

CHAPTER 5

ELECTRIC SERVICE

Authority

N.J.S.A. 48:2-12, 13, 16, 25, 42 and 52; and 48:3-96.

Source and Effective Date

R.2008 d.57, effective February 14, 2008.
See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 5, Electric Service, expires on August 13, 2015. See: 47 N.J.R. 631(a).

Chapter Historical Note

Chapter 5, Electric, was filed and became effective prior to September 1, 1969. Subchapter 4, Regulation for Residential Electric Underground Extensions, was adopted as R.1971 d.183, effective December 31, 1971. See: 1 N.J.R. 9(a), 3 N.J.R. 227(c). Subchapter 7, was adopted as R.1973 d.106, effective April 19, 1973. See: 4 N.J.R. 134(c), 5 N.J.R. 167(a). Subsequent revisions to Subchapter 7 were filed and became effective January 21, 1975, as R.1975 d.12. See: 5 N.J.R. 353(a), 7 N.J.R. 62(b). Subchapter 7 was repealed by R.1977 d.37, effective February 17, 1977. See: 9 N.J.R. 139(a).

Pursuant to Executive Order No. 66(1978), Subchapter 3 expired on April 23, 1984.

A new Subchapter 3, Meters, was adopted as R.1985 d.625 effective December 16, 1985. See: 17 N.J.R. 2237(a), 17 N.J.R. 2998(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Electric, expired on December 16, 1990.

Chapter 5, Electric Service, was adopted as new rules by R.1991 d.583, effective December 2, 1991. See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Electric Service, expired on December 2, 1996.

Chapter 5, Electric Service, was adopted as new rules by R.1997 d.99, effective March 3, 1997. See: 28 N.J.R. 4080(a), 29 N.J.R. 786(b).

Subchapter 7, Interim Electric Distribution Service Reliability and Quality Standards, was adopted as R.2001 d.3, effective January 2, 2001. See: 32 N.J.R. 2980(a), 33 N.J.R. 123(a).

Chapter 5, Electric Service, was readopted as R.2002 d.314, effective August 21, 2002. See: 34 N.J.R. 1390(a), 34 N.J.R. 3234(a).

Subchapter 4, Regulation for Residential Electric Underground Extensions, was repealed and Subchapter 4, Extension of Electric Service, was adopted as new rules by R.2004 d.462, effective December 20, 2004. See: 36 N.J.R. 276(a), 36 N.J.R. 5928(a).

Subchapter 8, Vegetation Management (Tree Trimming) Standards, was adopted as new rules by R.2006 d.434, effective December 18, 2006. See: 37 N.J.R. 4385(a), 38 N.J.R. 5396(a).

Chapter 5, Electric Service, was readopted as R.2008 d.57, effective February 14, 2008. As part of R.2008 d.57, Subchapter 1, Scope and Applicability, was adopted as new rules; former Subchapter 1, Plant, was recodified to Subchapter 2; former Subchapter 2, Service, was recodified to Subchapter 3; former Subchapter 3, Meters, was recodified to Subchapter 4; former Subchapter 4, Extension of Electric Service, was recodified to Subchapter 5; former Subchapter 5, Uniform System of Accounts for Classes A and B Electric Utilities, was recodified to Subchapter 6; former Subchapter 6, Electric Transmission Lines, was recodified to Subchapter 7; former Subchapter 7, Interim Electric Dis-

tribution Service Reliability and Quality Standards, was recodified to Subchapter 8 and renamed Electric Distribution Service Reliability and Quality Standards; and former Subchapter 8, Vegetation Management (Tree Trimming) Standards, was recodified to Subchapter 9 and renamed Vegetation Management, effective March 17, 2008. See: Source and Effective Date. See, also, section annotations.

Subchapter 9, Vegetation Management, was renamed Electrical Utility Line Vegetation Management by R.2010 d.018, effective January 19, 2010. See: 41 N.J.R. 2084(a), 42 N.J.R. 508(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 5, Electric Service, was scheduled to expire on February 14, 2015. See: 43 N.J.R. 1203(a).

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SUBCHAPTER 1. SCOPE AND APPLICABILITY

14:5-1.1 Scope

(a) This chapter shall govern the operation of all electric distribution companies (EDCs) operating within the State of New Jersey.

(b) In addition to complying with this chapter, each EDC described at (a) above shall also comply with the applicable provisions of the Board's rules for all utilities at N.J.A.C. 14:3.

(c) For the purposes of this chapter, the act of any person, as defined at N.J.A.C. 14:3-1.1, acting on behalf of an EDC, shall be deemed to be the act of the EDC.

New Rule, R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Former N.J.A.C. 14:5-1.1, Plant construction, recodified to N.J.A.C. 14:5-2.1.

14:5-1.2 Definitions

For the purposes of this chapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1.

"Annual System Performance Report" means an annual report containing the information requested in N.J.A.C. 14:5-8.7. This report is to be submitted to the Board by May 31 of each year.

"Benchmark" means the five-year average (2002-2006) of CAIDI and SAIFI or a value determined by the Board.

"Board" means the New Jersey Board of Public Utilities.

"Corrective action" means the maintenance, repair, or replacement of EDC or utility system components and structures to allow them to function with the proper degree of reliability.

"Customer Average Interruption Duration Index (CAIDI)" represents the average time in minutes required to restore service to those customers that experienced sustained interruptions during the reporting period. CAIDI is defined as follows:

$$\text{CAIDI} = \frac{\text{sum of sustained customer interruption durations per reporting period}}{\text{total number of sustained customer interruptions per reporting period}}$$

"Distribution circuit" means a three phase set of conductors emanating from a substation circuit breaker serving customers in a defined local distribution area. This includes three phase, two phase and single phase branches.

"Electric distribution company" or "EDC" means a company that has an electric distribution system and meets the definition of a public utility at N.J.S.A. 48:2-13.

"Electric distribution system" means that portion of an electric system which delivers electric energy from transformation points on the transmission system to points of connection at the customers' premises.

"IEEE" means a professional association for the advancement of technology, which was originally named the Institute of Electrical and Electronic Engineers. The IEEE is located at 445 Hoes Lane, Piscataway, NJ 08854. Further information can be obtained on the IEEE website at <http://www.ieee.org/portal/site>.

"Interrupting device" means a device capable of being reclosed whose purpose includes interrupting fault currents, isolating faulted components, disconnecting loads and restoring service. These devices can be manual, automatic, or motor operated. Examples include transmission and distribution breakers, line reclosers, motor operated switches, fuses or other devices.

"Interruption" means the loss of electric service to one or more customers. It is the result of one or more component outages, depending on system configuration as well as other events. See "outage" and "major event." The types of interruption include momentary event, sustained and scheduled.

"Interruption, duration" means the period (measured in minutes, hours, or days) from the initiation of an interruption of electric service to a customer until such service has been restored to that customer. An interruption may require step-restoration tracking to provide reliable index calculations.

"Interruption, momentary event" means an interruption of electric service to one or more customers of duration limited to the period required to restore service by an interrupting device. Such switching operations by interrupting devices must be completed in a specified time not to exceed five minutes. This definition includes all reclosing operations which occur within five minutes of the first interruption. For example, if a recloser or breaker operates two, three, or four times and then holds within five minutes, the event shall be considered one momentary event interruption.

“**Interruption, scheduled**” means an interruption of electric power service that results when one or more components are deliberately taken out of service at a selected time, usually for the purposes of preventative maintenance, repair, construction, the preservation of the system or supply interruptions due to the scheduled unavailability of transmission import capability.

1. This interruption derives from transmission and distribution applications and does not apply to generation interruptions.

2. The key test to determine if the loss of electric service should be classified as a scheduled interruption is as follows: If it is possible to defer the interruption when such deferment is desirable, the interruption is a scheduled interruption. Deferring an interruption may be desirable, for example, to prevent overload of facilities or interruption of service to customers. Scheduled interruptions shall not be included in the CAIDI and SAIFI calculations.

“**Interruption, sustained**” means an interruption of electric service to one or more customers that is not classified as a momentary event interruption and which is longer than five minutes in duration.

“**Major event**” means any of the following:

1. A sustained interruption of electric service resulting from conditions beyond the control of the EDC, which may include, but is not limited to, thunderstorms, tornadoes, hurricanes, heat waves or snow and ice storms, which affect at least 10 percent of the customers in an operating area. Due to an EDC’s documentable need to allocate field resources to restore service to affected areas when one operating area experiences a major event, the major event shall be deemed to extend to those other operating areas of that EDC, which are providing assistance to the affected areas. The Board retains authority to examine the characterization of a major event;

2. An unscheduled interruption of electric service resulting from an action:

i. Taken by an EDC under the direction of an Independent System Operator;

ii. Taken by the EDC to prevent an uncontrolled or cascading interruption of electric service; or

iii. Taken by the EDC to maintain the adequacy and security of the electric system, including emergency load control, emergency switching and energy conservation procedures, which affects one or more customers;

3. A sustained interruption occurring during an event, which is outside the control of the EDC and is of sufficient intensity to give rise to a state of emergency or disaster being declared by State government; or

4. When mutual aid is provided to another EDC or utility, the assisting EDC may apply to the Board for

permission to exclude its sustained interruptions from its CAIDI and SAIFI calculations.

Interruptions occurring during a major event in one or more operating areas shall not be included in the EDC’s CAIDI and SAIFI calculations of those affected operating area(s). However, interruption data for major events shall be collected, according to the reporting requirements outlined in N.J.A.C. 14:5-8.8 and 8.9.

“**Minimum reliability level**” means the minimum acceptable reliability as measured by CAIDI and SAIFI data as specified in N.J.A.C. 14:5-8.9. Performance equal to or better than the minimum reliability level is acceptable. Performance that is worse than the minimum reliability level is unacceptable and may be subject to penalty.

“**Operating area**” means a geographical subdivision of each EDC’s franchise territory as defined by the EDC. These areas may also be referred to as regions, divisions or districts.

“**Outage**” means the state of a component when it is not available to perform its intended function due to some event directly associated with that component. This definition derives from transmission and distribution applications and does not apply to generation outages.

“**Power quality**” means the characteristics of electric power received by the customer, with the exception of sustained interruptions and momentary event interruptions. Characteristics of electric power that detract from its quality include waveform irregularities and voltage variations—either prolonged or transient. Power quality problems shall include, but are not limited to, disturbances such as high or low voltage, voltage spikes or transients, flickers and voltage sags, surges and short-time overvoltages, as well as harmonics and noise.

“**Reliability**” means the degree to which safe, proper and adequate electric service is supplied to customers without interruption.

“**Smart Grid**” means an electrical transmission or distribution grid that uses advanced sensing and control technologies, including state of the art hardware and software for monitoring and controlling electric power transmission and distribution, to distribute electricity more effectively, economically and securely.

“**Step restoration**” means the restoration of service to blocks of customers in an area until the entire area or circuit is restored.

“**System Average Interruption Frequency Index**” (SAIFI) represents the average frequency of sustained interruptions per customer during the reporting period. SAIFI is defined as:

$$\text{SAIFI} = \frac{\text{total number of sustained customer interruptions per reporting period}}{\text{total number of customers served per reporting period}}$$

“Total number of customers served” means the number of active metered accounts as of the last day of the prior calendar year or the average of 12 months of active monthly metered accounts. This number generally excludes all street lighting (dusk-to-dawn lighting, municipal street lighting, traffic lights) and sales to other electric utilities.

“Unscheduled interruption” means any interruption of electric service that is not an “interruption, scheduled,” as defined in this section.

Recodified from N.J.A.C. 14:5-7.2 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Rewrote the introductory paragraph; added definitions “Annual System Performance Report”, “Board”, “IEEE”, “Smart Grid” and “Unscheduled interruption”; in definition “Benchmark”, substituted “five-year” for “10-year” and “(2002-2006)” for “(1990-1999)”; substituted definition “‘Electric distribution company’ or ‘EDC’” for definition “EDC”; in definition “Interruption, scheduled”, inserted “service” following “power”, inserted “, the preservation of the system or supply interruptions due to the scheduled unavailability of transmission import capability”, and substituted a comma for “or” following “repair”; in definition “Major event”, substituted “areas” for “area(s)” and “areas(s)” and inserted a comma following “that EDC” in 1, inserted a comma following “event” in 3 and substituted “or” for “and” at the end of 3, and updated the N.J.A.C. reference in the last paragraph; in definition “Minimum reliability level”, substituted “means” for “is defined as” and updated the N.J.A.C. reference; in definition “Outage”, deleted 1 and deleted designation 2; and in definition “Total number of customers served”, inserted “calendar”.

Former N.J.A.C. 14:5-1.2, Separation and protection of conductors buried in earth, recodified to N.J.A.C. 14:5-2.2.

14:5-1.3 (Reserved)

Recodified to N.J.A.C. 14:5-2.3 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was “Protection at crossing of cables”.

14:5-1.4 (Reserved)

Recodified to N.J.A.C. 14:5-2.4 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was “Protection of cables installed parallel”.

14:5-1.5 (Reserved)

Recodified to N.J.A.C. 14:5-2.5 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was “Fault protection”.

14:5-1.6 (Reserved)

Recodified to N.J.A.C. 14:5-2.6 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was “Identification of conductors”.

14:5-1.7 (Reserved)

Recodified to N.J.A.C. 14:5-2.7 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was “Ground protection”.

14:5-1.8 (Reserved)

Recodified to N.J.A.C. 14:5-2.8 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was “Depth of buried cables”.

14:5-1.9 (Reserved)

Recodified to N.J.A.C. 14:5-2.9 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was “Inspection of property”.

SUBCHAPTER 2. PLANT

14:5-2.1 Plant construction

(a) The construction and installation of plant and facilities of EDCs must be in accordance with all of the following, as they applied at the time of construction:

1. N.J.A.C. 14:3-2.1, except with respect to the protection and separation of conductors buried in earth, which is addressed in N.J.A.C. 14:5-2.2;

2. The requirements of the National Electrical Code (NFPA 70), which is available at [www.NFPA.org](http://www.nfpa.org) and;

3. The 2007 National Electrical Safety Code, which is available at <http://standards.ieee.org/nesc/>.

(b) All codes and standards referenced in (a) above are incorporated herein by reference including amendments and supplements thereto.

Recodified from N.J.A.C. 14:5-1.1 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Rewrote the section. Former N.J.A.C. 14:5-2.1, Polyphase service, recodified to N.J.A.C. 14:5-3.1.

Case Notes

Electric utility practiced prudent field management in choosing site for proposed distribution substation. Matter of Appeal of Atlantic City Elec. Co., 93 N.J.A.R.2d (BRC) 75.

14:5-2.2 Separation and protection of conductors buried in earth

(a) The separation between buried communication and buried supply conductors or cables shall consist of not less than 12 inches of well-tamped earth, four inches of brick or three inches of concrete.

(b) Exceptions to (a) above are as follows:

1. This separation and protection is not required where supply circuits having a potential of 550 volts or less between conductors and having a total transmitted power of not in excess of 3,200 watts are laid adjacent to communication cables, if all cables are used exclusively for the operation of a railway signal or supply system and are maintained by the same company.

2. This separation and protection is not required where supply circuits have a potential of 550 volts or less between conductors.

3. This separation and protection is not required where communication and power supply conductors or cables, which have a potential of over 550 volts between conductors are buried in a common trench at the same depth with random separation under the following conditions:

i. The electric system shall be connected with grounded neutral and a voltage not exceeding 22,000 volts to ground;

ii. The power cables shall have a concentric solidly grounded neutral. When there is no covering over the concentric neutral, grounding may be by direct burial in earth; otherwise ground rods shall be driven at all cable terminations or a separate bare copper grounding conductor not smaller than # 4 A.W.G. shall be buried in the earth not more than three inches from the power cable. All neutral and grounding conductors shall be interconnected at all power cable terminations. The power cables shall meet or exceed the test requirements of the Insulated Cable Engineers Association—National Electrical Manufacturers Association joint power cable standards, available from ICEA PO Box 1568 Carrolton, Ga 30112 and www.icea.net, for cables for transmission and distribution of electrical energy; and

iii. The communication cable shall contain a metallic sheath bonded to the electric system grounded neutral at intervals of not more than 1,000 feet.

4. No separation is required between communication and supply conductors or cables located beneath transformer switch and terminal cabinets or their supporting pads or structures.

As amended, R.1975 d.215, effective July 28, 1975.

See: 7 N.J.R. 277(a), 7 N.J.R. 437(a).

Amended by R.1991 d.583, effective December 2, 1991.

See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Editorial or stylistic change only.

Recodified from N.J.A.C. 14:5-1.2 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In the introductory paragraph of (b)3, inserted a comma following "cables"; in (b)3i, deleted "we" following "be"; and in (b)3ii, deleted "Power" following "Insulated", inserted "joint power cable" and "and", available from ICEA PO Box 1568 Carrolton, Ga 30112 and www.icea.net, and inserted "and" at the end.

Former N.J.A.C. 14:5-2.2, Adequacy of service, recodified to N.J.A.C. 14:5-3.2.

Cross References

Fault protection of buried cables, see N.J.A.C. 14:5-1.5.

14:5-2.3 Protection at crossing of cables

(a) At all crossings where buried supply conductors or cables are above communication conductors or cables, the supply conductors or cables shall be protected from digging operations by concrete or rot-resistant treated wood plank or

equivalent mechanical protective covering extending at least two feet in each direction from the point of crossing.

(b) Exceptions to (a) above are as follows:

1. This separation and protection is not required where supply circuits having a potential of 550 volts or less between conductors and having a total transmitted power of not in excess of 3,200 watts are laid adjacent to communication cables, if all cables are used exclusively for the operation of a railway signal or supply system and are maintained by the same company.

2. This protection is not required where supply conductors over 550 volts between conductors are installed in accordance with N.J.A.C. 14:5-2.2(b)3 and 4.

Amended by R.1991 d.583, effective December 2, 1991.

See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Editorial or stylistic change only.

Amended by R.1997 d.99, effective March 3, 1997.

See: 28 N.J.R. 4080(a), 29 N.J.R. 786(b).

Changed N.J.A.C. references.

Recodified from N.J.A.C. 14:5-1.3 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a), substituted "rot-resistant treated" for "creosoted"; and in (b)2, updated the N.J.A.C. reference.

Former N.J.A.C. 14:5-2.3, Sealing of main fuse cabinets and circuit breakers, recodified to N.J.A.C. 14:5-3.3.

14:5-2.4 Protection of cables installed parallel

(a) Where buried communication and buried supply conductors or cables are installed in the same trench generally parallel to each other, the buried supply conductors or cables shall be covered with concrete or rot-resistant treated wood planking or equivalent mechanical protection, except that this covering may be omitted in the following cases:

1. Where the voltage of the supply conductors does not exceed 550 volts between conductors;

2. Where the supply conductors or cables are encased in a continuous metallic sheath effectively grounded;

3. Where the supply conductors or cables are installed more than two feet horizontally from communication conductors; or

4. Where supply conductors over 550 volts between conductors are installed in accordance with N.J.A.C. 14:5-2.2(b)3.

(b) This separation and protection is not required where supply circuits having a potential of 550 volts or less between conductors and having a total transmitted power of not in excess of 3,200 watts are laid adjacent to communication cables, if all cables are used exclusively for the operation of a railway signal or supply system and are maintained by the same company.

Amended by R.1991 d.583, effective December 2, 1991.

See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Editorial or stylistic change only.

Recodified from N.J.A.C. 14:5-1.4 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a), substituted "rot-resistant treated" for "creosoted"; in (a)3, inserted "or" at the end; and in (a)4, updated the N.J.A.C. reference.

Former N.J.A.C. 14:5-2.4, Grounding of secondaries, recodified to N.J.A.C. 14:5-3.4.

14:5-2.5 Fault protection

Where buried communication and power supply conductors of 550 volts or more between conductors are installed in the same trench without separation and in accordance with the requirements of N.J.A.C. 14:5-2.2, the cable shall be protected by devices capable of clearing phase to ground faults.

Amended by R.1991 d.583, effective December 2, 1991.

See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Editorial or stylistic change only.

Recodified from N.J.A.C. 14:5-1.5 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Updated the N.J.A.C. reference.

Former N.J.A.C. 14:5-2.5, Refusal to connect, recodified to N.J.A.C. 14:5-3.5.

14:5-2.6 Identification of conductors

Each EDC using a random burial method of the underground system shall properly identify their cable, and EDC employees shall know the identification of the cable belonging to their EDC.

Recodified from N.J.A.C. 14:5-1.6 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted "EDC" for "company" twice and substituted "EDC employees" for "employees of a company".

Former N.J.A.C. 14:5-2.6, Accidents, recodified to N.J.A.C. 14:5-3.6.

14:5-2.7 Ground protection

(a) Where communication and power supply conductors are buried in the same trench without separation, the following ground protection shall be provided:

1. At each transformer and/or pedestal installation all grounds, sheaths and neutrals shall be interconnected. The common neutral conductor shall normally be continuous. Where straight splices are required in the common neutral, only two ends of the conductors shall be joined with one conductor. All interconnections, including equipment neutral connections, to the common neutral required by N.J.A.C. 14:5-2.2 through 2.8 shall be made by taps to the common neutral.

2. Telephone protectors, communication service cable shields and secondary neutrals shall be connected to a common ground at each customer's service entrance when communication circuits are underground without separation from power conductors.

Amended by R.1991 d.583, effective December 2, 1991.

See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Editorial or stylistic change only.

Recodified from N.J.A.C. 14:5-1.7 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was "Reserved". In (a)1, updated the N.J.A.C. references.

14:5-2.8 Depth of buried cables

Where communication and power supply cables of over 550 volts between conductors are buried without separation in the same trench or without mechanical protection, the power cable shall be buried to a minimum of 30 inches of cover except under railroad tracks where they shall be buried with a minimum cover of 42 inches. In rock, 24-inch minimum cover will be acceptable or a lesser cover will be accepted where an adequate means of mechanical protection is provided.

Amended by R.2002 d.314, effective September 16, 2002.

See: 34 N.J.R. 1390(a), 34 N.J.R. 3234(a).

Recodified from N.J.A.C. 14:5-1.8 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

14:5-2.9 Inspection of property

(a) Each EDC shall inspect lamps and street lighting accessories and maintain such service in accordance with N.J.A.C. 14:3-2.7(a) and established industry practice. Whenever any transformers, high tension insulators, and equipment are removed from the system for any reason they shall be inspected as to safety and serviceability before being reinstalled in the same or other location.

(b) All routine streetlight repairs are to be made within three business days after notice that a repair is necessary. Routine repairs include bulbs, fixtures, globes, mantles or photocells. Other more extensive repairs including, but not limited to, those requiring excavation, shall be handled on a best efforts basis in order to ensure the restoration of safe, adequate and proper service as quickly as reasonably possible.

Recodified from N.J.A.C. 14:5-1.9 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Inserted designation (a); in (a), substituted "EDC" for "electric utility", inserted "N.J.A.C. 14:3-2.7(a) and" and "industry"; and added (b).

SUBCHAPTER 3. SERVICE

14:5-3.1 Polyphase service

Where polyphase service, which means an electrical system that uses or generates two or more alternating voltages of the same frequency but differing in phase angle, is available, or can be made available in accordance with the provisions in the EDC's tariff, an applicant for polyphase service for a motor installation shall be supplied polyphase service where any one motor is over 10 horsepower, or where any one motor is between five horsepower and 10 horsepower and the supply of such motor with single phase service is likely to

have an objectionable effect on the service to the applicant or upon other customers.

Recodified from N.J.A.C. 14:5-2.2 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).

Former N.J.A.C. 14:5-2.1, Service connections; electric, repealed.

Recodified from N.J.A.C. 14:5-2.1 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Inserted “, which means an electrical system that uses or generates two or more alternating voltages of the same frequency but differing in phase angle,”; substituted “provisions” for “rules and regulations” and “EDC’s” for “utility’s” and substituted “10” for “ten” twice.

Former N.J.A.C. 14:5-3.1, Testing of electric meters, recodified to N.J.A.C. 14:5-4.1.

14:5-3.2 Adequacy of service

(a) EDCs supplying electrical energy on a constant potential system shall adopt and maintain a standard average value of voltage as measured at the point of attachment to the customer’s wiring; and the normal variations, as measured by a standardized voltmeter, shall not vary for periods exceeding five minutes for service supplied at 150 volts or less to ground more than four percent above, nor more than four percent below said standard average voltage for said location, which is in force at the time; provided, however, the variations in voltage caused by the operation of apparatus in the customer’s premises in violation of the utility’s rules, the action of the elements, or other causes beyond the EDC’s control shall not be considered a violation of this provision.

(b) Each EDC shall supply alternating current at a standard frequency per industry standard, the suitability of which may be determined by the Board, and shall maintain this frequency. However, changes or variations of frequency, which are clearly not due to lack of proper equipment or reasonable care on the part of the EDC shall not be considered a violation of this rule.

Amended by R.1991 d.583, effective December 2, 1991.

See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Editorial or stylistic change only.

Amended by R.2002 d.314, effective September 16, 2002.

See: 34 N.J.R. 1390(a), 34 N.J.R. 3234(a).

Recodified from N.J.A.C. 14:5-2.3 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).

Former N.J.A.C. 14:5-2.2, Polyphase service, recodified to N.J.A.C. 14:5-2.1.

Recodified from N.J.A.C. 14:5-2.2 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a), substituted “EDCs” for “Electric utilities” and “EDC’s” for “utility’s”; and rewrote (b).

Former N.J.A.C. 14:5-3.2, Periodic testing of electric meters, recodified to N.J.A.C. 14:5-4.2.

14:5-3.3 Sealing of main fuse cabinets or circuit breakers

In the interest of safety to the EDC customer and as a measure of protection to the EDC, main service cabinets or cabinets enclosing main fuses and circuits may be sealed; provided, however, that the main switches or circuit breakers

in such cabinets are externally operable; that service entrance wires are installed in accordance with the National Electrical Code, available from National Fire Protection Association 1 Batterymarch Park, Quincy, Mass or www.nfpa.org; and that fuses or circuit breakers other than above mentioned are made accessible to the customer. The EDC’s service department should be so organized and directed that its customers may be assured prompt restoration of service when interrupted through failure of main fuses or opening of the circuit breakers that are sealed.

Recodified from N.J.A.C. 14:5-2.4 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).

Former N.J.A.C. 14:5-2.3, Adequacy of service, recodified to N.J.A.C. 14:5-2.2.

Recodified from N.J.A.C. 14:5-2.3 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted “EDC” for “electric utility”, “utility” and “utility’s”, inserted “, available from National Fire Protection Association 1 Batterymarch Park, Quincy, Mass or www.nfpa.org” and substituted “that” for “which”.

Former N.J.A.C. 14:5-3.3, Determination of electric meter accuracy, recodified to N.J.A.C. 14:5-4.3.

14:5-3.4 Grounding of secondaries

Secondaries shall be grounded by EDCs in a manner, which accords with the applicable provisions of the National Electrical Safety Code.

Recodified from N.J.A.C. 14:5-2.5 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).

Former N.J.A.C. 14:5-2.4, Sealing of main fuse cabinets or circuit breakers, recodified to N.J.A.C. 14:5-2.3.

Recodified from N.J.A.C. 14:5-2.4 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted “EDCs” for “electric utilities” and inserted a comma following “manner”.

Former N.J.A.C. 14:5-3.4, Outdoor meters, recodified to N.J.A.C. 14:5-4.4.

14:5-3.5 Refusal to connect

An EDC may refuse to connect with any customer’s installation when it is not in accordance with the National Electrical Code and with standard terms and conditions of the EDC furnishing the service, and where a certificate approving the customer’s electrical installation has not been issued by a county or a municipality or by some person, agency or organization duly appointed by the county or municipality to make such inspections. When a county or municipality has not provided, in accordance with applicable statutes, for the regulation and inspection of wires and appliances for the utilization of electrical energy, or has not appointed any person, agency or organization to make such inspections, then an inspection certificate, issued by an inspection agency designated by the EDC in its filed tariff, shall be accepted in lieu thereof.

Recodified from N.J.A.C. 14:5-2.6 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).

Former N.J.A.C. 14:5-2.5, Grounding of secondaries, recodified to N.J.A.C. 14:5-2.4.

Recodified from N.J.A.C. 14:5-2.5 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted the first and third occurrences of "EDC" for "electric utility" and substituted the second occurrence of "EDC" for "utility".

Former N.J.A.C. 14:5-3.5, Readjustment of electric meters, recodified to N.J.A.C. 14:5-4.5.

14:5-3.6 Accidents

Each EDC shall report accidents in conformance with the provisions of N.J.A.C. 14:3-6.4.

New Rule, R.2002 d.314, effective September 16, 2002.

See: 34 N.J.R. 1390(a), 34 N.J.R. 3234(a).

Recodified from N.J.A.C. 14:5-2.7 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).

Former N.J.A.C. 14:5-2.6, Refusal to connect, recodified to N.J.A.C. 14:5-2.5.

Recodified from N.J.A.C. 14:5-2.6 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted "EDC" for "electric utility".

SUBCHAPTER 4. METERS

14:5-4.1 Testing of electric meters

(a) Each EDC furnishing electric service shall provide and have available a meter testing laboratory, standard meters and instruments, and such other equipment and facilities as may be necessary to make the tests required by these regulations, or by other orders of the Board.

(b) Each EDC furnishing electric service shall provide and have available such portable indicating electrical testing instruments and portable watt-hour meters of suitable range and type for testing service watt-hour meters, switchboard instruments, recording voltmeters and other electrical instruments in use as may be deemed necessary by the Board.

(c) For testing the accuracy of the portable watt-hour meters, commonly known as "rotating standards," and the portable instruments used for testing customers' service meters, each EDC shall provide and have available suitable indicating electrical instruments, watt-meters, watt-hour meters, or any or all of them hereinafter called "reference standards." Such standards may be of the service type of watt-hour meters, but, if so, such watt-hour meters shall be permanently mounted in the meter laboratory of the EDC and shall be used for no other purpose than for checking standards. All reference standards may be tested, adjusted and sealed by the Board at its discretion.

(d) All portable watt-hour meters (rotating standards) of the commutator type shall be compared with reference standards at least once each week. Every portable watt-hour meter (rotating standard) shall at all times be accompanied by a certificate giving the date when it was certified, the cor-

rections to be applied at various loads, and signed by the proper authority. These certificates, when superseded, shall be kept on file in the office of the EDC at least one year.

(e) All portable, indicating electrical testing instruments, such as, voltmeters, ammeters and watt-meters, when in regular use for testing purposes, shall be checked against reference standards at least once a week when continuing in use.

(f) Instruments and standards may be tested and certified by any standardizing laboratory whose instruments and methods are approved by the Board.

Recodified from N.J.A.C. 14:5-3.1 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted "EDC" for "utility" throughout; and in (c), substituted "customers'" for "customer's" and "reference standards'" for "reference standards'."

Former N.J.A.C. 14:5-4.1, Extensions, recodified to N.J.A.C. 14:5-5.1.

14:5-4.2 Periodic testing of electric meters

(a) All direct current meters installed upon customers' premises shall be periodically tested in accordance with the following schedule:

1. Up to and including six kilowatts—at least once in 3½ years;
2. Over six kilowatts, up to and including 100 kilowatts—at least once in 1½ years;
3. Over 100 kilowatts—at least once in one year.

(b) The kilowatt rating of a direct current meter is the product of the rated voltage and the rated current.

(c) All types of alternating current watt-hour meters installed upon customers' premises shall be tested as follows:

1. Self-contained polyphase meters and transformer rated meters shall be tested at the following intervals:
 - i. Meters without demand register—at least once in 16 years;
 - ii. Meters with block-interval demand registers—at least once in 12 years;
 - iii. Meters with lagged demand registers—at least once in eight years.
2. Self-contained single-phase meters and three-wire network meters—at least once in eight years or by a variable interval or statistical sampling technique approved by the Board.

As amended R.1979 d.374, effective September 5, 1979.

See: 11 N.J.R. 402(c), 11 N.J.R. 585(c).

Amended by R.1991 d.583, effective December 2, 1991.

See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Editorial or stylistic change only.

Recodified from N.J.A.C. 14:5-3.2 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (c)1, inserted "shall be tested at the following intervals".

14:5-4.3 Determination of electric meter accuracy

(a) No meter that has an error in registration of more than plus or minus two percent shall be placed in service or allowed to remain in service without adjustment.

(b) No meter, which registers upon "no load" shall be placed in service or allowed to remain in service. To determine that a meter is registering upon "no load," all load wires shall be removed, and if the meter disk then rotates at the rate of one revolution in five minutes or less it shall be considered as registering on "no load."

(c) For periodic testing, the accuracy shall be determined by taking the average of the percentage registration at light load and heavy load. In periodic testing where the average accuracy shows the meter to be in error by more than two percent, the complaint testing method as stated below shall be used to determine the final accuracy of the meter.

(d) As used in this section, light load shall be approximately five to ten percent of rated current and heavy load shall be not less than 60 percent nor more than 150 percent of rated current.

(e) For complaint testing, the accuracy shall be determined by taking the average of the percentage registration at light load and at heavy load, giving the heavy load registration a weight of four.

Recodified from N.J.A.C. 14:5-3.3 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In the second sentence of (b), substituted "no load," for "no load'," and "no load," for "no load'".

Case Notes

The N.J. Board of Public Utilities approved and adopted an Administrative Law Judge's recommendation calling for the dismissal of a petition filed by homeowners challenging their electric bill on claims that their meter was not functioning properly because the homeowners failed to provide any legally competent evidence to support their claim of inaccuracy. Moreover, the utility's evidence showed that the meter was accurate under the standards in N.J.A.C. 14:3-4.6(a). *Miller v. Atlantic City Electric*, BPU Dkt. No. EC13020115U; OAL Dkt. No. PUC 5255-13S, 2013 N.J. PUC LEXIS 305, Final Decision (October 16, 2013).

New Jersey Board of Public Utilities adopted an initial decision denying a customer's petition alleging high bills for electric utility services resulting from an inaccurate meter. The meter was tested twice with an average accuracy of 99.756 percent, well within the Board's acceptable levels of plus or minus two percent pursuant to N.J.A.C. 14:5-4.3(a). *Patricia Atalese v. Atlantic City Electric Co.*, OAL Dkt. No. PUC7704-12, 2013 N.J. PUC LEXIS 155, Final Decision (May 29, 2013).

Minor error in electric meter readings did not exceed permissible margin of error. *Gross v. PSE&G*, 96 N.J.A.R.2d (BRC) 13.

Utility correctly billed customer for unmetered electrical service over a span of 11 years. *Licciardello v. Public Service Electric and Gas*, 95 N.J.A.R.2d (BRC) 35.

14:5-4.4 Outdoor meters

All new electric meters installed outdoors shall be compensated for temperature variations.

Recodified from N.J.A.C. 14:5-3.4 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

14:5-4.5 Readjustment of electric meters

Each meter after being tested shall be adjusted to record within a tolerance of plus 0.3 percent and minus one percent at both light and heavy loads. These tolerances are specified to allow for necessary variations and meters must be adjusted to within the allowable tolerances as nearly as practicable to zero error. Meters removed from service are to be tested and adjusted in the meter room before being put in service again. Each electric meter shall be tested for accuracy before installation or within 30 days after being set.

Recodified from N.J.A.C. 14:5-3.5 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

SUBCHAPTER 5. EXTENSION OF ELECTRIC SERVICE

14:5-5.1 Extensions

All extensions of electric service, including service connections, shall be governed by the provisions for extensions set forth at N.J.A.C. 14:3-8.

Administrative correction.

See: 38 N.J.R. 1225(a).

Recodified from N.J.A.C. 14:5-4.1 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Former N.J.A.C. 14:5-5.1, Adoption by reference of the Uniform System of Accounts, recodified to N.J.A.C. 14:5-6.1.

14:5-5.2 (Reserved)

R.1972 d.181, effective September 18, 1972.

See: 4 N.J.R. 241(b).

Public Notice: Change of address.

See: 19 N.J.R. 890(a).

Amended by R.1991 d.583, effective December 2, 1991.

See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Editorial or stylistic change only.

Amended by R.1997 d.99, effective March 3, 1997.

See: 28 N.J.R. 4080(a), 29 N.J.R. 786(b).

Changed name of Board and added reference to modifications to the rules.

Amended by R.2002 d.314, effective September 16, 2002.

See: 34 N.J.R. 1390(a), 34 N.J.R. 3234(a).

Rewrote (c).

Repealed by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was "Adoption by reference of rules concerning preservation of records; electric utilities".

SUBCHAPTER 6. UNIFORM SYSTEM OF ACCOUNTS FOR CLASSES A AND B ELECTRIC UTILITIES

14:5-6.1 Adoption by reference of the Uniform System of Accounts

The Board adopts by reference the Uniform System of Accounts (USOA) for Classes A and B Electric Utilities that have been promulgated by the Federal Energy Regulatory Commission, as well as all present and subsequent amendments, revisions, deletions and corrections, which the Federal Energy Regulatory Commission may adopt, insofar as they relate to EDCs subject to the jurisdiction of the Board and are in accordance with the Board's policies and procedures. Information about the (USOA) may be obtained at <http://www.ferc.gov/legal/acct-matts/usofa.asp>.

Amended by R.1991 d.583, effective December 2, 1991.

See: 23 N.J.R. 1519(a), 23 N.J.R. 3652(a).

Editorial or stylistic change only.

Recodified from N.J.A.C. 14:5-5.1 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Inserted commas following "Commission", "corrections" and "adopt", substituted "EDCs" for "electric utilities" and inserted the last sentence.

Former N.J.A.C. 14:5-6.1, Requirements for electric transmission lines, recodified to N.J.A.C. 14:5-7.1.

14:5-6.2 Adoption by reference of rules concerning preservation of records

(a) Each EDC shall keep records as required by the National Association of Regulatory Utility Commissioners' 1985 "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities," incorporated herein by reference, as amended or supplemented, and available from the National Association of Regulatory Utility Commissioners, 1101 Vermont Avenue NW, Washington, D.C. 20005, or at www.naruc.org.

New Rule, R.2008 d.57, effective March 17, 2008

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

SUBCHAPTER 7. ELECTRIC TRANSMISSION LINES

14:5-7.1 Requirements for electric transmission lines

(a) Whenever an EDC constructs an overhead transmission line, it shall:

1. Make use of available railroad or other rights-of-way whenever practicable, feasible and with safety, subject to agreement with the owners;
2. Locate towers whenever practicable and feasible in accordance with the topography so as to minimize their appearance; and

3. Establish a program of painting towers initially and periodically in order to camouflage their appearance as much as possible and to the extent consistent with the need for protection.

(b) An entity that conducts vegetation management under an overhead transmission line shall comply with the standards for vegetation management set forth in N.J.A.C. 14:5-8.

R.1972 d.236, effective November 28, 1972.

See: 4 N.J.R. 224(b), 5 N.J.R. 19(a).

Amended by R.2002 d.314, effective September 16, 2002.

See: 34 N.J.R. 1390(a), 34 N.J.R. 3234(a).

In (a)3, inserted "and to the extent consistent with the need for protection" following "possible".

Amended by R.2006 d.434, effective December 18, 2006.

See: 37 N.J.R. 4385(a), 38 N.J.R. 5396(a).

In (a)2, inserted "and" at the end; in (a)3, substituted a period for a semicolon at the end; deleted (a)4 through (a)7; and added (b).

Recodified from N.J.A.C. 14:5-6.1 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In the introductory paragraph of (a), substituted "EDC" for "electric company".

Former N.J.A.C. 14:5-7.1, Purpose and scope, recodified to N.J.A.C. 14:5-8.1.

Case Notes

Action to enjoin tree removal on easement by utility within jurisdiction of Board of Public Utilities for Resolution as a contested case. *Boss v. Rockland Electric Co.*, 95 N.J. 33, 468 A.2d 1055 (1983).

Homeowner failed to prove that electromagnetic field allegedly created by nearby power lines posed health risk. *Karvounis v. Atlantic Electric*, 96 N.J.A.R.2d (BRC) 42.

Public utility, after showing that distribution supply lines are necessary for service, convenience, or welfare of public, need not comply with township's zoning and land use ordinances. In the Matter of the Petition of the Atlantic City Electric Company, 96 N.J.A.R.2d (BRC) 6.

Electric utility did not improperly trim blue spruce tree on property owners' land. *Orlandi v. Jersey Central Power and Light Co.*, 93 N.J.A.R.2d (BRC) 134.

14:5-7.2 (Reserved)

Recodified to N.J.A.C. 14:5-1.2 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was "Definitions".

14:5-7.3 (Reserved)

Recodified to N.J.A.C. 14:5-8.2 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was "Reliability performance levels".

14:5-7.4 (Reserved)

Recodified to N.J.A.C. 14:5-8.3 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was "Service reliability".

14:5-7.5 (Reserved)

Recodified to N.J.A.C. 14:5-8.4 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).
Section was "Power quality".

14:5-7.6 (Reserved)

Recodified to N.J.A.C. 14:5-8.5 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).
Section was "Individual circuit reliability performance".

14:5-7.7 (Reserved)

Recodified to N.J.A.C. 14:5-8.6 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).
Section was "Inspection and maintenance programs".

14:5-7.8 (Reserved)

Recodified to N.J.A.C. 14:5-8.7 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).
Section was "Annual System Performance Report".

14:5-7.9 (Reserved)

Recodified to N.J.A.C. 14:5-8.8 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).
Section was "Major event report".

14:5-7.10 (Reserved)

Recodified to N.J.A.C. 14:5-8.9 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).
Section was "Establishment of service level values".

14:5-7.11 (Reserved)

Recodified to N.J.A.C. 14:5-8.10 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).
Section was "Prompt restoration standards".

14:5-7.12 (Reserved)

Recodified to N.J.A.C. 14:5-8.12 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).
Section was "Penalties".

14:5-7.13 (Reserved)

Recodified to N.J.A.C. 14:5-8.11 by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).
Section was "Outage management systems (OMS)".

SUBCHAPTER 8. ELECTRIC DISTRIBUTION SERVICE RELIABILITY AND QUALITY STANDARDS

14:5-8.1 Purpose and scope

(a) The rules in this subchapter set forth requirements based on a uniform methodology for measuring reliability and ensuring quality of the electric distribution service that is being delivered to New Jersey customers by the EDCs operating in New Jersey subject to the Board's regulatory authority.

(b) These rules, which include requirements for data maintenance, records retention and service interruption information, establish standards to measure the reliability of service on an annual and as needed basis under all operating conditions except major events. Major events shall be examined on a case-by-case basis to determine whether or not the EDC's preparation and response were adequate. It is the general obligation of a regulated EDC to provide sufficient resources in order to provide safe, adequate and proper service to its customers. The Board may also consider other factors in determining whether or not an EDC has provided adequate service.

(c) EDCs are encouraged to explore the use of proven state of the art technology and to promote distribution reliability service improvements.

(d) The rules in this subchapter also set forth requirements for the implementation and scope of outage management systems.

Recodified from N.J.A.C. 14:5-7.1 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a), substituted "EDCs" for "electric distribution companies (EDCs)".

Former N.J.A.C. 14:5-8.1, Purpose and scope, recodified to N.J.A.C. 14:5-9.1.

14:5-8.2 Reliability performance levels

(a) Each EDC shall take reasonable measures to perform better than the minimum reliability levels in N.J.A.C. 14:5-8.5.

(b) Performance that falls below the minimum reliability levels in this subchapter is a violation of this chapter and may be subject to penalty.

Recodified from N.J.A.C. 14:5-7.3 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a), inserted "in N.J.A.C. 14:5-8.5"; and rewrote (b).

Former N.J.A.C. 14:5-8.2, Definitions, recodified to N.J.A.C. 14:5-9.2.

14:5-8.3 Service reliability

(a) Each EDC shall have reasonable programs and procedures necessary to maintain the minimum reliability levels for its respective operating areas.

(b) The programs shall be designed to sustain reliability and, where appropriate, improve reliability. Each EDC shall utilize appropriate and qualified resources to maintain at a minimum, the minimum reliability levels for its respective operating areas.

(c) Interruptions shall not be reduced by unduly characterizing a sustained interruption as a series of momentary event interruptions. Electric service interruptions shall be reported in accordance with N.J.A.C. 14:3-3.7.

Recodified from N.J.A.C. 14:5-7.4 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (b), substituted "at a minimum," for "as a minimum"; and in (c), deleted "to Board staff" following "reported".

Former N.J.A.C. 14:5-8.3, General provisions, recodified to N.J.A.C. 14:5-9.3.

Amended by R.2008 d.119, effective May 19, 2008.

See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

In (c), updated the N.J.A.C. reference.

14:5-8.4 Power quality

(a) Each EDC shall consider power quality in the design and maintenance of its distribution power-delivery system components. Each EDC shall strive to avoid and to mitigate, to the extent feasible and cost effective, power quality disturbances under its control that adversely affect customers' properly designed equipment.

(b) Each EDC shall, as a minimum, maintain a power quality program that includes its objectives and procedures and complies with N.J.A.C. 14:5-3.2. The program shall be designed to respond promptly to customer reports of power quality problems. The program shall strive to prevent, mitigate or resolve power quality problems within the EDC's control to the extent cost-effective and practical.

(c) The EDC's power quality program shall be filed with the Board in the Annual System Performance Report.

Recodified from N.J.A.C. 14:5-7.5 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (b), inserted "and complies with N.J.A.C. 14:5-3.2"; and in (c), substituted "in the Annual System Performance Report" for "by January 31, 2001".

Former N.J.A.C. 14:5-8.4, Maintenance cycle, recodified to N.J.A.C. 14:5-9.4.

14:5-8.5 Individual circuit reliability performance

(a) Upon request of the Board, each EDC shall be able to identify reliability performance on a basis predefined by the EDC for any circuit on its system.

(b) Each EDC shall identify and analyze poor performance circuit(s) as identified by the reliability performance parameters of (a) above, and shall take appropriate actions to improve reliability performance.

(c) An EDC that files an annual report under N.J.A.C. 14:5-8.7, which identifies one or more operating areas that have values above the minimum performance level for CAIDI and SAIFI, shall review its previous two annual reports for purposes of addressing operating area reliability performance.

(d) If one or more operating areas has values higher than the minimum performance level for CAIDI and SAIFI in two of the past three annual reports, the EDC shall further examine its equipment and circuits for causes of systemic outages, shall implement corrective measures as required under (b) above, and shall report on these circuits and corrective measures as required under N.J.A.C. 14:5-8.7(g).

Amended by R.2002 d.314, effective September 16, 2002.

See: 34 N.J.R. 1390(a), 34 N.J.R. 3234(a).

In (a), substituted "Board" for "BPU".

Recodified from N.J.A.C. 14:5-7.6 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (b), substituted "(a) above" for "item (a)" and inserted "shall" preceding "take"; and added (c) and (d).

Former N.J.A.C. 14:5-8.5, Technical standards for vegetation management, recodified to N.J.A.C. 14:5-9.5.

14:5-8.6 Inspection and maintenance programs

(a) In accordance with N.J.A.C. 14:3-2.6 and 2.7, each EDC shall have inspection and maintenance programs for its distribution facilities, as appropriate to furnish safe, proper and adequate service. These programs shall:

1. Be based on factors, such as applicable industry codes, national electric industry practices, manufacturer's

recommendations, sound engineering judgment and past experience;

2. Be focused in significant part on mitigating those interruption causes with the greatest impact on reliability, such as those related to equipment, vegetation, and animals; and

3. Utilize tree trimming, physical plant inspections, maintenance and protective measures and equipment to assist in the prevention and management of interruptions when appropriate.

(b) Each EDC shall submit to the Board, in the Annual System Performance Report, compliance plans for the inspections, maintenance and recordkeeping required in this subchapter, including those related to vegetation management as required under N.J.A.C. 14:5-8.7(c)9. These compliance plans shall include individual programs aimed at reducing specific outage causes.

(c) Each EDC shall maintain records of inspection and maintenance activities. These records shall be made available to Board Staff, who shall be permitted to inspect such records at any reasonable time.

Recodified from N.J.A.C. 14:5-7.7 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Rewrote (a); and in (b), substituted "in the Annual System Performance Report" for "no later than January 31, 2001" and inserted "including those related to vegetation management as required under N.J.A.C. 14:5-8.7(c)9".

Former N.J.A.C. 14:5-8.6, Transmission line vegetation management, recodified to N.J.A.C. 14:5-9.6.

14:5-8.7 Annual System Performance Report

(a) Each EDC shall submit to the Board an Annual System Performance Report (the "Annual Report") by May 31 of each year. The EDC shall also submit a copy of the report to Rate Counsel at the same time, which may be submitted electronically, at the discretion of the EDC.

(b) The Annual Report shall include all of the following data:

1. The electric service reliability performance for the EDC's predefined operating areas in relation to their minimum reliability levels of SAIFI and CAIDI;

2. A summary value for each EDC's New Jersey service territory as a whole in relation to their minimum reliability levels for CAIDI and SAIFI;

3. A summary of the EDC's system performance for the calendar year prior to the submittal of the report, accompanied by a graph displaying the data visually;

4. A summary of the EDC's system performance for the 10 years prior to the submittal of the report, including the data for the previous calendar year, accompanied by a graph displaying the data visually;

5. Statistical tables and charts for EDC reliability performance in its New Jersey service territory and by each operating area;

6. Ten years of trends of CAIDI and SAIFI; and

7. Ten years of trends reflecting the major causes of interruptions.

(c) The Annual Report shall also include a summary of:

1. The EDC's reliability programs, including inspection and maintenance programs;

2. Changes and exceptions to the EDC's current program(s);

3. The EDC's new reliability program(s);

4. The EDC's poor performing circuit program including the methodology used for circuit identification and any appropriate corrective actions;

5. The EDC's power quality program;

6. The EDC's stray voltage program;

7. Technology initiatives to improve reliability;

8. The number of personnel (broken down by bargaining and non-bargaining unit) in each EDC's operating area(s) and a summary statement referencing each EDC's training program; and

9. The vegetation management work and planned activities as required in N.J.A.C. 14:5-9.7.

(d) An officer of the EDC shall certify to the accuracy of the data and analysis in the Annual Report, and that necessary maintenance programs and other actions are being performed and adequately funded and addressed in its business plans to help achieve the benchmark reliability levels and as a minimum to maintain the minimum reliability levels for each operating area.

(e) The Annual Report shall include a summary of each major event.

(f) In the event that an EDC's reliability performance in an operating area does not meet the minimum reliability level for the calendar year, the Annual Report shall include the following:

1. An analysis of the service interruption causes, patterns and trends;

2. A description of the corrective actions taken or to be taken by the EDC and the target dates by which the corrective action shall be completed; and

3. If no corrective actions are planned, an explanation shall be provided.

(g) Each EDC shall include in its Annual Report the greater of four percent or a quantity of five of its worst-

performing circuits identified in each of its operating areas in N.J.A.C. 14:5-8.5(b) based on the reliability performance parameters in N.J.A.C. 14:5-8.5(a) and the corrective actions taken or to be taken. If no corrective actions are planned, an explanation shall be provided.

(h) The Board may require EDCs to submit alternative reports covering a time period other than that covered by the annual report.

Amended by R.2002 d.314, effective September 16, 2002.

See: 34 N.J.R. 1390(a), 34 N.J.R. 3234(a).

In (a), inserted "Annual" preceding "Report shall be limited".

Recodified from N.J.A.C. 14:5-7.8 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Rewrote the section.

Former N.J.A.C. 14:5-8.7, Training, recordkeeping and reporting, recodified to N.J.A.C. 14:5-9.7.

14:5-8.8 Major event report

(a) The EDC shall, within 15 business days after the end of a major event, submit a report to the Board, which shall include the following:

1. The date and time when the EDC's storm or major event center opened and closed;

2. The total number of customers out of service over the course of the major event over four hour intervals, identified by operating area or circuit area. For purposes of this count, the starting time shall be when the storm center opens and the ending time shall be when the storm center closes. Regardless of when the storm center is closed, the EDC shall report the date and time when the last customer affected by a major event is restored;

3. The number of trouble locations and classifications;

4. The time at which the mutual aid and non-company contractor crews were requested, arrived for duty and were released, and the mutual aid and non-contractor response(s) to the request(s) for assistance;

5. A timeline profile of the number of company line crews, mutual aid crews, non-company contractor line and tree crews working on restoration activities during the duration of the major event; and

6. A timeline profile of the number of company crews sent to an affected operating area to assist in the restoration effort.

(b) The EDC shall continue to cooperate with any Board request for information before, during and after a major event.

Recodified from N.J.A.C. 14:5-7.9 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a)1, inserted "or major event".

Former N.J.A.C. 14:5-8.8, Public notice of planned vegetation management, recodified to N.J.A.C. 14:5-9.8.

14:5-8.9 Establishment of reliability service performance level

(a) For each of an EDC's operating areas, the reliability performance level is established as follows:

1. The operating area's CAIDI benchmark standard is set at the 5-year average CAIDI for the years 2002-2006;
2. The operating area's SAIFI benchmark standard is set at the 5-year average SAIFI for the years 2002-2006;
3. The minimum reliability level for each operating area is attained when its annual CAIDI and SAIFI are no higher than the CAIDI and SAIFI five-year benchmark standard plus 1.5 standard deviations.

(b) When the CAIDI and SAIFI of an EDC or its operating area do not meet the minimum reliability performance level, further review, analysis, and corrective action are required.

(c) The minimum reliability performance level to be assigned to an EDC and/or its operating area shall be reviewed and may be adjusted by Board order for subsequent years after consideration of various factors, including:

1. A comparison of actual multi-year CAIDIs and SAIFIs;
2. Trends among indices;
3. The average high and low values of multi-year indices;
4. Local geography, weather and electric system design of an operating area;
5. The relative performance of an operating area in relation to other operating areas of a given EDC's franchise area;
6. A comparison of the performance of all operating areas of all EDCs; and
7. A comparison of the performance of the EDC to other states or industry statistics.

Amended by R.2001 d.445, effective December 3, 2001.

See: 33 N.J.R. 19(b), 33 N.J.R. 4149(a).

In (a)3, substituted "years 2001 and 2002" for "year 2001".

Recodified from N.J.A.C. 14:5-7.10 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was "Establishment of service level values". In (a)1 and (a)2, substituted "5" for "10" and "2002-2006" for "1990-1999"; in (a)3, deleted "for the years 2001 and 2002" following "level", and substituted "CAIDI and SAIFI five" for "10" and "1.5" for "two"; in (b), substituted "EDC or its" for "EDC's" and inserted "performance"; and in the introductory paragraph of (c), inserted "performance" and "by Board order", and substituted "an EDC and/or its" for "each".

Former N.J.A.C. 14:5-8.9, Outreach programs, recodified to N.J.A.C. 14:5-9.9.

14:5-8.10 Prompt restoration standards

(a) EDCs shall begin the restoration of service to an affected service area within two hours of notification by two

or more customers or identification by their operating management system of any loss of electric service affecting those customers served electrically by the same affected circuit protective device within the system. Beginning restoration of service shall be defined as the essential or required analysis of the interruption and dispatching an individual or crew to an affected area to begin the restoration process.

(b) The prompt restoration standards shall not apply to EDCs during major events.

(c) When possible, each EDC shall place the highest priority on responding to emergency (safety) situations and high priority on responding to other public facilities for which prompt restoration is essential to the public welfare. These priority requests may come from police, fire, rescue, authorized emergency service providers or public facility operators.

(d) In situations where it is not practicable to respond within two hours to a reported interruption (safety reasons, inaccessibility, multiple simultaneous interruptions, storms or other system emergencies), the EDC shall respond as soon as the situation permits.

Recodified from N.J.A.C. 14:5-7.11 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a), inserted "or identification by their operating management system".

Former N.J.A.C. 14:5-8.10, Penalties, recodified to N.J.A.C. 14:5-9.10.

14:5-8.11 Outage management systems (OMS)

(a) Each EDC shall maintain an OMS as described in this section.

(b) The OMS shall consist at a minimum of a fully integrated geographic information system (GIS), a sophisticated voice response unit (VRU), a software driven outage assessment tool and an energy management system/supervisory control and data acquisition (EMS/ SCADA).

(c) The OMS shall be able to digitally map the entire electric distribution system, group customers who are out of service to the most probable interrupting device that operated, associate customers with distribution facilities, generate street-map indicating EDC outage locations, improve the management of resources during a storm, improve the accuracy of identifying the number of customers without electric service, accurately communicate the number of customers without electric service and improve the ability to estimate their expected restoration time, accurately communicate the number and when customers were restored and dispatch crews and/or troubleshooters via computer (mobile data terminals).

(d) As part of the outage management system, each EDC shall use appropriate cost benefit analysis for the purpose of adopting smart grid technology to improve reliability. The

implementation of smart grid technology shall be reported in the Annual System Performance Report.

Recodified from N.J.A.C. 14:5-7.13 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a), substituted “maintain an” for “substantially implement the” and deleted “by December 31, 2000” from the end; in (c), substituted “The” for “It is intended that when fully implemented the”; and added (d).

14:5-8.12 Penalties

(a) Civil administrative penalties for violations of the reporting and planning and program submission requirements set out in N.J.A.C. 14:5-8.3 through 8.8 and 8.10 shall be assessed as follows:

1. For failure to submit complete required reports, programs and plans on the due date set by rule, the EDC may be liable for a penalty of up to \$5,000 for each day beyond the due date that the report, program or plan is not submitted, up to a maximum of \$25,000 in total penalties for each violation; provided, however, that upon timely written request to Board staff demonstrating the need for an extension of time, the time for submitting required reports, plans and programs may be extended in appropriate cases.

2. A second or any subsequent failure to submit any required report, plan or program, the EDC may be liable for a penalty of up to \$50,000.

(b) Civil administrative penalties for violations of this subchapter other than those set out in (a) above may be assessed as follows:

1. For failure to implement the requirements set out in the programs and plans as submitted to the Board or for the willful misrepresentation of fact and/or intentional inaccuracies in any submitted report, plan or program or for violation of any other requirement of this subchapter, an EDC may be liable for a penalty of not more than \$25,000 for each violation unless mitigating circumstances can be demonstrated by the EDC. For a second or any subsequent violation of the same provision, the EDC may be liable for a penalty of not more than \$50,000.

2. Each violation of any rule of this subchapter shall constitute an additional, separate and distinct violation.

3. Each day during which a violation continues shall constitute an additional, separate and distinct violation.

(c) Any penalty which may be assessed under this section may be compromised by the Board. In determining the amount of the penalty, or the amount agreed upon in compromise, the Board may consider aggravating and mitigating circumstances including the nature and gravity of the violation; the degree of the EDC's culpability; any history of prior violations; and any good faith effort on the part of the EDC in attempting to achieve compliance.

(d) Penalty assessments are payable to the Treasurer, State of New Jersey and are due within 30 days of service upon the EDC of an order assessing a penalty unless the Board directs otherwise.

Recodified from N.J.A.C. 14:5-7.12 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In the introductory paragraph of (a), substituted “planning” for “plan” and updated the N.J.A.C. references.

SUBCHAPTER 9. ELECTRIC UTILITY LINE VEGETATION MANAGEMENT

14:5-9.1 Purpose and scope

This subchapter sets forth requirements that EDCs shall follow in managing vegetation in proximity to an energized conductor in order to ensure public safety and the efficient and reliable supply of electric power.

Recodified from N.J.A.C. 14:5-8.1 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted “EDCs” for “electric public utilities”.

14:5-9.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meaning unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1:

“Arboriculture” means the cultivation of trees, shrubs and other woody plants.

“Agricultural crop” means a plant that is grown in significant quantities to be harvested as food, livestock fodder or for another economic purpose. This term includes, but is not limited to, landscape nursery stock and Christmas tree plantation stock.

“Border zone” means the space from the edge of the transmission line wire zone, as defined herein, to the outer boundary of the right of way.

“Contractor” means a person or entity, other than the Board, with which a utility contracts to perform work, furnish information and/or material. This term includes all subcontractors engaged by a contractor to perform any of the obligations required by a contract.

“Distribution line” means a primary electric voltage line, wire or cable including supporting structures and appurtenant facilities, which delivers electricity from transformation points on the transmission system to points of connection at a customer's premises, that would not be considered a transmission line as set forth in this section.

“Electric utility arborist” means a person that has been certified as a Utility Specialist by the International Society of Arboriculture and, in addition, meets the following:

1. The person is certified as a Tree Expert by the New Jersey Department of Environmental Protection’s Board of Tree Experts; and
2. The person is certified as a Certified Arborist by the International Society of Arboriculture.

“Energized conductor” means an electric circuit or piece of equipment through which electricity is flowing or usually flows. This term includes both distribution and transmission circuits and equipment.

“Grass” means a type of plant with jointed stems, slender flat leaves and spike like flowers.

“Inactive transmission line corridor” means that unused part of the right of way that does not have transmission towers or transmission lines overhead.

“Integrated Vegetation Management” or “IVM” means a system of managing plant communities whereby vegetation managers set objectives, identify compatible and incompatible vegetation, consider action thresholds, and evaluate, select and implement the most appropriate vegetation control method(s) to achieve those objectives, based on the methods’ environmental impact and anticipated effectiveness, along with site characteristics, security, economics, current land use and other factors.

“Major event” has the same meaning as is ascribed to this term in N.J.A.C. 14:5-1.2.

“NERC” means the North American Electric Reliability Corporation.

“Right of way” means less than fee interest in property, which gives a public utility a limited right to use land owned by another person or entity for the purpose of transmitting or distributing electricity. This right is typically memorialized in an easement. This term also includes the parcel of land for which a public utility holds a right of way or easement.

“Transmission line” means an electrical line, wire or cable, (including the supporting structures) and appurtenant facilities which transmits electricity from a generating plant to electric distribution lines. An electric transmission line usually has a rating exceeding 69 kilovolts.

“Tree” means a tall perennial woody plant with a main trunk and branches forming a distinct elevated crown.

“Vegetation” means trees and other plants.

“Vegetation management” means the removal of vegetation or the prevention of vegetative growth, to maintain safe conditions around energized conductor(s) and ensure reliable electric service. Vegetation management consists of biological, chemical, cultural, manual and mechanical methods to control vegetation in order to prevent hazards caused by the

encroachment of vegetation on energized conductor(s), and to provide utility access to the conductor.

“Vegetation manager” or “VM” means an electric utility arborist, who is employed by an EDC to supervise and ensure the EDC’s compliance with this subchapter.

“Wire zone” means the land located directly under the widest portion of a transmission line. For a horizontal transmission line, the wire zone is bounded on each side by a location on the ground that is directly under the outermost transmission wire or the transmission tower, whichever is wider. For a vertical transmission array, the width of the wire zone shall be determined using the minimum safe distance specified in the North American Electric Reliability Corporation (NERC) FAC-003, which is incorporated herein by reference and available at www.nerc.com.

“Woody plant” means any vascular plant that has a perennial woody stem and supports continued vegetative growth above ground from year to year and includes trees.

Recodified from N.J.A.C. 14:5-8.2 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In definition “Agricultural crop”, inserted “non-woody” and “can be used as a food and” and inserted a comma following “crop”; in definition “Distribution line”, inserted a comma following “facilities”, and substituted “this section” for “N.J.A.C. 14:5-8.2”; deleted definition “Electric public utility”; in the introductory paragraph of definition “Electric utility arborist”, deleted “one or more of” following “meets”; in 1 of definition “Electric utility arborist”, substituted “and” for “or”; in definition “Energized conductor”, inserted the last sentence; added definitions “Inactive transmission line corridor” and “Vegetation manager”; rewrote definitions “Major event” and “Wire zone”; and re-organized definition “Tree” alphabetically.

Amended by R.2010 d.018, effective January 19, 2010.

See: 41 N.J.R. 2084(a), 41 N.J.R. 2633(a), 42 N.J.R. 508(a).

Rewrote definitions “Agricultural crop” and “Wire zone”; and added definitions “Integrated Vegetation Management” and “NERC”.

14:5-9.3 General provisions

(a) An EDC shall ensure that vegetation management is conducted in accordance with this subchapter on any energized conductors of 600 volts and higher, whether for distribution or transmission, that the electric public utility owns, in whole or in part.

(b) Each EDC shall obtain, and shall ensure that its contractors obtain, all required permits and licenses prior to commencement of vegetation management.

(c) An EDC that utilizes chemical or biological agents in vegetation management shall comply with any laws or regulations governing the use of those biological and chemical agents.

(d) Each EDC shall employ a vegetation manager, who is an electric utility arborist, as defined at N.J.A.C. 14:5-9.2. The VM shall be a utility employee, not a contractor. The electric public utility shall provide the VM with the authority and the resources to administer all aspects of the utility’s vegetation management program, and the VM shall ensure that the electric public utility complies with this subchapter.

The VM's name and contact information shall be posted on the electric utility's web site and shall be included on all notifications provided pursuant to the notice requirements of N.J.A.C. 14:5-9.8.

(e) Each EDC shall ensure that all contractors hired to perform vegetation management inform their workers of all applicable Federal and State laws, rules or regulations that apply to the work performed under this subchapter. The EDC shall also ensure that all contractors comply with each applicable requirement of this subchapter and all other applicable law.

(f) An EDC that performs vegetation management at the request of a municipality or government agency, other than vegetation management required under this subchapter, may require the requesting party to pay any incremental cost above the EDC's cost to perform the vegetation management required by this subchapter. An EDC shall not perform such additional vegetation management if the additional vegetation management would decrease the reliability or safety of an energized conductor.

(g) Upon a written request from a municipality, an EDC may, but is not required to, temporarily suspend compliance with one or more of the vegetation management requirements of this subchapter, within the following limits:

1. The suspension of compliance shall apply only to the distribution system, and shall not apply to transmission line vegetation management required under N.J.A.C. 14:5-9.6;
2. The suspension of compliance shall apply only to those portions of a distribution system that are located within the municipality, and that do not affect service to any adjacent municipality;
3. The EDC shall not suspend compliance with any requirement if the suspension would result in danger to the public; and
4. If the suspension results in additional costs to the EDC due to lack of tree trimming or other vegetation management, the municipality shall reimburse the electric public utility for these costs.

(h) An EDC may petition the Board for recovery of the distribution and transmission portion of vegetation management program costs required under this subchapter in future base rate proceedings.

(i) Each EDC shall perform vegetation management on a pro rata basis over the four-year cycle identified in N.J.A.C. 14:5-9.4(b) to achieve full compliance by December 18, 2010.

Recodified from N.J.A.C. 14:5-8.3 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted "EDC" for "electric public utility" throughout; in (d), deleted "(VM)" following "vegetation manager" and updated the N.J.A.C. references; in (e), substituted "and State" for ", State; county, and municipal" and substituted the second occurrence of "EDC" for "electric utility"; in (f), inserted "incremental" and substituted "EDC's"

for "electric public utility's"; in (g)1, inserted "transmission line" and "required", and substituted "N.J.A.C. 14:5-9.6" for "transmission lines"; in (g)4, inserted "or other vegetation management"; and rewrote (i).

14:5-9.4 Maintenance cycle

(a) An EDC shall perform an annual visual inspection of all energized conductors that are associated with a transmission line, to determine whether vegetation management is needed. The visual inspection may be performed from the ground except in cases where the conductor is not visible from the ground. The EDC shall take into account the height of the vegetation and the distance of the vegetation from the energized conductor, in determining whether vegetation management is needed.

(b) An EDC shall perform vegetation management on vegetation that is close enough to pose a threat to its energized conductors at least once every four years.

(c) In addition to the maintenance required in (b) above, if an EDC becomes aware at any time of any vegetation close enough to its energized conductor to affect reliability or safety prior to the next required vegetation management activity, the electric utility shall ensure that necessary vegetation management is promptly performed as required under N.J.A.C. 14:5-9.5.

(d) If the EDC determines that vegetation described under (c) above poses an immediate safety hazard, the EDC shall not be subject to the notice requirements at N.J.A.C. 14:5-9.8. However, the EDC shall, to the extent practicable, make a reasonable effort to notify the customers and property owners described at N.J.A.C. 14:5-9.8(b)1 and 2 prior to performing the vegetation management.

Recodified from N.J.A.C. 14:5-8.4 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted "EDC" for "electric public utility" throughout; in (a), inserted "that are associated with a transmission line"; rewrote (c); and added (d).

14:5-9.5 Technical standards for vegetation management

(a) Each EDC shall ensure that vegetation management conducted on its energized conductors is performed in accordance with the standards and accepted procedures set forth in the following publications, which are incorporated herein by reference including amendments and supplements thereto:

1. Pruning Trees Near Electric Utility Lines, by Dr. Alex L. Shigo. This publication may be obtained from Shigo and Tree Associates, P.O. Box 769, Durham, New Hampshire 03824;

2. Part 1 of the document entitled Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices. This document, also known as ANSI A300, is published by the American National Standards Institute, and may be obtained at www.ansi.org;

3. Best Management Practices, Utility Pruning of Trees, 2004. This title is published by the International Society of Arboriculture and may be obtained at <http://secure.isa-arbor.com/store/Best-Management-Practices-pUtility-Pruning-of-Trees-P23060.aspx>;

4. Environmental Stewardship Strategy for Electric Utility Rights-of-Way, (2002). This title is published by the Edison Electric Institute Vegetation Management Task Force, which may be obtained at www.eei.org;

5. Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush — Safety Requirements, 1994. This document, also known as ANSI Z133.1, is published by the American National Standards Institute, and may be obtained at www.ansi.org;

6. Native Trees, Shrubs And Vines For Urban And Rural America: A Planting Design Manual for Environmental Designers, by Hightshoe, G.L., 1987, is published by John Wiley and Sons and may be obtained at <http://www.wiley.com/WileyCDA/WileyTitle/productCd-0471288799.html>;

7. Manual of woody landscape plants 5th Ed., by Michael A. Dirr. Stipes Publishing, LLC; 5th edition (August, 1998), and may be obtained at <http://www.amazon.com/exec/obidos/tg/detail/-/0875637957/103-3217696-1920611?v=glance>;

8. Hortus Third: A concise dictionary of plants cultivated in the United States and Canada, by L.H. Bailey Hortorium, 1976, and may be obtained at <http://www.wiley.com/WileyCDA/WileyTitle/productCd-0025054708.html>; and

9. National Electric Safety Code C2-2007. ISBN: Z2-RES69-07 is published by the Institute of Electrical and Electronics Engineers, Inc and may be purchased at www.ieee.org.

(b) Where multiple standards listed at (a) above would apply or conflict, the VM or his or her designee shall select the most appropriate method.

(c) Each EDC shall develop its own vegetation management standards and guidelines, which shall be consistent with this subchapter. In developing these standards and guidelines, a utility shall prioritize work based upon:

1. The extent of the potential for vegetation to interfere with the energized conductor;
2. The voltage of the affected energized conductor; and
3. The relative importance of the affected energized conductor in maintaining safety and reliability.

(d) Each EDC shall provide a copy of its vegetation management standards and guidelines to the Board as a chapter in the Annual System Performance Report. If an EDC makes a change in its vegetation management standards and guidelines, the utility shall provide Board staff with a copy of the change no later than 30 days prior to implementing the change.

(e) Each EDC's vegetation management standards and guidelines shall cover, at a minimum, all of the following activities:

1. Tree pruning and removal;
2. Vegetation control around poles, substations and other energized conductors;
3. Manual, mechanical, or chemical control of vegetation along rights of way;
4. Inspection of vegetation management both before and after the work is performed;
5. Research and development of improved vegetation management activities and practices; and
6. Public education.

(f) Among the factors the EDC shall consider in determining the extent of vegetation management to be performed at a particular site are:

1. The rate at which each species of vegetation is likely to grow back;
2. The voltage of the energized conductor, with higher voltages requiring larger clearances;
3. The potential movement of the energized conductor during various weather conditions;
4. The potential movement of trees or other vegetation during various weather conditions; and
5. The utility's legal rights to access the area.

(g) The EDC shall remove all trimmings and cut vegetation resulting from vegetation management activities that are part of the utility's regular maintenance cycle, within five business days after the vegetation was cut, except if the EDC obtains consent to leave the trimmings or cut vegetation, from the owner of the property upon which the trimmings or cut vegetation are located.

Recodified from N.J.A.C. 14:5-8.5 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted "EDC" for "electric public utility" throughout; in (a)9, substituted "C2-2007" for "C2-2002" and "07" for "02"; in (d), substituted "its" for "their" following "provide a copy of" and "as a chapter in the Annual System Performance Report" for "by January 17, 2007"; in (f), substituted "EDC" for "electric utility"; and rewrote (g).

14:5-9.6 Transmission line vegetation management

(a) In addition to the other requirements of this subchapter, transmission lines, as defined at N.J.A.C. 14:5-9.2, are subject to the requirements in this section.

(b) At a minimum, each EDC shall meet the requirements for minimum clearances between any transmission line and the closest vegetation, which are set forth in the North American Electric Reliability Corporation (NERC) FAC-003.

(c) Except as provided at (f) below, the following shall apply in the wire zone:

1. An EDC shall allow woody plants that are agricultural crops that naturally mature at 12 feet or less;

2. Other than as provided at (c)1 above, the EDC shall not allow woody plants that mature above three feet tall to grow in the wire zone, and the preferred growth shall be grasses or a low-growing, compatible, scrub-shrub plant community to obtain a meadow effect where possible.

(d) Except as provided at (f) below, the EDC shall apply integrated vegetation management (IVM) in the border zone. IVM is a best management practice conveyed in the American National Standard for Tree Care Operations, Part 7 (ANSI 2006) and the International Society of Arboriculture's Best Management Practices: Integrated Vegetation Management (Miller 2007).

(e) In addition to meeting the other requirements in this section, each EDC shall ensure that the following requirements for transmission lines are met, except for those instances set forth in (f) below:

1. Clearing under transmission lines shall be wide enough within the EDC's right of way so that no vegetation or parts of vegetation will grow or fall into the transmission lines;

2. Only grass vegetation not exceeding a height of 18 inches shall be permitted to grow within three feet of any structure;

3. Where an EDC has cleared a right of way of vegetation and bare soil is exposed, the EDC shall comply with the soil erosion requirements of the applicable soil conservation district in order to prevent soil erosion. A list of the soil conservation districts in New Jersey may be found at www.state.nj.us/agriculture/divisions/anr/nrc/conservdistricts.html;

4. To the extent that any plant species identified as invasive and non-indigenous to New Jersey poses a threat to the maintenance of the right of way or a hazard to electrical transmission conductors, the EDC shall not plant that species in the right of way, and shall make reasonable efforts to actively eliminate from the entire right of way the species identified as invasive and non-indigenous, see Snyder, David and Sylvan R. Kaufman, 2004. An overview of non-indigenous plant species in New Jersey. New Jersey Department of Environmental Protection, Division of Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program, Trenton, NJ (available at <http://www.nj.gov/dep/parksandforests/natural/heritage/InvasiveReport.pdf>, and incorporated by reference herein, including any supplements and amendments thereto). To do so, the EDC shall use the best integrated vegetation management practices available and practical; and

5. Each year in the March billing cycle, or two months prior to the commencement of vegetation management work on a particular property, whichever is earlier, each EDC shall advise customers of the requirements in this subsection, through a direct notification.

(f) Notwithstanding (d) and (e) above, an EDC may leave trees and other woody vegetation within the transmission right of way under any of the following conditions:

1. The right-of-way document, easement, indenture, deed or other written land rights, executed before Jan 1, 2007, expressly permit vegetation to be located within the transmission right of way;

2. The slope of the topography exceeds 30 degrees and the transmission right of way is such that the tree or other vegetation at mature height will allow a space of more than 150 percent of the clearance requirements for an electrical path to ground, as set forth in the National Electric Safety Code, §232 to §235; or

3. Trees are located within an inactive transmission corridor and at mature height will allow a space of more than 150 percent of the clearance requirements for an electrical path to ground set forth in the National Electric Safety Code, §232 to §235.

(g) For the purposes of this section, the mature height of all vegetation, including agricultural crops, shall be determined in accordance with the publications listed in N.J.A.C. 14:5-9.5(a), or equivalent publications. Each EDC shall provide lists of acceptable species on its website or in a publication provided free of charge upon request by a ratepayer.

(h) Each year, by May 31, the EDC shall develop a schedule for transmission line vegetation management, which shall be included in the EDC's annual system performance report as required by N.J.A.C. 14:5-8. The schedule shall:

1. List the transmission lines planned for vegetation management for the next four years in advance (one of the four-year cycles required at N.J.A.C. 14:5-9.4(b));

2. Ensure that vegetation management on transmission lines is performed prior to vegetation becoming a threat to safety or service reliability; and

3. List the municipalities and the year when vegetation management work is anticipated to be done in each municipality.

(i) The EDC shall post the transmission line vegetation management schedule required under (h) above on its website and distribute it to affected municipalities and public authorities in accordance with N.J.A.C. 14:5-9.8.

Recodified from N.J.A.C. 14:5-8.6 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted "EDC" for "electric public utility" throughout; in (a), updated the N.J.A.C. reference; in (b) and (c), substituted "(C2-2007)" for "(C-2 2002)"; in the introductory paragraph of (e), inserted ", except for those instances set forth in (f) below"; in (e)1, inserted "within the EDC's right of way"; in (e)2, deleted "that grows" following "vegetation"; rewrote (e)3; in (e)4, updated the N.J.A.C. reference and inserted the last sentence; in (e)7, substituted the second occurrence of "EDC" for "utility" and updated the URL; in (e)8, rewrote the first sentence; in (e)9, substituted "advise customers" for "owners of land upon which the utility holds a right of way" and "direct notification" for "separate direct mailing"; added new (f); recodified the second (e) as (g);

recodified former (f) as (h); and in (g), the introductory paragraph of (h) and (h)1, updated the N.J.A.C. references.

Amended by R.2010 d.018, effective January 19, 2010.

See: 41 N.J.R. 2084(a), 41 N.J.R. 2633(a), 42 N.J.R. 508(a).

Rewrote (b), (c), (d), (g) and (h)3; deleted former (e)2 through (e)5; recodified former (e)6 through (e)9 as (e)2 through (e)5; in (e)4, inserted "not plant that species in the right of way, and shall", in the introductory paragraph of (f), inserted "(d) and"; in the introductory paragraph of (h), substituted "by May 31" for "before June 1"; and added (i).

14:5-9.7 Training, recordkeeping and reporting

(a) Each EDC shall ensure that:

1. Qualified OSHA and ANSI Z133 line clearance employees or contractors perform vegetation management for the EDC;
2. All such employees or contractors are trained in the proper care of trees and other woody plants in order to provide safe, reliable electric service; and
3. All such employees or contractors are knowledgeable regarding safety practices and line clearance techniques.

(b) Each EDC shall ensure that records are kept of all persons used by a contractor or the EDC to perform vegetation management on behalf of the EDC, including the dates and types of training that each such person has received.

(c) The EDC shall monitor and document all vegetation management and related activities. Documentation shall be retained for five years and shall include, but shall not be limited to:

1. The municipality in which the work was performed;
2. Identification of the circuit and substation where vegetation management activities were performed;
3. The type of vegetation management performed including removal, trimming and spraying and methods used;
4. The crew size and supervisor's name;
5. The date of activity;
6. Any safety hazards encountered;
7. Any unexpected occurrence or accident resulting in death, life-threatening or serious injury to a person assigned to perform vegetation management activities or the public; and
8. Vegetation management activities planned for the following year.

(d) Each EDC shall include a summary of the information required in (c) above about its vegetation management work during the past year, and planned activities for the following year in the Annual System Performance Report to be filed with the Board by May 31 of each year. This information shall include, at a minimum, the name of each municipality in which the EDC conducted vegetation management during the preceding year, and all circuits affected.

Recodified from N.J.A.C. 14:5-8.7 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Substituted "EDC" for "electric public utility" throughout; rewrote (a) and (b); in the introductory paragraph of (c), inserted "be retained for five years and shall"; and in (d), substituted "the Annual System Performance Report" for "an annual report" and "May 31 of" for "May 31st".

14:5-9.8 Public notice of planned vegetation management activity

(a) Unless specifically stated elsewhere in this subchapter, each EDC shall make a diligent attempt to notify all municipal governments, customers, and property owners that may be affected by planned vegetation management activity on the EDC's distribution or transmission system. This requirement will be satisfied if the EDC provides written notice to customers and property owners in accordance with (b) and (c) below at least seven days, but not more than 45 days, prior to performing any vegetation management activity; and provides notice to municipal governments in accordance with (f) and (g) below.

(b) For distribution circuits, notice shall be provided to the following customers and property owners by separate direct mailing, door hanger, or any other Board-approved method:

1. All customers upon whose property runs any portion of the right of way or easement that will be maintained; and
2. Any owner of a property that meets both of the following:
 - i. The property is not served by the EDC, that is, there is no customer located on the property; and
 - ii. The property includes a portion of the right of way or easement that will be maintained.

(c) For transmission circuits, notice shall be provided through both of the following:

1. The EDC shall notify the persons described at (b)1 and 2 above through a direct mailing by certified mail, return receipt requested, or by another Board-approved method; and
2. The EDC shall publish a notice in two newspapers that serve the area, within the timeframe set forth in (a) above.

(d) For the purposes of (c)1 above, the United States Post Office (USPS) receipt of mailing (usually printed on white paper), which the USPS provides upon the mailing of an item certified mail return receipt requested, shall constitute proof of compliance.

(e) Each EDC shall maintain a record of the dates, locations and activities contained in the notices, which were provided to the municipal government under this section, for a period of five years after notices are sent.

(f) For municipal governments, each EDC shall provide written notice of any pending vegetation management activities to a primary contact. For a municipality, the mayor, town clerk or other person or position mutually agreed upon shall be the primary contact. For other government entities and for public authorities, the primary contact shall be selected by mutual agreement between the EDC and the entity or authority.

(g) An EDC shall notify all municipalities and public authorities that may be affected by vegetation management activities. The notice shall be made in writing to the primary contact designated under (f) above, at least two months in advance of the planned vegetation management. This notice shall include the planned dates and locations of the vegetation management. In addition, the notice of vegetation management shall be in a manner sufficient to explain each EDC's procedures and easement rights. The EDC shall provide a telephone number of the vegetation manager to enable questions to be answered.

(h) If any notice required under this section is provided by the EDC through a contractor or agent, the notice shall bear the name and logo of the EDC only, and not of the contractor or agent.

Recodified from N.J.A.C. 14:5-8.8 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

Section was "Public notice of planned vegetation management". Substituted "EDC" for "electric public utility" throughout; rewrote (a), added (b) through (d); recodified former (b) through (d) as (e) through (g); rewrote (e); in (f), substituted "For municipal governments, each EDC" for "Each electric public utility or its contractor" and substituted the second occurrence of "EDC" for "electric utility"; in (g), substituted "(f)" for "(c)", "manner sufficient to explain" for "form appropriate to" and "EDC's" for "electric public utility's", and inserted the last sentence; and added (h).

14:5-9.9 Outreach programs

(a) Each EDC shall conduct an annual public education program to inform its customers, as well as the municipalities and public agencies in the EDC's service territory, of the importance of vegetation management, and of the EDC's role and responsibility in managing vegetation near electric lines.

(b) The public education program required under this section shall be implemented by direct mail or another method approved by the Board.

(c) Each EDC shall post its public education materials on its website.

(d) As part of its education program under this section, the EDC shall provide on its website illustrations of typical configurations of transmission lines and easements, as necessary to comply with the requirement in (a) above to inform the public regarding the EDC's responsibilities in performing vegetation management under this subchapter.

Recodified from N.J.A.C. 14:5-8.9 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a) and (c), substituted "EDC" for "electric public utility"; in (a), substituted "EDC's" for "electric public utility" twice; and added (d).

14:5-9.10 Penalties

(a) Failure to comply with any provision of this subchapter shall subject the violator to penalties in accordance with the Board's regulatory and statutory authority.

(b) An EDC that violates this subchapter may be subject to penalties of up to \$100.00 per day per violation, for each day the violation occurs. The Board shall notify the EDC of the violation(s) in writing. Upon receipt of the written notice of violation, the EDC shall have five business days to correct the violation(s). Any failure to correct the violation shall subject the EDC to penalties of \$100.00 per day for each violation, calculated from the day such written notice was received by the EDC.

(c) Penalties imposed under this subchapter are in addition to, not a replacement for, other fines and/or penalties that apply under Federal and State laws and regulations.

(d) In determining the appropriate sanction for a violation of this subchapter, the Board shall consider the following criteria, and any other factors deemed appropriate and material to the electric public utility's failure to comply:

1. The good faith efforts, if any, of the entity charged in attempting to achieve compliance;
2. The gravity of the violation or the failure to comply;
3. The number of past violations by the entity charged, including violations of this subchapter as well as of other standards adopted by the Board;
4. The appropriateness of the penalty to the size of the company charged;
5. Events judged to be beyond the violator's control; and
6. Good faith efforts on the part of the EDC to resolve any violations of the requirements contained in this subchapter.

Recodified from N.J.A.C. 14:5-8.10 and amended by R.2008 d.57, effective March 17, 2008.

See: 39 N.J.R. 3716(a), 40 N.J.R. 1684(a).

In (a), deleted the last sentence; in (b), substituted the first and fifth occurrences of "EDC" for "electric public utility", substituted the second, third and fourth occurrences of "EDC" for "utility", and substituted "penalties" for "fines" twice; deleted former (c); recodified former (d) and (e) as (c) and (d); in (c), substituted "Penalties" for "Fines and costs"; in (d)4, substituted "penalty" for "sanction or fine" and deleted "and" from the end; in (d)5, substituted "; and" for a period at the end; and added (d)6.