

CHAPTER 3

ALL UTILITIES

Authority

N.J.S.A. 48:2-13, 48:2-16, 48:2-17, 48:2-20, 48:2-24, 48:2-27, 48:2-76, 48:3-3, 48:3-7.8, 48:3-12, 48:13A-1 and 48:19-17.

Source and Effective Date

R.2002 d.280, effective July 31, 2002.
See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

Chapter Expiration Date

Chapter 3, All Utilities, expires on July 31, 2007.

Chapter Historical Note

All provisions of Chapter 3, All Utilities, became effective prior to September 1, 1969.

1971 Revisions: Subchapter 10, Solid Waste Collection and Solid Waste Disposal, became effective July 8, 1971 as R.1971 d.109. See: 2 N.J.R. 76(f), 3 N.J.R. 160(a).

1973 Revisions: Amendments became effective June 19, 1973 as R.1973 d.157. See: 5 N.J.R. 123(b), 5 N.J.R. 240(a). Further amendments became effective July 11, 1973 as R.1973 d.187. See: 4 N.J.R. 196(e), 5 N.J.R. 292(b).

1975 Revisions: Amendments became effective October 17, 1975 as R.1975 d.305. See: 7 N.J.R. 277(b), 7 N.J.R. 510(b).

1978 Revisions: Amendments became effective May 16, 1978 as R.1978 d.155. See: 9 N.J.R. 290(e), 10 N.J.R. 261(e).

1979 Revisions: Amendments became effective March 16, 1979 as R.1979 d.117. See: 11 N.J.R. 260(a). Further amendments became effective August 1, 1979 as R.1979 d.289. See: 11 N.J.R. 258(b), 11 N.J.R. 467(a). Further amendments became effective October 10, 1979 as R.1979 d.352. See: 11 N.J.R. 522(c).

1980 Revisions: Amendments became effective January 1, 1980 as R.1980 d.474. See: 11 N.J.R. 402(b), 12 N.J.R. 49(b). Further amendments became effective January 24, 1980 as R.1980 d.44. See: 12 N.J.R. 156(d). Further amendments became effective July 1, 1980 as R.1980 d.299. See: 12 N.J.R. 209(f), 12 N.J.R. 495(d). Further amendments became effective December 29, 1980 as R.1980 d.555. See: 12 N.J.R. 552(a), 13 N.J.R. 105(b).

1983 Revisions: Amendments became effective November 21, 1983 as R.1983 d.526. See: 15 N.J.R. 787(a), 15 N.J.R. 1949(a).

1984 Revisions: Amendments became effective February 6, 1984 as R.1983 d.651. See: 15 N.J.R. 1235(a), 16 N.J.R. 250(a). Further amendments became effective April 2, 1984 as R.1984 d.87. See: 15 N.J.R. 1355(a), 16 N.J.R. 744(a). Subchapter 3, Service, and Subchapter 7, Bills and Payments for Service, were readopted effective July 2, 1984 as R.1984 d.259. See: 16 N.J.R. 693(a), 16 N.J.R. 1807(a).

1985 Revisions: Amendments became effective April 15, 1985 as R.1985 d.166. See: 16 N.J.R. 2747(a), 17 N.J.R. 974(a). Further amendments became effective May 6, 1985 as R.1985 d.202. See: 17 N.J.R. 174(a), 17 N.J.R. 1136(a).

1986 Revisions: Amendments became effective July 7, 1986 as R.1986 d.242. See: 18 N.J.R. 463(a), 18 N.J.R. 1401(a).

1987 Revisions: Amendments became effective April 6, 1987 as R.1987 d.163. See: 18 N.J.R. 2425(a), 19 N.J.R. 552(a). N.J.A.C. 14:3-7.12A became effective December 21, 1987 as R.1987 d.516. See: 18 N.J.R. 2315(a), 19 N.J.R. 2405(b).

Pursuant to Executive Order No. 66(1978), Chapter 3, All Utilities, expired on May 6, 1990. Chapter 3, All Utilities, was subsequently adopted as new rules by R.1991 d.221, effective May 6, 1991. See: 22 N.J.R. 1112(a), 23 N.J.R. 1439(b).

1993 Revisions: Subchapter 11, Solid Waste Collection Regulatory Reform, was adopted as R.1993 d.83, effective February 16, 1993. See: 24 N.J.R. 1459(a), 25 N.J.R. 692(a).

Pursuant to Executive Order No. 66(1978), Subchapter 10, Solid Waste Collection and Solid Waste Disposal, and Subchapter 11, Solid Waste Collection Regulatory Reform, were readopted by R.1996 d.253, effective May 6, 1996. As part of R.1996 d.253, Subchapters 10 and 11 were recodified to N.J.A.C. 7:26H-1 and 7:26H-5, respectively, effective June 3, 1996. See: 28 N.J.R. 78(a), 28 N.J.R. 247(a), 28 N.J.R. 1147(a), 28 N.J.R. 2908(a). The remainder of Chapter 3, All Utilities, consisting of Subchapter 1, Definitions; Subchapter 2, Plant; Subchapter 3, Service; Subchapter 4, Meters; Subchapter 5, Offices; Subchapter 6, Records; Subchapter 7, Bills and Payments for Service; Subchapter 8, Suggested Formulae for Extension of Utility Service; and Subchapter 9, General Provisions, expired on May 6, 1996.

Chapter 3, All Utilities, consisting of Subchapters 1 through 9 and 12, was adopted as new rules by R.1997 d.39, effective February 3, 1997. See: 28 N.J.R. 1810(a), 29 N.J.R. 449(a).

Subchapter 13, Interest on Deferred Balances of Levelized Energy Adjustment Clauses, Levelized Gas Adjustment Clauses, Purchased Water Adjustment Clauses and Purchased Sewerage Treatment Adjustment Clauses, was adopted as R.1997 d.351, effective September 2, 1997. See: 28 N.J.R. 4079(a), 29 N.J.R. 3845(a).

Chapter 3, All Utilities, was readopted as R.2002 d.280, effective July 31, 2002. See Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. DEFINITIONS

14:3-1.1 Definitions

The following words and terms when used in N.J.A.C. 14:3 through 14:10 shall have the following meanings unless the context clearly indicates otherwise:

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

“Customer” means any person, partnership, firm, corporation, governmental subdivision or agency receiving service from any utility.

“Days” means calendar days unless specified otherwise.

“Residential customer” means an individual person(s) who applies for utility service to be billed in his or her name, pays a security deposit, if appropriate and requested, and accepts responsibility for payment of any utility service provided.

“Utility” has the same meaning as defined in N.J.S.A. 48:2-13 and includes pipeline utilities as defined in N.J.S.A. 48:10-3, and municipally-operated utilities, insofar as the Board’s jurisdiction is extended to them under the appropriate statutes.

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”.

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).

(b) For the guidance of each utility, a reportable accident is defined as an accident, other than a motor vehicle accident which does not create a service interruption, that results in one or more of the following circumstances:

1. Death of a person;
2. Serious disabling or incapacitating injuries to persons, including employees of the company;
3. Damage to the property of the company which materially affects its service to the public;
4. Damage to the property of others amounting to more than \$5,000; and/or
5. Any accidental ignition of natural gas.

(c) The Board shall be notified by the speediest, most feasible and practical means of communication available, followed by a detailed written report, as hereinafter set forth, of all reportable accidents which are clearly reportable and those which there is a good reason to believe may result in "reportable accidents" as defined herein. This notice shall in no event be made later than two hours after the utility learns of the accident. In addition, accidents resulting in damage to the property of others amounting to more than \$2,000 but less than \$5,000 must be reported within 48 hours of their occurrence. The initial report shall be followed by additional reports, transmitted by any feasible means, providing further information about the accident as soon as practicable after the information becomes available, so as to enable Board staff to immediately undertake any necessary steps such as site investigation. If such notification is not given in any case for the reason that the accident is not considered reportable and it subsequently develops that the accident is reportable, the utility involved shall notify the Board immediately after it has been ascertained that such accident is reportable. A detailed written report containing full information about the accident and a full explanation of why it was not immediately reported must then follow. Failure to demonstrate that it was not possible to have provided timely, complete and accurate notice to the Board may subject the utility to an administrative enforcement action by the Board.

(d) Initial notice of reportable accidents shall be made to the Board's Division of Service Evaluation by calling (973) 648-6964, and shall include all significant facts that are known by the utility about the location and cause of the accident and the extent of the damages and injuries, if any. Written reports shall be submitted within 15 days to the Board Secretary and the Director of the Division of Service Evaluation, Board of Public Utilities, Two Gateway Center, Newark, New Jersey 07102.

(e) Notification to the Board's Division of Service Evaluation outside of normal hours shall be made by calling 1-800-817-6715.

(f) If at the time of the submission of the written accident report the utility is unable to state the corrective measures taken or make recommendations to avoid a recurrence of the accident, the utility shall within 30 days of the date of the accident file a report which shall set forth the aforementioned corrective measures and recommendations. This report shall show the same accident report number as the original report.

(g) Accident reports shall be numbered serially, by year. Illustration: 97-1, 97-2, and so forth.

(h) Accident reports may be used by the Board in determining what safety practices should be recommended. In a proceeding before the Board, accident reports shall be evidential only at the discretion of the Board.

SAMPLE ACCIDENT REPORT FORMS—
ALL UTILITIES
REPORT OF ACCIDENTS

Report No. _____

Name of Reporting Utility: _____

Date of Accident: _____ Time of Day: _____

Place of Accident: _____

Details of Casualties to persons: _____

Details of Effects on Service: _____

Details of Accident (Nature and Cause): _____

Corrective Measures: _____

Recommendations to Avoid Recurrence: _____

Signed: _____ Title: _____ Date: _____

As amended, R.1975 d.8, eff. January 17, 1975.
See: 6 N.J.R. 451(c), 7 N.J.R. 62(a).
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. 14:11-5.4(a) through (c) recodified as (a) through (c);
N.J.A.C. 14:11-5.5 recodified as (d); 14:11-5.6 recodified as (e),
14:11-5.7 recodified as (f).
Amended by R.2000 d.1, effective January 3, 2000.
See: 30 N.J.R. 4130(a), 32 N.J.R. 63(a).
Rewrote (c); inserted new (d) and (e); and recodified former (d)
through (f) as (f) through (h).
Amended by R.2002 d.280, effective September 16, 2002.
See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).
In (b), substituted "\$5,000" for "\$2,000 in 4 and added 5; in (c),
inserted "In addition, accidents resulting in damage to the property of
others amounting to more than \$2,000 but less than \$5,000 must be
reported within 48 hours of their occurrence."

Case Notes

Plaintiffs in civil action entitled to examine accident reports made by Board and submitted by gas company, either under the Right to Know Law or the common law right of citizens to inspect public records. *Iral Realty, Inc. v. Bd. of Public Utility Commissioners*, 61 N.J. 366, 294 A.2d 425 (1972).

14:3-6.5 Public records

(a) All records, except those records set forth in (b) below or which by rule are accorded confidential treatment by the Board and are the subject of a protective order of the

Board, which specifically are required by law to be made, maintained or kept by and for the Board of Public Utilities shall be public records within the meaning of N.J.S.A. 47:1A-1 et seq. Records which by rule are accorded confidential treatment by the Board or which are the subject of a protective order of the Board shall be disclosed only to the extent and in the manner provided therein, and shall not be deemed public records within the meaning of N.J.S.A. 47:1A-1 et seq.

(b) All records which specifically are required by law to be made, maintained or kept by and for the Board which relate to accidents or investigation of accidents, except for information pertaining to on-going investigations, concerning public utilities and to surveys of property and equipment of public utilities shall be deemed public records, copies of which may be purchased or reproduced under the provisions of N.J.S.A. 47:1A-1 et seq., unless it is determined by the Board that the inspection, copying or publication of such records shall be inimical to the public interest.

(c) All other records of the Board shall not be subject to the provisions of N.J.S.A. 47:1A-1 et seq., and shall be available for inspection and examination only to the extent and for such purposes as may be expressly authorized by the Board.

(d) The fee for copies of records, instruments and documents of the Board shall be in accordance with the provisions of N.J.S.A. 47:1A-2 and 48:2-56.

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

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

Corrected internal citation formats.

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 exception for records of ongoing investigations.

Case Notes

Plaintiffs in civil action entitled to examine accident reports made by Board and submitted by gas company, under either the Right to Know Law or the common law right of citizens to inspect public records. *Irvial Realty, Inc. v. Bd. of Public Utility Commissioners*, 61 N.J. 366, 294 A.2d 425 (1972).

Unsuccessful telecommunication relay service bidder was not entitled to disclosure of successful bidder's proposal information. In *Matter of Provision of Telecommunications Relay Service*, 92 N.J.A.R.2d (BRC) 58.

Cable TV association was entitled to aggregate-based service records of telephone utility but not individual service records; internal memoranda of staff of Board of Regulatory Commissioners also not subject to disclosure. In *Matter of Request of New Jersey Cable Television Association*, 92 N.J.A.R.2d (BRC) 51.

14:3-6.6 Telephone system information

(a) On January 1 and July 1 of each year, each electric, gas, local exchange carrier telephone, Class A water and Class A wastewater utility shall provide the Board with the following information concerning the operation of the utility's telephone system:

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;