



STATE OF NEW JERSEY
Board of Public Utilities
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**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF PUBLIC UTILITIES**

The New Jersey Board of Public Utilities held an Emergency Meeting on Thursday, March 19, 2020, to address actions needed to minimize the health risks from the COVID-19 Pandemic.

Due to the statewide prohibition on gatherings, the Board convened telephonically at 10:16 a.m. Members of public were invited to dial in toll free at (877) 692-8957 (access code 9760685).

Public Notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting on the Board's website, filing notice of the meeting with the New Jersey Department of State and the following newspapers circulated in the State of New Jersey:

Asbury Park Press
Atlantic City Press
Burlington County Times
Courier Post (Camden)
Home News Tribune (New Brunswick)
North Jersey Herald and News (Passaic)
The Record (Hackensack)
The Star Ledger (Newark)
The Trenton Times

The following members of the Board of Public Utilities were present:

Joseph L. Fiordaliso, President
Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Upendra J. Chivukula, Commissioner
Robert M. Gordon, Commissioner

President Fiordaliso presided at the meeting and Aida Camacho-Welch, Secretary of the Board, carried out the duties of the Secretary.

It was announced that the next regular Board meeting would be held on March 25, 2020 at 10:00 a.m. with details to follow.

9. MISCELLANEOUS

A. Docket No. EO20030254–In The Matter Of The New Jersey Board Of Public Utilities Response To The COVID-19 Pandemic For A Temporary Waiver Of Requirements For Certain Non-Essential Obligations.

Paul Flanagan, Executive Director and Robert Brabston, Deputy Executive Director, presented this matter.

BACKGROUND AND DISCUSSION: The Board instituted a temporary waiver of several of its regulatory requirements designed to allow utilities and other entities subject to the Board’s jurisdiction to focus on providing essential services to the public, while minimizing the health threats caused by the COVID-19 Pandemic by curtailing activities not related to the imminent health and safety of the public.

The Board takes these actions pursuant to N.J.A.C. 14:1 et seq., which permits the Board to waive its rules when “full compliance with the rule(s) would adversely affect the ability of said utility or other regulated entity to continue to render safe, adequate and proper service, or the interests of the general public.”

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared COVID-19 a “public health emergency of international concern,” which means “an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response.”

On March 9, 2020, Governor Phil Murphy signed Executive Order No. 103, N.J.S.A. App.A:9-45 & App. A:9-47 (Murphy) (EO 103) in response to the COVID-19 Pandemic, in order to ensure the continuity of government services and protect the public during the State of Emergency. In that order, Gov. Murphy stated that:

“I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of DOH. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45. E.O. 103, p. 6.”

The Board has broad discretionary authority to relax, or permit deviation from any of its regulations in special cases and for good cause shown. N.J.A.C. 14:1 et seq.; and to be consistent with the intent of E.O. 103, in an effort to combat and mitigate the spread of COVID19 and to be consistent with the intent of E.O. 103, under the circumstances described herein and to further the public interest and safety, Staff recommended that:

1. All public utilities and regulated entities shall immediately cease any in-home or business visits unless there is an immediate risk to health and safety;

2. Broadband internet providers may continue to connect new customers or repair existing service for homes with school age children, those who need internet access to meet job requirements, or other priority customers, as defined by each company, provided that such visits should only be done as a last resort after utilizing hotspots, self-install kits, and like measures to minimize in-home visits; and
3. All door-to-door sales activity by third-party suppliers or other sales persons selling energy or energy related products (for example: residential solar, community solar, or energy efficiency offerings) are to be suspended immediately.

Furthermore, in order to combat the potential spread of COVID-19, Staff recommended that the Board waive any and all requirements that entities file paper documents with the Board or with the New Jersey Division of Rate Counsel (Rate Counsel), and instead all submissions to the Board or Rate Counsel, of any kind, be submitted electronically to the Board Secretary or to the Rate Counsel. This includes, but not limited to, entities participating in the e-filing pilot project, as well as the requirements of N.J.A.C. 14:1 et seq. and N.J.A.C. 14:17.1 et seq.

Staff further recommended that the Board construe its filing requirements liberally to minimize the amount of non-electronic filing of any documents and that it will waive the prohibition on the submission of an electronic document from being entered into the record of a formal proceeding, as set forth in N.J.A.C. 14:1 et seq. and N.J.A.C. 14:17.1 et seq.

Finally, Staff recommended that the Board suspend submittal of fees due with the original filing as set forth in N.J.S.A. 48:2-56 until further notice; suspended filing fees will be due at a future date to be determined by the Board.

The Board may, at its discretion, offer future guidance to be provided in future proceedings, if the need shall arise.

This Order shall be effective March 19, 2020.

DECISION: After discussion, the Board adopted the recommendation of Staff as set forth above.

Roll Call Vote:	President Fiordaliso	Aye
	Commissioner Holden	Aye
	Commissioner Solomon	Aye
	Commissioner Chivukula	Aye
	Commissioner Gordon	Aye

There being no further business before the Board, the meeting was adjourned.



AIDA CAMACHO-WELCH
SECRETARY OF THE BOARD

Date: May 5, 2020