

“Class A water utility” means a public utility that meets the definition of “class A water utility” in the National Association of Regulatory Utility Commissioners’ (NARUC) 1985 “Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities,” incorporated herein by reference, as amended or supplemented, available at www.naruc.org.

“Customer” means a person that is an end user, a customer of record, or both, as these terms are defined in this section.

“Customer of record” means the person that applies for utility service and is identified in the account records of a public utility as the person responsible for payment of the public utility bill. A customer may or may not be an end user, as defined herein.

“Days” means calendar days unless specified otherwise.

“Electric public utility” means a public utility, as defined in this section, that distributes electricity to end users.

“End user” means a person who receives, uses, or consumes electricity, gas, telephone, water or wastewater service. An end user may or may not be a customer of record, as defined in this section.

“Gas public utility” means a public utility, as defined in this section, that distributes gas to end users.

“Normal business hours” means 9:00 A.M. to 4:30 P.M., weekdays, except for New Jersey State holidays.

“Person” means an individual, firm, joint venture, partnership, copartnership, corporation, association, State, county, municipality, public agency or authority, bi-state or interstate agency or authority, public utility, regulated entity, cable television company, cooperation association, or joint stock association, trust, limited liability company, governmental entity, or other legal entity, and includes any trustee, receiver, assignee, or personal representative thereof.

“Public utility” has the meaning ascribed to this term at N.J.S.A. 48:2-13.

“Regulated entity” means a person or entity that is subject to the jurisdiction of the Board, or that provides a product or service subject to the jurisdiction of the Board. This term includes a public utility, as defined in this section.

“Regulated service” means a service subject to regulation by the Board.

“Residential customer” means a customer who receives service from a regulated entity for use in a residence.

“Telephone utility” has the meaning assigned to this term in the Board’s telephone rules at N.J.A.C. 14:10-1.2.

“Wastewater utility” has the meaning assigned to this term in the Board’s water and wastewater rules at N.J.A.C. 14:9-1.2.

“Water utility” has the meaning assigned to this term in the Board’s water and wastewater rules at N.J.A.C. 14:9-1.2.

Amended by R.1991 d.221, effective May 6, 1991.

See: 22 N.J.R. 1112(a), 23 N.J.R. 1439(b).

Internal reference cite corrected, “Board” definition updated.

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

Added “Residential customer”.

Amended by R.2002 d.280, effective September 16, 2002.

See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

Added definition for “Days”.

Amended by R.2004 d.12, effective January 5, 2004.

See: 35 N.J.R. 91(a), 36 N.J.R. 200(b).

Amended “Customer” and “Residential customer”; added “End user” and “Person”.

Amended by R.2004 d.462, effective December 20, 2004.

See: 36 N.J.R. 276(a), 36 N.J.R. 5928(a).

Added “Regulated entity” and “Regulated service”.

Amended by R.2006 d.342, effective September 18, 2006.

See: 37 N.J.R. 4188(a), 38 N.J.R. 3908(a).

In definition “Customer”, substituted “regulated entity” for the first occurrence of “utility”, deleted the second occurrence of “utility” and inserted “of the regulated entity” following “bill”; and in definition “Residential customer”, deleted “utility” preceding “service” and inserted “from a regulated entity”.

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

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

In the introductory paragraph, inserted “and N.J.A.C. 14:29,” and “the context”, and substituted “indicates” for “indicated”; inserted definitions “Class A water utility”, “Customer of record”, “Electric public utility”, “Gas public utility”, “Normal business hours”, “Public utility”, “Telephone utility”, “Wastewater utility” and “Water utility”; rewrote definition “Customer”; in definition “End user”, inserted “of record” and substituted “of this section” for “herein”; and deleted definition “Utility”.

Case Notes

Definition of utility; Board jurisdiction over municipally owned and operated utilities found only by specific statutory grant. Freehold Boro. v. Freehold Twp., 193 N.J.Super. 724, 475 A.2d 691 (App.Div.1984).

14:3-1.2 Applicability and scope

(a) This chapter applies to all public utilities.

(b) Each public utility shall ensure that all applicable requirements of this chapter are met, as to all of the utility’s plant, facilities and services.

(c) Other Board rules apply to each of the utilities listed at (a) above, in addition to this chapter. If there is any conflict between those utility-specific rules and this chapter, the rules that are specific to that particular utility shall govern.

(d) If a dispute arises between a utility and any other person regarding this chapter, an informal complaint may be submitted to the Board in accordance with N.J.A.C. 14:1-5.13, or a petition may be filed under N.J.A.C. 14:1-5.

New Rule, R.2008 d.119, effective May 19, 2008.

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

14:3-1.3 Tariffs

(a) Each public utility shall, prior to offering a utility service to the public, submit a tariff or tariff amendments to the Board for approval, with an electronic copy to Rate Counsel. The tariff filing shall meet the applicable requirements for pleadings at N.J.A.C. 14:1-4, the applicable requirements for petitions at N.J.A.C. 14:1-5.1 through 5.5, and the applicable requirements for tariff filings at N.J.A.C. 14:1-5.11, 5.12, and/or 5.12A.

(b) The tariff required by this section shall:

1. Clearly identify the public utility, list all relevant contact information, and describe the public utility's service area;
2. Clearly describe all services that the utility offers, and all terms and conditions regarding the services;
3. Include all of the public utility's rates and charges for all services that the utility offers. The rates for each separate and distinct class of service rendered by a utility shall be filed as a separate schedule; and
4. Meet all requirements of this section.

(c) In addition to the requirements for all tariffs under (a) and (b) above, a telephone utility tariff shall also include all of the following:

1. Exchange rate schedules, which shall include:
 - i. Primary rate schedules;
 - ii. Private branch exchange rate schedules;
 - iii. Miscellaneous rate schedules; and
 - iv. Exchange area maps; and
2. Toll service rate schedules, which shall include:
 - i. Basic rate schedules;
 - ii. Supplementary rate schedules; and
 - iii. A list of toll points.

(d) Each utility shall operate in accordance with its tariff at all times, unless specifically authorized in writing by the Board to do otherwise.

(e) If a utility enters plans to enter into a contract or agreement with a particular customer or group of customers, for service at rates different from those authorized under the utility's Board-approved tariff, the utility shall file four copies of the contract or agreement, at least 30 days prior to the effective date of the agreement or contract.

(f) Each filing requesting Board approval under (e) above shall be accompanied by a detailed statement that includes:

1. The type of service to be provided under the contract or agreement; for example, firm or interruptible service;

2. A detailed list of the costs and expenses to the utility that will result from its performance under the contract or agreement;

3. Rates and other charges that the customer will pay;

4. The effect of the contract or agreement on the utility's revenues and income, in detail;

5. The utility's reasons for entering into the contract or agreement; and

6. A complete and detailed list of every way in which the contract or agreement differs from the utility's Board-approved tariff.

(g) Where more than one rate schedule is available to a particular customer, a utility shall assist the customer in selecting the rate schedule most favorable for the customer. Each utility shall include this requirement among the terms and conditions of its tariff.

(h) Each utility shall make its Board-approved tariff available for public inspection in each utility office where applications for service may be made, and on its website, if the utility has a website.

(i) If there is any inconsistency between this chapter and a tariff, these rules shall govern, except if the tariff provides for more favorable treatment of customers than does this chapter, in which case the tariff shall govern.

New Rule, R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

SUBCHAPTER 2. PLANT

14:3-2.1 Plant construction

(a) The construction and installation of plant and facilities of the utilities shall be in accordance with standard utility practice, shall comply with all applicable requirements of this chapter, and shall be conducted so as to enable the utility to provide safe, adequate and proper service.

(b) Each utility shall make reasonable efforts to protect its property from injury, vandalism or damage of any kind, and shall exercise due care to reduce hazards to which employees, customers, and the general public may be subjected by the utility's equipment and facilities.

(c) All public utilities shall cooperate to the greatest extent practicable to reduce or eliminate interference among the different utility systems.

(d) When an extension, as defined at N.J.A.C. 14:3-8.2, is constructed underground, the responsibility for construction of the portion of the extension located on the property to be served shall be as follows:

1. For an extension of gas service, the utility shall construct the entire extension;

2. For an extension of water or wastewater treatment service, the applicant for the extension shall construct the entire extension, except for the water meter and any of the following that are located on the roadside utility right-of-way of the property:

- i. The shutoff valve;
- ii. A fire hydrant; and/or

iii. Any piping, branches or other infrastructure that will serve properties other than the property of the applicant for an extension, either at the time of application or in the foreseeable future;

3. For an extension of telecommunications service, either the applicant or the utility shall construct the extension, at the applicant's discretion; and

4. For an extension of electric service, either the applicant or the utility shall construct the extension, at the applicant's discretion.

(e) If a person other than the utility or its designee constructs an extension in accordance with (d) above, the person shall construct the extension in accordance with the utility's standard specifications.

(f) Once an underground extension has been constructed, the ownership and maintenance of the portion of the extension that is located on the property to be served shall be as follows:

1. For an extension of gas service, the utility shall own and maintain the entire extension;

2. For an extension of water or wastewater treatment service, as defined at N.J.A.C. 14:9-1.2, the applicant for the extension shall own and maintain the entire extension, except that the utility shall own and maintain:

- i. The water meter;
- ii. Any portion of the extension that was installed prior to May 19, 2008, and which is owned and maintained by the utility as of May 19, 2008; and
- iii. Any of the following that are located on the roadside utility right-of-way of the property:

(A) The shutoff valve;

(B) A fire hydrant, if the municipality agrees to add the hydrant to its inventory of public fire hydrants. If the municipality does not agree, the applicant remains the owner of the hydrant, responsible for paying the Board-approved tariff rates for private fire protection service to the utility; and/or

(C) Any piping, branches or other infrastructure that will serve structures or properties other than those

of the applicant for an extension, either at the time of application or in the foreseeable future;

3. For an extension of telecommunications service, the utility shall own and maintain the extension up to the demarcation point; and

4. For an extension of electric service to a one-, two-, or three-family residence, the utility shall own and maintain the extension.

Amended by R.1997 d.39, effective February 3, 1997.
See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

In (a), inserted "utility" following "accordance with standard".
Amended by R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

In (a), substituted the first occurrence of "shall" for "must", inserted "shall comply with all applicable requirements of this chapter, and shall be conducted so as to enable the utility to provide safe, adequate and proper service" and recodified the former last sentence as (b); recodified former (b) as (c); in (b), deleted "the public and" preceding "its", inserted "vandalism" and "of any kind," and substituted "the utility's" for "reason of its"; in (c), substituted "All public" for "The various" and "shall" for "should" and inserted "utility"; and added (d) through (f).

Case Notes

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

Proposed transmission line necessary for service, convenience and welfare of public; transmission line exempt from municipal regulation. In Matter of Application of Jersey Central Power & Light Company, 92 N.J.A.R.2d (BRC) 43.

14:3-2.2 Inspection of work performed by contractors

To the extent necessary to assure compliance with safe practices, any construction work performed for a utility by contractors shall be inspected by a qualified representative of the utility before being placed in active service.

14:3-2.3 Equipment on utility poles

(a) Each utility owning poles shall ensure that any equipment or facilities placed on the poles, including any wire serving a fire alarm, electric distribution or transmission system, trolley, light rail, telecommunications, or cable television system; or any other facilities, private or otherwise, are located and attached in accordance with standard industry practice.

(b) When existing poles or facilities, and/or equipment placed on the pole or facilities, is repaired, replaced or changed, the utility shall ensure that the affected pole or facilities, and all equipment or facilities then in place, comply with the New Jersey Uniform Construction Code, N.J.A.C. 5:23 and with standard industry practice.

(c) In the event of disagreement between a utility and a municipality or other utility as to the necessity of repair, replacement or modification of a utility pole, facilities or attached equipment, the matter shall be submitted to the Board for determination.

Amended by R.1997 d.39, effective February 3, 1997.
See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).
Amended by R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Section was "Foreign construction on utility poles". Rewrote the section.

14:3-2.4 Identification of buildings and structures

Each group of buildings or structures shall be provided with a sign displaying the name of the operating utility. This rule shall not apply to buildings or structures located on railroad rights-of-way.

Amended by R.1997 d.39, effective February 3, 1997.
See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

14:3-2.5 Identification of utility equipment

(a) Each utility shall mark each piece of equipment that it owns, solely or jointly, which is installed after May 19, 2008, and is not permanently located at a utility office, maintenance yard, storage facility or similar installation, as follows:

1. The utility shall mark the equipment with the initials of its name, abbreviation of its name, corporate symbol or other distinguishing mark or code by which ownership may be readily and definitely ascertained;
2. The utility shall mark the equipment with a number or symbol, or both, by which the location of each piece of equipment may be determined on utility office records;
3. The equipment subject to this subsection shall include, but shall not be limited to, all poles or structures supporting wires or cables, fire hydrants, aboveground or underground pipes, and other similar equipment;
4. Such markings may be made with paint, brand or with a soft metal plate; and
5. The characters of the mark shall be of such size and so spaced and maintained as to be easily read.

(b) Compliance with 49 CFR 192.707 by a gas utility constitutes compliance with the marking requirements of this section.

(c) In the case of two or more utilities jointly owning any structures or equipment, the distinguishing mark or number of each utility shall be placed on such structures and equipment, but not necessarily more than one number shall be placed thereon. The numbering may be in accordance with a code which will indicate joint ownership.

(d) In the case of structures erected upon private rights-of-way or on public highways of such character that the construction may be deemed to be a through or trunk line, such mark need be affixed only to every fifth structure; provided, however, that each and every structure situated within the limits of any built-up community shall be marked, except as otherwise provided in (c) above. This subsection

shall not be deemed to require the marking of railroad structures located on railroad rights-of-way.

(e) The requirements in this section shall apply to all existing and future structures erected and to all changes in ownership and name.

(f) Each utility shall have available to Board staff a statement showing:

1. The initials, abbreviations of name, corporate symbol or distinguishing mark;
2. The means of marking employed; and
3. The method followed in numbering structures within the limits of cities, towns or other built-up communities, and upon through or trunk lines.

(g) Each utility shall make reasonable efforts to prevent the placing upon its pole of any marks, signs, placards, bulletins, notices, or any other foreign object other than as provided in N.J.S.A. 27:5-9, Requirements for a permit, and as prescribed in this chapter.

(h) In the case of structures carrying or supporting overhead trolley wires, where there is a double line of such structures, one on each side of the track, such mark need be affixed to but one line of such structures.

Amended by R.1997 d.39, effective February 3, 1997.
See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).
Amended by R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Section was "Identification of poles or structures supporting wires; fire hydrants". Rewrote(a); added new (b); recodified former (b) as (c); recodified former (c) as (h); in (c), inserted "or equipment" and "equipment," and inserted a comma following "code"; in (d) and (h), deleted "such" preceding the first occurrence of "structures"; in (d), substituted "rights-of-way" for "rights of way"; in (e), substituted "section" for "Section"; in the introductory paragraph of (f), deleted "such" preceding "utility" and inserted "to Board staff"; in (f)2, inserted "and"; and in (g), substituted "27:5-9, Requirements for a permit," for "27:5-1 (Advertising on highways and private property prohibited; penalty)" and "this chapter" for "these rules".

14:3-2.6 Maintenance of plant, equipment and facilities

Every utility shall have and maintain its entire plant in such condition as will enable it to furnish safe, proper and adequate service.

14:3-2.7 Inspection of property

(a) Each utility shall inspect its equipment and facilities at sufficiently frequent intervals to disclose conditions, if existing, which would interfere with safe, adequate and proper service, and shall promptly take corrective action where conditions disclosed by such inspection so warrant.

(b) Whenever any equipment is removed from the system for any reason, it shall be inspected as to safety and serviceability before being reinstalled in the same or other locations.

(c) Each pole, post, tower or other structure shall be inspected by the utility owning or using it with sufficient frequency and comprehensiveness to disclose the necessity for replacement or repair in order to ensure safe, adequate and proper service.

Amended by R.1997 d.39, effective February 3, 1997.
See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

14:3-2.8 Construction work near utility facilities

(a) A utility shall endeavor, to the extent feasible and practicable, to obtain prompt notice and information concerning commencement and progress of construction work in close proximity to its facilities through its qualified employees, or through contractors, government agencies, or others who may be permitted to perform construction work within the confines of its territory.

(b) All utilities shall comply fully with the Board's rules implementing the Underground Facility Protection Act at N.J.A.C. 14:2, also known as the "One-Call rules."

(c) Nothing in this section shall affect the duties and obligations of persons working in the vicinity of high voltage lines as set forth in N.J.S.A. 34:6-47.

(d) Each utility shall ensure that only utility employees or other qualified persons perform work on its equipment and facilities, including poles, while these are in use providing service to customers.

Amended by R.1997 d.39, effective February 3, 1997.
See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

Subdivided section and inserted (b).

Amended by R.2002 d.280, effective September 16, 2002.
See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

Rewrote (b).

Amended by R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Rewrote (b); in (c), deleted "1 or working in the vicinity of gas facilities as set forth in N.J.S.A. 2A:170-69.4 et seq." from the end; and added (d).

SUBCHAPTER 3. SERVICE

14:3-3.1 Duty to furnish service

(a) It shall be the duty of every utility to furnish safe, adequate and proper service, including furnishing and performance of service in a non-discriminatory manner, and in a manner that tends to conserve energy resources and preserve the quality of the environment.

(b) Accordingly, it is the proper function and continuing duty of utilities as defined in N.J.A.C. 14:3-1.1 to suggest and develop conservation proposals for presentation to the Board. The rules which follow do not limit this continuing duty nor other duties now imposed upon the utilities, but merely serve to define such duties and to establish standards for their performance.

Amended by R.1975 d.305, effective October 17, 1975.

See: 7 N.J.R. 277(b), 7 N.J.R. 510(b).

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

In (b), inserted provision requiring compliance with demand side management rules.

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

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

Section was "Duty". In (a), inserted "non-discriminatory" and "and in a manner"; and in (b), deleted the former second sentence.

Case Notes

Curtailment of service found to be a violation of service standard; curtailment improper as not accordance with agreement and inadequate and unsafe as resulting in a health hazard; violation of curbside pickup ban constituted improper service. *Bd. of Public Utilities v. Hamm's Sanitation, Inc.*, 2 N.J.A.R. 59 (1979).

Capital improvement program found necessary to provide safe, adequate and proper service. In re: *Califon Water Co.*, 1 N.J.A.R. 414 (1980).

14:3-3.2 Customer applications for service

(a) Applications by a customer for the establishment of service may be made at the utility's office either in person, by regular mail, facsimile transmission, electronic mail, where available, or by telephone. If the utility requires a written application, the application may be subsequently submitted to the customer for signature.

(b) A utility shall not place the name of a second individual on the account of a residential customer unless specifically requested by said second individual.

(c) A utility shall advise a customer of the rate schedule most applicable to that customer and suggest a change in rate schedule, if and when appropriate.

(d) When a customer makes application for service to any utility and the service requested is supplied by another utility, the utility shall advise the customer when possible of the appropriate utility to whom the application should be made.

(e) If a utility requires proof of identity with an application for service, the utility shall accept any of the following items to establish identity, and may also accept other documents at the utility's discretion:

1. A valid driver's license;
2. A birth certificate;
3. A valid U.S. passport;
4. A U.S. residency card with photograph;
5. A U.S. military identification card;
6. A county identification card;
7. A county welfare identification card; or
8. A student identification card.

(f) If a utility requires proof of prior address with an application for service, the utility shall accept any of the

following items to establish prior address, and may also accept other documents at the utility's discretion:

1. A notarized lease, deed, or letter from the prior landlord;
2. A current auto insurance policy;
3. A bank statement;
4. A credit card statement; or
5. A letter of credit worthiness from a utility.

(g) Within two business days of receipt of the customer's application for utility service, or on a mutually agreed upon date, the utility shall initiate the service, except in those cases where the utility or customer must install or contract to install an extension, as defined at N.J.A.C. 14:3-8.2, to the structure where said service shall be received.

(h) A utility shall not require a social security number as a condition of providing service.

Amended by R.1991 d.144, effective May 6, 1991.

See: 22 N.J.R. 615(d), 23 N.J.R. 1445(a).

Established what items may be used as proof of identity and as proof of prior address.

Amended by R.1992 d.456, effective November 16, 1992.

See: 24 N.J.R. 2341(a), 24 N.J.R. 4271(a).

New (c) added requiring applications to request name and address of fire protection insurance company and policy number; recodified (c) and (d) as (d) and (e).

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

In (a), inserted references to fax and e-mail; added (a)1 and (a)2; in (e)1, substituted "prior landlord" for "present landlord"; and added (f).

Amended by R.2002 d.280, effective September 16, 2002.

See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

In (a), substituted "application" for "same" preceding "may be" in the introductory paragraph and substituted "a customer" for "customers" preceding "of the rate schedule" and "that" for "said" in 2.

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

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

Section was "Applications". Recodified (a)1 and (a)2 as (b) and (c); recodified former (b) as (d); deleted former (c); recodified former (d) through (f) as (e) through (g); in (d), substituted the third occurrence of "utility" for "company"; rewrote (e) and (f); in (g), inserted a comma following the second occurrence of "service" and substituted "an extension, as defined at N.J.A.C. 14:3-8.2," for "service lines"; and added (h).

14:3-3.3 Providing information to customers

(a) Each utility shall, upon request, furnish its customers with such information as is reasonable in order that the customers may obtain safe, adequate and proper service.

(b) All utility customers shall be given a copy of the "Customer Bill of Rights" approved by the Board, effective at the time of service initiation. Said copy shall be presented no later than at the time of the issuance of the customer's first bill or 30 days after the initiation of service, whichever is later.

(c) If a customer's service is likely to be affected by peculiar or unusual circumstances, the public utility shall

inform the customer as to how the customer can minimize the effect of such circumstances in order to secure sufficient and satisfactory service from the utility's system.

(d) Each utility shall supply its customers with information on the furnishing and performance of service in a manner that tends to conserve energy resources and preserve the quality of the environment, which shall include, but not be limited to, the duty to inform customers:

1. That there is a national and local need for the conservation of all types of energy resources by industrial, commercial and residential customers;

2. That such conservation, if widely practiced, particularly at periods of peak demand, will reduce or defer the need for the expansion of utility generating and transmission capacity, with attendant public benefits in land use, environmental quality and public health and safety;

3. That the utility will continue to develop and implement other conservation programs which will be promoted and advertised as provided for herein;

4. That the information shall be distributed to the public by the following means:

- i. Extensive advertising by public media, including newspapers, periodicals, television and radio;

- ii. The use of outdoor signs and messages, including posting on utility vehicles and facilities, and common carriers;

- iii. By direct mailing, at no direct charge to customers, informational booklets detailing methods for conserving energy resources and any other information pursuant to this subchapter, which the Board may from time to time require; and

5. That no utility may distribute to the public, advertise or otherwise disseminate information for the purpose or with the effect of encouraging or promoting the consumption of energy resources in a manner inconsistent with these rules.

(e) The utility shall make application for any street opening permits that are necessary for installing its service connections and shall not be required to furnish service until after such permits are granted. The municipal charge, if any, for permission to open the street shall be paid by the customer.

Amended by R.1975 d.305, effective October 17, 1975.

See: 7 N.J.R. 277(b), 7 N.J.R. 510(b).

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

In (a), inserted reference to Customer Bill of Rights; in (c), deleted reference to service line tariffs; deleted (d)3, relating to installing ceiling insulation; and recodified former (d)4 through (d)6 as (d)3 through (d)5. Recodified in part from N.J.A.C. 14:3-3.4 and amended by R.2008 d.119, effective May 19, 2008.

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

Section was "Customer information". In (a), recodified former second and third sentences as (b); recodified former (b) as new (c); deleted

former (c); rewrote new (c); in (d)4iii, substituted “subchapter,” for “Subchapter” and substituted “; and” for a period at the end; recodified former N.J.A.C. 14:3-3.4 as (e); and in (e), substituted first occurrence of “shall” for “, where necessary, will” and inserted “that are necessary”.

Case Notes

State regulation preempted local regulation; commercial tenants responsible to pay their own individual bills. In Re Complaint by Rotella, 92 N.J.A.R.2d (BRC) 48.

Change in bill format rejected; determination of complex rate increase petition. In re: Public Service Electric & Gas Co., 6 N.J.A.R. 633 (1981).

14:3-3.4 Deposits for service

(a) A utility may require a reasonable deposit as a condition of supplying service, in accordance with this section.

(b) The amount of any deposit required or increased under this section shall meet all of the following requirements:

1. The deposit shall be reasonably related to the probable charge for service, taking into account the customer’s history regarding payment of utility bills;
2. The amount of a deposit shall be calculated by adding:
 - i. The average monthly charge for the service for a 12-month service period; and
 - ii. One month’s average bill; and
3. In determining the average monthly amount of a bill, there shall be excluded from the average bill any amount for which payment is made in advance.

(c) If the customer’s actual bills subsequently prove that the deposit is either insufficient or excessive, the utility may change the deposit in accordance with the facts.

(d) A utility may require an existing customer to furnish a deposit or increase their existing deposit if the customer fails to pay a bill within 15 days after the due date printed on the bill. The deposit required shall be in an amount sufficient to secure the payment of future bills.

(e) If a utility requires a customer to furnish or increase a deposit under (c) or (d) above, the utility shall bill the customer for the deposit amount. If the customer fails to pay the required deposit amount within 15 days of the bill, the utility shall not discontinue the customer’s service, except in accordance with N.J.A.C. 14:3-3A.2.

(f) If a customer’s service has been discontinued for nonpayment under N.J.A.C. 14:3-3A.2, and the utility holds a deposit for that customer, the utility may apply the deposit as necessary to liquidate the bill. The utility may also, in accordance with N.J.A.C. 14:3-3A.9(c), require that the customer restore the deposit to its original amount.

(g) If a utility requires a deposit or requires that customers establish a credit record, the utility shall apply the same credit and deposit requirements throughout the utility service area,

and, if the utility maintains a website, the utility shall post these requirements on that website. A utility shall not set different credit or deposit requirements for different municipalities or locations.

(h) When a utility requires a customer deposit for service, the utility shall inform the customer of the interest rate that applies to the deposit at the time the deposit is established, determined in accordance with N.J.A.C. 14:3-3.5.

(i) The utility shall furnish a receipt to each customer that makes a deposit. If the deposit is provided by mail, internet or telephone, the utility may comply with this requirement by displaying the amount of the deposit on the customer’s next bill.

(j) If a utility, other than a telephone utility, furnishes unmetered service for which payment is made in advance, the utility may not require other guarantees to secure payment for service.

New Rule, R.2008 d.119, effective May 19, 2008.

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

Former N.J.A.C. 14:3-3.4, Permits, recodified to N.J.A.C. 14:3-3.3(e).

14:3-3.5 Return of deposits, interest on deposits

(a) Each utility shall review a residential customer’s account at least once every year and a nonresidential customer’s account at least once every two years. If this review indicates that the customer has met the utility’s standard requirements for establishing credit, the utility shall refund the customer’s deposit.

(b) Upon closing an account, a utility shall refund to the customer the balance of any deposit remaining after the closing bill for service has been settled, including any interest required under this chapter.

(c) If the utility refunds a deposit in cash, the utility shall accept either the receipt for the deposit, or proof of the customer’s identity, as proof of entitlement to the deposit.

(d) A utility shall pay the customer simple interest on any deposit established under this chapter at a rate equal to the average yields on new six-month Treasury Bills for the 12-month period ending each September 30. Said rate shall become effective on January 1 of the year following the 12-month period.

(e) The Board shall perform an annual calculation to determine the applicable interest rate for each year and shall notify the affected public utilities of the rate. The Board shall provide this rate to each utility, which shall post the rate on the utility’s website.

(f) If a public utility holds a customer deposit during time periods during which different interest rates apply under (d) above, the utility shall apportion the interest on the deposit to reflect the amount of time the deposit was held under each rate.

(g) Interest payments on customer deposits held to secure residential accounts shall be made to the customer at least once during each 12-month period in which a deposit is held.

(h) When a utility refunds a deposit or pays a customer interest on a deposit under this section, the utility shall offer the customer the option of a credit to the customer's account or a separate check. In either case, the utility shall provide the full refund or payment within one billing period after the review required under (a) above is completed (in the case of a deposit under (a) above) or after the interest payment is due under (g) above, as applicable, unless other reasonable arrangements are made between the customer and the utility.

Repeal and New Rule, R.2008 d.119, effective May 19, 2008.
 See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).
 Section was "Refusal to connect".

Case Notes

Utility lost right to setoff security deposit against utility debts. In re Village Craftsman, Inc., Bkrcty.D.N.J.1993, 160 B.R. 740.

14:3-3.6 Access to customer's premises

(a) The utility shall have the right of reasonable access to customer's premises, and to all property on the customer's premises, which is furnished by the utility, at all reasonable times for the purpose of inspection of customer's premises incident to the rendering of service including reading meters; inspecting, testing, or repairing its facilities used in connection with supplying the service; or the removal of its property.

(b) The customer shall obtain, or cause to be obtained at the customer's cost, all permits needed by the utility for access to any of the utility's facilities that are located on the customer's premises.

(c) Access to the utility's facilities shall not be given except to authorized employees of the utility or duly authorized governmental officials.

New Rule, R.2008 d.119, effective May 19, 2008.
 See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).
 Former N.J.A.C. 14:3-3.6, Basis of discontinuance of service, recodified to N.J.A.C. 14:3-3A.1 and 14:3-3A.2.

14:3-3.7 Interruptions of service

(a) Each utility shall exercise reasonable diligence to avoid interruptions, curtailments or deficiencies (hereinafter referred to as "interruptions") of service and, when such interruptions occur, service shall be restored as promptly as possible consistent with safe practice. Utilities shall make reasonable efforts to be aware of all service interruptions and to comply with all reporting deadlines in this section. If a utility fails to meet the deadlines in this section, the burden of proof shall be upon the utility to show good cause for the failure.

(b) This section applies to service interruptions for any reason, including, but not limited to, an act of God, weather

condition, natural disaster, attack, catastrophic occurrence, accident, strike, legal process, or governmental interference. However, this section shall not apply to service interruptions made in accordance with provisions in interruptible service contracts between the utility and its customers.

(c) Telecommunications utilities shall not be subject to (d) through (f) below, but shall instead comply with the service interruption provisions in the Board's telephone rules at N.J.A.C. 14:10-1A.14.

(d) Thirty-minute interruptions. If a service interruption meets one or more of the criteria at (d)1 through 4 below, the utility shall report the interruption to the Board no later than 30 minutes from the time that the utility becomes aware that service has been interrupted for 30 minutes. This subsection shall apply if service is interrupted for 30 minutes to one or more of the following:

1. A group of 10,000 or more customers;
2. A hospital, as defined at N.J.A.C. 8:43G-1.2;
3. An airport that is designated as a class I, II, or IV airport under 14 CFR Part 139, and that holds Airport Operating Certification from the Federal Aviation Administration under 14 CFR Part 139; and/or
4. An autobus station or subway station or a passenger rail system.

(e) Two-hour interruptions. In addition to the reporting required at (d) above, if a service interruption meets one or more of the following criteria, the utility shall report the interruption to the Board no later than 30 minutes from the time that the utility becomes aware that service has been interrupted for two hours:

1. The service interruption causes the closure of one or more lanes of an interstate highway, State highway, the New Jersey Turnpike, the Atlantic City Expressway or the Garden State Parkway;
2. Service is interrupted for two hours or more to any of the critical customers listed in (f) below;
3. Gas service is interrupted for two hours or more to 100 customers or more; and/or
4. Service is interrupted for two hours or more to a sufficient number of non-gas customers to meet the applicable threshold in Table A below:

Table A
Threshold For Reporting A Non-Gas Service Interruption

<u>Number of Customers The Utility Serves</u>	<u>Threshold: Number of Customers Interrupted For 2 Hours Or More</u>
500 or fewer	20
501 to 1,000	50

Number of Customers The Utility Serves	Threshold: Number of Customers Interrupted For 2 Hours Or More
1,001 to 10,000	100
10,001 to 100,000	200
100,001 to 500,000	1,000
500,001 to 1,000,000	2,000
1,000,001 or more	5,000

(f) The following are the customers subject to (e)2 above:

1. A school facility, including a regionally accredited college or university, a public or non-public school, a facility that provides vocational-technical education, or a facility subject to the jurisdiction of a district board of education, as defined in N.J.A.C. 6A:9-2.1; and
2. A State correctional facility designated to house inmates serving prison sentences.

(g) The utility shall promptly follow up the reporting required in (d) and/or (e) above with a detailed written report that includes all pertinent facts, including the cause of the interruption, the number and locations of customers affected, the duration of the interruption, utility actions to correct the interruption and to minimize and/or remedy its effects.

(h) Planned interruptions for operating reasons shall always be preceded by reasonable notice to all affected customers, and the work shall be planned so as to minimize customer inconvenience.

(i) Whenever the New Jersey Department of Transportation serves a public utility with a notice prohibiting street openings pursuant to N.J.S.A. 27:7-26, or the utility receives a New Jersey Executive Department directive, or is otherwise put upon notice of any facts, actual or threatened, which may adversely affect its ability to render safe, adequate and proper service, the public utility shall forthwith report the pertinent facts to the Board, in writing.

(j) A utility shall perform all reporting required under this section using the forms and procedures prescribed by Board staff, which shall be posted on the Board's website at <http://www.state.nj.us/bpu/divisions/reliability>.

(k) Each utility shall keep a record of each reported interruption of service for a period of one year after the interruption ends.

(l) Records of the major interruptions of service shall be kept in a manner suitable for analysis for the purpose of minimizing possible future interruptions and shall include the time, cause, and duration of the interruptions as well as the remedial action taken.

New Rule, R.2008 d.119, effective May 19, 2008.
 See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).
 Former N.J.A.C. 14:3-3.7, Basis for restoration, recodified to N.J.A.C. 14:3-3A.9.

14:3-3.8 Service call scheduling

(a) When a service call is scheduled for a residential customer, and the customer's presence is necessary for the service call, the utility shall inform the customer that it may request either a specified time or, at a maximum, a four-hour time block during normal business hours, during which the service call will occur. The utility may also schedule service calls outside of these hours for the convenience of the customer.

(b) If the utility is unable to ensure that the service call will occur within the four-hour period provided under (a) above, the utility shall inform the customer at the earliest possible time, and in no case later than the close of business on the business day prior to the scheduled appointment. A utility shall not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment, unless the utility can show good cause.

(c) In addition to complying with (b) above, the utility shall reschedule the service call within 24 hours, unless good cause is shown.

(d) For the purposes of this section, good cause shall include, but shall not be limited to, situations where the customer is unavailable, system emergencies, which may or may not be weather-related, where crews are needed for repair or other functions necessary to maintain the viability and safety of the utility's operating system or parts thereof, or labor actions, which prevent the utility from meeting service call schedules.

Repeal and New Rule, R.2008 d.119, effective May 19, 2008.
 See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).
 Section was "Access to customer's premises".

14:3-3.9 (Reserved)

Amended by R.1998 d.84, effective February 2, 1998.
 See: 29 N.J.R. 4250(b), 30 N.J.R. 563(a).
 N.J.A.C. 14:11-1.10 recodified as (d).
 Repealed by R.2008 d.119, effective May 19, 2008.
 See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Section was "Interruptions, reporting threatened interruptions of service".

14:3-3.10 (Reserved)

New Rule, R.1997 d.39, effective February 3, 1997.
 See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).
 Repealed by R.2008 d.119, effective May 19, 2008.
 See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).
 Section was "Service call scheduling".

SUBCHAPTER 3A. DISCONTINUANCE AND RESTORATION OF SERVICE

14:3-3A.1 Basis of discontinuance of service

(a) The utility shall have the right to suspend or curtail or discontinue service for any of the following reasons:

1. For the purpose of making permanent or temporary repairs, changes or improvements in any part of its system;
2. For compliance in good faith with any governmental order or directive, regardless of whether such order or directive subsequently may be held to be invalid;
3. For nonpayment of a valid bill due for service furnished at a present or previous location, in accordance with N.J.A.C. 14:3-3A.2;
4. For nonpayment of a deposit, in accordance with N.J.A.C. 14:3-3A.9; or
5. For any of the following acts or omissions on the part of the customer:
 - i. Refusal of reasonable access to the customer's premises in accordance with N.J.A.C. 14:3-3.6;
 - ii. Tampering with any facility of the utility;
 - iii. Fraudulent representation in relation to the use of service;
 - iv. Customer moving from the premises, unless the customer requests that service be continued;
 - v. Providing a utility's service to others without approval of the utility;
 - vi. Refusal to contract for service where such contract is required;
 - vii. Connecting and operating in such manner as to produce disturbing effects on the service of the utility or other customers;
 - viii. Failure of the customer to comply with any reasonable standard terms and conditions contained in the utility's tariff;
 - ix. Where the condition of the customer's installation presents a hazard to life or property; or
 - x. Failure of customer to repair any faulty facility of the customer.

(b) A customer wishing to discontinue service shall give notice to the utility. Within 48 hours of said notice, the utility shall discontinue service or obtain a meter reading for the purpose of calculating a final bill. Where such notice is not received by the utility, the customer shall be liable for service until the final reading of the meter is taken. Notice to discontinue service will not relieve a customer from any minimum or guaranteed payment under any contract or rate.

(c) Public utilities shall not discontinue residential service involuntarily except between the hours of 8:00 A.M. and 4:00 P.M., Monday through Thursday, unless there is a safety-related emergency. There shall be no involuntary discontinuance of service on Fridays, Saturdays, and Sundays or on the day before a New Jersey State holiday or on a New Jersey State holiday absent such emergency.

(d) When a utility suspends, curtails, or discontinues service for any reason other than nonpayment, the utility shall provide reasonable notice to the customer, to the extent reasonably possible.

(e) When a utility discontinues service for nonpayment, the utility shall provide notice to the customer in accordance with N.J.A.C. 14:3-3A.3.

Amended by R.1978 d.155, effective May 16, 1978.

See: 9 N.J.R. 290(e), 10 N.J.R. 261(e).

Amended by R.1983 d.526, effective November 21, 1983.

See: 15 N.J.R. 787(a), 15 N.J.R. 1949(a).

In (a)3i, added "except in cases of diversion of service pursuant to 14:3-7.16."

Amended by R.1991 d.145, effective May 6, 1991.

See: 22 N.J.R. 616(a), 23 N.J.R. 1446(a).

Prohibits discontinuance of service due to non-payment of repair charges, merchandise charges, and non-tariff contracted charges; limits utilities' discontinuance of residential service to Monday-Thursday, 8 A.M. to 4 P.M. except for safety related emergency.

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

In (a)3i, inserted provision on responsibility for service rendered and reference to conservation measures; in (b), inserted provision on discontinuance or meter reading within 48 hours; in (c), inserted \$50 arrearage provision; added (c)1 through (c)5; and in (d)1, inserted provisions that extension request be in writing and that service not be discontinued pending Board decision.

Emergency amendment, R.2002 d.312, effective August 21, 2002 (to expire October 20, 2002).

See: 34 N.J.R. 3295(a).

Added (c)6.

Amended by R.2002 d.280, effective September 16, 2002.

See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

In (c), rewrote the third sentence of the introductory paragraph.

Emergency amendment, R.2002 d.312, effective August 21, 2002 (expired October 20, 2002).

See: 34 N.J.R. 3295(a).

Deleted (c)6.

Amended by R.2004 d.12, effective January 5, 2004.

See: 35 N.J.R. 91(a), 36 N.J.R. 200(b).

In (c), added 6.

Recodified in part from N.J.A.C. 14:3-3.6 and amended by R.2008 d.119, effective May 19, 2008.

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

Rewrote (a); in the introductory paragraph of (c), substituted "discontinuance" for "termination", inserted "involuntarily", deleted the former third and fourth sentences and inserted "New Jersey State" twice; recodified former (c)1 through (d)2 to N.J.A.C. 14:3-3A.2; and added new (d) and (e).

Case Notes

Homeowners' association was not entitled to stay of discontinuance by water utility of fire hydrant service. In *Matter of Vernon Valley Water Company v. Stone Hill Property Owners Association*. 93 N.J.A.R.2d (BRC) 1.

State regulation preempted local regulation; commercial tenants responsible to pay their own individual bills. In *Re Complaint by Rotella*, 92 N.J.A.R.2d (BRC) 48.

14:3-3A.2 Discontinuance for nonpayment

(a) Except for residential telephone service that is covered at N.J.A.C. 14:3-3A.8, and subject to the limits below in this section, a public utility may discontinue service for nonpayment only if one or both of the following criteria are met,

and shall not discontinue service for nonpayment for any other reason:

1. The customer's arrearage is more than \$100.00; and/or
2. The customer's account is more than three months in arrears.

(b) A utility may discontinue service for nonpayment only of charges for the actual utility commodity itself, that is, for electricity, gas, water, wastewater service, or telephone service. A utility shall not discontinue service for nonpayment of charges for optional services, as defined at N.J.A.C. 14:4-1.1, or for repairs, merchandise, installation of conservation measures, or other non-tariff services contracted for between the customer and the utility, nor shall the utility threaten discontinuance for any of these reasons.

(c) If a customer receives both residential and business utility service, nonpayment for business service shall not be a reason for discontinuance of residential service, except in cases of diversion of service pursuant to N.J.A.C. 14:3-7.8.

(d) A utility may discontinue a customer's service for nonpayment of bills rendered only after the utility has completed all of the following steps:

1. It has met all applicable notice requirements at N.J.A.C. 14:3-3A.3;
2. It has confirmed that appropriate payment has not been received at any office of the utility or at any office of an authorized agent through the end of the notice period set forth in the notice of discontinuance issued under N.J.A.C. 14:3-3A.3;
3. It has confirmed on the day on which service may be discontinued, that payment has not been posted to the customer's account at the opening of business on that day;
4. After the end of the notice period in the notice of discontinuance, but before discontinuance of residential service, the electric or gas utility representative shall personally notify an adult occupant of the premises, or leave a sealed note in the event that no adult is on the premises. The note shall include information as to how the customer's service may be reconnected. This notice shall be in addition to all other notice required under this subchapter; and
5. If a residential customer offers payment of the full amount or a reasonable portion of the amount due at the time of discontinuance, a utility representative shall accept payment without discontinuance of service. Whenever such payment is made, the utility representative shall provide the customer with a receipt showing the date, account number, customer's name and address and amount received.

(e) A utility shall not discontinue a customer's service for nonpayment under the following circumstances:

1. Whenever the high temperature is forecast to be 40 degrees Fahrenheit or below during the next 24 hours, electric and gas utilities shall not, within any portion of their service territories, disconnect residential service for nonpayment, failure to pay a cash security deposit or guarantee, or failure to comply with the terms of a deferred payment plan. This limit applies to all residential customers, including those eligible for or enrolled in the Winter Termination program at N.J.A.C. 14:3-3A.5;

2. If a customer is eligible for the Winter Termination Program under N.J.A.C. 14:3-3A.5, an electric or gas public utility shall not discontinue service to the customer from November 15 through April 1, except as provided under N.J.A.C. 14:3-3A.5;

3. If a customer is eligible for the Winter Termination Program and the high temperature is forecast to be 90 degrees Fahrenheit or more, or the National Weather Service heat index is forecast to be 90 degrees or more, at any time during the following 48 hours, an electric utility shall not discontinue residential service to a customer for reasons of nonpayment, failure to pay a cash security deposit or guarantee, or failure to comply with a deferred payment agreement;

4. If a customer meets the conditions for a medical emergency in (i) below, a utility shall not discontinue service except in accordance with (i) below; and

5. A utility shall not discontinue service because of nonpayment in cases where a charge is in dispute, provided the undisputed charges are paid and the customer has requested that the Board investigate the disputed charge, in accordance with N.J.A.C. 14:3-7.6(b).

(f) For the purposes of this subchapter, "heat index" means the temperature that a human body feels when hot air and high humidity are combined. This measurement combines the effects on the body of both air temperature and relative humidity, to determine an apparent temperature as sensed by the body. Thus, for a particular combination of air temperature and humidity, the heat index identifies a corresponding temperature, which represents the way that hot and humid conditions actually feel to a human body. For more information regarding the heat index, see <http://www.crh.noaa.gov/pub/heat.php>.

(g) In applying the temperature-related limits at (e)1 and 3 above, a utility shall rely on forecasts obtained from national weather stations covering the utility's facilities, including the Newark Weather Station and the Atlantic City Airport Weather Station. If a utility's service territory is covered by more than one national weather station, and these weather stations forecast different high temperatures, the utility shall rely on the lowest forecast in applying (e)1, and shall rely on the highest forecast in applying (e)3.

(h) Nothing in this section shall relieve the customer of any financial obligation to the electrical utility providing the service.

(i) Discontinuance of residential service for nonpayment is prohibited for up to 60 days if a medical emergency exists within the residential premises, which would be aggravated by a discontinuance of service. The following conditions apply to this 60-day prohibition on discontinuance:

1. The utility may require the customer to provide reasonable proof of inability to pay;
2. The utility may require the customer to submit a written physician's statement to the utility, stating the existence of the emergency, its nature and probable duration, and that discontinuance of service will aggravate the medical emergency;
3. The utility may require submittal of a recertification by the physician as to the continuing nature of the medical emergency after 30 days;
4. At the end of such period of emergency, the customer shall remain liable for payment for all service(s) rendered, subject to N.J.A.C. 14:3-7.6; and
5. If, during the period of medical emergency, the customer incurs telephone charges in excess of the customer's average telephone bills of the six months preceding the first 30-day period, the utility may require the telephone customer to pay those excess charges during the medical emergency.

(j) The Board may extend the 60-day period in (i) above for good cause. The customer shall request such an extension from Board staff in writing. The request shall be accompanied by an updated physician's note that meets the requirements of (i)2 above. Pending the Board's consideration and decision regarding the request for extension, utility service shall not be discontinued.

Recodified in part from N.J.A.C. 14:3-3.6 and amended by R.2008 d.119, effective May 19, 2008.

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

Recodified former (a) through the introductory paragraph of (c) as N.J.A.C. 14:3-3A.1; added new (a) through (d)1; recodified former (c)1 through (c)4 as (d)2 through (d)5; in (d)2, inserted "set forth in the notice of discontinuance issued under N.J.A.C. 14:3-3A.3"; in (d)3, substituted "service may be discontinued" for "termination may occur"; rewrote (d)4; in (d)5, substituted "discontinuance" for "termination", deleted "be required to" preceding "accept payment" and substituted a period for a semicolon at the end; added the introductory paragraph of (e); recodified former (c)5 as (e)1; recodified former (c)6 as (e)2 and (e)3; in (e)1, inserted "is" preceding "forecast", substituted "40" for "32", rewrote the last sentence and deleted "and" from the end; rewrote (e)2 and (e)3; added (e)4 and (e)5; added (f) and (g); recodified former (c)6i as (h); in (h), substituted "section" for "paragraph"; recodified former introductory paragraph of (d) as (i); rewrote (i); recodified former (d)1 as (j); rewrote (j); and deleted former (d)2.

Cross References

Residential electric and gas service, winter termination program, see N.J.A.C. 14:3-3A.5.

Billing disputes, see N.J.A.C. 14:3-7.6.

Case Notes

Service discontinuance by gas and electric utility; appropriate notice given and discontinuance not on basis of non-payment of contested charges. *Buczek v. Public Service Electric & Gas*, 92 N.J.A.R.2d (BRC) 13.

14:3-3A.3 Notice of discontinuance for nonpayment

(a) Before discontinuing a customer's service for nonpayment, a utility shall notify the customer that the bill has not been paid and that the service will be discontinued, in accordance with this section.

(b) The notice of discontinuance sent to the customer shall be postmarked no earlier than 15 days after the postmark date of the outstanding bill, except for a water utility customer with fire protection or multi-use service under N.J.A.C. 14:3-3A.4(j). In the absence of a postmark, the burden of proving the date of mailing shall be upon the utility.

(c) The notice of discontinuance for nonpayment shall provide the customer with at least 10 days written notice of the utility's intention to discontinue service. The 10 days shall begin on the postmark date of the notice. This written notice shall be sent by first class mail, apart from the bill and as a separate mailing. However, should a utility find that compliance with this rule would result in financial harm and/or would negatively impact the utility's daily operations, the utility may file a written request for exemption with the Secretary of the Board, setting forth the basis for such request.

(d) A new notice shall be served by the utility each time it intends to discontinue service for nonpayment of a bill, except that no additional notice shall be required when, in response to a notice of discontinuance, a customer pays the bill by check and the check is subsequently dishonored.

(e) A public utility shall, upon request of the customer, send a Spanish language version of the notice of discontinuance.

(f) During the heating season, all notices of discontinuance of residential electric or gas services shall be accompanied by a Winter Termination Program fact sheet, printed in both English and Spanish, setting forth all terms and conditions of the Winter Termination Program. Electric and gas utilities shall submit drafts of their proposed fact sheets to Board staff no later than October 1 of each year, for approval for use during the following heating season.

(g) If service is being discontinued both for nonpayment and for one or more of the reasons set forth at N.J.A.C. 14:3-3A.1(a)3 and/or 4, the utility may provide notice under N.J.A.C. 14:3-3A.1(b) rather than under this section, and immediate payment of accounts may be required.

New Rule, R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Cross References

Residential electric and gas service, winter termination program, see N.J.A.C. 14:3-3A.5.

14:3-3A.4 Additional notice requirements for discontinuance of residential and special customers

(a) The notice requirements in this section shall apply in addition to the requirements in N.J.A.C. 14:3-3A.3.

(b) Each public utility shall annually notify all residential customers that, upon request, notice of discontinuance of service will be sent to a designated third party, as well as to the customer.

(c) Each public utility shall make good faith efforts to determine which of their residential customers are over 65 years of age, and shall make good faith efforts to notify such customers of discontinuance of service by telephone in addition to notice by regular mail. This effort may consist of an appropriate inquiry set forth on the notice informing customers that they may designate a third party to receive notice of discontinuance. This provision shall not apply to utilities that make good faith efforts to contact all residential customers by telephone prior to discontinuance and file with the Board a statement setting forth such procedure.

(d) Electric and gas utilities shall, on a semi-annual basis, solicit information from their residential customers in order to determine the presence of any life-sustaining equipment on the customer's premises. This subsection does not apply to water, wastewater, or telecommunications public utilities.

(e) Each public utility shall provide written notice to the Board's Division of Customer Assistance at least 14 business days prior to the discontinuance of service to a hospital, nursing home, assisted care facility, public or private school, college or university, or airport or other major transportation facility including, but not limited to, railroad, bus and subway facilities. The notification shall include:

1. The name of the customer of record;
2. The location of the premises;
3. The amount owed;
4. A statement of account including payment history;
5. The method of and attempts made for negotiation and resolution; and
6. The scheduled discontinuance date.

(f) When the customer is a public utility under the Board's jurisdiction, the serving utility shall concurrently serve a copy of the notice of discontinuance on the Board.

(g) On all notices of discontinuance to residential customers, from all public utilities, there shall be included:

1. A statement that the utility is subject to the jurisdiction of the New Jersey Board of Public Utilities; which includes the address and the following telephone numbers for the Board: (973) 648-2350 and 1-800-624-0241 (toll free);

2. A statement that in the event the customer is either unable to make payment of a bill or wishes to contest a bill the customer should contact the utility. The notice shall contain information sufficient for the customer to make appropriate inquiry; and

3. A statement that if a customer is presently unable to pay an outstanding bill, the customer may contact the utility to discuss the possibility of entering into a reasonable deferred payment agreement. In the case of a residential customer receiving more than one service from the same utility, the statement shall state that deferred payment agreements are available separately for each utility service.

(h) On all notices of discontinuance to residential electric and gas customers there shall be included, in addition to the other information required under this subchapter, all of the following:

1. A statement that the customer may dispute a charge in accordance with N.J.A.C. 14:3-7.6, and may contact the Board of Public Utilities to request assistance in the resolution of a bona fide disputed charge and further, that a customer may also request a formal hearing concerning such disputed charge;

2. A statement that if, within five days of disputing the charges, a request is made to the Board of Public Utilities for an investigation of the disputed charge, the customer's service shall not be discontinued for nonpayment of bills, provided all undisputed charges are paid; and

3. A statement that a customer may have counsel, or a third party of the customer's choosing, present when appearing before a utility to contest a bona fide disputed charge.

(i) The statements required to be included on notices of discontinuance of electric and gas customers pursuant to (g) and (h) above shall be printed on the back of the notice under the headline (in boldface) "STATEMENT OF CUSTOMER'S RIGHTS." The headline shall be printed in type no less than one-half inch in height (36 points). The individual statements shall be printed in type no less than 1/6 inch in height (12 points). No other matter shall be printed upon the back of the notice.

(j) Each water utility shall provide the following notice to customers with fire protection service or multi-use service, in addition to the other notice required in this section:

1. At least 30 days prior to the discontinuance of fire protection service or multi-use service, the utility shall give notice of the discontinuance via certified mail to the following:

- i. The fire protection or multi-use service customer of record;
 - ii. The property owner, if different than the customer of record;
 - iii. The mayor of the municipality in which the service is provided;
 - iv. The fire chief of the municipality in which the service is provided;
 - v. The enforcing housing code official of the municipality in which the service is provided;
 - vi. The enforcing uniform fire code official of the municipality in which the service is provided;
 - vii. The welfare officer of the municipality in which the service is provided; and
 - viii. The Board of Public Utilities; and
2. If fire protection service or multi-use service is discontinued, the water utility shall, immediately after the discontinuance, notify via certified mail the parties listed in (j)1 above and in addition:

Customer Service Division
 Insurance Service Office
 Commercial Risk Services
 2 Sylvan Way
 Parsippany, New Jersey 07054.

New Rule, R.2008 d.119, effective May 19, 2008.
 See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Cross References

Billing disputes, see N.J.A.C. 14:3-7.6.

14:3-3A.5 Winter Termination Program for residential electric and gas service

(a) An electric or gas utility shall not discontinue service during the period from November 15 through April 1 (referred to in this section as the "heating season"), unless otherwise ordered by the Board, to those residential customers who demonstrate at the time of the intended termination that they are:

1. Recipients of benefits under the Lifeline Credit Program;
2. Recipients of benefits under the Federal Home Energy Assistance Program (HEAP), or certified as eligible therefore under standards set by the New Jersey Department of Human Services;
3. Recipients of Temporary Assistance to Needy Families (TANF);
4. Recipients of Federal Supplemental Security Income (SSI);

5. Recipients of Pharmaceutical Assistance to the Aged and Disabled (PAAD);
6. Recipients of General Assistance (GA) benefits;
7. Recipients of the Universal Service Fund (USF); or
8. Persons unable to pay their utility bills because of circumstances beyond their control. Such circumstances shall include, but shall not be limited to, unemployment, illness, medically related expenses, recent death of an immediate family member, and any other circumstances, which might cause financial hardship.

(b) Those residential electric or gas customers whose service has been discontinued for non-payment and not reconnected as of November 15, and who are otherwise eligible for protection under the Winter Termination Program, shall be required to make a down payment of up to 25 percent of the outstanding balance as a condition of receiving electric and/or gas service during the current heating season. The customer shall be notified, at the time of enrollment in a budget billing plan as required by (c) below, that the down payment shall represent a maximum required amount and is not to be regarded as a minimum required payment. The utility shall consider the customer's ability to pay in determining the appropriate level of the required down payment, but in no instance shall such required payment exceed 25 percent of the outstanding balance. The utility shall refer to the Board for resolution, all disputes regarding the appropriate amount of down payments.

(c) All residential electric or gas customers who are eligible for and seek the protection of the Winter Termination Program shall enroll in a budget billing plan on an annual basis.

(d) All residential electric or gas customers who are eligible for and seek the protection of the Winter Termination Program shall make good-faith payments during the heating season, if they have the ability to do so. Said payments shall be equal to the amount that the customer would be required to pay under a budget billing plan, except that the utility shall accept a lesser amount from those customers who do not have the ability to pay.

(e) If an eligible customer has the ability to make a good-faith payment but refuses to do so, or if there is any other dispute related to good-faith payments, the utility shall refer said dispute to the Board for a determination. In addition, the utility shall inform each eligible customer involved in such a dispute that the matter has been forwarded to the Board for a determination and that the customer may also notify the Board of the dispute if he or she so chooses. Until the Board has rendered a determination in such an instance, the utility shall not unilaterally discontinue service during the heating season.

(f) If a customer receives energy related financial assistance, such as Home Energy Assistance Program (HEAP)

heating benefits, the customer shall forward all of the benefits to their electric or gas utility, if either utility is their major heat supplier.

(g) During the heating season, an electric or gas utility shall not request a security deposit or an addition to an existing security deposit from a customer who is eligible for and seeks the protection of the Winter Termination Program.

(h) An electric or gas utility may terminate service to a customer who is eligible for the Winter Termination Program in accordance with (i) and (j) below, if said customer connects, disconnects or otherwise tampers with the meters, pipes, wires or conduits of the utility for the purpose of obtaining electric or gas service without payment.

(i) No discontinuance shall occur under (h) above until the customer has been afforded all reasonable due process considerations, including an opportunity to be heard. Toward this end, the electric and gas utilities shall comply with the following requirements prior to discontinuing service to any customer who has allegedly tampered with the meter or other utility facilities:

1. The utility shall notify the Board of all pertinent facts related to the alleged tampering;

2. The Board shall have seven days after receipt of said information to complete an impartial and informal investigation of the matter. In the event that a utility comes forward with sufficient credible evidence that shows that the meters, pipes, wires, conduits or attachments through which a customer is thus being furnished with electric or gas service have been tampered with, the Board shall immediately notify the customer and the burden shall shift to the customer to come forward with sufficient evidence to rebut the charges of the utility. Failure to do so will result in a finding that tampering did occur for the purpose of obtaining the utility service without payment and that the customer is responsible for the tampering;

3. Upon a finding by the Board that tampering did occur, the utility shall give written notification to the customer, by certified mail, return receipt requested, and to the local public welfare agency and the local municipal health agency, by regular mail, as to the date upon which service to the customer shall be terminated. Said notification shall be made at least seven days prior to the date of the proposed service termination. The utility shall further advise the customer in the written notification that if he or she claims to be dependent on life sustaining equipment, the customer must furnish a physician's certificate within the aforementioned seven-day period, wherein the condition requiring such equipment is identified and verified; and

4. Any relief requested under N.J.A.C. 14:3-3A.2(h) regarding medical emergencies shall be reviewed on a case-by-case basis.

(j) A customer, otherwise eligible for the Winter Termination Program, whose electric or gas service had been discontinued prior to the start of the heating season and who has subsequently caused the unauthorized restoration of said service shall, when said unauthorized service has been registered on the meter, be required to make a down payment of up to 25 percent of the outstanding account balance as of the most current meter reading as a pre-condition for the continuation of service during the heating season.

New Rule, R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Cross References

Billing disputes, see N.J.A.C. 14:3-7.6.

14:3-3A.6 Discontinuance of service to tenants

(a) Electric, gas, water and wastewater public utilities shall make every reasonable attempt to determine when a landlord-tenant relationship exists at premises being serviced. If such a relationship is known to exist, and if the tenants are not the customers of record but are end-users, as these terms are defined at N.J.A.C. 14:3-1.1, discontinuance of service is prohibited unless the utility has, notwithstanding the time periods in N.J.A.C. 14:3-3A.5, given a 15-day written notice to the owner of the premises or to the customer of record to whom the last preceding bill was rendered. Further, the utilities shall use their best efforts to determine the names and addresses of each tenant, in order to provide such notice, for example, through mailings to landlords requesting a list of tenants. The utility shall use its best efforts to provide copies of the discontinuance notice to all tenants. In addition, the utility shall provide the tenant(s) with a 15-day written notice, which shall be hand-delivered, mailed, or posted in a conspicuous area of the premises and in the common areas of multiple family premises.

(b) If a utility uses posting as the method of notice, each utility shall use its best efforts to also place a copy of the notice on each tenant's car windshield or under the door of each tenant's dwelling. In the case of tenants of single and two-family dwellings, each tenant shall also be provided with a 15-day individual notice. Each utility shall offer the tenant(s) continued service to be billed to the tenant(s) unless the utility demonstrates that such billing is not feasible. The continuation of service to a tenant shall not be conditioned upon payment by the tenant of any outstanding bills due upon the account of any other person. The utility shall not be held to the requirements of this provision if the existence of a landlord-tenant relationship could not be reasonably ascertained.

(c) When a landlord-tenant relationship is known to exist, an electric and/or gas utility, at the landlord's request, shall send written notice to the landlord that a tenant's electric or gas service is being voluntarily or involuntarily discontinued.

(d) When a landlord-tenant relationship is known to exist, an electric and/or gas utility, at the landlord's request, shall place the service in the landlord's name if the tenant's electric and/or gas service is being voluntarily or involuntarily discontinued.

(e) To participate in this program, the landlord shall complete a form provided by the utility, indicating a choice as specified in (a) or (b) above.

As amended, R.1978 d.155, effective May 16, 1978.

See: 9 N.J.R. 290(e), 10 N.J.R. 261(e).

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

Substantially amended section.

Amended by R.1997 d.224, effective June 2, 1997.

See: 29 N.J.R. 735(a), 29 N.J.R. 2568(b).

Added (b) through (d).

Amended by R.2002 d.280, effective September 16, 2002.

See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

Substituted "wastewater" for "sewer".

Amended by R.2004 d.12, effective January 5, 2004.

See: 35 N.J.R. 91(a), 36 N.J.R. 200(b).

Rewrote the section.

Recodified from N.J.A.C. 14:3-7.14 and amended by R.2008 d.119, effective May 19, 2008.

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

In (a), inserted "or record" twice, updated the N.J.A.C. reference and inserted a comma following the last occurrence of "notice".

Case Notes

Homeowners' association was not entitled to stay of discontinuance by water utility of fire hydrant service. In Matter of Vernon Valley Water Company v. Stone Hill Property Owners Association. 93 N.J.A.R.2d (BRC) 1.

14:3-3A.7 Notification to municipalities of discontinuance of residential gas or electric service

(a) All electric and gas public utilities shall annually notify all municipalities located within their service area that, upon request, they, and/or any enforcing agency enforcing the Uniform Fire Code (N.J.A.C. 5:18) within the municipality, will be sent a daily list of the residential customer of record and premises located within the municipality at which gas or electric service was discontinued involuntarily on the preceding day.

(b) The list referred to in (a) above shall contain all of the following information, as applicable:

1. The name and address of every residential customer of record whose service was discontinued on the previous day for reasons other than at the customer's request and whose service remains discontinued as of 8:00 A.M. on the day the list is sent. The list shall also set forth the address of the premises where service was discontinued. Included on the list shall be those customers whose service has been discontinued for reasons such as non-payment of bills, the absence of a customer of record, the existence of an unsafe condition, and theft of service. These examples shall not be construed as being exclusive;

2. If there is no customer of record, this fact shall be shown by indicating "unknown" next to the address of the premises;

3. If the reason for the discontinuance of service is the existence of an unsafe condition, this fact shall be indicated next to the address of the premises. All other reasons for the discontinuance of service shall not be included on the list;

4. Those customers whose service has been discontinued on a Friday, Saturday or Sunday and whose service remains discontinued as of 8:00 A.M. on the following Monday shall be included on the list sent on that Monday. If a Monday falls on a holiday on which the utility's commercial offices are closed, the list shall be sent on the next regular workday. Pursuant to N.J.A.C. 14:3-3A.1(c), public utilities shall not discontinue residential service for nonpayment on Friday, Saturday, Sunday or on the day before a holiday or on a holiday on which either the utility's commercial offices or the Board's offices are closed;

5. If none of the customers within the municipality has service discontinued as of 8:00 A.M. on the day the list is to be sent, the utility is not required to send a list or to otherwise notify the municipality that there were no discontinuances. The next list subsequently sent shall state the date on which the last list was sent;

6. The date of discontinuance of service for each customer on the list; and

7. Specification of whether gas and/or electric service was discontinued for each customer on the list.

(c) The list referred to in (a) above may be sent by ordinary mail.

(d) On every February 15, all electric and gas utilities shall file with the Board a report containing the following information:

1. A breakdown of the expenses incurred in complying with this section in the preceding calendar year; and

2. Any additional information, which the Board in its discretion may require in writing or the public utility may wish to submit.

(e) On every August 15 and February 15, all electric and gas utilities shall file with the Board a report containing the following information:

1. Those municipalities that requested the list described in (a) above and those that have not requested the list as of the date of the report;

2. Those agencies enforcing the Uniform Fire Code, which requested the list referred to in (a) above; and

provide a meter, and such other equipment and service appliances as are specified in the utility's Board-approved tariff.

(b) The determination of whether the customer or the utility bears the cost of purchase and installation of meters, equipment and service appliances provided by the utility under (a) above shall be governed by the Board's main extension rules at N.J.A.C. 14:3-8 and the utility's Board-approved tariff.

(c) Regardless of who provides or pays for a meter, service appliance, hardware or other equipment, the determination of whether the customer or the utility owns and maintains the equipment after its installation shall be governed by N.J.A.C. 14:3-8.

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

In (a), deleted provision that meters and appliances be provided without charge; and added (a)1 and (b).

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

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

Section was "Ownership". Rewrote the introductory paragraph of (a); deleted (a)1 and former (b); and added new (b) and (c).

Case Notes

Record established that confusing billing procedures and malfunctioning remote register warranted elimination of adjusted bill. *Magley v. New Jersey—American Water Company*. 93 N.J.A.R.2d (BRC) 13.

14:3-4.2 Location of meters

(a) The installation of meters and connections shall be in accordance with N.J.A.C. 14:5, Electric Service; 14:6, Gas Service; and 14:9, Water and Wastewater; and standard practice.

(b) Meters installed indoors shall be located in a clean, dry, safe place not subject to great variations in temperature and on a support, which is free from appreciable vibration. Meters installed outdoors shall be protected from the weather and from vehicular traffic, and shall be designed for outdoor use.

(c) Meters shall be so located as to be easily accessible for reading, testing and making necessary adjustments and repairs. Meters shall be placed in a location where the visits of the meter reader or tester will cause minimum inconvenience to the customer or to the utility.

Amended by R.2002 d.280, effective September 16, 2002.

See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

Rewrote (a).

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

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

Section was "Location". In (a), deleted "applicable 'Codes,' as set forth in" preceding "N.J.A.C."; substituted a semicolon for a comma following both occurrences of "Service"; substituted "; and" for a comma following "Wastewater" and deleted "and the standard terms and conditions contained in the tariff of the utility on file with the Board" from the end; in (b), inserted a comma following "support" and substituted the second occurrence of "shall" for "should" and "and free from vehicular traffic, and shall" for "or"; and in (c), substituted the second occurrence of "shall" for "should".

14:3-4.3 Definitions

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

"Bell prover" means a device that measures the volume of a gas using a calibrated bell placed in a bath of oil or water.

"Meter testing equipment" means equipment and facilities used to test the accuracy of meters that measure a utility customer's utility usage. This term includes equipment and facilities used to test customer meters directly, as well as equipment and facilities used to test equipment that is then used to test customer meters.

"NJ Weights and Measures" means the Office of Weights and Measures in the Division of Consumer Affairs in the New Jersey Department of Law and Public Safety.

"Portable meter testing equipment" means meter testing equipment that is designed to, and can be, moved from location to location without the need to be calibrated to ensure accuracy each time it is moved.

Repeal and New Rule, R.2008 d.119, effective May 19, 2008.

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

Section was "Access".

14:3-4.4 Testing of utility meter testing equipment

(a) A utility shall ensure that its meter testing equipment is tested and either sealed or certified in accordance with this section at each of the following events or time intervals:

1. Each time the equipment is moved, except if the equipment is portable meter testing equipment;
2. Each time the security seal on the equipment is broken;
3. Each time the equipment is cleaned, handled or maintained in any way that could affect its accuracy; and
4. At the following time intervals:
 - i. For all meter testing equipment, except bell provers used for ensuring accuracy of gas meters, every 12 months; and
 - ii. For bell provers, every five years.

(b) To comply with this section, a utility shall do either of the following:

1. Have its meter testing equipment tested and sealed by NJ Weights and Measures; or
2. Meet both of the following requirements:
 - i. Have its meter testing equipment tested and certified by a laboratory approved and recognized by the

National Institute of Standards and Technology (NIST) with testing equipment traceable to NIST; and

ii. Prior to utilizing the equipment for compliance with this subchapter, submit to the Board a written approval, issued by the Superintendent of NJ Weights and Measures, accepting the laboratory that performed the certification for purposes of compliance with this subchapter.

(c) The cost of complying with this section shall be borne by the utility.

(d) A utility shall make its meter testing equipment available at all reasonable times for inspection and/or use by Board staff or its designees.

Repeal and New Rule, R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).
Section was "Equipment for testing".

14:3-4.5 Meter tests at a customer's request

(a) Each utility shall, without charge, make a test of the accuracy of a meter upon request of a customer, provided such customer does not make a request for test more frequently than once in 12 months.

(b) A report giving results of such tests shall be made to the customer, and a complete record of such tests shall be kept on file at the office of the utility in accordance with N.J.A.C. 14:3-4.9 Meter records.

(c) When a billing dispute is known to exist, the electric, gas or water utility shall, prior to removing the meter, advise the customer that the customer may have the meter tested by the utility or may have the Board witness a testing of the meter by the utility, and that in any event the customer may have the test witnessed by a third party.

(d) A meter test arising from a billing dispute may be appropriate in instances which include, but are not limited to, unexplained increased consumption, crossed meters, consumption while account is vacant or any other instance where the meter's accuracy might be an issue in a bill dispute.

(e) Upon application by any customer to the Board, a Board inspector shall test the customer's meter. Such test shall be made as soon as practicable after receipt of the application for the test, and Board staff shall notify the customer and the utility as to the time and place of such test.

(f) The Board shall charge a fee of \$5.00 for a meter test, payable at the time application is made for the test. This fee is to be retained by the Board if the meter is found to be slow or correct within the allowable limits. If the meter is found to be fast beyond the allowable limits, that is, more than two percent, or in the case of water meters, more than one and one half percent, the utility shall reimburse the customer for the test fee paid.

Amended by R.1991 d.146, effective May 6, 1991.

See: 22 N.J.R. 617(a), 23 N.J.R. 1448(a).

New provisions at (c) and (d) require utility to inform customer of the option of a Board witnessed or conducted test of the customer's meter. Recodified in part from N.J.A.C. 14:3-4.6 and amended by R.2008 d.119, effective May 19, 2008.

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

Section was "Tests by utility on request". In (c), deleted "either conduct a test of the meter or" following "Board"; recodified former N.J.A.C. 14:3-4.6 as (e) and (f); in (e), substituted "Board inspector shall test" for "test shall be made of", deleted "by the inspector of the Board" following "meter" and substituted "for the test, and Board staff shall notify" for "and upon notice to"; and in (f), substituted "The Board shall charge a fee of \$5.00 for a meter test, payable" for "For such test a fee, in accordance with N.J.S.A. 48:2-56, shall be paid by the customer" and inserted "by the Board".

Cross References

Billing disputes, see N.J.A.C. 14:3-7.6.

14:3-4.6 Adjustment of charges for meter error

(a) Whenever a meter is found to be registering fast by more than two percent, or in the case of water meters, more than one and one half percent, an adjustment of charges shall be made in accordance with this section. No adjustment shall be made if a meter is found to be registering less than 100 percent of the service provided, except under (d) below.

(b) If the date when the meter first became inaccurate is known, the adjustment shall be determined as follows:

1. Determine the percentage by which the meter was in error at the time of the test, adjusted to 100 percent. This figure is not the amount in excess of the tolerance allowed under (a) above, but is the difference between 100 percent accuracy and the actual accuracy of the meter. For example, if the meter was found to be three percent fast, this percentage is three percent;
2. Determine the total charges for metered service that accrued during the entire period that the meter was in error; and
3. The amount of the adjustment shall be the percentage determined under (b)1 above, applied to the charges determined under (b)2 above.

(c) If the date when the meter first became inaccurate is not known, the adjustment shall be determined as follows:

1. Determine the percentage by which the meter was inaccurate at the time of the test adjusted to 100 percent. This figure is not the amount in excess of the tolerance allowed under (a) above, but is the difference between 100 percent accuracy and the actual accuracy of the meter. For example, if the meter was found to be three percent fast, this percentage is three percent;
2. Determine the applicable time period as follows:

- i. Determine the time between the test that found the meter inaccuracy and the most recent previous test of the meter. This time period may be longer than the time the meter has served the existing customer;

ii. Divide the time determined under (c)2i above in half;

iii. If the time determined under (c)2ii above is longer than the time the meter has served the existing customer, the applicable time period is the time the meter has served the existing customer;

iv. If the time determined under (c)2ii above is shorter than the time the meter has served the existing customer, the applicable time period is the time determined under (c)2ii above;

3. Determine the total charges that accrued during the applicable time period determined under (c)2 above; and

4. The amount of the adjustment shall be the percentage determined under (c)1 above, applied to the charges determined under (c)3 above.

(d) If a meter is found to be registering less than 100 percent of the service provided, the utility shall not adjust the charges retrospectively or require the customer to repay the amount undercharged, except if:

1. The meter was tampered with;
2. The meter failed to register at all; or
3. The circumstances are such that the customer should reasonably have known that the bill did not reflect the actual usage.

(e) If a meter is found to be registering less than 100 percent of the service provided because of theft or tampering under (d)1 above, the utility may require immediate payment of the amount the customer was undercharged.

(f) In cases of a charge to a customer's account under (d)2 or 3 above, the customer shall be allowed to amortize the payments for a period of time equal to that period of time during which the customer was undercharged.

Amended by R.1991 d.221, effective May 6, 1991.

See: 22 N.J.R. 1112(a), 23 N.J.R. 1439(b).

Reference to gas as well as electric meters added.

Amended by R.1991 d.147, effective May 6, 1991.

See: 22 N.J.R. 618(a), 23 N.J.R. 1449(a).

Reduced the measurement of accuracy for water meters from two percent to one and one half percent, thereby conforming the standard of accuracy in these rules to the uniform standards of the American Water Works Association; also prohibited a utility from re-billing a customer for consumption previously not billed for due to a slow meter.

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

In (a)2, inserted reference to water meters; and added (c)1.

Recodified from N.J.A.C. 14:3-4.7 and amended by R.2008 d.119, effective May 19, 2008.

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

Section was "Adjustment of charges". Rewrote the introductory paragraph of (a); recodified (a)1 and (a)2 as (b) and (c); deleted former (b); recodified former (c) as (d); recodified former (c)1 as (f); rewrote (b), (c) and (d); added (e); and rewrote (f).

Former N.J.A.C. 14:3-4.6, Tests by Board on request, recodified in part to N.J.A.C. 14:3-4.5.

Case Notes

No latches defense to avoid delinquent fire sprinkler tariffs despite water company's failure to bill landowner for five years. *Rank v. Trenton Water Works*, 97 N.J.A.R.2d (BRC) 1.

Customers not entitled to be billed on basis of 1,136 ccf of gas usage, rather than 11,136 ccf, for eight year period. *Thomas v. New Jersey Natural Gas Company*, 93 N.J.A.R.2d (BRC) 145.

Homeowner not entitled to credit to sewerage bill for water utilized in swimming pool and sprinkler system; no application for water diversion meter. *Perelman v. Atlantic City Sewerage Company*, 93 N.J.A.R.2d (BRC) 138.

No showing of water meter defect; no refund for overbilling. *Aabdollah v. New Jersey American Water Company*, 93 N.J.A.R.2d (BRC) 73.

Record established that meter readings and billings reflected water consumption; no overcharges. *Presidential Apartments v. Hackensack Water Company*, 93 N.J.A.R.2d (BRC) 68.

Record established that confusing billing procedures and malfunctioning remote register warranted elimination of adjusted bill. *Magley v. New Jersey—American Water Company*. 93 N.J.A.R.2d (BRC) 13.

14:3-4.7 Meter test reports and records

(a) Each utility shall provide the Board with summaries of all meter tests. Each utility having 500 or more meters shall report quarterly. Utilities having less than 500 meters shall report annually. Blank forms on which reports are to be made will be furnished by the Board on its website at <http://nj.gov/bpu/>.

(b) If a utility uses a laboratory other than NJ Weights and Measures to certify its meter testing equipment in accordance with N.J.A.C. 14:3-4.4(b), the utility shall include in its annual report a copy of the letter required under N.J.A.C. 14:3-4.4(b)2.

(c) Complete records on all utility meters shall be kept in the utility's office and shall be available for examination at any time by inspectors of the Board. Such records shall include the following information:

1. The name of the meter's manufacturer, and the meter's unique ID or serial number, assigned by either the utility or the manufacturer;
2. Type, size, and so forth;
3. Date and location of each installation, and dates of removal;
4. The accuracy of the meter at each test;
5. A record of the tests of each meter, the date and results of the tests, and any action taken based on test results; and
6. The results of the last test of the meter, performed after the meter's final use and prior to its retirement from service.

(d) All the records and reports required in this section shall be kept for a period of six years, or for a period beginning on the date of the last test, whichever period is the longer.

Recodified in part from N.J.A.C. 14:3-4.8 and N.J.A.C. 14:3-4.9 and amended by R.2008 d.119, effective May 19, 2008.

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

Section was "Meter test reports". Inserted designation (a); in (a), substituted "Each utility shall provide the Board with summaries " for "A report shall be made to the Board giving a summary" and inserted "on the website at <http://nj.gov/bpu/>"; recodified former N.J.A.C. 14:3-4.9(a) and (b) as (c) and (d); rewrote (c)1; in (c)3, deleted "and test" from the end; in (c)4, inserted "at each test"; rewrote (c)5; added (c)6; and rewrote (d).

Former N.J.A.C. 14:3-4.7, Adjustment of charges, recodified to N.J.A.C. 14:3-4.6.

14:3-4.8 Meter replacement

(a) A utility shall not charge for replacing a meter where such replacement is requested by a customer, unless the meter has been in use for less than two years. If the meter has been in use for less than two years, the utility may assess a charge, which shall not exceed the cost of making the replacement.

(b) A utility shall not charge a customer for replacing a meter for any of the following reasons:

1. Testing purposes;
2. Replacement that is necessitated by a change in service characteristics; or
3. Replacement of a defective meter, unless the defect is due to the negligence of the customer, in which case a utility may charge the customer for the cost of making the replacement.

(c) If a customer has a complaint filed with the Board reflecting on the accuracy or performance of the meter, the utility shall not remove the customer's meter from service during the pendency of said complaint, or during the 30 days following the Board's decision on the complaint, unless otherwise authorized by the Board's staff.

Recodified from N.J.A.C. 14:3-4.10 and amended by R.2008 d.119, effective May 19, 2008.

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

Rewrote (a); recodified the former last sentence of (a) as (b); rewrote (b); recodified former (b) as (c); and rewrote(c).

Former N.J.A.C. 14:3-4.8, Meter test reports, recodified in part to N.J.A.C. 14:3-4.7.

14:3-4.9 (Reserved)

Recodified to N.J.A.C. 14:3-4.7 by R.2008 d.119, effective May 19, 2008.

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

Section was "Meter records".

14:3-4.10 (Reserved)

Amended by R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

Recodified to N.J.A.C. 14:3-4.8 by R.2008 d.119, effective May 19, 2008.

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

Section was "Meter replacement".

SUBCHAPTER 5. CONTACTING THE UTILITY

14:3-5.1 Location of offices

(a) Each utility shall maintain an office in its New Jersey service area, the current location of which shall be furnished to the Board's Division of Customer Assistance, where applications for service, complaints, service inquiries, bill payments, and so forth, will be received.

(b) Each utility shall annually provide the Board with a list of its in-person business offices, setting forth the location of and functions performed at each office.

(c) The utility shall file written notice with the Board of any proposed change in the functions of one or more of these offices at least 14 business days prior to the change being made.

(d) Each utility shall furnish the Board with the current location of the offices where any information that the utility is legally required to provide to customers, governmental bodies, other utilities and contractors is available.

(e) In the event that a utility desires to close or relocate an office, the utility shall comply with the following procedures:

1. At least 60 days prior to the closing or relocation of an office described in (a) or (b) above, a utility shall apply for approval with the Board, demonstrating that such closure or relocation is not unreasonable and will not unduly prejudice the public interest, and setting forth the means, upon Board approval of the application, by which customers and other interested parties will be adequately notified of the closing or relocation and alternatives available in the case of a closed office.

2. The utility shall simultaneously notify its customers and the clerk of each affected municipality of the pending application for permission to relocate or close the subject office by means of posting notice at the office location and, within three days of application, by placing notice of the office closing or relocation in the newspaper(s) serving the affected area.
 - i. The notice shall inform customers of their right to present to the Board, in writing, any objections they may have to the office closure or relocation; and
 - ii. The notice shall specify a date certain for submission of comments which date shall not be less than 20 nor more than 30 days after publication and posting.

3. An office shall not be closed or relocated until the utility has been informed, in writing, that the Board has approved such request.

Former N.J.A.C. 14:3-6.6, Telephone system information, recodified to N.J.A.C. 14:3-6.8.

14:3-6.7 Reporting suspicious acts

(a) Each public utility shall report to the Board within six hours of becoming aware of the occurrence of any of the following incidents:

1. Theft of a marked public utility vehicle, identification document, badge or uniform(s) bearing the public utility's logo;
2. Forced entry to any utility facility, or entry achieved by deception;
3. Unauthorized photography or videotaping of any utility facility;
4. Extensive note-taking, or audio recording, regarding any utility facility; and
5. Intentional damage to any utility facilities or equipment. This does not include vehicle accidents, automobile collisions with utility poles, damage to underground facilities by an excavator or other third party, which is reported in accordance with other Board rules, or routine vandalism, such as graffiti or vandalism to utility vehicles.

(b) Each public utility shall keep a record of any incident described under (a) above for 10 years after the incident, which shall be made available to Board staff upon request.

New Rule, R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

14:3-6.8 Customer service telephone system report

(a) On January 1 and July 1 of each year, each public utility shall provide the Board with the following information concerning the operation of the utility's telephone system for accepting customer complaints and inquiries:

1. The location of each office from which telephone calls from customers and the general public are normally received and the number of customers served by that office;
2. The days of the week and the hours in which the office is open to conduct business with the public and receive telephone calls;
3. The telephone number(s) by which customers may call the utility;
4. The method by which customers are informed of the telephone number(s) to be used to contact the utility;
5. Whether or not the customers are requested to dial a single telephone number or a separate number depending on the nature of their inquiry;
6. Whether or not inward telephone traffic is grouped to individual departments, such as service or billing, along

with the total number of such departments and the identification of each department;

7. The total number of inward telephone trunk lines assigned to each telephone number used by the utility;

8. A brief description of the type of telephone system used in the office and the manufacturer and model number of the equipment used;

9. Whether or not the office has on-premises private branch exchange (PBX) or other private switching device and whether or not the device handles all telephone traffic for the office;

10. The total number of functional lines on the line aide (telephone extension/customer service representative side) of the PBX or other private switching device and, if segregated by department, the number of functional lines assigned to each department;

11. The total number of customer service representatives (CSRs) normally available to answer calls. If CSRs are segregated by department, the total of CSRs available for each department;

12. If the assignments of CSRs varies by hour, day or other time period, the utility shall describe the variation in the assignment;

13. A brief description of the initial and ongoing training provided to the CSRs;

14. A brief description of the billing cycle including dates on which bills are mailed;

15. Whether or not the CSRs have access to computer terminals for billing or service information and, if so, a brief description of the information available to the CSRs;

16. Whether or not the telephone system serving the office has automated call distribution capability for the entire office or for specific departments. If so, the utility shall supply a brief description of the method of call distribution;

17. Whether or not the telephone system places incoming calls in queue, and, if so, the maximum number of callers that can be placed in queue;

18. Whether or not the telephone system has an automated response unit (ARU) and, if so, a brief description of the routing options available to callers through the ARU;

19. Whether or not the telephone system provides recorded messages to callers and a description of the message provided;

20. Whether or not telephone answering machines or devices are used and, if so, the hours in which they are used and the departments in which they are used; and

21. If a telephone answering service is used:

i. The name and address of the answering service and the hours during which said service is used. In addition, the utility shall indicate whether or not the answering service receives all incoming calls or for specific departments; and

ii. The information required pursuant to (i) above shall be provided to the Board within 90 days of the effective date of this rule and annually thereafter.

(b) Within 30 days after making any substantive change in the information filed pursuant to this section, a utility shall inform the Board of the change.

(c) If a utility uses a telephone answering service instead of its own employees, the utility shall ensure that the service informs each customer that they are speaking to an answering service and not to the utility's employees.

New Rule, R.1997 d.39, effective February 3, 1997.

See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

Amended by R.2002 d.280, effective September 16, 2002.

See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

In (a), substituted "On January 1 and July 1 of each year, each" for "Each" and inserted "and Class A wastewater".

Amended by R.2004 d.12, effective January 5, 2004.

See: 35 N.J.R. 91(a), 36 N.J.R. 200(b).

In (a), recodified former 21iii as (b); added (c).

Recodified from N.J.A.C. 14:3-6.6 and amended by R.2008 d.119, effective May 19, 2008.

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

Section was "Telephone system information". In the introductory paragraph of (a), substituted "public" for "electric, gas, local exchange carrier telephone, Class A water and Class A wastewater" and inserted "for accepting customer complaints and inquiries"; in (b), substituted "Within" for "Each utility shall, within" and "after making" for "inform the Board of" and inserted ", a utility shall inform the Board of the change"; in (c), inserted "instead of its own employees"; substituted "shall" for "must" preceding "ensure", "informs" for "shall inform" and "utility's employees" for "utility".

(c) A utility that provides all written notices of discontinuance in both Spanish and English shall not be required to provide the option and toll free telephone numbers for Spanish discontinuance notices, required under (b) above. Such a utility shall instead demonstrate to the Board that it provides all discontinuance notices in Spanish, as well as English. The utility shall submit copies of the notices, and shall certify that the utility's notice practices provide Spanish speaking customers with a notice of discontinuance that is equivalent to or better than that which would be provided through compliance with (b) above. If such a utility stops providing all written notices of discontinuance in both Spanish and English, the utility shall provide the option and toll free telephone number in accordance with (b) above.

(d) A public utility shall pay or credit interest at the rate prescribed by the Board in N.J.A.C. 14:3-3.5, Return of deposits, on any overpayment made by a residential customer due to a billing error, unless the overpayment is fully refunded or credited to the customer's account within two billing cycles after the customer notifies the utility in writing, identifying, describing and documenting the error in detail. The following shall apply to this provision:

1. For purposes of this subsection, "billing error" shall mean a charge to a residential customer in excess of that approved by the Board for the type of service supplied to that customer or in excess of the charge due for the service supplied to that customer as measured or recorded by a meter or other device; except that neither the amount of any estimated bill in and of itself, nor the amount due on a budget account installment shall constitute a billing error;

2. The period of time constituting "two billing cycles" shall be determined by the billing practices of the public utility in place at the time of receipt by the utility of the written notification by the customer of the error. In no event shall such period be considered to be less than 60 days; and

3. Each public utility shall annually provide written notice of the requirements in this subsection to each of its residential customers.

(e) A utility shall not assess a late payment charge on a residential customer, or on a State, county or municipal government entity. In addition, a utility shall not apply a late payment charge sooner than 25 days after a bill is rendered.

(f) Each utility shall ensure that every bill it issues includes the following text, legibly printed in an obvious location: "This utility provides services regulated by the New Jersey Board of Public Utilities, which can be reached at 800-624-0241 and 973-648-2350." This text shall be printed in type no less than one-half inch in height (36 points).

Repeal and New Rule, R.2008 d.119, effective May 19, 2008.

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

Section was "Deposits for metered and telephone service".

SUBCHAPTER 7. BILLS AND PAYMENTS FOR SERVICE

14:3-7.1 Billing general provisions

(a) The customer(s) of record, as defined at N.J.A.C. 14:3-1.1, shall be responsible for payment for all utility service rendered.

(b) Except pursuant to (c) below, each utility shall provide an option for discontinuance notices in Spanish, by including on each bill a statement, written in Spanish, informing the customer that they may request that any notice of discontinuance be provided to them in Spanish. The bill shall provide a toll free telephone number for the customer to call in order to make such a request. Once the utility receives a request to provide a written notice of discontinuance in Spanish, all subsequent written notices of discontinuance to the requesting customer shall be provided in both Spanish and English.