



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) ORDER
PUBLIC UTILITIES' RESPONSE TO THE COVID-19)
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:

On March 19, 2020, the New Jersey Board of Public Utilities ("Board" or "BPU") ordered 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 took 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." The Board also ordered that "[a]ll public utilities and regulated entities shall immediately cease any in-home or business visits unless there is an immediate risk to health and safety". The Order also prohibited all door-to door sales activity by third-party suppliers or other sales persons selling energy or energy related products including residential solar, community solar, or energy efficiency offerings.

On May 13, 2020, in response to an improving outlook in the COVID-19 Pandemic, and pursuant to N.J.S.A. App. A:9-34 and -51, Governor Murphy issued Executive Order No. 142 (May 13, 2020), __ N.J.R. __, available at <https://nj.gov/infobank/eo/056murphy/pdf/EO-142.pdf>. ("EO 142"), which provided for non-essential construction including in-home visits. In response, the Board clarified that, as mandated by the Executive Order, activities including in-home construction projects by all regulated entities were permitted to commence or resume, so long as entities followed the specific mitigation requirements set forth in EO 142.

In recent days, Governor Murphy has begun unveiling a multi-stage approach in his plan to methodically and strategically reopen businesses and activities in New Jersey in an effort to place New Jersey on a path to economic recovery from the impact of COVID-19. See Executive Order No. 151 (June 4, 2020), __ N.J.R. __, available at <https://nj.gov/infobank/eo/056murphy/pdf/EO-151.pdf>. Under this approach, should public health indicators, safeguarding, or compliance worsen on a sustained basis, New Jersey will be prepared to revert back to more restrictive stages in the interest of public health. This order allows additional business to resume as envisioned by the Governor's executive orders, so long as commercial entities follow appropriate safety guidance.

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 (March 9, 2020), 52 N.J.R. 549(a) (Apr. 6, 2020) ("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 at 6.]

On May 13, 2020, Governor Phil Murphy signed EO 142, which served to modify Executive Order No. 122 (Apr. 8, 2020), 52 N.J.R. 959(a) (May 4, 2020) ("EO 122") in response to the COVID-19 Pandemic. EO 122 prohibited all non-essential construction projects from continuing in the State. In EO 142, the Governor has directed that non-essential construction activities may restart, subject to certain safety and social distancing requirements. Accordingly, EO 142 lifts the restrictions on non-essential construction projects subject to certain conditions found in paragraph 2 of EO 142.

On June 1, 2020, Governor Murphy announced New Jersey will enter Stage Two of the Restart and Recovery of New Jersey. Stage Two includes non-essential retail activities. The Governor's June 1 announcement of the State's entrance into Stage Two of the Restart and Recovery program is an initial measure in the effort to restore the economy. As of June 15th measures will be implemented along with strict protocols that enable previously restricted activities. Further, on

June 9, 2020, the Governor likewise issued EO151, which noted that the public health emergency remains in effect.

DISCUSSION

In response to the Governor’s various executive orders and Governor Murphy’s Restart and Recovery of New Jersey plan, the Board **HEREBY MODIFIES** the March 19th order and ends the restriction on door-to-door sales set forth therein, but continues to **REQUIRE** that sales activities comply with appropriate health and safety measures, including providing employees with appropriate Personal Protective Equipment, and other steps recommended by the New Jersey Department of Health and Centers for Disease Control and Prevention.

The other procedural portions of the Board’s March Order remain in effect until further notice. As such, the Board **HEREBY FINDS** this modification appropriate.

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

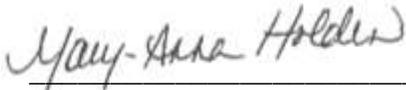
This Order shall be effective June 15, 2020.

DATED: June 10, 2020

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

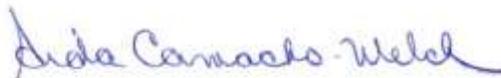


UPENDRA J. CHIVUKULA
COMMISSIONER



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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*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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