

SENATE, No. 994

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 31, 2022

Sponsored by:

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 introduced.



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 monthly until 180 days after the date
42 of the termination of public health emergency and state of
43 emergency declared on March 9, 2020 by the Governor, pursuant to
44 Executive Order No. 103 and extended, where applicable, by
45 subsequent executive orders. The data shall be formatted in a
46 manner determined by the board and shall include, but not be
47 limited to, the following information organized by month, utility

1 name, type of utility service provided, customer class, municipality,
2 and zip code:

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

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

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

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

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

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

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

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

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

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

47 (11) the number of customers receiving assistance under each
48 utility assistance program at the end of each month, and how that

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

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

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

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

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

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

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

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

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

45 b. A public utility shall, within 21 days of the effective date of
46 P.L. , c. (pending before the Legislature as this bill), and
47 monthly thereafter until 180 days after the date of the termination of
48 public health emergency and state of emergency declared on March

1 9, 2020 by the Governor, pursuant to Executive Order No. 103 and
2 extended, where applicable, by subsequent executive orders, file
3 with the board, in a form and manner determined by the board, the
4 information required pursuant to subsection a. of this section.

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

15 d. The board shall provide on its Internet website the data
16 required pursuant to subsection a. of this section, including in a
17 downloadable format the raw data from each update. The data
18 provided on the Internet website pursuant to P.L. , c. (C.)
19 (pending before the Legislature as this bill) shall not include
20 personally identifiable information of any customer.

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

33 (1) local utility and public utility supply, demand, revenue, and
34 expense information;

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

38 (3) the number of local utility and public utility service
39 customer disconnection notices sent due to bill non-payment,
40 service disconnections due to bill non-payment, service
41 reconnections disconnected for bill non-payment, and how the
42 numbers cited, pursuant to this paragraph, compare to the previous
43 year at the same time;

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

47 (5) the number of customers in arrears by 30, 60, 90, 120, 150,
48 and 180 days at the end of each month, the total dollar amount owed

- 1 and average amount owed per customer in each of those categories,
2 and how the numbers cited, pursuant to this paragraph, compare to
3 the previous year at the same time;
- 4 (6) the number of customer accounts that became eligible for
5 disconnection due to bill nonpayment but were not disconnected
6 because of any legally mandated or voluntary suspension of
7 disconnections due the coronavirus 2019 pandemic;
- 8 (7) the number of customers enrolled in deferred payment
9 agreements at the end of each month, the total dollar amount of
10 arrears and average amount of arrears per customer subject to those
11 agreements, the average length of the repayment term under those
12 agreements, and how the numbers cited, pursuant to this paragraph,
13 compare to the previous year at the same time;
- 14 (8) the number of customers that entered into, successfully
15 completed, or defaulted from a deferred payment agreement, the
16 total dollar amount of arrears and average amount of arrears per
17 customer subject to those agreements, and how the numbers cited,
18 pursuant to this paragraph, compare to the previous year at the same
19 time;
- 20 (9) available customer assistance programs, including terms of
21 eligibility, available budget for each program, and any
22 enhancements to the programs that are being made to address
23 anticipated increased demand;
- 24 (10) the number of customers that applied for financial
25 assistance under each applicable utility assistance program, and
26 how that number cited, pursuant to this paragraph, compares to the
27 previous year at the same time;
- 28 (11) the number of customers receiving assistance under each
29 utility assistance program at the end of each month, and how that
30 number cited, pursuant to this paragraph, compares to the previous
31 year at the same time;
- 32 (12) the number of customers charged late fees, penalties, and
33 interest, the total dollar amount of late fees, penalties, and interest
34 charged and average amount of late fees, penalties, and interest per
35 customer subject to such charges, and how the numbers cited,
36 pursuant to this paragraph, compare to the previous year at the same
37 time;
- 38 (13) the average and median dollar amount billed to customer
39 accounts and the average and median utility usage per customer
40 account, and how the numbers cited, pursuant to this paragraph,
41 compare to the previous year at the same time;
- 42 (14) the total dollar amounts billed to and collected from
43 customer accounts how the numbers cited, pursuant to this
44 paragraph, compare to the previous year at the same time, except
45 that such data need not be broken down by municipality and zip
46 code within the service area of a utility;
- 47 (15) the methods and contents of general communications by
48 local utilities and public utilities to customers concerning their

1 rights and available assistance programs if customers are unable to
2 pay their bills in full, excluding any customer-specific
3 communications;

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

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

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

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

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

29 c. A local utility shall file with the Department of Community
30 Affairs, in a form and manner determined by the board, the
31 information required pursuant to subsection a. of this section. The
32 department shall provide this information to the board in a timely
33 manner.

34 d. The board shall provide on its Internet website the reports
35 required pursuant to subsection a. of this section, including in a
36 downloadable format the raw data from each report, simultaneously
37 with the completion of each report. The information provided on the
38 Internet website shall not include personally identifiable
39 information of any customer.

40

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

45

46 5. This act shall take effect immediately.

STATEMENT

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

The data collected from the BPU's proceeding concerning the response to the coronavirus 2019 pandemic is to be posted on the BPU's Internet website and updated monthly until 180 days after the date of the termination of 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, by subsequent executive orders. The data is to be formatted in a manner determined by the BPU and is to include certain information enumerated in the bill.

The bill requires a public utility, within 21 days of the effective date of the bill, to file with the BPU, in a form and manner determined by the BPU, the information required pursuant to the bill. A local utility is to, within 21 days of the effective date of the bill, file with the DCA, in a form and manner determined by the BPU, the information required pursuant to the bill. The DCA is to provide this information to the BPU in a timely manner.

The bill directs the BPU to provide on its Internet website the information required pursuant to the bill. The information provided on the Internet website is not to include personally identifiable information of any customer.

The bill provides that, not more than 180 days after the date of the termination of 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, by subsequent executive orders, the BPU, in consultation with the DCA, is to continue to collect and compile, on a quarterly basis, information concerning local utility and public utility service and commercial and residential customer information, which is to include, but not be limited to, certain information enumerated in the bill. A public utility is to file with the BPU, in a form and manner determined by the BPU, the information required pursuant to the bill. A local utility is to file with the DCA, in a form and manner determined by the BPU, the information required pursuant to the bill. The DCA is to provide this information to the BPU in a timely manner.

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