

TITLE 14

BOARD OF PUBLIC UTILITIES

CHAPTER 1

RULES OF PRACTICE

Authority

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

Source and Effective Date

R.2002 d.337, effective September 19, 2002.
See: 34 N.J.R. 1769(a), 34 N.J.R. 3639(a).

Chapter Expiration Date

Chapter 1, Rules of Practice, expires on September 19, 2007.

Chapter Historical Note

Chapter 1, Rules of Practice, was adopted and became effective prior to September 1, 1969. Chapter 1, Rules of Practice, 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, Rules of Practice, was readopted as R.1997 d.264, effective May 28, 1997. See: 29 N.J.R. 1259(b), 29 N.J.R. 2838(a).

Chapter 1, Rules of Practice, was readopted as R.2002 d.337, effective September 19, 2002. 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).

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Case Notes

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.

(h) Describe all territory covered by the tariff by naming the cities, villages, towns and hamlets. Indicate the counties and towns in which such places are situated. A map showing the territory to be served is desirable but not required.

(i) Each utility shall include in its filed tariff a complete set of standard terms and conditions relating to the service offered. The subjects which commonly will be covered are suggested by the prescribed form appearing later in this order. Such standard terms and conditions shall be filed on standard sheets consecutively numbered or in consecutive sections with the sheets of each section consecutively numbered, following the Table of Contents.

(j) All schedules of rates shall be filed on standard sheets, arranged substantially in the manner prescribed by the form of rate schedule sheet. For telephone companies the following information shall be given:

1. Exchange rate schedules to include:
 - i. Primary rate schedules;
 - ii. Private branch exchange; rate schedules;
 - iii. Miscellaneous rate schedules;
 - iv. Primary rate area maps;
 - v. Exchange area maps.
2. Toll service rate schedules to include:
 - i. Basic rate schedules;
 - ii. Supplementary rate schedules;
 - iii. List of toll points.

Amended by R.1987 d.116, effective February 17, 1987.
See: 18 N.J.R. 2425(b), 19 N.J.R. 365(a).

Changed Utility Commissioners to Utilities; added territories; (j)3 deleted.

Amended by R.1993 d.95, effective March 1, 1993.
See: 24 N.J.R. 1684(b), 25 N.J.R. 999(a).

Changed Board of Public Utilities to Board of Regulatory Commissioners.

Amended by R.1998 d.84, effective February 2, 1998.
See: 29 N.J.R. 4250(b), 30 N.J.R. 563(a).

Case Notes

Utility subject to Board's supervision concerning hours of operation. Public Utilities Bd. v. Helen Kramer Sanitary Landfill, 171 N.J.Super. 500, 410 A.2d 70 (App.Div.1979).

14:1-11.4 Selection of rate schedule

Where more than one rate schedule is available to particular customers, each utility shall have at all times the duty to assist such customers in the selection of the rate schedule most favorable for their individual requirements and to make every reasonable effort to insure that such customers are served under the most advantageous schedule. Each such utility shall include among the terms and conditions of its tariff the provision that it will assist such customers in the

selection of the rate schedule most favorable for their individual requirements.

Cross References

Advising customers, alternative services, see also N.J.A.C. 14:10-1.2.

Case Notes

Utility properly billed customer for sewer service. Deutsch v. New Jersey-American Water Company, 96 N.J.A.R.2d (BRC) 17.

Telephone circuits running over distribution facilities on utility side of demarcation point were not inside wire for rate purposes. Monmouth Medical Center v. New Jersey Bell Telephone, 95 N.J.A.R.2d (BRC) 8.

Electric utility rate proceeding stipulation substantially adopted; \$5.1 million dollar annual revenue increase approved. In Matter of Petition of Rockland Electric Company, 92 N.J.A.R.2d (BRC) 61.

Implementation of 1991 amendments to Gross Receipts and Franchise Tax statutes. In Matter of Implementation of P.L. 1991, C. 184, 92 N.J.A.R.2d (BRC) 53.

Consolidated tax adjustment and rate proceeding stipulation adopted. In Matter of Petitions of New Jersey Gas Company, 92 N.J.A.R.2d (BRC) 49.

14:1-11.5 Forms

Forms illustrative of the requirements of this subchapter follow.

Amended by R.1987 d.116, effective February 17, 1987.
See: 18 N.J.R. 2425(b), 19 N.J.R. 365(a).

Throughout the forms, P.U.C. is changed to B.P.U. and Public Utility Commissioners is changed to Public Utilities.

B.P.U. No.1-WATER

STANDARD WATER COMPANY
TARIFF
for
WATER SERVICE

Applicable in
STANDARD PARK
MIDDLESEX COUNTY, NEW JERSEY

Issued: (date)

Effective: (date)

By: John Doe, President
691 Broadway
New Brunswick, N.J.

STANDARD WATER COMPANY
B.P.U. No. 1—WATER

Original Sheet No. 1

STANDARD WATER COMPANY
B.P.U. No. 1—WATER

Original Sheet No. 3

TABLE OF CONTENTS

Territory Served Sheet No. 2
Standard Terms and Conditions Sheets No. 3 to 7 incl.
(Use as many sheets as required)

Rate Schedules as listed below:

Applicable:

To	For	Rate Schedule	Sheet No.
High Service Area	General Metered	1	8
High Service Area	Fixture Rate	2	10
Low Service Area	General Metered	3	11
Low Service Area	Fixture Rate	4	13

STANDARD TERMS AND CONDITIONS

(a) A full and complete statement of all rules, regulations, terms and conditions relating to rates, charges of service used or to be used which apply generally in connection with the service supplied together with all general privileges and facilities granted or allowed. Each such rule, regulation, etc., shall constitute a separate section or paragraph. The paragraphs shall be numbered consecutively and where possible shall be given appropriate headings such as: 2. Definitions—(Mark sub-paragraphs 2.1, 2.2, 2.3, etc); 3. Applications; 4. Customers' Deposits; etc.

(b) General rules and regulations as to services, meters, wiring, connection and disconnection of service (not including detailed specifications, which may be included in a separate pamphlet and referred to herein).

(c) Such other information in regard to the rates, charges or service, or practices relative thereto as in the opinion of the issuing utility should be published. This information shall be paragraphed and numbered under suitable headings.

Date of Issue: (date)
Issued by: John Doe, President
691 Broadway
New Brunswick, N.J.

Effective: (date)

Date of Issue: (date)
Issued by: John Doe, President
691 Broadway
New Brunswick, N.J.

Effective: (date)

STANDARD WATER COMPANY
B.P.U. No. 1—WATER

Original Sheet No. 2

TERRITORY SERVED

Describe here all territory covered by the tariff by naming the cities, villages, towns and hamlets. Indicate the counties and towns in which such places are situated. A map showing the territory to be served is described but not required.

Date of Issue. (date)
Issued by. John Doe, President
691 Broadway
New Brunswick, N.J.

Effective: (date)

STANDARD WATER COMPANY
B.P.U. No. 1—WATER

Original Sheet No. 8

STANDARD WATER COMPANY
B.P.U. No. 1—WATER

First Revised Sheet No.
Cancelling
Original Sheet No.

RATE SCHEDULE NO. 1
(or other designation)

Applicable to Use of Service for:
(Here state clearly the use or uses of the service.)

Character of Service:
(Service available at any and all times should be designated "Continuous". When available only at certain specified hours of the day or season of the year, "Limited Period". When to be furnished at such times and in such quantities as producer desires to sell, "Dump". When to be furnished whether continuously or during limited periods for use in conjunction with customer's own plant, "Auxiliary", except in cases of breakdown of customer's plant, in which case it should be designated "Breakdown".)

Rate:
(The base or unit price or prices or series of unit prices used in computing the total charge to customer. If any surcharge applies, that fact should be stated at this point.)

Minimum Charge:
(Here state clearly the amount of minimum charge in dollars, and the period which it covers. If there is no minimum charge, so state. If prompt payment discounts do not apply to minimum charge, the word "net" should be used in connection with such minimum charge.)

Determination of Demand:
(This heading need not be included except in connection with rates in which the demand is an element. In such case, the manner in which the demand is determined must be clearly explained.)

Terms of Payment:
(Here state what discounts or reductions, if any, are allowed on account of payment within a specified period. Care should be used to make perfectly clear how the discount is determined. If no discount be allowed, this may be indicated by the use of the expression "Net Cash".)

RATE SCHEDULE NO. 1

(Here set forth the new text or rates that will apply after the new effective date.)

(The revised schedule must be complete in itself as the cancelled sheet is removed from the filed tariff.)

Date of Issue: (date) Effective (date)
Issued by: John Doe, President
691 Broadway
New Brunswick, N.J.

Tariff sheets which are revised in accordance with an order or authorization of the Board should carry a footnote in the following style:
Filed pursuant to decision of Board of Public Utilities in Docket No. 4664, dated January 1, 1952.

Date of Issue: (date) Effective (date)
Issued by: John Doe, President
691 Broadway
New Brunswick, N.J.

STANDARD WATER COMPANY
B.P.U. No. 1—WATER

Original Sheet No. 9

RATE SCHEDULE No. 1 (CONT'D.)

Term:
(Here state such requirements as may reasonably apply relative to the discontinuance of the service at the request of the customer.)

Special Provision:
Here state or refer to all special provisions or contract clauses which may be applied to or affect this schedule. Each such provision or contract clause should be lettered "a", "b", "c", etc. Where reference is made to special provisions shown elsewhere than in the rate schedule, such reference must definitely state the sheet on which such provisions appear. General provisions relating to all schedules shall be shown in the Standard Terms and Conditions.

Date of Issue: (date) Effective: (date)
Issued by: John Doe, President
691 Broadway
New Brunswick, N.J.