

TITLE 14

BOARD OF PUBLIC UTILITIES

CHAPTER 1

RULES OF PRACTICE

Authority

N.J.S.A. 48:2-12.

Source and Effective Date

R.1997 d.264, effective May 28, 1997.
See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).

Executive Order No. 66(1978) Expiration Date

Chapter 1, Rules of Practice, expires on May 28, 2002.

Chapter Historical Note

Chapter 1, Rules of Practice, was originally filed and became effective prior to September 1, 1969. Chapter 1 expired February 14, 1991.

Chapter 1, Rules of Practice, was adopted as R.1992 d.224, effective June 1, 1992. See: 23 N.J.R. 2487(a), 24 N.J.R. 2063(c).

Pursuant to Executive Order No. 66(1978), Chapter 1 was readopted as R.1997 d.264, effective May 28, 1997. See: Source and Effective Date. See, also, section annotations.

Law Reviews and Journal Commentaries

Clearing procedural hurdles at the BPU. R. William Potter, 150 N.J.L.J. 828 (1997).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 14:1-1.1 Scope
- 14:1-1.2 Construction and amendment
- 14:1-1.3 Definitions
- 14:1-1.4 Offices
- 14:1-1.5 Hours
- 14:1-1.6 Communications
- 14:1-1.7 Official records
- 14:1-1.8 Cameras and recording devices

SUBCHAPTER 2. FEES AND CHARGES

- 14:1-2.1 Amount of fees and charges
- 14:1-2.2 Payment of fees and charges

SUBCHAPTER 3. APPEARANCE BEFORE THE BOARD

- 14:1-3.1 Appearances
- 14:1-3.2 Ethical conduct
- 14:1-3.3 Former employees

SUBCHAPTER 4. PLEADINGS

- 14:1-4.1 Pleadings enumerated and defined
- 14:1-4.2 Number of copies
- 14:1-4.3 Attachments to pleadings
- 14:1-4.4 Defective pleadings
- 14:1-4.5 Service and notice of proceedings
- 14:1-4.6 Verification
- 14:1-4.7 Changes in facts or circumstances

SUBCHAPTER 5. PETITIONS

- 14:1-5.1 Form and content
- 14:1-5.2 Applications to other regulatory bodies
- 14:1-5.3 Joinder of requests for relief
- 14:1-5.4 Procedure of Board on filing of petition
- 14:1-5.5 Petitions for approval of franchises or consents
- 14:1-5.6 Petitions for the sale or lease of property
- 14:1-5.7 Petitions for authority to change depreciation rates
- 14:1-5.8 Petitions for authority to exercise power of eminent domain
- 14:1-5.9 Petitions for authority to issue stocks, bonds, notes, other evidence of indebtedness or to execute mortgages
- 14:1-5.9A Criteria for proposed security issues
- 14:1-5.10 Petitions for authority to transfer capital stock
- 14:1-5.11 Tariff filings which do not propose increases in charges to customers
- 14:1-5.12 Tariff filings or petitions which propose increases in charges to customers
- 14:1-5.12A Changes to adjustment clause rates
- 14:1-5.13 Informal complaint in lieu of petition
- 14:1-5.14 Petitions for approval of a merger or consolidation
- 14:1-5.15 Petitions for permission to keep books and records outside the State of New Jersey

SUBCHAPTER 6. ANSWERS AND REPLIES

- 14:1-6.1 Form and content
- 14:1-6.2 Time for filing

SUBCHAPTER 7. CONFERENCES

- 14:1-7.1 Purposes
- 14:1-7.2 Initiation of conferences
- 14:1-7.3 Stipulation of conference results
- 14:1-7.4 Authority of Board-designated officers

SUBCHAPTER 8. CONTESTED CASE HEARINGS

- 14:1-8.1 Contested case procedures
- 14:1-8.2 Argument on exceptions
- 14:1-8.3 Review of initial decision by the Board on its own motion
- 14:1-8.4 Method of reopening
- 14:1-8.5 Motions to reopen
- 14:1-8.6 Rehearing, reargument or reconsideration
- 14:1-8.7 Motions and answers on rehearing

SUBCHAPTER 9. UNCONTESTED CASE PROCEEDINGS

- 14:1-9.1 Uncontested case proceedings
- 14:1-9.2 Designation
- 14:1-9.3 Filing
- 14:1-9.4 Cameras and recording devices
- 14:1-9.5 Appearances
- 14:1-9.6 Service
- 14:1-9.7 (Reserved)

SUBCHAPTER 10. COMPLIANCE WITH ORDERS, DECISIONS AND RECOMMENDATIONS

- 14:1-10.1 Orders and decisions
- 14:1-10.2 Recommendations
- 14:1-10.3 Extension of time limits
- 14:1-10.4 Answers to communications

SUBCHAPTER 11. PUBLIC UTILITY TARIFFS

- 14:1-11.1 Scope
- 14:1-11.2 General
- 14:1-11.3 Arrangement and form of filed schedules
- 14:1-11.4 Selection of rate schedule

Board of Public Utilities failed to adequately articulate basis for waiving bidding regulations. Petition of Hackensack Water Co. to Watershed Property Review Bd., 249 N.J.Super. 164, 592 A.2d 250 (A.D.1991), certification denied 127 N.J. 551, 606 A.2d 364, on remand.

SUBCHAPTER 1. GENERAL PROVISIONS

14:1-1.1 Scope

These rules shall govern practice and procedure before the Board of Public Utilities.

Amended by R.1997 d.264, effective July 7, 1997.
See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).
Amended Board name.

14:1-1.2 Construction and amendment

(a) These rules shall be liberally construed to permit the Board to effectively carry out its statutory functions and to secure just and expeditious determination of issues properly presented to the Board.

(b) In special cases and for good cause shown, the Board may, unless otherwise specifically stated, relax or permit deviations from these rules.

1. The Board shall, in accordance with the general purposes and intent of its rules, waive section(s) of its rules if full compliance with the rule(s) would adversely affect the ratepayers of a utility, the ability of said utility to continue to render safe, adequate and proper service, or the interests of the general public;

2. Any person or entity seeking waiver of any of the Board's rules or parts thereof, shall apply in writing to the Secretary of the Board. A written request for waiver shall include the following:

- i. The specific rule(s) or part(s) thereof for which waiver is requested;
- ii. The reasons for the request of waiver, including a full statement setting forth the type and degree of hardship or inconvenience that would result if full compliance with the rule(s) would be required; and
- iii. Documentation to support the request for waiver.

3. The Board reserves the right to request additional information before reaching a determination regarding the application for waiver.

(c) The rules may be amended by the Board from time to time.

Amended by R.1997 d.264, effective July 7, 1997.
See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).
Added (b)1 through 3.

14:1-1.3 Definitions

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

"Board" means the Board of Public Utilities.

"Commissioner" means a member of the Board of Public Utilities.

"Secretary" means the Secretary, Assistant Secretary or any other person duly authorized to act in such capacity by the Board.

"Presiding officer" means any member of the Board or a staff member who is designated as a hearing examiner in an uncontested case.

Amended by R.1997 d.264, effective July 7, 1997.
See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).
Amended "Board" and "Commissioner".

14:1-1.4 Offices

The statutory office of the Board and the office of the Secretary of the Board are located at Two Gateway Center, Newark, New Jersey 07102.

Amended by R.1997 d.264, effective July 7, 1997.
See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).

14:1-1.5 Hours

(a) All offices of the Board are open on weekdays from 9:00 A.M. to 5:00 P.M., unless otherwise authorized by the Board.

(b) The offices are closed on State recognized legal holidays, Saturdays and Sundays.

Amended by R.1997 d.264, effective July 7, 1997.
See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).
In (b), inserted "State recognized".

14:1-1.6 Communications

(a) All formal pleadings, correspondence and other papers shall be addressed to the Secretary, Board of Public Utilities, Two Gateway Center, Newark, New Jersey 07102.

(b) All such pleadings and correspondence shall be deemed to be officially received when delivered at the office of the Board, but a Commissioner or the Secretary or an Assistant Secretary of the Board may in his or her discretion receive papers and correspondence for filing.

(c) As (a) and (b) above require that all correspondence be addressed to the Board's Secretary and that said submissions shall be deemed to be officially received when delivered at the office of the Board, any documents received via fax will neither be date/time stamped as formally received by the Board nor be entered into the case record. Such documents shall only be distributed to the addressee.

Amended by R.1997 d.264, effective July 7, 1997.

See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).

In (a), inserted "formal" preceding "pleadings", substituted "shall be addressed" for "should be addressed", and amended Board name and address; and added (c).

14:1-1.7 Official records

(a) The Secretary shall have custody of the Board's seal and its official records, including the minutes of all action taken by the Board.

(b) Copies of rules and orders and decisions of the Board will be furnished by the Secretary upon payment of appropriate fees.