



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/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF THE VERIFIED PETITION OF) ORDER AS WITHIN TIME
AT&T FOR WAIVER OF CALL CENTER RULE 14:3-)
5.2(a)(1) DURING COVID-19 PUBLIC HEALTH)
EMERGENCY) DOCKET NO. TW20040310

Parties of Record:

William K. Mosca, Jr., Bevan, Mosca & Giuditta, P.C. for AT&T of New Jersey, Inc.
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On March 9, 2020, Philip Murphy, Governor of the State of New Jersey, issued Executive Order No. 103 (“EO”), declaring a state of emergency and a public health emergency in the State on account of the public health emergency caused by the COVID-19 pandemic.

The EO found in part that it is critical to prepare for and respond to suspected or confirmed COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization. EO 103 at 3

To that end, it authorized and empowered 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. EO 103 at 6

On April 21, 2020, AT&T Corp. (“AT&T” or the “Company”) filed a verified petition with the Board seeking a waiver of certain of its call center operating rules as they apply to AT&T *nunc pro tunc* to March 23, 2020 consistent with the Governor’s Executive Order 103. N.J.A.C. 14:3-5.2 (a)(1), requires that every public utility is required to make itself available to customers by maintaining “[a] toll free emergency telephone number at which a customer service representative can be reached quickly at any time of day or night, seven days per week.”

AT&T currently serves its residential customers in New Jersey (Local and Long Distance) with two call center locations: 1) Sacramento, California; and 2) Manilla, in the Philippines. As a consequence of the COVID-19 pandemic, and in order to protect the health, safety and welfare of its workers, AT&T states that it was compelled to adjust the call center hours at both locations.

As a result of the changes, the two call centers are now operational from 8:00 am EDT until 8:00 pm EDT on weekdays, and from 9:00 am EDT until 6:00 pm EDT on Saturday and Sunday. The Company is advising customers who call these centers outside of the current working hours of the temporary change to the hours when customers can reach a live agent to report a service issue.

According to the Company, the emergency relief requested will be of a temporary nature, as AT&T intends to return to full 24 by 7 coverage when it is safe, reasonable and practical to do so consistent with the national and state emergencies, with full consideration given to the health, safety and welfare of its employees.

In its petition, AT&T states that the Board may suspend application of any provision of its rules for periods of emergency or for other extraordinary events beyond the control of a utility, pursuant to N.J. Admin. Code § 14:10-1A.8. In addition, the Company cites the aforementioned EO 103 which permits 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.

On May 7, 2020, Rate Counsel submitted comments supporting the temporary waiver.

DISCUSSION

The Board has the authority to relax, or effectively waive, its administrative rules if doing so is in the public interest. N.J.A.C. 14:1-1.2. The Board may, in special cases and for good cause shown, permit deviation from its rules by a two part test. The Board shall, in accordance with the general purposes and intent of its rules, waive a section of a rule or a rule if full compliance with the rule would adversely affect the ratepayers of a utility, the ability of said utility to continue to render safe, adequate and proper service, or the interests of the general public. N.J.A.C.14:1-1.2(b) (1). AT&T's request arises from an extraordinary confluence of events beyond its control that gave rise to the Governor issuing several Executive Orders in order to mitigate the resulting fallout from the Covid-19 pandemic. Executive Order No. 103 specifically contemplates that certain rules would need to be waived, modified or suspended. The safety of the public and the utility employees is of primary concern and reducing the hours of operation of the emergency call center is consistent with that goal.

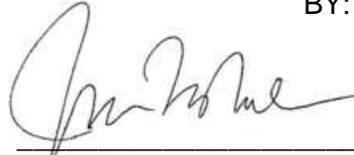
After a careful review of this matter and consistent with the governing rules of the Board and all applicable laws of the State of New Jersey and consistent with the Governor's Executive Orders, the Board **HEREBY FINDS** that the Company's request is in the public interest and **HEREBY GRANTS** the request *nunc pro tunc* to March 23, 2020.

In addition, the Company is **DIRECTED** to provide notice to the Board within 24 hours once normal operations of the emergency call center are resumed.

This Order shall be effective June 1, 2020.

DATED: May 20, 2020

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

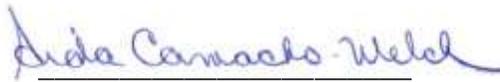


UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

**IN THE MATTER OF THE VERIFIED PETITION OF AT&T FOR WAIVER OF CALL CENTER
RULE 14:3-5.2(a)(1) DURING COVID-19 PUBLIC HEALTH EMERGENCY
DOCKET NO. TW20040310**

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