

CHAPTER 107
(CORRECTED COPY)

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

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

C.48:2-29.57 Definitions.

1. As used in P.L.2022, c.107 (C.48:2-29.57 et seq.):

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

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

“Department” means the Department of Community Affairs.

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

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

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

C.48:2-29.58 Report to Governor, Legislature; effect of Coronavirus 2019 pandemic on utility service; Department of Community Affairs.

2. a. The Board of Public Utilities, in consultation with the Department of Community Affairs, shall prepare and submit, within 30 days after the conclusion of a board proceeding concerning the response to the coronavirus 2019 pandemic, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a written report which shall make findings and recommendations concerning the effect the coronavirus 2019 pandemic has had on local utility and public utility service to commercial and residential customers in this State. The data collected from the board’s proceeding concerning the response to the coronavirus 2019 pandemic shall be posted on the board’s Internet website and updated quarterly until 24 months after the effective date of P.L.2022, c.107 (C.48:2-29.57 et seq.). The data shall be formatted in a manner determined by the board and shall include, but not be limited to, the following information organized by month, utility name, type of utility service provided, customer class, municipality, and zip code:

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

(2) the number of local utility and public utility customers, for each category of utility service and how those numbers compare to the same time in 2019;

(3) the number of local utility and public utility service customer disconnection notices sent due to bill non-payment, service disconnections due to bill non-payment, service reconnections of customers disconnected for bill non-payment, average time between service disconnection due to non-payment and service reconnection, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019;

(4) as applicable, the number of liens on real property placed, sold, or enforced due to non-payment, and how those numbers compare to the same time in 2019;

(5) the number of customers in arrears by 30, 60, 90, 120, 150, and 180 days at the end of each month, the total dollar amount owed and average amount owed per customer in each of those categories, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019;

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

(7) the number of customers enrolled in deferred payment agreements at the end of each month, the total dollar amount of arrears and average amount of arrears per customer subject to those agreements, the average length of the repayment term under those agreements, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019;

(8) the number of customers that entered into, successfully completed, or defaulted from a deferred payment agreement, the total dollar amount of arrears and average amount of arrears per customer subject to those agreements, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019;

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

(10) the number of customers that applied for financial assistance under each applicable utility assistance program, and how that number cited, pursuant to this paragraph, compares to the same time in 2019;

(11) the number of customers receiving assistance under each utility assistance program at the end of each month, and how that number cited, pursuant to this paragraph, compares to the same time in 2019;

(12) the number of customers charged late fees, penalties, and interest, the total dollar amount of late fees, penalties, and interest charged and average amount of late fees, penalties, and interest per customer subject to such charges, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019;

(13) the average and median dollar amount billed to customer accounts and the average and median utility usage per customer account, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019;

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

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

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

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

(18) local utility and public utility revenue, including sales revenue and operating or net revenue information, and how those numbers compare to the same time in 2019; and

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

b. Each public utility and local utility shall, within 21 days of the effective date of P.L.2022, c.107 (C.48:2-29.57 et seq.), and quarterly thereafter until 24 months after the effective date of P.L.2022, c.107 (C.48:2-29.57 et seq.), file with the board, in a form and manner determined by the board, the information required pursuant to subsection a. of this section.

c. The board shall provide on its Internet website the data required pursuant to subsection a. of this section, including in a downloadable format the raw data from each update. The data provided on the Internet website pursuant to P.L.2022, c.107 (C.48:2-29.57 et seq.) shall not include personally identifiable information of any customer.

C.48:2-29.59 Quarterly report; utility service, customer data.

3. a. Not more than 30 months after the effective date of P.L.2022, c.107 (C.48:2-29.57 et seq.), the board, in consultation with the department, shall collect and compile in a report, on a quarterly basis, information concerning local utility and public utility service and commercial and residential customer information, which shall include, but not be limited to the following, with all information organized by month, utility name, type of utility service provided, customer class, municipality, and zip code:

- (1) local utility and public utility supply, demand, revenue, and expense information;
- (2) the number of local utility and public utility customers, for each category of utility service and how those numbers compare to the previous year at the same time;
- (3) the number of local utility and public utility service customer disconnection notices sent due to bill non-payment, service disconnections due to bill non-payment, service reconnections disconnected for bill non-payment, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time;
- (4) as applicable, the number of liens on real property placed, sold, or enforced due to non-payment, and how those numbers compare to the previous year at the same time;
- (5) the number of customers in arrears by 30, 60, 90, 120, 150, and 180 days at the end of each month, the total dollar amount owed and average amount owed per customer in each of those categories, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time;
- (6) the number of customer accounts that became eligible for disconnection due to bill nonpayment but were not disconnected because of any legally mandated or voluntary suspension of disconnections due to the coronavirus 2019 pandemic;
- (7) the number of customers enrolled in deferred payment agreements at the end of each month, the total dollar amount of arrears and average amount of arrears per customer subject to those agreements, the average length of the repayment term under those agreements, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time;
- (8) the number of customers that entered into, successfully completed, or defaulted from a deferred payment agreement, the total dollar amount of arrears and average amount of arrears

per customer subject to those agreements, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time;

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

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

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

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

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

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

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

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

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

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

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

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

c. The board shall provide on its Internet website the reports required pursuant to subsection a. of this section, including in a downloadable format the raw data from each report,

simultaneously with the completion of each report. The information provided on the Internet website shall not include personally identifiable information of any customer.

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

5. This act shall take effect immediately.

Approved September 15, 2022.