate including, but not limited to, late fees,
45 connection fees, impact fees for new development, deposits for
46 opening new accounts, and any other fees, surcharges, or penalties.

- 1 b. ²**[A]** Each² public utility ²and local utility² shall file with
2 the board, in a form and manner determined by the board, the
3 information required pursuant to subsection a. of this section.
- 4 c. ²**[A]** local utility shall file with the Department of
5 Community Affairs, in a form and manner determined by the board,
6 the information required pursuant to subsection a. of this section.
7 The department shall provide this information to the board in a
8 timely manner.
- 9 d.]² 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 completion of each report. The information provided on the
13 Internet website shall not include personally identifiable
14 information of any customer.
15
- 16 4. The board, in consultation with the department, may adopt,
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.), rules and regulations necessary to effectuate
19 the purposes of this act.
20
- 21 5. This act shall take effect immediately.