



Agenda Date: 9/14/21

Agenda Item: 9B

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

ALL UTILITIES

IN THE MATTER OF THE NEW JERSEY)	ORDER ADOPTING REVISED UTILITY
BOARD OF PUBLIC UTILITIES' UTILITY)	CUSTOMER BILL OF RIGHTS
CUSTOMER BILL OF RIGHTS)	
)	DOCKET NO. AX21091111

Parties of Record:

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Deborah Franco, Esq., Elizabethtown Gas Company and South Jersey Gas Company
Joshua Eckert, Esq., Jersey Central Power and Light Company
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Evelyn Liebman, AARP New Jersey State Office
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BY THE BOARD:

By Order dated February 3, 1986, the New Jersey Board of Public Utilities ("Board") established a Consumer Bill of Rights ("Bill of Rights"), which set forth in plain language, the protections

afforded to utility customers under the Board's regulations.¹ In that order, the Board required all utilities under its jurisdiction to inform customers of their respective rights by distributing a copy of the Bill of Rights to their customers.

In response to the COVID-19 pandemic, Governor Murphy signed a series of Executive Orders that temporarily established certain rights to utility customers in the State to ensure utility customers receive adequate protection due to the economic impact of the COVID-19 pandemic.²

The Bill of Rights has not been revised since February 3, 1986. Since that time, there have been changes in the Board's regulations along with additional consumer protections mandated by Governor Murphy due to the COVID-19 pandemic.

DISCUSSION AND FINDINGS

The COVID-19 pandemic has given cause for the Board to revisit the Bill of Rights established on February 3, 1986. The Board recognizes the economic uncertainty the pandemic has brought to the residents of the State and the concerns that follow for residents in their ability to maintain essential utility services. It has never been more important for utility customers to be aware of the protections granted to them through the Board's regulations and the additional temporary rights put into place by Governor Murphy through December 31, 2021. **THEREFORE**, the Board **HEREBY FINDS** that an update to the Bill of Rights is necessary and appropriate at this time in order to inform all residential utility customers of their existing rights under the Board's Regulations in N.J.A.C. 14:3-1.1 et seq. and the Governor's current Executive Orders. The protections afforded to utility customers by the Governor's Executive Orders are **HEREBY** included in the updated Bill of Rights, and to the extent those protections expire prior to the Board making any further revisions or updates to the Bill of Rights, all protections granted by the Board through its regulations and reflected in this Order shall **HEREBY** remain in full effect until such time as the Board enters a new Order.

The Board notes that no new regulations are created nor are any existing regulations changed by the establishment of the Bill of Rights. Rather, the Bill of Rights is wholly consistent with existing Board regulations. See N.J.A.C. 14:3-7 et seq.

The Board **HEREBY UPDATES** the Bill of Rights as follows:³

1. You have the right to utility service if you are a qualified applicant.
2. You have the right to budget billing or payment plans if you are an electric or gas customer.
3. You are entitled to at least one deferred payment plan within a twelve-month period. The deferred payment agreement offered to you by the utility company must be for at least a minimum term of twelve (12) months with no money down. Your utility company may not require a reconnection fee or deposit as a condition of continuing service, and late

¹ In re Utility Customer Bill of Rights, BPU Docket No. CO8602155, Order dated February 3, 1986.

² All Executive Orders signed by Governor Murphy are published in the New Jersey Register and are also available online at: <https://nj.gov/infobank/eo/056murphy/>.

³ Rights promulgated by Executive Order 246, which expire after December 31, 2021, are denoted by an asterisk (*) and are subject to change under the direction of the Governor.

charges, interest and liens for past due amounts are not permitted during the grace period.*

4. You have the right to apply for utility assistance programs which may include arrearage forgiveness. Learn more by calling your utility company or by calling 2-1-1. Information is also available online at www.nj211.org/utility-assistance-programs.
5. Any disconnected gas, electric, and water customer who can demonstrate that application has been made to one of the following assistance programs, as applicable, shall be reconnected by that gas, electric, and water company upon request in order to obtain available benefits: Universal Service Fund; Low Income Home Energy Assistance; Payment Assistance for Gas and Electric, and Low Income Household Water Assistance.⁴
6. You have the right to have any complaint you make against your utility company handled promptly by that utility company.
7. You have the right to have your utility complaints and concerns investigated. Your service may not be terminated for non-payment of disputed charges during a BPU investigation.
8. You have the right to have your meter tested free of charge once a year by your utility company if you suspect it is not working properly. For a \$5 fee, the meter test will be conducted under the supervision of the staff of the BPU.
9. You have the right to a written notice of termination from your utility company at least ten days prior to the discontinuance of service.
10. If you are a participant in an energy assistance program or a gas and/or electric customer having financial difficulties paying your bill, you can request the company enroll you in a budget plan based on your ability to pay. Provided you make good faith payments toward all reasonable bills for service, you have the right to gas and electric utilities service from November 15 to March 15 without fear of termination of such service(s) under the Winter Termination Program.
11. You have the right to receive posted notice of any impending shutoff if you live in a multi-family dwelling. This notice must be posted in a common area and/or sent individually to occupants.
12. You have the right to have a "diversion of service" investigation if you suspect the level of consumption reflected in your utility bill is unexplainably high.
13. Service shall not be shut-off for non-payment of repair or merchandise charges. No notice threatening discontinuance based on these charges may be given.
14. You have the option of having a deposit refund applied to your account as a credit or having the deposit refunded by separate check.

⁴ The Low Income Household Water Assistance program is a new program designed for water utility customers that is currently being developed by the Department of Consumer Affairs ("DCA"). The DCA anticipates the program will be implemented in October 2021.

15. A utility may not impose late fees, interest, or liens on residential customer accounts due to late payments.
16. After December 31, 2021, residential gas, electric, and water and sewer utilities are permitted to inform customers that they are subject to termination of service due to nonpayment unless the customer is a participant of the Winter Termination Program.*
17. After December 31, 2021, residential gas, electric, water, and sewer utilities are permitted to disconnect service due to nonpayment provided, however, a disconnection may occur at any time if it is to prevent a risk to public health or safety.*
18. After December 31, 2021, residential service may be shut-off, after proper notice, only on Monday through Thursday from 8:00 a.m. to 4:00 p.m. A utility may not shut-off residential service on Friday, Saturday, Sunday, or a holiday or the day before a holiday, or if a valid medical emergency exists in your household.*
19. You have the right to notification regarding any moratorium on rate increases.*

Customers with questions may contact the Board at: 800-624-0241.


The Board **HEREBY FURTHER ORDERS** that all gas, electric, water and telecommunications companies under its jurisdiction comply with the following:

1. Provide all current residential customers with a copy of the Bill of Rights within 7 days from the effective date of this Order;
2. Provide all new customers with a copy of the Bill of Rights upon initiation of service;
3. Provide all current residential customers with a copy of the Bill of Rights with their monthly bills for those utilities who follow a monthly billing cycle. All others shall provide a copy of the Bill of Rights on a monthly basis to current residential customers through an alternative means of distribution; and
4. Prominently display the Bill of Rights in all of their customer service centers and on their websites.

This order shall be effective September 21, 2021.

DATED: September 14, 2021

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BY:


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COMMISSIONER
DIANNE SOLOMON
COMMISSIONER
UPENDRA J. CHIVUKULA
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ATTEST: 

AIDA CAMACHO-WELCH
SECRETARY

IN THE MATTER OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES' UTILITY CUSTOMER BILL OF RIGHTS

DOCKET NO. AX21091111

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*The municipalities 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.

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RESIDENTIAL UTILITY CUSTOMER PROTECTIONS

(Effective September 21, 2021)

Established by the New Jersey Board of Public Utilities (BPU)

In response to the COVID-19 pandemic, Governor Murphy signed a series of Executive Orders that established certain temporary rights to utility customers in the State.¹ Those specific rights are denoted by an asterisk () in this document and are subject to change under the direction of the Governor.*

If you have questions about these consumer protections, you should contact your utility company at the number on your bill. If you have a complaint about your utility company or if your services are in jeopardy of being shut off, you should call the BPU at 800-624-0241 for assistance. Note: The BPU regulates only investor owned utility companies.

1. You have the right to utility service if you are a qualified applicant.
2. You have the right to budget billing or payment plans if you are an electric or gas customer.
3. You are entitled to at least one deferred payment plan within a twelve-month period. The deferred payment agreement offered to you by the utility company must be for at least a minimum term of twelve (12) months with no money down. Your utility company may not require a reconnection fee or deposit as a condition of continuing service, and late charges, interest and liens for past due amounts are not permitted during the grace period.*
4. You have the right to apply for utility assistance programs which may include arrearage forgiveness. Learn more by calling your utility company or by calling 2-1-1. Information is also available online at www.nj211.org/utility-assistance-programs.
5. Any disconnected gas, electric, and water customer who can demonstrate that application has been made to one of the following assistance programs, as applicable, shall be reconnected by that gas, electric, and water company upon request in order to obtain available benefits: Universal Service Fund; Low Income Home Energy Assistance; Payment Assistance for Gas and Electric, and Low Income Household Water Assistance.²
6. You have the right to have any complaint you make against your utility company handled promptly by that utility company.
7. You have the right to have your utility complaints and concerns investigated. Your service may not be terminated for non-payment of disputed charges during a BPU investigation.

¹ All Executive Orders signed by Governor Murphy are published in the New Jersey Register and are also available online at: <https://nj.gov/infobank/eo/056murphy/>.

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11. You have the right to receive posted notice of any impending shutoff if you live in a multi-family dwelling. This notice must be posted in a common area and/or sent individually to occupants.
12. You have the right to have a "diversion of service" investigation if you suspect the level of consumption reflected in your utility bill is unexplainably high.
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15. A utility may not impose late fees, interest, or liens on residential customer accounts due to late payments.
16. After December 31, 2021, residential gas, electric, and water and sewer utilities are permitted to inform customers that they are subject to termination of service due to nonpayment unless the customer is a participant of the Winter Termination Program.*
17. After December 31, 2021, residential gas, electric, water, and sewer utilities are permitted to disconnect service due to nonpayment provided, however, a disconnection may occur at any time if it is to prevent a risk to public health or safety.*
18. After December 31, 2021, residential service may be shut-off, after proper notice, only on Monday through Thursday from 8:00 a.m. to 4:00 p.m. A utility may not shut-off residential service on Friday, Saturday, Sunday, or a holiday or the day before a holiday, or if a valid medical emergency exists in your household.*
19. You have the right to notification regarding any moratorium on rate increases.*