

CHAPTER 29
ENERGY EMERGENCY

Authority

N.J.S.A. 52:27F-16 through 18, and 21 and 24.

Source and Effective Date

R.2006 d.211, effective May 12, 2006.
See: 37 N.J.R. 4890(a), 38 N.J.R. 2509(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 29, Energy Emergency, expires on May 12, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 29, Energy Emergency, was originally codified in Title 14A as Chapter 2, Energy Emergency. Chapter 2 was adopted as R.1977 d.432, effective November 21, 1977. See: 9 N.J.R. 488(d); 9 N.J.R. 592(b).

Chapter 29, Energy Emergency, was adopted as new rules by R.1991 d.112, effective March 4, 1991. See: 22 N.J.R. 3692(a), 23 N.J.R. 706(a).

Pursuant to Executive Order No. 66(1978), Chapter 29, Energy Emergency, was readopted as R.1996 d.128, effective February 8, 1996, and Subchapter 5, State Set-Aside for Petroleum Products, was repealed and a new Subchapter 5, Petroleum Products, was adopted as R.1996 d.128, effective March 4, 1996. See: 27 N.J.R. 4852(b), 28 N.J.R. 1398(a).

Pursuant to Executive Order No. 66(1978), Chapter 29, Energy Emergency, was readopted as R.2001 d. 87, effective February 8, 2001. See: 32 N.J.R. 3717(a), 33 N.J.R. 839(a).

Subchapter 7, Supplier of Petroleum Products, was repealed by R.2004 d.13, effective January 5, 2004. See: 35 N.J.R. 1508(a), 36 N.J.R. 205(a).

Chapter 29, Energy Emergency, was readopted as R.2006 d.211, effective May 12, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

14:29-1.1 Scope

(a) The Board of Public Utilities shall implement this chapter when the Governor, by Executive Order, has proclaimed a state of energy emergency under N.J.S.A. 52:27F-17, except that the Board may implement N.J.A.C. 14:29-2.2, Public appeal, 5.3(a) (designated representative), and 4.1(b) (load interruption plan) prior to a Governor's declaration of an energy emergency.

(b) The Governor's declaration of a state of energy emergency shall be based upon a finding by the Board that there impends or exists an energy supply shortage of a dimension which endangers the public health, safety or welfare in all or any part of the State.

(c) In making a finding under this section, the Board shall state whether the shortage is limited to a specific energy form or to any specific area of the State.

Amended by R.2004 d.13, effective January 5, 2004.

See: 35 N.J.R. 1508(a), 36 N.J.R. 205(a).

Rewrote the section.

14:29-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Authorized emergency vehicles” means vehicles of fire departments, utilities, police vehicles, ambulances, and such other vehicles as are approved by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety pursuant to N.J.S.A. 39.

“Board” means the New Jersey Board of Public Utilities.

“Boiler fuel” means natural gas or petroleum product(s) used as a fuel for the generation of steam or electricity. This term includes natural gas or petroleum product(s) used in gas turbines for the generation of electricity.

“BTUH” means British thermal units per hour, and pertains to the volume of natural gas.

“Commercial” means a classification of service to customers engaged primarily in the sale of goods or services, including institutions and local, State and Federal government agencies for uses other than those involving manufacturing or electrical power generation.

“Commercial vehicle” means a motor vehicle used for commercial purposes on the highways, such as for the transportation of goods, which either bears commercial plates or bears the name and address of the owner of the vehicle affixed to the exterior of the vehicle in the manner prescribed for commercial vehicles in N.J.S.A. 39:4. This term includes motor vehicles designed but not used for the transportation of passengers, and also includes motor vehicles that are not designed for the transportation of passengers.

“Electric utility” means a public utility, as that term is defined in N.J.S.A. 48:2-13, that transmits and distributes electricity to end-users within the State of New Jersey.

“End-user” means any person who is a retail consumer of energy.

“Energy emergency” means a shortage in the supply of a particular source of energy of a dimension which endangers the public health, safety or welfare in all or any part of the State of New Jersey.

“Farm vehicle” means any vehicle registered under the provisions of N.J.S.A. 39:3-24 (self-propelled farm tractors, traction equipment, and farm machinery) and N.J.S.A. 39:3-15 (farm trucks) which bear farmer, farm use, or tractor plates.

“Feedstock gas” means natural gas used as raw material for its chemical properties in creating an end product.

“Firm” means a classification of energy service from schedules or contracts under which seller is expressly obligated to deliver specific energy units within a given time period and which anticipates no interruption, but which may permit unexpected interruption in case the supply to higher priority customers is threatened.

“Gas utility” means all public utilities engaged in the distribution of gas within the State of New Jersey.

“Industrial” means a classification of energy service to customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product, including the generation of electric power.

“Interruptible” means a classification of energy service from schedules or contracts under which seller is not expressly obligated to deliver specific energy units within a given time period, and which anticipates and permits interruption on short notice, or service under schedules or contracts which expressly or impliedly require installation of equipment to allow use of an alternative fuel.

“Mcf/d” means thousand cubic feet per day, and pertains to the volume of natural gas.

“Motor fuel” means a mixture of volatile hydrocarbons such as gasoline or diesel fuel used in motor vehicles.

“Motor vehicle” means any vehicle propelled by a petroleum product, electricity or natural gas, excepting such vehicles as run only upon rails or tracks.

“Omnibus” means a motor vehicle used for the transportation of passengers for hire, including transit buses, taxicabs, and livery car services. This term does not include a commuter van or vehicle used in ridesharing arrangements, or a school bus, unless the van, vehicle or school bus is otherwise used in the transportation of passengers for hire.

“Passenger automobile” means any motor vehicle used and designed for transportation of passengers, except omnibus, school bus, and authorized emergency vehicle.

“Person” means and includes natural persons and partnerships, firms, associations, joint stock companies, syndicates and corporations, and any receiver, trustee, conservator, or other officer appointed pursuant to law or by any court, State or Federal; also counties, municipalities, authorities and other political subdivisions of this State, singular or plural, and the State of New Jersey.

“President of the Board” means the President of the New Jersey Board of Public Utilities.

“Prime supplier” means supplier, or producer who makes the first sale of petroleum products into the State distribution system for consumption within the State.

“Purchase” means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession.

“Regulated petroleum product” means any of the following: motor fuel, as defined herein; aviation gasoline; jet fuel; kerosene; diesel fuel; number 1 distillate fuel; number 2 fuel oil; number 4 fuel oil; residual fuel oil; and propane.