



Agenda Date: March 19, 2020
Agenda Item: 9A

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

MISCELLANEOUS

IN THE MATTER OF THE NEW JERSEY BOARD OF)
PUBLIC UTILITIES' RESPONSE TO THE COVID-19) ORDER
PANDEMIC FOR A TEMPORARY WAIVER OF)
REQUIREMENTS FOR CERTAIN NON-ESSENTIAL)
OBLIGATIONS) DOCKET NO. EO20030254

Party of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

By this Order, and until its revocation, the New Jersey Board of Public Utilities ("Board" or "BPU") institutes 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."

BACKGROUND

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:

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.

DISCUSSION

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 COVID-19 and to be consistent with the intent of E.O. 103, the Board **HEREBY FINDS** under the circumstances described herein and to further the public interest and safety **HEREBY ORDERS:**

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.

Further, in order to combat the potential spread of COVID-19, the Board **HEREBY WAIVES** any and all requirements that entities file paper documents with the Board or with Rate Counsel, and instead **ORDERS** that all submissions to the Board or Rate Counsel, of any kind, be submitted electronically to the Board Secretary or to Rate Counsel. This includes, but is 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.*

In lieu of the paper copies:

1. All parties file documents with the Board Secretary electronically at board.secretary@bpu.nj.gov, and serve electronically to the rest of the service list; and
2. A document shall be considered filed with the Board once the party receives an electronic confirmation of the filing from the Office of the Board Secretary or Office of Case Management.

The Board **FURTHER ORDERS** that it will 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.*

The Board **FURTHER ORDERS** that it will be suspending 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, in its discretion, offer future guidance to be provided in future proceedings, if the need shall arise.

This Order shall be effective March 19, 2020.

DATED: March 19, 2020

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

**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
DOCKET NO. EO20030254**

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Municipal Water Utilities*

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*The municipals listed are regulated only in terms of the customers served outside of the municipality’s limits and only for service issues, if the rates are equalized. Currently, the NJBPU-regulated municipal water systems all have equalized rates.

Office of Cable Television and Telecommunications

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