



Agenda Date: 1/12/22

Agenda Item: 9B

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 1<sup>st</sup> Floor**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

**ALL UTILITIES**

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

**Parties of Record:**

**Brian O. Lipman, Esq.**, Director, New Jersey Division of Rate Counsel  
**Phillip J. Passanante, Esq.**, Atlantic City Electric Company  
**Deborah Franco, Esq.**, Elizabethtown Gas Company and South Jersey Gas Company  
**Joshua Eckert, Esq.**, Jersey Central Power and Light Company  
**Andrew Dembia, Esq.**, New Jersey Natural Gas Company  
**Matthew Weissman, Esq.**, Public Service Electric and Gas Company  
**John L. Carley, Esq.**, Rockland Electric Company  
**Debbie Albrecht, Esq.**, New Jersey American Water Company  
**Rodolphe Bouichou**, Suez Water NJ, Inc.  
**Jay L. Kooper, Esq.**, Middlesex Water Company  
**Adam Burger**, AQUA New Jersey, Inc.  
**David G. Ern**, Gordon's Corner Water Company  
**John J. Brunetti**, Midtown Water Company  
**David B. Simmons, Jr.**, Simmons Water Company  
**Samuel Faiello**, Shore Water Company  
**John Cannie**, Fayson Lakes Water Company  
**Wendy Stewart**, Atlantic City Sewer Company  
**J. Bryce Mendenhall**, Montague Water Company  
**Jeffrey Fuller**, Lake Lenape Water Company  
**Henryk Schwarz**, Mt. Olive Villages Water Company  
**Robert H. Oostdyk, Jr., Esq.** of Murphy McKeon P.C., on behalf of the Borough of Butler  
**Janine G. Bauer, Esq.**, AARP New Jersey State Office  
**David McMillen, Esq.**, Legal Services of New Jersey  
**Eric Miller, Esq.**, National Resources Defense Council  
**Renee Steinhagen, Esq.**, New Jersey Citizen Action  
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**Bradford Stern, Esq.**, Warwick Valley Telephone Company

BY THE BOARD:<sup>1</sup>

## **BACKGROUND**

On February 3, 1986, a Utility Consumer Bill of Rights was established by the New Jersey Board of Public Utilities (“Board” or “BPU”) outlining certain protections afforded to utility customers under the Board’s then current regulations (“Bill of Rights”).<sup>2</sup> Thereafter, on September 14, 2021, the Bill of Rights was revised to incorporate various changes made to the Board’s regulations since the establishment of the original Bill of Rights in 1986 (“Revised BOR”). The Revised BOR also included consumer protections mandated by Governor Phil Murphy through various executive orders in response to the COVID-19 pandemic of 2020 (“Executive Order Protections”).<sup>3</sup> The Executive Order Protections were intended to be temporary and had an expiration date of December 31, 2021.<sup>4</sup>

After the Revised BOR was issued by the Board, a clarifying order was issued on October 16, 2021 (“Clarifying Order”) incorporating certain language from temporary legislation signed by Governor Murphy on May 12, 2021.<sup>5</sup> The Clarifying Order further required the utilities to provide the Board with a report evidencing compliance with the notice provisions set out in the various Orders related to the Bill of Rights.

The Board subsequently received requests for waivers from Mount Olive Villages Water Company and Mount Olive Villages Sewer Company (collectively referred to as “Mount Olive Villages”), Village Utility, LLC (“Village”), Butler Electric (“Butler”), Montague Water Company and Montague Sewer Company (collectively referred to as “Montague”), and Shore Water Company (“Shore”) seeking waivers of various notice requirements set out in the Clarifying Order. The Board addressed these waiver requests at its December 15, 2021 agenda meeting (“December 15 Agenda”) when it updated the Revised BOR, which removed Executive Order Protections that were set to expire (“Updated BOR”).<sup>6</sup>

On December 21, 2021, the Governor signed legislation, L. 2021, c.317, extending the shutoff grace period for residential water, sewer, and municipal electric customers from December 31, 2021 to March 15, 2022. The legislation also extended the payment plan provisions of the Governor’s Executive Order No. 246 (“EO 246”), requiring all utilities to offer a 12-month, no down payment, interest-free payment plan to residential customers prior to disconnecting service or imposing liens for non-payment of arrearages that accrued since the beginning of the Public Health Emergency. The legislation further required the Department of Community Affairs (“DCA”)

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<sup>1</sup> Commissioner Upendra J. Chivukula did not participate.

<sup>2</sup> In re Utility Customer Bill of Rights, BPU Docket No. CO8602155, Order dated February 3, 1986.

<sup>3</sup> In re the New Jersey Board of Public Utilities’ Utility Customer Bill of Rights, BPU Docket No. AX21091111, Order dated September 14, 2021 (“September 2021 Order”).

<sup>4</sup> 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/>.

<sup>5</sup> L. 2021, c.97 [https://www.njleg.state.nj.us/Bills/2020/PL21/97\\_.PDF](https://www.njleg.state.nj.us/Bills/2020/PL21/97_.PDF) (“May 2021 Legislation”)

<sup>6</sup> In re the New Jersey Board of Public Utilities’ Utility Customer Bill of Rights, BPU Docket No. AX21091111, Order dated December 15, 2021 (“Updated Revised Bill of Rights”). The Board granted waiver requests from Mount Olive Villages and Village, denied in part and granted in part Butler’s requests, granted Montague’s request, and denied Shore’s request.

to establish a Winter Termination Program ("WTP") for water, sewer, and electric municipal utilities customers. Additionally, the BPU is now required to include water and sewer public utilities into its existing WTP, to take effect for the 2022-2023 winter season.

### **DISCUSSION AND FINDINGS**

As noted above, the Board issued an Updated BOR with an effective date of January 1, 2022 at its December 15 Agenda. At the time the Updated BOR was issued with instructions to the utility companies to provide notice to its customers, the Governor had not extended the utility shutoff grace period beyond the December 31, 2021 date. The Board addressed the matter at its December 15 Agenda, in advance of the December 31, 2021 expiration date, to ensure affected utility customers would receive timely notice of changes that could impact their access to utility services. The Governor, thereafter, signed legislation that not only extended the utility shutoff grace period established under EO 246 for residential water, sewer, and municipal electric customers from December 31, 2021 to March 15, 2022, but also extended the payment plan provisions of EO 246, and included additional protection to residential water and sewer customers who, at the time of the issuance of the Updated BOR, were not eligible to participate in the WTP. The inclusion of water and sewer public utility customers into the Board's WTP would provide those customers protection from utility disconnections between November 15 and March 15, as is the case with residential gas and electric utility customers. Pursuant to L. 2021, c.317, the WTP will be available to qualifying water and sewer public utility customers for the 2022-2023 winter season.

In light of the recent legislation and to ensure that water and sewer public utility customers are similarly situated to their gas and electric utility counterparts, the Board **HEREBY FINDS** that a revision to the Updated BOR, which was effective January 1, 2022, is necessary and appropriate at this time to, at a minimum, reflect the extension of the utility shutoff grace period and the inclusion of residential water and sewer public utility customers into BPU's WTP for the 2022-2023 winter season, as required by L. 2021, c.317.

Additionally, because the effective date of this Order revising the Updated BOR in conformity with the most recent legislation is after the effective date of the already issued Updated BOR, the Board **HEREBY DIRECTS** the utilities within its jurisdiction to retroactively apply the applicable renewed Executive Order Protections to all affected utility customers, to include reconnection or initiation of appropriate payment plans under the conditions set out in L. 2021, c.317.

This Order and the revised Updated BOR supersede all previous versions of the Bill of Rights. The Board notes that no new regulations are created nor are any existing regulations changed by the establishment of the updated Bill of Rights. Rather, the updated Bill of Rights is wholly consistent with existing Board regulations. See N.J.A.C. 14:3-7 et seq. To the extent there is ambiguity in this Order or a conflict exists between the Board's Order and current law or regulations, the Board **HEREBY** directs the utility companies to comply with the current law and regulations. 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 **HEREBY REVISES** the Updated BOR with a retroactive effective date of January 1, 2022, as follows:<sup>7</sup>

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 a gas or electric utility 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 of twelve (12) months with no money down, unless you request a shorter payback period. 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. Any deferred payment plan offered by the utility company to you must comply with current law and regulations.
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](http://www.nj211.org/utility-assistance-programs).
5. Any disconnected gas, electric, water, and sewer 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, water, and sewer 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.<sup>8</sup>
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 (10) days prior to the discontinuance of service.
10. If you are a participant in an energy assistance program or a gas, electric, water, and/or sewer 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

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<sup>7</sup> Rights promulgated by Executive Order 246, which expired December 31, 2021, and extended to March 15, 2022 under L. 2021, c.317, are included in the Updated BOR. The Board will address the Utility Consumer Bill of Rights as needed to make updates consistent with the current laws and regulations.

<sup>8</sup> 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.

utilities service from **November 15 to March 15** without fear of termination of such services if you are a participant under the Winter Termination Program. You have a right to water and sewer utility services through March 15, 2022.<sup>9</sup>

11. After March 15, 2022, residential gas, electric, water, and sewer utilities are permitted to inform customers that they are subject to termination of service due to non-payment.
12. After March 15, 2022, 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.
13. 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.
14. 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.
15. 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.
16. You have the option of having a deposit refund applied to your account as a credit or having the deposit refunded by separate check.
17. A utility may not impose late fees, interest, or liens on residential customer accounts due to late payments.
18. 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 revised Updated BOR in the next billing cycle. Current residential customers who receive a printed version of their bills shall be provided with the revised Updated BOR in paper format on a monthly basis. Current residential customers who receive their bills electronically shall be provided with the revised Updated BOR electronically on a monthly basis. Regardless of which delivery method employed, all utility companies shall, on a monthly basis for 18 months after the

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<sup>9</sup> Electric and gas utility customers enrolled in the Winter Termination Program have a right to electric and gas utility service from November 15 to March 15 of each year in which they qualify under the program. Residential water and sewer utility customers have a right to water and sewer utility services through March 15, 2022. The Winter Termination Program will become available to qualified residential water and sewer utility customers beginning in the 2022-2023 winter season.

termination of EO 103, provide the revised Updated BOR to their residential customers in a form and manner that would maximize receipt by the customers;

2. Provide all new customers with a copy of the revised Updated BOR upon initiation of service;
3. Pursuant to the May 2021 Legislation, an English and translated version of the revised Updated BOR is required where the primary language of 10 percent or more of the population within a municipality is a language other than English as set forth therein. The monthly printed format of the revised Updated BOR should also contain a translated version in said format, if required. For electronic billing residential customers, the monthly email should include a link to the translated version of the revised Updated BOR in addition to the required English language version of the revised Updated BOR<sup>10</sup>;
4. In addition to providing the revised Updated BOR to the residential customer in an appropriate format as set out above, the revised Updated BOR must also be prominently displayed on the utility company's website, if applicable;
5. This notice requirement pertains to all gas, electric, water, and incumbent local exchange telephone public utilities within the jurisdiction of the Board;
6. The utility company shall report its compliance with the notice requirements set out in this order by February 11, 2022, detailing the method of distribution to customers, describing all changes made to billing and collections operations in compliance with the applicable laws, and providing the Board with a copy of the English version of the revised Updated BOR that was sent by the utility company to the residential customer; and
7. For those utilities required to provide a translated version of the revised Updated BOR in accordance with the May 2021 Legislation, a copy of the translated version shall be provided to the Board by February 11, 2022, along with the English version of the revised Updated BOR that was sent by the utility company to the residential customer.

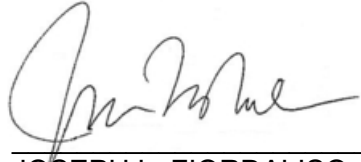
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<sup>10</sup> "For a municipality served by a public utility or local utility in which the primary language of 10 percent or more of the population is a language other than English, the public utility or local utility shall provide notification in that other language or languages for use by customers in that municipality." See L. 2021, c.97, [https://www.njleg.state.nj.us/Bills/2020/PL21/97\\_.PDF](https://www.njleg.state.nj.us/Bills/2020/PL21/97_.PDF)

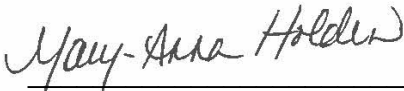
This Order shall be effective January 12, 2022.

DATED: January 12, 2022

BOARD OF PUBLIC UTILITIES  
BY:



JOSEPH L. FIORDALISO  
PRESIDENT



MARY-ANNA HOLDEN  
COMMISSIONER



DIANNE SOLOMON  
COMMISSIONER



ROBERT M. GORDON  
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH  
SECRETARY

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

**DOCKET NO. AX21091111**

**SERVICE LIST**

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### **Municipal Water Utilities\***

\*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.

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## **RESIDENTIAL UTILITY CUSTOMER PROTECTIONS**

*(Effective retroactively from January 1, 2022)*

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

*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 a gas or electric utility 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 of twelve (12) months with no money down, unless you request a shorter payback period. 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. Any deferred payment plan offered by the utility company to you must comply with current law and regulations.
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](http://www.nj211.org/utility-assistance-programs).
5. Any disconnected gas, electric, water, and sewer 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, water, and sewer 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.<sup>1</sup>
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.

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<sup>1</sup> 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.

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 (10) days prior to the discontinuance of service.
10. If you are a participant in an energy assistance program or a gas, electric, water, and/or sewer 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 services if you are a participant under the Winter Termination Program. You have a right to water and sewer utility services through March 15, 2022.<sup>2</sup>
11. After March 15, 2022, residential gas, electric, water, and sewer utilities are permitted to inform customers that they are subject to termination of service due to non-payment.
12. After March 15, 2022, 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.
13. 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.
14. 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.
15. 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.
16. You have the option of having a deposit refund applied to your account as a credit or having the deposit refunded by separate check.
17. A utility may not impose late fees, interest, or liens on residential customer accounts due to late payments.

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<sup>2</sup> Electric and gas utility customers enrolled in the Winter Termination Program have a right to electric and gas utility service from November 15 to March 15 of each year in which they qualify under the program. Residential water and sewer utility customers have a right to water and sewer utility services through March 15, 2022. The Winter Termination Program will become available to qualified residential water and sewer utility customers beginning in the 2022-2023 winter season.

18. 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.